

1 **ORDINANCE NO. 2024-014**

2 **AN ORDINANCE CREATING CHAPTER 65 OF THE MUNICIPAL CODE**
3 **ADOPTING A FLOODPLAIN ZONING ORDINANCE**

4
5 **WHEREAS**, the Federal Emergency Management Agency (FEMA) recently updated the
6 Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study (FIS) for Door County, said maps
7 and study of which revealed floodplains within the Village boundaries; and,

8 **WHEREAS**, according to Section NR116.05(1) of the Wisconsin Administrative Code a
9 community with mapped floodplains is required to have a Floodplain Zoning Ordinance, and, if
10 the community does not have such an Ordinance, it is required to pass and adopt such a
11 document within six months of receiving notice that new floodplain study data is available; and,

12 **WHEREAS**, on November 12, 2023, Village officials received notice the updated study data
13 and maps exist, and, therefore, an official Floodplain Zoning Ordinance must be adopted by the
14 Village no later than May 8, 2024; and,

15 **WHEREAS**, on March 26, 2024, the Plan Commission held a public hearing on a proposed
16 Floodplain Zoning Ordinance and recommended the Village of Sister Bay amend the Municipal
17 Code to adopt Chapter 65, *Floodplain Zoning*.

18 **NOW, THEREFORE**, the Village Board of the Village of Sister Bay does hereby amend the
19 Municipal Code to create Chapter 65, to be known as the 'Floodplain Zoning Ordinance', including the
20 Flood Insurance Rate Maps for Sister Bay, and subsequent amendments thereto, said ordinance
21 effective May 8, 2024. Furthermore, enforcement of Chapter 65 shall lie with staff designated to
22 enforce Chapter 66, *Zoning*.

23 **SECTION 1. Adoption of Code Amendments.** The following, shown in red, are the amendments which
24 effectively create Chapter 65, *Floodplain Zoning*.

25 **CHAPTER 65 - FLOODPLAIN ZONING**

26
27 **SECTION 100**
28 **GENERAL PROVISIONS**

29
30 **Sec. 65.0101 Statutory Authority**

31 These regulations are adopted pursuant to the authority granted by Wis. Stats., §61.35, §62.23, and
32 §87.30.

33
34 **Sec. 65.0102 Findings of Fact**

35 Uncontrolled development and use of the floodplains and rivers in the Village of Sister Bay would impair
36 the public health, safety, convenience, general welfare, and tax base.

1
2 **Sec. 65.0103 Statement of Purpose**

3 These regulations are intended to regulate floodplain development to:

- 4 (1) Protect life, health and property;
5 (2) Minimize expenditures of public funds for flood control projects;
6 (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
7 (4) Minimize business interruptions and other economic disruptions;
8 (5) Minimize damage to public facilities in the floodplain;
9 (6) Minimize the occurrence of future flood blight areas in the floodplain;
10 (7) Discourage the victimization of unwary land and home buyers;
11 (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between
12 property owners; and
13 (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity,
14 use or structure outside of the floodplain.
15

16 **Sec. 65.0104 Title**

17 This section of the Municipal Code shall be known as “the Floodplain Zoning Ordinance for the Village of
18 Sister Bay”, or “the Village of Sister Bay Floodplain Ordinance”.

19
20 **Sec. 65.0105 General Provisions**

21 (1) Areas to be Regulated.

22 The floodplain zoning regulations for the Village of Sister Bay regulate all areas of special flood
23 hazard identified as Zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Maps.
24 Additional areas identified on maps approved by the Department of Natural Resources (DNR) and
25 Village officials may also be regulated under the provisions of these regulations, where applicable.
26

27 (2) Official Maps & Revisions.

28 Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on
29 the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood
30 Insurance Study (FIS) listed in (a) below. Additional flood hazard areas subject to regulation under
31 these regulations are identified on maps based on studies approved by the DNR and listed in (b)
32 below. These maps and revisions are on file in the Village Administration Office.

- 33 (a) The following maps are based on the Flood Insurance Study (FIS), they were approved by
34 employees from the Wisconsin Department of Natural Resources (DNR) and the Federal
35 Emergency Management Agency (FEMA), and as of the date of the passing and adoption of
36 these regulations will be considered the official floodplain maps for the Village of Sister Bay:
37 The Flood Insurance Rate Map (FIRM), panel numbers 55029C0184D, 55029C0192D, and
38 55029C0203D, dated May 8, 2024;
39 (b) The Flood Insurance Rate Map (FIRM), panel number 55029C0211C, dated March 2, 2009; and,
40 (c) The Flood Insurance Study (FIS) for Door County, Volume 55029CV000B, dated May 8, 2024.
41

42 (3) Establishment of Floodplain Zoning Districts.

43 The flood hazard areas regulated by these regulations are divided into districts as follows:

- 44 (a) Floodway District (FW). The FW is the channel of a river or stream and those portions of the
45 floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as
46 shown on the FIRM, or within A-Zones shown on the FIRM when determined according to Sec.
47 65.0501(5) of these regulations.
48 (b) Flood Fringe District (FF). The FF is that portion of a riverine special flood hazard area outside

1 the floodway within AE Zones on the FIRM, or, when floodway limits have been determined
2 according to 65.0501(5), within A-Zones shown on the FIRM.

3 (c) General Floodplain District (GFP). The GFP is those riverine areas that may be covered by
4 floodwater during the regional flood in which a floodway boundary has not been delineated on
5 the FIRM and includes shallow flooding areas identified as AH and AO Zones on the FIRM.

6 (d) Coastal Floodplain District (CFP). The CFP is an area of special flood hazard extending from
7 offshore to the inland limit of a primary frontal dune along an open coast, and any other area
8 subject to high velocity wave action from storms, including areas identified as Zone V, V1-30, or
9 VE on the FIRM. Where a riverine AE floodway extends into the CFP district, development within
10 the floodway must comply with the regulations for both the FW and CFP districts. Where a
11 riverine A-Zone or AE Zone with no floodway determination abuts the CFP district, the riverine
12 study's floodway limit must be determined based on standard floodway expansion principles
13 within the CFP District and development within the floodway must comply with the standards
14 for both the FW and CFP Districts.

15
16 (4) Locating Floodplain Boundaries.

17 Discrepancies between the exterior boundaries of Zones A1-30, AE, AH, or A on the official floodplain
18 zoning map and actual field conditions may be resolved using the criteria in (a) or (b) below. If a
19 significant difference exists, the map shall be amended according to Secs. 65.0801 through 65.0803
20 of these regulations. The Village Administrator, or the designee, can rely on a boundary derived from
21 a profile elevation to grant or deny a land use permit, whether or not a map amendment is required.
22 The Village Administrator shall be responsible for documenting actual pre-development field
23 conditions and the basis upon which the district boundary was determined. Disputes between the
24 Village Administrator and an applicant over the district boundary line shall be settled in accordance
25 with the provisions of Sec. 65.0703(3) of these regulations and the criteria in (a) and (b) below.
26 Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must
27 approve any map amendment or revision pursuant to Secs. 65.0801 through 65.0803 of these
28 regulations.

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

31 (b) Where flood profiles do not exist for projects, including any boundary of Zone A, AO, V1-30, VE,
32 or Zone V, the location of the boundary shall be determined by the map scale.

33
34 (5) Removal of Lands from Floodplain.

35 (a) Compliance with the provisions of these regulations shall not be grounds for removing land from
36 the floodplain unless it is filled at least two feet above the regional or base flood elevation, the
37 fill is contiguous to land outside the floodplain, and the map is amended pursuant to Secs.
38 65.0801 through 65.0803 of these regulations.

39 (b) The delineation of any of the previously mentioned floodplain districts may be revised by Village
40 officials in accordance with these regulations in instances where natural or man-made changes
41 have occurred and/or where more detailed studies have been conducted. However, prior to any
42 such change, approval must be obtained from the DNR and FEMA. A completed Letter of Map
43 Revision is a record of this approval. The Village Administrator shall not sign a community
44 acknowledgement form unless all the following criteria are satisfied:

45 1. The land and/or land around the structure must be filled at least two feet above the regional
46 or base flood elevation;

47 2. The fill must be contiguous to land outside the floodplain; and,

48 3. The applicant must have obtained a floodplain development permit before applying for a

1 LOMR or LOMR-F.

2 (c) Removal of lands from the floodplain may also occur by applying the provisions of Wis. Stats.,
3 §87.30(1)(e), but a property owner must first obtain a letter of map amendment from FEMA
4 that was issued in accordance with the provisions of Sec. 70 of the Code of Federal Regulations.

5
6 (6) Compliance.

7 (a) No structure or use within areas regulated by these regulations shall hereafter be located,
8 erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered
9 without full compliance with the terms of these regulations and all other applicable regulations
10 that apply to uses within the floodplain in the Village.

11 (b) Failure to obtain a floodplain development permit shall be a violation of these regulations and
12 shall be punishable in accordance with Sec. 65.0901 of these regulations.

13 (c) Floodplain development permits issued on the basis of plans and applications approved by the
14 Village Administrator authorize only the use, and arrangement, set forth in such approved plans
15 and applications, or amendments thereto. Use, arrangement, or construction contrary to that
16 which was authorized shall be deemed a violation of these regulations and is punishable in
17 accordance with Sec. 65.0901 of these regulations.

18
19 (7) Municipalities and State Agencies Regulated.

20 Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply
21 with these regulations and obtain all necessary permits. If Wis. Stats., §13.48(13) applies, state
22 agencies must also comply. The construction, reconstruction, maintenance and repair of state
23 highways and bridges by the Wisconsin Department of Transportation (DOT) is exempt when Wis.
24 Stats., §30.2022 applies. Although exempt from a local zoning permit and permit fees, the DOT must
25 provide sufficient project documentation and analysis to ensure that the community is in compliance
26 with federal, state, and local floodplain standards. If a local transportation project is located within
27 a Zone-A Floodplain and is not a designated project under Wis. Stats., §30.2022, then the road project
28 design documents (including appropriate detailed plans and profiles) may be sufficient to meet the
29 requirements for issuance of a local floodplain permit if the following apply:

30 (a) The applicant provides documentation to the Village Administrator that the proposed project
31 is a culvert replacement or bridge replacement with a span that is under 20' at the same
32 location;

33 (b) The project is exempt from a DNR permit under Wis. Stats., §30.123(6)(d);

34 (c) The capacity is not decreased;

35 (d) The top road grade is not raised; and,

36 (e) No floodway data is available from a federal or state agency, or other source.

37 (f) If floodway data is available in the impacted area from a federal or state agency or other
38 source, that data must be utilized by the applicant.

39
40 (8) Abrogation and Greater Restrictions.

41 (a) These regulations supersede all the provisions of any municipal zoning ordinance enacted
42 under Wis. Stats., §61.35 or §87.30 which relate to floodplains. If, however, the Village has a
43 more restrictive ordinance that relates to floodplains, that ordinance shall continue in full force
44 and effect to the extent of the greater restrictions.

45 (b) These regulations are not intended to repeal, abrogate, or impair any existing deed
46 restrictions, covenants, or easements. If these regulations impose greater restrictions, the
47 provisions of these regulations shall prevail.

1 (9) Interpretation.

