



**Floodplain Zoning  
Regulations  
Chapter 65 of the  
Municipal Code  
for the  
Village of Sister Bay, Wisconsin**

Created as the Result of the Passing and Adoption  
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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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## SECTION 100 GENERAL PROVISIONS

### Sec. 65.0101 Statutory Authority

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

### Sec. 65.0102 Findings of Fact

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

### Sec. 65.0103 Statement of Purpose

These regulations are intended to regulate floodplain development to:

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

### Sec. 65.0104 Title

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

### Sec. 65.0105 General Provisions

#### (1) Areas to be Regulated.

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

#### (2) Official Maps & Revisions.

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

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

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1 (3) Establishment of Floodplain Zoning Districts.

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

- 3 (a) Floodway District (FW). The FW is the channel of a river or stream and those portions of the  
4 floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as  
5 shown on the FIRM, or within A-Zones shown on the FIRM when determined according to Sec.  
6 65.0501(5) of these regulations.
- 7 (b) Flood Fringe District (FF). The FF is that portion of a riverine special flood hazard area outside the  
8 floodway within AE Zones on the FIRM, or, when floodway limits have been determined according  
9 to 65.0501(5), within A-Zones shown on the FIRM.
- 10 (c) General Floodplain District (GFP). The GFP is those riverine areas that may be covered by  
11 floodwater during the regional flood in which a floodway boundary has not been delineated on  
12 the FIRM and includes shallow flooding areas identified as AH and AO Zones on the FIRM.
- 13 (d) Coastal Floodplain District (CFP). The CFP is an area of special flood hazard extending from  
14 offshore to the inland limit of a primary frontal dune along an open coast, and any other area  
15 subject to high velocity wave action from storms, including areas identified as Zone V, V1-30, or VE  
16 on the FIRM. Where a riverine AE floodway extends into the CFP district, development within the  
17 floodway must comply with the regulations for both the FW and CFP districts. Where a riverine A-  
18 Zone or AE Zone with no floodway determination abuts the CFP district, the riverine study's  
19 floodway limit must be determined based on standard floodway expansion principles within the  
20 CFP District and development within the floodway must comply with the standards for both the  
21 FW and CFP Districts.

22 (4) Locating Floodplain Boundaries.

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

- 34 (a) If flood profiles exist, the map scale and the profile elevations shall determine the district  
35 boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- 36 (b) Where flood profiles do not exist for projects, including any boundary of Zone A, AO, V1-30, VE, or  
37 Zone V, the location of the boundary shall be determined by the map scale.

38 (5) Removal of Lands from Floodplain.

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

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

1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
2. The fill must be contiguous to land outside the floodplain; and,
3. The applicant must have obtained a floodplain development permit before applying for a LOMR or LOMR-F.

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

(6) Compliance.

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

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

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

(7) Municipalities and State Agencies Regulated.

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

- (a) The applicant provides documentation to the Village Administrator that the proposed project is a culvert replacement or bridge replacement with a span that is under 20' at the same location;
- (b) The project is exempt from a DNR permit under Wis. Stats., §30.123(6)(d);
- (c) The capacity is not decreased;
- (d) The top road grade is not raised; and,
- (e) No floodway data is available from a federal or state agency, or other source.
- (f) If floodway data is available in the impacted area from a federal or state agency or other source, that data must be utilized by the applicant.

(8) Abrogation and Greater Restrictions.

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

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

4 (9) Interpretation.

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

11 (10) Warning and Disclaimer of Liability.

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

18 (11) Severability.

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

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

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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

## SECTION 200

### GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

#### Sec. 65.0201 Permit Application Review

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

- (1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
  - (a) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (b) Be constructed with flood-resistant materials;
  - (c) Be constructed by methods and practices that minimize flood damages; and,
  - (d) All mechanical and utility equipment must be elevated to or above the flood protection elevation.
- (2) If a subdivision or other proposed new development is in a flood-prone area, the Village shall assure that:
  - (a) Such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
  - (b) Public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and,
  - (c) Adequate drainage is provided to reduce exposure to flood hazards.
- (3) All subdivision proposals (including manufactured home parks, if any) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of these regulations and all other requirements set forth in Sec. 65.0701(2).

#### Sec. 65.0202 Hydraulic and Hydrologic Analysis

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

#### Sec. 65.0203 Water Course Alterations

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

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

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SEC. 65.0204 – CHAPTERS 30 & 31 OF THE WIS. STATS.

SEC. 65.0205 – PUBLIC OR PRIVATE CAMPGROUNDS

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

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

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

7 Public and private campgrounds are prohibited in the Village of Sister Bay. In the future, if the Village of  
8 Sister Bay decides to allow campgrounds, flood regulations shall be adopted prior to any such zoning  
9 amendment becoming effective.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

## 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.

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1 **Sec. 65.0303 Standards for Development in the Floodway**

2 (1) General.

- 3 (a) Any development in the floodway must comply with Secs. 65.0201 through 65.0205 of these  
4 regulations and have a low flood damage potential.
- 5 (b) Applicants shall provide an analysis calculating the effects of their proposal on the regional flood  
6 height that satisfies the provisions of Secs. 65.0201 and 65.0701(2)(c) of these regulations and  
7 that analysis must be completed by a registered professional engineer who is licensed to  
8 practice in the State of Wisconsin.
- 9 (c) Unless the data that is mentioned in Sec. 65.0303(1)(b) above demonstrates that the  
10 encroachment will cause no increase in flood elevations in flood events up to the base flood at  
11 any location or removes the encroached area from the regulatory floodway as provided in Sec.  
12 65.0105(5) of these regulations, any encroachment in the regulatory floodway is prohibited.

13 (2) Structures.

