

TITLE 9

Land Use Regulations

Chapter 1	Zoning Chapter
Chapter 2	Flood Plain Zoning
Chapter 3	Subdivision
Chapter 4	Official Map
Chapter 5	Building Permits
Chapter 6	Uniform Numbering System
Chapter 7	Shoreland-Wetland Zoning.

CHAPTER 1

Zoning Chapter

Article A Introduction

§ 9-1-1 Authority; Purpose; And Interpretation.

Article B General Provisions

- § 9-1-2 Jurisdiction Of Zoning Chapter,
- § 9-1-3 Zoning Enforcement Officials Designated.
- § 9-1-4 Building Permit Applications.
- § 9-1-5 Certificate Of Occupancy Required.
- § 9-1-6 Compliance With Chapter Required.
- § 9-1-7 Reduction Of Lot Size.
- § 9-1-8 Required Yard Space.
- § 9-1-9 Unobstructed Yard Space.
- § 9-1-10 Fire Escapes.
- § 9-1-11 Chimneys, Towers, Etc.; Height Regulations.
- § 9-1-12 Intersection Vision Clearance.
- § 9-1-13 Loading Space.
- § 9-1-14 Off-Street Parking.
- § 9-1-15 Parking Lots'; Permit Required.
- § 9-1-16 Parking.
- § 9-1-17 Reversed Corner Lots; Depth.
- § 9-1-18 Regular Corner Lots; Depth.
- § 9-1-19 Accessory Buildings.
- § 9-1-20 Fences. (Supp. 12/96)
- § 9-1-21 Shrubs.
- § 9-1-22 Notice Of Rezoning.
- § 9-1-23 Designation Of Annexed Property.
- § 9-1-24 Flood Plain Information For Areas To Be Annexed.
- § 9-1-25 Satellite T.V. Dish Antennas. (Supp. 05/86)

Sections 9-1-26 through 9-1-29 Reserved.

Article C Signs

- § 9-1-30 Signs; Building Permit Required.
- § 9-1-31 Signs; Residential District.
- § 9-1-32 Signs; Commercial And Industrial District.
- § 9-1-33 Restrictions On Signs Facing Residential District.
- § 9-1-34 Prohibited Sign Shapes And Locations.
- § 9-1-35 Pre-Existing Signs.

Sections 9-1-36 through 9-1-39 Reserved.

Article D Zoning Districts And Maps

- § 9-1-40 Establishment Of Zoning Districts.
- § 9-1-41 District Boundaries Established On Official Map.
- § 9-1-42 Streets As District Boundary Lines.

§ 9-1-43 When District Lines Not Indicated.
§ 9-1-44 Unsubdivided Property; District Boundary Lines.
§ 9-1-45 R-IA And R-IB Single-Family Residential Districts.
§ 9-1-46 R-2 Single-Family, Two-Family Residential District.
§ 9-1-47 R-3 Multi-Family Residential District.
§ 9-1-48 B-1 General. Commercial District.
§ 9-1-49 B-2 Commercial District.
§ 9-1-50 B-3 Convenience Commercial District.
§ 9-1-51 1 General Industrial District.
§ 9-1-52 C Conservancy District.
§ 9-1-53 General Flood Plain District.
§ 9-1-54 Extra-Territorial Zoning

Sections 9-1-55 through 9-1-59 Reserved.

Article E Nonconforming Uses, Structures And Lots

§ 9-1-60 Existing Nonconforming Uses.
§ 9-1-61 Nonconforming Use; Abolishment or Replacement.
§ 9-1-62 Existing Nonconforming Structures.
§ 9-1-63 Nonconforming Uses; Changes And Substitutions.
§ 9-1-64 Substandard Lots.,
§ 9-1-65 Nonconforming Lots, Structures, And Uses in an
Industrial District.
§ 9-1-66 Exception to Front Yard Setback

Sections 9-1-67 through 9-1-69 Reserved.

Article F Protection Of Shoreland And Watercourses

§9-1-70 Protection Of Shoreland And Watercourses Generally.
§9-1-71 Setbacks From The Water.
§9-1-72 Filling, Grading And Lagooning.
§9-1-73 Special Restrictions Applicable To Shorelands Annexed
By Village.