2 In their interpretation and application, the provisions of these regulations are the minimum
3 requirements liberally construed in favor of the governing body and are not a limitation on or repeal
4 of any other powers granted by the Wisconsin Statutes. If a provision of these regulations, required
5 by Chapter NR 116 of the Wisconsin Administrative Code, is unclear, the provision shall be
6 interpreted in light of the standards in effect on the date of the adoption of these regulations or in
7 effect on the date of the most recent text amendment to these regulations.
8

9 (10) Warning and Disclaimer of Liability.

10 The flood protection standards in these regulations are based on engineering experience and
11 research. Larger floods may occur, or the flood height may be increased by man-made or natural
12 causes. These regulations do not imply or guarantee that non-floodplain areas or permitted
13 floodplain uses will be free from flooding and flood damages. These regulations do not create liability
14 on the part of, or a cause of action against, the municipality or any officer or employee thereof for
15 any flood damage that may result from reliance on these regulations.
16

17 (11) Severability.

18 Should any portion of these regulations be declared unconstitutional or invalid by a court of
19 competent jurisdiction, the remainder of these regulations shall not be affected.
20

21 (12) Annexed Areas for Cities and Villages.

22 The Door County floodplain zoning provisions in effect on the date of annexation shall remain in
23 effect and shall be enforced by the Village for all annexed areas until the Village adopts and enforces
24 an ordinance which satisfies the requirements of Chapter NR 116 of the Wisconsin Administrative
25 Code and Chapter 44 of the Code of Federal Regulations Parts 59-72, also known as the National
26 Flood Insurance Program (NFIP), but these annexed lands must be delineated on the Village's official
27 Zoning Map. Door County's floodplain zoning provisions are incorporated by reference for the
28 purpose of administering this section and are on file in the office of the Village Administrator. All
29 plats or maps of annexation shall show the regional flood elevation and the floodway location.

30
31 **SECTION 200**
32 **GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**
33

34 **Sec. 65.0201 Permit Application Review**

35 The Village Administrator shall review all permit applications to determine whether proposed building
36 sites will be reasonably safe from flooding and assure that all necessary permits have been received from
37 those governmental agencies whose approval is required by federal or state law.

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

- 40 (a) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure
41 resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- 42 (b) Be constructed with flood-resistant materials;
- 43 (c) Be constructed by methods and practices that minimize flood damages; and,
- 44 (d) All mechanical and utility equipment must be elevated to or above the flood protection
45 elevation.
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- 1
2 (2) If a subdivision or other proposed new development is in a flood-prone area, the Village shall assure
3 that:
4 (a) Such proposed subdivision or other proposed new development is consistent with the need to
5 minimize flood damage within the flood-prone area;
6 (b) Public utilities and facilities such as sewer, gas, electrical, and water systems are located and
7 constructed to minimize or eliminate flood damage; and,
8 (c) Adequate drainage is provided to reduce exposure to flood hazards.
9

10 All subdivision proposals (including manufactured home parks, if any) shall include regional flood
11 elevation and floodway data for any development that meets the subdivision definition of these
12 regulations and all other requirements set forth in Sec. 65.0701(2).

13
14 **Sec. 65.0202 Hydraulic and Hydrologic Analysis**

- 15 (1) No floodplain development shall:
16 (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself
17 or with other development, causing any increase in the regional flood height; or
18 (b) Cause any increase in the regional flood height due to floodplain storage area lost.
19 (c) Unless the provisions of Secs. 65.0801 through 65.0803 of these regulations have been
20 satisfied, the Village Administrator shall deny permits if it is determined that the proposed
21 development will obstruct water flow or cause any increase in the regional flood height, based
22 on the officially adopted FIRM or other adopted map.
23

24 **Sec. 65.0203 Water Course Alterations**

25 No land use permit to alter or relocate a water course in a mapped floodplain shall be issued until the
26 Village Administrator has notified all adjacent municipalities, the DNR and FEMA regional offices in
27 writing, and required the applicant to secure all necessary state and federal permits. The standards of
28 Sec. 65.0202 of these regulations must also be satisfied and the flood carrying capacity of any altered or
29 relocated watercourse shall be maintained.

30 As soon as is practicable, but no later than six months after the date of the watercourse alteration or
31 relocation, and pursuant to Secs. 65.0801 through 65.0803 of these regulations, the Village shall apply for
32 a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by
33 FEMA and the DNR through the LOMC process.

34 **Sec. 65.0204 Chapters 30 and 31 of the Wisconsin Statutes - Development**

35 Development which requires a permit from the DNR under Wis. Stats., Chapters 30 and 31, such as docks,
36 piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits
37 are obtained and amendments to the regulations are made in accordance with the provisions of Secs.
38 65.0801 through 65.0803 of these regulations.
39

40 **Sec. 65.0205 Public or Private Campgrounds**

41 Public and private campgrounds are prohibited in the Village of Sister Bay. In the future, if the Village of
42 Sister Bay decides to allow campgrounds, flood regulations shall be adopted prior to any such zoning
43 amendment becoming effective.
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SECTION 300 FLOODWAY DISTRICT (FW)

Sec. 65.0301 Applicability

This section applies to all floodway areas on the floodplain zoning maps and those areas identified in Sec. 65.0501(5) of these regulations.

Sec. 65.0302 Permitted Uses

(1) The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District provided:

- (a) They are not prohibited by any other ordinance;
- (b) They meet the standards delineated in Sec. 65.0303 and Sec. 65.0304 of these regulations; and,
- (c) All required permits or certificates have been issued pursuant to Sec. 65.0701 of these regulations.
 - 1. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting;
 - 2. Non-structural industrial and commercial uses, such as loading areas, parking areas and airport landing strips;
 - 3. Subject to the fill limitations described in Sec. 65.0303(5) of these regulations, non-structural 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 ranges, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails;
 - 4. Uses or structures accessory to open space uses or classified as historic structures that satisfy the provisions of Sec. 65.0303 and Sec. 65.0304 of these regulations;
 - 5. Extraction of sand, gravel or other materials which satisfies the provisions of Sec. 65.0303(5) of these regulations;
 - 6. 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 the provisions of Wis. Stats., Chapters 30 and 31;
 - 7. Public utilities, streets and bridges that comply with the provisions of Sec. 65.0303(4) of these regulations;
 - 8. Portable latrines that are removed prior to flooding, and systems associated with recreational areas and State approved campgrounds that satisfy the applicable provisions of local ordinances and Chapter SPS 383 of the Wisconsin Administrative Code;
 - 9. Public or private wells that are utilized to obtain potable water for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812 of the Wisconsin Administrative Code;
 - 10. Wastewater treatment ponds or facilities permitted under Sec. NR 110.15(3)(b) of the Wisconsin Administrative Code; and,
 - 11. 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.

Sec. 65.0303 Standards for Development in the Floodway

(1) General.

- (a) Any development in the floodway must comply with Secs. 65.0201 through 65.0205 of these regulations and have a low flood damage potential.

1 (b) Applicants shall provide an analysis calculating the effects of their proposal on the regional
2 flood height that satisfies the provisions of Secs. 65.0201 and 65.0701(2)(c) of these
3 regulations, and that analysis must be completed by a registered professional engineer who is
4 licensed to practice in the State of Wisconsin.

5 (c) Unless the data that is mentioned in Sec. 65.0303(1)(b) above demonstrates that the
6 encroachment will cause no increase in flood elevations in flood events up to the base flood at
7 any location or removes the encroached area from the regulatory floodway as provided in Sec.
8 65.0105(5) of these regulations, any encroachment in the regulatory floodway is prohibited.

9 (2) Structures.

10 (a) Structures accessory to permanent open space uses, including utility and sanitary facilities, or
11 which are functionally dependent on a waterfront location may be allowed by permit if the
12 structures comply with the following criteria:

- 13 1. They are not designed for human habitation, do not have a high flood damage potential
14 and are constructed to minimize flood damage;
- 15 2. They shall either have the lowest floor elevated to or above the flood protection elevation
16 or shall meet all of the following standards:
 - 17 a. The lowest floor must be elevated to or above the regional flood elevation and be
18 dry flood-proofed so that the structure is watertight with walls substantially
19 impermeable to the passage of water and completely dry to the flood protection
20 elevation without human intervention during flooding;
 - 21 b. They have structural components capable of satisfying all the provisions of Sec.
22 65.0303(3) of these regulations, and;
 - 23 c. They have been certified by a registered professional engineer or architect, through
24 the use of a Federal Emergency Management Agency Flood-proofing Certificate, that
25 the design and methods of construction comply with the provisions of Sec.
26 65.0303(3) of these regulations;
- 27 3. Must be anchored to resist flotation, collapse, and lateral movement;
- 28 4. Mechanical and utility equipment must be elevated to or above the flood protection
29 elevation; and,
- 30 5. Must not obstruct the flow of flood waters or cause any increase in flood levels during
31 the occurrence of the regional flood.

32 (b) For a structure designed to allow the automatic entry of floodwaters below the regional flood
33 elevation, the applicant shall submit a plan that satisfies the provisions of Secs.
34 65.0303(2)(a)(1)-(5) of these regulations, and meets or exceeds the following standards:

- 35 1. The lowest floor must be elevated to or above the regional flood elevation;
- 36 2. It must have a minimum of two openings having a total net area of not less than one
37 square inch for every square foot of enclosed area subject to flooding;
- 38 3. The bottom of all openings shall be no higher than one foot above the lowest adjacent
39 grade. Those openings may be equipped with screens, louvers, valves, or other coverings
40 or devices, provided that they permit the automatic entry and exit of floodwaters, but
41 that equipment must remain open unless and until it is needed.
- 42 4. The use must be limited to parking, building access or limited storage.

43 (3) Certification.

44 Whenever flood-proofing measures are required, a registered professional engineer or architect shall
45 certify that the following flood-proofing measures will be utilized, where appropriate, and are
46 adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other
47 factors associated with the regional flood:

- 1 (a) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by
- 2 water pressures or debris buildup;
- 3 (b) Construction of wells, water supply systems and waste treatment systems so as to prevent the
- 4 entrance of flood waters in such systems, provided that all the provisions of Sections
- 5 65.0304(1)(d)-(e) of these regulations have been satisfied;
- 6 (c) Sub-surface drainage systems to relieve external pressures on foundation walls and basement
- 7 floors;
- 8 (d) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and,
- 9 (e) Placement of utilities to or above the flood protection elevation.

10
11 (4) Public Utilities, Streets and Bridges.

12 Public utilities, streets and bridges may be allowed by permit, if:

- 13 (a) Adequate flood-proofing measures are provided to the flood protection elevation; and,
- 14 (b) Construction meets the development standards of Sec. 65.0202.

15
16 (5) Fills or Deposition of Materials.

17 Fills or deposition of materials may be allowed by permit, if:

- 18 (a) The requirements of Sec. 65.0202 have been satisfied;
- 19 (b) The permit is issued by the DNR pursuant to Wis. Stats., Chapter 30, and, if applicable, pursuant
- 20 to Sec. 404 of the Federal Water Pollution Control Act (Amendments of 1972), and Sec. 1344
- 21 of Chapter 33 of the U.S. Code, and if all other related requirements have been satisfied;
- 22 (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet
- 23 piling or bulk heading; and,
- 24 (d) The fill is not classified as a solid or hazardous material.

