

**Village of Reedsville
Ordinance No. 2026-01**

**AN ORDINANCE AMENDING TITLE 8 – ZONING REGULATIONS OF THE VILLAGE
OF REEDSVILLE CODE OF ORDINANCES AND THE OFFICIAL ZONING MAP**

WHEREAS, it is deemed to be in the best interest of the Village of Reedsville, Manitowoc County, that Title 8 (Zoning Regulations) of the Village of Reedsville Code of Ordinances and the Official Zoning Map be modified and amended in the manner hereinafter; and

WHEREAS, a Notice of Public Hearing before the Village Board was duly published in the Brillion News on February 26th, 2026, and March 5th, 2026; and

WHEREAS, a Public Hearing was held before the Village Board on March 9th, 2026 regarding the proposed Amendments to Title 8 (Zoning Regulations) and the Official Zoning Map; and

WHEREAS, based on the above, it is deemed to be in the best interest of the Village of Reedsville that Title 8 (Zoning Regulations) and the Official Zoning Map for the Village of Reedsville be modified and amended in the manner hereinafter more particularly set forth below.

NOW, THEREFORE, the Village Board of the Village of Reedsville does hereby ordain as follows:

1. Title 8 (Zoning Regulations) of the Village of Reedsville Code of Ordinances and Official Zoning Map are amended to read as shown in Attachment A and Attachment B:
2. Except as hereinabove specifically modified and amended, Title 8 (Zoning Regulations) of the Village of Reedsville, Manitowoc County, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.
3. **SEVERABILITY**. Several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in

full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

This Ordinance shall take effect and be in full force from and after its passage and the day after its publication or posting.

Adopted by the Village Board of the Village of Reedsville, Manitowoc County, Wisconsin, at its regularly scheduled meeting on this 9th day of March, 2026.



Jack Siebert, Village President



Stephanie Stiefvater, Village Clerk-Treasurer

Posted on: March 10th, 2026

TITLE 8 ZONING ORDINANCE

CHAPTER 1 ZONING TITLE, DEFINITIONS

SECTION:

8-1-1: Short Title

8-1-2: Definitions

8-1-1: SHORT TITLE:

This title shall be known as the ZONING ORDINANCE. (1968 Code ch. 12)

8-1-2: DEFINITIONS:

ACCESSORY USE, BUILDING OR STRUCTURE: A use, building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, building or structure. See Table 3 and Table 4 for allowed accessory uses and dimensional standards.

BASEMENT OR CELLAR: A story partly underground with at least one-half (1/2) of its height below the average level of the adjoining ground.

CUSTOMARY HOME OCCUPATION: Any home-based occupation in a residential zoning district which is conducted on the premises. Customary home occupations shall be approved as Conditional Uses in a residential zoning district only after meeting the special requirements outlined in Section 8-3-20. Customary home occupations may include the following uses:

1. Professional Services
 - a. Accountants
 - b. Consultants
 - c. Freelancers (writing, web development)
2. Creative Arts
 - a. Artists (painting and sculptures)
 - b. Musicians (music lessons)
 - c. Crafts People (homemade goods; jewelry, pottery)
3. Health and Wellness
 - a. Personal trainers
 - b. Massage therapist
 - c. Nutritionist
4. Food Type Business
 - a. Bakers
 - b. Caterers
 - c. Food preservation (jams, pickles)
5. Education Services
 - a. Tutors
 - b. Childcare provider (daycare)

BOARDING AND ROOMING HOUSE: Any dwelling in which persons are housed or lodged with or without meals, and without separate kitchen facilities.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

DWELLING: A building designed or used exclusively as residential living quarters. A dwelling may consist of multiple dwelling units.

DWELLING UNIT: A building or portion thereof designed or used exclusively as the residential living quarters for one family.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utilities or municipal departments of underground surface or overhead gas, communication, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utility or **municipal departments for the general public health, safety, convenience or welfare.**

GRADE ESTABLISHED: The elevation of the centerline of the streets as officially established by the village.

LOT OF RECORD: A lot which is shown on the records of the county register of deeds.

MOTEL OR AUTO COURT: A group of attached or detached buildings containing individual living or sleeping units where a garage is attached or a parking space is conveniently located to each unit all for the temporary use by automobile tourists or transients.

NONCONFORMING USE, BUILDING OR STRUCTURE: A use, building or structure existing at the time of the effective date hereof, and which does not conform to the zoning regulations of the village.

PARKING SPACE: The area required for parking one automobile which, in this title, is held to be an area ten feet (10') wide and eighteen feet (18') long, not including passageways.

PLAT: A map of a subdivision.

RESIDENCE: A building designed or used exclusively as permanent living quarters.

TOWNHOME / TOWNHOUSE: A building consisting of three (3) or more attached one-family units not more than two and one-half (2-1/2) stories in height.

STRUCTURE: Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

YARD: A required open space on the same lot with a building or structure.

YARD, FRONT: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

YARD, SIDE: A yard extending from the front yard to the rear yard, extending between the building and side lot line. Any line not a rear line or a front line shall be deemed a side line. (1968 Code ch. 12)

**CHAPTER 2
ZONING DISTRICTS, MAP**

SECTION:

8-2-1: Districts Established

8-2-2: Zoning Map

8-2-3: Interpretation Of District Boundaries

8-2-1: DISTRICTS ESTABLISHED:

The village is hereby divided into the following types of districts:

- | | | | |
|-----|------------------------------------|----|-------------------------------|
| I | Industrial district | A | Agricultural district |
| B | Business district | PI | Public/Institutional district |
| R | Residential district | C | Conservancy district |
| R-M | Multiple-family residence district | | |

8-2-2: ZONING MAP:

The boundaries of the above mentioned districts are shown upon a map, which map is designated as the official zoning map of the village of Reedsville. The official zoning map shall be and remain on file in the office of the Village Clerk-Treasurer, and all notations, references and other information shown thereon are a part of this title and have the same force and effect as if said zoning map and all such notations, references and other information shown thereon were fully set forth or described herein. (1968 Code ch. 12)

8-2-3: INTERPRETATION OF DISTRICT BOUNDARIES:

A. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or highway right of way lines, such centerlines, street lines or highway right of way lines shall be construed to be such boundaries.

B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right of way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.

D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

E. Questions concerning the exact location of district boundary lines shall be determined by the village planning commission. (1968 Code ch. 12)

**CHAPTER 3
GENERAL ZONING PROVISIONS**

SECTION:

8-3-1: Use

8-3-2: Height, Density, Lot Area And Yards

8-3-3: Yards And Open Space

8-3-4: Substandard Lots

8-3-5: Frontage

8-3-6: Visibility

8-3-7: Accessory Buildings

8-3-8: Temporary, Garage Or Trailer Dwellings

8-3-9: Floor Area

8-3-10: Building Grades

8-3-11: Moving Buildings

8-3-12: Excavations Or Holes

8-3-13: Removal Of Soil, Sand Or Other Material

8-3-14: Storage, Dumping Of Waste, Junk, Garbage

8-3-15: Prior Construction

8-3-16: Approval Of Plats

8-3-17: Essential Services

8-3-18: Nonconforming Buildings And Uses

8-3-19: Location Of Mobile Homes Outside Mobile Home Parks

8-3-20: Special Requirements Governing Home Occupations

8-3-1: USE:

No building or land shall hereafter be used or occupied and no building shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located. (1968 Code ch. 12)

8-3-2: HEIGHT, DENSITY, LOT AREA AND YARDS:

No building shall hereafter be erected or altered:

- A. To exceed the height,
- B. To accommodate or house a greater number of families,
- C. To occupy a greater percentage of lot area, or
- D. To have narrower or smaller rear yards or front yards, than is specified herein for the district in which such building is located. (1968 Code ch. 12)

8-3-3: YARDS AND OPEN SPACE:

No part of a yard or open space about any building required for the purpose of complying with the provisions of this title shall be included as a part of a yard or other open space similarly required for another building. An open porch or terrace may occupy a front yard; provided that the unoccupied portion of the front yard furnishes a depth of not less than fifteen feet (15'). A one-story bay window may project not more than three feet (3') beyond the front line of the building. (1968 Code ch. 12)

8-3-4: SUBSTANDARD LOTS:

Any lot in a single ownership which ownership was of record at the time of the effective date hereof that does not meet the requirements of this title for yards, courts or other areas of open space may be utilized for single residence purposes, provided the requirements for such yard or court area, width, depth or open space is within seventy five percent (75%) of that required by the terms of this title. The purpose of this provision is to permit utilization of recorded lots which lack adequate width or depth as long as reasonable living standards can be provided. (1968 Code ch. 12)

8-3-5: FRONTAGE:

Every building shall front upon a public street and shall conform to the minimum frontages established by Table 2 – District Dimensional Standards.

8-3-6: VISIBILITY:

No wall, fence or shrubbery shall be erected, maintained or planted on any lot which unreasonably obstructs or interferes with traffic visibility on a curve or at any street intersection. (1968 Code ch. 12)

8-3-7: ACCESSORY BUILDINGS:

An accessory building attached to the principal building, on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this title applicable to the principal building. Breezeways, for the purpose of this title, as an attachment between the garage and the main building, shall be considered as part of the main building, but breezeways shall not be considered as constituting usable dwelling unit/working space. (1968 Code ch. 12)

- A. Accessory buildings and structures are allowed in all zoning districts per those listed in Table 3 – Table of Allowed Accessory Uses.
- B. Accessory buildings and structures shall conform to all dimensional standards as shown in Table 4 – Accessory Use Dimensional Standards.

8-3-8: TEMPORARY, GARAGE OR TRAILER DWELLINGS:

Basements, garages, or trailers shall not be used for dwelling purposes, except as specifically provided for in this title. (1968 Code ch. 12)

8-3-9: FLOOR AREA:

Every dwelling unit shall meet the standards contained in Table 2 – District Dimensional Standards.

8-3-10: BUILDING GRADES:

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit runoff of surface water to flow onto the adjacent properties. Grades shall be approved by the street committee of the village board. (1968 Code ch. 12)

8-3-11: MOVING BUILDINGS:

See section 7-1-9 of this code. (Ord. 4-00, 8-22-2000)

8-3-12: EXCAVATIONS OR HOLES ¹ :

The construction, maintenance or existence within the village of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, or of any excavations, holes or pits which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this section shall not prevent any excavation under a permit issued pursuant to this title or the building code of the village, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Village Clerk-Treasurer; and, provided further, that this section shall not apply to lakes, streams or other natural bodies of water, or to ditches, streams, reservoirs or other major bodies of water created or existing by authority of any government agency. (1968 Code ch. 12)

Notes:

1 See also section 2-1-4 of this code.

8-3-13: REMOVAL OF SOIL, SAND OR OTHER MATERIAL:

The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any district, except under a temporary certificate from the Village Clerk-Treasurer issued upon approval of the village planning commission and on condition that such removal of soil will not be below the normal building grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the village street committee. A temporary certificate may be issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect, or leave the surface of the land at the expiration of such permit in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the Village Clerk-Treasurer and a building permit has been issued and a contract let for said building development. (1968 Code ch. 12)

8-3-14: STORAGE, DUMPING OF WASTE, JUNK, GARBAGE:

The use of land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping, disposal or salvage of automobiles, scrap, iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or byproducts shall not be permitted in any district, except as specifically permitted in chapter 4 of this title. The dumping of dirt, sand, rock or other material excavated from the earth is permitted in any district, provided the surface of such material is graded within a reasonable time in a manner preventing the collection of stagnant water, and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district. (1968 Code ch. 12)

8-3-15: PRIOR CONSTRUCTION:

Nothing in this title shall be deemed to require any change in the plans, construction or designated use of any building upon which actual construction was lawfully begun prior to the effective date hereof and upon which actual construction has been diligently carried on, and provided further that such building shall be completed within two (2) years from the effective date hereof. (1968 Code ch. 12)

8-3-16: APPROVAL OF PLATS:

No proposed plat of a new subdivision shall hereafter be approved by either the village board or the village plan commission unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this title, and unless such plat fully conforms with the statutes of the state and the ordinances of the village. (1968 Code ch. 12)

8-3-17: ESSENTIAL SERVICES:

Essential services shall be permitted as authorized under any franchise or that may be regulated by any law of the state or any ordinance of the village, it being the intention hereof to exempt such essential services from the application of this title. (1968 Code ch. 12)

8-3-18: NONCONFORMING BUILDINGS AND USES:

The lawful use of a building or premises existing at the time of the adoption or amendment of the village zoning regulations may be continued although such use does not conform with the provisions of said zoning regulations. Such nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building shall not, during its life, exceed fifty percent (50%) of the assessed value of the building unless permanently changed to a conforming use. If such nonconforming use is discontinued for a period of twelve (12) months, any future use of the building and premises shall conform to this title. (1968 Code ch. 12)

8-3-19: LOCATION OF MOBILE HOMES OUTSIDE MOBILE HOME PARKS:

A. It shall be unlawful, within the limits of the village, for any person to park any mobile home on any street or other public place or on any tract of land owned by any person, occupied or unoccupied, within the village except as provided in this code.