- 14 (a) Structures accessory to permanent open space uses, including utility and sanitary facilities, or  
15 which are functionally dependent on a waterfront location may be allowed by permit if the  
16 structures comply with the following criteria:
- 17 1. They are not designed for human habitation, do not have a high flood damage potential  
18 and are constructed to minimize flood damage;
  - 19 2. They shall either have the lowest floor elevated to or above the flood protection elevation  
20 or shall meet all of the following standards:
    - 21 a. The lowest floor must be elevated to or above the regional flood elevation and be dry  
22 flood-proofed so that the structure is watertight with walls substantially  
23 impermeable to the passage of water and completely dry to the flood protection  
24 elevation without human intervention during flooding;
    - 25 b. They have structural components capable of satisfying all the provisions of Sec.  
26 65.0303(3) of these regulations, and;
    - 27 c. They have been certified by a registered professional engineer or architect, through  
28 the use of a Federal Emergency Management Agency Flood-proofing Certificate, that  
29 the design and methods of construction comply with the provisions of Sec.  
30 65.0303(3) of these regulations;
  - 31 3. Must be anchored to resist flotation, collapse, and lateral movement;
  - 32 4. Mechanical and utility equipment must be elevated to or above the flood protection  
33 elevation; and,
  - 34 5. Must not obstruct the flow of flood waters or cause any increase in flood levels during the  
35 occurrence of the regional flood.
- 36 (b) For a structure designed to allow the automatic entry of floodwaters below the regional flood  
37 elevation, the applicant shall submit a plan that satisfies the provisions of Secs. 65.0303(2)(a)1-5  
38 of these regulations, and meets or exceeds the following standards:
- 39 1. The lowest floor must be elevated to or above the regional flood elevation;
  - 40 2. It must have a minimum of two openings having a total net area of not less than one  
41 square inch for every square foot of enclosed area subject to flooding;
  - 42 3. The bottom of all openings shall be no higher than one foot above the lowest adjacent  
43 grade. Those openings may be equipped with screens, louvers, valves, or other coverings  
44 or devices, provided that they permit the automatic entry and exit of floodwaters, but  
45 that equipment must remain open unless and until it is needed.
  - 46 4. The use must be limited to parking, building access or limited storage.

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1 (3) Certification.

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

- 6 (a) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by  
7 water pressures or debris buildup;
- 8 (b) Construction of wells, water supply systems and waste treatment systems so as to prevent the  
9 entrance of flood waters in such systems, provided that all the provisions of Sections  
10 65.0304(1)(d)-(e) of these regulations have been satisfied;
- 11 (c) Sub-surface drainage systems to relieve external pressures on foundation walls and basement floors;
- 12 (d) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and,
- 13 (e) Placement of utilities to or above the flood protection elevation.

14 (4) Public Utilities, Streets and Bridges.

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

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

18 (5) Fills or Deposition of Materials.

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

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

27 **Sec. 65.0304 Prohibited Uses**

28 (1) All uses that are not listed as permitted uses in Sec. 65.0302 of these regulations, including the  
29 following specific uses are prohibited in the Floodway District:

- 30 (a) Habitable structures, structures with high flood damage potential, or those not associated with  
31 permanent open-space uses;
- 32 (b) Storage of materials that are buoyant, flammable, explosive, injurious to property, water  
33 quality, or human, animal, plant, fish or other aquatic life;
- 34 (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 35 (d) Any private or public sewage systems, except portable latrines that are removed prior to  
36 flooding and systems associated with recreational areas and Department-approved  
37 campgrounds that meet the applicable provisions of local ordinances and Chapter SPS 383 of the  
38 Wisconsin Administrative Code;
- 39 (e) Any public or private wells that are utilized to obtain potable water, except those that are  
40 utilized in recreational areas that meet the requirements of local ordinances and Chapters NR 8  
41 and NR 812 of the Wisconsin Administrative Code;
- 42 (f) Any solid or hazardous waste disposal sites;
- 43 (g) Any wastewater treatment ponds or facilities, except those permitted under NR 110.15(3)(b) of  
44 the Wisconsin Administrative Code; and,
- 45 (h) Any sanitary sewer or water supply lines, except those that service existing or proposed  
46 development located outside the floodway which complies with the regulations for the floodplain  
47 area occupied.

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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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

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1    (3)    Commercial Uses.

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

7    (4)    Manufacturing and Industrial Uses.

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

15   (5)    Storage of Materials.

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

20   (6)    Public Utilities, Streets and Bridges.

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

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

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

29   (7)    Sewage Systems.

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

34   (8)    Wells.

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

38   (9)    Solid Waste Disposal Sites.

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

40   (10)   Deposition of Materials.

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

42   (11)   Manufactured Homes.

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



# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

SEC. 65.0403 – STAND. FOR DEV. IN THE FLOOD FRINGE      SEC. 65.0403– STAND. FOR DEV. IN THE FLOOD FRINGE

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- 1            (a)    Outside of existing manufactured home parks, including new manufactured home parks and all
- 2                            single units outside of existing parks, if allowed under Chapter 66, *Zoning*, all new, replacement
- 3                            and substantially improved manufactured homes shall meet the residential development
- 4                            standards for the flood fringe that are delineated in Sec. 65.0403(1) of these regulations.
- 5    (12) Mobile Recreational Vehicles.
- 6            All mobile recreational vehicles, if allowed under Chapter 66, *Zoning*, must be on site for less than 180
- 7            consecutive days and be either:
- 8            (a)    Fully licensed and ready for highway use; or,
- 9            (b)    Shall meet the elevation and anchoring requirements that are described in Secs. 65.0403(11)(a)
- 10                            and (b).
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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

## SECTION 500 OTHER FLOODPLAIN DISTRICTS

### Sec. 65.0501 General Floodplain District (GFP)

(1) Applicability.

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

(2) Floodway Boundaries.

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

(3) Permitted Uses.

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

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

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

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

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

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

(c) In the AO/AH Zones, adequate drainage paths shall be provided to guide floodwaters around structures. All development in Zones AO and zone AH must satisfy the requirements for flood fringe areas that are delineated in Sec. 65.0401 through 65.0403.

(5) Determining Floodway and Flood Fringe Limits.