25
26 **Sec. 65.0304 Prohibited Uses**

27 (1) All uses that are not listed as permitted uses in Sec. 65.0302 of these regulations, including the

28 following specific uses are prohibited in the Floodway District:

- 29 (a) Habitable structures, structures with high flood damage potential, or those not associated with
- 30 permanent open-space uses;
- 31 (b) Storage of materials that are buoyant, flammable, explosive, injurious to property, water
- 32 quality, or human, animal, plant, fish or other aquatic life;
- 33 (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 34 (d) Any private or public sewage systems, except portable latrines that are removed prior to
- 35 flooding and systems associated with recreational areas and Department-approved
- 36 campgrounds that meet the applicable provisions of local ordinances and Chapter SPS 383 of
- 37 the Wisconsin Administrative Code;
- 38 (e) Any public or private wells that are utilized to obtain potable water, except those that are
- 39 utilized in recreational areas that meet the requirements of local ordinances and Chapters NR
- 40 811 and NR 812 of the Wisconsin Administrative Code;
- 41 (f) Any solid or hazardous waste disposal sites;
- 42 (g) Any wastewater treatment ponds or facilities, except those permitted under NR 110.15(3)(b)
- 43 of the Wisconsin Administrative Code; and,
- 44 (h) Any sanitary sewer or water supply lines, except those that service existing or proposed
- 45 development located outside the floodway which complies with the regulations for the
- 46 floodplain area occupied.

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**SECTION 400
FLOOD FRINGE DISTRICT (FF)**

Sec. 65.0401 Applicability

This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified in Sec. 65.0501(5) of these regulations.

Sec. 65.0402 Permitted Uses

Any structure, land use, or development is allowed in the Flood Fringe District if the standards in Sec. 65.0403 of these regulations have been satisfied, or, if any of the permits or certificates specified in Sec. 65.0701 have been issued, the use may not be prohibited by these or any other regulations.

Sec. 65.0403 Standards for Development in the Flood Fringe

In order for development to occur in the Flood Fringe District, the provisions of Secs. 65.0201 through 65.0205 of these regulations, as well as the following requirements will apply. Any existing structures in the flood fringe must also meet the requirements of Secs. 65.0601 through 65.0604 of these regulations.

(1) Residential Uses.

Any structure, including a manufactured home, if allowed, which is to be newly constructed or moved into the flood fringe, shall meet or exceed the following standards. Further, any existing structures in the flood fringe must satisfy the requirements of Secs. 65.0601 through 65.0604 of these regulations.

(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 with fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure, and, no area may be removed from the Flood Fringe District unless it can be demonstrated that the provisions of Sec. 65.0105(5) of these regulations have been satisfied.

(b) Notwithstanding the provisions of Sec. 65.0403(1)(a) of these regulations, 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 dryland access shall be provided from a structure to land outside of the floodplain, except as provided in (d) of this section.

(d) In developments where existing street or sewer line elevations make compliance with (c) above impractical, the Village may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. Village officials receive written assurance from police, fire department and emergency services representatives that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or,
2. The Village has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) Accessory Structures or Uses.

In addition to complying with the provisions of Secs. 65.0201 through 65.0205 of these regulations, new construction and substantial improvements of accessory structures shall be constructed on fill

1 in such fashion that the lowest floor is at or above the regional flood elevation.

2
3 (3) Commercial Uses.

4 In addition to complying with the provisions of Secs. 65.0201 through 65.0205 of these regulations,
5 any commercial structure which is erected, altered, or moved into the flood fringe must satisfy the
6 requirements of Sec. 65.0403(1) of these regulations. Subject to the requirements of Sec.
7 65.0403(5) of these regulations, storage yards, surface parking lots and other such uses may be
8 placed at lower elevations if an adequate warning system exists to protect life and property.

9
10 (4) Manufacturing and Industrial Uses.

11 In addition to complying with the provisions of Secs. 65.0201 through 65.0205 of these regulations,
12 any manufacturing or industrial structure which is erected, altered, or moved into the flood fringe
13 shall have the lowest floor elevated to or above the flood protection elevation or must satisfy the
14 flood-proofing standards that are delineated in Sec. 65.0705 of these regulations. Subject to the
15 requirements of Sec. 65.0403(5) of these regulations, storage yards, surface parking lots and other
16 such uses may be placed at lower elevations if an adequate warning system exists to protect life
17 and property.

18
19 (5) Storage of Materials.

20 Materials that are buoyant, flammable, explosive, or injurious to property, water quality or humans,
21 animals, plants, fish, or aquatic life shall be stored at or above the flood protection elevation or
22 flood-proofed in compliance with Sec. 65.0705 of these regulations. Adequate measures shall also
23 be taken to ensure that such materials will not enter the water body during flooding.

24
25 (6) Public Utilities, Streets and Bridges.

26 All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain
27 development plans. Further,

28 (a) When failure of public utilities, streets and bridges would endanger public health or safety, or
29 where such facilities are deemed essential, construction or repair of such facilities will only
30 be permitted if they are designed in such fashion that the provisions of Sec. 65.0705 of these
31 regulations are satisfied.

32 (b) Minor roads or non-essential utilities may be constructed at lower elevations if they are
33 designed to withstand flood forces to the regional flood elevation.

34
35 (7) Sewage Systems.

36 Pursuant to Sec. 65.0705(3) of these regulations, all sewage disposal systems shall be designed to
37 minimize or eliminate infiltration of flood water into the system to the flood protection elevation
38 and must also satisfy the provisions of all local ordinances and Chapter SPS 383 of the Wisconsin
39 Administrative Code.

40
41 (8) Wells.

42 Pursuant to Sec. 65.0705(3) of these regulations, all wells shall be designed to minimize or eliminate
43 infiltration of flood waters into the system to the flood protection elevation and must also satisfy
44 the provisions of Chapters NR 811 and NR 812 of the Wisconsin Administrative Code.

45
46 (9) Solid Waste Disposal Sites.

47 Disposal of solid or hazardous waste is prohibited in all flood fringe areas.

1 (10) Deposition of Materials.

2 Any deposited material must meet all the provisions of these regulations.

3
4 (11) Manufactured Homes.

5 (a) Owners or operators of all manufactured home parks, if allowed under Chapter 66, *Zoning*,
6 and subdivisions, shall provide adequate surface drainage to minimize flood damage, and
7 prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape
8 routes, with local emergency management authorities.

9 (b) Outside of existing manufactured home parks, including new manufactured home parks and
10 all single units outside of existing parks, if allowed under Chapter 66, *Zoning*, all new,
11 replacement and substantially improved manufactured homes shall meet the residential
12 development standards for the flood fringe that are delineated in Sec. 65.0403(1) of these
13 regulations.

14
15 (11) Mobile Recreational Vehicles.

16 All mobile recreational vehicles, if allowed under Chapter 66, *Zoning*, must be on site for less than
17 180 consecutive days and be either:

18 (a) Fully licensed and ready for highway use; or,

19 (b) Shall meet the elevation and anchoring requirements that are described in Secs.
20 65.0403(11)(a) and (b).

21
22 **SECTION 500**
23 **OTHER FLOODPLAIN DISTRICTS**

24
25 **Sec. 65.0501 General Floodplain District (GFP)**

26 (1) Applicability.

27 The regulations for the General Floodplain District shall apply to development in all floodplains
28 mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood
29 Insurance Rate Maps identified in Sec. 65.0105(2)(a) of these regulations.

30
31 (2) Floodway Boundaries.

32 For proposed development in Zone-A, or in Zone AE within which a floodway is not delineated on
33 the Flood Insurance Rate Map identified in Sec. 65.0105(2)(a), the boundaries of the regulatory
34 floodway shall be determined pursuant to Sec. 65.0501(5). If the development is proposed to
35 encroach upon the regulatory floodway, the development is subject to the standards of Secs.
36 65.0301 through 65.0304 of these regulations. If the development is located entirely within the
37 flood fringe, the development is subject to the standards of Secs. 65.0401 through 65.0403.

38
39 (3) Permitted Uses.

40 Pursuant to Sec. 65.0501(5) of these regulations it shall be determined whether the proposed use
41 is located within the floodway or flood fringe. Those uses permitted in the Floodway (Sec. 65.0302)
42 and Flood Fringe (Sec. 65.0402) Districts are allowed within the General Floodplain District, in
43 accordance with the standards that are established in Sec. 65.0501(4) of these regulations, provided
44 that all permits or certificates required under Sec. 65.0701 have been issued.

45
46 (4) Standards For Development in the General Floodplain District.

1 Secs. 65.0301 through 65.0403 of these regulations apply to floodway areas and flood fringe areas
2 that were determined pursuant to the provisions of Sec. 65.0501(5) of these regulations.

3 (a) New construction and substantial improvement of structures in Zone AO shall have the lowest
4 floor, including the basement, elevated:

- 5 1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural
6 grade; or,
- 7 2. If the depth is not specified on the FIRM, two feet above the highest adjacent natural
8 grade or higher.

9 (b) New Construction and substantial improvement of structures in Zone AH shall have the lowest
10 floor, including the basement, elevated to or above the flood protection elevation.

11 (c) In the AO/AH Zones, adequate drainage paths shall be provided to guide floodwaters around
12 structures.

13 (d) All development in Zones AO and zone AH must satisfy the requirements for flood fringe areas
14 that are delineated in Sec. 65.0401 through 65.0403.

15
16 (5) Determining Floodway and Flood Fringe Limits.

17 Upon receiving an application for development within Zone-A, or within Zone AE where a floodway
18 has not been delineated on the Flood Insurance Rate Maps, the Village Administrator shall:

19 (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the
20 proposed development with respect to the general floodplain district limits, stream channel,
21 and existing floodplain developments, along with a legal description of the property, fill limits
22 and elevations, building floor elevations and flood proofing measures and the flood zone as
23 shown on the FIRM.

24 (b) Require the applicant to furnish any of the following information deemed necessary by the
25 DNR to evaluate the effects of the proposal upon flood height and flood flows and regional
26 flood elevation, and to determine floodway boundaries:

- 27 1. A Hydrologic and Hydraulic Study as specified in Sec. 65.0701(2)(c) of these regulations.
- 28 2. A Site Plan that shows elevations or contours of the ground; the pertinent structure(s),
29 fill or storage elevations; the size, location, and layout of any and all proposed and
30 existing structures on the site; the location and elevations of streets, and the location(s)
31 of water supply lines and sanitary facilities, as well as soil types and any other pertinent
32 information.
- 33 3. Specifications for building construction and materials, flood-proofing, filling, dredging,
34 channel improvement, storage, water supply and sanitary facilities.

35
36 **Sec. 65.0502 Coastal Floodplain District (CFD)**

37 (1) Applicability.

38 The provisions of this section apply to all Coastal Floodplain Districts (CFD) that are shown on the
39 floodplain zoning maps, and includes zones V, V1-30, and VE. Where a floodway shown on the
40 floodplain zoning maps, or a floodway determined as explained in Sec. 65.0105(3)(d) of these
41 regulations or a regulatory floodway identified pursuant to Sec. 65.0501(5) of these regulations
42 extends into a Coastal Floodplain District, development shall comply with the standards of Secs.
43 65.0301 through 65.0304 and Sec. 65.0502(2) of these regulations.

