



Meeting Date: 1/20/13  
Agenda Item: #10-11

**VILLAGE OF HOWARD PLAN COMMISSION  
STAFF REPORT**

**REPORT TO:** Village Plan Commission

**REPORT FROM:** Dave Wiese, Director of Community Development

**REPORT SUBJECT:** **Agenda Item #**  
A 5:45 Public Hearing concerning a Request from the Village of Howard, to Amend Chapter 44 of the Howard Municipal Code, "Floodplain and Shoreland Wetland Zoning Ordinance" by Adopting New FEMA Flood Insurance Study, Adopting New FEMA Flood Insurance Rate Maps, and Adopting Other Miscellaneous Code Definitions, Clarifications and Corrections.

**BACKGROUND**

On September 17, 2013 the Village received notification from the Federal Emergency Management Agency (FEMA) of the final flood elevation determination for the Village in compliance with Title 44, Chapter 1, Part 67, Section 67.11 of the Code of Federal Regulations. The determination included a new Flood Insurance Study (FIS) and a new Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHA's) in the Village (the areas subject to inundation by the 1% annual chance base flood), including Base Flood Elevations (BFE's). The notification received by FEMA advised that the new FIRM will become effective on March 17, 2014.

As a condition of continued eligibility in the National Flood Insurance Program (NFIP), the Village is required to adopt the new FIS and FIRM and provide evidence that its floodplain code meets the standards of Paragraph 60.3(d) in the NFIP before March, 2014. The attached Ordinance 2014 will accomplish this FEMA directive. As required, the ordinance has been submitted to the Wisconsin DNR and the DNR has been notified of the time and date of the 1/20/2014 public hearing.

**RECOMMENDED ACTION BY THE PLAN COMMISSION**

Staff requests that, after the public hearing is closed, the Plan Commission recommend adoption of Ordinance #2014-02 to the Village Board.

**ATTACHMENTS**

I Proposed Ordinance #2014-02

**ORDINANCE NO. 2014-XX**

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 44- FLOODPLAIN AND SHORELAND ZONING  
OF THE VILLAGE OF HOWARD MUNICIPAL CODE**

**WHEREAS** the Village Clerk published a notice of public hearing regarding such proposed amendments to the Zoning Ordinance and a public hearing was held at the Village Hall on January 20, at 5:45 P.M., whereupon the Plan Commission heard all interested persons and/or their agents and attorneys; and

**WHEREAS** the Village Board of the Village of Howard has received a written recommendation and findings of the Village Plan Commission regarding such proposed amendment to the Zoning Ordinance;

**NOW THEREFORE** the Village Board of the Village of Howard, Brown County, Wisconsin, does hereby ordain that the Floodplain and Shoreland Wetland Zoning Ordinance (Chapter 44 of the Howard Municipal Code) be amended as follows:

PART II - CODE OF ORDINANCES

Chapter 44 FLOODPLAIN AND SHORELAND WETLAND ZONING

**Chapter 44 FLOODPLAIN AND SHORELAND WETLAND ZONING** <sup>11</sup>

[ARTICLE I. - IN GENERAL](#)

Field Code Changed

[ARTICLE II. - FLOODPLAIN DEVELOPMENT REGULATIONS](#)

Field Code Changed

[ARTICLE III. - FLOODWAY DISTRICT \(FW\)](#)

Field Code Changed

[ARTICLE IV. - FLOODFRINGE DISTRICT \(FF\)](#)

Field Code Changed

[ARTICLE V. - GENERAL FLOODPLAIN DISTRICT \(GFP\)](#)

Field Code Changed

[ARTICLE VI. - SHORELAND WETLAND DISTRICT](#)

Field Code Changed

[ARTICLE VII. - NONCONFORMING STRUCTURES AND USES](#)

Field Code Changed

[ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT](#)

Field Code Changed

---

FOOTNOTE(S):

---

--- (1) ---

**State Law reference**— Wetlands in shorelands, Wis. Stats. § 61.351; floodplain zoning, Wis. Stats. § 87.30. [\(Back\)](#)

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

**ARTICLE I. IN GENERAL**

- [Sec. 44-1. Definitions.](#)
- [Sec. 44-2. Violations and penalties.](#)
- [Sec. 44-3. Statutory authority.](#)
- [Sec. 44-4. Findings of fact.](#)
- [Sec. 44-5. Statement of purpose.](#)
- [Sec. 44-6. Compliance.](#)
- [Sec. 44-7. Abrogation and greater restrictions.](#)
- [Sec. 44-8. Interpretation.](#)
- [Sec. 44-9. Warning and disclaimer of liability.](#)
- [Sec. 44-10. Regulated areas.](#)
- [Sec. 44-11. Official maps and revisions.](#)
- [Sec. 44-12. Establishment of districts.](#)
- [Sec. 44-13. Locating floodplain boundaries.](#)
- [Sec. 44-14. Removal of lands from the floodplain.](#)
- [Sec. 44-15. Regulation of municipalities and state agencies.](#)
- [Sec. 44-16. Annexed areas.](#)
- [Sec. 44-17. General development standards.](#)
- [Sec. 44-18. Fees.](#)
- [Secs. 44-19—44-41. Reserved.](#)

**Sec. 44-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

A-zone means those areas shown on the zoning maps adopted in [section 44-10](#) which would be inundated by the base flood or regional flood, as defined in this section. An A-zone may be numbered or unnumbered and may or may not be reflective of flood profiles, depending on the availability of data for a given area.

**AH ZONE** – See AREA OF SHALLOW FLOODING

**AO ZONE** – See AREA OF SHALLOW FLOODING

Formatted: p0

Field Code Changed

Formatted: Font: 10 pt, Italic

Formatted: Font: 10 pt

Formatted: Font: 10 pt

Formatted: Font: 10 pt

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

*Accessory structure or use* means a detached subordinate structure or a use which is clearly incidental to, and customarily found in conjunction with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure

AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year, as published by Federal Emergency Management Agency (FEMA) as part of a flood insurance study (FIS) and depicted on a flood insurance rate map (FIRM).

*Basement* means any enclosed area of a building having its floor entirely below grade level on all sides.

*Boathouse* means, as defined in Wis. Stats. § 30.121(1), a permanent structure used for the storage of watercraft and associated materials, including all such structures which are totally enclosed, have roofs or walls or have any combination of structural parts.

*Building* includes all other structures of every kind regardless of the similarity to buildings. See *Structure*.

*Bulkhead line* means a geographic line along a reach of navigable water which has been specified by adoption of a village ordinance and approved by the department of natural resources pursuant to Wis. Stats. § 30.11, and which allows limited filling between such line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

*Campground* means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

*Camping unit* means 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, pickup truck, ~~tent or other mobile recreational vehicle~~, or tent that is fully licensed, if required, and ready for highway use

*Certificate of compliance* means a certification issued by the village ~~director of code administration~~ stating that any construction and use of land or a building and/or the elevation of fill or the first floor of a structure is in compliance with the provisions of this chapter.

*Channel* means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

*Conditional use* means a use which is permitted by this chapter provided certain specified conditions are met and provided approval is granted by the village board.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

*Crawlway* or ~~*crawl-Crawl space-Space*~~ means an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

*Deck* means an unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

*Department* means the Wisconsin Department of Natural Resources.

*Development* means 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.

*Distances*, unless otherwise specified in this chapter, shall be measured horizontally.

*Drainage system* means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey such water to a point of discharge.

*Dryland access* means a vehicular access route which is above the regional flood elevation (RFE) and which connects land located in a floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and which is wide enough for wheeled rescue and relief vehicles.

*Encroachment* means any fill, structure, building, use or development in a floodway.

*Environmental control facility* means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollution, or solid waste, thermal, radiation or other pollutants, including facilities installed principally to supplement or replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

~~*Existing manufactured or mobile home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance from which this chapter is derived.~~

~~*Expansion to existing mobile/manufactured home park* means the preparation of additional sites by the construction of facilities for servicing the lots on which mobile homes are to be placed. This definition includes installation of utilities, final site grading, pouring of pads, and construction of streets.~~

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

*Fixed houseboat* means a structure, not actually used for navigation, which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

*Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one or more of the following factors:

- (1) The overflow or rise of inland waters.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

- (2) The rapid accumulation or runoff of surface waters from any source.
- (3) Waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan.
- (4) Severe storms, unanticipated forces of nature (such as a seiche), or similar unusual events.

*Flood frequency* means the probability of a flood occurrence which is generally 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 occurrence in any given year.

*Flood hazard boundary map* means a map prepared for the village by the Federal Emergency Management Agency (FEMA) designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-zones and do not contain floodway lines or regional flood elevations. Such maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

*Flood insurance rate map (FIRM)* means 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 insurance study (FIS)* means a technical engineering examination, evaluation, and determination of flood hazard areas. The term "flood insurance study" includes maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations as well as floodway lines. The flood hazard areas are designated in such a study as numbered or unnumbered A-zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

*Flood profile* means 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.

*Flood protection elevation* means an elevation that corresponds to a point two feet of freeboard above the water surface profile associated with the regional flood. See *Freeboard*.

*Flood storage* means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

*Floodfringe* means that portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and is generally associated with standing water rather than rapidly flowing water.

*Floodplain* means that land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain is comprised of the floodway, floodfringe and general floodplain areas.

*Floodplain island* means a natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

*Floodplain management* means policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

*Floodproofing* means any combination of structural and/or nonstructural additions, changes or adjustments which reduce or eliminate flood damage to unimproved or improved real estate, water and sanitary facilities, structures and their contents.

*Floodway* means the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

*Freeboard* means a factor of safety usually expressed in terms of height or distance above a calculated flood level. Freeboard compensates for the many unknown factors which contribute to greater than calculated flood heights. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development, and the sedimentation of a river or streambed.

*Habitable structure* means any structure or portion thereof used or designed for human habitation.

*Hearing notice* means a publication or posting meeting the requirements of Wis. Stats. ch. 985. A class 1 notice is required (at a minimum) for appeals and must be published once at least one week (seven days) prior to the public hearing. A class 2 notice is required (at a minimum) for all zoning ordinances and amendments to such ordinances and must be published twice, once each week consecutively, the last publication at least one week (seven days) prior to the public hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.

~~*High flood damage potential* means any danger to human life or public health or the potential for any significant economic loss to a structure or its contents due to flooding.~~

*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

Formatted: Font: 10 pt, Italic

Formatted: Font: 10 pt

*Historic structure* means any structure in which one or more of the following conditions apply:

- (1) The structure is 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 in the National Register.
- (2) The structure is 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 of the Interior as qualifying for such classification.
- (3) The structure is 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.
- (4) The structure is individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

*Increase in regional flood height* means a calculated increase in the regional flood elevation equal to or greater than 0.94-00 foot, resulting from a comparison of existing and proposed conditions, which is directly attributable to development in the floodplain but not a result of manipulation of mathematical variables (such as roughness factors, expansion and contraction coefficients, discharge, etc.).

*Land use* means any nonstructural use of improved or unimproved real estate. See *Development*.

*Lot* includes the terms "piece," "parcel" and "plot."

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

Formatted: Font: 10 pt, Italic

Formatted: Font: 10 pt

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

*LOWEST ADJACENT GRADE* – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

*LOWEST FLOOR* – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

Formatted: Indent: Left: 0", First line: 0"

MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures

~~Lot includes the terms "piece," "parcel" and "plot."~~

*Manufactured home* means 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.

Formatted: Indent: Left: 0.5", First line: 0"

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

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

Formatted: Indent: Left: 0", First line: 0"

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

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

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

*Mobile recreational vehicle* means 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. The term "mobile recreational vehicles" does not include 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.

MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

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

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

*MODEL, REVISED (POST-PROJECT)* – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

Formatted: Font: 10 pt, Italic

Formatted: No bullets or numbering, Tab stops: Not at 0.25"

Formatted: Font: 10 pt

*Municipality* or *municipal* means the village governmental unit enacting, administering and enforcing this chapter.