B. Emergency or temporary stopping or parking is permitted on any street for not longer than three (3) hours, subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations for that street.

C. No person shall park or occupy any mobile home on the premises of any occupied dwelling, or any lot which is not part of the premises of any occupied dwelling, either of which being not an approved mobile home park, except the parking of only one unoccupied camping or travel trailer in an accessory private garage building, or in a rear yard in any district, is permitted, providing no living quarters shall be maintained or any business practiced in said camping or travel trailer while parked or stored. (1981 Code)

8-3-20: SPECIAL REQUIREMENTS GOVERNING HOME OCCUPATIONS:

The following requirements shall apply to home occupations where permitted through the conditional use permit process (see Section 8-12-4):

A. No persons other than members of the family owning the premises shall be engaged in home occupations.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five percent (25%) of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of home occupation.

C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of conduct of such home occupation that will indicate from the exterior that the building is utilized in part for any purpose other than that of a dwelling unit, except that a name plate, not more than three (3) square feet in size, nonilluminated, may be permitted.

D. No home occupation shall be conducted in any accessory building nor shall there be any exterior storage of any materials on the premises.

E. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and not located in any required yard except as herein provided.

F. No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not normally associated with the average residential use in the district.

G. Home occupations shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman or other professional persons for consultation or emergency treatment, but not for the general practice of his profession.

H. The following uses have a tendency to expand beyond the provisions for home occupations and thereby impair the character of residential areas, therefore, they shall not be permitted as accessory uses in residential districts: small motor repair, painting of vehicles or boats, television repair, auto repair.

I. Before anyone shall engage in any customary home occupation, they shall first obtain a conditional use permit. This permission shall not be retroactive to include all preexisting home occupations, and all home occupations must be approved through the conditional use permit process.

J. Any building used for a customary home occupation, shall be deemed to be a public building and subject to fire inspections under section 5-1-2 of this code. (Ord., 1-3-1984)

**CHAPTER 4
I INDUSTRIAL DISTRICT**

SECTION:

8-4-1: Uses Permitted

8-4-2: Dimensional Standards

8-4-1: USES PERMITTED

Land shall be used and buildings or structures shall be erected, altered, enlarged or used for any purpose as established in Table 1 – Table of Allowed Principal Uses.

8-4-2: DIMENSIONAL STANDARDS

All buildings, structures, and uses shall meet the dimensional standards as established in Table 2 – District Dimensional Standards.

**CHAPTER 5
B BUSINESS DISTRICT**

SECTION:

8-5-1: Uses Permitted

8-5-2: Dimensional Standards

8-5-1: USES PERMITTED:

Land shall be used and buildings or structures shall be erected, altered, enlarged or used as established in Table 1 – Table of Allowed Principal Uses.

8-5-2: DIMENSIONAL STANDARDS

All buildings, structures, and uses shall meet the dimensional standards as established in Table 2 – District Dimensional Standards.

**CHAPTER 6
R RESIDENTIAL DISTRICT**

SECTION:

8-6-1: Uses Permitted

8-6-2: Dimensional Standards

8-6-1: USES PERMITTED:

Land shall be used and buildings or structures shall be erected, altered, enlarged or used as established in Table 1 – Table of Allowed Principal Uses.

8-6-2: DIMENSIONAL STANDARDS

All buildings, structures, and uses shall meet the dimensional standards as established in Table 2 – District Dimensional Standards.

**CHAPTER 7
R-M MULTIPLE-FAMILY RESIDENCE DISTRICT**

SECTION:

8-7-1: Uses Permitted

8-7-2: Dimensional Standards

8-7-1: USES PERMITTED:

Land shall be used and buildings or structures shall be erected, altered, enlarged or used as established in Table 1 – Table of Allowed Principal Uses.

8-7-2: DIMENSIONAL STANDARDS

All buildings, structures, and uses shall meet the dimensional standards as established in Table 2 – District Dimensional Standards.

**CHAPTER 8
A AGRICULTURAL DISTRICT**

SECTION:

8-8-1: Uses Permitted

8-8-2: Dimensional Standards

8-8-1: USES PERMITTED:

Land shall be used and buildings or structures shall be erected, altered, enlarged or used as established in Table 1 – Table of Allowed Principal Uses.

8-8-2: DIMENSIONAL STANDARDS

All buildings, structures, and uses shall meet the dimensional standards as established in Table 2 – District Dimensional Standards.

**CHAPTER 9
C CONSERVANCY DISTRICT**

SECTION:

8-9-1: Uses Permitted

8-9-2: Dimensional Standards

8-9-1: USES PERMITTED:

The Conservancy District’s purpose is to limit development within areas along or near water features and wetlands within the Village of Reedsville. The boundaries of the Conservancy District are established on the official zoning map by using the outermost extent of either a WDNR identified wetland area, or the existing flood hazard boundary as defined by FEMA. The Conservancy District also includes any public park and recreation lands owned by the Village of Reedsville.

Land shall be used and buildings or structures shall be erected, altered, enlarged or used as established in Table 1 – Table of Allowed Principal Uses.

8-9-2: DIMENSIONAL STANDARDS

All buildings, structures, and uses shall meet the dimensional standards as established in Table 2 – District Dimensional Standards.

Village of Reedsville Zoning Ordinance

As amended, March 9, 2020

Table 1 - Table of Allowed Principal Uses

P = Permitted PA = Permitted Accessory Use C = Conditional Use Use Not Allowed

Land Use	Other Code References and Standards	Zoning District						
		Agricultural A	Residential R	Residential Multi-Family RM	Business B	Industrial I	Public / Institutional PI	Conservancy C
AGRICULTURAL								
Farming (agricultural production - crops, animal husbandry)		P	P					P
Swine or hog farming								
Fur farming								
Agricultural related accessory buildings and uses		P						
Animal hospital		C						
Roadside stands for sale of products grown or raised on premises, provided such stands are located not less than thirty feet (30') from any public street or highway right of way		P						P
RESIDENTIAL								
Single-Family Residential		P	P					
Duplex Residential			P					
Residential Accessory Buildings & Structures	Table 3 & Table 4		P					
Customary home occupations	Sec. 8-3-21		C	C				
Temporary real estate signs, not to exceed twenty five (25) square feet in area, (1968 Code ch. 12; amd. Ord., 1-3-1984)			PA					
Apartment houses not exceeding sixteen (16) dwelling units.				P				
Town Homes not exceeding six (6) dwelling units.	(1968 Code ch. 12; amd. Ord. 2002-1, 4-1-2002)			P				
Mobile home courts				C				
Boarding houses and rooming houses				C				
Sleeping quarters of a watchman or a caretaker						P		
BUSINESS								
Banks					P			
Offices					P			
Studios					P			
Theaters					P			
Restaurants					P			
Taverns					P			
Bowling alleys					P			
Golf courses					C			C
Hotels, Motels					P			
Funeral homes					P			
Bus passenger station					C			
Garage and filling station					P			
Fraternal organizations, lodges, clubs and organization meeting places					P			
Manufacturing or processing which is clearly incidental to commercial use is permitted and employs no more than 10 persons					C			
Newspaper offices and printing plants					P			
Plumbers and plumbing shops					P			
Stores and shops for the conducting of any retail or wholesale business					P			
Medical clinics other than hospitals					P			
Commercial Accessory Buildings & Structures	Table 3 & Table 4				PA			
INDUSTRIAL								
Wholesale business, lumberyard and warehouse, with bulk storage of petroleum products to be underground only, said tanks to be buried within an area of thirty three thousand (33,000) square feet minimum; said site to be approved by the fire chief and the village board	(Ord. 2011-5, 11-7-2011)					P		
Storage, collection or accumulation of used lumber and other used materials, or for the dumping, disposal or salvage of automobiles, scrap iron, junk, garbage, rubbish or other refuse, or of ashes, slag or other industrial wastes or byproducts						C		
Acid manufacturing								
Cement, lime, gypsum or plaster of paris manufacturing								
Fertilizer manufacturing and potash refining								
Fireworks, explosive or match manufacturing								
Garbage, offal or dead animal reduction or dumping, except by the village or its agents								
Glue manufacturing, fat rendering or distillation of bones								
Petroleum or other inflammable liquids, production or refining								
Industrial Accessory Buildings & Structures	Table 3 & Table 4					PA		
PUBLIC / INSTITUTIONAL								
Church							C	
School (public or private)							C	
Cemetery							P	
Post Office							P	
Government Offices & Buildings							P	
Government Support Facilities							C	
Hospital							C	
Museum							P	
Public utility buildings							P	
Parks, Parkways, Public playgrounds and public recreation areas.		P					P	C
Public / Institutional Accessory Buildings & Structures	Table 3 & Table 4						PA	

Village of Reedsville Zoning Ordinance

As amended, March 9, 2026

Table 2 - District Dimensional Standards

Dimensional Standard	Zoning District						
	Agricultural A	Residential R	Residential Multi-Family RM	Business B	Industrial I	Public / Institutional PI	Conservancy C
Minimum Building Size	720 sq. ft. for single family residence	720 sq. ft. for single family residence, 600 sq. ft. per unit for duplex and townhome residences	400 sq. ft. per unit	None	None	None	n/a
Maximum Building Height	2-1/2 stories or 35 feet for residences, other principal and accessory buildings shall not exceed 75 feet	2-1/2 stories or 35 feet	2-1/2 stories or 35 feet	2 stories or 30 feet	4 stories or 75 feet	2-1/2 stories or 35 feet, except for water storage towers which have no height limit	75 feet
Minimum Lot Size	5 acres (or 217,800 sq. ft.)	7,200 sq. ft. or 5,400 sq. ft. for existing lots of record prior to Dec. 31, 1968	7,200 sq. ft. plus 3,600 sq. ft. per additional unit	8,500 sq. feet	10,000 sq. ft.	None	None
Maximum Lot Coverage (incl. principal, conditional use, and accessory buildings and structures)	None	30%	35%	40%	40%	50%	10%
Minimum Lot Width / ROW Frontage	50 feet	60 feet	50 feet	50 feet	50 feet	50 feet	None
Front Yard Building Setback	30 feet	30 feet	25 feet	5 feet for parcels fronting Manitowoc Street / 30 feet for all other parcels	50 feet	25 feet	25 feet
Rear Yard Building Setback	30 feet	25 feet	25 feet	None, except when abutting an R or RM District there shall be a rear yard of not less than 25% of the depth of the lot or greater than 25 feet	Whenever the I district abuts upon any other district, every building or industrial use of the property shall set back from the property line of such other district a minimum of 100 feet	25 feet	25 feet
Side Yard Building Setback	30 feet	7 feet, except for corner lots the side yard adjacent to the street shall be not less than 15 feet	7 feet, except for corner lots the side yard adjacent to the street shall be not less than 15 feet	None, except when abutting an R or RM District, side yard building setback shall be 10 feet	Whenever the I district abuts upon any other district, every building or industrial use of the property shall set back from the property line of such other district a minimum of 100 feet	10 feet	10 feet

Village of Reedsville Zoning Ordinance

As amended, March 9, 2026

Table 3 - Table of Allowed Accessory Uses

P = Permitted Accessory Use;