44 (2) Standards For Development in the Coastal Floodplain District.

45 Development in the CFD District shall meet the requirements of Secs. 65.0201 through 65.0205 of
46 these regulations, as well as the following:

47 (a) New construction shall be located landward of the ordinary high-water mark.

- 1 (b) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected
2 to the foundation or superstructure of a building and shall be designed and constructed so as
3 not to direct floodwaters or increase flood forces or erosion impacts on the foundation or
4 superstructure of any building.
- 5 (c) Man-made alterations of sand dunes are prohibited unless an engineering report documents
6 that the alterations will not increase potential flood damage by reducing the wave and flow
7 dissipation characteristics of the sand dunes.
- 8 (d) The use of fill for structural support of buildings is prohibited.
- 9 1. Non-structural fill shall be permitted only if an engineering report demonstrates that the
10 fill will not cause run-up, ramping, or deflection of floodwaters that cause damage to
11 buildings.
- 12 (e) New construction and substantial improvement of buildings shall be elevated, consistent with
13 Section SPS 321.34 of the Wisconsin Administrative Code and shall be on pilings or columns
14 so that the bottom of the lowest horizontal structural member of the lowest floor (excluding
15 the pilings or columns) is elevated to or above the flood plain elevation.
- 16 1. The pilings or column foundation and structure attached thereto shall be anchored to
17 resist flotation, collapse, and lateral movement due to the effects of wind and water
18 loads acting simultaneously on all building components. Water loading values shall be
19 those associated with the base flood. Wind loading values shall be those defined in The
20 American Society of Civil Engineers Publication 7-16 that is entitled, *Minimum Design
21 Loads and Associated Criteria For Buildings and Other Structures*, or other equivalent
22 standard.
- 23 2. A registered professional engineer or architect shall develop or review the structural
24 design, specifications, and plans for the construction, and must certify that the design
25 and methods of construction to be used satisfy the accepted standards of practice and
26 are fully compliant with the provisions of this sub-section.
- 27 (f) New construction and substantial improvement of buildings shall have the space below the
28 lowest floor either free of obstruction or constructed with non-supporting breakaway walls,
29 open wood latticework, or insect screening intended to collapse without causing collapse,
30 displacement, or other structural damage to the elevated portion of the building or
31 supporting foundation system.
- 32 1. In order to satisfy the provisions of this sub-section, breakaway walls shall have a design
33 safe loading resistance of not less than 10 and not more than 20 pounds per square foot.
- 34 2. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per
35 square foot (either by design or where so required by local or state codes) may be
36 permitted only if a registered professional engineer or architect certifies that the design
37 proposed meets all of the following conditions:
- 38 a. Breakaway wall collapse will result from a water load less than that which would
39 occur during the base flood; and,
- 40 b. The elevated portion of the building and supporting foundation system shall not be
41 subject to collapse, displacement, or other structural damage due to the effects of
42 wind and water loads acting simultaneously on all building components (structural
43 and non-structural). Water loading values shall be those associated with the base
44 flood. Wind loading values shall be those defined in The American Society of Civil
45 Engineers Publication 7-16 that is entitled, *Minimum Design Loads and Associated
46 Criteria for Buildings and Other Structures*, or other equivalent standard.
- 47 3. All space enclosed by breakaway walls, open wood latticework, or insect screening below
48 the lowest floor shall be used solely for parking, building access, or storage.

- 1 (g) New and replacement water supply systems and sanitary sewage systems within flood-prone
 2 areas must be designed in the following fashion:
 3 1. New and replacement water supply systems shall be designed in such fashion that
 4 infiltration of flood waters into those systems is minimized or eliminated; and,
 5 2. New and replacement sanitary sewage systems shall be designed in such fashion that
 6 infiltration of flood waters into the systems and discharges from them into flood waters
 7 and/or onsite waste disposal systems is minimized or eliminated. Further, onsite waste
 8 disposal systems shall be installed in such fashion that impairment to them or
 9 contamination from them during flooding is also minimized or eliminated.
- 10 (h) All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:
 11 1. Fully licensed and ready for highway use; or,
 12 2. Satisfy all the standards that are delineated in Secs. 65.0502(2)(a) through 65.0502(2)(g)
 13 above.
 14 3. Manufactured homes placed or substantially improved within the
 15 Coastal Floodplain District must also meet the standards of Sections
 16 65.0502(2)(a) through 65.0502(2)(g) above.

17
 18 **SECTION 600**
 19 **NON-CONFORMING USES**

20
 21 **Sec. 65.0601 General Non-Conforming Use Regulations**

22 (1) Applicability.

23 (a) The standards in this section shall apply to all uses and buildings that do not conform to the
 24 provisions contained within this chapter of the Municipal Code or Wis. Stats., §87.30, as well
 25 as Sections NR 116.12-14 of the Wisconsin Administrative Code, and Title 44 of the Code of
 26 Federal Regulations Parts 59-72. These standards shall apply to all modifications or additions
 27 to any non-conforming use or structure, and to the use of any structure or premises which
 28 was lawful before the passage of these regulations or any amendment thereto. A party
 29 asserting existence of a lawfully established non-conforming use or structure has the burden
 30 of proving that the use or structure was compliant with the floodplain zoning regulations in
 31 effect at the time the use or structure was created.

32 (b) As permit applications are received for additions, modifications, or substantial improvements
 33 to non-conforming buildings in the floodplain, Village staff members will develop a list of
 34 those non-conforming buildings.

35 (2) Lawful Nonconformities.

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

38 (a) No modifications or additions to a non-conforming use or structure shall be permitted unless
 39 the modifications or additions comply with all the provisions of these regulations. The words
 40 "modification" and "addition" include, but are not limited to, any alteration, addition,
 41 modification, structural repair, re-building or replacement of any such existing use, structure
 42 or accessory structure or use. Maintenance is not considered a modification; this includes
 43 painting, decorating, paneling and other non-structural components and the maintenance,
 44 repair or replacement of existing private sewage or water supply systems or connections to
 45 public utilities. Any costs associated with the repair of a damaged structure are not
 46 considered maintenance. The construction of a deck that does not exceed 200 square feet

1 and that is adjacent to the exterior wall of a principal structure is not an extension,
2 modification, or addition. The roof of the structure may extend over a portion of the deck in
3 order to provide safe ingress and egress to the principal structure.

4 (b) If a non-conforming use or the use of a non-conforming structure is discontinued for twelve
5 (12) consecutive months, it is no longer permitted, and any future use of the property and
6 any structure or building thereon shall conform to the applicable requirements of these
7 regulations.

8 (c) As was previously stated, as permit applications are received for additions, modifications, or
9 substantial improvements to non-conforming buildings in the floodplain, Village staff
10 members will develop a list of all non-conforming uses and non-conforming structures. That
11 list will contain data pertaining to the present equalized assessed value of the non-conforming
12 structures, the cost of all modifications or additions which have been permitted to those
13 structures, and the percentage of the structures' total current values those modifications
14 represent.

15 (d) No modifications or additions to any non-conforming structure or any structure with a non-
16 conforming use, which, over the life of the structure would equal or exceed 50% of its present
17 equalized assessed value, shall be allowed unless the entire structure is permanently modified
18 in such fashion that it will be considered a conforming structure with a conforming use and
19 complies with all the applicable requirements of these regulations. Contiguous dry land access
20 must be provided for residential and commercial uses that comply with Sec. 65.0403(1) of
21 these regulations. The costs of elevating the lowest floor of a non-conforming building or a
22 building with a non-conforming use to the flood protection elevation are excluded from the
23 50% provisions of this sub-section.

24 (e) No maintenance that is performed on a "per event" basis to any non-conforming structure or
25 any structure with a non-conforming use, the cost of which would equal or exceed 50% of its
26 present equalized assessed value, will be allowed unless the entire structure is permanently
27 altered in such fashion that it is considered a conforming structure with a conforming use. In
28 accordance with the provisions of Sec. 65.0403(1) of these regulations, contiguous dry land
29 access must be provided for residential as well as commercial uses. Maintenance to any non-
30 conforming structure, which does not exceed 50% of its present equalized assessed value on
31 a "per event" basis will not count against the cumulative calculations over the life of that
32 structure.

33 (f) If, on a "per event" basis the total value of the work to be performed under (d) and (e) above
34 equals or exceeds 50% of the present equalized assessed value of a non-conforming structure,
35 the work shall not be permitted unless the entire structure is permanently altered in such
36 fashion that it is considered a conforming structure with a conforming use. In accordance
37 with the provisions of Sec. 65.0403(1) of these regulations, contiguous dry land access must
38 be provided for residential as well as commercial uses.

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

45 (h) For non-conforming buildings that are substantially damaged or destroyed by a non-flood
46 disaster, the repair or reconstruction of any such non-conforming building shall be permitted
47 in order to restore it to the size and use in effect prior to the damage event, provided that the

1 following minimum requirements are met, and all required permits have been granted prior
2 to the start of construction:

3 1. Residential Structures:

- 4 a. Shall have the lowest floor, including the basement, elevated to or above the base
5 flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls
6 must satisfy the requirements of Sec. 65.0705(2).
- 7 b. Shall be anchored to prevent flotation, collapse, or lateral movement of the
8 structure resulting from hydrodynamic and hydrostatic loads, including the effects
9 of buoyancy, and shall be constructed with methods and materials resistant to flood
10 damage.
- 11 c. Shall be constructed with electrical, heating, ventilation, plumbing and air
12 conditioning equipment and other service facilities that are designed and/or
13 elevated so as to prevent water from entering or accumulating within the
14 components during conditions of flooding.
- 15 d. In A-Zones, obtain, review, and utilize any flood data available from a federal, state
16 or other sources.
- 17 e. In AO Zones where no elevations are specified, the lowest floor of the building,
18 including the basement, must satisfy all of the standards delineated in Sec.
19 65.0501(4) of these regulations.
- 20 f. In AO Zones, adequate drainage paths shall be provided around structures on
21 slopes so that floodwaters are guided around and away from structures.

22 2. Non-Residential Structures:

- 23 a. Must satisfy the standards delineated in Sec. 65.0601(2)(h)1a through f of these
24 regulations.
- 25 b. Must either have the lowest floor, including the basement, elevated to or above
26 the regional flood elevation; or, together with attendant utility and sanitary
27 facilities, the building must satisfy the requirements of Sec. 65.0705(1) or (2) of
28 these regulations.
- 29 c. In AO Zones where no elevations are specified, the lowest floor of the building,
30 including the basement, must satisfy the standards delineated in Sec. 65.0501(4).

31
32 (3) Historic Structures.

33 A non-conforming historic structure may be altered if the following conditions are satisfied if,

- 34 (a) The alteration will not preclude the structure's continued designation as an historic structure;
- 35 (b) The alteration will satisfy the requirements of Sec. 65.0303(1) of these regulations;
- 36 (c) Flood resistant materials are used; and,
- 37 (d) Construction practices and flood-proofing methods that satisfy the requirements of Sec.
38 65.0705 of these regulations are used. Repair or rehabilitation of historic structures shall be
39 exempt from the development standards of Sec. 65.0601(2)(h)1 of these regulations if it is
40 determined that the proposed repair or rehabilitation will not preclude the structure's
41 continued designation as an historic structure and is the minimum amount of work required
42 to preserve the historic character and design of the structure.