*Navigable waters* means Green Bay (Lake Michigan) and all natural inland lakes, streams, ponds, sloughs, flowages and other waters within the territorial limits of the village. The state supreme court has declared navigable bodies of water to be those with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis.

*North American Vertical Datum (NAVD)* means elevations referenced to mean sea level datum, 1988 adjustment.

*National Geodetic Vertical Datum (NGVD)* means elevations referenced to mean sea level datum, 1929 adjustment.

*New construction* means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the village 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 flood insurance rate map (FIRM) or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

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

*Nonconforming use* means an existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies (i.e., a residence in the floodway).

*Obstruction to flow* means any development which physically blocks the conveyance of floodwaters such that the development, by itself or in conjunction with any future similar development, will cause an increase in the regional flood height.

*Official floodplain zoning map* means that map, adopted and made part of this chapter, as described in [section 44-11](#), which has been approved by the department and Federal Emergency Management Agency (FEMA).

Field Code Changed

*Open space use* means a use not involving structures and having a relatively low flood damage potential.

*Ordinary high-water mark* means 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 erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

*Private sewage system* means 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~~ **Safety and Professional Services**, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

*Public utilities* means 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 floodwaters will not inundate the land or damage structures to be removed from the ~~special flood hazard area~~ **regulatory floodplain** and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

~~*Regional flood* means a flood determined to be representative of large floods known to have generally occurred in the state and which may be expected to occur on a particular stream or body of water because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years (in any given year, there is a one percent chance that the regional flood may occur or be exceeded). During a typical 30-year mortgage period, the regional flood has a 26 percent chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed and/or an analysis of rainfall and runoff characteristics in the general watershed region. The term "base flood," as used by Federal Emergency Management Agency (FEMA), means 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 Base Flood Elevation (BFE).~~

*Shoreland* means all lands in the village which meet one or more of the following criteria:

- (1) The lands are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage.
- (2) The lands are located within the floodplain of, or within 300 feet of the ordinary high-water mark of, a navigable river or stream, whichever distance is greater.

*Shoreland wetland* means all wetlands in the village which are:

- (1) Five acres or more in size;
- (2) Identified on one or more of the maps adopted in [section 44-11](#); and
- (3) Located within a shoreland, as defined in this section.

*Start of construction* means 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* means any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

*Subdivision* has the meaning given in Wis. Stats. § 236.02(12).

*Substantial damage* means damage of any origin sustained by a structure, whereby the cost of restoring the structure to its predamaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

*Substantial improvement* means ~~any structural repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before such improvements or repairs are started or, if the structure has been damaged and is being restored, before such damage occurred. A substantial improvement begins when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not such alteration affects the external dimensions of the structure. For the purposes of this chapter, however, the term "substantial improvement" does not include the following work:~~

~~(1) Any repair or improvement of a structure which; is required for compliance with existing (existing prior to commencement of the improvement) state or local health, sanitary or safety codes; has been identified by a village official; and is necessary to ensure safe living conditions.~~

~~(2) Any alteration of a designated historic structure, a site documented as deserving preservation by the state historical society, or a site listed on the National Register of Historic Places, provided such alteration will not preclude the structure's continued designation as an historic structure.~~

~~(3) Ordinary maintenance and repairs including, but not limited to, painting, decorating, paneling, and the replacement of doors, windows and other nonstructural components~~

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

*Unnecessary hardship* means that circumstance where special conditions, which are not self-created or self-imposed, affect a particular property and make strict conformity with the regulations governing dimensional standards (such as area, setbacks, frontage, or height) unnecessarily burdensome or unreasonable in light of the spirit, intent or purpose of this chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

*Used for* includes the terms "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

*Variance* means an authorization granted by the village board of appeals to construct, alter or use a building or structure in a manner which deviates from the dimensional standards of this chapter.

*Violation* means the failure of a structure or other development to be fully compliant with this chapter. 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.

*Water surface profile* means a graphic 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.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

*Watershed* means the entire region contributing runoff or surface water to a watercourse or body of water.

*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.

*Wetland* means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

*Wetland alteration* means any construction, filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization, dike construction or dam construction in a wetland area.

(Comp. Ords. 2000, §§ 21.01(19), 21.02; Ord. No. 2007-16, § 2(21.01(19), 21.02), 4-23-2007; Ord. No. 2009-8, §§ 2, 3, 4-27-2009)

**Sec. 44-2. Violations and penalties.**

The following regulations shall apply to violations of the provisions of this chapter:

- (1) *Unlawful acts.* It shall be unlawful for any person to engage in any activity in conflict with or in violation of the provisions of this chapter.
- (2) *Noncompliance notice.* The village ~~director of code administration~~ shall serve a notice of noncompliance on any person responsible for violating the provisions of this chapter. Such notice shall direct the discontinuance of the illegal action or condition and shall require the abatement of the violation. Any person who shall fail or neglect to comply with a lawful order of the village ~~director of code administration~~ shall be deemed guilty of a violation of this chapter.
- (3) *Stop work orders.* If the village ~~director of code administration~~ finds at any time that any work is being prosecuted contrary to the provisions of this chapter, he may order such work immediately stopped by issuing a written stop work order. Such order shall be posted in a conspicuous location at the site of the violation or shall be served upon the property owner, the owner's agent, or the person responsible for such work. A stop work order shall specify the nature of the violation and shall state the conditions under which work will be permitted to resume. Any person who shall continue to work after a stop work order has been issued, except to complete such work as he is directed to perform to correct the violation or unsafe condition, shall be deemed guilty of a violation of this chapter and shall be subject to penalties and forfeitures as described herein.
- (4) *Permit suspension or revocation.* The village ~~director of code administration~~ may suspend or revoke any approval or permit granted or issued under the authority of this chapter where he finds at any time that construction or development is not in compliance with the provisions of this chapter or applicable laws, orders, administrative rules, plans or specifications, and that the holder of the permit has refused to comply with such provisions after written correction orders have been issued to him. The village ~~director of code administration~~ may also suspend or revoke any approval or permit where he is denied access to a premises or where such permit is obtained through false statements or misrepresentation of facts in the application or plans upon which the approval or permit is based. No work shall take place after suspension or revocation of a permit, excepting such work as the village ~~director of code administration~~ shall order be completed as a condition precedent to the reissuance of the permit or such work as the village ~~director of code administration~~ may authorize as reasonably necessary to protect the safety and health of the public and work already completed.
- (5) *Municipal citations and prosecution.* In the event any person shall violate any provision of this chapter or fail to comply with a lawful order issued pursuant thereto, the village ~~director of code administration~~ may issue a municipal court citation as set forth in [section 1-17\(d\)](#), and

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

furthermore may request that the village attorney initiate appropriate proceedings at law or in equity to correct or abate such violation or require the termination or removal of the unlawful act or use. In any court action or legal proceeding, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the village ~~director of code administration~~ constitute a defense.

- (6) *Injunctions and restraining orders.* In addition to other enforcement actions authorized herein, the village attorney may, on behalf of the village, pursue enforcement of any or all parts of this chapter by court action seeking an injunction or restraining order against the person responsible for the violation, for the purpose of ordering that person to:
- a. Restrain, correct or remove the violation or refrain from any further execution of work;
  - b. Remove work in violation of the provisions of this chapter; and/or
  - c. Cease all occupation or use of the building, structure or premises in violation of this chapter or in violation of the plans or specifications upon which an approval, permit or certificate was issued.
- (7) *Penalties and forfeitures.* Any person who shall violate or fail to comply with any of the provisions of this chapter, or any lawful order of the ~~village director of code administration~~ Village issued pursuant thereto, shall be subject to the penalty and forfeiture provisions set forth in [section 1-16](#). Each violation and each day a violation continues or occurs shall constitute a separate offense.

(Comp. Ords. 2000, § 21.09(15); Ord. No. 2007-16, § 2(21.09(15)), 4-23-2007)

**Sec. 44-3. Statutory authority.**

~~This chapter is adopted pursuant to the authority granted by Wis. Stats. §§ 61.35, 61.351 and 87.30. 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.~~

(Comp. Ords. 2000, § 21.01(1); Ord. No. 2007-16, § 2(21.01(1)), 4-23-2007)

**Sec. 44-4. Findings of fact.**

Uncontrolled development and use of the floodplains, shoreland wetlands, rivers and streams, and the pollution of the navigable waters of the village would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The state legislature has delegated responsibility to municipalities to:

- (1) Maintain safe and healthful conditions;
- (2) Prevent and control water pollution;
- (3) Protect spawning grounds, fish and aquatic life;
- (4) Control building sites, placement of structures and land uses; and
- (5) Preserve shore cover and natural beauty.

(Comp. Ords. 2000, § 21.01(2); Ord. No. 2007-16, § 2(21.01(2)), 4-23-2007)

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

**Sec. 44-5. Statement of purpose.**

The purpose of this chapter is to promote the public health, safety, convenience and general welfare, and to protect life and property. This chapter has been established to accomplish the following objectives:

- (1) Minimize expenditures of public monies for flood control projects.
- (2) Reduce rescue and relief efforts generally undertaken at the expense of the tax paying public.
- (3) Minimize business interruptions and other economic disruptions.
- (4) Reduce damage to public facilities, such as utilities, buildings, streets and bridges located in floodplains.
- (5) Minimize the occurrence of future flood blight areas in floodplains.
- (6) Discourage the victimization of unwary land buyers and homebuyers.
- (7) Prevent increases in regional flood heights that could increase damage during floods and result in conflicts or litigation between property owners.
- (8) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- (9) Maintain the stormwater and floodwater storage capacity of wetlands.
- (10) Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into waters of the state.
- (11) Protect fish, fish spawning grounds, aquatic life and wildlife by preserving wetlands and other fish and aquatic habitat.
- (12) Prohibit certain uses detrimental to shoreland wetland areas.
- (13) Preserve shore cover and natural beauty by restricting shoreland and wetland excavation, filling and other earth moving activities.
- (14) Protect life, health and property.

(Comp. Ords. 2000, § 21.01(3); Ord. No. 2007-16, § 2(21.01(3)), 4-23-2007)

**Sec. 44-6. Compliance.**

Any development, as defined in [section 44-1](#), in floodplains or shoreland wetlands shall be in full compliance with the terms of this chapter except as specifically exempted in article VII of this chapter. It is the responsibility of the applicant to secure all other necessary permits from appropriate federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under section 404 of the Federal Water Pollution Control Act, amendments of 1972, [33 USC 1344](#).

(Comp. Ords. 2000, § 21.01(7); Ord. No. 2007-16, § 2(21.01(7)), 4-23-2007)

**Sec. 44-7. Abrogation and greater restrictions.**

This chapter shall supersede ~~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; s. 61.35 for villages; or s. 87.30, Stats., all provisions of any village ordinance enacted under Wis. Stats. §§ 61.35 or 87.30~~ which relates to shoreland wetlands or floodplains. Where such ordinance is more restrictive than the provisions

Field Code Changed

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

contained in this chapter, however, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. The more restrictive of the shoreland wetland district or floodplain district regulations shall apply when a property is located in both zoning districts. This chapter is not intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to laws. Wherever this chapter imposes greater restrictions, however, the provisions of this chapter shall govern.

(Comp. Ords. 2000, § 21.01(8); Ord. No. 2007-16, § 2(21.01(8)), 4-23-2007)

**Sec. 44-8. Interpretation.**

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other powers granted by state statutes. If a provision of this chapter required by Wis. Admin. Code ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of the ordinance from which this chapter is derived or in effect on the date of the most recent text amendment to the ordinance from which this chapter is derived.

(Comp. Ords. 2000, § 21.01(9); Ord. No. 2007-16, § 2(21.01(9)), 4-23-2007)

**Sec. 44-9. Warning and disclaimer of liability.**

The degree of flood protection this chapter provides is reasonable for regulatory purposes and is based on engineering experience and ~~research scientific study~~. Greater floods may occur or flood heights may be increased as a result of manmade or natural causes, such as ice jams or bridge openings restricted by debris. Therefore, this chapter does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding or associated flood damage. Furthermore, this chapter does not create ~~no~~ liability on the part of or a cause of action against the municipality or any officer or employee thereof for any flood damage which may result from reliance on this chapter.

