

CHAPTER 10

ZONING AND FLOOD PLAIN REGULATIONS

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CHAPTER 10 ZONING AND FLOOD PLAIN REGULATIONS

10.01 **AUTHORITY.** These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes.

10.02 **PURPOSE.** The purpose of this Chapter is to promote the health, safety, morals, and general welfare of this community. State Law Reference: Sec. 62.23(7)(1), Wis. Stats.

10.03 **INTENT.** It is the general intent of this Chapter to regulate and restrict the use of all buildings, other structures, and lands without discrimination against temporary structures, and to regulate and restrict lot coverage, population density, and the size and location of all buildings and other structures so as to: lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and the general welfare; provide adequate light and air; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's development plan or plan components. It is further intended to provide for the administration and enforcement of this Chapter and to provide penalties for its violation. State Law Reference: Sec. 62.23(7)(a) and (c), Wis. Stats.

10.04 **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern subject to the limitations stated herein.

10.05 **INTERPRETATION.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the Village, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. All references to State statutes or administrative codes are intended to include any subsequent revisions or amendments of and to the same. Where the regulations in this Chapter impose higher standards than are required in any other part of this Code of Ordinances, the regulations in this Chapter shall govern. State Law Reference: Sec. 62.23(7)(a) and (g), Wis. Stats.

10.06 **SEVERABILITY.** If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

10.07 **TITLE.** This Chapter shall be known as the Zoning and Flood Plain Regulations, Village of Stoddard, Wisconsin, but may be referred to in this Chapter as "this Chapter."

10.08 **DEFINITIONS.** For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number and the plural number includes the singular number. The word "shall" is mandatory and not optional. All distances unless otherwise specified shall be measured horizontally.

- (a) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a building, other structure, or land and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal building or other structure.
- (b) **Alley.** A public right-of-way affording only secondary access to abutting properties.

- (c) Bed and Breakfast Inn. A commercial establishment in a pre-existing building offering overnight lodging and breakfast to registered overnight guests. The building and use are subject to all State building and health codes governing such purposes.
- (d) Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.
- (e) Building Area. The total living area bounded by the exterior walls of a building at the floor levels but not including basement, utility rooms, garages, porches, breezeways and unfinished attics.
- (f) Building Height. The vertical distance measured from the mean elevation of the finished lot grade along a street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip and pitch roofs, or to the deck line of mansard roofs.
- (g) Centerline. A line equidistant from the edges of the median separating the main traveled ways of an existing or planned divided road or highway or the centerline of the main traveled way of a non-divided road or highway.
- (h) Conditional Uses. Uses which are consistent with the use classification in a particular zone but may create special problems if allowed to develop as a matter of right in a particular district and which are expressly permitted by this Chapter as long as certain conditions are met and a conditional use permit obtained. The terms conditional use and special exception are synonymous.
- (i) Dump (or Junk Yard): Any area used for the outdoor storage, keeping or abandonment of junk or discarded materials, rubbish, trash, cans, bottles, garbage, vehicles, machinery or parts.
- (j) Dwelling. A detached building designed or used exclusively as a residence or sleeping place for human habitation but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (k) Dwelling Unit: A dwelling, or portion thereof, providing complete living facilities for one family, including permanent provision for living, sleeping, eating, cooking and sanitation, and in which not more than two persons, other than members of the family, are lodged or boarded for compensation at any one time.
- (l) Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, and overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (m) Family. Any number of persons related by blood, adoption or marriage or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (n) Family Day Care Home. A family day care home is a dwelling also licensed as a day care center by the State Department of Children and Families under Section 48.65 of the Wisconsin Statutes where care is provided for not more than eight (8) children between the ages of infancy and seven (7) years of age.
- (o) Foundation: A continuous foundation type construction of solid materials such as masonry or concrete designed to resist all forces to which it is subject without transmitting forces to the building superstructure and of sufficient design to support safely the loads imposed.
- (p) Front Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and the line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (q) Frontage. The dimension of a lot abutting a public street measured along the right-of-way line.
- (r) Garage, Private. A detached accessory building or structure intended to be used for the parking of vehicles by the owners or tenants of a principal structure.
- (s) Group Home. A facility licensed by the State Department of Children and Families under Section 48.625 of the Wisconsin Statutes for the care and maintenance of five (5) to eight (8) children.
- (t) Home Occupation. Any occupation for gain or support conducted entirely within buildings operated by resident occupants which are customarily incidental to the principal use of the premises.
- (u) Loading Area. A complete off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

- (v) Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter.
- (w) Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (x) Lot Line, Front. The boundary of a lot which abuts an existing or dedicated public street. In the case of a corner lot or double frontage lot, it shall be the shortest dimension on a public street. If there is less than a one (1) foot difference between lot lines that abut a street, the lot owner shall choose the front lot line, and the decision shall be placed on file with the Village.
- (y) Lot Line, Rear. The lot line which is opposite the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot forms a point at the rear, the rear lot line shall be a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- (z) Lot Line, Side. Any lot line that is not a front lot line, rear lot line, or street side lot line.
- (aa) Lot Line, Street Side. The boundary of a lot which abuts an existing or dedicated public street, but is not a front lot line.
- (bb) Lot Width. The width of a parcel of land measured at the rear of the specified front yard.
- (cc) Mobile Home: Mobile home means a home that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.
- (dd) Nonconforming Structures. An established building or structure at the time of enactment of this Chapter or any amendment applicable thereto which does not conform to the regulations of this Chapter or any amendment applicable thereto for the district in which it is located.
- (ee) Nonconforming Uses. The lawful use of a building or premises existing at the time of the adoption of this Chapter or amendments thereto which does not conform with the provisions of this Chapter or amendments thereto.
- (ff) Parking Lot. A structure or premises containing parking spaces open to the public.
- (gg) Parking Space or Stall. A graded and surfaced area of not less than one hundred eighty (180) square feet in an area either enclosed or open for the parking of a motor vehicle having adequate ingress and egress to a public street or alley.
- (hh) Pavement. Pavement encompasses: concrete, asphalt, brick, and stone, regardless of permeability.
- (ii) Pole Shed/Barn: A Pole Shed/Barn is a building which lacks a conventional foundation built from treated poles, typically at eight-foot intervals, anchored into the ground with cement and sometimes rock. Boards and metal are used for the sides and roof as well as screws to attach to the metal.
- (jj) Professional Home Offices. Residences of doctors of medicine, practitioners, dentists, clergy, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other similar professions conducted within buildings by resident occupants which are incidental to the principal use of the premises.
- (kk) Rear Yard. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
- (ll) Side Yard. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal street.
- (mm) Signs. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (nn) Street. A street or highway not otherwise defined lying within a recorded subdivision with a right-of-way not less than fifty (50) feet wide providing primary access to abutting properties.

- (oo) Structure. Any erection or construction such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.
- (pp) Structural Alterations/Structurally Alter. Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- (qq) Travel Trailer: A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of mobile home.
- (rr) Utilities. Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.
- (ss) Variance. An exception to the requirements of this Chapter not contrary to the public interest where, due to special conditions, strict application of this Chapter would result in a practical difficulty or unnecessary hardship not self-created by the property owner so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (tt) Visual Clearance Triangle: A triangle bounded by the intersecting street, alley or highway right of way lines at an intersection and a line connecting points on these intersecting right of way lines which points are 20 feet distant from the point of intersection of the right of way lines in the case of the intersection of an alley with any other thoroughfare, and 30 feet distant from the point of intersection of these right way lines in the case of the intersection of two thoroughfares neither of which is an alley.
- (uu) Village Board. The Board of Trustees of the Village of Stoddard, Vernon County, Wisconsin.

10.09 JURISDICTION. All lands which are located within the limits of the Village of Stoddard are within the jurisdiction of this Chapter.

10.10 COMPLIANCE.

- (a) Prohibition. No building, other structure, or land shall hereafter be used and no building or other structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit and without full compliance with the provisions of this Chapter and all other applicable local, county and State regulations.
- (b) Village Duties. The duty of the Village Building, Zoning and Land Planning Committee shall be to investigate all complaints, give notice of violations and to enforce the provisions of this Chapter. The employees of the Public Works Department and Zoning Administrator, with reasonable notification, may enter onto any public or private land to make a zoning inspection.

10.11 ZONING PERMIT.

- (a) Application. Applications for a zoning permit shall be made in duplicate to the Village Clerk on forms furnished by the Village Clerk and shall include the following where applicable:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer or contractor;
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies;
 - (3) Plat plan, map, or survey showing the location, boundaries, dimensions, slope of terrain, uses and size of the following: subject site; existing and proposed buildings and other structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards. The location, slope or terrain and use of any abutting lands and their structures within forty (40) feet of the subject site shall also be shown;
 - (4) The number of families expected to be accommodated in the case of residential development;
 - (5) The existing and proposed use of each building or other structure and lot; and
 - (6) Additional information as may be required by the Village.