C = Conditional Accessory Use

Use Not Allowed

Accessory Use, Buildings and Structures	See for Additional Regulations	Is Permit Required?	Zoning District						
			Agricultural (A)	Residential (R)	Residential Multi-Family (RM)	Business (B)	Industrial (I)	Public / Institutional (PI)	Conservancy (C)
Antennas		Yes	PA	PA	PA	PA	PA	PA	PA
Berms		Yes	PA	PA	PA	PA	PA	PA	PA
Decks		Yes	PA	PA	PA	PA	PA	PA	PA
Driveway, grass/natural areas		No	PA						PA
Driveway, gravel		Yes	PA					PA	PA
Driveway, paved (asphalt, concrete, pavers, etc.)		Yes	PA	PA	PA	PA	PA	PA	PA
Electric Vehicle Charging Stations (EVCS)		Yes	PA	PA	PA	PA	PA	PA	PA
Fences/walls/privacy screens		Yes	PA	PA	PA	PA	PA	PA	PA
Firewood		No	PA	PA	PA				PA
Flatwork		Yes	PA	PA	PA	PA	PA	PA	PA
Garages		Yes	PA	PA	PA	PA	PA	PA	PA
Gardens (including composting) nurseries and orchards, provided no sales are conducted on the premises.		No	PA	PA	PA	PA	PA	PA	PA
Gazebos		Yes	PA	PA	PA	PA	PA	PA	PA
Geothermal equipment for private use not associated with a public or private utility		Yes	PA	PA	PA	PA	PA	PA	PA
Greenhouse (detached)		Yes	PA	PA	PA	PA	PA	PA	PA
Heating devices, outdoor		Yes							
Home occupations	Section 8-12-4	Yes, Conditional Use	C	C	C				
Hot tubs		Yes	PA	PA	PA				PA
Hunting blinds		No	PA						PA
Landscaping		Yes, only for non-residential	PA	PA	PA	PA	PA	PA	PA
Outdoor Storage, Temporary		No	PA			PA	PA	PA	
Patio		Yes	PA	PA	PA	PA	PA	PA	PA
Parking area, grass/natural areas		No	PA						PA
Parking area, gravel		Yes	PA					PA	PA
Parking area, paved (asphalt, concrete, pavers etc.)		Yes	PA	PA	PA	PA	PA	PA	PA
Parking (outdoor) of commercial vehicles and equipment		No	PA			PA	PA	PA	
Parking (enclosed) or storage of not more than one commercial or service vehicle provided it is used by the occupant(s).		No	PA	PA	PA	PA	PA	PA	
Parking of Boats, Trailers, Recreational Vehicles etc.		No	PA	PA	PA				PA
Pergolas		Yes	PA	PA	PA	PA	PA	PA	PA
Playsets		No	PA	PA	PA	PA	PA	PA	PA
Portable Storage Unit		No	PA	PA	PA	PA	PA	PA	
Public utility installations (other than solar or wind).		Yes	PA	PA	PA	PA	PA	PA	PA
Residential (single-family) dwellings shall be considered accessory to agricultural uses, provided such dwellings are occupied by a person or a family at least one member of which earns a substantial part of his or her livelihood from farming operations on the farm parcel or is the parent or child of the farm operator.		Yes	PA						
Residential quarters for caretakers or clergy		Yes						PA	
Roadside Stand (farm produce, etc.)		No	PA			PA		PA	
Sheds (detached)		Yes	PA	PA	PA	PA	PA	PA	
Stockpile/Construction Stockpile		No	PA	PA	PA	PA	PA	PA	PA
Swimming Pools, private		Yes	PA	PA	PA				
Signs / Awnings	Chapter 1 - Section 2-1-9	Yes	PA	PA	PA	PA	PA	PA	PA
Stormwater Facility		Yes	PA	PA	PA	PA	PA	PA	PA

**CHAPTER 10
OFF STREET PARKING AND LOADING**

SECTION:

8-10-1: Parking Spaces Required

8-10-2: Parking Spaced for Handicapped Persons

8-10-3: Reduction Of Parking Space

8-10-4: Unspecified Uses And Mixed Occupancies

8-10-5: Off Street Loading Requirements

8-10-6: Parking Areas Development And Maintenance

8-10-1: PARKING SPACES REQUIRED:

The following off street parking spaces shall be provided and satisfactorily maintained by the owner of the property, for each building which, after the effective date hereof, is erected, enlarged or altered for use for any of the following purposes:

Bank or offices	1 parking space for each 200 square feet of floor space
Bowling alley	At least 2 spaces for each alley
Churches, auditoriums and other places of assembly with fixed seats	1 parking space for each 6 seats based on maximum seating capacity of the main assembly room
Dance hall and other places of assembly without fixed seats	At least 1 parking space for each 200 square feet of floor space
Dwelling	At least 1 parking space for each dwelling unit in the building or buildings
Establishments for the sale and consumption on the premises of food, alcoholic beverages or refreshments	At least 1 parking space for each 300 square feet of floor area
Manufacturing or warehousing establishments	1 space for every 5 employees during largest 8 hour shift
Mortuary or funeral home	1 parking space for each 100 square feet in the main place of assembly
Retail establishments	1 space for each 200 square feet of floor space
Tourist cabins and motels	At least 1 parking space for each lodging unit
Wholesale establishments	1 parking space for each 3 employees

(1968 Code ch. 12; amd. Ord. 2003-8, 11-17-2003)

8-10-2: PARKING SPACES FOR HANDICAPPED PERSONS

- A. Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate handicapped persons, and these shall be clearly marked as such.
- B. Handicapped stalls shall be located in close proximity to the principal entrance(s).
- C. Parking spaces shall be designed in accordance with the state and federal building code and, as a minimum, shall meet the Federal ADA standards (<https://www.ada.gov/topics/parking/>).
- D. Handicap ramps shall meet the Federal ADA standards.
- E. The number of handicapped accessible parking space shall be dictated by the standards in Table 10-1 below:

Table 10-1: Required Handicapped Accessible Parking Spaces

Total Number of Parking Spaces Provided in a Parking Lot or Facility	Minimum Number of Accessible Parking Spaces Permitted
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100, or fraction thereof, over 1,000
At least one of every six spaces must be van accessible.	

Source: 2010 ADA Standards for Accessible Design

8-10-3: REDUCTION OF PARKING SPACE:

Off-street parking space required under this chapter may be reduced at a time when the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction, however, shall not be below the standards as set forth in this chapter. (1968 Code ch. 12)

8-10-4: UNSPECIFIED USES AND MIXED OCCUPANCIES:

In the case of a use not specifically mentioned in this chapter, the requirements for off street parking facilities shall be the same as for the above mentioned uses which, in the opinion of the village planning commission, shall be deemed most similar. In the case of mixed uses, the total requirements for off street parking facilities shall be the sum of the requirements for the various uses computed separately. (1968 Code ch. 12)

8-10-5: OFF STREET LOADING REQUIREMENTS:

On the same lot with every building, structure or part thereof, erected hereafter to be used for other than exclusive dwelling purposes, there shall be provided on the lot, adequate space for standing, loading and unloading motor vehicles in order to avoid undue interference with the public use of streets or alleys. Such space, unless otherwise adequately and specifically provided for, shall include a ten foot by twenty five foot (10' x 25') loading space, with fifteen feet (15') height clearance, and one such space shall be provided for each twenty thousand (20,000) square feet or fraction thereof of floor or lot area used for other than residential purposes. (1968 Code ch. 12)

8-10-6: PARKING AREAS DEVELOPMENT AND MAINTENANCE:

Every parcel of land hereafter used as a public or private parking area shall be developed and maintained by the owner in accordance with the following requirements:

Off street parking area for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district, by a fence of acceptable design, wall or compact hedge. Such fence, wall or hedge shall not be less than four feet (4') and no solid portion shall be more than six feet (6') in height and shall be maintained in good condition. The space between such fence, wall or hedge and the side lot line of adjoining premises in any residential district shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. (1968 Code ch. 12)

**CHAPTER 11
ZONING BOARD OF APPEALS**

SECTION:

8-11-1: Creation, Appointment And Organization

8-11-2: Procedure, Rules, Meetings And Minutes

8-11-3: Appeal Procedure

8-11-1: CREATION, APPOINTMENT AND ORGANIZATION:

A board of appeals is hereby created having the powers authorized in section 62.23, Wisconsin statutes. Said board shall consist of five (5) members, appointed by the village president subject to confirmation of the village board, for terms of three (3) years, except that of those first appointed, one shall serve for one year, two (2) for two (2) years and two (2) for three (3) years. Vacancies shall be filled for the remainder of the unexpired term only. All members of the board shall serve without compensation. (1968 Code ch. 12)

8-11-2: PROCEDURE, RULES, MEETINGS AND MINUTES:

The chairman of the board of appeals shall be designated by the village president. The board shall adopt its own rules of procedure deemed necessary to carry out the provisions of this chapter. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question. The presence of four (4) members shall be necessary to constitute a quorum. (1968 Code ch. 12)

8-11-3: APPEAL PROCEDURE:

Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or commission of the village affected by any decision or ruling made under this title. Such appeal shall be taken within fifteen (15) days after the decision or ruling by filing with the Village Clerk-Treasurer and with the board an application and notice of appeal, along with any subject fees, specifying the grounds, therefore. The Village Clerk-Treasurer shall forthwith transmit to the board all of the papers constituting the record upon which the action appealed from was taken.

A. Stay Of Proceedings: An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Village Clerk-Treasurer certifies to the board of appeals, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would, in their opinion, 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 board of appeals or by a court of record on application, on notice to the Village Clerk-Treasurer from whom the appeal was taken.

B. Public Hearing and Notification

1. A public hearing on all appeals or variances shall be held by the Board of Appeals within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant.

2. Notice of such public hearing shall be given pursuant to Ch. 985, Wis. Stats.

3. Not less than 10 days before the hearing, a copy of the notice shall be provided to the following. Failure to give such notice(s) shall not invalidate the public hearing nor any decision on the proposed appeal or variance.

(a) The clerk of any municipality whose boundaries are within 1,000 feet of property affected by a proposed appeal or variance.

(b) Property owners of all lands located within 300 feet of any part of the parcel(s) affected by a proposed appeal or variance.

C. Powers Of Board: The board of appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto.
2. To hear and decide special exception to the terms of this zoning title upon which such board is required to pass under such title.
3. To authorize, upon appeal in specific cases, such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title will result in practical difficulty or unnecessary hardship, so that the spirit of this title shall be observed, public safety and welfare secured and substantial justice done.
4. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this title, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

D. Decisions Of The Board: In exercising the above mentioned powers, the board may, in conformity with the provisions of this title, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, 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, and may issue the permit. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of the Village Clerk-Treasurer or to decide in favor of the applicant on any matter upon being brought before the board as required by this title. The grounds of every such determination shall be stated. (1968 Code ch. 12)

**CHAPTER 12
ZONING ADMINISTRATION AND ENFORCEMENT**

SECTION:

8-12-1: Building Permit Required

8-12-2: Administrative Officials Designated

8-12-3: Amendments

8-12-4: Conditional Use Permits

8-12-5: Violations And Penalties

8-12-1: BUILDING PERMIT REQUIRED:

It shall be unlawful for any person to commence excavation for or construction of any building or structure, or structural changes in any existing building or structure without first obtaining a building permit from the Village Clerk-Treasurer. No permit shall be issued for the construction,

alteration or remodeling of any building or structure until application has been submitted in accordance with the provisions of this title, showing that the construction proposed is in compliance with the provisions of this title and other regulations of the village. (1968 Code ch. 12)

8-12-2: ADMINISTRATIVE OFFICIALS DESIGNATED:

Except as otherwise provided in this title, the Village Clerk-Treasurer shall administer and enforce the provisions hereof, including the receiving of applications, the inspection of premises and the issuing of building permits. In cases of violation of the provisions of this title, said inspector shall notify the village attorney who shall issue warrants or such other legal proceedings as are necessary. (1968 Code ch. 12)

8-12-3: AMENDMENTS:

- A. The village board may, from time to time, on its own motion, or on petition, or on recommendation of the planning board, amend, supplement or repeal the regulations and provisions of this title after public notice and hearing. (1968 Code ch. 12)
- B. INITIATION. Zoning map or text amendments may be initiated by the Village Board, Plan Commission, or by any interested person or organization.

C. APPLICATION.

1. Application. All applications for an amendment to this Chapter shall be made to the Village Clerk-Treasurer using forms furnished by the Village of Reedsville. Such application shall include, at a minimum, the following:

(a) Name and address of the petitioner.

(b) Signature of the petitioner.

(c) If the application is for a zoning text amendment, the proposed text changes including reference(s) to the affected section(s) of this Chapter.

(d) If the application is for a zoning map amendment, a description of the affected property, the current zoning district classification(s), and the proposed zoning district classification(s)

(e) Fees.

[1] Application for an amendment shall be accompanied by a fee established by the Village Board.

[2] The applicant shall pay the total cost associated with public hearing notification and legal publications to the Village of Reedsville.

[3] Costs associated with a third-party consultant hired by the Village for review of an application (e.g., planning, engineering, architectural, legal, etc.) may be the responsibility of the applicant.

2. No application shall be accepted by the Village Clerk-Treasurer until complete as judged by the Village Clerk-Treasurer and until the fee established by the Village Board has been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

D. PUBLIC HEARING AND NOTIFICATION.

1. A public hearing on all proposed amendments shall be held by the Plan Commission within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant.

2. Notice of such public hearing shall be given pursuant to Ch. 985, Wis. Stats.

3. Not less than 10 days before the hearing, a copy of the notice shall be provided to the following. Failure to give such notice(s) shall not invalidate the public hearing nor any decision on the proposed amendment.

(a) The clerk of any municipality whose boundaries are within 1,000 feet of property affected by a proposed amendment. (Note: For zoning text amendments, it is assumed that all properties within the Village are affected)

(b) For zoning maps amendments (rezoning), property owners of all lands located within 300 feet of any part of the parcel(s) affected by a proposed zoning map amendment.