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

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

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

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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

## Sec. 65.0502 Coastal Floodplain District (CFD)

### (1) Applicability.

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

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

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

- (a) New construction shall be located landward of the ordinary high-water mark.
- (b) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.
- (c) Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
- (d) The use of fill for structural support of buildings is prohibited.
  1. Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause run-up, ramping, or deflection of floodwaters that cause damage to buildings.
- (e) New construction and substantial improvement of buildings shall be elevated, consistent with Section SPS 321.34 of the Wisconsin Administrative Code and shall be on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the flood plain elevation.
  1. The pilings or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined in The American Society of Civil Engineers Publication 7-16 that is entitled, *Minimum Design Loads and Associated Criteria For Buildings and Other Structures*, or other equivalent standard.
  2. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and must certify that the design and methods of construction to be used satisfy the accepted standards of practice and are fully compliant with the provisions of this sub-section.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 (f) New construction and substantial improvement of buildings shall have the space below the  
2 lowest floor either free of obstruction or constructed with non-supporting breakaway walls,  
3 open wood latticework, or insect screening intended to collapse without causing collapse,  
4 displacement, or other structural damage to the elevated portion of the building or supporting  
5 foundation system.
- 6 1. In order to satisfy the provisions of this sub-section, breakaway walls shall have a design  
7 safe loading resistance of not less than 10 and not more than 20 pounds per square foot.
  - 8 2. Use of breakaway walls that exceed a design safe loading resistance of 20 pounds per  
9 square foot (either by design or where so required by local or state codes) may be  
10 permitted only if a registered professional engineer or architect certifies that the design  
11 proposed meets all of the following conditions:
    - 12 a. Breakaway wall collapse will result from a water load less than that which would  
13 occur during the base flood; and,
    - 14 b. The elevated portion of the building and supporting foundation system shall not be  
15 subject to collapse, displacement, or other structural damage due to the effects of  
16 wind and water loads acting simultaneously on all building components (structural  
17 and non-structural). Water loading values shall be those associated with the base  
18 flood. Wind loading values shall be those defined in The American Society of Civil  
19 Engineers Publication 7-16 that is entitled, *Minimum Design Loads and Associated*  
20 *Criteria for Buildings and Other Structures*, or other equivalent standard.
  - 21 3. All space enclosed by breakaway walls, open wood latticework, or insect screening below  
22 the lowest floor shall be used solely for parking, building access, or storage.
- 23 (g) New and replacement water supply systems and sanitary sewage systems within flood-prone  
24 areas must be designed in the following fashion:
- 25 1. New and replacement water supply systems shall be designed in such fashion that  
26 infiltration of flood waters into those systems is minimized or eliminated; and,
  - 27 2. New and replacement sanitary sewage systems shall be designed in such fashion that  
28 infiltration of flood waters into the systems and discharges from them into flood waters  
29 and/or onsite waste disposal systems is minimized or eliminated. Further, onsite waste  
30 disposal systems shall be installed in such fashion that impairment to them or  
31 contamination from them during flooding is also minimized or eliminated.
- 32 (h) All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:
- 33 1. Fully licensed and ready for highway use; or,
  - 34 2. Satisfy all the standards that are delineated in Secs. 65.0502(2)(a) through 65.0502(2)(g)  
35 above.
  - 36 3. Manufactured homes placed or substantially improved within the Coastal  
37 Floodplain District must also meet the standards of Sections 65.0502(2)(a)  
38 through 65.0502(2)(g) above.
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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

## SECTION 600 NON-CONFORMING USES

### Sec. 65.0601 General Non-Conforming Use Regulations

#### (1) Applicability.

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

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

#### (2) Lawful Nonconformities.

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

(a) No modifications or additions to a non-conforming use or structure shall be permitted unless the modifications or additions comply with all the provisions of these regulations. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, re-building or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other non-structural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

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

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

(d) No modifications or additions to any non-conforming structure or any structure with a non-conforming use, which, over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently modified

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

1 in such fashion that it will be considered a conforming structure with a conforming use and  
2 complies with all the applicable requirements of these regulations. Contiguous dry land access  
3 must be provided for residential and commercial uses that comply with Sec. 65.0403(1) of these  
4 regulations. The costs of elevating the lowest floor of a non-conforming building or a building  
5 with a non-conforming use to the flood protection elevation are excluded from the 50%  
6 provisions of this sub-section.

7 (e) No maintenance that is performed on a “per event” basis to any non-conforming structure or  
8 any structure with a non-conforming use, the cost of which would equal or exceed 50% of its  
9 present equalized assessed value, will be allowed unless the entire structure is permanently  
10 altered in such fashion that it is considered a conforming structure with a conforming use. In  
11 accordance with the provisions of Sec. 65.0403(1) of these regulations, contiguous dry land  
12 access must be provided for residential as well as commercial uses. Maintenance to any non-  
13 conforming structure, which does not exceed 50% of its present equalized assessed value on a  
14 “per event” basis will not count against the cumulative calculations over the life of that  
15 structure.

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

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

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

32 1. Residential Structures:

- 33 a. Shall have the lowest floor, including the basement, elevated to or above the base  
34 flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls  
35 must satisfy the requirements of Sec. 65.0705(2).  
36 b. Shall be anchored to prevent flotation, collapse, or lateral movement of the  
37 structure resulting from hydrodynamic and hydrostatic loads, including the effects of  
38 buoyancy, and shall be constructed with methods and materials resistant to flood  
39 damage.  
40 c. Shall be constructed with electrical, heating, ventilation, plumbing and air  
41 conditioning equipment and other service facilities that are designed and/or elevated  
42 so as to prevent water from entering or accumulating within the components during  
43 conditions of flooding.  
44 d. In A-Zones, obtain, review, and utilize any flood data available from a federal, state or  
45 other sources.  
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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

1 e. In AO Zones where no elevations are specified, the lowest floor of the building,  
2 including the basement, must satisfy all of the standards delineated in Sec.  
3 65.0501(4) of these regulations.

4 f. In AO Zones, adequate drainage paths shall be provided around structures on slopes  
5 so that floodwaters are guided around and away from structures.

6 2. Non-Residential Structures:

7 a. Must satisfy the standards delineated in Sec. 65.0601(2)(h)1a through f of these  
8 regulations.

9 b. Must either have the lowest floor, including the basement, elevated to or above the  
10 regional flood elevation; or, together with attendant utility and sanitary facilities, the  
11 building must satisfy the requirements of Sec. 65.0705(1) or (2) of these regulations.

12 c. In AO Zones where no elevations are specified, the lowest floor of the building,  
13 including the basement, must satisfy the standards delineated in Sec. 65.0501(4).

14 (3) Historic Structures.