- (b) Procedure. A zoning permit shall be granted or denied in writing by the Zoning Administrator within sixty (60) days after the Building, Zoning and Land Planning Committee review and approval of a project if such approval is required. The permit shall expire within nine (9) months after issuance of the permit unless substantial work has commenced. The Zoning Administrator may, for good cause shown, extend the zoning permit for an additional six (6) months. Any permit issued in conflict with the provisions of this Chapter shall be null and void.

10.12 SITE RESTRICTIONS.

- (a) Suitability. No land shall be used or building or other structure erected where the land is held unsuitable for such use or building or other structure by the Building, Zoning and Land Planning Committee by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Building, Zoning and Land Planning Committee, in applying the provisions of this Section, shall in writing cite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires. Thereafter, the Building, Zoning and Land Planning Committee may affirm, modify or withdraw its determination of unsuitability. Building, Zoning and Land Planning Committee decisions may be appealed to the Board of Zoning Appeals. A majority of the Board of Zoning Appeals is needed to overturn a Building, Zoning and Land Planning Committee decision.
- (b) Minimum Frontage. All lots shall abut upon a public street. Each fan-shaped lot shall have a minimum street frontage of sixty (60) feet.
- (c) Street Width. No zoning permit shall be issued for a lot which abuts a public street that has not been dedicated to its required width.
- (d) Private Sewer and Water. Private sewer and water supplies are prohibited in all districts according to Chapter 3 of the Village of Stoddard Municipal Code.

10.13 USE RESTRICTIONS. The following use restrictions and regulations shall apply:

- (a) Principal Uses. Only those principal uses specified for a district, their essential services and the following uses in this Section shall be permitted in that district except as otherwise provided in this Chapter.
- (b) Accessory Uses. Accessory uses and structures are permitted in any district except as otherwise provided for in this Chapter but not until their principal structure is present or under construction.
- (c) Conditional Uses. Conditional uses and their accessory uses are considered as special exceptions requiring review and approval by the Building, Zoning and Land Planning Committee.
- (d) Temporary Uses. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Building, Zoning and Land Planning Committee.

10.14 REDUCTION OR JOINT USE. No lot, yard, parking lot, space or area, building area or other space shall be reduced in area or dimension so as not to meet the provisions of this Chapter. No part of any lot, yard, parking lot, space or area or other space required for a building, other structure or use shall be used for any other structure or use except as otherwise provided in this Chapter.

10.15 FAMILY DAY CARE HOMES/COMMUNITY AND OTHER LIVING ARRANGEMENTS.

- (a) Family Day Care Homes. Notwithstanding any provision to the contrary in this Chapter, a family day care home may be located in a zoned district in which a single family residence is a permitted use and no standards or requirements different from the licensing standards established under Section 48.65 of the Wisconsin Statutes shall apply to family day care homes. Nothing in this Section prevents the application to a family day care home of the zoning regulations applicable to other dwellings in the zoning district in which it is located.

- (b) Community and Other Living Arrangements. Notwithstanding any provision to the contrary in this Chapter, the terms and provisions of Section 62.23(7)(i), Wis. Stats., shall govern the community and other living arrangements specified therein. State Law Reference: Sec. 66.1017, Wis. Stats.

10.16 PROHIBITION, ENFORCEMENT, REMEDIES, AND PENALTIES.

- (a) Prohibition. It shall be unlawful to erect, construct, reconstruct, or use any building, other structure, or land in violation of any of the provisions of this Chapter.
- (b) Enforcement and Remedies. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this Chapter, the Village or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies, institute appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- (c) Other Measures of Enforcement and Remedies. Any building erected, constructed or reconstructed in violation of this Chapter is an unlawful structure, and the Village Attorney or other official designated by the Village Board may bring action to enjoin such erection, construction or reconstruction, or cause such structure to be vacated or removed. In case any building or structure is or is proposed to be erected, constructed or reconstructed, or any land is or is proposed to be used in violation of this Chapter, the Village Attorney or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or enjoin or abate or remove such unlawful erection, construction or reconstruction.
- (d) Forfeiture.
 - (1) Any person, firm, limited liability company, corporation, or other entity who fails to comply with the provisions of this Chapter shall upon conviction thereof, forfeit not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) per violation plus any and all applicable costs, fees, surcharges, and assessments, for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding ninety (90) days.
 - (2) To ensure uniformity and equal treatment of all persons who violate any provision of this Chapter, the following Schedule of Deposits shall be the used to establish the deposit amount for forfeitures for violations of this Chapter.

SCHEDULE OF FORFEITURE DEPOSITS

(Add all court costs, fees, assessments and surcharges to amounts listed)

ZONING CODE

<u>SECTION</u>	<u>FIRST OFFENSE</u>	<u>SECOND AND SUBSEQUENT OFFENSE WITHIN 12 MONTHS</u>
Entire Chapter	\$250.00	\$500.00

- (e) Continuing Violations. Each and every day a violation exists or continues shall constitute a separate offense. State Law Reference: Sec. 62.23(7)(f) and (8), Wis. Stats.

10.17 ESTABLISHMENT OF DISTRICTS

- (a) SIX ZONING DISTRICTS, AS FOLLOWS, ARE HEREBY ESTABLISHED
 - (1) R-1 Districts. Single-family residential districts.
 - (2) R-2 Districts. One and two-family residential districts.

- (3) R-3 Districts. Multiple residential districts.
 - (4) C-1 Community Business districts.
 - (5) I Industrial districts.
 - (6) O-C Open Development, Conservancy districts.
- (b) DISTRICT MAP-BOUNDARIES OF DISTRICTS: Said districts are shown on the District Map as filed in this Office of the Village Clerk and by reference made a part of this ordinance, and shall be as much a part of this ordinance as if they were all fully described herein. District boundary lines on the District Map shall be determined as follows:
- (1) Where district boundary lines obviously follow road, street, alley, water, lot or property lines, such lines shall be the boundaries.
 - (2) In subdivided property or where a district boundary line divides a lot or parcel of property, dimensions on the map shall be used to locate district boundaries, and in the absence of dimensions, the map scale be applied.
 - (3) If uncertainty exists, the Board of Appeals established hereby shall determine the location of boundaries.
- (c) ANNEXATION DISTRICTS: Lands hereinafter annexed to the Village of Stoddard shall be subject to regulations of the R-1 District, provided that, upon study and recommendation by the Village Board, within 90 days of the date of annexation, the Village Board may adopt other districts for all or a portion of lands.

10.18 USES PERMITTED OR EXCLUDED FROM DISTRICTS. No building shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose or use other than that permitted herein in the district in which located, subject to other applicable regulations hereof including the securing of permits and conditional use permits as required by the provisions in certain sections hereof. Each building hereafter erected or moved shall be located on a lot, as defined herein, and there shall be no more than one main building on one lot, unless otherwise provided herein. Each building containing dwelling units or guest rooms shall be erected on a lot at least one line of which shall abut for not less than 30 feet along a public street or, if approved by the Building Inspector for the purpose, for 30 feet along a permanent, unobstructed easement of access to the lot from a public street.

10.19 UNUSED

10.20 REGULATIONS - R-1 DISTRICT

- A. Purpose. The R-1 District is intended to provide for single-family residential land uses. The district is also intended to protect the integrity of residential areas by prohibiting the incursion of incompatible non-residential uses and is for the exclusive location of single-family dwellings.
- B. Permitted uses. The following uses are permitted within an R-1 District:
- 1. Detached single-family dwellings;
 - 2. Accessory buildings.
 - (1) Limited Number of Buildings.
 - a) There shall be not more than one (1) principal structure or dwelling and two (2) accessory structures, including a private detached garage, in either R1 or R2 Zones.
 - b) Accessory structures are limited to a maximum size of not more than 168 square feet and a height not to exceed 12 feet.
 - c) One (1) additional accessory structure may be included, but only if it is a private detached garage in an area zoned for residential development.

- d) A detached carport is subject to the same requirements as a detached private garage.
- e) Maximum coverage by dwelling and accessory building(s) will not exceed an area of more than 35% of the lot area.
- f) Accessory structures may not be built on slopes greater than twelve percent (12%).

3. Essential services.

4. All uses not specifically permitted are prohibited.

C. Requirements. In order to be considered a conforming lot or structure within an R-1 District, a lot or structure must:

- (1) Have a minimum lot size of 9,600 square feet and a minimum lot width of 80 feet. A lot in an established area with the final plat approved on or before July 1, 1974 will be considered permit by permit.
- (2) Have a front yard setback of 25 feet, a rear yard setback of 20 feet and a side yard setback of 10 feet.