43 **Sec. 65.0602 Floodway District**

44 (1) No modifications or additions shall be allowed to any non-conforming structure or any structure
45 with a non-conforming use in the Floodway District, unless such modifications or additions:

- 46 (a) Are the subject of a permit or variance for work which satisfies all the requirements of these
47 regulations; and,

- 1 (b) Will not increase the obstruction to flood flows or regional flood height.
- 2 (c) Pursuant to Sec. 65.0705 of these regulations any addition to an existing structure shall be
- 3 flood-proofed by means other than through the use of fill, to the flood protection elevation.
- 4 (d) If any part of the foundation below the flood protection elevation is enclosed, the following
- 5 standards will apply:
- 6 1. The enclosed area shall be designed by a registered architect or engineer to allow for the
- 7 efficient entry and exit of flood waters without human intervention. A minimum of two
- 8 (2) openings must be provided with a minimum net area of at least one square inch for
- 9 every one square foot of the enclosed area, and the lowest part of the opening can be
- 10 no more than 12 inches above the adjacent grade.
- 11 2. The parts of the foundation located below the flood protection elevation must be
- 12 constructed of flood-resistant materials.
- 13 3. Mechanical and utility equipment must be elevated or flood-proofed to or above the
- 14 flood protection elevation.

15
16 (2) The use must be limited to parking, building access or limited storage. No new on-site sewage
17 disposal systems, or an addition to an existing on-site sewage disposal system, will be allowed in
18 the Floodway District unless the addition has been ordered by a government agency to correct a
19 hazard to public health, Further, any replacement, repair or maintenance that is done to an existing
20 on-site sewage disposal system in a floodway area must satisfy the applicable requirements of all
21 municipal ordinances, Sec. 65.0705(3) of these regulations, and Chapter SPS 383 of the Wisconsin
22 Administrative Code.

23
24 (3) No new wells or modifications to an existing well used to obtain potable water will be allowed in
25 the Floodway District. Further, any replacement, repair, or maintenance of an existing well in the
26 Floodway District must satisfy the applicable requirements of all municipal ordinances, Sec.
27 65.0705(3) of these regulations and Chapters NR 811 and NR 812 of the Wisconsin Administrative
28 Code.

29 **Sec. 65.0603 Flood Fringe District**

30 (1) No modifications or additions will be allowed to any non-conforming structures or any structure
31 with a non-conforming use unless a permit has been issued by the Village Administrator or a
32 variance has been granted for such modifications or additions. Further, if applicable, the
33 requirements of Sec. 65.0403 and/or Sec. 65.0603(2) of these regulations must also be satisfied.

34
35 (2) Where compliance with the provisions of (1) above would result in unnecessary hardship, and only
36 where the structure will not be used for human habitation or be associated with a high flood
37 damage potential, the Board of Adjustment/Appeals, using the procedures established in Sec.
38 65.0703 of these regulations, may grant a variance from the provisions of (1) for modifications or
39 additions using the criteria listed in (3).

40
41 (3) Modifications or additions that will be constructed on elevations that are lower than the flood
42 protection elevation may be permitted if,

- 43 (a) Human lives are not endangered;
- 44 (b) Public facilities, such as water or sewer, will not be installed;
- 45 (c) Flood depths will not exceed two feet;
- 46 (d) Flood velocities will not exceed two feet per second; and,

- 1 (e) The structure will not be used for storage of materials as described in Sec. 65.0403(5) of these
2 regulations.
- 3 (4) Even if the previously mentioned variance is granted, no floors will be allowed to be constructed on
4 elevations that are lower than the flood protection elevation.
- 5
- 6 (5) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of an
7 existing private sewage disposal system must satisfy the applicable provisions of all local ordinances,
8 Sec. 65.0705(3) of these regulations and Chapter SPS 383 of the Wisconsin Administrative Code.
- 9
- 10 (6) All new wells, or additions to, replacement, repair, or maintenance of an existing well must satisfy
11 all the applicable provisions of these regulations and Chapter NR 811 and NR 812 of the Wisconsin
12 Administrative Code.

13 **Sec. 65.0604 Coastal Floodplain District (CFD)**

- 14 (1) New construction and substantial improvements in the CFD must satisfy all the provisions of Sec.
15 65.0502 of these regulations.
- 16
- 17 (2) No structural repairs, modifications or additions to an existing building, the cost of which exceeds,
18 over the life of the existing building, 50% of its present equalized assessed value, may be allowed in
19 a coastal floodplain area unless the entire building is permanently altered in such fashion that it
20 conforms with the standards prescribed in Sec. 65.0502 of these regulations.
- 21
- 22

23 **SECTION 700**
24 **ADMINISTRATION**

25 **Sec. 65.0701 Village Administrator**

- 26 (1) Duties and Powers.
- 27 For purposes of the administration of this chapter of the Municipal Code, the term "Village
28 Administrator" shall be deemed to be the Village Administrator or the designee assigned to
29 administer this ordinance. The Village Administrator shall have the following duties and powers:
- 30 (a) If these regulations apply to property that is owned by an individual who has submitted a
31 Zoning Permit Application, advise them of the procedures that must be followed, and ensure
32 that the regional flood elevation for the proposed development is shown on all permit
33 applications for that property.
- 34 (b) Issue permits and inspect properties for compliance with the provisions of these regulations.
- 35 (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to
36 the structures has occurred.
- 37 (d) Keep records of all official actions taken, such as:
- 38 1. All related permits issued, inspections made, and work approved;
- 39 2. Documentation of certified lowest floor and regional flood elevations;
- 40 3. Flood-proofing certificates.
- 41 4. Water surface profiles, floodplain zoning maps and ordinances, non-conforming uses
42 and structures that have been identified, and related appeals, variances and
43 amendments.

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5. All substantial damage assessment reports for floodplain structures.
 6. A list of non-conforming structures and uses.
 7. Documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements in the Coastal Floodplain District.
 8. The required certifications that were received from licensed professional engineers or architects for new construction and substantial improvements to be made to existing structures in the Coastal Floodplain District.
- (e) Within 10 days of a related permit being issued or a decision being made by the Zoning Board of Appeals submit copies of the following items to the DNR Regional office:
1. A copy of any decisions on variances, appeals for map or text interpretations, and floodplain 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 these regulations to the Plan Commission and the Village Attorney. Copies of the reports shall also be sent to the Regional DNR Office in as timely a fashion as possible.
- (g) Submit copies of floodplain map amendments to the FEMA Regional office in as timely a fashion as possible.

(2) Zoning Permit Required.

A Land Use Zoning Permit must be obtained from the Village Administrator before any development; repairs, modifications, or additions are made to an existing structure in any of the previously mentioned floodplain zones; or if there is a change in the use of a building or structure in those zones, including sewer and water facilities. Zoning permit applications and supporting documentation must be submitted to staff members in the Village Administration Office along with the required zoning fee(s) and shall include:

- (a) General Information.
1. The name and address of the applicant, property owner and contractor;
 2. The 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. The location, dimensions, area and elevation of the affected lot;
 2. The location of the ordinary high water mark of any abutting navigable waterways;
 3. The location of any structures with distances measured from the lot lines and street center lines;
 4. The location of any existing or proposed on-site sewage systems or private water supply systems;
 5. The location and elevation of existing or future access roads;
 6. The location of floodplain and floodway limits as determined from the Village's official floodplain zoning maps;
 7. If the previously mentioned maps reveal that the property is located within the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.

- 1 8. The elevation of the lowest floor of the building that is the subject of the Zoning Permit
2 Application and any fill that will be required as determined through utilization of the
3 datum contained in the National Geodetic Vertical Datum (NGVD) Study. (This data is
4 required so that the Village Administrator will be in a position to determine the regional
5 flood elevation and determine whether or not the requirements of Secs. 65.0301
6 through 65.0403 of these regulations have been satisfied.); and,
7
8 9. Data to determine if the proposed development will cause an obstruction to flow or an
9 increase in regional flood height or discharge as defined in Sec. 65.0202 of these
10 regulations. This may include any of the information noted in Sec. 65.0303(1).

11 (c) Hydraulic and Hydrologic Studies To Analyze Development.

12 As was previously stated, any and all required hydraulic and hydrologic studies shall be
13 completed under the direct supervision of a professional engineer who is registered in the
14 State of Wisconsin. In accord with State regulations the engineer who conducted the study
15 will be responsible for the technical adequacy of it, and also must see that it is submitted to
16 the employees in the DNR regional office for review and approval. Once the required
17 approvals have been granted DNR officials will see that a Floodplain Development Permit is
18 issued to the property owner(s).

19 1. Zone-A floodplains and AE zones within which a floodway is not delineated.

20 a. Hydrology.

- 21 i. The appropriate analysis method shall be based on the standards in Chapter NR
22 116.07(3) of the Wisconsin Administrative Code that is captioned, *Hydrologic
23 Analysis: Determination of Regional Flood Discharge.*

24 b. Hydraulic Modeling.

25 The regional flood elevation shall be based on the standards delineated in Chapter
26 NR 116.07(4) of the Wisconsin Administrative Code and the following:

- 27 i. Determination of the required limits of the hydraulic model shall be based on
28 detailed study information for downstream structures (dams, bridges and
29 culverts) to determine adequate starting WSEL for the study.
30 ii. Channel sections must be surveyed.
31 iii. Minimum four-foot contour data in the overbanks shall be used for the
32 development of cross section overbank and floodplain mapping.
33 iv. A maximum distance of 500 feet between cross sections is allowed in
34 developed areas with additional intermediate cross sections required at
35 transitions in channel bottom slope, including a survey of the channel at each
36 location.
37 v. The most current version of HEC-RAS shall be used.
38 vi. A survey of bridge and culvert openings and the top of the road is required for
39 each proposed structure.
40 vii. Additional cross sections are required at the downstream and upstream limits
41 of the proposed development and any necessary intermediate locations based
42 on the length of the reach if greater than 500 feet.
43 viii. Standard accepted engineering practices shall be used when assigning
44 parameters for the base model such as flow, Manning's N values, expansion
45 and contraction coefficients or effective flow limits. The base model shall be
46 calibrated to past flooding data such as high-water marks to determine the
47 reasonableness of the model results. If no historical data is available, adequate
48 justification shall be provided for any parameters outside standard accepted
engineering practices.

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

5 c. Mapping.

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

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

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

17 2. Zone AE Floodplains.

18 a. Hydrology.

19 If the proposed hydrology will change the existing study, the appropriate method
20 to be used shall be based on Chapter NR 116.07(3) of the Wisconsin Administrative
21 Code. That chapter is entitled, *Hydrologic Analysis: Determination of Regional
22 Flood Discharge*.

23 b. Hydraulic model.

24 The regional flood elevation shall be based on the standards delineated in Chapter
25 NR 116.07(4), of the Wisconsin Administrative Code that is entitled *Hydraulic
26 Analysis: Determination of Regional Flood Elevation* and the following:

27 i. Duplicate Effective Model.