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

16 (a) The alteration will not preclude the structure’s continued designation as an historic structure;

17 (b) The alteration will satisfy the requirements of Sec. 65.0303(1) of these regulations;

18 (c) Flood resistant materials are used; and,

19 (d) Construction practices and flood-proofing methods that satisfy the requirements of Sec.  
20 65.0705 of these regulations are used. Repair or rehabilitation of historic structures shall be  
21 exempt from the development standards of Sec. 65.0601(2)(h)1 of these regulations if it is  
22 determined that the proposed repair or rehabilitation will not preclude the structure's  
23 continued designation as an historic structure and is the minimum amount of work required to  
24 preserve the historic character and design of the structure.

25 **Sec. 65.0602 Floodway District**

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

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

30 (b) Will not increase the obstruction to flood flows or regional flood height.

31 (c) Pursuant to Sec. 65.0705 of these regulations any addition to an existing structure shall be  
32 flood-proofed by means other than through the use of fill, to the flood protection elevation.

33 (d) If any part of the foundation below the flood protection elevation is enclosed, the following  
34 standards will apply:

35 1. The enclosed area shall be designed by a registered architect or engineer to allow for the  
36 efficient entry and exit of flood waters without human intervention. A minimum of two (2)  
37 openings must be provided with a minimum net area of at least one square inch for every  
38 one square foot of the enclosed area, and the lowest part of the opening can be no more  
39 than 12 inches above the adjacent grade.

40 2. The parts of the foundation located below the flood protection elevation must be  
41 constructed of flood-resistant materials.

42 3. Mechanical and utility equipment must be elevated or flood-proofed to or above the flood  
43 protection elevation.

44 (2) The use must be limited to parking, building access or limited storage. No new on-site sewage disposal  
45 systems, or an addition to an existing on-site sewage disposal system, will be allowed in the Floodway  
46 District unless the addition has been ordered by a government agency to correct a hazard to public  
47 health, Further, any replacement, repair or maintenance that is done to an existing on-site sewage

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

1 disposal system in a floodway area must satisfy the applicable requirements of all municipal  
2 ordinances, Sec. 65.0705(3) of these regulations, and Chapter SPS 383 of the Wisconsin Administrative  
3 Code.

- 4 (3) No new wells or modifications to an existing well used to obtain potable water will be allowed in the  
5 Floodway District. Further, any replacement, repair, or maintenance of an existing well in the  
6 Floodway District must satisfy the applicable requirements of all municipal ordinances, Sec.  
7 65.0705(3) of these regulations and Chapters NR 811 and NR 812 of the Wisconsin Administrative  
8 Code.

9 **Sec. 65.0603 Flood Fringe District**

- 10 (1) No modifications or additions will be allowed to any non-conforming structures or any structure with  
11 a non-conforming use unless a permit has been issued by the Village Administrator or a variance has  
12 been granted for such modifications or additions. Further, if applicable, the requirements of Sec.  
13 65.0403 and/or Sec. 65.0603(2) of these regulations must also be satisfied.
- 14 (2) Where compliance with the provisions of (1) above would result in unnecessary hardship, and only  
15 where the structure will not be used for human habitation or be associated with a high flood damage  
16 potential, the Board of Adjustment/Appeals, using the procedures established in Sec. 65.0703 of these  
17 regulations, may grant a variance from the provisions of (1) for modifications or additions using the  
18 criteria listed in (3).
- 19 (3) Modifications or additions that will be constructed on elevations that are lower than the flood  
20 protection elevation may be permitted if,  
21 (a) Human lives are not endangered;  
22 (b) Public facilities, such as water or sewer, will not be installed;  
23 (c) Flood depths will not exceed two feet;  
24 (d) Flood velocities will not exceed two feet per second; and,  
25 (e) The structure will not be used for storage of materials as described in Sec. 65.0403(5) of these  
26 regulations.
- 27 (4) Even if the previously mentioned variance is granted, no floors will be allowed to be constructed on  
28 elevations that are lower than the flood protection elevation.
- 29 (5) All new private sewage disposal systems, or additions to, replacement, repair or maintenance of an  
30 existing private sewage disposal system must satisfy the applicable provisions of all local ordinances,  
31 Sec. 65.0705(3) of these regulations and Chapter SPS 383 of the Wisconsin Administrative Code.
- 32 (6) All new wells, or additions to, replacement, repair, or maintenance of an existing well must satisfy all  
33 the applicable provisions of these regulations and Chapter NR 811 and NR 812 of the Wisconsin  
34 Administrative Code.

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

- 36 (1) New construction and substantial improvements in the CFD must satisfy all the provisions of Sec.  
37 65.0502 of these regulations.
- 38 (2) No structural repairs, modifications or additions to an existing building, the cost of which exceeds, over  
39 the life of the existing building, 50% of its present equalized assessed value, may be allowed in a  
40 coastal floodplain area unless the entire building is permanently altered in such fashion that it  
41 conforms with the standards prescribed in Sec. 65.0502 of these regulations.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

## SECTION 700 ADMINISTRATION

### Sec. 65.0701 Village Administrator

#### (1) Duties and Powers.

For purposes of the administration of this chapter of the Municipal Code, the term "Village Administrator" shall be deemed to be the Village Administrator or the designee assigned to administer this ordinance. The Village Administrator shall have the following duties and powers:

- (a) If these regulations apply to property that is owned by an individual who has submitted a Zoning Permit Application, advise them of the procedures that must be followed, and ensure that the regional flood elevation for the proposed development is shown on all permit applications for that property.
- (b) Issue permits and inspect properties for compliance with the provisions of these regulations.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions taken, such as:
  - 1. All related permits issued, inspections made, and work approved;
  - 2. Documentation of certified lowest floor and regional flood elevations;
  - 3. Flood-proofing certificates.
  - 4. Water surface profiles, floodplain zoning maps and ordinances, non-conforming uses and structures that have been identified, and related appeals, variances and amendments.
  - 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,

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

1 including sewer and water facilities. Zoning permit applications and supporting documentation must  
2 be submitted to staff members in the Village Administration Office along with the required zoning  
3 fee(s) and shall include:

4 (a) General Information.

- 5 1. The name and address of the applicant, property owner and contractor;
- 6 2. The legal description, proposed use, and whether it is new construction or a modification;

7 (b) Site Development Plan.