(Comp. Ords. 2000, § 21.01(11); Ord. No. 2007-16, § 2(21.01(11)), 4-23-2007)

**Sec. 44-10. Regulated areas.**

This chapter regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR.

(Comp. Ords. 2000, § 21.01(12); Ord. No. 2007-16, § 2(21.01(12)), 4-23-2007)

**Note**—Base flood elevations are derived from the flood profiles in the flood insurance study. (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations- (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply. ~~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.~~

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

**Sec. 44-11. Official maps and revisions.**

- (a) Official maps, ~~dated August 18, 2009~~, are as follows:
- (1) Flood insurance rate map (FIRM) ~~community No. 550023~~, panels:
    - a. 55009C0130F ~~dated August 18, 2009~~;
    - b. ~~55009C0135F~~55009C0135G ~~dated March 17, 2014~~;
    - c. ~~55009C0142F~~55009C0142G ~~dated March 17, 2014~~;
    - d. 55009C0152F ~~dated August 18, 2009~~;
    - e. 55009C0153F ~~dated August 18, 2009~~;
    - f. 55009C0154F ~~dated August 18, 2009~~;
    - g. 55009C0158F ~~dated August 18, 2009~~;
    - h. 55009C0159F ~~dated August 18, 2009~~;
    - i. 55009C0161F ~~dated August 18, 2009~~;
    - j. 55009C0162F ~~dated August 18, 2009~~;
    - k. 55009C0164F ~~dated August 18, 2009~~; and
    - l. 55009C0166F ~~dated August 18, 2009~~.
  - (2) Flood insurance study (FIS), with corresponding profiles, volumes:
    - a. 55009CV001 ~~AB~~ ~~dated March 17, 2014~~;
    - b. 55009CV002 ~~AB~~ ~~dated March 17, 2014~~; and
    - c. 5009CV003 ~~AB~~ ~~dated March 17, 2014~~.
- (b) Wisconsin wetland inventory maps stamped "Final" and dated May 29, 1986, and July 3, 1986.  
(Comp. Ords. 2000, § 21.01(13); Ord. No. 2007-16, § 2(21.01(13)), 4-23-2007; Ord. No. 2009-8, § 1, 4-27-2009)

**Sec. 44-12. Establishment of FLOODPLAIN ZONING districts.**

The regional floodplain areas within the jurisdiction of this chapter are divided into the following three districts:

- (1) *Floodway district (FW)*. The floodway district is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
- (2) *Floodfringe district (FF)*. The floodfringe district is that portion ~~of the floodplain~~ between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.
- (3) *General floodplain district (GFP)*. The general floodplain district includes those areas ~~that have been or~~ may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(Comp. Ords. 2000, § 21.01(14); Ord. No. 2007-16, § 2(21.01(14)), 4-23-2007)

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

**Sec. 44-13. Locating floodplain boundaries.**

(a) Floodplain boundaries shall be determined in accordance with the following guidelines and regulations:

(1) Where flood profiles exist, the district boundary of the floodfringe or general floodplain district shall be determined by the village ~~director of code administration~~ using the scale on the floodplain and shoreland wetland zoning map adopted in [section 44-11](#) and the elevations on the water surface profile of the regional flood. If a discrepancy exists between the boundary location shown on the official map and actual field conditions, the regional flood elevations shall govern and the map shall be amended within a reasonable period of time using the procedures set forth in [section 44-382](#). The village ~~director of code administration~~ shall have the authority to immediately grant or deny a land use permit based on a district boundary derived from the elevations on the water surface profile of the regional flood, whether or not a map amendment is required. Disputes between the village ~~director of code administration~~ and an applicant over the location of the district boundary shall be settled by the village board of appeals according the procedures set forth in [section 44-351](#).

Field Code Changed

Field Code Changed

Field Code Changed

(2) Where flood profiles do not exist, the district boundary shall be determined by the village ~~director of code administration~~ using the scale on the floodplain and shoreland wetland zoning map adopted in [section 44-10](#), visual on-site inspection, and any available information provided by the department. If a discrepancy exists between the boundary location shown on the official map and actual field conditions, the map shall be amended within a reasonable period of time using the procedures set forth in [section 44-382](#).

Field Code Changed

Field Code Changed

(b) Where flood profiles are based on established base flood elevations from a flood insurance rate map, the Federal Emergency Management Agency (FEMA) must also approve any map amendment pursuant to [section 44-382](#)(5)f.

Field Code Changed

(Comp. Ords. 2000, § 21.01(15); Ord. No. 2007-16, § 2(21.01(15)), 4-23-2007)

**Sec. 44-14. Removal of lands from the floodplain.**

Compliance with this chapter shall not be grounds for removing lands from the floodplain district, unless such lands are removed by filling to a height of at least two feet above the regional flood elevation, such fill is contiguous to lands outside the floodplain district, and the map is amended pursuant to [section 44-382](#). ~~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.~~

Field Code Changed

(Comp. Ords. 2000, § 21.01(16); Ord. No. 2007-16, § 2(21.01(16)), 4-23-2007)

~~**Note**—This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact Federal Emergency Management Agency to request a letter of map change (LOMC).~~

**Sec. 44-15. Regulation of municipalities and state agencies.**

Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits as set forth herein. State agencies are required to comply if Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE I. IN GENERAL

state highways and bridges by the state department of transportation are exempt when Wis. Stats. § 30.2022 applies.

(Comp. Ords. 2000, § 21.01(17); Ord. No. 2007-16, § 2(21.01(17)), 4-23-2007)

**Sec. 44-16. Annexed areas.**

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

(Comp. Ords. 2000, § 21.01(18); Ord. No. 2007-16, § 2(21.01(18)), 4-23-2007)

**Sec. 44-17. General ~~development~~ standards.**

The village 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 floodprone 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 (HVAC) 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 standards in this section. 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 chapter. Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

(Comp. Ords. 2000, § 21.01(20); Ord. No. 2007-16, § 2(21.01(20)), 4-23-2007)

**Sec. 44-18. Fees.**

The application fee for variances shall be \$50.00 if the application is received prior to commencement of construction or development. Such fee shall be \$250.00, however, if the application is received after construction or development requiring such variance has started. The application fee for appeals, amendments and conditional uses shall be \$50.00. All fees shall be paid to the village clerk at the time of application and are nonrefundable, regardless of the outcome of the application.

(Comp. Ords. 2000, § 21.09(14); Ord. No. 2007-16, § 2(21.09(14)), 4-23-2007)

**Secs. 44-19—44-41. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE II. FLOODPLAIN DEVELOPMENT REGULATIONS

1. ARTICLE II. FLOODPLAIN DEVELOPMENT REGULATIONS

[Sec. 44-42. Hydraulic and hydrologic analyses.](#)

[Sec. 44-43. Watercourse alterations.](#)

[Sec. 44-44. Development requiring state permit.](#)

[Sec. 44-45. Public or private campgrounds.](#)

[Sec. 44-46. Floodproofing certification.](#)

[Sec. 44-47. Floodproofing.](#)

[Secs. 44-48—44-67. Reserved.](#)

**Sec. 44-42. Hydraulic and hydrologic analyses.**

(1) No floodplain development shall:

(a) Obstruct flow, defined as development which impedes the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

(b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The Village shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of section 44-382 are met.

(a) All development in the floodplain district shall comply with the following regulations:

(1) Except as provided in subsection (a)(3) of this section, no development shall be allowed in a floodplain district which will cause an obstruction to flow, as defined in section 44-1, or which will cause an upstream or downstream increase in the regional flood height, as defined in section 44-1, due to lost floodplain storage area, equal to or exceeding 0.01 foot.

(2) The village director of code administration 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 flood insurance rate map or other adopted map, unless the provisions of subsection (a)(3) of this section are met.

(3) Obstructions or increases equal to or exceeding 0.01 foot may only be permitted if amendments are made to this chapter and to the floodplain and shoreland wetland zoning map, including floodway lines and water surface profiles, according to section 44-382

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE II. FLOODPLAIN DEVELOPMENT REGULATIONS

~~(b) Subsection (a) of this section refers to obstructions or increases in base flood elevations as shown on the officially adopted flood insurance rate map or other adopted map. Any such alterations must be reviewed and approved by Federal Emergency Management Agency and the state department of natural resources.~~

(Comp. Ords. 2000, § 21.03(1); Ord. No. 2007-16, § 2(21.03(1)), 4-23-2007)

**Sec. 44-43. Watercourse alterations.**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the village ~~director of code administration~~ has notified in writing all adjacent municipalities, the department and Federal Emergency Management Agency 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 relocation, the village ~~director of code administration~~ shall notify Federal Emergency Management Agency of the changes by submitting appropriate technical or scientific data in accordance with National Flood Insurance Program (NFIP) guidelines that shall be used to revise the flood insurance rate map, risk premium rates and floodplain management regulations as required. The Village shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process. The cost for preparation and approval of the LOMR to be borne by the landowner or requestor.

(Comp. Ords. 2000, § 21.03(2); Ord. No. 2007-16, § 2(21.03(2)), 4-23-2007)

**Sec. 44-44. Development requiring state permit.**

Development which requires a permit from the department under Wis. Stats. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to ~~the floodway lines, water surface profiles, base flood elevations (BFEs) established in the flood insurance study (FIS), or other data from the officially adopted flood insurance rate map, or other floodplain zoning maps or this chapter's requirements~~ are made according to section 44-382.

(Comp. Ords. 2000, § 21.03(3); Ord. No. 2007-16, § 2(21.03(3)), 4-23-2007)

**Sec. 44-45. Public or private campgrounds.**

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

- (1) The campground is approved by the department of health services;
- (2) A land use permit for the campground is issued by the village ~~director of code administration~~;
- (3) The character of the river system and the ~~elevation of the~~ campground ~~elevation are is~~ such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the 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,

Formatted: Default Paragraph Font

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE II. FLOODPLAIN DEVELOPMENT REGULATIONS

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.;

- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in subsection (4) of this section to remain in compliance with all applicable regulations, including those of the state department of health ~~and family~~ services and all other applicable regulations.;
- (6) Only camping units ~~that are fully licensed, if required, and ready for highway use are allowed:~~  
~~are allowed.~~
- (7) The camping units ~~may shall~~ 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.;
- (8) 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.;
- (9) The village shall monitor the limited authorizations issued by the campground operator to ensure compliance with the terms of this section.;
- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements for the floodplain district in which the structure is located.;
- (11) 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.;
- (12) 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.

(Comp. Ords. 2000, § 21.03(4); Ord. No. 2007-16, § 2(21.03(4)), 4-23-2007; Ord. No. 2009-8, § 4, 4-27-2009)

**Sec. 44-46. Floodproofing certification.**

Where floodproofing is specifically required by any section of this chapter, no permit shall be issued or variance granted until the applicant for such permit or variance submits a plan or document, certified by a registered professional engineer or architect, verifying that all required floodproofing measures as set forth in [section 44-47](#) are adequately designed to protect the structure or development to the flood protection elevation for the area. The certification shall include the specific elevation (in relation to mean sea level) to which the structure is designed to be floodproofed. Floodproofing measures shall be designed to accomplish the following:

- (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors.
- (2) Protect structures to the flood protection elevation.
- (3) Anchor structures to foundations to resist flotation and lateral movement.
- (4) Ensure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.

(Comp. Ords. 2000, § 21.03(5); Ord. No. 2007-16, § 2(21.03(5)), 4-23-2007)

Formatted: Font: 10 pt

Formatted: Default

Formatted: Font: 10 pt

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE II. FLOODPLAIN DEVELOPMENT REGULATIONS

**Sec. 44-47. Floodproofing.**

Where floodproofing is specifically required by any section of this chapter, the following minimum design standards shall be incorporated into the building or structure to ensure protection to the flood protection elevation:

- (1) The reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris and to withstand the pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood.
- (2) The installation of waterproofing membranes or other measures necessary to ensure that structural walls and floors are watertight to the flood protection elevation and that the interior of the structure remains completely dry without human intervention during flooding.
- (3) The anchorage of structures to foundations or the addition of mass or weight to prevent flotation and lateral movement.
- (4) The installation of utilities (such as electrical and heating equipment) and sanitary facilities above the flood protection elevation or in completely watertight and impermeable (without human intervention) portions of the structure.
- (5) The installation of surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures.
- (6) The construction of water supply wells and waste treatment systems to prevent floodwaters from entering such systems.
- (7) The installation of cutoff valves on sewer lines or the elimination of gravity flow basement drains below the flood protection elevation.
- (8) The addition of mass or weight to prevent flotation.