Sections 9-1-74 through 9-1-79 Reserved

Article G Administrative Procedures

- § 9-1-80 Conditional Uses; Permit.
- § 9-1-81 Conditional Uses; Application.
- § 9-1-82 Conditional Uses; Review And Approved.
- § 9-1-83 Standards For Conditional Uses.
- § 9-1-84 Planned Residential Unit Development.
- § 9-1-85 Resubmission Of Conditional Use Applications.
- § 9-1-86 Validity Of Conditional Use Authorization.
- § 9-1-87 Mobile Home Parks; Campgrounds.
- § 9-1-88 Uses In Conservancy District.
- § 9-1-89 Manufacturing; Conditional Use Classification; Performance Standards.

- § 9-1-90 Private Swimming Pools.
- § 9-1-91 Animal Hospitals.
- § 9-1-92 Guest Houses.
- § 9-1-93 Home Occupations.
- § 9-1-94 Country Clubs; Golf Courses.
- § 9-1-95 Poultry Farm.
- § 9-1-96 Animal Feed Yards, Animal Sales Yards, Commercial Kennels For Dogs Or Cats, Riding Academies And Public Stables.

- § 9-1-97 Agricultural Uses In Residential Districts.
- § 9-1-98 Drive-In Theaters.
- § 9-1-99 Golf Driving Range And Amusement Parks.
- § 9-1-100 Cemeteries; Mausoleums.
- § 9-1-101 Airports.
- § 9-1-102 Community Buildings, Social Halls, Lodges, Fraternal Organizations And Clubs.

- § 9-1-103 Private Stables.
- § 9-1-104 Nursing Homes.
- § 9-1-105 Retail Sales For Guests Only.
- § 9-1-106 Hospitals, Churches.
- § 9-1-107 Fertilizer Plants.
- § 9-1-108 Shooting Clubs.
- § 9-1-109 Inflammable Liquid Storage In Industrial District.
- § 9-1-110 Circus; Carnival.
- § 9-1-111 Bowling Alley; Amusement Centers.
- § 9-1-112 Nursery Schools; Day Care Center.
- § 9-1-113 Temporary Tract Office.
- § 9-1-114 Mineral Or Gravel Extraction.

Sections 9-1-115 through 9-1-129 Reserved.

Article H Board Of Appeals; Variances

§ 9-1-130 Board of Appeals.

§ 9-1-131 Appeals And Variances.

§ 9-1-132 Application For Variance And Notice of Hearing.

§ 9-1-133 Standards For Variance.

§ 9-1-134 Authorized Variances.

§ 9-1-135 Separability.

Sections 9-1-136 through 9-1-139 Reserved.

Article I Defnitions

§9-1-140 Definitions.

ARTICLE A

Introduction

SEC. 9-1-1 AUTHORITY; PURPOSE: AND INTERPRETATION.

(a) The purpose of this Chapter is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Village; to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and for said purposes to divide the Village into districts of such number, shape and area as are deemed best suited to carry out the said purposes.

(b) It is not the intent of this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions the provisions of this Chapter shall apply.

(c) The provisions of this Chapter shall be interpreted and applied as minimum requirements, shall be construed in favor of the Village and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

(d) This Chapter shall be known as, referred to, or cited as "ZONING CODE, VILLAGE OF WINNECONNE, WISCONSIN".

State Law Reference: Sections 61.35, 62.23, 87.30 and 144.26, Wis. Stats.

ARTICLE B

General Provisions

SEC. 9-1-2 JURISDICTION OF ZONING CHAPTER.

Jurisdiction of this Chapter shall include all lands and waters within the corporate limits of the Village of Winneconne.

SEC. 9-1-3 ZONING ENFORCEMENT OFFICIALS DESIGNATED.

The Village Board hereby designates that it is the duty of the Building Inspector, with the aid of the Police Department, to enforce the provisions of this Chapter. The Police Department shall report to the Building Inspector any activities which are being carried out without the required permit.

SEC. 9-1-4 BUILDING PERMIT APPLICATIONS.

All applications for a building permit shall be made to the Building Inspector and shall be accompanied by plans in duplicate, drawn to scale, showing the name and address of the property owner; location, actual shape and dimensions of the lot to be built upon; high water mark of any abutting water course; centerline of abutting streets and highways; the exact size and location on the lot of the proposed or existing building and accessory building; the lines within which the building shall be erected, altered or moved; the existing and intended use of each building or part of a building; the number of families the building is intended to accommodate; and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Chapter. Fees for such Permits shall be established by the Village Board.

SEC. 9-1-5 CERTIFICATE OF OCCUPANCY REQUIRED.