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

- 9 1. The location, dimensions, area and elevation of the affected lot;
- 10 2. The location of the ordinary high water mark of any abutting navigable waterways;
- 11 3. The location of any structures with distances measured from the lot lines and street center  
12 lines;
- 13 4. The location of any existing or proposed on-site sewage systems or private water supply  
14 systems;
- 15 5. The location and elevation of existing or future access roads;
- 16 6. The location of floodplain and floodway limits as determined from the Village's official  
17 floodplain zoning maps;
- 18 7. If the previously mentioned maps reveal that the property is located within the Coastal  
19 Floodplain District, documentation of the certified elevation of the bottom of the lowest  
20 horizontal structural member of new construction and substantial improvements.
- 21 8. The elevation of the lowest floor of the building that is the subject of the Zoning Permit  
22 Application and any fill that will be required as determined through utilization of the datum  
23 contained in the National Geodetic Vertical Datum (NGVD) Study. (This data is required so  
24 that the Village Administrator will be in a position to determine the regional flood elevation  
25 and determine whether or not the requirements of Secs. 65.0301 through 65.0403 of these  
26 regulations have been satisfied.); and,
- 27 9. Data to determine if the proposed development will cause an obstruction to flow or an  
28 increase in regional flood height or discharge as defined in Sec. 65.0202 of these  
29 regulations. This may include any of the information noted in Sec. 65.0303(1).

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

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

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

- 39 a. Hydrology.

- 40 i. The appropriate analysis method shall be based on the standards in Chapter NR  
41 116.07(3) of the Wisconsin Administrative Code that is captioned, *Hydrologic  
42 Analysis: Determination of Regional Flood Discharge.*

- 43 b. Hydraulic Modeling.

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

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- i. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dams, bridges and culverts) to determine adequate starting WSEL for the study.
  - ii. Channel sections must be surveyed.
  - iii. Minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
  - iv. A maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope, including a survey of the channel at each location.
  - v. The most current version of HEC-RAS shall be used.
  - vi. A survey of bridge and culvert openings and the top of the road is required for each proposed structure.
  - vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
  - viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
  - ix. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping.
- A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
2. Zone AE Floodplains.
- a. Hydrology.  
If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Chapter NR 116.07(3) of the Wisconsin Administrative Code. That chapter is entitled, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
  - b. Hydraulic model.  
The regional flood elevation shall be based on the standards delineated in Chapter NR 116.07(4), of the Wisconsin Administrative Code that is entitled *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1                   i. Duplicate Effective Model.  
2                   The effective model shall be reproduced to ensure correct transference of the  
3                   model data and to allow integration of the revised data to provide a continuous  
4                   FIS model upstream and downstream of the revised reach. If data from the  
5                   effective model is available, models shall be generated that duplicate the FIS  
6                   profiles and the elevations shown in the Floodway Data Table in the FIS report to  
7                   within 0.1 foot.
- 8                   ii. Corrected Effective Model.  
9                   The corrected effective model shall not include any man-made physical changes  
10                  since the effective model date but shall import the model into the most current  
11                  version of HEC-RAS for Department review.
- 12                  iii. Existing (Pre-Project Conditions) Model.  
13                  The existing model shall be required to support conclusions about the actual  
14                  impacts of the project associated with the revised (post-project) model or to  
15                  establish more up-to-date models on which to base the revised (post-project)  
16                  model.
- 17                  iv. Revised (Post-Project Conditions) Model.  
18                  The revised (post-project conditions) model shall incorporate the existing model  
19                  and any proposed changes to the topography caused by the proposed  
20                  development. This model shall reflect proposed conditions.
- 21                  v. All changes to the duplicate effective model and subsequent models must be  
22                  supported by certified topographic information, bridge plans, construction plans  
23                  and survey notes.
- 24                  vi. Changes to the hydraulic models shall be limited to the stream reach for which  
25                  the revision is being requested. Cross sections upstream and downstream of the  
26                  revised reach shall be identical to those in the effective model and should result  
27                  in water surface elevations and top widths computed by the revised models  
28                  matching those in the effective models upstream and downstream of the revised  
29                  reach as required. The effective model shall not be truncated.
- 30                  c. Mapping.  
31                  Maps and associated engineering data that satisfy the following conditions shall be  
32                  submitted to the employees in the regional DNR office.
  - 33                    i. There must be consistency between the revised hydraulic models, the revised  
34                    floodplain and the floodway delineations, the revised flood profiles, the  
35                    topographic work map, the annotated FIRMs and/or Flood Boundary Flood Way  
36                    Maps (FBFMs), the construction plans, and the bridge plans.
  - 37                    ii. A certified topographic map of suitable scale, contour intervals, and a planimetric  
38                    map showing the applicable items must be submitted. If a digital version of the  
39                    map is available, it may be submitted in order that the FIRM may be more easily  
40                    revised.
  - 41                    iii. An annotated FIRM panel showing the revised 1% and 0.2% annual chance  
42                    floodplains and floodway boundaries must be submitted.
  - 43                    iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are  
44                    used, then all supporting documentation or metadata must be included with the  
45                    data submission along with the Universal Transverse Mercator (UTM) projection  
46                    and State Plane Coordinate System in accordance with FEMA mapping  
47                    specifications.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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

(4) Other Permits.

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

**Sec. 65.0702 Plan Commission**

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

- (a) Oversee the planning and zoning functions of the office of the Village Administrator;
- (b) Review and advise the Village Board on all proposed amendments to any and all zoning regulations, maps, and text.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 (c) See that adequate notice is published in the Village’s official newspaper pursuant to Wis.  
2 Stats., Chapter 985, specifying the date, time, place, and subject of any related public hearings.
- 3 (2) The Village of Sister Bay Plan Commission shall not:
  - 4 (a) Grant variances to the terms of these floodplain zoning regulations in the Zoning Board of  
5 Appeals’ stead.
  - 6 (b) Amend these regulations or the Village’s zoning maps in the Village Board’s stead.

## 7 **Sec. 65.0703 Zoning Board of Appeals**

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

### 12 (1) Powers and Duties.

13 The Zoning Board of Appeals shall:

- 14 (a) Hear and decide appeals where it is alleged there is an error in any order, requirement,  
15 decision or determination made by an administrative official in the enforcement or  
16 administration of these regulations;
- 17 (b) Hear and decide disputes concerning the district boundaries shown on the official floodplain  
18 zoning map; and,
- 19 (c) Hear and decide, upon appeal, variances from these regulations.