E. PLAN COMMISSION RECOMMENDATION.

1. Within 45 days after the public hearing and after consideration of comments provided therein, the Plan Commission shall review the proposed amendment and make a recommendation to the Village Board that the application be granted as requested or modified, or denied, unless the time is extended by agreement with the applicant. If the Plan Commission fails to make a recommendation within this timeframe, the proposed amendment shall be forwarded to the Village Board without recommendation.

2. The Plan Commission shall not recommend adoption of a proposed amendment unless it finds that adoption of such amendment is consistent with the Village's adopted comprehensive plan and is in the public interest.

F. VILLAGE BOARD ACTION.

1. Within 120 days after receipt of a complete application, the Village Board shall review the proposed amendment and Plan Commission recommendation, and act to approve or deny the proposed amendment, unless the time is extended by agreement with the applicant. Failure of the Village Board to act within such timeframe shall constitute approval of the proposed amendment as presented. The Village Board may approve an amendment by a favorable vote of a simple majority of a voting quorum.

2. The Village Board shall not approve an amendment unless it finds that adoption of such amendment is consistent with the Village's adopted comprehensive plan and is in the public interest.

G. EFFECT OF DENIAL. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Village Clerk-Treasurer.

8-12-4: CONDITIONAL USE PERMITS

A. APPLICABILITY.

(1) A conditional use permit shall be required for the establishment of each use listed as a conditional use in Table 1 of this Chapter.

(2) Expansions, changes to, or substitution of a use permitted as a conditional use shall require a conditional use permit and shall be subject to review and approval in accordance with this Section, except that the minor expansion of a building housing a use permitted as a conditional use which will not increase the scale or intensity of such use and will not increase the floor area of such building shall only require a building/zoning permit.

B. APPLICATION

(1) Application. All applications for conditional use permits shall be made to the Village Clerk-Treasurer using forms furnished by the Village of Reedsville. Such application shall include the following:

(a) Facts and information, other than merely personal preferences or speculation, directly pertaining to the conditions and requirements relating to the conditional use, including the required information and plans as indicated on the application form furnished by the Village.

(b) Plans and data which include:

[1] The location, size and shape of the lot(s) involved and of any existing and proposed structures;

[2] The existing and proposed use of each structure and lot.

[3] Such factors as existing and proposed drainage, sanitary sewage disposal, water systems, waste disposal, driveway locations, off-street parking, highway access, neighboring land uses, and such other information regarding the proposed conditional use and surrounding area that may be required to determine conformity with this Chapter.

(c) Fees.

[1] Application for conditional use permit shall be accompanied by a fee established by the Village Board.

[2] The applicant shall pay the total cost associated with public hearing notification and legal publications to the Village of Reedsville.

[3] Costs associated with a third-party consultant hired by the Village for review of an application (e.g., planning, engineering, architectural, legal, etc.) may be the responsibility of the applicant.

(2) No application shall be accepted by the Village Clerk-Treasurer until complete as judged by the Village Clerk-Treasurer and until the fee established by the Village Board has been paid in full. Submittal of a complete application and required application fee does not guarantee approval/issuance of the permit, certificate, or request.

C. PUBLIC HEARING AND NOTIFICATION.

(1) A public hearing on all conditional use permits shall be held by the Plan Commission within 45 days after receipt of a complete application, unless the time is extended by agreement with the applicant.

(2) Notice of such public hearing shall be given pursuant to Ch. 985, Wis. Stats.

(3) Not less than 10 days before the hearing, a copy of the notice shall be provided to the clerk of any municipality whose boundaries are within 1,000 feet of property affected by a conditional use permit and property owners of all lands located within 300 feet of any part of the parcel(s) affected by a conditional use permit. Failure to give such notice(s) shall not invalidate the public hearing nor any decision on the conditional use permit.

D. PLAN COMMISSION RECOMMENDATION.

(1) Within 45 days after the public hearing and after consideration of comments provided therein, the Plan Commission shall review the conditional use permit application and make a recommendation to the Village Board that the permit be approved as proposed, approved with conditions or modifications, or denied, unless the time is extended by agreement with the applicant. If the Plan Commission makes a recommendation to deny the proposed conditional use permit, the Plan Commission shall include reasons for denial. If the Plan Commission fails to make a recommendation within this timeframe, the application shall be forwarded to the Village Board without recommendation.

(2) The Plan Commission recommendation to approve or deny the conditional use permit must be supported by substantial evidence.

E. VILLAGE BOARD ACTION

(1) Within 120 days after receipt of a complete application, the Village Board shall review the conditional use permit application and Plan Commission recommendation, and act to approve, approve with conditions or modifications, or deny the permit, unless the time is extended by agreement with the applicant. Failure of the Village Board to act within such timeframe shall constitute approval of the conditional use permit as presented.

(2) The Village Board may approve a conditional use permit by a favorable vote of a simple majority of a voting quorum.

(3) The Village Board action/decision to approve or deny the conditional use permit must be supported by substantial evidence.

(4) An applicant's failure to demonstrate, by substantial evidence, that the application and all applicable requirements in this Chapter and conditions established by the Village

relating to the conditional use are or will be satisfied shall be grounds to deny the conditional use permit. At all times, the burden of proof to demonstrate satisfaction of these criteria remains with the applicant.

(5) A copy of the decision with any conditions or reasons for rejection shall be sent promptly to the applicant. If the application is denied, the reasons for denial shall be stated in the decision.

F. BASIS OF APPROVAL OR DENIAL

(1) The Plan Commission and Village Board shall review each conditional use permit application for compliance with all requirements applicable to that specific use and to all other relevant provisions of this Chapter. The Plan Commission and Village Board action/decision to approve or deny the conditional use permit must be supported by substantial evidence.

(2) To aid in the review and decision-making regarding the proposed conditional use, the Plan Commission and Village Board shall evaluate the following specific criteria, as applicable, but shall not be limited thereto:

(a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the health, safety, and general welfare of the Village and of the immediate area in which such use would be located.

(b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity nor adversely affect property values in the area.

(c) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surround property for uses allowed in the district.

(d) Adequate utilities, access, drainage, and/or other necessary facilities have been or are being provided.

(e) The proposed use will be adequately served by essential public services and facilities and the use will not create excessive additional public costs or be detrimental to the economic welfare of the Village.

(f) Adequate measures have been or will be taken to provide ingress and egress and the proposed project will not adversely affect traffic flow and congestion on public streets.

(g) The conditional use conforms to the applicable regulations of the district in which it is located.

G. CONDITIONS

(1) The Village Board may, in approving an application for a conditional use permit, impose such conditions and requirements that it determines are required to prevent or minimize adverse effects from the proposed conditional use on other properties in the neighborhood and on the general health, safety, and welfare of the Village. All such conditions placed on a Conditional Use shall be:

- (a) Consistent with the general purpose or intent of this Chapter.
- (b) Based upon substantial evidence, defined as facts and information other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion; and
- (c) Measurable, to the extent practical.

H. EXPIRATION, DURATION, AND TRANSFER

- (1) Expiration. All conditional use permits shall expire 12 months from the date of authorization by the Village Board where the Village Board determines that no action has commenced to establish the authorized use.
- (2) Duration. A conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. The Village Board may, at its discretion, grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a public hearing before the Plan Commission and approval by the Village Board.
- (3) Transfer. Subsequent owners of the property are generally allowed to continue the use, subject to conditions and requirements imposed on the original conditional use permit.

I. REVOCATION OF CONDITIONAL USE PERMIT. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Village Board or should the use, or characteristics of the use be changed without prior written approval by the Village Board, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in this Chapter.

J. EFFECT OF DENIAL. No application that has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

8-12-5: VIOLATIONS AND PENALTIES:

- A. A violation of this title is an offense punishable by a fine not exceeding fifty dollars (\$50.00) or by imprisonment for a period not exceeding sixty (60) days or by both such fine and imprisonment.
- B. Whenever a violation of this title occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Village Clerk-Treasurer, who shall properly record such complaint and immediately investigate and report thereon to the village planning commission. (1968 Code ch. 12)

CHAPTER 13
FLOODPLAIN ZONING ORDINANCE

SECTION:

8-13-1: Statutory Authorization

8-13-2: Finding Of Fact

8-13-3: Statement Of Purpose

8-13-4: Title

8-13-5: General Provisions

8-13-6: General Standards Applicable To All Floodplain Districts

8-13-7: Floodway District (FW)

8-13-8: Flood Fringe District (FF)

8-13-9: General Floodplain District (GFP)

8-13-10: Nonconforming Uses

8-13-11: Administration

8-13-12: Amendments

8-13-13: Enforcement And Penalties

8-13-14: Definitions

8-13-1: STATUTORY AUTHORIZATION:

This chapter is adopted pursuant to the authorization in sections 61.35 and 62.23, and the requirements in section 87.30, Wisconsin statutes. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-2: FINDING OF FACT:

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-3: STATEMENT OF PURPOSE:

This chapter is intended to regulate floodplain development to:

- A. Protect life, health and property;
- B. Minimize expenditures of public funds for flood control projects;

- C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- D. Minimize business interruptions and other economic disruptions;
- E. Minimize damage to public facilities in the floodplain;
- F. Minimize the occurrence of future flood blight areas in the floodplain;
- G. Discourage the victimization of unwary land and home buyers;
- H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-4: TITLE:

This chapter shall be known as the FLOODPLAIN ZONING ORDINANCE FOR VILLAGE OF REEDSVILLE, WISCONSIN. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-5: GENERAL PROVISIONS:

A. Areas To Be Regulated: This chapter regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this chapter, where applicable.

B. Official Maps And Revisions: Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (1) below. Additional flood hazard areas subject to regulation under this chapter are identified on maps based on studies approved by the DNR and listed in subd. (2) below. These maps and revisions are on file in the office of the Village Clerk-Treasurer.

1. Official Maps: Based on the Flood Insurance Study (FIS):

2. Flood Insurance Rate Map (FIRM), panel numbers 55071C0140D and 55071C0145D, dated 08/02/2011;

3. Flood Insurance Study (FIS) for Manitowoc County, volumes 55071CV001E and 55071CV002E, dated 02/23/2023.

4. Approved by: the DNR and FEMA.

C. Establishment Of Floodplain Zoning Districts: The flood hazard areas regulated by this chapter are divided into districts as follows:

1. The floodway district (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE zones as

shown on the FIRM, or within A Zones shown on the FIRM when determined according to section 8-13-9(E) of this chapter.

2. The flood fringe district (FF) is that portion of a riverine special flood hazard area outside the floodway within AE zones on the FIRM, or, when floodway limits have been determined according to section 8-13-9(E) of this chapter, within A zones shown on the FIRM.

3. The general floodplain district (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

D. Locating Floodplain Boundaries: Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd. (1) or (2) below. If a significant difference exists, the map shall be amended according to section 8-13-12 of this chapter. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to section 8-13-11(C) of this chapter and the criteria in (1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to section 8-13-12 of this chapter.

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

2. Where flood profiles do not exist for projects, including any boundary of zone A, AO, the location of the boundary shall be determined by the map scale.

E. Removal Of Lands From Floodplain:

1. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet (2') above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to section 8-13-12 of this chapter.

2. The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgment form unless all criteria set forth in the following paragraphs are met:

a. The land and/or land around the structure must be filled at least two feet (2') above the regional or base flood elevation;

b. The fill must be contiguous to land outside the floodplain; applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;

3. Removal of lands from the floodplain may also occur by operation of section 87.30(1)(e), Wisconsin statutes if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

F. Compliance:

1. No structure or use within areas regulated by this chapter shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.

2. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with 8-13-13 of this chapter.

3. Floodplain development permits issued on the basis of plans and applications approved by the floodplain administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the floodplain administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with section 8-13-13 of this chapter.

G. Municipalities And State Agencies Regulated: Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wisconsin statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin department of transportation is exempt when section 30.2022, Wisconsin statutes, applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with federal, state, and local floodplain standards. If a local transportation project is located within a zone A floodplain and is not WisDOT project under section 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the floodplain administrator that the proposed project is a culvert replacement or bridge replacement under twenty feet (20') span at the same location, the project is exempt from a DNR permit under section 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

H. Abrogation And Greater Restrictions:

1. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under sections 61.35 for villages; or 87.30, Wisconsin statutes, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

I. Interpretation: In their interpretation and application, the provisions of this chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin statutes. If a provision of this chapter, required by chapter NR 116, Wisconsin administrative code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption hereof or in effect on the date of the most recent text amendment to this chapter.

J. **Warning And Disclaimer Of Liability:** The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by manmade or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This chapter does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

K. **Severability:** Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

L. **Annexed Areas For Cities And Villages:** The Manitowoc County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of chapter NR 116, Wisconsin administrative code and 44 CFR 59-72, national flood insurance program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location. (Ord. 2007-6, 11-19-2007; amd. Ord. 2011-4, 7-18-2011; Ord., 12-8-2022)

8-13-6: GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS:

A. **General Standards Applicable To All Floodplain Districts:** The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

1. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

- a. Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with flood-resistant materials;
- c. Be constructed by methods and practices that minimize flood damages; and
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.