In the case of a corner lot, each yard facing a street shall be considered a front yard, and all buildings and structures shall be set back from the street right-of-way line in accordance with the minimum front yard setback requirements of the zoning district within which the lot is located.

While corner lots shall have two (2) front yards, the yard behind principal building as it fronts on one of the streets shall be considered a rear yard, and the remaining yard shall be considered a side yard, and the principal building and all accessory buildings and structures shall be set back from the designated rear property line and the designated side property yard in accordance with the minimum setback requirements of the zoning district within which the lot is located.

- (3) Have a minimum living area of 1,200 square feet in the principal building;
- (4) Subject to the provisions of subsections (A) and (B) of this section, two-family dwellings provided that such were in existence on June 1, 2017, and provided further that such two-family dwelling may be replaced with a two-family dwelling if such replacement has no more than two bedrooms in each dwelling unit.
 - a) No additional bedrooms may be added to any two-family dwellings in existence on June 1, 2019.
 - b) If the unit density is decreased or the property is not used as a two-family dwelling for 12 consecutive months or more then the unit density may not be converted to a two-family dwelling. For the purpose of this subsection, the term "used" means occupied, undergoing active renovation with the appropriate building permits, or an affidavit stating the units are actively being marketed for rent and having proof of publication of rental advertising, signage on the premises or rental magazine.
 - c) A two-family dwelling that was originally constructed as a two-family dwelling and in existence on June 1, 2019, shall not lose its legal nonconforming status until such time the entire structure is demolished by natural or manmade causes. A replacement single-family structure shall be permitted meeting all other requirements of this Code. Once a building is converted to a single-family dwelling, it shall not be converted back to a two-family dwelling.

- (5) Have a minimum primary structure width of 24 feet;
 - (6) Not exceed a maximum principal building height of 35 feet;
 - (7) Accessory building side yard setback of three feet and a rear yard setback of three feet.
 - (8) Accessory garages side yard setback of ten feet and a rear yard setback of ten feet.
- D. Conditional uses. The following uses shall be considered conditional uses within an R-1 District:
- (1) Churches, municipal buildings and public and parochial schools;
 - (2) Public parks and playgrounds;
 - (3) Family day care homes, as defined in and pursuant to Section 66.1017 of the Wisconsin Statutes;
 - (4) Community and other living arrangements as required by and pursuant to Section 62.23(7)(i) of the Wisconsin Statutes, including group homes, subject to the special zoning permission provisions of such statute;
 - (5) Home occupations provided that any such home occupation shall be situated in the main building.
 - (6) Accessory structures when they exceed one hundred sixty-eight (168) square feet.

10.21 REGULATIONS - R-2 SINGLE FAMILY MIXED-RESIDENTIAL DISTRICT

- A. Purpose. The R-2 District is intended to provide for single-family and two-family dwellings in a traditional neighborhood format. The district is also intended to provide an area protected from traffic hazards and safe from blighting influences.
- B. Permitted uses. The following uses are permitted within an R-2 District:
- (1) Detached single-family and two-family dwellings;
 - (2) Limited Number of Buildings.
 - a) There shall be not more than one (1) principal structure or dwelling and two (2) accessory structures, including a private detached garage, in either R1 or R2 Zones.
 - b) Maximum coverage by dwelling and accessory building will not exceed an area of more than 35% of the lot area.
 - c) Accessory structures are limited to a maximum size of not more than 168 square feet and a height not to exceed 12 feet.
 - d) One (1) additional accessory structure may be included, but only if it is a private detached garage in an area zoned for residential development.
 - e) A detached carport is subject to the same requirements as a detached private garage.
 - f) Accessory structures may not be built on slopes greater than twelve percent (12%).
 - (3) Essential services.
 - (4) All uses not specifically permitted are prohibited.
- C. Requirements. In order to be considered a conforming lot or structure within an R-2 District, a lot or structure must:

- (1) Have a minimum lot size of 9,600 square feet for one (1) and two (2) family dwellings and a minimum lot width of 80 feet;
- (2) Have a front yard setback of 25 feet, a rear yard setback of 20 feet and a side yard setback of 10 feet for a single-family dwelling and a side yard setback of 20 feet for a two-family dwelling.

In the case of a corner lot, each yard facing a street shall be considered a front yard, and all buildings and structures shall be set back from the street right-of-way line in accordance with the minimum front yard setback requirements of the zoning district within which the lot is located.

While corner lots shall have two (2) front yards, the yard behind principal building as it fronts on one of the streets shall be considered a rear yard, and the remaining yard shall be considered a side yard, and the principal building and all accessory buildings and structures shall be set back from the designated rear property line and the designated side property yard in accordance with the minimum setback requirements of the zoning district within which the lot is located.

- (3) Have a minimum living area of 1,200 square feet in the principal building for a single-family dwelling and 1,500 square feet for a two-family dwelling;
- (4) Not exceed a maximum principal building height of 35 feet;
- (5) Accessory building side yard setback of three feet and a rear yard setback of three feet.
- (6) Accessory garage side yard setback of ten feet and a rear yard setback of ten feet.

D. Conditional uses. The following uses shall be considered conditional uses within an R-2 District:

- (1) Bed-and-breakfast services;
- (2) Churches, municipal buildings and public and parochial schools;
- (3) Public parks and playgrounds;
- (4) Family day care homes;
- (5) Home occupations provided that any such home occupation shall be situated in the main building.
- (6) Accessory structures when they exceed one hundred sixty-eight (168) square feet.

10.22 REGULATIONS – R-3 MULTIPLE FAMILY DISTRICT

A. Purpose. The R-3 District is intended to provide for two-family or more dwellings in a traditional neighborhood format. The district is also intended to provide an area protected from traffic hazards and safe from blighting influences.

B. Permitted uses. The following uses are permitted within an R-3 District:

- (1) Multiple dwellings having two-family and up to and including eight-family dwellings;
- (2) Limited Number of Buildings.
 - a) There shall be not more than one (1) principal structure or dwelling and two (2) accessory structures, including a private detached garage.
 - b) Maximum coverage by dwelling and accessory building will not exceed an area of more than 35% of the lot area.
 - c) Accessory structures are limited to a maximum size of not more than 168 square feet and a height not to exceed 12 feet.

- d) One (1) additional accessory structure may be included, but only if it is a private detached garage in an area zoned for residential development.
 - e) A detached carport is subject to the same requirements as a detached private garage.
 - f) Accessory structures may not be built on slopes greater than twelve percent (12%).
- (3) Two-family dwellings that are later split into two, single-family residential units, attached to each other with zero lot line setback on one side in accordance with the Zero Lot-Line Housing requirements.
- (4) Essential services.
- (5) All uses not specifically permitted are prohibited.
- C. Requirements. In order to be considered a conforming lot or structure within an R-3 District, a lot or structure must:
- (1) For structures two stories above ground or less, have a minimum lot size of 4,000 square feet per family unit up to and including four families and 2,500 square feet per family thereafter and a minimum lot width of 100 feet;

For structures greater than two stories, have a minimum of 40% green space and a minimum lot width of 100 feet. Parking areas do not count toward the green space requirement;
 - (2) Have a front yard setback of 25 feet, a rear yard setback of 20 feet and a side yard setback of 20 feet.
 - (3) Have a minimum living area of 1,500 square feet in the principal building for two-family dwellings and multiple dwellings.
 - (4) Not exceed a maximum principal building height of 45 feet;
 - (5) Accessory building side yard setback of three feet and a rear yard setback of three feet.
 - (6) Accessory garage side yard setback of ten feet and a rear yard setback of ten feet.
- D. Conditional uses. The following uses shall be considered conditional uses within an R-3 District:
- (1) Charitable institutions, rest homes or nursing homes, private nonprofit clubs and lodges;
 - (2) Mobile home parks in accordance with mobile home requirements in the Village of Stoddard and the laws of the State of Wisconsin;
 - (3) Churches;
 - (4) Public parks and playgrounds;
 - (5) Single-family homes; and
 - (6) Recreational vehicle courts.
 - (7) Accessory structures when they exceed one hundred sixty-eight (168) square feet.

ZERO LOT-LINE HOUSING

- A. Purpose. Zero Lot Line Housing is intended to provide for two single-family residential units attached to each other with zero lot line setback on one side. They are to be built in newer urban areas served by public sewers. This will permit two single-family homes to be joined to give the appearance of a two-family dwelling. For that reason Zero-Lot Line Housing lots will always be approved in sets of two. The

district is also intended to protect the integrity of residential areas by prohibiting the incursion of incompatible nonresidential uses and is for the exclusive location of single-family dwellings.