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

34 ii. Corrected Effective Model.

35 The corrected effective model shall not include any man-made physical changes
36 since the effective model date but shall import the model into the most current
37 version of HEC-RAS for Department review.

38 iii. Existing (Pre-Project Conditions) Model.

39 The existing model shall be required to support conclusions about the actual
40 impacts of the project associated with the revised (post-project) model or to
41 establish more up-to-date models on which to base the revised (post-project)
42 model.

43 iv. Revised (Post-Project Conditions) Model.

44 The revised (post-project conditions) model shall incorporate the existing
45 model and any proposed changes to the topography caused by the proposed
46 development. This model shall reflect proposed conditions.

47 v. All changes to the duplicate effective model and subsequent models must be
48 supported by certified topographic information, bridge plans, construction

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- 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 should 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 that satisfy the following conditions shall be submitted to the employees in the regional DNR office.
 - i. There must be consistency between the revised hydraulic models, the revised floodplain and the floodway delineations, the revised flood profiles, the topographic work map, the annotated FIRMs and/or Flood Boundary Flood Way Maps (FBFMs), the construction plans, and the bridge plans.
 - ii. A certified topographic map of suitable scale, contour intervals, and a planimetric map showing the applicable items must be submitted. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
 - iii. An annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries must be submitted.
 - 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 these regulations shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the applicant(s) must comply with any regulations, including any revision to the FIRM or FIS that took effect after the permit date.

- (3) Certificate of Compliance with Floodplain Zoning Regulations Required.
 - Except where no permit is required, 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 with Floodplain Zoning Regulations has been issued by the Village Administrator, subject to the following conditions:
 - (a) The Certificate of Compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of these regulations;

- 1 (b) If all the provisions of these regulations have been satisfied, the Certificate of Compliance
2 shall be issued within 10 days after written notification that the permitted work has been
3 completed;
- 4 (c) The applicant shall submit a certification signed by a registered professional engineer,
5 architect, or land surveyor that the fill, the lowest floor of the building, and the flood-proofing
6 elevations are in compliance with the permit issued. Flood-proofing measures also require
7 certification by a registered professional engineer or architect that the requirements of Sec.
8 65.0705 of these regulations have been satisfied.
- 9 (d) Where applicable, and pursuant to Sec. 65.0501(4) of these regulations, the applicant must
10 submit a certification from a registered professional engineer or surveyor of the elevation of
11 the bottom of the lowest horizontal structural member supporting the lowest floor (excluding
12 pilings or columns), and an indication of whether the structure contains a basement.
- 13 (e) Where applicable, and pursuant to Sec. 65.0501(4) of these regulations, the applicant must
14 submit certification from a registered professional engineer or architect that the structural
15 design and methods of construction meet accepted standards of practice as required by Sec.
16 65.0501(4) of these regulations.

17
18 (4) Other Permits.

19 Prior to obtaining a Floodplain Development Permit from the DNR the applicant must secure all
20 necessary permits from any other required federal, state, and local agencies, including but not
21 limited to those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water
22 Pollution Control Act, (Amendments of 1972), and Title 33 of the United States Code, Sec. 1344.

23
24 **Sec. 65.0702 Plan Commission**

25 (1) The Village of Sister Bay Plan Commission shall:

- 26 (a) Oversee the planning and zoning functions of the office of the Village Administrator;
- 27 (b) Review and advise the Village Board on all proposed amendments to any and all zoning
28 regulations, maps, and text.
- 29 (c) See that adequate notice is published in the Village's official newspaper pursuant to Wis.
30 Stats., Chapter 985, specifying the date, time, place, and subject of any related public
31 hearings.

32
33 (2) The Village of Sister Bay Plan Commission shall not:

- 34 (a) Grant variances to the terms of these floodplain zoning regulations in the Zoning Board of
35 Appeals' stead.
- 36 (b) Amend these regulations or the Village's zoning maps in the Village Board's stead.

37
38 **Sec. 65.0703 Zoning Board of Appeals**

39 The members of the Zoning Board of Appeals, which was created pursuant to Wis. Stats., §62.23(7)(e),
40 shall be appointed to act for the purposes of these regulations. The Board shall exercise the powers
41 conferred by the Wisconsin Statutes and adopt rules for the conduct of business. The Village
42 Administrator may not serve as the secretary of the Board.

43 (1) Powers and Duties.

44 The Zoning Board of Appeals shall:

- 45 (a) Hear and decide appeals where it is alleged there is an error in any order, requirement,
46 decision or determination made by an administrative official in the enforcement or
47 administration of these regulations;

- 1 (b) Hear and decide disputes concerning the district boundaries shown on the official floodplain
2 zoning map; and,
3 (c) Hear and decide, upon appeal, variances from these regulations.
4

5 (2) Appeals To The Zoning Board of Appeals.

6 (a) Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or affected
7 by any decision of the Village Administrator with respect to enforcement of these
8 regulations. Such appeals shall be filed within thirty (30) days of receiving the Village
9 Administrator's formal decision by filing a Notice of Appeal specifying the reasons for the
10 appeal in the Village Administration Office. Staff members shall transmit all records
11 regarding the matter appealed to the Chair of the Zoning Board of Appeals in as timely a
12 fashion as possible and shall also coordinate the scheduling of the related Public Hearing and
13 see that the related Public Hearing Notice is published and posted in accord with Village
14 regulations.

15 (b) Notice and Hearing for Appeals Including Variances.

16 1. Notice. The Zoning Board of Appeals shall:

- 17 a. Fix a reasonable time for the hearing;
18 b. See that a Public Hearing Notice is published pursuant to the provision of the
19 Wisconsin Statutes, specifying the date, time, place, and subject of the hearing;
20 and,
21 c. See that notice will be mailed to the parties in interest and the Wisconsin
22 Department of Natural Resources Regional office at least 10 days in advance of the
23 hearing.

24 2. Hearing. Any party may appear in person or by agent. At the hearing the board shall:

- 25 a. Resolve boundary disputes according to Sec. 65.0703(3) of these regulations;
26 b. Decide variance applications according to Sec. 65.0703(4) of these regulations;
27 and,
28 c. Decide appeals of permit denials according to Sec. 65.0704 of these regulations.

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

- 30 a. Be made within a reasonable time;
31 b. Be sent to the Wisconsin Department of Natural Resources Regional office within
32 10 days of the decision;
33 c. Be a written determination signed by the Chairperson of the Board of Appeals;
34 d. State the specific facts that serve as the basis for the Board's decision;
35 e. Either affirm, reverse, vary or modify the order, requirement, decision, or
36 determination appealed, in whole or in part, dismiss the appeal for lack of
37 jurisdiction, or grant or deny the variance application; and,
38 f. Include the reasons for granting an appeal, describing the hardship demonstrated
39 by the applicant in the case of a variance, and see that those reasons are clearly
40 delineated in the recorded minutes of the Board proceedings.
41

42 (3) Boundary Disputes.

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

- 45 (a) If a floodplain district boundary is established by approximate or detailed floodplain studies,
46 the flood elevations or profiles shall prevail in locating the boundary.

- 1 (b) The person contesting the boundary location shall be given a reasonable opportunity to
2 present arguments and technical evidence to the Board; and,
3 (c) If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the
4 person contesting the boundary location to petition the governing body for a map
5 amendment according to Secs. 65.0801 through 65.0803 of these regulations.
6

7 (4) Variance.

- 8 (a) The Zoning Board of Appeals may, upon appeal, grant a variance from the standards of these
9 regulations if an applicant convincingly demonstrates that:
10 1. Literal enforcement of the ordinance will cause unnecessary hardship;
11 2. The hardship is due to adoption of the floodplain ordinance and unique property
12 conditions, not common to adjacent lots or premises. In such case the ordinance or
13 map must be amended;
14 3. The variance is not contrary to the public interest; and,
15 4. The variance is consistent with the purpose of these regulations that is stated in Sec.
16 65.0103.

- 17 (b) In addition to the criteria in (a), to qualify for a variance under FEMA regulations, the Zoning
18 Board of Appeals must find that the following criteria have been satisfied:
19 1. The variance will not cause any increase in the regional flood elevation;
20 2. The applicant has shown good and sufficient cause for issuance of the variance;
21 3. Failure to grant the variance would result in exceptional hardship;
22 4. Granting the variance will not result in additional threats to public safety,
23 extraordinary expense, create a nuisance, cause fraud on or victimization of the public,
24 or conflict with existing local laws or ordinances;
25 5. The variance granted is the minimum necessary, considering the flood hazard, to
26 afford relief.

- 27 (c) A variance shall not:
28 1. Grant, extend or increase any use prohibited in the zoning district;
29 2. Be granted for a hardship based solely on an economic gain or loss;
30 3. Be granted for a hardship which is self-created.
31 4. Damage the rights or property values of other persons in the area;
32 5. Allow actions without the amendments to these regulations or map(s) that are
33 required in Secs. 65.0801 through 65.0803 of these regulations; or,
34 6. Allow any alteration of an historic structure, including its use, which would preclude
35 its continued designation as an historic structure.

- 36 (d) When a floodplain variance is granted, the Zoning Board of Appeals shall notify the applicant
37 in writing that it may increase risks to life and property, and, therefore, flood insurance
38 premiums could increase significantly. A copy of that notice shall be maintained with the
39 variance record.

40 **Sec. 65.0704 Review of Appeals of Permit Denials**

- 41 (1) The Zoning Board of Appeals shall review all data related to the appeal. This may include:
42 (a) The permit application data listed in Sec. 65.0701(2) of these regulations;
43 (b) The floodway/flood fringe determination data in contained in Sec. 65.0501(5) of these
44 regulations;
45 (c) The data listed in Sec. 65.0303(1)(b) of these regulations in instances where the applicant
46 has not submitted this information to the Zoning Administrator; and,
47 (d) Other data submitted with the application or submitted to the Board with the appeal.

- 1 (2) For appeals of all permits that are denied the Zoning Board of Appeals shall:
2 (a) Follow the procedures delineated in Sec. 65.0703;
3 (b) Consider recommendations from the Plan Commission; and,
4 (c) Either uphold the denial or grant the appeal.
5
- 6 (3) For appeals concerning increases in regional flood elevation the Zoning Board of Appeals shall:
7 (a) In situations where the Board members agree with the data that shows that there should be
8 an increase in flood elevation, uphold the denial. Increases may only be allowed after
9 amending the flood profile and map and all appropriate legal arrangements are made with all
10 adversely affected property owners as per the requirements of Secs. 65.0801 through
11 65.0803 of these regulations; or,
12 (b) In situations where the Board members agree that the data properly demonstrates that the
13 project does not cause an increase in flood elevation, and provided no other reasons for
14 denial exist, grant the appeal.