2. If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

- a. Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
- b. Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- c. Adequate drainage is provided to reduce exposure to flood hazards.

3. 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 and all other requirements in section 8-13-11(A)(2) of this chapter.

B. Hydraulic And Hydrologic Analyses:

1. No floodplain development shall:

a. "Obstruct flow", defined as development which blocks 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 zoning administrator 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 8-13-12 of this chapter are met.

C. Watercourse Alterations: No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of subsection (B) of this section must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation, and pursuant to 8-13-12 of this chapter, the community 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.

D. Chapter 30, 31, Wisconsin Statutes Development: Development which requires a permit from the department, under chapters 30 and 31, Wisconsin statutes, such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to 8-13-12 of this chapter.

E. 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 agriculture, trade and consumer protection.

2. A land use permit for the campground is issued by the zoning administrator.

3. The character of the river system and the campground elevation are 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 subsection to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at risk parties, and the methods and personnel responsible for conducting the evacuation.

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 E4 of this section to remain in compliance with all applicable regulations, including those of the state department of agriculture, trade and consumer protection and all other applicable regulations. (Ord. 2007-6, 11-19-2007; amd. Ord. 2011-4, 7-18-2011)

6. All mobile recreational vehicles placed on site must meet one of the following:

- a. Be fully licensed, if required, and ready for highway use;
- b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
- c. Meet the requirements in either section 8-13-7, 8-13-8, or 8-13-9 of this chapter for the floodplain district in which the structure is located;

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.

7. All camping units that remain on site for more than thirty (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 consistent with subsection E6 and shall ensure compliance with all the provisions of this section.

8. The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this subsection.

9. 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.

10. All service facilities, including, but not limited to, refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

11. Standards for structures in a campground:

a. All structures must comply with this section or meet the applicable requirements in 8-13-7, 8-13-8, or 8-13-9 for the floodplain district in which the structure is located;

b. Deck/landing: A portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than two hundred (200) square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than two hundred (200) square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with subsection E4 of this section. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

c. Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.

d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with subsection E4 of this section.

e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with subsection E4 of this section.

12. A land use permit shall be obtained as provided under 8-13-11A2 before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. (Ord. 2007-6, 11-19-2007; amd. Ord. 2011-4, 7-18- 2011; Ord., 12-8-2022)

8-13-7: FLOODWAY DISTRICT (FW):

A. Applicability: This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to subsection 8-13-9D of this chapter.

B. Permitted Uses: The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if:

1. They are not prohibited by any other ordinance;
2. They meet the standards in subsections C and D of this section; and
3. All permits or certificates have been issued according to subsection 8-13-11A of this chapter.

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

Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

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 subsection C4 of this section.

Uses or structures accessory to open space uses, or classified as historic structures that comply with subsections C and D of this section.

Extraction of sand, gravel or other materials that comply with subsection C4 of this section.

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 chapters 30 and 31, Wisconsin statutes.

Public utilities, streets and bridges that comply with subsection C3 of this section.

Portable latrines that are removed prior to flooding and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wisconsin administrative code.

Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wisconsin administrative code.

Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wisconsin administrative code.

Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

C. Standards For Developments In Floodway:

1. General:

a. Any development in floodway shall comply with section 8-13-6 of this chapter and have a low flood damage potential.

b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposed according to sections 8-13-6A and 8-13-11A2c. The analysis must be completed by a registered professional engineer in the state of Wisconsin.

c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subsection A2 above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in section 8-13-5E.

2. Structures: Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

(1) Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

(2) Have structural components capable of meeting all provisions of subsection C2g of this section; and

(3) Be certified by a registered professional engineer or architect, through the use of a federal emergency management agency floodproofing certificate, that the design and methods of construction are in accordance with subsection C2g of this section.

c. Must be anchored to resist flotation, collapse, and lateral movement;

- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
 - e. Must not obstruct the flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.
 - f. For a structure designed to allow the automatic entry of floodwaters below the regional flood elevation, the applicant shall submit a plan that meets subsections C2a through C2e and meets or exceeds the following standards:
 - (1) The lowest floor must be elevated to or above the regional flood elevation;
 - (2) A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (3) The bottom of all openings shall be no higher than one foot (1') above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - (4) The use must be limited to parking, building access or limited storage.
 - g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - (1) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - (2) Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in subsections D4 and D5 of this section;
 - (3) Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - (4) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - (5) Placement of utilities to or above the flood protection elevation.
3. Public Utilities, Streets And Bridges: Public utilities, streets and bridges may be allowed by permit if:
- a. Adequate floodproofing measures are provided to the flood protection elevation; and
 - b. Construction meets the development standards of subsection 8-13-6A of this chapter.
4. Fills Or Deposition Of Materials: Fills or deposition of materials may be allowed by permit if:
- a. The requirements of subsection 8-13-6A of this chapter are met;
 - b. No material is deposited in the navigable waters unless a permit is issued by the department pursuant to chapter 30, Wisconsin statutes, 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 all other requirements have been met;

c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

d. The fill is not classified as a solid or hazardous material.

D. Prohibited Uses: All uses not listed as permitted uses in subsection B of this section are prohibited, including the following uses:

Any private or public sewage systems, except portable latrines that are

Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.

Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.

Uses not in harmony with or detrimental to uses permitted in the adjoining districts.

Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wisconsin administrative code.

Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wisconsin administrative code.

Any solid or hazardous waste disposal sites.

Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wisconsin administrative code.

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. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-8: FLOOD FRINGE DISTRICT (FF):

A. Applicability: This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to subsection 8-13-9E of this chapter.

B. Permitted Uses: Any structure, land use, or development is allowed in the flood fringe district if the standards in subsection C of this section are met, the use is not prohibited by this chapter or any other ordinance or regulation and all permits or certificates specified in subsection 8-13-11A of this chapter have been issued.

C. Standards For Development In Flood Fringe Areas: Subsection 8-13-6 of this chapter shall apply in addition to the following requirements according to the use requested. Any existing structures in the floodfringe must meet the requirements of section 8-13-10:

1. Residential Uses: Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of section 8-13-10.

a. All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot (1') or more above the regional flood elevation extending at least fifteen feet (15') beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet 8-13-5E;

b. Notwithstanding subsection C1, a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;

c. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in subsection C1d of this section;

d. In developments where existing street or sewer line elevations make compliance with subsection C1c of this section impractical, the municipality may permit new development and substantial improvements where roads are at or below the regional flood elevation, if:

(1) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

(2) The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

2. Accessory Structures Or Uses: In addition to section 8-13-6, new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

3. Commercial Uses: In addition to 8-13-6, any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of C1. Subject to the requirements of subsection C5 of this section, 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.

4. Manufacturing And Industrial Uses: In addition to 8-13-6, any manufacturing or industrial structure which is erected, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in 8-13-11E. Subject to the requirements of subsection C5 of this section, 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.

5. 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 subsection 8-13-11E of this chapter. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

6. Public Utilities, Streets And Bridges: All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

a. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with 8-13-11E.

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

7. Sewage Systems: All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to 8-13-11E3, to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wisconsin administrative code.

8. Wells: All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to 8-13-11E3, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wisconsin administrative code.

9. Solid Waste Disposal Sites: Disposal of solid or hazardous waste is prohibited in flood fringe areas.

10. Deposition Of Materials: Any deposited material must meet all the provisions of this chapter.

11. Manufactured Homes:

a. Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

b. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(1) Have the lowest floor elevated to the flood protection elevation; and

(2) Be anchored so they do not float, collapse or move laterally during a flood.

c. Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in subsection C1 of this section.

12. Mobile Recreational Vehicles: All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days and be either:

a. Fully licensed and ready for highway use; or

b. Shall meet the elevation and anchoring requirements in subsections C11b and c..

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. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-9: GENERAL FLOODPLAIN DISTRICT (GFP):

A. **Applicability:** The provisions for the general floodplain district shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the flood insurance rate maps identified in section 8-13-5B1.

B. **Floodway Boundaries:** For proposed development in zone A, or in zone AE within which a floodway is not delineated on the flood insurance rate map identified in section 8-13-5B1, the boundaries of the regulatory floodway shall be determined pursuant to 8-13-9E. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of 8-13-7. If the development is located entirely within the floodfringe, the development is subject to the standards of 8-13-8.

C. **Permitted Uses:** Pursuant to subsection E of this section, it shall be determined whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in the floodway (8-13-7B) and floodfringe (8-13-8B) districts are allowed within the general floodplain district, according to the standards of subsection D of this section, provided that all permits or certificates required under 8-13-11A have been issued.

D. **Standards For Development In The General Floodplain District:** Section 8-13-7 of this chapter applies to floodway areas, determined pursuant to subsection E of this section, section 8-13-8 of this chapter applies to flood fringe areas, determined pursuant to subsection E of this section.

1. New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

a. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or

b. If the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.

2. New construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

3. IN AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

4. All development in zones AO and zone AH shall meet the requirements of 8-13-8 applicable to flood fringe areas.

E. **Determining Floodway And Flood Fringe Limits:** Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the flood insurance rate maps, the zoning administrator shall:

1. Require the applicant to submit two (2) 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:

- a. A hydrologic and hydraulic study as specified in section 8-13-11A2c.
- 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. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-10: NONCONFORMING USES:

A. General:

1. Applicability:

a. The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance with s. 87.30, Wisconsin statutes, and §§ NR 116.12-14, Wisconsin administrative code and 44 CFR 59-72, these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

b. As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the cost of those activities associated with changes to those buildings.

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

a. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed two hundred (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;

b. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (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;

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

d. 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 fifty percent (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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with subsection 8-13-8C1 of this chapter. 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 fifty percent (50%) provisions of this subsection A2d;

e. No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with 8-13-8C1. Maintenance to any nonconforming structure, which does not exceed fifty percent (50%) of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations;

f. If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds fifty percent (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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with 8-13-8C1;

g. Except as provided in subsection (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value;

h. For nonconforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met and all required permits have been granted prior to the start of construction:

(1) Residential Structures:

(A) Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of 8-13-11E2.

(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.

(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.

(D) In A zones, obtain, review and utilize any flood data available from a federal, state or other source.

(E) In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in 8-13-9D.

(F) In AO zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(2) Nonresidential Structures:

(A) Shall meet the requirements of subsection A2(h)1(A)-(F) of this section.

(B) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in sections 8-13-11E1 or E2.

(C) In AO zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in section 8-13-9D.

3. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, and the alteration will comply with section 8-13-7C1, flood resistant materials are used, and construction practices and floodproofing methods that comply with section 8-13-11E are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of subsection A2(h)1 of this section 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.

B. Floodway District:

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition:

a. Has been granted a permit or variance which meets all ordinance requirements of this chapter;

b. Meets the requirements of subsection A of this section;

c. Shall not increase the obstruction to flood flows or regional flood height;

d. Any addition to the existing structure shall be floodproofed, pursuant to subsection 8-13-11E of this chapter, by means other than the use of fill, to the flood protection elevation; and

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 (2) 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 can be no more than twelve inches (12") above the adjacent grade;

(2) The parts of the foundation located below the flood protection elevation must be constructed of flood resistant materials;

(3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(4) The use must be limited to parking, building access or limited storage.

2. No new onsite sewage disposal system, or addition to an existing onsite 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 the floodway district. Any replacement, repair or maintenance of an existing onsite sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and section 8-13-11E3 of this chapter and chapter SPS 383, Wisconsin administrative code..

3. No new well or modification to an existing well used to obtain potable water shall be allowed in the floodway district. Any replacement, repair or maintenance of an existing well in the floodway district shall meet the applicable requirements of all municipal ordinances, section 8-13-11E3 of this chapter, and chapters NR 811 and 812, Wisconsin administrative code.

C. Flood Fringe District:

1. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of subsection 8-13-8C of this chapter, except where subsection C2 of this section is applicable.

2. Where compliance with the provisions of subsection C1 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 board of adjustment/appeals, using the procedures established in subsection 8-13-11C of this chapter, may grant a variance from those provisions of subsection C1 of this section for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;

b. Human lives are not endangered;

c. Public facilities, such as water or sewer, will not be installed;

d. Flood depths will not exceed two feet (2');

e. Flood velocities will not exceed two feet (2') per second; and

f. The structure will not be used for storage of materials as described in subsection 8-13-8C5 of this chapter.

3. 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, section 8-13-11E3 of this chapter and ch. SPS 383, Wisconsin administrative code.

4. All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this chapter, section 8-13-11E3 of this chapter, and chapters NR 811 and 812, Wisconsin administrative code. (Ord. 2007-6, 11-19-2007; amd. Ord. 2011-4, 7-18-2011; Ord., 12-8-2022)

8-13-11: ADMINISTRATION:

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

A. Zoning Administrator:

1. Duties And Powers: The zoning administrator is authorized to administer this chapter and shall have the following duties and powers:

a. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

b. Issue permits and inspect properties for compliance with provisions of this chapter, and issue certificates of compliance where appropriate.