(Comp. Ords. 2000, § 21.03(6); Ord. No. 2007-16, § 2(21.03(6)), 4-23-2007)

**Secs. 44-48—44-67. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE III. FLOODWAY DISTRICT (FW)

2. ARTICLE III. FLOODWAY DISTRICT (FW)

[Sec. 44-68. Applicability.](#)

[Sec. 44-69. Permitted uses.](#)

[Sec. 44-70. General requirements.](#)

[Sec. 44-71. Structures.](#)

[Sec. 44-72. Public utilities streets and bridges.](#)

[Sec. 44-73. Fill or deposition of materials.](#)

[Sec. 44-74. Prohibited uses.](#)

[Secs. 44-75—44-91. Reserved.](#)

**Sec. 44-68. Applicability.**

This article shall apply to all areas mapped as a floodway on the floodplain and shoreland wetland zoning map adopted in [section 44-11](#).

(Comp. Ords. 2000, § 21.04(1))

Field Code Changed

**Sec. 44-69. Permitted uses.**

The following open space uses are permitted within the floodway district and the floodway areas of the General Floodplain District; provided, they are not prohibited by any other ordinance, they meet the standards in this article and articles II and IV through VI of this chapter and all permits or certificates have been issued according to section article VIII, divisions 3 and 4 of this chapter:

- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
- (2) Nonstructural industrial and commercial uses such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of [section 44-74](#)
- (4) Public utilities, streets and bridges that comply with this article and articles II and IV through V of this chapter.
- (5) Uses or structures accessory to open space uses, or classified as historic structures that comply with this article and articles II and IV through VI of this chapter.
- (6) Extraction of sand, gravel or other materials that comply with [section 44-73](#)
- (7) 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 Wis. Stats. chs. 30 and 31.

(Comp. Ords. 2000, § 21.04(2))

Field Code Changed

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE III. FLOODWAY DISTRICT (FW)

**Sec. 44-70. General requirements.**

The following general requirements shall apply to all developments in floodway areas:

- (1) Any development in floodway areas shall comply with article II of this chapter and have a low flood damage potential.
- (2) Applicants shall provide a cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow, or an analysis calculating the effects of the proposal on regional flood height, to determine the effects of the proposal according to [section 44-42](#)
- (3) The village ~~director of code administration~~ shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream ~~0.01 foot or more,~~ based on the data submitted for subsection (2) of this section.

(Comp. Ords. 2000, § 21.04(3))

Field Code Changed

**Sec. 44-71. Structures.**

Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

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

(Comp. Ords. 2000, § 21.04(4))

Formatted: Outline numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

Formatted: Font: 11 pt

Formatted: Outline numbered + Level: 2 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"

Formatted: Font: (Default) Arial

**Sec. 44-72. Public utilities streets and bridges.**

Public utilities, streets and bridges may be allowed by permit in the floodway district if adequate floodproofing measures are provided to the flood protection elevation and the construction meets the development standards of [section 44-42](#).

(Comp. Ords. 2000, § 21.04(5))

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE III. FLOODWAY DISTRICT (FW)

**Sec. 44-73. Fill or deposition of materials.**

The placement of fill or deposition of other materials in the floodway district shall be permitted subject to the following regulations:

- (1) The requirements of [section 44-42](#) are met.
- (2) No material is deposited in ~~the~~ navigable ~~channel-waters~~ unless a permit is issued by the department pursuant to Wis. Stats. ch. 30, and a permit pursuant to section 404 of the Federal Water Pollution Control Act, amendments of 1972, [33 USC 1344](#) has been issued, if applicable, and ~~the all~~ other requirements ~~of this section are have been~~ met.
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading ~~and~~.
- (4) The fill is not classified as a solid or hazardous material.

(Comp. Ords. 2000, § 21.04(6))

Field Code Changed

Field Code Changed

**Sec. 44-74. Prohibited uses.**

All uses not listed as permitted uses in [section 44-69](#) are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.
- (2) Storage of materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts.
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local ordinances and ~~Wis. Admin. Code ch. Comm 83-Ch. SPS383 Wis. Adm. Code.~~
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and 812.
- (6) Any solid or hazardous waste disposal sites.
- (7) Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b) ~~and~~.
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(Comp. Ords. 2000, § 21.04(7); Ord. No. 2007-16, § 2(21.04(7)), 4-23-2007)

Field Code Changed

**Secs. 44-75—44-91. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE IV. FLOODFRINGE DISTRICT (FF)

3. ARTICLE IV. FLOODFRINGE DISTRICT (FF)

[Sec. 44-92. Applicability.](#)

[Sec. 44-93. Permitted uses.](#)

[Sec. 44-94. Residential uses.](#)

[Sec. 44-95. Accessory structures and uses.](#)

[Sec. 44-96. Commercial uses.](#)

[Sec. 44-97. Manufacturing and industrial uses.](#)

[Sec. 44-98. Storage of materials.](#)

[Sec. 44-99. Public utilities, streets and bridges.](#)

[Sec. 44-100. Sewage systems.](#)

[Sec. 44-101. Wells.](#)

[Sec. 44-102. Solid waste disposal sites.](#)

[Sec. 44-103. Deposition of materials.](#)

[Sec. 44-104. Manufactured homes.](#)

[Sec. 44-105. Mobile recreational vehicles.](#)

[Secs. 44-106—44-123. Reserved.](#)

**Sec. 44-92. Applicability.**

The provisions of this article shall apply to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant [section 44-127](#). Any existing structure in the floodfringe must meet the requirements of section 44-186 Existing Nonconforming Uses;

(Comp. Ords. 2000, § 21.05(1))

Field Code Changed

**Sec. 44-93. Permitted uses.**

Any structure, land use or development is allowed in the ~~floodfringe~~-Floodfringe district if the standards in this article are met, the use is not prohibited by this or any other ordinance or regulation, and all permits or certificates specified in divisions 3 and 4 of article VIII of this chapter have been issued.

(Comp. Ords. 2000, § 21.05(2))

**Sec. 44-94. Residential uses.**

Any ~~habitable~~ structure, including a manufactured home, which is to be ~~erected~~, newly constructed, ~~reconstructed~~, altered, or moved into the floodfringe ~~area~~, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of section 44-186 Existing Nonconforming Uses;

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE IV. FLOODFRINGE DISTRICT (FF)

- (1) The elevation of the lowest opening of the foundation shall be at or above the flood protection elevation. 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 village board of appeals grants a variance.~~
- (2) All new construction and substantial improvements to structures with basements within an A-zone or other identified floodplain shall be designed so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls (including sealed structural glass block windows) shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding which is two feet above the 100-year frequency flood, and shall be designed so that minimal structural damage will occur if this design elevation is exceeded. The finished floor elevation of a basement or crawlway shall be no more than five feet below the regional flood elevation for residential and commercial structures. Under this provision, the bottom of the lowest basement openings, such as doors and nonsealed windows, shall be placed at least two feet above the 100-year regional flood elevation.
- (3) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in subsection (4) of the section.
- (4) In developments where existing street or sewer line elevations make compliance with subsection (3) of the section impractical, the municipality may permit new development and substantial improvements where ~~access roads are at or below~~ the regional flood elevation if either one of the following conditions are met:
  - a. The village has written assurance from police, fire and emergency services that rescue and relief will be provided to the structures by wheeled vehicles during a regional flood event.
  - b. The municipality has a ~~natural disaster plan~~DNR approved emergency evacuation plan by ~~state emergency management and the department.~~
- (5) The area surrounding the entire foundation shall be filled to an elevation at least one foot above the 100-year regional flood elevation for a distance of at least 15 feet beyond the limits of the structure.
- (6) Floodproofed basements shall not be constructed within a floodway.
- (7) Basements constructed in accordance with this section shall not be used for sleeping purposes.
- (8) A registered professional land surveyor or engineer shall set a benchmark on the property to ensure proper elevations, except where the village has a benchmark established. Once the benchmark is set, the surveyor or engineer shall submit a signed certificate verifying the location and elevation of the benchmark.
- (9) A registered professional architect or engineer shall make or require inspections of the basement construction work to ascertain compliance with the provisions of this section.
- (10) The registered professional engineer or architect shall certify that the standards herein provided are incorporated in the building plans and specifications. This certification shall include the specific elevation (in relation to mean sea level) to which the structure is floodproofed. Before occupancy of the structure is permitted, the registered professional engineer or architect shall site verify all aspects of the project and sign a certificate of compliance. The certificate of compliance shall be submitted to the village department of code administration within 60 days of completion of the project.

(Comp. Ords. 2000, § 21.05(3))

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE IV. FLOODFRINGE DISTRICT (FF)

**Sec. 44-95. Accessory structures and uses.**

Accessory structures and uses, as defined in [section 44-1](#), located in the floodfringe district shall comply with the following regulations:

- (1) Except as provided in subsection (2) of the section, an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
- (2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000.00 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of sections [44-71](#) and [44-98](#)

(Comp. Ords. 2000, § 21.05(4))

**Sec. 44-96. Commercial uses.**

Any commercial structure which is erected, altered or moved into the floodfringe ~~area~~ shall meet the requirements of [section 44-94](#). Subject to the requirements of [section 44-98](#), 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.

(Comp. Ords. 2000, § 21.05(5))

**Sec. 44-97. 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 floodproofing measures in [section 44-47](#). Subject to the requirements of [section 44-98](#), 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.

(Comp. Ords. 2000, § 21.05(6))

**Sec. 44-98. 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 [section 44-47](#). Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(Comp. Ords. 2000, § 21.05(7))

**Sec. 44-99. Public utilities, streets and bridges.**

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans and shall comply with the following regulations:

- (1) 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 or repair~~ to such facilities ~~may shall~~ only be permitted if they are floodproofed in compliance with [section 44-47](#) ~~to the flood protection elevation.~~

Formatted: Default Paragraph Font

Field Code Changed

Formatted: Default Paragraph Font

Field Code Changed

Formatted: Default Paragraph Font

Field Code Changed

Field Code Changed

Field Code Changed

Formatted: Default Paragraph Font

Field Code Changed

Formatted: Default Paragraph Font

Field Code Changed

Field Code Changed

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE IV. FLOODFRINGE DISTRICT (FF)

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

(Comp. Ords. 2000, § 21.05(8))

**Sec. 44-100. Sewage systems.**

All ~~on-site~~ sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system~~floodproofed~~, pursuant to section 44-47, to the flood protection elevation and ~~shall~~ meet the provisions of all local ordinances and ~~Wis. Admin. Code ch. SPS 383, Wis Adm. Code, Comm 83.~~

(Comp. Ords. 2000, § 21.05(9))

Field Code Changed

**Sec. 44-101. Wells.**

All wells shall be ~~floodproofed~~, designed to minimize or eliminate infiltration of flood waters into the system pursuant to section 44-47, to the flood protection elevation and shall meet the provisions of Wis. Admin. Code chs. NR 811 and 812, Wis Adm. Code.

(Comp. Ords. 2000, § 21.05(10))

Field Code Changed

**Sec. 44-102. Solid waste disposal sites.**

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

(Comp. Ords. 2000, § 21.05(11))

**Sec. 44-103. Deposition of materials.**

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

(Comp. Ords. 2000, § 21.05(12))

**Sec. 44-104. Manufactured homes.**

All manufactured homes in the floodfringe district shall comply with the following regulations:

- (1) Owners or operators of all manufactured or mobile home parks and subdivisions in the floodfringe district shall provide for adequate surface drainage to minimize flood damage and shall prepare, secure approval of, and file an evacuation plan (specifying vehicular access and escape routes) with the appropriate local emergency management authorities.
- (2) In existing mobile home parks, all new units placed on new pads, all replacement homes erected on existing pads, and all units which are placed or substantially improved on a site shall comply with the following regulations:
  - a. The unit shall have the lowest floor elevated to the flood protection elevation.
  - b. The unit shall be anchored so that it does not float, collapse or move laterally during a flood.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE IV. FLOODFRINGE DISTRICT (FF)

- (3) 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 [section 44-94](#).