### 20 (2) Appeals To The Zoning Board of Appeals.

21 (a) Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or affected by  
22 any decision of the Village Administrator with respect to enforcement of these regulations.  
23 Such appeals shall be filed within thirty (30) days of receiving the Village Administrator’s  
24 formal decision by filing a Notice of Appeal specifying the reasons for the appeal in the Village  
25 Administration Office. Staff members shall transmit all records regarding the matter appealed  
26 to the Chair of the Zoning Board of Appeals in as timely a fashion as possible and shall also  
27 coordinate the scheduling of the related Public Hearing and see that the related Public Hearing  
28 Notice is published and posted in accord with Village regulations.

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

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

- 31 a. Fix a reasonable time for the hearing;
- 32 b. See that a Public Hearing Notice is published pursuant to the provision of the  
33 Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and,
- 34 c. See that notice will be mailed to the parties in interest and the Wisconsin  
35 Department of Natural Resources Regional office at least 10 days in advance of the  
36 hearing.

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

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

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

- 42 a. Be made within a reasonable time;
- 43 b. Be sent to the Wisconsin Department of Natural Resources Regional office within  
44 10 days of the decision;
- 45 c. Be a written determination signed by the Chairperson of the Board of Appeals;
- 46 d. State the specific facts that serve as the basis for the Board's decision;



# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- e. Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the variance application; and,
- f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, and see that those reasons are clearly delineated in the recorded minutes of the Board proceedings.

(3) Boundary Disputes.

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

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- (b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and,
- (c) If the boundary is incorrectly mapped, the Board should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Secs. 65.0801 through 65.0803 of these regulations.

(4) Variance.

- (a) The Zoning Board of Appeals may, upon appeal, grant a variance from the standards of these regulations if an applicant convincingly demonstrates that:
  - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
  - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
  - 3. The variance is not contrary to the public interest; and,
  - 4. The variance is consistent with the purpose of these regulations that is stated in Sec. 65.0103.
- (b) In addition to the criteria in (a), to qualify for a variance under FEMA regulations, the Zoning Board of Appeals must find that the following criteria have been satisfied:
  - 1. The variance will not cause any increase in the regional flood elevation;
  - 2. The applicant has shown good and sufficient cause for issuance of the variance;
  - 3. Failure to grant the variance would result in exceptional hardship;
  - 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- (c) A variance shall not:
  - 1. Grant, extend or increase any use prohibited in the zoning district;
  - 2. Be granted for a hardship based solely on an economic gain or loss;
  - 3. Be granted for a hardship which is self-created.
  - 4. Damage the rights or property values of other persons in the area;
  - 5. Allow actions without the amendments to these regulations or map(s) that are required in Secs. 65.0801 through 65.0803 of these regulations; or,
  - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted, the Zoning Board of Appeals shall notify the applicant in writing that it may increase risks to life and property, and, therefore, flood insurance

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

1 premiums could increase significantly. A copy of that notice shall be maintained with the  
2 variance record.

## 3 **Sec. 65.0704 Review of Appeals of Permit Denials**

- 4 (1) The Zoning Board of Appeals shall review all data related to the appeal. This may include:  
5 (a) The permit application data listed in Sec. 65.0701(2) of these regulations;  
6 (b) The floodway/flood fringe determination data in contained in Sec. 65.0501(5) of these  
7 regulations;  
8 (c) The data listed in Sec. 65.0303(1)(b) of these regulations in instances where the applicant has  
9 not submitted this information to the Zoning Administrator; and,  
10 (d) Other data submitted with the application or submitted to the Board with the appeal.  
11 (2) For appeals of all permits that are denied the Zoning Board of Appeals shall:  
12 (a) Follow the procedures delineated in Sec. 65.0703;  
13 (b) Consider recommendations from the Plan Commission; and,  
14 (c) Either uphold the denial or grant the appeal.  
15 (3) For appeals concerning increases in regional flood elevation the Zoning Board of Appeals shall:  
16 (a) In situations where the Board members agree with the data that shows that there should be  
17 an increase in flood elevation, uphold the denial. Increases may only be allowed after  
18 amending the flood profile and map and all appropriate legal arrangements are made with all  
19 adversely affected property owners as per the requirements of Secs. 65.0801 through 65.0803  
20 of these regulations; or,  
21 (b) In situations where the Board members agree that the data properly demonstrates that the  
22 project does not cause an increase in flood elevation, and provided no other reasons for denial  
23 exist, grant the appeal.

## 24 **Sec. 65.0705 Flood-Proofing Standards**

- 25 (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below  
26 the regional flood elevation until the applicant submits a plan certified by a registered professional  
27 engineer or architect that the flood-proofing measures will protect the structure or development to  
28 or above the flood protection elevation and submits a FEMA Flood-proofing Certificate. Flood-  
29 proofing is not an alternative to the development standards delineated in Secs. 65.0201 through  
30 65.0502 of these regulations.  
31 (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until  
32 the applicant submits a plan either:  
33 (a) Certified by a registered professional engineer or architect; or,  
34 (b) Meeting or exceeding the following standards:  
35 1. A minimum of two openings having a total net area of not less than one square inch for  
36 every square foot of enclosed area subject to flooding;  
37 2. The bottom of all openings shall be no higher than one-foot above grade; and  
38 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices  
39 provided that they permit the automatic entry and exit of floodwaters.  
40 (3) Flood-proofing measures shall be designed, as appropriate, to:  
41 (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood  
42 factors;  
43 (b) Protect structures to the flood protection elevation;  
44 (c) Anchor structures to foundations to resist flotation and lateral movement;  
45 (d) Minimize or eliminate infiltration of flood waters;  
46 (e) Minimize or eliminate discharges into flood waters;

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 (f) Ensure placement of essential utilities to or above the flood protection elevation; and,
- 2 (g) If any part of the foundation below the flood protection elevation is enclosed, the following
- 3 standards shall apply:
- 4 1. The enclosed area shall be designed by a registered architect or engineer to allow for the
- 5 efficient entry and exit of flood waters without human intervention. A minimum of two
- 6 openings must be provided with a minimum net area of at least one square inch for every
- 7 one square foot of the enclosed area. The lowest part of the opening can be no more
- 8 than 12 inches above the adjacent grade;
- 9 2. The parts of the foundation located below the flood protection elevation must be
- 10 constructed of flood-resistant materials;
- 11 3. Mechanical and utility equipment must be elevated or flood-proofed to or above the
- 12 flood protection elevation; and,
- 13 4. The use must be limited to parking, building access or limited storage.