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

d. 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;

(3) Floodproofing certificates;

(4) Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;

(5) All substantial damage assessment reports for floodplain structures; and

(6) List of nonconforming structures and uses.

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

(1) Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

(2) Copies of case by case analyses and other required information.

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

f. Investigate, prepare reports, and report violations of this chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the department regional office.

g. Submit copies of amendments to the FEMA regional office.

2. Land Use Permit: A land use permit shall be obtained before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

a. General Information:

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

b. Site Development Plan: A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- (1) Location, dimensions, area and elevation of the lot;
- (2) Location of the ordinary high water mark of any abutting navigable waterways;
- (3) Location of any structures with distances measured from the lot lines and street centerlines;
- (4) Location of any existing or proposed onsite sewage systems or private water supply systems;
- (5) Location and elevation of existing or future access roads;
- (6) Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- (7) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study; either national geodetic vertical datum (NGVD) or North American vertical datum (NAVD);
- (8) 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 section 8-13-7 or 8-13-8 of this chapter are met; and
- (9) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to subsection 8-13-6A of this chapter. This may include any of the information noted in subsection 8-13-7C1 of this chapter.

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 and in AE zones within which a floodway is not delineated:

(A) Hydrology:

i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wisconsin administrative 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), Wisconsin administrative 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 five hundred (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.

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 five hundred (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.

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), Wisconsin administrative 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), Wisconsin administrative 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: 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 top widths 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 one percent (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.

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

(D) Expiration: All permits issued under the authority of this chapter shall expire no more than one hundred eighty (180) days after issuance. The permit may be extended for a maximum of one hundred eighty (180) days for good and sufficient cause. If the permitted work has not started within one hundred eighty (180) days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

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

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this chapter;

b. Application for such certificate shall be concurrent with the application for a permit;

c. If all provisions of this chapter are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;

d. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing requirements of subsection E of this section.

e. Where applicable pursuant to section 8-13-9A4, the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

f. Where applicable pursuant to section 8-13-9A4, the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by section 8-13-9A4 of this chapter.

4. Other Permits: 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 section 404 of the federal water pollution control act, amendments of 1972, 33 USC 1344.

B. Zoning Agency:

1. The village board shall:
 - a. Oversee the functions of the office of the zoning administrator;
 - b. Review and advise the governing body on all proposed amendments to this chapter, maps and text; and
 - c. Publish adequate notice pursuant to chapter 985, Wisconsin statutes, specifying the date, time, place and subject of the public hearing.

2. This village board shall not:
 - a. Grant variances to the terms of the ordinance in place of action by the board of adjustment/appeals; or
 - b. Amend the text or zoning maps in place of official action by the governing body.

C. Board Of Appeals: The board of appeals, created under section 62.23(7)(e), Wisconsin statutes is hereby authorized or shall be appointed to act for the purposes of this chapter. The board shall exercise the powers conferred by Wisconsin statutes and adopt rules for the conduct of business. Members of the village board shall not be the secretary of the board of appeals.

1. Powers And Duties: The board of appeals shall:
 - a. Appeals: Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.
 - b. Boundary Disputes: Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
 - c. Variances: Hear and decide, upon appeal, variances from the ordinance standards.

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

- b. Notice And Hearing For Appeals Including Variances:
 - (1) Notice: The board shall:
 - (A) Fix a reasonable time for the hearing;
 - (B) Publish adequate notice pursuant to Wisconsin statutes, specifying the date, time, place and subject of the hearing; and
 - (C) Assure that notice shall be mailed to the parties in interest and the department regional office at least ten (10) days in advance of the hearing.

- (2) Hearing: Any party may appear in person or by agent. The board shall:

- (A) Resolve boundary disputes according to subsection C3 of this section.
- (B) Decide variance applications according to subsection C4 of this section.
- (C) Decide appeals of permit denials according to subsection D of this section.

c. Decision: The final decision regarding the appeal or variance application shall:

- (1) Be made within a reasonable time;
- (2) Be sent to the department regional office within ten (10) days of the decision;
- (3) Be a written determination signed by the chairman or secretary of the board;
- (4) State the specific facts which are the basis for the board's decision;
- (5) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
- (6) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

3. Boundary Disputes: The following procedure shall be used by the board in hearing disputes concerning floodplain district boundaries:

- a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.
- c. If the boundary is incorrectly mapped, the board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to section 8-13-12 of this chapter.

4. Variance:

- a. The board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
 - (1) Literal enforcement of the provisions of this chapter will cause unnecessary hardship;
 - (2) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case this chapter or map must be amended;
 - (3) The variance is not contrary to the public interest; and
 - (4) The variance is consistent with the purpose of this chapter in section 8-13-3.
- b. In addition to the criteria in subsection C4a of this section, to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - (1) The variance may not cause any increase in the regional flood elevation;

(2) The applicant has shown good and sufficient cause for issuance of the variance.

(3) Failure to grant the variance would result in exceptional hardship.

(4) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(5) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

c. A variance shall not:

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

(2) Be granted for a hardship based solely on an economic gain or loss.

(3) Be granted for a hardship which is self-created.

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

(5) Allow actions without the amendments to this chapter or map(s) required in subsection 8-13-12A of this chapter.

(6) Allow any alteration of a historic structure, including its use, which would preclude its continued designation as a historic structure.

d. When a floodplain variance is granted the board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to twenty-five dollars (\$25.00) per one hundred dollars (\$100.00) of coverage. A copy shall be maintained with the variance record.

D. To Review Appeals Of Permit Denials:

1. The zoning agency (subsection B of this section) or board shall review all data related to the appeal. This may include:

a. Permit application data listed in subsection A2 of this section.

b. Floodway/flood fringe determination data in subsection 8-13-9E of this chapter.

c. Data listed in subsection 8-13-7C1b of this chapter where the applicant has not submitted this information to the zoning administrator.

d. Other data submitted with the application, or submitted to the board with the appeal.

2. For appeals of all denied permits, the board shall:

a. Follow the procedures of subsection C 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 board shall:

a. Uphold the denial where the board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners per the requirements of section 8-13-12 of this chapter.

b. Grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

E. Floodproofing Standards:

1. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA floodproofing certificate. Floodproofing is not an alternative to the development standards in sections 8-13-6, 8-13-7, 8-13-8, or 8-13-9 of this chapter.

2. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

a. Certified by a registered professional engineer or architect; or

b. Meeting or exceeding the following standards:

(1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

(2) The bottom of all openings shall be no higher than one-foot above grade; and

(3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Floodproofing measures shall be designed, as appropriate, to:

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

b. Protect structures to the flood protection elevation;

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

d. Minimize or eliminate infiltration of flood waters;

e. Minimize or eliminate discharges into flood waters;

f. Placement of essential utilities to or above the flood protection elevation; and

g. 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 flood waters without human intervention. A minimum of two (2) 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 can be no more than twelve (12) inches above the adjacent grade;

(2) The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

(3) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

(4) The use must be limited to parking, building access or limited storage.

F. Public Information:

1. Place marks on structures to show the depth of inundation during the regional flood.
2. All maps, engineering data and regulations shall be available and widely distributed.
3. Real estate transfers should show what floodplain district any real property is in. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-12: AMENDMENTS:

Obstructions or increases may only be permitted if amendments were made to this chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection A of this section.

1. In AE zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a conditional letter of map revision from FEMA and amendments are made to this chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with subsection A in this section. Any such alterations must be reviewed and approved by FEMA and the DNR.

2. In A zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a conditional letter of map revision from FEMA and amendments are made to this chapter, the official floodplain maps, floodway lines, and water surface profiles, in accordance with subsection A of this section.

A. General: The governing body shall change or supplement the floodplain zoning district boundaries and this chapter in the manner outlined in subsection B below. Actions which require an amendment to the ordinance and/or submittal of a letter of map change (LOMC) include, but are not limited to, the following:

1. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
2. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
3. Any changes to any other officially adopted floodplain maps listed in section 8-13-5B2 of this chapter;
4. Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
5. Correction of discrepancies between the water surface profiles and floodplain maps;

6. Any upgrade to a floodplain zoning ordinance text required by section NR 116.05, Wisconsin administrative code, or otherwise required by law, or for changes by the municipality; and

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

B. Procedures: Ordinance amendments may be made upon petition of any party according to the provisions of section 62.23, Wisconsin statutes. The petitions shall include all data required by section 8-13-9E and 8-13-11B of this chapter. The land use permit shall not be issued until a letter of map revision is issued by FEMA for the proposed changes.

1. The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of section 62.23, Wisconsin statutes.

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

3. All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

8-13-13: ENFORCEMENT AND PENALTIES:

Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than fifty dollars (\$50.00) together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30, Wisconsin statutes. (Ord. 2007-6, 11-19-2007; amd. Ord. 2011-4, 7-18-2011; Ord., 12-8-2022)

8-13-14: DEFINITIONS:

Unless specifically defined, words and phrases in this chapter shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- A ZONES: Those areas shown on the official floodplain zoning map which would be inundated by the regional flood. These areas may be numbered or unnumbered A zones. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- AH ZONE: See AREA OF SHALLOW FLOODING.
- AO ZONE: See AREA OF SHALLOW FLOODING.

ACCESSORY STRUCTURE OR USE:	A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
ALTERATION:	An enhancement, upgrade or substantial change or modification 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 one percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (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:	The flood having a one percent (1%) chance of being equaled or exceeded in any given year, as published by FEMA as part of an FIS and depicted on a FIRM.
BASEMENT:	Any enclosed area of a building having its floor subgrade on all sides.
BREAKAWAY WALL:	A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
BUILDING:	See definition of STRUCTURE.
BULKHEAD LINE:	A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the department pursuant to section 30.11, Wisconsin statutes, and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this chapter.
CAMPGROUND:	Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
CAMPING UNIT:	Any portable device, no more than four hundred (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 that is fully licensed, if required, and ready for highway use.
CERTIFICATE OF COMPLIANCE:	A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.
CHANNEL:	A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
CRAWLWAYS OR CRAWL SPACE:	An enclosed area below the first usable floor of a building, generally less than five feet (5') in height, used for access to plumbing and electrical utilities.
DECK:	An unenclosed exterior structure that has no roof or sides, and has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT:	The Wisconsin department of natural resources.
DEVELOPMENT:	Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
DRY LAND ACCESS:	A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
ENCROACHMENT:	Any fill, structure, equipment, use or development in the floodway.
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):	The federal agency that administers the national flood insurance program.
FLOOD INSURANCE RATE MAP (FIRM):	A map of a community on which the federal insurance administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the federal emergency management agency.
FLOOD OR FLOODING:	A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions: A. The overflow or rise of inland waters, B. The rapid accumulation or runoff of surface waters from any source, C. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or D. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
FLOOD FREQUENCY:	The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.
FLOOD FRINGE:	That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.
FLOOD HAZARD BOUNDARY MAP:	A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis

for both the regulatory and insurance aspects of the national flood insurance program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

FLOOD INSURANCE STUDY:

A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the national flood insurance program.

FLOODPLAIN:

Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND:

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

FLOODPLAIN MANAGEMENT:

Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOOD PROFILE:

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

FLOODPROOFING:

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

FLOOD PROTECTION ELEVATION:

An elevation of two feet (2') of freeboard above the regional flood elevation. (Also see FREEBOARD.)