Field Code Changed

(Comp. Ords. 2000, § 21.05(13))

**Sec. 44-105. 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 [section 44-104](#)(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices, and has no permanently attached additions.

Field Code Changed

(Comp. Ords. 2000, § 21.05(14); Ord. No. 2007-16, § 2(21.05(14)), 4-23-2007)

**Secs. 44-106—44-123. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE V. GENERAL FLOODPLAIN DISTRICT (GFP)

4. ARTICLE V. GENERAL FLOODPLAIN DISTRICT (GFP)

[Sec. 44-124. Applicability.](#)

[Sec. 44-125. Permitted uses.](#)

[Sec. 44-126. Development standards.](#)

[Sec. 44-127. Determination of floodway and floodfringe limits.](#)

[Secs. 44-128—44-152. Reserved.](#)

**Sec. 44-124. Applicability.**

The provisions for this district shall apply to all floodplains ~~mapped as A, AO for which flood profiles are not available or AH zones where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.~~

(Comp. Ords. 2000, § 21.06(1))

**Sec. 44-125. Permitted uses.**

Pursuant to [section 44-127](#), it shall be determined whether the proposed use is located within ~~a the floodway or floodfringe area.~~ Those uses permitted in ~~floodway-Floodway~~ (section [44-69](#)) and ~~floodfringe Floodfringe~~ (section [44-93](#)) areas are allowed within the ~~general-General floodplain-Floodplain districtDistrict~~, according to the standards of [section 44-126](#), provided that all permits or certificates required under article VIII, divisions 3 and 4 of this chapter have been issued.

(Comp. Ords. 2000, § 21.06(2))

**Sec. 44-126. Development standards.**

Article III of this chapter applies to floodway areas, article IV of this chapter applies to floodfringe areas. The rest of this chapter applies to either district.

(Comp. Ords. 2000, § 21.06(3))

**Sec. 44-127. Determination of floodway and floodfringe limits.**

Upon receiving an application for development within the general floodplain district, the village ~~director of code administration~~ shall:

- (1) 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 floodproofing measures; and the flood zone as shown on the FIRM.
- (2) 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.:-

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE V. GENERAL FLOODPLAIN DISTRICT (GFP)

- a. ~~A Hydrologic and Hydraulic Study as specified in sec 44-42A 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.~~
  - b. 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.
  - ~~c. Profile showing the slope of the bottom of the channel or flow line of the stream.~~
  - d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- ~~(3) Transmit one copy of the information described in subsections (1) and (2) of this section 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 section 44-272 apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.~~

(Comp. Ords. 2000, § 21.06(4); (Ord. No. 2007-16, § 2(21.06), 4-23-2007)

**Secs. 44-128—44-152. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VI. SHORELAND WETLAND DISTRICT

5. ARTICLE VI. SHORELAND WETLAND DISTRICT

[Sec. 44-153. District boundaries.](#)

[Sec. 44-154. Boundary discrepancies.](#)

[Sec. 44-155. Navigability and ordinary high-water mark.](#)

[Sec. 44-156. Farm drainage ditches.](#)

[Sec. 44-157. Permitted uses in shoreland wetlands.](#)

[Sec. 44-158. Prohibited uses in shoreland wetland.](#)

[Secs. 44-159—44-184. Reserved.](#)

**Sec. 44-153. District boundaries.**

The shoreland wetland district includes all wetlands in the village which:

- (1) Are five acres or more in size;
- (2) Are identified on one or more of the maps adopted in [section 44-11](#); and
- (3) Meet one or more of the following criteria:
  - a. The wetlands are located within 1,000 feet of the ordinary high-water mark of a navigable lake, pond or flowage.
  - b. The wetlands are located within the floodplain of, or within 300 feet of the ordinary high-water mark of, a navigable river or stream, whichever distance is greater.

(Comp. Ords. 2000, § 21.07(1))

Field Code Changed

**Sec. 44-154. Boundary discrepancies.**

When an apparent discrepancy exists between a shoreland wetland district boundary shown on one or more of the maps adopted in [section 44-11](#) and actual field conditions at the time such maps were adopted, the village ~~director of code administration~~ shall contact the appropriate district office of the department to determine if the shoreland wetland district boundary as mapped is in error. If department staff concur with the village ~~director of code administration~~ that a particular area is incorrectly mapped as a wetland, the village ~~director of code administration~~ shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the appropriate district. In order to correct a wetland mapping error identified on an adopted map, the village ~~director of code administration~~ shall be responsible for initiating an appropriate map amendment within a reasonable period of time after such error has been identified.

(Comp. Ords. 2000, § 21.07(2))

Field Code Changed

**Sec. 44-155. Navigability and ordinary high-water mark.**

- (a) Lakes, ponds and flowages shall be presumed to be navigable if they are listed in the department publication Surface Water Resources of Brown County or are identified on one or more of the maps adopted in [section 44-11](#)

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VI. SHORELAND WETLAND DISTRICT

- (b) Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on one or more of the maps adopted in [section 44-11](#).
- (c) All waters not listed, shown or identified in the referenced publication in subsection (a) of this section or on the adopted maps shall be evaluated on a case-by-case basis to determine navigability under the laws of the state. Navigability and ordinary high-water mark determinations shall initially be made by the village ~~director of code administration~~. When questions arise, however, the village ~~director of code administration shall~~ contact the appropriate office of the department for a final determination.

Field Code Changed

(Comp. Ords. 2000, § 21.07(3))

**Sec. 44-156. Farm drainage ditches.**

This chapter does not apply to lands adjacent to farm drainage ditches if all the following conditions apply:

- (1) Such lands are not adjacent to a natural navigable stream or river.
- (2) The drainage ditches or parts thereof adjacent to such lands were not navigable streams before ditching.
- (3) Such lands are maintained in nonstructural agricultural use.

(Comp. Ords. 2000, § 21.07(4))

**Sec. 44-157. Permitted uses in shoreland wetlands.**

The following uses are permitted in the shoreland wetland district subject to the provisions of Wis. Stats. chs. 30 and 31 and the provisions of other applicable local, state and federal laws:

- (1) *No wetland alterations.* Activities and uses which do not require the issuance of a zoning permit and do not involve wetland alterations, such as the following:
  - a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating.
  - b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
  - c. The practice of silviculture, including the planting, thinning and harvesting of timber.
  - d. The pasturing of livestock.
  - e. The cultivation of agricultural crops.
  - f. The construction and maintenance of duck blinds.
- (2) *Limited wetland alterations.* Such activities and uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically described as follows:
  - a. The practice of silviculture, including limited temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected.
  - b. The cultivation of cranberries, including limited wetland alterations necessary for growing and harvesting activities.
  - c. The maintenance and repair of existing drainage systems, where permissible under Wis. Stats. § 30.20, to restore preexisting levels of drainage, including the minimum amount of

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VI. SHORELAND WETLAND DISTRICT

filling necessary to dispose of dredged spoil, provided that the filling is permissible under Wis. Stats. ch. 30 and that dredged spoil is placed on existing spoil banks where possible.

- d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such activities.
- e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such activities.
- f. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such activities.
- g. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland wetland district if such installation or maintenance is executed in a manner designed to minimize the adverse impact upon the natural functions of the shoreland wetland listed in [section 44-382\(6\)](#).

- (3) *Permits and limited wetland alterations.* Activities and uses, such as the following, allowed with a land use/zoning permit and which include wetland alterations only to the extent specifically described in this subsection:

- a. *Roads.* The construction and maintenance of roads which are necessary for the continuity of the village street system, the provision of essential utility and emergency services, or access to uses permitted under this section, provided the following conditions are met:
  - 1. The road cannot, as a practical matter, be located outside the wetland.
  - 2. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
  - 3. The road is designed and constructed with the minimum cross sectional area practical to serve the intended use.
  - 4. Road construction activities are carried out in the immediate area of the roadbed only.
  - 5. Any wetland alteration must be necessary for the construction or maintenance of the road.
- b. *Nonresidential buildings.* The construction and maintenance of nonresidential buildings provided the following conditions are met:
  - 1. The building is used solely in conjunction with a use permitted in the shoreland wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals.
  - 2. The building cannot, as a practical matter, be located outside the wetland.
  - 3. The building does not exceed 500 square feet in floor area.
  - 4. Only limited filling and excavating necessary to provide structural support for the building is undertaken.
- c. *Public and private facilities.* The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided the following conditions are met:
  - 1. Any private development allowed under this subsection shall be used exclusively for the permitted purpose.

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VI. SHORELAND WETLAND DISTRICT

2. Only limited filling and excavating necessary for developing public boat launching ramps, swimming beaches or constructing park shelters or similar structures is undertaken.
  3. Construction and maintenance of roads necessary for the uses permitted under this subsection is allowed only if such construction and maintenance meets the criteria set forth in subsection (3)a of this section.
  4. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, and wildlife preserves shall only be undertaken for the purpose of improving wildlife habitat or otherwise enhancing wetland values.
- d. *Transportation and utility services.* The construction and maintenance of railroads; electric and telephone transmission lines and related facilities; and water, gas and sewer lines and related facilities; provided the following conditions are met:
1. Such installations cannot, as a practical matter, be located outside the wetland.
  2. Only limited filling or excavating necessary for such construction or maintenance is undertaken.
  3. Such construction or maintenance is performed in a manner designed to minimize the adverse impact upon the natural functions of the wetland.

(Comp. Ords. 2000, § 21.07(5))

**Sec. 44-158. Prohibited uses in shoreland wetland.**

The use of a boathouse for human habitation; the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable water; and any use not specifically listed in [section 44-157](#) is prohibited in the shoreland wetland district.

(Comp. Ords. 2000, § 21.07(6); Ord. No. 2007-16, § 2(21.07(6)), 4-23-2007)

**Secs. 44-159—44-184. Reserved.**

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VII. NONCONFORMING STRUCTURES AND USES

**6. ARTICLE VII. NONCONFORMING STRUCTURES AND USES**

[Sec. 44-185. Applicability.](#)

[Sec. 44-186. Existing nonconforming uses.](#)

[Sec. 44-187. Floodway areas.](#)

[Sec. 44-188. Floodfringe areas.](#)

[Sec. 44-189. Shoreland wetland district.](#)

[Secs. 44-190—44-216. Reserved.](#)

**Sec. 44-185. Applicability.**

Insofar as the standards set forth in this article are not inconsistent with the provisions of Wis. Stats. § 62.23(7)(h), such standards shall apply to all nonconforming uses and structures. These regulations shall apply to the modification of or addition to any structure and to the use of any structure or premises which was lawful at the time of enactment of this chapter or any amendment thereto.

(Comp. Ords. 2000, § 21.08(1))

**Sec. 44-186. Existing nonconforming uses.**

The existing lawful use of a structure or building (including any accessory structure or use) which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The terms "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. ~~Maintenance is Ordinary maintenance repairs are not considered an extension, modification this includes 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 a~~Any costs associated with the repair of a damaged structure ~~are not considered maintainance.~~ 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.
- (2) 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 chapter.
- (3) The village 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.
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50 percent of its

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VII. NONCONFORMING STRUCTURES AND USES

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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with section 44-94. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50 percent provisions of this subsection.

Field Code Changed

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

Formatted: Highlight

Formatted: Indent: Left: 0"

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

Formatted: Highlight

(57) Except as provided in subsection (68) of this section, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current chapter requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50 percent of the structure's present equalized assessed value.

(68) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building ~~may shall~~ be permitted in order to restore it ~~after to the size and use effect prior to the damage event nonflood disaster~~, provided that the ~~nonconforming building will meet all of the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction~~, under applicable Federal Emergency Management Agency regulations (44 CFR 60), or the regulations promulgated thereunder.