B. Permitted uses. The following uses are permitted with Zero-Lot Line Housing:

- (1) Two-family dwellings;
- (2) Limited Number of Buildings.
 - a) There shall be not more than one (1) principal structure or dwelling and two (2) accessory structures.
 - b) Maximum coverage by dwelling and accessory building will not exceed an area of more than 35% of the lot area.
 - c) Accessory structures are limited to a maximum size of not more than 168 square feet and a height not to exceed 12 feet.
 - d) One (1) additional accessory structure may be included for each residential unit, but only if it is a private detached garage in an area zoned for residential development.
 - e) A detached carport is subject to the same requirements as a detached private garage.
 - f) Accessory structures may not be built on slopes greater than twelve percent (12%).
- (3) Essential services.
- (4) All uses not specifically permitted are prohibited.

C. Requirements. In order to be considered a conforming Zero-Lot Line structure, a lot or structure must:

- (1) Have a minimum lot size of 9,600 square feet and a minimum lot width of 80 feet;
- (2) Have a front yard setback of 25 feet, a rear yard setback of 20 feet and a side yard setback of 20 feet on the side not attached to an adjoining dwelling and zero feet on the side attached to an adjoining dwelling;
- (3) Have an accessory building side yard setback of three feet and a rear yard setback of three feet.
- (4) Have a minimum living area of 1,500 square feet in the principal building;
- (5) Not exceed a maximum principal building height of 35 feet;
- (6) Upon completion of the principal building, a copy of the recorded condominium plat or plat of survey and condominium agreement shall be filed with the Village Clerk.

10.23 C-1 COMMUNITY BUSINESS DISTRICT

Purpose. The community business district is intended to provide primarily for the business, financial, professional and commercial needs of the community.

(A) USES PERMITTED – C-1 COMMUNITY BUSINESS DISTRICT

The following types of uses are permitted, unless otherwise described in part (D) or (E) of this section:

- a) Business and professional offices.
- b) Clubs and lodges.
- c) Financial institutions.
- d) Hotels and motels.
- e) Newspaper offices.
- f) Educational services.
- g) Private indoor recreational and cultural facilities.

- h) Public passenger transportation terminals such as taxi and bus depots.
- i) Radio and television broadcasting studios.
- j) Residences above the first story.
- k) Restaurants and other places serving food or drink.
- l) Retail and personal or business service establishments.
- m) Public Library buildings.
- n) Automobile display and salesroom, parking lots and structures, and when accessory thereto, the retail sale of automobile parts and accessories, and the washing, cleaning, greasing and servicing of automobiles, including repairs, overhauling and rebuilding but no demolition or spray painting.

Prohibited Uses. All uses deemed dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and impairing the use, enjoyment or value of any property and not specifically permitted are prohibited.

Accessory Structures Permitted. One accessory structure not to exceed one hundred sixty-eight (168) square feet in ground or lot coverage.

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

In all Community Business Districts, the use of structures that were originally constructed and used as commercial structures, or churches, for limited retail stores and personal service businesses may be permitted by a conditional use permit. It is the purpose and intent of this section to allow for limited commercial uses that are primarily suited to neighborhoods and are within walking distance (one-quarter mile) of the establishment. A neighborhood compatible use will have little impact to the neighborhood and will "fit in" with the residential character and therefore require little if any off-street parking.

A. The following prerequisites shall be met prior to applying for a conditional use permit:

- 1. The owner shall file documentation that the structure was originally constructed as a commercial structure and produce a historic record of commercial use which shall then be verified by the Village.
- 2. The original commercial structure shall not be greater than 3,000 feet in total square footage and not more than 1,500 square feet shall be devoted to the retail area for the proposed use. The original church structure shall not be greater than 5,500 feet in total square footage nor more than 3,000 square feet shall be devoted to the retail area for the proposed use.

B. Applicants for a conditional use permit shall supply the following information and additional information as instructed by the Village Board and the **Building, Zoning and Land Planning Committee**:

- 1. The location, current use of the property, whether any structures or buildings will be demolished and the type of such structures or buildings to be demolished and any mitigation plan to offset loss of either tax base or housing opportunities.
- 2. A site plan showing building location, signage location, lighting, landscaping plans, off-street parking, loading areas, ingress, egress, and existing or proposed screening.
- 3. Building elevations (pictures or drawings) showing proposed use and character of the building frontage and any building or facade renovation and remodeling plans.
- 4. Detailed signage and lighting plans.
- 5. A floor plan to include the square footage devoted to commercial or retail purposes, the hours of operation, locations for loading and unloading of raw materials and products produced at the site.
- 6. A narrative outlining why the proposed use is compatible and conforms to any neighborhood plan, Comprehensive Plan or master plan.

- C. After meeting the prerequisites above, a conditional use permit application may be submitted for a property located in the C-1 Community Business District for the following uses: (Drive-ins or drive-through facilities are prohibited for any use.)
1. The following uses may be considered for use in a residential neighborhood and because of their nature require no off-street parking: (If the following uses are proposed to have three or more employees at one time then a 500-foot notification is required and off-street parking shall be provided.)
 - a) Antique shop.
 - b) Art gallery, framing, and stationary stores.
 - c) Artisan shop.
 - d) Bakery.
 - e) Barber shops and beauty parlors.
 - f) Bike/skate shop.
 - g) Butcher shop.
 - h) Florist shop.
 - i) Ice cream and candy/confectionery store.
 - j) Pet grooming establishment.
 - k) Photography studio.
 2. The following uses may be considered for use in a residential neighborhood and because of their nature require adequate off-street parking and also require a notification radius of 500 feet:
 - a) Restaurants, cafes, coffee house, tea room or delicatessens, limited to indoor seating for 25 persons and outdoor seating is limited to 12 customers, drive-ins or drive-through facilities are prohibited.
 - b) New or used clothing and apparel.
 - c) Shoe repair.
 - d) Florist shop.
 - e) Neighborhood grocery store.
 - f) Variety and dry goods store.
 - g) Multiple dwellings.
 - h) Auto courts, motels.
 - i) Gasoline service stations.
 - j) Auto wash, except steam.
 - k) Commercial recreation uses other than marinas and boat storage facilities.
- D. In determining whether to grant such conditional use permit, the Village Board and Building, Zoning and Land Planning Committee shall consider any decrease in neighborhood values and character by permitting such use and review the proposed use for neighborhood compatibility in terms of lighting, signage, interior layout plan, outdoor seating, accessory uses, demolition of structures, loss or gain of property values and tax base, landscaping, site plans, parking and loading and traffic impacts, hours of operation and other such factors particular to the use and immediate surrounding properties.
1. In determining whether to grant such conditional use permit, the Village Board and Building, Zoning and Land Planning Committee shall find that the proposed use will not have a substantial negative impact upon surrounding properties or the neighborhood in terms of lowering property values, increasing noise or traffic congestion, or otherwise affecting the existing or planned character of the District.
 2. In determining whether to grant such conditional use permit, the Village Board and Building, Zoning and Land Planning Committee shall find that the proposed use will have a net positive

economic impact upon the Village and the neighborhood in terms of jobs generated, the investment of private capital, the generation of additional spin-off economic activity and significant net tax revenues.

E. After examining the proposed use and its probable impacts or benefits, the Village Board and Building, Zoning and Land Planning Committee may approve the use and operation of the business as a conditional use and may impose restrictions upon the property that include but are not limited to:

1. Hours of operation.
2. Annual review.
3. Sunset provisions.
4. Privacy fencing.
5. Signage restrictions.
6. Landscaping and screening requirements.
7. Lighting limitations and parameters.
8. Parking requirements and screening.
9. Fences, walls, and screening. Where the side or rear lot line abuts or is located across an alley from any residential zoning district there shall be a fence or landscape screening. Fences must be on conformance of section 10.17 An opaque privacy fence or vegetative screening of a minimum of five feet and no more than six feet in height may be required if requested by an abutting residential property owner. Such fence shall be placed on the property line and shall run from the front setback line to the rear property line. All abutting residential property owners shall be notified of this privacy fence provision in the notice from the Village Clerk's office.
10. Parking and loading. The off-street parking and loading requirements shall be determined on a case by case basis, must be met on the site of the business establishment and shall provide for a minimum of one parking space for the owner and one space for an employee and additional adequate space for any associated residential use of the property. The Building, Zoning and Land Planning Committee may determine it sufficient for less parking spaces in extenuating circumstances so long as it is not detrimental to the neighborhood. Parking shall not be detrimental to nearby residential properties due to excess noise, odor, glare or other factors. Nothing which contributes to the residential character of the neighborhood in which the business is located may be removed to provide additional parking space for the business.