FLOOD STORAGE:

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

FLOODWAY:

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

FREEBOARD:

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

HABITABLE STRUCTURE:

Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE:

Publication or posting meeting the requirements of chapter 985, Wisconsin statutes. For appeals, a class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning

	<p>ordinances and amendments, a class 2 notice, published twice, once each week consecutively, the last at least one week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.</p>
HIGH FLOOD DAMAGE POTENTIAL:	<p>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.</p>
HIGHEST ADJACENT GRADE:	<p>The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.</p>
HISTORIC STRUCTURE:	<p>Any structure that is either:</p> <ul style="list-style-type: none">A. Listed individually in the national register of historic places or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register,B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district,C. 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, orD. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the secretary of the interior; or by the secretary of the interior in states without approved programs.
INCREASE IN REGIONAL FLOOD HEIGHT:	<p>A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.</p>
LAND USE:	<p>Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)</p>
LOWEST ADJACENT GRADE:	<p>Elevation of the lowest ground surface that touches any of the exterior walls of a building.</p>
LOWEST FLOOR:	<p>The lowest floor of the lowest enclosed area (including basement).</p>
MAINTENANCE:	<p>The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.</p>
MANUFACTURED HOME:	<p>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".</p>

MOBILE/ MANUFACTURED HOME PARK OR SUBDIVISION:	A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots for rent or sale.
MOBILE/ MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING:	A parcel of land, divided into two (2) 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 chapter. 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.
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 of concrete pads.
MOBILE RECREATIONAL VEHICLE:	A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles".
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.
MODEL, DUPLICATE EFFECTIVE:	A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
MODEL, EFFECTIVE:	The hydraulic engineering model that was used to produce the current effective flood insurance study.
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.
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.
MUNICIPALITY OR MUNICIPAL:	The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
NAVD OR NORTH AMERICAN VERTICAL DATUM:	Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD OR NATIONAL GEODETIC VERTICAL DATUM:	Elevations referenced to mean sea level datum, 1929 adjustment.
NEW CONSTRUCTION:	Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
NON-FLOOD DISASTER:	A fire or an ice storm, tornado, windstorm, mudslide or other destructive act of nature, but excludes a flood.
NONCONFORMING STRUCTURE:	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 flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
NONCONFORMING USE:	An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
OBSTRUCTION TO FLOW:	Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
OFFICIAL FLOODPLAIN ZONING MAP:	That map, adopted and made part of this chapter, as described in subsection 8-13-5 B of this chapter, which has been approved by the department and FEMA.
OPEN SPACE USE:	Those uses having a relatively low flood damage potential and not involving structures.
ORDINARY HIGH WATER MARK:	The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
PERSON:	An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
PRIVATE SEWAGE SYSTEM:	A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of 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:	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:	Base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters

- related to the base flood will not damage existing or proposed buildings.
- REGIONAL FLOOD:** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- START OF CONSTRUCTION:** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- STRUCTURE:** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- SUBDIVISION:** Has the meaning given in section 236.02(12), Wisconsin statutes.
- SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- SUBSTANTIAL IMPROVEMENT:** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) 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 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:** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions

- governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.
- VARIANCE:** An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this chapter.
- VIOLATION:** 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.
- WATERSHED:** The entire region contributing runoff or surface water to a watercourse or body of water.
- WATER SURFACE PROFILE:** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- WELL:** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use. (Ord. 2007-6, 11-19-2007; amd. Ord., 12-8-2022)

**CHAPTER 14
SHORELAND-WETLAND ZONING ORDINANCE**

SECTION:

- 8-14-1: Statutory Authorization; Findings Of Fact, Statement Of Purpose And Title
- 8-14-2: General Provisions
- 8-14-3: Shoreland-Wetland Zoning District
- 8-14-4: Nonconforming Structures And Uses
- 8-14-5: Administrative Provisions
- 8-14-6: Amending Shoreland-Wetland Zoning Regulations
- 8-14-7: Enforcement And Penalties
- 8-14-8: Definitions

8-14-1: STATUTORY AUTHORIZATION; FINDINGS OF FACT, STATEMENT OF PURPOSE AND TITLE:

A. Statutory Authorization: This chapter is adopted pursuant to the authorization in sections 61.35 and 61.351 for villages and 87.30 and 144.26, Wisconsin statutes.

B. Findings Of Fact And Purpose: Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to all municipalities to:

1. Promote the public health, safety, convenience and general welfare;
2. Maintain the storm and flood water storage capacity of wetlands;
3. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
4. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
5. Prohibit certain uses detrimental to the shoreland-wetland area; and
6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland- wetland excavation, filling and other earth moving activities. (Ord., 1-3-1994)

8-14-2: GENERAL PROVISIONS:

A. Compliance: The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this chapter and other applicable local, state or federal regulations. (However, see section 8-14-4 of this chapter, for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this chapter.

B. Municipalities And State Agencies Regulated: Unless specifically exempted by law, all villages are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wisconsin statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin department of transportation are exempt when section 30.12(4)(a), Wisconsin statutes, applies.

C. Abrogation And Greater Restrictions:

1. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under sections 61.35, 62.23 or 87.30, Wisconsin statutes, which relate to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

D. 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 municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin statutes. Where a provision of this chapter is required by a standard in chapter NR 117, Wisconsin administrative code, and where the chapter provision is unclear, the provision shall be interpreted

in light of the chapter NR 117 standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

E. Severability: Should any portion of this chapter be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

F. Annexed Areas: The Manitowoc County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Manitowoc County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. (Ord., 1-3-1994)

8-14-3: SHORELAND-WETLAND ZONING DISTRICT:

A. Shoreland-Wetland Zoning Maps: The following maps are hereby adopted and made part of this chapter and are on file in the office of the municipal clerk.

1. Wisconsin wetland inventory maps stamped "final" on September 9, 1993.
2. Floodplain zoning maps titled "flood insurance rate map #01" and dated September 30, 1988.
3. United States geological survey maps dated.
4. Zoning maps titled.

B. District Boundaries:

1. Boundary Area: The shoreland-wetland zoning district includes all wetlands in the municipality which are five (5) acres or more and are shown on the final wetland inventory map that has been adopted and made a part of this chapter and which are:

a. Within one thousand feet (1,000') of the ordinary high water mark of the navigable lakes, ponds or flowages. Lakes, ponds or flowages in the municipality shall be presumed to be navigable if they are shown on the United States geological survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter.

b. Within three hundred feet (300') of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States geological survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this chapter. Floodplain zoning maps adopted in subsection A of this section shall be used to determine the extent of floodplain areas.

2. Determination Made By Zoning Administrator: Determination of navigability and ordinary high water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the department for a final determination of navigability or ordinary high water mark.

3. **Map Discrepancies:** When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator 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 zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in subsections E and F of this section, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

4. **Filled Wetlands:** Wetlands which are filled prior to September 9, 1993, the date of which the municipality received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this chapter.

5. **Wetlands Landward Of A Bulkhead Line:** Wetlands located between the original high water mark and a bulkhead line established prior to May 7, 1982, under section 30.11, Wisconsin statutes, are not subject to this chapter.

C. **Permitted Uses:** The following uses are permitted subject to the provisions of chapters 30 and 31, Wisconsin statutes, and the provisions of other local, state and federal laws, if applicable:

1. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:

- 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; and
- f. The construction and maintenance of duck blinds.

2. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:

- a. The practice of silviculture, including limited temporary water level stabilization measures which are 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 the purpose of growing and harvesting cranberries;
- c. The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible 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 construction or maintenance;

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 construction or maintenance;

f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in subsection 8-14-6A3 of this chapter; and

g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

3. Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:

a. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under this subsection C, provided that:

(1) The road cannot, as a practical matter, be located outside the wetland;

(2) The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in subsection 8-14-6A3 of this chapter;

(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; and

(5) Any wetland alteration must be necessary for the construction or maintenance of the road.

b. The construction and maintenance of nonresidential buildings provided that:

(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 five hundred (500) square feet in floor area; and

(4) Only limited filling and excavating necessary to provide structural support for the building is allowed.

c. 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, providing that:

(1) Any private development allowed under this subsection C3c shall be used exclusively for the permitted purposes;

(2) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

(3) The construction and maintenance of roads necessary for the uses permitted under this subsection C3c are allowed only where such construction and maintenance meets the criteria in this subsection C3; and

(4) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

d. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:

(1) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;

(2) Only limited filling or excavating necessary for such construction or maintenance is allowed; and

(3) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in subsection 8-14-6A3 of this chapter.

D. Prohibited Uses:

1. Any use not listed in subsection 8-14-3C of this section is prohibited unless the wetland or a portion of the wetland has been rezoned by amendment of this chapter in accordance with section 8-14-6 of this chapter.

2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high water mark of any navigable waters are prohibited. (Ord., 1-3-1994)

8-14-4: NONCONFORMING STRUCTURES AND USES:

The lawful use of a building, structure or property which existed at the time this chapter, or an applicable amendment to this chapter, took effect and which is not in conformity with the provisions of this chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

A. The shoreland-wetland provisions of this chapter authorized by section 61.351, Wisconsin statutes, shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to section 62.23(7)(h), Wisconsin statutes, which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.

B. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this chapter.

C. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this chapter adopted under sections 61.351 or 62.231, Wisconsin statutes, may be continued although such use does not conform with the provisions of this chapter. However, such nonconforming use may not be extended.

D. The maintenance and repair of nonconforming boathouses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of section 30.121, Wisconsin statutes.

E. Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses. (Ord., 1-3-1994)

8-14-5: ADMINISTRATIVE PROVISIONS:

A. Zoning Administrator: The legal counsel is appointed zoning administrator for the purpose of administering and enforcing this chapter.

The zoning administrator shall have the following duties and powers:

1. Advise applicants as to the provisions of this chapter and assist them in preparing permit applications and appeal forms.
2. Issue permits and certificates of compliance and inspect properties for compliance with this chapter.
3. Keep records of all permits issued, inspections made, work approved and other official actions.
4. Have access to any structure or premises between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. for the purpose of performing these duties.
5. Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the department.
6. Investigate and report violations of this chapter to the appropriate municipal planning agency and the district attorney, corporation counsel or municipal attorney.

B. Zoning Permits:

1. When Required: Unless another section of this chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new "development", as defined in section 8-14-8 of this chapter, or any change in the use of an existing building or structure is initiated.
2. Application: An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

a. General Information:

(1) Name, address, and telephone number of applicant, property owner and contractor, where applicable.

(2) Legal description of the property and a general description of the proposed use or development.

(3) Whether or not a private water supply or sewage system is to be installed.

b. Site Development Plan: The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:

(1) Dimensions and area of the lot;

(2) Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

(3) Description of any existing or proposed onsite sewage systems or private water supply systems;

(4) Location of the ordinary high water mark of any abutting navigable waterways;

(5) Boundaries of all wetlands;

(6) Existing and proposed topographic and drainage features and vegetative cover;

(7) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;

(8) Location of existing or future access roads; and

(9) Specifications and dimensions for areas of proposed wetland alteration.

3. Expiration: All permits issued under the authority of this chapter shall expire six (6) months from the date of issuance.

C. Certificates Of Compliance:

1. Except where no zoning permit 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 zoning administrator subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this chapter.

b. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.

c. The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this chapter.

2. The zoning administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the municipal governing body.

3. Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection, the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this chapter.

D. Conditional Use Permits:

1. Application: Any use listed as a conditional use in this chapter shall be permitted only after an application has been submitted by the zoning administrator and a conditional use permit has been granted by the board of appeals following the procedures in subsections H2, H3 and H4 of this section.

2. Conditions: Upon consideration of the permit application and the standards applicable to the conditional uses designated in section 8-14-3 of this chapter, the board of appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this chapter, as are necessary to further the purposes of this chapter as listed in subsection 8-14-1B of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the board of appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this chapter.

E. Fees: The municipal governing body may, by resolution, adopt fees for the following:

1. Zoning permits.
2. Certificates of compliance.
3. Public hearings.
4. Legal notice publications.
5. Conditional use permits.
6. Rezoning petitions.

F. Recording: Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted.

G. Revocation: Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the board of appeals.

H. Board Of Appeals: The village president shall appoint a board of appeals under section 62.23(7)(e), Wisconsin statutes, consisting of five (5) members subject to confirmation by the municipal governing body. The board of appeals shall adopt rules for the conduct of its business as required by section 62.23(7)(e)3, Wisconsin statutes.

1. Powers And Duties: The board of appeals:

a. Shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.

b. Shall hear and decide applications for conditional use permits.

c. May authorize upon appeal a variance from the dimensional standards of this chapter where an applicant convincingly demonstrates:

(1) That literal enforcement of the terms of this chapter will result in unnecessary hardship for the applicant;

(2) That the hardship is due to special conditions unique to the property; and is not self-created or based solely on economic gain or loss;

(3) That such variance is not contrary to the public interest as expressed by the purpose of this chapter; and

(4) That such variance will not grant or increase any use of property which is prohibited in the zoning district.

2. Appeals To The Board: Appeals to the board of appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision or determination of the zoning administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the board by filing with the official whose decision is in question, and with the board of appeals, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other official whose decision is in question shall transmit to the board all the papers constituting the record on the matter appealed.

3. Public Hearings:

a. Before making a decision on an appeal or application, the board of appeals shall, within a reasonable period of time, hold a public hearing. The board shall give public notice of the hearing by publishing a class 2 notice under chapter 985, Wisconsin statutes, specifying the date, time and place of the hearing and the matters to come before the board. At the public hearing, any party may present testimony in person, by agent or by attorney.

b. A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the department at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning.