Residential Structures

Formatted: Highlight

a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).

Formatted: Heading 7, Indent: Left: 0.1", First line: 0.5"

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

Formatted: Indent: Left: 1", First line: 0.5"

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

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VII. NONCONFORMING STRUCTURES AND USES

d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

Formatted: Indent: Left: 0.5", First line: 0.5"

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

Nonresidential Structures

a. Shall meet the requirements of s. 6.1(2)(h)1a-f.

Formatted: Indent: First line: 0.5"

b. Shall either have the lowest floor, including basement, elevated to or above -19 the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5(1) or (2).

Formatted: Indent: Left: 0.5", No page break before

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.3(1).

(7)9 A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with section 44-70, flood-resistant materials are used, and construction practices and floodproofing methods that comply with section 44-47 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 44-186-8 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

Field Code Changed

Field Code Changed

(Comp. Ords. 2000, § 21.08(2); Ord. No. 2009-8, §§ 5, 6, 4-27-2009)

**Sec. 44-187. Floodway ~~areas~~District-**

~~The following regulations shall apply to all nonconforming structures and uses in designated 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~~the Floodway District, unless the following conditions are met:
  - a. A permit or variance has been granted for the modification or addition which meets all chapter requirements.
  - b. The modification or addition meets the requirements of this article.
  - c. The modification or addition ~~will~~shall not increase the obstruction to flood flows or regional flood height.
  - d. The modification or addition shall be floodproofed, pursuant to section 44-47 by means other than the use of fill, to the flood protection elevation.
  - e. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of floodwaters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening shall be no more than 12 inches above the adjacent grade.

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VII. NONCONFORMING STRUCTURES AND USES

2. The parts of the foundation located below the flood protection elevation shall be constructed of flood-resistant materials.
  3. Mechanical and utility equipment shall be elevated or floodproofed to or above the flood protection elevation.
  4. The use shall be limited to parking, building access or limited storage.
- (2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a ~~floodway area~~ Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all village ordinances and ~~Wis. Admin. Code ch. CommSPS 383 Wis Adm Code 83~~.
- (3) No new well or modification to an existing well used to obtain potable water shall be allowed in a ~~floodway area~~ the Floodway District. Any replacement, repair or maintenance of an existing well in ~~a floodway area~~ the Floodway District shall meet the applicable requirements of all village ordinances and ~~Wis. Admin. Code~~ chs. NR 811 and 812 Wis. Admin. Code.

(Comp. Ords. 2000, § 21.08(3))

**Sec. 44-188. Floodfringe ~~areas~~ District.**

The following regulations shall apply to all nonconforming structures and uses in designated floodfringe 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 village, 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 article IV of this chapter, except where subsection (2) of this section is applicable.
- (2) Where compliance with the provisions of subsection (1) of this section would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the village board of appeals, using the procedures established in section 44-352 may grant a variance from those provisions of subsection (1) of this section for modifications or additions, using the criteria listed in this subsection (2). Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted under the following conditions:
  - a. Human lives are not endangered.
  - b. Public facilities, such as water or sewer, ~~will~~ shall not be installed;
  - c. Flood depths ~~will~~ shall not exceed two feet.
  - d. Flood velocities ~~shall~~ will not exceed two feet per second.
  - e. The structure ~~will~~ shall not be used for storage of materials as described in section 44-98
- (3) ~~If neither the provisions of subsection (1) or (2) of this section 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 under the following conditions:~~
  - a. ~~The addition meets all other regulations and will be granted by permit or variance;~~
  - b. ~~The addition does not exceed 60 square feet in area; and~~

Field Code Changed

Field Code Changed

Formatted: list1

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VII. NONCONFORMING STRUCTURES AND USES

~~e. In combination with other previous modifications or additions to the building, the addition does not equal or exceed 50 percent 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 SPS 383 Wis. Admin. Code ~~ch. Comm 83~~.
- (5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter and ~~Wis. Admin. Code~~ chs. NR 811 and 812 Wis. Admin. Code.

(Comp. Ords. 2000, § 21.08(4); Ord. No. 2009-8, § 7, 4-27-2009)

**Sec. 44-189. Shoreland wetland district.**

In the shoreland wetland district, notwithstanding Wis. Stats. § 62.23(7)(h), the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure (or any environmental control facility related to a legal nonconforming structure) in existence at the time of adoption of or subsequent amendment to this chapter, is permitted under Wis. Stats. § 61.351(5).

(Comp. Ords. 2000, § 21.08(5); Ord. No. 2007-16, § 2(21.08(5)), 4-23-2007)

**Secs. 44-190—44-216. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

**7. ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT**

[DIVISION 1. - GENERALLY](#)

Field Code Changed

[DIVISION 2. - VILLAGE DEPARTMENT OF CODE ADMINISTRATION](#)

Field Code Changed

[DIVISION 3. - PERMITS](#)

Field Code Changed

[DIVISION 4. - CERTIFICATES OF COMPLIANCE](#)

Field Code Changed

[DIVISION 5. - VILLAGE PLAN COMMISSION](#)

Field Code Changed

[DIVISION 6. - VILLAGE BOARD OF APPEALS](#)

Field Code Changed

[DIVISION 7. - CONDITIONAL USES](#)

Field Code Changed

[DIVISION 8. - AMENDMENTS](#)

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

[Sec. 44-217. Purpose.](#)

[Sec. 44-218. Public information](#)

[Secs. 44-219—44-244. Reserved.](#)

**Sec. 44-217. Purpose.**

The purpose of this article is to provide for the proper administration and enforcement of this chapter by defining the powers and duties of the village department of code administration, village board of appeals, village plan commission and village board, and delineating procedures and substantive standards with respect to the administrative functions of each office.

(Comp. Ords. 2000, § 21.09(1); Ord. No. 2007-16, § 2(21.09(1)), 4-23-2007)

**Sec. 44-218. Public information**

All maps, engineering data and floodplain regulations shall be available and widely distributed to the public. All real estate transfers should show what floodplain zoning district any real property is in.

(Comp. Ords. 2000, § 21.09(12); Ord. No. 2007-16, § 2(21.09(12)), 4-23-2007)

**Secs. 44-219—44-244. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 2. VILLAGE DEPARTMENT OF CODE ADMINISTRATION

**DIVISION 2. VILLAGE DEPARTMENT OF CODE ADMINISTRATION**

[Sec. 44-245. Established.](#)

[Secs. 44-246—44-268. Reserved.](#)

**Sec. 44-245. Established.**

The village department of code administration is established under the provisions of [section 2-419](#) and shall consist ~~of the village director of code administration and such~~ duly appointed deputies or assistants as deemed necessary by the village board for the effective administration and enforcement of this chapter as follows:

Field Code Changed

**(1) DUTIES AND POWERS**

~~The Department of Code Administration 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.~~

Formatted: Indent: First line: 0.5"

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

~~(c)bm) Inspect and assess all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.~~

~~(d)~~

~~(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. Floodproofing certificates.~~

~~4. Water~~

~~3. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.~~

~~5.~~

~~4. All substantial damage assessment reports for floodplain structures.~~

~~6. List of nonconforming structures and uses. .~~

~~(e)~~

~~(d) Submit copies of the following items to the Department Regional office:-22~~

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 2. VILLAGE DEPARTMENT OF CODE ADMINISTRATION

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;

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 2. VILLAGE DEPARTMENT OF CODE ADMINISTRATION

2. 2. Copies of any case-by-case analyses, and any other required information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.

3. 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) 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.

(g)f) Submit copies of text and map amendments and biennial reports to the FEMA Regional office

~~(1) *Chain of command.* The village director of code administration shall be the executive official in charge of and responsible for all activities of the village department of code administration. All department inspectors, officers, technical assistants and employees shall report to the village director of code administration who shall in turn report directly to the village administrator as appointed in chapter 2, article IV, division 3.~~

~~(2) *Village director of code administration.* When used in this chapter, the term "village director of code administration" shall be liberally defined as the village director of code administration and/or any duly appointed deputy or assistant officially authorized by the village to carry out the administrative and enforcement functions prescribed herein.~~

~~(3) *Jurisdiction.* The village director of code administration is hereby authorized to administer the provisions of this chapter in accordance with Wis. Stats. § 62.23(7) and in furtherance of such authority shall have the following duties and powers:~~

~~a. Advise applicants of the provisions of this chapter, assist them in preparing permit applications and appeal forms, and ensure that regional flood elevations are shown on all permit applications.~~

~~b. Issue permits and certificates of compliance and inspect properties for compliance with the provisions of this chapter.~~

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

~~d. Keep official records, such as permits issued, inspections made, work approved, documentation of certified lowest floor and regional flood elevations, water surface profiles, floodplain zoning maps, floodplain zoning ordinances, damage assessment reports, and nonconforming uses and structures, including changes, appeals, variances and amendments.~~

~~e. Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing the duties set forth in this section.~~

~~f. Submit copies of the following items to the department regional office:~~

~~1. Within ten days of the decision, a copy of any decision 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.~~

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 2. VILLAGE DEPARTMENT OF CODE ADMINISTRATION

~~3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.~~

~~g. Investigate, prepare reports, and report violations of this chapter to the village plan commission, department district office and to the village attorney for prosecution.~~

~~h. Submit copies of floodplain text and map amendments and biennial reports to the regional Federal Emergency Management Agency office.~~

- (4) *Relief from personal responsibilities.* The village ~~director of code administration~~Department of Code Administration and appointed ~~deputies staff~~ charged with the enforcement of this chapter, while acting on behalf of the village, shall not thereby be rendered liable personally, and the ~~village director of code administration and appointed deputies are hereby relieved of all personal liability~~ for any damage occurring to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any department officer or employee, because of an act performed by that person in the lawful discharge of duties and under the provisions of this chapter, shall be defended by the legal representative of the village until the final termination of the proceedings. The village ~~director of code administration~~Department of Code Administration staff or appointed deputies shall not be liable for any costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter; and any officer of the village department of code administration, acting in good faith and without malice, shall be free of liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

(Comp. Ords. 2000, § 21.09(2); Ord. No. 2007-16, § 2(21.09(2)), 4-23-2007)

**Secs. 44-246—44-268. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. PERMITS

***DIVISION 3. PERMITS***

[Sec. 44-269. Procedure.](#)

[Sec. 44-270. Application.](#)

[Sec. 44-271. Site development plan.](#)

[Sec. 44-272. Data requirements to analyze developments.](#)

[Sec. 44-273. Expiration.](#)

[Sec. 44-274. Other permits.](#)

[Secs. 44-275—44-296. Reserved.](#)

**Sec. 44-269. Procedure.**

Unless another section of this chapter specifically exempts certain types of development from this requirement, a land use/zoning permit shall be obtained from the village ~~director of code administration~~Department of Code Administration in accordance with the regulations in this division prior to commencement of any new development, ~~repair modification or addition to an existing structure~~, as defined in [section 44-1](#), or initiation of any change in the use of an existing building or structure, including sewage disposal systems and water supply facilities.

(Comp. Ords. 2000, § 21.09(3); Ord. No. 2007-16, § 2(21.09(3)), 4-23-2007)

Field Code Changed

**Sec. 44-270. Application.**

An application for a permit shall be made to the village ~~director of code administration~~Department of Code Administration upon forms furnished by the village and shall include the following:

- (1) The name, address, and telephone number of the applicant, property owner and contractor/builder;
- (2) A legal description of the property; and
- (3) A general description of the proposed development, including planned new construction and/or intended modifications to existing structures.

(Comp. Ords. 2000, § 21.09(3)(a); Ord. No. 2007-16, § 2(21.09(3)(a)), 4-23-2007)

**Sec. 44-271. Site development plan.**

All permit applications shall be accompanied by a site development plan which is legible, drawn to scale, fully dimensioned, and which accurately shows the following information:

- (1) Location, dimensions, area and elevation of the lot noted on a copy of one or more of the maps adopted in [section 44-11](#).
- (2) Location of the ordinary high-water mark of all abutting navigable waterways.