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

- (1) Side yards – In the Community Business District, no side yards shall be required except that every side yard that is provided where not required by these regulations shall be not less than six (6) feet in width.

(D) NONCONFORMING USES.

- (1) Existing Nonconforming Uses. The lawful nonconforming use of a structure existing at the time of the adoption or amendment of this Section may be continued although the use does not conform with the provisions of this Section. However; only that portion of the structure in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, or moved except when required to do so by law or order or so as to comply with the provisions of this Section.
- (2) Substitution of use. The Board of Appeals, after investigation and public hearing, may authorize the change of a nonconforming use to another of the same classification, provided that the Board shall find that the proposed change of use will be no more harmful to the character of the neighborhood than the existing nonconforming use.
- (3) Abolishment or Replacement. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Section. When a nonconforming use or structure is damaged by fire, explosion, flood, the

public enemy, or other calamity, to the extent of more than fifty (50%) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Section.

- (4) Existing Nonconforming Structures. The lawful nonconforming structure existing at the time of the adoption or amendment of this Section may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Section. However, it shall not be extended, enlarged, reconstructed, or moved except when required to do so by law or order or so as to comply with the provisions of this Section.
- (5) Changes and Substitutions. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

10.24 REGULATIONS – I DISTRICTS

Purpose. The industrial district is intended to provide an area for manufacturing where raw materials are processed or assembled into finished products or partially finished products. This district is further intended to provide an area for industrial uses or similar uses that create or tend to create conditions of public or private nuisance, hazard, or other undesirable conditions; on which for these or other reasons the Plan Commission and Village Board may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distances, in order to reduce, eliminate, or shield the public from such conditions.

Uses permitted in C-1 Districts, except of any religious, educational, charitable or medical nature and except any dwelling or lodging place for either permanent or tourist accommodations provided that a dwelling for a watchman or caretaker employed on the premises, and his family is permitted.

(A) USES PERMITTED – I DISTRICTS

- (1) Light manufacturing.
- (2) Food processing and slaughterhouses.
- (3) Warehousing and distribution operations, not including predominantly retail sales to customers on site.
- (4) Wholesaling to retail buyers.
- (5) Postal services, post offices, and postal distribution centers.
- (6) Printing, publishing, duplicating, bookbinding.
- (7) Construction/contracting firms.
- (8) Public works facilities.
- (9) Lumber and building material yards that sell to wholesalers or contractors.
- (10) Laboratories and research and development facilities.
- (11) Telecommunications and utility facilities.
- (12) Call centers.
- (13) Breweries of less than twenty-five thousand (25,000) square feet gross floor area.
- (14) Greenhouses.
- (15) Offices ancillary to above uses.
- (16) Essential Services.

(B) CONDITIONAL USES.

The following uses shall be subject to the consideration of the Plan Commission with regard to such matters as the creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors.

- (1) Heavy manufacturing.
- (2) Gas stations and convenience stores with gasoline sales.

- (3) The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
- (4) Retail sales to the general public of goods associated with a permitted or conditional use.
- (5) A dwelling unit provided for a caretaker or superintendent, in the case of an industrial use which requires constant supervision.
- (6) Waste material storage, processing, treatment, or disposal as a principal use.
- (7) Animal kennels, animal hospitals, and animal crematories.
- (8) Government facilities, except those expressly permitted above.
- (9) Auto body uses.
- (10) Mini-warehouses and self-storage.
- (11) Wireless communications and towers.
- (12) Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
- (13) Recreational uses, including indoor and outdoor: active and passive recreation, swimming pools, tennis and racquetball, exercise and fitness facilities, golf, soccer, baseball/softball, and similar uses and facilities.
- (14) Breweries of more than twenty-five thousand (25,000) square feet gross floor area.
- (15) Quarries and mining operations.
- (16) Any other use which is not objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, or because of subjection of life, health or property to hazard.

(C) FRONT YARD: 25 feet.

(D) SIDE YARD: Same as in C-1 District.

(E) REAR YARD: 20 feet.

(F) LOT WIDTH: 100 feet.

(G) PARKING SPACE: See Section 10.16.

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

10.25 REGULATIONS – OC DISTRICTS

(A) USES PERMITTED – OC DISTRICTS

- (1) Management of forestry, wildlife and fish.
- (2) Facilities and structure for drainage, flood control areas, power transmission, ponding, conservation, erosion control, reclamation, fire prevention.
- (3) Parks and open recreational areas.
- (4) Public buildings and accessory facilities.
- (5) Floriculture, hay, orchards, and grape growing
- (6) Prohibited Uses. All uses not specifically permitted are prohibited.

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

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

10.26 MOBILE HOME PARKS

(A) MINIMUM SIZE OF PARKS AND ADDITIONS TO PARKS.

Mobile home parks shall contain a minimum of ten (10) acres. Additions to or extensions of mobile home parks shall contain a minimum of five (5) acres.

(B) MINIMUM SPACE SIZES.

An individual space for a single-wide mobile home shall be not less than five thousand (5,000) square feet in area.

(C) SETBACKS.

Each mobile home space shall afford the following setbacks, measured from the closest point of a unit placed on the space to the closest point of the object of the setback:

- (1) Fifty (50) feet from the nearest point on the right-of-way limit of every public street or highway;
- (2) Twenty-five (25) feet from the nearest point on the surfaced portion of any internal park drive or common area, including common parking areas;
- (3) Forty (40) feet from the nearest point on any exterior boundary line of the mobile home park;
 - (a) Twenty (20) feet from the nearest point on any other unit, building, or structure;
 - (b) Twenty (20) feet from the lot line. Accessory structures, such as awnings, cabanas, storage sheds, utility buildings, storage cabinets, car-ports, windbreaks, or attached porches shall be considered part of the unit for purposes of determining compliance with this provision.

(D) MOBILE HOME PARK DESIGN REQUIREMENTS.

- (1) **Municipal Water and Sewer Required.** No mobile home park shall be laid out, constructed, or operated without Village water supply and sanitary sewer service.
- (2) **Liquid Waste Disposal.** All liquid wastes originating at units, service, or other buildings shall be discharged into a sewerage system extended from and connected with the Village sewerage system.
- (3) **Utility Distribution System Requirements.** All television antenna systems, electrical, and telephone distribution lines and oil or gas piping serving the park or spaces therein shall be installed underground. Distribution systems shall be new and all parts and installations shall comply with all applicable federal, state, and local codes.
- (4) **Topographical and Other Conditions.** Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property, health, or safety of occupants of mobile home spaces or living units.
- (5) **Drainage Requirements.** The ground surface in all parts of every mobile home park shall be graded and equipped to eliminate soil erosion and drain all surface water in a safe, sanitary, and efficient manner.
- (6) **Lighting Requirements.** All parks shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide levels of illumination for the safe movement of pedestrians and vehicles at night. Lighting shall comply with design review standards in Article H.
- (7) **Interior Street Access and Paving Requirements.** All interior streets and parking areas shall be paved with a smooth, hard, and dense surface such as hot mix asphalt or Portland cement, which shall be will drained under normal use and weather conditions for the area. Pavement edges shall be curbed or protected to prevent raveling of the wearing surface and shifted of the pavement base. Grades of streets shall be sufficient to insure adequate surface drainage but not more than eight (8) percent, provided a maximum grade of twelve (12) percent may be used if approved by the Village Engineer. All mobile home spaces shall abut upon an interior street. Minimum widths of interior streets within a mobile home park shall be as follows:
 - a) If no parking is allowed either side of the street: Eighteen (18) feet
 - b) If parking is allowed on one side of the street: Twenty-six (26) feet
 - c) If parking is allowed on both sides of the street: Thirty-two (32) feet
- (8) **Recreation Area Requirements.** In all mobile home parks there shall be one or more recreation areas easily accessible to all park residents. Such areas shall include a total minimum area of four thousand (4,000) square feet for each twelve (12) lots in the park.
- (9) **Vehicular Access from Public Streets.** All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home space.

Entrances to parks shall be designed to minimize congestion and traffic hazards and allow free movement of traffic on adjacent streets.

- (10) Each Travel Trailer Park shall conform to additional requirements of Chapter DHS 178, Wisconsin Administrative Code.
- (11) The mobile home shall be anchored and tied down.
- (12) All mobile homes shall have skirting or foundations.
- (13) Hitches shall be removed from all mobile homes after placement has been completed on the home site.