15 **Sec. 65.0705 Flood-Proofing Standards**

- 16 (1) No permit or variance shall be issued for a non-residential structure designed to be watertight
17 below the regional flood elevation until the applicant submits a plan certified by a registered
18 professional engineer or architect that the flood-proofing measures will protect the structure or
19 development to or above the flood protection elevation and submits a FEMA Flood-proofing
20 Certificate. Flood-proofing is not an alternative to the development standards delineated in Secs.
21 65.0201 through 65.0502 of these regulations.
22
- 23 (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued
24 until the applicant submits a plan either:
25 (a) Certified by a registered professional engineer or architect; or,
26 (b) Meeting or exceeding the following standards:
27 1. A minimum of two openings having a total net area of not less than one square inch for
28 every square foot of enclosed area subject to flooding;
29 2. The bottom of all openings shall be no higher than one-foot above grade; and
30 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices
31 provided that they permit the automatic entry and exit of floodwaters.⁴
32
- 33 (3) Flood-proofing measures shall be designed, as appropriate, to:
34 (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional
35 flood factors;
36 (b) Protect structures to the flood protection elevation;
37 (c) Anchor structures to foundations to resist flotation and lateral movement;
38 (d) Minimize or eliminate infiltration of flood waters;
39 (e) Minimize or eliminate discharges into flood waters;
40 (f) Ensure placement of essential utilities to or above the flood protection elevation; and,
41 (g) If any part of the foundation below the flood protection elevation is enclosed, the following
42 standards shall apply:
43 1. The enclosed area shall be designed by a registered architect or engineer to allow for
44 the efficient entry and exit of flood waters without human intervention. A minimum of
45 two openings must be provided with a minimum net area of at least one square inch
46 for every one square foot of the enclosed area. The lowest part of the opening can be
47 no more than 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 flood-proofed to or above the flood protection elevation; and,
4. The use must be limited to parking, building access or limited storage.

Sec. 65.0706 Public Information

- (1) "Place marks" on structures to show the depth of inundation during the regional flood and all maps, engineering data and regulations are considered "public information". Further, real estate transfer records must show what floodplain district(s) any real property that is sold in the Village of Sister Bay is located within.

**SECTION 800
AMENDMENTS**

Sec. 0801 Amendments Allowed

Pursuant to the provisions of Sec. 65.0801 of these regulations, obstructions or increases to floodplain zones will only be allowed if amendments are made to these regulations as well as the official floodplain zoning maps, floodway lines and water surface profiles.

- (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 these regulations, the official floodplain zoning maps, floodway lines and water surface profiles. 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 these regulations, the official floodplain maps, floodway lines, and water surface profiles.

Sec. 65.0802 General Amendment Policies

The Village Board may pass and adopt an Ordinance that amends or supplements the designated floodplain zoning district boundaries and these regulations in the manner outlined in Sec. 65.0802 below. Actions which require an amendment to the Floodplain Regulations 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 Sec. 65.0105(2)(b);
- (4) Any floodplain fill that 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;

- 1 (6) Any upgrades to floodplain zoning regulations that are required by Sec. NR 116.05 of the Wisconsin
2 Administrative Code, or otherwise required by law, or revisions that have been passed and adopted
3 by the Village Board; and,
4 (7) Prior approval from FEMA is required for all channel relocations and changes to the maps to alter
5 floodway lines or to remove an area from the floodway or the flood fringe that is based on a base
6 flood elevation from a FIRM.

7 **Sec. 65.0803 General Amendment Procedures**

8 Amendments to these regulations may be made upon petition of any party according to the provisions of
9 Wis. Stats., §62.23, and the related petitions shall include all the data required by Sec. 65.0501(5) and Sec.
10 65.0701(2) of these regulations. A related Zoning Permit may not be issued unless and until a Letter of
11 Map Revision is issued by FEMA for the proposed changes.

- 12 (1) The proposed amendment shall be referred to the Plan Commission for a public hearing and
13 recommendation to the Village Board, and the proposed amendment and notice of public hearing
14 shall also be submitted to the employees in the DNR's Regional office for review prior to the
15 hearing. The amendment procedure must comply with the provisions of Wis. Stats., §62.23.
16
17 (2) No amendments shall become effective until reviewed and approved by the DNR.
18
19 (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the
20 regional flood height, shall obtain flooding easements or other appropriate legal documentation
21 from all adversely affected property owners, and must notify any affected local units of
22 government before the amendment can be approved by the Village Board.
23
24

25 **SECTION 900**
26 **ENFORCEMENT & PENALTIES**

27
28 **Sec. 65.0901 Enforcement & Penalties**

29 Any violation of the provisions of these regulations by any person shall be unlawful, and will be referred
30 to the Village Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon
31 conviction, forfeit to the Village a penalty prescribed in the fee schedule adopted by resolution of the
32 Village Board, together with the taxable costs of such action, and each day of continued violation shall
33 constitute a separate offense. Every violation of these regulations is considered a "public nuisance", and
34 violations may be enjoined. Further, the costs of any required maintenance may be abated by the filing of
35 a related lawsuit by the Village, the State, or any citizen thereof, pursuant to Wis. Stats., §87.30.

36
37 **SECTION 1000**
38 **DEFINITIONS**

39
40 Unless specifically defined in this chapter, words and phrases in these regulations shall have their common
41 law meaning and shall be applied in accordance with their common usage. Words used in the present
42 tense include the future, the singular number includes the plural and the plural number includes the
43 singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.
44

45 **A-Zones** – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the

1 regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be
2 reflective of flood profiles, depending on the availability of data for a given area.

3
4 **AH Zone** – See “Area of Shallow Flooding”.

5
6 **AO Zone** – See “Area of Shallow Flooding”.

7
8 **Accessory Structure or Use** – A facility, structure, building or use which is accessory or incidental to the
9 principal use of a property, structure or building. An accessory structure shall not be used for human
10 habitation.

11
12 **Alteration** – An enhancement, upgrade or substantial change or modification other than an addition or
13 repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems
14 within a structure.

15
16 **Area of Shallow Flooding** – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood
17 Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of 1 to 3
18 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and
19 where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

20
21 **Base Flood** – Means the flood having a 1% chance of being equaled or exceeded in any given year, as
22 published by FEMA as part of a FIS and depicted on a FIRM.

23
24 **Basement** – Any enclosed area of a building having its floor sub-grade on all sides.

25
26 **Breakaway Wall** – A wall that is not part of the structural support of the building and is intended through
27 its design and construction to collapse under specific lateral loading forces, without causing damage to
28 the elevated portion of the building or supporting foundation system.

29
30 **Building** – See “Structure”.

31
32 **Bulkhead Line** – A geographic line along a reach of navigable water that has been adopted by a municipal
33 ordinance and approved by the DNR pursuant to Wis. Stats., §30.11, and which allows limited filling
34 between this bulkhead line and the original ordinary highwater mark, except where such filling is
35 prohibited by the floodway provisions of these regulations.

36
37 **Campground** – Any parcel of land which is designed, maintained, intended, or used for the purpose of
38 providing sites for nonpermanent overnight use by two (2) or more camping units, or which is advertised
39 or represented as a camping area.

40
41 **Camping Unit** – Any portable device, no more than 400 square feet in area, used as a temporary shelter,
42 including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully
43 licensed, if required, and ready for highway use.

44
45 **Certificate of Compliance** – A certification that the construction and the use of land or a building, the
46 elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of these
47 regulations.

1 **Channel** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal
2 flow of water.
3

4 **Coastal Floodplain** – An area along the coast of Lake Michigan or Lake Superior which is inundated by the
5 regional flood and which is also subject to additional hazard due to wave runup.
6

7 **Coastal High Hazard Area** – An area of special flood hazard extending from offshore to the inland limit of
8 a primary frontal dune along an open coast, and any other area subject to high velocity wave action from
9 storms.
10

11 **Crawlways or Crawl Space** – An enclosed area below the first usable floor of a building, generally less
12 than five feet in height, used for access to plumbing and electrical utilities.
13

14 **Deck** – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows
15 the infiltration of precipitation.
16

17 **Department** – The Wisconsin Department of Natural Resources (DNR).
18

19 **Development** – Any artificial change to improved or unimproved real estate, including, but not limited to,
20 the construction of buildings, structures or accessory structures; the construction of additions or
21 alterations to buildings, structures or accessory structures; the repair of any damaged structure or the
22 improvement or renovation of any structure, regardless of percentage of damage or improvement; the
23 placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling,
24 grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or
25 equipment; and the installation, repair or removal of public or private sewage disposal systems or water
26 supply facilities.
27

28 **Dryland Access** – A vehicular access route which is above the regional flood elevation, and which connects
29 land located in the floodplain to land outside the floodplain, such as a road with its surface above regional
30 flood elevation and wide enough for wheeled rescue and relief vehicles.
31

32 **Encroachment** – Any fill, structure, equipment, use or development in the floodway.
33

34 **Federal Emergency Management Agency (FEMA)** – The federal agency that administers the National
35 Flood Insurance Program.
36

37 **Flood Insurance Rate Map (FIRM)** – A map of a community on which the Federal Insurance Administration
38 has delineated both the floodplain and the risk premium zones applicable to the community. This map
39 can only be amended by the Federal Emergency Management Agency.
40

41 **Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry
42 land areas caused by one of the following conditions:
43 (1) The overflow or rise of inland waters;
44 (2) The rapid accumulation or runoff of surface waters from any source;
45 (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the
46 shore of Lake Michigan or Lake Superior; or
47 (4) The sudden increase caused by an unusually high-water level in a natural body of water, accompanied
48 by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly

1 unusual event.

2
3 **Flood Frequency** – The probability of a flood occurrence, which is determined from statistical analyses.
4 The frequency of a particular flood event is usually expressed as occurring, on average, once in a specified
5 number of years or as a percent (%) chance of occurring in any given year.

6
7 **Flood Fringe** – That portion of the floodplain outside of the floodway which is covered by flood waters
8 during the regional flood and associated with standing water rather than flowing water.

9
10 **Flood Hazard Boundary Map** – A map designating approximate flood hazard areas. Flood hazard areas
11 are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations.
12 This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance
13 Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

14
15 **Flood Insurance Study** – A technical engineering examination, evaluation, and determination of the local
16 flood hazard areas. It provides maps designating those areas affected by the regional flood and provides
17 both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood
18 hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that
19 accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects
20 of the National Flood Insurance Program.

21
22 **Floodplain** – Land which has been or may be covered by flood water during the regional flood. It includes
23 the floodway and the flood fringe and may include other designated floodplain areas for regulatory
24 purposes.

25
26 **Floodplain Island** – A natural geologic land formation within the floodplain that is surrounded, but not
27 covered, by floodwater during the regional flood.

28
29 **Floodplain Management** – Policy and procedures to ensure wise use of floodplains, including mapping
30 and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

31
32 **Flood Profile** – A graph or a longitudinal profile line showing the relationship of the water surface elevation
33 of a flood event to locations of land surface elevations along a stream or river.

34
35 **Flood-Proofing** – Any combination of structural provisions, changes or adjustments to properties and
36 structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of
37 reducing or eliminating flood damage.

38
39 **Flood Protection Elevation** – An elevation of two feet of freeboard above the Regional Flood Elevation.
40 (Also see “Freeboard”.)

41
42 **Flood Storage** – Those floodplain areas where storage of floodwaters has been taken into account during
43 analysis in reducing the regional flood discharge.

44
45 **Floodway** – The channel of a river or stream and those portions of the floodplain adjoining the channel
46 required to carry the regional flood discharge.