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. PERMITS

- (3) Existing and proposed topographic and drainage features and vegetative cover, including a surface drainage plan with adequate details showing how flood damage will be minimized.
  - (4) Location of all structures with distances measured from the lot lines and centerlines of all abutting streets or highways.
  - (5) Location of any existing or proposed on-site sewage systems or private water supply systems.
  - (6) Location and elevation of existing or future access roads.
  - (7) Location of floodplain and floodway limits on the property as determined from approved floodplain zoning maps.
  - (8) Elevations of the lot, lowest floors of proposed buildings and fill using National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
  - (9) Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of articles III and IV of this chapter are met.
  - (10) Data sufficient to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to [section 44-42](#). This may include any of the information noted in [section 44-70](#).
  - (11) A map showing the location and details of vehicular access to lands outside the floodplain
  - (12) Location and boundaries of all wetlands.
  - (13) Specifications and dimensions for areas of proposed wetland alterations.
- (Comp. Ords. 2000, § 21.09(3)(b); Ord. No. 2007-16, § 2(21.09(3)(b)), 4-23-2007)

Field Code Changed

Field Code Changed

**Sec. 44-272. ~~Data requirements to analyze developments.~~Hydraulic and Hydrologic Studies to Analyze Development**

~~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 the term "subdivision" is defined in Wis. Stats. ch. 236, and other proposed developments exceeding five acres in area or where the estimated cost exceeds \$125,000.00. The applicant shall also provide the following information:~~

- ~~(1) An analysis of the effect of the proposed development on the regional flood profile, velocity of flow and floodplain storage capacity.~~
- ~~(2) A map showing the location and details of vehicular access to lands outside the floodplain.~~
- ~~(3) A surface drainage plan showing how flood damage will be minimized.~~
- ~~(4) The estimated cost of the proposal, including all structural development, landscaping, access and road development, utilities, and other pertinent items. The cost estimate need not include land costs.~~

Formatted: p0

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. PERMITS

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

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

---

1. Zone A floodplains:

a. Hydrology

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

b. Hydraulic modeling

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

i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

ii. channel sections must be surveyed.

iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. PERMITS

v. the most current version of HEC RAS shall be used.

vi. a survey of bridge and culvert openings and the top of road is required at each structure.

vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

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

i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. PERMITS

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

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

b. Hydraulic model

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

i. Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.

The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.

The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. PERMITS

The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

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

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

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 3. PERMITS

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

(Comp. Ords. 2000, § 21.09(3)(c); Ord. No. 2007-16, § 2(21.09(3)(c)), 4-23-2007)

**Sec. 44-273. Expiration.**

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. All permits issued under the authority of this chapter shall expire 24 months after the date of issuance.

(Comp. Ords. 2000, § 21.09(3)(d); Ord. No. 2007-16, § 2(21.09(3)(d)), 4-23-2007)

**Sec. 44-274. 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 section 404 of the Federal Water Pollution Control Act, amendments of 1972, 33 USC 1344.

(Comp. Ords. 2000, § 21.09(3)(e); Ord. No. 2007-16, § 2(21.09(3)(e)), 4-23-2007)

**Secs. 44-275—44-296. Reserved.**

Formatted: p0

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 4. CERTIFICATES OF COMPLIANCE

***DIVISION 4. CERTIFICATES OF COMPLIANCE***

[Sec. 44-297. When required.](#)

[Sec. 44-298. Contents; concurrent with permit; issuance.](#)

[Secs. 44-299—44-329. Reserved.](#)

**Sec. 44-297. When required.**

Except where no building, zoning or conditional use permit is required, no land shall be occupied or used and no building, which is hereafter constructed, altered, added to, modified, rebuilt or replaced, shall be occupied until a certificate of compliance is issued by the village ~~director of code administration~~Department of Code Administration, except where no permit is required, subject to the provisions in this division.

(Comp. Ords. 2000, § 21.09(4)(intro.); Ord. No. 2007-16, § 2(21.09(4)(intro.)), 4-23-2007)

**Sec. 44-298. Contents; concurrent with permit; issuance.**

- (a) The certificate of compliance shall show that the building or premises (or part thereof) and the proposed use comply with the provisions of this chapter.
- (b) The application for a certificate of compliance shall be concurrent with the application for a permit.
- (c) The certificate of compliance shall be issued within ten days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms to all applicable regulations of this chapter.
- (d) A certificate of compliance shall not be issued until the applicant submits a certification signed by a registered professional engineer or architect verifying that the fill, lowest floor elevation, floodproofing elevation and required floodproofing measures are in compliance with the permit issued and with the applicable provisions of this chapter.
- (e) The village ~~director of code administration~~ may issue a temporary certificate of compliance for a building, premises or part thereof according to the regulations set forth in [section 50-154](#)
- (f) Upon written request from the owner, the village ~~director of code administration~~ may issue a certificate of compliance for any building or premises existing at the time of adoption of the ordinance from which this chapter is derived, certifying (after inspection) that the use of the building or premises (or part thereof) complies with the provisions of this chapter.

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

(Comp. Ords. 2000, § 21.09(4)(a)—(f); Ord. No. 2007-16, § 2(21.09(4)(a)—(f)), 4-23-2007)

Field Code Changed

Formatted: Indent: Left: 0", Hanging: 0.31"

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 4. CERTIFICATES OF COMPLIANCE

**Secs. 44-299—44-329. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 5. VILLAGE PLAN COMMISSION

***DIVISION 5. VILLAGE PLAN COMMISSION***

[Sec. 44-330. Duties.](#)

[Secs. 44-331—44-348. Reserved.](#)

**Sec. 44-330. Duties.**

The village plan commission as established under the provisions of Wis. Stats. § 62.23(1) and chapter 2, article III, division 2 is hereby vested with such authority as is specified therein; and in furtherance of such authority shall discharge the following duties:

- (1) Oversee the functions of the office of the village department of code administration.
- (2) Review and conduct public hearings on all applications for conditional use permits and ordinance amendments and report findings and recommendations to the village board.
- (3) Periodically review existing regulations and recommendations for amendments, changes, corrections, updates and rewrites received from the village department of code administration and report conclusions and recommendations to the village board.
- (4) Hear and rule upon all matters referred to it, or upon which it is required to pass under this chapter.

(Comp. Ords. 2000, § 21.09(5); Ord. No. 2007-16, § 2(21.09(5)), 4-23-2007)

**Secs. 44-331—44-348. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 6. VILLAGE BOARD OF APPEALS

***DIVISION 6. VILLAGE BOARD OF APPEALS***

[Sec. 44-349. Duties.](#)

[Sec. 44-350. Appeals.](#)

[Sec. 44-351. Boundary disputes.](#)

[Sec. 44-352. Variances.](#)

[Sec. 44-353. Appeals of permit denials.](#)

[Secs. 44-354—44-369. Reserved.](#)

**Sec. 44-349. Duties.**

The village board of appeals as established under the provisions of Wis. Stats. § 62.23(7)(e) and chapter 2, article III, division 3 is hereby vested with such authority as is specified therein; and in furtherance of such authority shall discharge the following duties:

- (1) Hear and rule upon appeals of any order, requirement, ruling or decision made under this chapter by the village ~~director of code administration~~ Village Department of Code Administration or any duly appointed deputy, assistant or administrative official.
- (2) Hear and rule upon petitions for variances from the dimensional standards of this chapter pursuant to [section 44-351](#).
- (3) Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

(Comp. Ords. 2000, § 21.09(6); Ord. No. 2007-16, § 2(21.09(6)), 4-23-2007)

Field Code Changed

**Sec. 44-350. Appeals.**

The village board of appeals shall hear and rule upon appeals in accordance with the following regulations:

- (1) *Filing.* A notice of appeal, specifying the grounds for grievance, shall be filed with the village department of code administration within 30 days of the order, requirement, ruling or decision in question, and shall be accompanied by a nonrefundable filing fee as set forth in [section 44-18](#). The village ~~director of code administration~~ shall forthwith transmit to the village board of appeals the notice of appeal and all records upon which such appeal is based.
- (2) *Stay of proceedings.* The filing of an appeal shall stay all actions or legal proceedings in furtherance of the order appealed unless the village department of code administration provides conclusive evidence to the village board of appeals that a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the village board of appeals or by a court of record on application, on notice to the village department of code administration, and on due cause shown.
- (3) *Public hearing.* The village board of appeals shall hold a public hearing on each appeal at such time and place as shall be established by the village board of appeals. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 6. VILLAGE BOARD OF APPEALS

village board of appeals shall by rule prescribe from time to time. A notice of public hearing shall be published at least twice in the official village newspaper and mailed directly to interested parties and the appropriate district office of the department, such publication and mailing to be made at least ten days prior to the date of the public hearing. The village board of appeals shall thereafter render its decision within 60 days from the date of filing of the appeal.

- (4) *Rulings.* The village board of appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision, or determination appealed, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The ruling shall be a written determination signed by the chairman or secretary of the board; state the specific facts which are the basis for the village board of appeal's decision; include the reasons or justifications for the ruling in the official recorded minutes of the village board of appeals proceedings; and be sent to the appropriate district office of the department within ten days of the ruling.

(Comp. Ords. 2000, § 21.09(7); Ord. No. 2007-16, § 2(21.09(7)), 4-23-2007)

**Sec. 44-351. Boundary disputes.**

The following procedure shall be used by the village board of appeals in hearing disputes concerning floodplain district boundaries:

- (1) 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.
- (2) ~~In all cases, t~~The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the village board of appeals.
- (3) If the boundary is incorrectly mapped, the village board of appeals should inform the village plan commission or the person contesting the boundary location to petition the village board for a map amendment according to [section 44-382](#)

(Comp. Ords. 2000, § 21.09(8); Ord. No. 2007-16, § 2(21.09(8)), 4-23-2007)

**Sec. 44-352. Variances.**

The village board of appeals may grant a variance from the dimensional standards of this chapter in accordance with the following regulations:

- (1) *Application.* An application or petition for variance shall be filed in writing with the village department of code administration on such forms as shall be provided by the village and shall be accompanied by a nonrefundable application fee as set forth in [section 44-18](#). The application shall contain such information as the village board of appeals may by rule require.
- (2) *Public hearing.* The village board of appeals shall hold a public hearing on each petition for variance at such time and place as shall be established by the village board of appeals. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the village board of appeals shall by rule prescribe from time to time. A notice of public hearing shall be published at least twice in the official village newspaper and mailed directly to interested parties and the appropriate district office of the department, such publication and mailing to be made at least ten days prior to the date of the public hearing. The village board of appeals shall thereafter render its decision within 60 days from the date of filing of the variance petition.