10.27 ADDITIONAL USE PROVISIONS AND RESTRICTIONS

(A) USES PERMITTED IN DISTRICTS

- (1) Accessory buildings and uses and those customarily incidental to permitted uses including public and private ways and easements for essential services.
 - (a) No accessory use shall be dangerous, obnoxious or offensive to persons residing in the vicinity, nor shall such use impair the enjoyment or value of any property, and
 - (b) No accessory dwelling unit in any district shall be let for living purposes.
- (2) Home gardening may be accessory use on any dwelling lot or the principal use on any vacant lot or parcel.
- (3) A home occupation or home professional office, as defined herein, is permitted in a dwelling, provided that in a dwelling district there shall be no external evidence thereof, except a nameplate.
- (4) Single family and two family dwellings permitted only on second floor or above.
- (5) Garages, carports, sheds or minor accessory structures shall not be converted into residential structures.

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

(C) POLE SHED/BARN. No pole shed/barn buildings shall hereafter be permitted in any R or C-1 or OC district (village parks exempt). A pole shed/barn building that was originally constructed and in existence before June 1, 2021 shall not lose its legal nonconforming status until such time as the structure is demolished by natural or manmade causes. A replacement pole shed/barn building structure shall not be permitted.

(D) FOUNDATIONS: All principal structures must be constructed with a continuous foundation type of solid materials such as masonry or concrete designed to resist all forces to which it is subject without transmitting forces to the building superstructure and of sufficient design to support safely the loads imposed is required. Foundation walls shall extend at least 8" above the finished grade adjacent to the foundation at all points. The minimum foundation wall will be 6 inches. The minimum reinforced concrete footing thickness will be 6 inches or 1-1/2 times the length of the footing projection from the foundation wall, whichever is greater. Ground level must be at least 18 inches below bottom of wood floor joists and 12 inches below bottom of chassis beam. Where it is necessary to provide access for maintenance and repair of mechanical equipment located in the under floor space, the ground level in the affected area shall not be less than 2 feet below wood floor joists. The interior ground level must be above the outside finish grade.

(E) VACATION RENTAL ESTABLISHMENTS:

- (1) Subject to the provisions of Village of Stoddard Ordinance 10.20 and the laws of the State of Wisconsin, vacation rental establishments may be permitted only by conditional use in the following districts:
 - a. Single-Family Residential District
- (2) Conditional use status shall not be granted to vacation rental establishments unless all of the following conditions are met:
 - (a) The petitioner must provide to the Village Clerk a copy of the Wisconsin Department of Agriculture, Trade and Consumer Protection license as a tourist rooming house and must obtain from the municipality a license for conducting such activities. Evidence of each renewal of such license shall be filed by the Petitioner with the Village Clerk, such as evidence that a

current license is always on file for the duration of the vacation rental establishment conditional use permit.

- (b) Transfer of a conditional use permit issued in accordance with this section shall not be permitted. Should the subject property be sold or transferred, then the conditional use permit shall become void and a new conditional use permit must be issued for use as a vacation rental establishment to continue. The village is not obligated or required to issue a conditional use permit to the new property owner.
- (c) All vacation rental establishments shall be subject to and comply with Wis. Stats. Chapter 254, subchapter VII as required by Wis. Stats. 254.69 (2), which sections are incorporated herein by reference.
- (d) All vacation rental establishments shall be subject to and comply with Wisconsin Administrative Code HS 195 which is hereby incorporated herein by reference.
- (e) A minimum of one off-street parking stall shall be provided for every guest bedroom. All off-street parking shall be established outside of the village street (road) right-of-way.
- (f) Sleeping quarters related to a vacation rental establishment use shall only be located within the principal residential structure on the property. Accessory buildings cannot be used for sleeping quarters.
- (g) All refuse containers shall be screened from view and instructions for recycling shall be posted.
- (h) Unless the property is connected to a municipal sewer system, the property owner must provide proof that the septic system is property sized for the proposed use and shall be properly maintained.
- (i) Property that is used for a vacation rental establishment must have clearly delineated property lines, by approved fences, vegetation or other means to the satisfaction of the Village Planning & Zoning Commission. Such clear delineation must be maintained for the duration of the conditional use permit to ensure that all users of the property are clearly aware of the boundaries of the property and confine their use to the applicable parcel.
- (j) The Planning and Zoning Commission and the Village Board shall consider the potential impact to the surrounding neighborhood and proximity to any existing lodging place as defined by Wis. Stat. 254.61 when reviewing a request for a vacation rental establishment conditional use permit.
- (k) The Village Board may revoke the conditional use permit if the property has been declared a public nuisance affecting the peace and safety affecting the public. Public nuisances shall include, but are not limited to all loud and unnecessary noises, including those produced by animals and the unlawful use of fireworks, particularly before 6:00am and after 9:00pm; unlawful or unauthorized use of any village street (road) which causes large crowds to gather or obstructs traffic; illegal or unlawful activity; and failure to remove all snow and ice from sidewalks, parking areas, and driveways.
- (l) The Village Board shall not renew the conditional use permit if the property owner has failed to remit room tax. Upon remittance of the delinquent room tax, the conditional use permit may be reinstated by the Village Board.
- (m) Room tax, if applicable, shall be collected by the property owner from the lessee to whom the Agreement has been made. The room tax shall be remitted to the Village Clerk on a quarterly basis. Should the property owner fail to remit the room tax, the property shall be subject to the forfeiture provisions of this ordinance and the conditional use permit shall be automatically revoked. Upon remittance of delinquent room tax, the conditional use permit may be reinstated.
- n) Every conditional use permit for a vacation rental establishment expires on June 30 of each year and shall be eligible to apply for one (1) year renewal periods unless the conditional use permit is revoked by the village or voluntarily surrendered by the property owner. The Village Clerk shall prepare a renewal application for vacation rental establishments and collect a \$20.00 application fee plus costs for legal publications. All renewals shall be subject to the following:
 - (1) The clerk shall post and publish a Class I legal notice 15 days prior to the granting of the conditional use permit renewal.

- (2) The Village Board may renew a conditional use permit if the property owner has demonstrated it has met all of the same conditions established when the conditional use permit was initially issued unless a condition has been specifically waived by the Planning and Zoning Commission.
- (3) The Village Board may deny renewal of the conditional use permit if the property is deemed to be a nuisance or has failed to meet any of the conditions established.
- (4) The Village Board shall not renew the conditional use permit if the property owner has failed to remit room tax. Upon remittance of the delinquent room tax, the conditional use permit may be reinstated by the Village Board.
- (n) If the village finds that any statement made on the conditional use permit, or the renewal application, is incorrect, the Village Board may, at any time, immediately and summarily revoke the conditional use permit.
- (o) The property owner shall provide a copy of this ordinance along with a current copy of the conditional use permit to any person using the property for vacation rental purposes prior to the commencement of each use.

10.28 ADDITIONAL USES PERMITTED WITH CONDITIONAL USE PERMITS

- (A) The following uses as well as those previously designated as such, shall be permitted in certain districts only after securing conditional use permits therefore, following approval by the Board of Appeals, as provided in Section 10.18 hereof.
 - (1) Automobile parking lots and parking structures in R Districts, for providing required off-street parking spaces.
 - (2) Mortuaries in C-1 and C-2 Districts.

10.29 NONCONFORMING USES

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

10.30 AUTOMOBILE PARKING AND TRUCK PARKING AND LOADING SPACES REQUIRED

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

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

- (1) One family and two family dwellings – two spaces for each dwelling unit.
- (2) Multiple dwellings – One and one half spaces for each dwelling unit.
- (3) Motels, hotels, tourist homes and courts – one space for each guest overnight accommodation, plus one space for manager and for each employee.
- (4) Restaurants, taverns, nightclubs – One space for each three seats provided for customers, plus one space for each employee.

- (5) Car service drive-in stands - Five spaces for each employee required during periods of capacity patronage.
- (6) Retail business and service establishments – one space for each 165 square feet of gross business floor area.
- (7) Service station – Spaces for all vehicles used in the business, plus one space for manager and for each employee, two spaces for each gas pump, and three spaces for each grease rack and auto wash space.
- (8) Hospitals, convalescent and nursing homes – One space for each three beds, plus one space for each two employees on the two largest shifts combined, plus one space for each staff doctor, in addition to spaces required for ambulances and other vehicles for patient delivery and pick up.
- (9) Doctor, dentist offices and medical clinics – Four spaces for each doctor and dentist, plus one space for each employee.
- (10) Bowling alleys – Seven spaces for each alley, plus one space for each employee at peak employment.
- (11) Warehouses, industries – One space for each two employees on the two largest shifts combined.
- (12) Boat marinas – One and one half spaces per boat slip and five spaces for auto and boat trailers for each boat launch ramp.
- (13) Other uses – In applying for permits for buildings and uses not included above, the applicant shall specify the minimum off-street parking spaces to be provided, and the Building Inspector shall issue the permit subject to such provisions, and on the condition that spaces for additional need shall be provided if and when such need accrues.