47
48 **Freeboard** – A safety factor expressed in terms of a specified number of feet above a calculated flood

1 level. Freeboard compensates for any factors that cause flood heights greater than those calculated,
2 including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the
3 effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the
4 river or stream bed.

5
6 **Habitable Structure** – Any structure or portion thereof used or designed for human habitation.

7
8 **Hearing Notice** – Publication or posting meeting the requirements of Wis. Stats., Chapter 985. For
9 appeals, a Class 1 Notice, published once at least one week (7 days) before the hearing, is required. For
10 all zoning ordinances and amendments, a Class 2 Notice, published twice, once each week consecutively,
11 the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional
12 notice, exceeding these minimums.

13
14 **High Flood Damage Potential** – Damage that could result from flooding that includes any danger to life
15 or health or any significant economic loss to a structure or building and its contents.

16
17 **Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next
18 to the proposed walls of a structure.

19
20 **Historic Structure** – Any structure that is either:

- 21 (1) Listed individually in the National Register of Historic Places or preliminarily determined by the
22 Secretary of the Interior as meeting the requirements for individual listing on the National Register;
23 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
24 significance of a registered historic district or a district preliminarily determined by the Secretary to
25 qualify as a registered Historic District;
26 (3) Individually listed on a state inventory of historic places in states with historic preservation programs
27 which have been approved by the Secretary of the Interior; or
28 (4) Individually listed on a local inventory of historic places in communities with historic preservation
29 programs that have been certified either by an approved state program, as determined by the
30 Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

31
32 **Increase in Regional Flood Height** – A calculated upward rise in the regional flood elevation greater than
33 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly
34 attributable to development in the floodplain but not attributable to manipulation of mathematical
35 variables such as roughness factors, expansion and contraction coefficients and discharge.

36
37 **Land Use** – Any non-structural use made of unimproved or improved real estate. (Also see,
38 “Development”.)

39
40 **Lowest Adjacent Grade** – Elevation of the lowest ground surface that touches any of the exterior walls of
41 a building.

42
43 **Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An enclosed space as
44 provided in Sec. 65.0503(2)(f), is not considered the building’s lowest floor.

45
46 **Maintenance** – The act or process of ordinary upkeep and repairs, including redecorating, refinishing,
47 nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent
48 fixtures, systems, or structures.

1
2 **Manufactured Home** – A structure transportable in one or more sections, which is built on a permanent
3 chassis and is designed to be used with or without a permanent foundation when connected to required
4 utilities. The term "manufactured home" includes a mobile home but does not include a "mobile
5 recreational vehicle."

6
7 **Mobile/Manufactured Home Park or Subdivision** – A parcel (or contiguous parcels) of land, divided into
8 two or more manufactured home lots for rent or sale.

9
10 **Mobile/Manufactured Home Park or Subdivision, Existing** – A parcel of land, divided into two or more
11 manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is
12 completed before the effective date of these regulations. At a minimum, this would include the
13 installation of utilities, the construction of streets and either final site grading or the pouring of concrete
14 pads.

15
16 **Mobile/Manufactured Home Park, Expansion to Existing** – The preparation of additional sites by the
17 construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This
18 includes installation of utilities, construction of streets and either final site grading, or the pouring of
19 concrete pads.

20
21 **Mobile Recreational Vehicle** – A vehicle which is built on a single chassis, 400 square feet or less when
22 measured at the largest horizontal projection, designed to be self-propelled, carried or permanently
23 towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is
24 designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational,
25 camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land,
26 but do not remain capable of being towed or carried, including park model homes, do not fall within the
27 definition of "mobile recreational vehicles."

28
29 **Model, Corrected Effective** – A hydraulic engineering model that corrects any errors that occur in the
30 Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or
31 incorporates more detailed topographic information than that used in the current effective model.

32
33 **Model, Duplicate Effective** – A copy of the hydraulic analysis used in the effective FIS and referred to as
34 the effective model.

35
36 **Model, Effective** – The hydraulic engineering model that was used to produce the current effective Flood
37 Insurance Study.

38
39 **Model, Existing (Pre-Project)** – A modification of the Duplicate Effective Model or Corrected Effective
40 Model to reflect any man-made modifications that have occurred within the floodplain since the date of
41 the effective model but prior to the construction of the project for which the revision is being requested.
42 If no modification has occurred since the date of the effective model, then this model would be identical
43 to the Corrected Effective Model or Duplicate Effective Model.

44
45 **Model, Revised (Post-Project)** – A modification of the Existing or Pre-Project Conditions Model, Duplicate
46 Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

47
48 **Moderate Wave Action Area (MoWA), a/k/a "Coastal A-Zone"** – A special flood hazard area subject to

1 the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where
2 the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is
3 an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate
4 Wave Action, where identified.
5
6 **Municipality or Municipal** – The Village of Sister Bay, which is the governmental unit enacting,
7 administering, and enforcing these regulations.
8
9 **NAVD or North American Vertical Datum** – Elevations referenced to mean sea level datum, 1988
10 adjustment.
11
12 **NGVD or National Geodetic Vertical Datum** – Elevations referenced to mean sea level datum, 1929
13 adjustment.
14
15 **New Construction** – Structures for which the start of construction commenced on or after the effective
16 date of a floodplain zoning regulation adopted by this community and includes any subsequent
17 improvements to such structures.
18
19 **Non-Flood Disaster** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of
20 nature, but excludes a flood.
21
22 **Non-Conforming Structure** – An existing lawful structure or building which is not in conformity with the
23 dimensional or structural requirements of these regulations for the area of the floodplain which it
24 occupies. (For example, an existing residential structure in the flood fringe district is a conforming use.
25 However, if the lowest floor is lower than the flood protection elevation, the structure is non-conforming.)
26
27 **Non-Conforming Use** – An existing lawful use or accessory use of a structure or building which is not in
28 conformity with the provisions of these regulations for the area of the floodplain which it occupies. (Such
29 as a residence in the floodway.)
30
31 **Obstruction To Flow** – Any development which blocks the conveyance of floodwaters such that this
32 development alone or together with any future development will cause an increase in regional flood
33 height.
34
35 **Official Floodplain Zoning Map** – That map, adopted and made part of these regulations, as described
36 herein which has been approved by the Department and FEMA.
37
38 **Open Space Use** – Those uses having a relatively low flood damage potential and not involving structures.
39
40 **Ordinary Highwater Mark** – The point on the bank or shore up to which the presence and action of surface
41 water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of
42 terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
43
44 **Person** – An individual, or group of individuals, corporation, partnership, association, municipality, or state
45 agency.
46
47 **Primary Frontal Dune** – A continuous or nearly continuous mound or ridge of sand with relatively steep
48 seaward and landward slopes, adjacent to the beach and subject to erosion and overtopping from high

1 tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the
2 point where there is a distinct change from a relatively steep slope to a relatively mild slope.
3

4 **Private Sewage System** – A sewage treatment and disposal system serving one structure with a septic
5 tank and soil absorption field located on the same parcel as the structure. It also means an alternative
6 sewage system approved by the Department of Safety and Professional Services, including a substitute
7 for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a
8 system located on a different parcel than the structure.
9

10 **Public Utilities** – Those utilities using underground or overhead transmission lines such as electric,
11 telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm
12 sewer.
13

14 **Reasonably Safe From Flooding** – Means base flood waters will not inundate the land or damage
15 structures to be removed from the floodplain and that any subsurface waters related to the base flood
16 will not damage existing or proposed buildings.
17

18 **Regional Flood** – A flood determined to be representative of large floods known to have occurred in
19 Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any
20 given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
21

22 **Sand Dunes** – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.
23

24 **Start of Construction** – The date the building permit was issued, provided the actual start of construction,
25 repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of
26 the permit date. The actual start means either the first placement of permanent construction on a site,
27 such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work
28 beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent
29 construction does not include land preparation, such as clearing, grading, and filling, nor does it include
30 the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers
31 or foundations or the erection of temporary forms, nor does it include the installation on the property of
32 accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main
33 structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling,
34 floor, or other structural part of a building, whether or not that alteration affects the external dimensions
35 of the building.
36

37 **Structure** – Any manmade object with form, shape and utility, either permanently or temporarily attached
38 to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and
39 walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
40

41 **Subdivision** – Has the meaning given in Wis. Stats., §236.02(12).
42

43 **Substantial Damage** – Damage of any origin sustained by a structure, whereby the cost of restoring the
44 structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the
45 structure before the damage occurred.
46

47 **Substantial Improvement** – Any repair, reconstruction, rehabilitation, addition or improvement of a
48 building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the

1 structure before the improvement or repair is started. If the structure has sustained substantial damage,
2 any repairs are considered substantial improvement regardless of the work performed. The term does
3 not include either any project for the improvement of a building required to correct existing health,
4 sanitary or safety code violations identified by the building official and that are the minimum necessary
5 to assure safe living conditions; or any alteration of a historic structure provided that the alteration will
6 not preclude the structure's continued designation as a historic structure.

7
8 **Unnecessary Hardship** – Where special conditions affecting a particular property, which were not
9 self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or
10 density unnecessarily burdensome or unreasonable in light of the purposes of these regulations.

11
12 **Variance** – An authorization by the board of adjustment or appeals for the construction or maintenance
13 of a building or structure in a manner which is inconsistent with dimensional standards (not uses)
14 contained in the floodplain zoning ordinance.

15
16 **Violation** – The failure of a structure or other development to be fully compliant with the floodplain zoning
17 ordinance. A structure or other development without required permits, lowest floor elevation
18 documentation, flood-proofing certificates or required floodway encroachment calculations is presumed
19 to be in violation until such time as that documentation is provided.

20
21 **Watershed** – The entire region contributing runoff or surface water to a watercourse or body of water.

22
23 **Water Surface Profile** – A graphical representation showing the elevation of the water surface of a
24 watercourse for each position along a reach of river or stream at a certain flood flow. A water surface
25 profile of the regional flood is used in regulating floodplain areas.

26
27 **Well** – means an excavation opening in the ground made by digging, boring, drilling, driving or other
28 methods, to obtain groundwater regardless of its intended use.

29
30 **SECTION 2. Available for Inspection.**

31 A copy of this ordinance shall be permanently on file and open to public inspection in the Village
32 Administration Office two weeks prior to its adoption and after its enactment.

33
34 **SECTION 3. Ordinances in Conflict.**

35 All other ordinances in conflict herewith be, and the same hereby are repealed.

36
37 **SECTION 4. Effective Date.**

38 This ordinance shall take effect and be in full force from and after May 8, 2024.

39
40 **SECTION 5. Severability.**

41 If a court of competent jurisdiction adjudges any section, clause, provision, or portion of this ordinance
42 unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

43
44 **VILLAGE OF SISTER BAY**

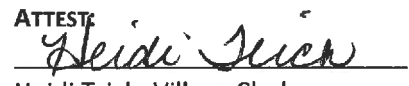
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Nate Bell, Village President

ATTEST



Heidi Teich, Village Clerk

Ayes: 7 Nays: 0

Filed/Posted: Apr. 17, 2024
Village Administration Office, 2383 Maple Drive
Sister Bay Post Office, 10685 N Bay Shore Drive
Sister Bay Liberty Grove Library, 2323 Mill Road
Effective Date: May 8, 2024