Field Code Changed

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 6. VILLAGE BOARD OF APPEALS

- (3) *Variance standards.* It is the duty of the village board of appeals to preserve, to the extent possible, the provisions of this chapter without modification, while ensuring substantial justice for the property owner. The village board of appeals shall not vary the regulations of this chapter, unless such variance is in harmony with its general purpose, spirit and intent, and unless the village board of appeals shall first make findings, based upon evidence presented to it by the applicant, that all the following variance standards are met:
- a. *Unnecessary hardship.* The applicant must show that the difficulty or hardship faced has been created by this chapter and is not self-imposed and that, in the absence of a variance, no feasible use of the property can be made. The difficulty or hardship must be unique to the parcel in question and not one which affects all parcels in the area similarly. Potential loss of profit or desire for financial gain is not, in and of itself, grounds for a variance. Additionally, violations by or variances granted to neighboring property owners does not justify the granting of a variance.
  - b. *Unique property limitation.* The applicant must show that unique physical characteristics of the property itself, not his own personal desires or preferences, prevent him from building or developing in compliance with the provisions of this chapter. These characteristics may include topographical conditions, parcel shape, physical surroundings, wetland areas or soil types which limit the reasonable use of the property.
  - c. *Protection of the public interest.* The applicant must show that the granting of a variance will not harm the public interest, including the interests of the public at large, not just those of nearby property owners. The granting of a variance must not result in an inadequate supply of light or air to adjacent property, a substantial increase in congestion of public streets, an increase in the danger of fire, endangerment of the public safety, or reduction or impairment of property values within the neighborhood. The lack of local opposition to a variance petition does not in itself mean that the variance will not harm the public interest.
- (4) *Federal Emergency Management Agency criteria.* In addition to the criteria specified in subsection (3) of this section, to qualify for a variance under Federal Emergency Management Agency regulations, the following criteria must be met:
- a. The variance may not cause any increase in the regional flood elevation.
  - b. Variances can only be granted for lots that are less than one-half acre in area and for structures that are contiguous to existing structures constructed below the regional flood elevation (RFE).
  - c. 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 chapter.
- (5) *Additional criteria.* The village board of appeals shall not grant or approve any variance petition which will:
- a. Grant, extend or increase any use prohibited in the zoning district.
  - b. Be granted for a hardship based solely on an economic gain or loss.
  - c. Be granted for a hardship which is self created.
  - d. Damage the rights or property values of other persons in the area.
  - e. Allow actions without the amendments to this chapter or maps required in [section 44-382](#)

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 6. VILLAGE BOARD OF APPEALS

- f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (6) *Rulings.* The final ruling or decision on the variance petition shall be a written determination signed by the chairman or secretary of the village board of appeals; state the specific facts which are the basis for the village board of appeal's decision; include the reasons or justifications for the ruling in the official recorded minutes of the board proceedings; and be sent to the appropriate district office of the department within ten days of the ruling.
- (7) *Notification.* When a variance is granted in a floodplain area, the village board of appeals shall notify the applicant in writing that ~~increased flood insurance premiums it may increase and~~ risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage may result. A copy of this notification shall be maintained with the variance petition records.
- (8) *Validity.* No variance granted by the village board of appeals shall be valid for a period longer than six months from the date granted unless construction or development has commenced or the use has been established within such period. Once granted and established, a variance is attached to the property as a permanent right.

(Comp. Ords. 2000, § 21.09(9); Ord. No. 2007-16, § 2(21.09(9)), 4-23-2007)

**Sec. 44-353. Appeals of permit denials.**

The village board of appeals shall hear and rule upon appeals of permit denials in accordance with the following regulations:

- (1) The village board of appeals shall review the following data relating to the appeal:
- a. Permit application data listed in [section 44-269](#)
  - b. Floodway and floodfringe determination data listed in [section 44-127](#)
  - c. Data listed in [section 44-70\(2\)](#) where the applicant has not submitted this information to the village ~~director of code administration.~~
  - d. Other data submitted with the application, or submitted to the village board of appeals with the appeal.
- (2) For appeals of all denied permits, the village board of appeals shall:
- a. Follow the procedures of this section;
  - b. Consider zoning agency recommendations; and
  - c. Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation, the village board of appeals shall uphold the permit denial where the village board of appeals 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. The village board of appeals shall grant the appeal where the village board of appeals 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.

(Comp. Ords. 2000, § 21.09(10); Ord. No. 2007-16, § 2(21.09(10)), 4-23-2007)

Field Code Changed

Field Code Changed

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 6. VILLAGE BOARD OF APPEALS

**Secs. 44-354—44-369. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 7. CONDITIONAL USES

***DIVISION 7. CONDITIONAL USES***

[Sec. 44-370. Regulations.](#)

[Secs. 44-371—44-381. Reserved.](#)

**Sec. 44-370. Regulations.**

The following regulations shall apply to conditional uses as defined in [section 44-1](#):

Field Code Changed

- (1) *Eligibility.* Any person having:
  - a. A freehold interest in land;
  - b. A possessory interest in land entitled to exclusive possession;
  - c. A contractual interest in land which may become a freehold interest; or
  - d. An exclusive possessory interest in land;may file an application to use such land for one or more of the conditional uses specified in this chapter.
- (2) *Application.* An application for conditional use approval shall be filed in writing with the village department of code administration on such forms as shall be provided by the village and shall be accompanied by a nonrefundable application fee as set forth in [section 44-18](#). The application shall be accompanied by a written statement from the applicant, such plans and data as prescribed by the village plan commission, and adequate evidence showing that the proposed conditional use is consistent with the general purpose, spirit and intent of this chapter. Such application shall be forwarded to the village plan commission.
- (3) *Public hearing.* The village plan commission shall hold a public hearing on each application for conditional use approval at such time and place as shall be established by the village plan commission. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the village plan commission shall by rule prescribe from time to time. A notice of public hearing shall be published at least twice in the official village newspaper and mailed directly to interested parties and the appropriate district office of the department, such publication and mailing to be made at least ten days prior to the date of the public hearing.
- (4) *Findings and recommendations.* Following such public hearing, the village plan commission shall make written findings of fact on the proposed conditional use and shall submit such findings, together with its recommendation for approval or disapproval, to the village board. Such recommendation shall include any stipulations, conditions or guarantees deemed necessary by the village plan commission for the protection of the public interest.
- (5) *Conditions and guarantees.* Prior to approval of a conditional use, the village plan commission may recommend and the village board may require the placement of such conditions and restrictions upon the establishment, location, construction, maintenance and/or operation of such conditional use as is deemed necessary for the protection of the public interest and furtherance of the purposes of this chapter. Such conditions may include, but are not limited to:
  - a. Type of shore cover;
  - b. Erosion protection measures;

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 7. CONDITIONAL USES

- c. Increased side yard setbacks;
- d. Specific sewage disposal and water supply facilities;
- e. Landscaping and planting screens;
- f. Period of operation;
- g. Operational control;
- h. Sureties;
- i. Deed restrictions;
- j. Location of piers, docks, parking areas and signs; and
- k. Type of construction.

Whenever approval is granted for a conditional use, the village board shall require such evidence and guarantees as it may deem necessary as proof that the conditions required in connection therewith are being and will be adhered to.

- (6) *Village board action.* The village board shall not act upon an application for conditional use approval until it has received a written report and recommendation for approval or disapproval from the village plan commission on such proposed conditional use. The village board action shall be taken and a decision rendered within 90 days from the date of filing of the application for conditional use approval.
- (7) *Department notification.* The final ruling or decision on an application for conditional use approval shall be sent to the appropriate district office of the department within ten days of the ruling.
- (8) *Validity.* No conditional use approval granted by the village board shall be valid for a period longer than one year from the date of approval unless the conditional use has been established within such period. In the event the conditional use is not established within such period, without further action by the village plan commission or village board, the conditional use or approval thereof shall be null and void.

(Comp. Ords. 2000, § 21.09(11); Ord. No. 2007-16, § 2(21.09(11)), 4-23-2007)

**Secs. 44-371—44-381. Reserved.**

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 8. AMENDMENTS

***DIVISION 8. AMENDMENTS***

[Sec. 44-382. Procedure.](#)

**Sec. 44-382. Procedure.**

The village board may, from time to time in the manner hereinafter set forth, amend the regulations imposed by this chapter or amend district boundary lines in the manner provided by law. In all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions and property uses, conservation of property values, and orderly community development. The village plan commission shall not recommend the adoption of a proposed amendment unless it finds that such amendment is in the public interest and is not solely for the interest of the applicant.

- (1) *Application.* Amendments may be proposed by any governmental body or by any interested person or organization. An application for amendment shall be filed in writing with the village department of code administration on such forms as shall be provided by the village and shall be accompanied by a nonrefundable application fee as set forth in section 44-18. Such application shall be forwarded to the village plan commission. No application for amendment to this chapter, which is identical or substantially similar to a previous request, shall be heard or acted upon within six months of village plan commission or village board action on such previous request.
- (2) *Public hearing.* The village plan commission shall hold a public hearing on each application for amendment at such time and place as shall be established by the village plan commission. The public hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the village plan commission shall by rule prescribe from time to time. A notice of public hearing shall be published at least twice in the official village newspaper and mailed directly to interested parties and the appropriate district office of the department, such publication and mailing to be made at least ten days prior to the date of the public hearing.
- (3) *Findings, recommendation and decision.* Following such public hearing, the village plan commission shall make written findings of fact on the proposed amendment and shall submit such findings, together with its recommendation for approval or disapproval, to the village board. Village board action shall be taken and a decision rendered within 90 days from the date of filing of the application for amendment. A copy of the decision on each amendment shall be sent to the appropriate district office of the department within ten days of such decision.
- (4) *Additional requirements.* All persons petitioning for a map amendment that obstructs flow by increasing the 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 village board. For amendments in areas with no water surface profiles, the village board shall consider data submitted by the department, the village ~~director of code administration~~ visual on-site inspections and other available information.
- (5) *Floodplain amendment criteria.* Any revision to the text of this chapter or adjustment of floodplain district boundary lines shall require an amendment according to the procedures set forth in this section. No such amendment to the maps or text of this chapter shall become

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 8. AMENDMENTS

effective until reviewed and approved by the department, including, but not limited to, the following activities:

- a. Any change to the floodplain zoning maps adopted in [section 44-11](#), including adjustments to floodway or floodplain boundary lines.
  - b. Correction of significant discrepancies between water surface profiles and floodplain zoning maps.
  - c. Any fill in a floodplain which elevates the filled area to a height at or above the flood protection elevation and which is contiguous to lands lying outside of the floodplain.
  - d. Any fill or encroachment into the floodplain which will obstruct flow or cause an increase of 0.01 foot or more in the height of the regional flood. Anyone petitioning for such an amendment shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify appropriate local units of government before the amendment can be approved by the village or the department.
  - e. Any upgrading of this chapter required by Wis. Admin. Code § NR 116.05, or otherwise required by law or initiated by the village.
  - f. 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 flood insurance rate map requires prior approval by Federal Emergency Management Agency.
- (6) *Shoreland wetland amendment criteria.* Any revision to the text of this chapter, the removal of lands from the shoreland wetland district, or the adjustment of shoreland wetland district boundary lines, shall require an amendment according to the procedures set forth in this section. To ensure that a proposed amendment will be consistent with the shoreland wetland protection objectives set forth in Wis. Stats. § 144.26, no approval shall be granted unless it is evident that the proposed amendment will not result in a significant adverse impact upon any of the following factors:
- a. Storm and floodwater storage capacity.
  - b. Maintenance of dry season stream flow, discharge of groundwater to a wetland, recharge of groundwater from a wetland to another area, or flow of groundwater through a wetland.
  - c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that may drain into navigable waters.
  - d. Shoreline protection against soil erosion.
  - e. Fish spawning, breeding, nursery or feeding grounds.
  - f. Wildlife habitat.
  - g. Special recreational, scenic or scientific interest areas, including scarce wetland types and endangered species habitat.
- (7) *Superseding shoreland wetland ordinances.* If the department, after being notified as required by subsection (2) of this section, determines that a proposed shoreland wetland district amendment may have a significant adverse impact upon any of the criteria listed in subsection (5) of this section, the department shall so notify the village of its determination, either prior to or during the public hearing held on the proposed amendment, and the proposed amendment, if approved by the village, shall not become effective until more than 30 days have elapsed from the time written notice of village board action, as required by subsection (3) of this section, was

Field Code Changed

PART II - CODE OF ORDINANCES  
Chapter 44 - FLOODPLAIN AND SHORELAND WETLAND ZONING  
ARTICLE VIII. - ADMINISTRATION AND ENFORCEMENT

DIVISION 8. AMENDMENTS

mailed to the department. If the department notifies the village board within the 30-day period that it intends to adopt a superseding shoreland wetland zoning ordinance for the village under Wis. Stats. §§ 61.351(6) or 62.231(6), the proposed amendment shall not become effective until the superseding ordinance adoption procedure is completed or otherwise terminated. The record of the village board decision on the proposed amendment shall advise the petitioner of the provisions of this section.

(Comp. Ords. 2000, § 21.09(13); Ord. No. 2007-16, § 2(21.09(13)), 4-23-2007)

**SECTION 8.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed. **SECTION 9.** This ordinance shall take effect upon its adoption and publication.

Approved this \_\_\_\_ day of \_\_\_\_\_, 2014 .

---

BURT R. McINTYRE, Village  
President

---

CHRISTOPHER A. HALTOM,  
Clerk

Date of publication:

---