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

SUPPLEMENTAL PARKING AND LOADING SPACE REQUIREMENTS

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

10.31 ADDITIONAL REGULATIONS – YARDS, LOT AREAS, OPEN SPACES

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

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

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

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

STRUCTURES IN YARDS AND COURTS:

- (1) Sills, cornices, buttresses, eaves, open work fire balconies and fire escapes, chimneys, flues and similar building appurtenances, may extend not more than 4 feet into a required yard.
- (2) Uncovered porches and steps to building entrances may extend not more than 12 feet into any required front yard or rear yard and not more than 4 feet into any required yard.
- (3) Walks, steps on ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas, structures used ornamentally and for essential services and for yard and garden purposes and for private recreations, when accessory to and customarily incidental to the principal use, are permitted in yards and courts. Limitations:

Definitions.

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

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

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

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

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

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

Residential Fences and Hedges.

- (1) All rear and side fences or hedges, but shall not exceed a height of six (6) feet. Rear and side yard fences or hedges may be solid fences. If separate fences are desired on a common lot line, then a separation of three (3) feet between the fences must be established for future maintenance purposes.
- (2) All front yard fences or hedges shall be no higher than three (3) feet in height. Front yard fences or hedges shall be at least fifty percent (50%) open to vision. All fences and hedges in the front yard shall cease three (3) feet from the property line on interior lots and ten (10) feet from the property line on corner lots. If a back yard overlaps a front yard on side yard of an abutting property owner, a special exception must be obtained to construct a fence or plant a hedge with greater dimensions than those allowed for front yard requirements.

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

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

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

(4) Swimming Pool, Wading Pool and Hot Tubs

(a) Definition.

The term "pool" is hereby defined as a non permeable receptacle for water, whether above or below ground, intended for use by the owner, their friends, and invited guests for bathing and or swimming.

(b) Exempt Pools.

- (1) Storable children's swimming or wading pools with a maximum outside dimension of fifteen (15) feet and a maximum wall height of less than two (2) feet, and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this ordinance.
- (2) Soft Sided pools that are readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this ordinance, provided that the ladder and or steps are removed and the pool is covered with appropriate covering that will withstand approximately 200# when not in use.
- (3) Hot Tubs shall be exempt from this ordinance if it is shown that the cover for the hot tub can withstand approximately 200# when the cover is placed over the hot tub.

(c) Permit Required.

All pools with a water depth of (2)two or more feet and or a capacity of 1000 gallons or more shall require a building permit from the Building Inspector prior to construction or installation except those pools listed in B.

(d) Design and Construction Requirements.

- (1) When the walls of a pool exceed 2 feet 6 inches in height, the walls shall be vertical for a minimum distance of 2 feet 6 inches. Conspicuous markings shall show the depth of the points where the slope of the bottom of the pool changes, except that such markings will not be required for pools of generally uniform depth.
- (2) Overflow gutters shall completely surround the pool provided that pools less than 30 feet in width may be provided with skimmers built into the side and corners of the pool to take the place of gutters if approved by the County Health Department.
- (3) The pool shall be completely surrounded by a walkway of concrete or other approved material, at least 4 feet in width and sloping away from the pool drainage, provided, however, that this requirement may be waived for above ground pools.
- (4) All connections to the Village water supply or sewer system shall be approved by the Inspection Department.
- (5) All outdoor swimming pools and any adjacent pool association paved areas shall be completely surrounded by a fence or wall at least 48 inches high, and not to exceed 72 inches, of such construction as will make access difficult. Access shall be through self-closing and latching gates at the shallow end of the pool. The latch shall be as high on the gate as possible to prevent the entrance of children. The wall of building may be accepted as

part of the required fence when found by the Inspection Department to provide a sufficient degree of protection.

(5) Drainage.

Run-off shall not be altered in any such way as to cause increased drainage upon any adjoining lot. Drainage from each lot shall be directed in such a way as to direct flow to the lots lines and not directly, or indirectly, to any other property or structure. The pool may, however, be drained into Village Streets or Gutters which empty into the Village' Storm Sewer.

(6) Electrical Installations.

- (1) All electrical wiring associated with swimming pools shall require a permit.
- (2) All electrical wiring for swimming pools shall comply with the National Electrical Code, (NEC). 3. Lights used to illuminate the pool shall direct light only on the pool.

(7) Equipment.

Circulating pumps and filters shall be located and operated so as not to create a nuisance or noise problem. If necessary, the equipment shall be shielded or contained behind a protective barrier.

- (a) Definition. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool. The regulations herein shall also be applicable to hot tubs.
- (b) Exempt Pools. Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) Permit Required. Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. With the building permit plans as to the capacity of the pool and the proposed location on the tract of land must be submitted.
- (d) Design and Construction Requirements.
 - (1) When the walls of a pool exceed 2 feet 6 inches in height, the walls shall be vertical for a minimum distance of 2 feet 6 inches. Conspicuous markings shall show the depth of the points where the slope of the bottom of the pool changes, except that such markings will not be required for pools of generally uniform depth.
 - (2) Overflow gutters shall completely surround the pool provided that pools less than 30 feet in width may be provided with skimmers built into the side and corners of the pool to take the place of gutters if approved by the County Health Department.
 - (3) The pool shall be completely surrounded by a walkway of concrete or other approved material, at least 4 feet in width and sloping away from the pool drainage, provided, however, that this requirement may be waived for above ground pools.
 - (4) All connections to the Village water supply or sewer system shall be approved by the Inspection Department.
 - (5) All outdoor swimming pools and any adjacent pool association paved areas shall be completely surrounded by a fence or wall at least 48 inches high of such construction as will make access difficult. Access shall be through self-closing and latching gates at the shallow end of the pool. The latch shall be as high on the gate as possible to prevent the entrance of children. The wall of building may be accepted as part of the required fence when found by the Inspection Department to provide a sufficient degree of protection.

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

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

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

(G) **BUILDING HEIGHT LIMIT EXCEPTIONS**

- (1) Established building height limits shall not apply to belfries, cupolas, spires, monuments, radio or television antennas, flag poles, chimneys or flues, silos, water towers or to poles, towers and other structures for essential services, not to similar structures or necessary mechanical appurtenances extending from a roof upward and not occupying more than 25 percent of the area of such roof as projected into a horizontal plane.
- (2) When permitted in a district, public buildings, community buildings, schools, churches, hospitals, and other institutions, public utilities and public service buildings and those for essential services may be erected to a height not exceeding 75 feet provided the side yard width and the rear yard depth be each increased one foot over and above the district requirement for each two feet of building height above the height limit.
- (3) In order to minimize any potential odor, noise and nuisances caused by sewage treatment facilities, and to enhance plant security and reliability, commercial establishments and buildings occupied or intended for residential use shall be isolated from sewage treatment facilities. A separation distance of 750 ft. from the property line of the Village of Stoddard Aerated Lagoon site shall be maintained.
- (4) The Village of Stoddard may reduce the separation distance to 500 ft. if the affected property owner executes an agreement which states that the property owner has been informed of the potential

nuisances which may result from the operations of the sewage treatment facilities and that the property owner does not object to the operation and future expansion of the sewage treatment facilities within the boundary of the Village property.

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

10.32 BOARD OF APPEALS

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

(A) POWERS OF THE BOARD OF APPEALS

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

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

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

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

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

10.34 UNUSED

10.35 ENFORCEMENT, VIOLATION, FORFEITURE

10.36 UNUSED

10.37 FLOODPLAIN ZONING ORDINANCE

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

- (1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in ss 61.35 and 62.23, for Villages and Cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.
- (2) Finding of Fact. Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.
- (3) Statement of Purpose. This ordinance is intended to regulate floodplain development to:
 - (a) Protect life, health and property;
 - (b) Minimize expenditures of public funds for flood control projects;
 - (c) Minimize rescue and relief efforts undertaken at the expense of taxpayers;
 - (d) Minimize business interruptions and other economic disruptions;
 - (e) Minimize damage to public facilities in the floodplain;
 - (f) Minimize the occurrence of future flood blight areas in the floodplain;
 - (g) Discourage the victimization of unwary land and homebuyers;
 - (h) Prevent increases in flood heights that could increase flood damage and results in conflicts between property owner; and
 - (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- (4) Title. This ordinance shall be known as the Floodplain Zoning Ordinance for Stoddard, Wisconsin.