14 **Sec. 65.0706 Public Information**

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

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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

## SECTION 800 AMENDMENTS

### Sec. 65.0801 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;
- (6) Any upgrades to floodplain zoning regulations that are required by Sec. NR 116.05 of the Wisconsin Administrative Code, or otherwise required by law, or revisions that have been passed and adopted by the Village Board; and,
- (7) Prior approval from FEMA is required for all channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base flood elevation from a FIRM.

### Sec. 65.0803 General Amendment Procedures

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

- (1) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board, and the proposed amendment and notice of public hearing shall also be submitted to the employees in the DNR's Regional office for review prior to the hearing. The amendment procedure must comply with the provisions of Wis. Stats., §62.23.
- (2) No amendments shall become effective until reviewed and approved by the DNR.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the
- 2 regional flood height, shall obtain flooding easements or other appropriate legal documentation
- 3 from all adversely affected property owners, and must notify any affected local units of government
- 4 before the amendment can be approved by the Village Board.
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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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## SECTION 900 ENFORCEMENT & PENALTIES

3 **Sec. 65.0901 Enforcement & Penalties**

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

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

## SECTION 1000 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

**Building** – See “Structure”.

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

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

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 **Camping Unit** – Any portable device, no more than 400 square feet in area, used as a temporary shelter,  
2 including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully  
3 licensed, if required, and ready for highway use.
- 4 **Certificate of Compliance** – A certification that the construction and the use of land or a building, the  
5 elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of these  
6 regulations.
- 7 **Channel** – A natural or artificial watercourse with definite bed and banks to confine and conduct normal  
8 flow of water.
- 9 **Coastal Floodplain** – An area along the coast of Lake Michigan or Lake Superior which is inundated by  
10 the regional flood and which is also subject to additional hazard due to wave runup.
- 11 **Coastal High Hazard Area** – An area of special flood hazard extending from offshore to the inland limit of  
12 a primary frontal dune along an open coast, and any other area subject to high velocity wave action from  
13 storms.
- 14 **Crawlways or Crawl Space** – An enclosed area below the first usable floor of a building, generally less  
15 than five feet in height, used for access to plumbing and electrical utilities.
- 16 **Deck** – An unenclosed exterior structure that has no roof or sides and has a permeable floor which  
17 allows the infiltration of precipitation.
- 18 **Department** – The Wisconsin Department of Natural Resources (DNR).
- 19 **Development** – Any artificial change to improved or unimproved real estate, including, but not limited  
20 to, 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 **Dryland Access** – A vehicular access route which is above the regional flood elevation, and which  
28 connects land located in the floodplain to land outside the floodplain, such as a road with its surface  
29 above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 30 **Encroachment** – Any fill, structure, equipment, use or development in the floodway.
- 31 **Federal Emergency Management Agency (FEMA)** – The federal agency that administers the National  
32 Flood Insurance Program.
- 33 **Flood Insurance Rate Map (FIRM)** – A map of a community on which the Federal Insurance  
34 Administration has delineated both the floodplain and the risk premium zones applicable to the  
35 community. This map can only be amended by the Federal Emergency Management Agency.
- 36 **Flood or Flooding** – A general and temporary condition of partial or complete inundation of normally dry  
37 land areas caused by one of the following conditions:  
38 (1) The overflow or rise of inland waters;  
39 (2) The rapid accumulation or runoff of surface waters from any source;  
40 (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the  
41 shore of Lake Michigan or Lake Superior; or  
42

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 **Habitable Structure** – Any structure or portion thereof used or designed for human habitation.
- 2 **Hearing Notice** – Publication or posting meeting the requirements of Wis. Stats., Chapter 985. For  
3 appeals, a Class 1 Notice, published once at least one week (7 days) before the hearing, is required. For  
4 all zoning ordinances and amendments, a Class 2 Notice, published twice, once each week consecutively,  
5 the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional  
6 notice, exceeding these minimums.
- 7 **High Flood Damage Potential** – Damage that could result from flooding that includes any danger to life  
8 or health or any significant economic loss to a structure or building and its contents.
- 9 **Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next  
10 to the proposed walls of a structure.
- 11 **Historic Structure** – Any structure that is either:  
12 (1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary  
13 of the Interior as meeting the requirements for individual listing on the National Register;  
14 (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical  
15 significance of a registered historic district or a district preliminarily determined by the Secretary to  
16 qualify as a registered Historic District;  
17 (3) Individually listed on a state inventory of historic places in states with historic preservation programs  
18 which have been approved by the Secretary of the Interior; or  
19 (4) Individually listed on a local inventory of historic places in communities with historic preservation  
20 programs that have been certified either by an approved state program, as determined by the Secretary  
21 of the Interior; or by the Secretary of the Interior in states without approved programs.
- 22 **Increase in Regional Flood Height** – A calculated upward rise in the regional flood elevation greater than  
23 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly  
24 attributable to development in the floodplain but not attributable to manipulation of mathematical  
25 variables such as roughness factors, expansion and contraction coefficients and discharge.
- 26 **Land Use** – Any non-structural use made of unimproved or improved real estate. (Also see,  
27 “Development”.)
- 28 **Lowest Adjacent Grade** – Elevation of the lowest ground surface that touches any of the exterior walls of  
29 a building.
- 30 **Lowest Floor** – The lowest floor of the lowest enclosed area (including basement). An enclosed space as  
31 provided in Sec. 65.0503(2)(f), is not considered the building’s lowest floor.
- 32 **Maintenance** – The act or process of ordinary upkeep and repairs, including redecorating, refinishing,  
33 nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent  
34 fixtures, systems, or structures.
- 35 **Manufactured Home** – A structure transportable in one or more sections, which is built on a permanent  
36 chassis and is designed to be used with or without a permanent foundation when connected to required  
37 utilities. The term "manufactured home" includes a mobile home but does not include a "mobile  
38 recreational vehicle."
- 39 **Mobile/Manufactured Home Park or Subdivision** – A parcel (or contiguous parcels) of land, divided into  
40 two or more manufactured home lots for rent or sale.
- 41