4. Decisions:

a. The final disposition of an appeal or application for a conditional use permit before the board of appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the board chairperson. Such decision shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse or modify the order, requirement, decision or determination appealed, in whole or part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application for a conditional use.

b. A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the department within ten (10) days after the decision is issued. (Ord., 1-3-1994)

8-14-6: AMENDING SHORELAND-WETLAND ZONING REGULATIONS:

A. The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this chapter in accordance with the requirements of section 62.23(7)(d)2, Wisconsin statutes, NR 117, Wisconsin administrative code, and the following:

1. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the department within five (5) days of the submission of the proposed amendment to the municipal planning agency;

2. All proposed text and map amendments to the shoreland- wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)2, Wisconsin statutes. The appropriate district office of the department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

3. In order to ensure that this chapter will remain consistent with the shoreland protection objectives of section 144.26, Wisconsin statutes, the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:

a. Storm and flood water storage capacity;

b. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;

c. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

d. Shoreline protection against erosion;

e. Fish spawning, breeding, nursery or feeding grounds;

f. Wildlife habitat; or

g. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

4. Where the district office of the department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in subsection A3 of this section, the department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

5. The appropriate district office of the department shall be provided with:

a. A copy of the recommendation and report, if any, of the municipal planning agency on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the municipal governing body.

b. Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.

6. If the department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection A3 of this section, that proposed amendment, if approved by the municipal governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the department, as required by this subsection A. If within the thirty (30) day period, the department notifies the municipality that the department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by sections 62.23(6) and 61.351(6), Wisconsin statutes, the proposed amendment shall not become effective until the ordinance adoption procedure under section 62.231(6) or 61.351(6), Wisconsin statutes, is completed or otherwise terminated. (Ord., 1-3-1994)

8-14-7: ENFORCEMENT AND PENALTIES:

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this chapter in violation of the provisions of this chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the municipal planning agency and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this chapter shall be subject to a forfeiture of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state or any citizen thereof pursuant to section 87.30(2), Wisconsin statutes. (Ord., 1-3-1994)

8-14-8: DEFINITIONS:

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

The following terms used in this chapter mean:

ACCESSORY STRUCTURE OR USE: A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection 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.

BOATHOUSE: This term, as defined in section 30.121(1), Wisconsin statutes, means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

CLASS 2 PUBLIC NOTICE: Publication of a public hearing notice under chapter 985, Wisconsin statutes, in a newspaper or circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.

CONDITIONAL USE: A use which is permitted by this chapter provided that certain conditions specified in this chapter are met and that a permit is granted by the board of appeals, or where appropriate, the planning agency designated by the municipal governing body.

DEPARTMENT: The Wisconsin department of natural resources.

DEVELOPMENT: Any manmade 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 substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

DRAINAGE SYSTEM: One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

ENVIRONMENTAL CONTROL FACILITY: 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 pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to 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.

FIXED HOUSEBOAT: This term, as defined in section 30.121(1), Wisconsin statutes, 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.

NAVIGABLE WATERS: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wisconsin statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.231, Wisconsin statutes, and chapter NR 117, Wisconsin administrative code, do not apply to lands adjacent to farm drainage ditches if:

- A. Such lands are not adjacent to a natural navigable stream or river;
- B. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- C. Such lands are maintained in nonstructural agricultural use.

"Wisconsin's supreme court has declared navigable bodies of water that have a bed of differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (Muench v. Public Service Commission, 261 Wis. 492 (1952) and Degaynor And Co., Inc., v. Department Of Natural Resources, 70 Wis. 2d 936 (1975)). For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

ORDINARY HIGH WATER MARK: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion,

destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

SHORELAND-WETLAND DISTRICT: The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this chapter.

PLANNING AGENCY: The municipal plan commission created under section 62.23(1), Wisconsin statutes, a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

SHORELANDS: Lands within the following distances from the ordinary high water mark of navigable waters; one thousand feet (1,000') from a lake, pond or flowage; and three hundred feet (300') from a river or stream or to the landward side of the floodplain, whichever distance is greater.

UNNECESSARY HARDSHIP: That circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

VARIANCE: An authorization granted by the board of appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this chapter.

WETLAND ALTERATION: Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

WETLANDS: 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. (Ord., 1-3-1994)

CHAPTER 15 DEVELOPMENT ORDINANCE

SECTION:

8-15-1: Development And Improvements To Property

8-15-2: Public Improvements Requirements

8-15-3: Security For Improvements Installation

8-15-4: General Provisions

8-15-1: DEVELOPMENT AND IMPROVEMENTS TO PROPERTY:

This Development Ordinance applies to any person or entity ("Developer") intending to develop property within the Village of Reedsville, WI ("Property"). A Developer shall comply with the terms of this chapter. The following general provisions shall apply:

A. Developer is the owner of the vacant real estate located within the Village (hereinafter the "Property").

B. The Property is zoned consistent with the proposed development.

C. Developer shall initiate the development by written notice to the Village Board and by filing a plat for the entirety of the development. If necessary, the Developer or the Village board can request a preliminary meeting prior to written notice filing.

D. Developer shall develop the Property in accordance with the terms of the Village Municipal Code.

E. Village must be satisfied with and approve the engineering of the public improvements to be installed prior to the Developer proceeding.

F. The public improvements shall be completed by Developer on or before one (1) year from the start of construction of the single phase of improvements unless otherwise extended in writing by the Village, due to labor or material shortages beyond Developer's reasonable control, or other material reason. At the time of completion, the Developer shall convey in recordable form to the Village the street improvements and all other public utilities and improvements.

G. Developer shall create and convey perpetual easements, on terms acceptable to the Village, as necessary to locate and convey any public utilities and improvements included as part of the Development. Easements will be conveyed on or before final approval. (Ord. 2022-3, 6-9-2022)

8-15-2: PUBLIC IMPROVEMENTS REQUIREMENTS:

The following public improvements deemed reasonably necessary for the development are collectively referred to as "Public Improvements."

A. Sanitary Sewer Main Facility. Developer shall, at Developer's sole expense, install improvements to the public sanitary sewer main facility serving the Property in accordance with the terms of the Village Municipal Code.

B. Water Main Facility Developer shall, at Developer's sole expense, install improvements to the public water main facility serving the Property in accordance with the terms of the Village Municipal Code.

C. Storm Sewer Main Facility. Developer shall, at Developer's sole expense, install improvements to the public sanitary sewer main facility serving the Property in accordance with the terms of the Village Municipal Code.

D. Erosion Control and Run-Off Facilities. Developer shall install such facilities and measures for erosion control and run-off as are necessary.

E. Sidewalks. Developer shall, at Developer's sole expense, install the sidewalks in accordance with the terms of the Village Municipal Code. To avoid damage to the sidewalk during construction of the homes, sidewalks will be built from lot line to lot line as each home is constructed, after the site development has occurred and prior to the Certificate of Occupancy being issued for each lot (as the new homes are built out).

F. Street Improvements Developer shall, at Developer's sole expense, install the public streets as required by the Village. Thereafter, Developer shall dedicate the public portion of said streets at such time as said streets are finally complete. Upon completion of the public street improvements

and dedication thereof to the Village by the Developer, the Village shall be responsible for all maintenance.

G. Other Public or Private Improvements. Developer shall, at Developer's sole expense, make such other public and private improvements to the Property including, but not limited to, street lights and street signs, as may be required by the Village. (Ord. 2022-3, 6-9-2022)

8-15-3: SECURITY FOR IMPROVEMENTS INSTALLATION:

Irrevocable Letter of Credit. No construction or installation of any portion of the Improvements shall be commenced until Developer has filed with the Village an irrevocable letter of credit in the amount of One Hundred Twenty Percent (120%) current estimate of the entire cost of the Public Improvements to be completed, and which is acceptable in form and approved by the Village. The letter of credit shall be renewed and maintained until substantial completion and may be adjusted in amount, as allowed or required by law.

The Developer shall not be issued any permits, including, but not limited to, building permits or occupancy permits, unless Developer has on file with the Village the required irrevocable letter of credit.

In the event Developer fails to complete work on Public Improvements within the time period specified or breaches any other provisions of this Ordinance or shall become insolvent, or be declared bankrupt, or should commit any act of bankruptcy or insolvency, or shall make an assignment for the benefit of creditors, or, for any other cause whatsoever, shall not carry out the work on Public Improvements in an acceptable manner, (herein "breach") the Village shall give written notice of breach to Developer and the issuer of the irrevocable letter of credit. If Developer, within sixty (60) days after such notice, shall not correct the breach or take reasonable steps to correct the breach, the Village shall have full power and authority to invoke

the irrevocable letter of credit and use the proceeds to take over the work, including any and all materials and equipment on the Property as may be suitable and acceptable, and may complete the work by its own means and methods, or may enter into a new agreement with a third party for the completion of the obligations according to the terms and provisions hereof, or any combination of the foregoing remedies, or may use such other methods as, in the Village's opinion and sole discretion, shall be required for the completion of the Public Improvements. All costs and charges incurred by the Village, together with the cost of completing the work, shall be charged to Developer and the proceeds of the irrevocable letter of credit. Any excess costs and charges shall be paid by the Developer to the Village.

Subject to the provisions of Sec. 236.13, Wis. Stat., if applicable, within sixty (60) days of the public improvements (sewer main, water main, storm main, curbs and streets) having been installed and certified as complete, the Village's Director of Public Works shall authorize the phased reduction of the Letter of Credit amount for the portion of the work complete, retaining a balance of one hundred and twenty percent (120%) of the remaining public work outstanding. Multiple reductions of the letter of credit amount may be authorized as phases of the work are complete. Upon Village Board's acceptance of the public improvements, the Letter of Credit shall be released in its entirety. (Ord. 2022-3, 6-9-2022)

8-15-4: GENERAL PROVISIONS:

A. **Inspection; Correction of Adverse Conditions.** The Village and its agents shall have the right, and the Developer is deemed to have granted such permission to the Village, to enter upon the Property at all reasonable times for purposes of inspecting the work. The Village reserves the right to take all necessary steps under current conditions, to abate any dangerous or hazardous condition, including the presence of excessive soil erosion run-off and sedimentation, provided however, the Village shall first notify Developer of the hazardous condition and provide Developer a reasonable time to correct said condition. If Developer fails to correct the condition, or in the case of conditions which pose an immediate threat to the public health, safety, and welfare, the Village may immediately abate the condition without notice.

B. **Payment of Village Costs.** In addition to all other costs to be paid by Developer, Developer shall pay and be responsible for any costs incurred by the Village for professional services pertaining to the review, analysis or opinion of the project, including, but not limited to, surveyor, planner, engineer, attorney and other professional services deemed necessary by the Village.

C. **Binding Effect; Transfer and Assignment.** Unless otherwise provided, all obligations of Developer shall be binding upon and shall inure to the benefit of the heirs, successors, assigns, or grantees of Developer and any subsequent owner of the developed Property. Developer shall not assign its obligations without the prior written consent of the Village.

D. **Conflict of Laws.** In the event that any provision conflicts with federal, state, or local law, such conflict shall not affect the other provisions which can be given effect without the conflicting provision.

E. **Severability.** In the event that any provision of this chapter is found by a court of competent jurisdiction to be invalid or unenforceable, such finding shall not affect the remaining portions of this chapter which shall remain in full force and effect.

F. **Deed Restrictions.** The Developer shall prepare all deed restrictions and restrictive covenants required by the Village including restrictions on subdividing or maintenance of storm water management, on such terms as are acceptable to the Village.

G. **Proof of Insurance.** Prior to commencement of work hereunder and at such other times as the Village may request, Developer shall furnish to the Village certificates of insurance relating to all coverage required by the Village. All policies required herein shall include the Village of Reedsville, as additional insured.

H. **Cancellation of Insurance.** Each policy of insurance shall provide that it is noncancellable for a period of thirty (30) days following written notice to the Village of intention to cancel given by the policy owner or policy carrier via certified mail.

I. **Hold Harmless and Indemnification.** Developer shall indemnify, defend, (with counsel acceptable to Village) and hold harmless the Village, its trustees, officers, agents, employees, successors and assigns, from and against any and all claims for damages of any kind relating to bodily injury, death, or property damage arising in whole or in part directly or indirectly out of the work performed or to be performed, including extra work, by reason of any act, omission or negligence of Developer, or any of its agents, employees, representatives, contractors, or subcontractors, or the agents, employees, or servants of said respective parties.

J. **Developer Payments.** Developer shall, with respect to the duty to defend, choose counsel acceptable to the Village and pay all costs and attorneys' fees incurred in connection therewith.

Developer shall pay any final judgment entered in an action to which the hold harmless agreement and indemnification agreement applies.

K. **Municipal Immunity.** The indemnity and hold harmless agreement shall be applicable regardless of any provisions of municipal law or any other immunity provided for by law but shall not be construed to abrogate any defenses or other immunity available to the Village or its trustees, officers, agents, or employees by virtue of its status as a municipal entity.

L. **Proof of Developer Status,** Developer shall provide to the Village, at such times as the Village may request, such evidence as the Village deems necessary to establish the legal status of the Developer and the current owners of the entity, if applicable, and evidence of authority to act.

M. **Developers Ongoing Sales Effort.** Provided the Developer is current on all obligations pursuant to this chapter. Developer may operate and maintain a "model home" business front and signage on any lots Developer owns. (Ord. 2022-3, 6-9-2022)