(B) GENERAL PROVISIONS

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

OFFICIAL MAPS:

- (1) Flood Insurance Rate Map (FIRM), panel number 555582B, dated October 26, 1972; revised January 23, 1976; revised January 1, 1982; and Flood Boundary and Floodway Map (FBFW), panel number 555582B, dated October 26, 1972; revised January 23, 1976; revised January 1, 1982, with corresponding profiles and profiles that are based on the Flood Insurance Study (FIS) dated October 1972.
Approved by: The Department of Housing and Urban Development and FEMA
- (2) Establishment of Districts. The regional floodplain areas are divided into three districts as follows:
- (3) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- (4) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.

- (5) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.
- (6) Locating Floodplain Boundaries. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s.8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s.7.3 (3) and the criteria in (a) and (b) below.
 - (a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (b) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the Department.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s.8.1 (6).
- (7) Removal of Lands from Floodplain. Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s.8.0.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
- (8) Compliance. Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
- (9) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s.13.48 (13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s.30.2022, Stats., applies.
- (10) Abrogation and Greater Restrictions.
 - (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s.62.23 for Cities; or s.61.35 for villages; or s.87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (2) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (11) Interpretation. In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.
- (12) Warning and Disclaimer of Liability. The flood protection standards in this ordinance are based on engineering experience and scientific research floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee

that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

- (13) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (14) Annexed Areas for Cities and Villages. The Vernon County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

- (15) General Development Standards. The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance.

- (16) General Standards Applicable to all Flood Plain Districts.

(a) Hydraulic and Hydrological Analyses

(1) Except as allowed in par. (3) below, no floodplain development shall:

- (i) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
- (ii) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met.

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

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

(b) Watercourse Alterations

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

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

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

(c) Public or Private Campgrounds

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

- (a) The campground is approved by the Department of Health and Family Services.
- (b) A land use permit for the campground is issued by the zoning administrator.
- (c) The character of the river system and the elevation of the campground are such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated – by the officials identified in sub. (4) – to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (h) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (i) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s.4.0 for the floodplain district in which the structure is located.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

(C) FLOODWAY DISTRICT (FW)

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

(2) Permitted Uses.

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

- (a) they are not prohibited by any other ordinance;
- (b) they meet the standards in s 3.3 and 3.4; and

(c) all permits or certificates have been issued according to s. 7.1:

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

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

(3) Standards for Developments in Floodway Areas

(C) General

- (1) Any development in floodway areas shall comply with s. 2.0 and have low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
 - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - (b) An analysis calculating the effects of this proposal on regional flood height.
- (3) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (b) above.
- (4) Structures: Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
 - (a) The structures are not designed for human habitation and do not have a high flood damage potential;
 - (b) The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 feet and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;
 - (c) The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (d) The structures have all service facilities at or above the flood protection elevation.
- (3) Public utilities, streets and bridges may be allowed by permit, if:
 - (a) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (b) Construction meets the development standards of s. 2.a.
- (4) Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of s. 2.a are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;

- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous waste material.
 - a. Prohibited Uses.

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

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

(D) FLOOD FRINGE DISTRICT (FF)

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

- (a) The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - (b) The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (4) ACCESSORY STRUCTURES OR USES: An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of ss. 3.3 (2) (a), (b), (c), (d), and sub. (6) below.
- (5) Commercial Uses: Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of s. 4.3(2). Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (6) Manufacturing and Industrial Uses: Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (7) Storage of Materials: Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (8) Public Utilities, Streets and Bridges: All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 7.5 to the flood protection elevation;
 - Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- (9) Sewage Systems: All on-site sewage disposal systems shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (10) Wells: All wells shall be floodproofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (11) Solid Waste Disposal Sites: Disposal of solid and hazardous waste is prohibited in floodfringe areas.
- (12) Deposition of Materials: Any deposited material must meet all the provisions of this ordinance.
- (13) Manufactured Homes
 - (a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - have the lowest floor elevated to the flood protection elevation; and
 - be anchored so they do not float, collapse or move laterally during a flood.
 - (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(2).

- (14) Mobile recreational Vehicles: All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 4.3 (12) (b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jack system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

(E) GENERAL FLOODPLAIN DISTRICT (GFP)

- (1) Applicability. The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.
- (2) Permitted Uses. Pursuant to s. 5.4, it shall be determined whether the proposed use is located within a floodway or floodfringe area.
Those uses permitted in floodway (s.3.2) and floodfringe areas (s. 4.2) are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.
- (3) Standards for Development in General Flood Plain District. S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance applies to either district.
- (4) Determining Floodway and Flood Fringe Limits. Upon receiving an application for development within the general floodplain district, the zoning administrator shall:
- Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
 - Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - Profile showing the slope of the bottom of the channel or flow line of the stream; Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (5) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2) (c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(F) NONCONFORMING USES

- (1) Applicability. If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

- a. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- b. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words “modification” and “addition” include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modifications or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.
 - i. 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.
 - ii. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
 - iii. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure’s total current value those modifications represent;
 - iv. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(2). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A Structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition exceeds 50% of the structure’s present equalized assessed value.

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

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

(G) FLOODWAY AREAS

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

(H) FLOOD FRINGE AREAS.

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

(I) ADMINISTRATION

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

(J) ZONING ADMINISTRATOR

(1) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

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

Note: Information on conducting substantial damage assessments is available on the DNR website – <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>

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

(2) LAND USE PERMIT

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

a) GENERAL INFORMATION

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

b) SITE DEVELOPMENT PLAN

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

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
8. Data sufficient to determine the regional flood elevation in NGVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

c) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

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

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

d) EXPIRATION

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

(3) CERTIFICATE OF COMPLIANCE

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

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of s. 7.5.

OTHER PERMITS

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

(J) ZONING AGENCY

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

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

BOARD OF ADJUSTMENT/APPEALS

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

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

Appeals – Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
Boundary Disputes – Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.

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

APPEALS TO THE BOARD

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

NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

Notice – The board shall:

Fix a reasonable time for the hearing;

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

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

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

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

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

Decide appeals of permit denials according to s. 7.4.

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

Be made within a reasonable time;

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

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

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

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

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

BOUNDARY DISPUTES

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

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

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

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

VARIANCE

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

Literal enforcement of the ordinance provisions will cause unnecessary hardship;

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

The variance is not contrary to the public interest; and

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

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

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

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

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

A variance shall not:

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

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

Be granted for a hardship which is self-created.

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

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

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

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

TO REVIEW APPEALS OF PERMIT DENIALS

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

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

Floodway/floodfringe determination data in s. 5.4.

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

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

For appeals of all denied permits the Board shall:

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

Either uphold the denial or grant the appeal.

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

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

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

FLOODPROOFING

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

Floodproofing measures shall be designed to:

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

Protect structures to the flood protection elevation;

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

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

Floodproofing measures could include:

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

Adding mass or weight to prevent flotation.

Placing essential utilities above the flood protection elevation.

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

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

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

PUBLIC INFORMATION

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

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

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

AMENDMENTS

8.1 GENERAL

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

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

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

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

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

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

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

Note: Consult the FEMA web site – www.fema.gov – for a current map change fee schedule.

PROCEDURES

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

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

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

All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely

affected property owners and notify local units of government before the amendment can be approved by the governing body.

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

ENFORCEMENT AND PENALTIES

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

DEFINITIONS

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

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

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

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

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

"BUILDING" – See STRUCTURE.

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

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

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

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

"CHANNEL" – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

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

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

“DEPARTMENT”- The Wisconsin Department of Natural Resources.

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

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

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

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

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

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

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

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

- The overflow or rise of inland waters.
- The rapid accumulation or runoff of surface waters from any source.
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

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

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

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

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

accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

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

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

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

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

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

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

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

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

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

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

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

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

“HISTORIC STRUCTURE”- Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“UNNECESSARY HARDSHIP”- Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or reasonable in light of the purposes of the ordinance.

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

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

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

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

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

10.38 SHORELAND – WETLAND ZONING ORDINANCE FOR THE VILLAGE OF STODDARD

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

- (1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in Sections 61.35 and 61.351 for Villages or 62.23 and d62.231 for Cities and 87.30 and 14.26, Wisconsin Statutes.
- (2) Finding of Fact and Purpose. Uncontrolled use of the shoreland – wetlands and pollution of the navigable waters of the municipality would adversely affect the public health, safety, convenience and

general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

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

(B) GENERAL PROVISIONS

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

(A) ISSUANCE OF PERMITS AND LICENSES: All departments, officials and employees of the Village of Stoddard who are vested with the duty or authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this ordinance.

(B) INJUNCTIVE ACTION: The Village of Stoddard, or any adjacent neighboring property owner who would be specially damaged by such violation may institute appropriate injunctive action to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or

abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(C) **OTHER MEASURES OF ENFORCEMENT AND REMEDIES:** This ordinance may be enforced by the measures authorized by Section 62.23 (8), Wisconsin Statutes.