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 **Mobile/Manufactured Home Park or Subdivision, Existing** – A parcel of land, divided into two or more  
2 manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is  
3 completed before the effective date of these regulations. At a minimum, this would include the  
4 installation of utilities, the construction of streets and either final site grading or the pouring of concrete  
5 pads.
- 6 **Mobile/Manufactured Home Park, Expansion to Existing** – The preparation of additional sites by the  
7 construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This  
8 includes installation of utilities, construction of streets and either final site grading, or the pouring if  
9 concrete pads.
- 10 **Mobile Recreational Vehicle** – A vehicle which is built on a single chassis, 400 square feet or less when  
11 measured at the largest horizontal projection, designed to be self-propelled, carried or permanently  
12 towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is  
13 designed primarily not for use as a permanent dwelling, but as temporary living quarters for  
14 recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a  
15 parcel of land, but do not remain capable of being towed or carried, including park model homes, do not  
16 fall within the definition of "mobile recreational vehicles."
- 17 **Model, Corrected Effective** – A hydraulic engineering model that corrects any errors that occur in the  
18 Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or  
19 incorporates more detailed topographic information than that used in the current effective model.
- 20 **Model, Duplicate Effective** – A copy of the hydraulic analysis used in the effective FIS and referred to as  
21 the effective model.
- 22 **Model, Effective** – The hydraulic engineering model that was used to produce the current effective Flood  
23 Insurance Study.
- 24 **Model, Existing (Pre-Project)** – A modification of the Duplicate Effective Model or Corrected Effective  
25 Model to reflect any man-made modifications that have occurred within the floodplain since the date of  
26 the effective model but prior to the construction of the project for which the revision is being requested.  
27 If no modification has occurred since the date of the effective model, then this model would be identical  
28 to the Corrected Effective Model or Duplicate Effective Model.
- 29 **Model, Revised (Post-Project)** – A modification of the Existing or Pre-Project Conditions Model,  
30 Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- 31 **Moderate Wave Action Area (MoWA), a/k/a "Coastal A-Zone"** – A special flood hazard area subject to  
32 the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where  
33 the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is  
34 an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate  
35 Wave Action, where identified.
- 36 **Municipality or Municipal** – The Village of Sister Bay, which is the governmental unit enacting,  
37 administering, and enforcing these regulations.
- 38 **NAVD or North American Vertical Datum** – Elevations referenced to mean sea level datum, 1988  
39 adjustment.
- 40 **NGVD or National Geodetic Vertical Datum** – Elevations referenced to mean sea level datum, 1929  
41 adjustment.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

- 1 **New Construction** – Structures for which the start of construction commenced on or after the effective  
2 date of a floodplain zoning regulation adopted by this community and includes any subsequent  
3 improvements to such structures.
- 4 **Non-Flood Disaster** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of  
5 nature, but excludes a flood.
- 6 **Non-Conforming Structure** – An existing lawful structure or building which is not in conformity with the  
7 dimensional or structural requirements of these regulations for the area of the floodplain which it  
8 occupies. (For example, an existing residential structure in the flood fringe district is a conforming use.  
9 However, if the lowest floor is lower than the flood protection elevation, the structure is non-  
10 conforming.)
- 11 **Non-Conforming Use** – An existing lawful use or accessory use of a structure or building which is not in  
12 conformity with the provisions of these regulations for the area of the floodplain which it occupies.  
13 (Such as a residence in the floodway.)
- 14 **Obstruction To Flow** – Any development which blocks the conveyance of floodwaters such that this  
15 development alone or together with any future development will cause an increase in regional flood  
16 height.
- 17 **Official Floodplain Zoning Map** – That map, adopted and made part of these regulations, as described  
18 herein which has been approved by the Department and FEMA.
- 19 **Open Space Use** – Those uses having a relatively low flood damage potential and not involving  
20 structures.
- 21 **Ordinary Highwater Mark** – The point on the bank or shore up to which the presence and action of  
22 surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or  
23 prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized  
24 characteristic.
- 25 **Person** – An individual, or group of individuals, corporation, partnership, association, municipality, or  
26 state agency.
- 27 **Primary Frontal Dune** – A continuous or nearly continuous mound or ridge of sand with relatively steep  
28 seaward and landward slopes, adjacent to the beach and subject to erosion and overtopping from high  
29 tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the  
30 point where there is a distinct change from a relatively steep slope to a relatively mild slope.
- 31 **Private Sewage System** – A sewage treatment and disposal system serving one structure with a septic  
32 tank and soil absorption field located on the same parcel as the structure. It also means an alternative  
33 sewage system approved by the Department of Safety and Professional Services, including a substitute  
34 for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a  
35 system located on a different parcel than the structure.
- 36 **Public Utilities** – Those utilities using underground or overhead transmission lines such as electric,  
37 telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and  
38 storm sewer.
- 39 **Reasonably Safe From Flooding** – Means base flood waters will not inundate the land or damage  
40 structures to be removed from the floodplain and that any subsurface waters related to the base flood  
41 will not damage existing or proposed buildings.

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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

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

5 **Start of Construction** – The date the building permit was issued, provided the actual start of  
6 construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was  
7 within 180 days of the permit date. The actual start means either the first placement of permanent  
8 construction on a site, such as the pouring of slab or footings, the installation of piles, the construction  
9 of columns, or any work beyond initial excavation, or the placement of a manufactured home on a  
10 foundation. Permanent construction does not include land preparation, such as clearing, grading, and  
11 filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a  
12 basement, footings, piers or foundations or the erection of temporary forms, nor does it include the  
13 installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling  
14 units or not part of the main structure. For an alteration, the actual start of construction means the first  
15 alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration  
16 affects the external dimensions of the building.

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

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

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

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

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

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

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

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

# VILLAGE OF SISTER BAY FLOODPLAIN ZONING REGULATIONS

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

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

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