No vacant land shall be occupied or used and no building hereafter erected, altered or moved or shall be occupied until a Certificate of Occupancy has been issued by the Building Inspector. Such certificate shall show that the building or premises or part thereof and the use thereof are in conformity with the provisions of this Chapter. Such Certificate shall be issued only when the building or premises and the use thereof conform to all the requirements of this Chapter.

SEC. 9-1-6 COMPLIANCE WITH CHAPTER REQUIRED.

Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and use of any land shall be in compliance with the regulations established herein for the district in which such buildings or land are located.

SEC. 9-1-7 REDUCTION OF LOT SIZE.

No lot shall be so reduced that the dimensions and yard requirements imposed by this Chapter cannot be met.

SEC. 9-1-8 REQUIRED YARD SPACE.

No part of the yard or open space required for any lot or structure shall be included as a part of the yard or open space for any other lot or structure. No more than one (1) principal structure shall be allowed on any lot in the residential district. No more than one (1) principal structure shall be allowed on any lot in any industrial/commercial or business district unless the owner obtains a conditional use permit under this chapter. (Amended 12/19/96).

SEC. 9-1-9 UNOBSTRUCTED YARD SPACE.

Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features projecting not more than 48 inches; except that in commercial areas, as permanent awning and its accessory columns or struts may project not more than five feet into a required front or side yard.

SEC. 9-1-10 FIRE ESCAPES.

Open or enclosed fire escapes may project into a required yard not more than 5 feet and into a required court not more than 3 1/2 feet, provided it be so located as not to obstruct light or ventilation.

SEC. 9-1-11 CHIMNEYS, TOWERS, ETC.; HEIGHT REGULATIONS.

Chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless or broadcasting towers, masts or aerials and necessary mechanical appurtenances are hereby excepted from the height regulations of this Chapter and may be erected in accordance with other regulations or ordinances of the Village of Winneconne. This Section shall not be interpreted to exempt windmills which are erected for the purpose of generating mechanical or electrical power. The procedures for a variance to dimensional restrictions shall apply to such windmills, as described in this Chapter.

SEC. 9-1-12 INTERSECTION VISION CLEARANCE.

In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the inner street lines and a line connecting them 15 feet from their intersection, Within this triangle, no object shall be allowed above the height of two and one half (2 1/2) feet above the streets if it

obstructs the view across the triangle. This provision shall not apply to tree trunks, posts or wire fences.

SEC. 9-1-13 LOADING SPACE

(a) In any Commercial or Industrial District, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the public street shall at all times be free and unobstructed to the passage of vehicular and pedestrian traffic. Such space shall be provided as follows:

Updated 11/21/97

<u>Gross Floor Area</u> <u>Square feet of gross</u>	<u>Loading and unloading space required</u> <u>in terms of floor area</u>
0 - 1,500	None
1,501 - 10,000	One (1) space
10,001 & over	One (1) space plus one (1) space for each 20,000 square feet in excess of 10,001 square feet

(b) All spaces shall be of at least ten by fifty (10' x 50') feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height.

SEC. 9-1-14 OFF-STREET PARKING.

Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.

SEC. 9-1-15 PARKING LOTS: PERMIT REQUIRED.

(a) No parking lot shall be constructed or reconstructed unless and until a Building Permit is issued. Applications for a permit shall be submitted with two (2) copies of plans for the development and construction of the parking lot.

(b) Adequate ingress to the parking lot shall be provided and all parking spaces shall be provided adequate access by means of maneuvering lanes. Provision of adequate ingress and egress shall receive review and approval of the Village Engineer or such other officials as may be designated by the Village Board

SEC. 9-1-16 PARKING.

The following table of parking requirements for various uses shall be applied to all new developments: Allocation of said parking areas shall be indicated on the plans required for obtaining a Building Permit.

<u>Uses</u>	<u>Parking Requirements</u>
Single-Family Residential	2 sp. per dwelling unit
Elementary Schools	1 sp. per 2 employees
Jr. or Sr. High School	1 sp. per 2 employees, plus 1 sp. per 10 students
Libraries	1 sp. per 800 gross sq. ft.
Auditoriums (school)	1 sp. per 8 seats
School Gyms, Stadiums, Etc	1 sp. per 8 seats
Institutions for care of Elderly/Disabled	1 sp. per 4 beds, plus 1 sp. per 2 employees, plus 1 sp. per doctor on staff
Hospitals	1 sp. per 2 beds plus 1 sp. per 2 employees, plus 1 sp. per doctor on staff
Mobile Home Parks	2sp. per lot
Philanthropic and Charitable Uses	1 sp. per 2 employees, plus adequate number to serve public (as determined by the Building Inspector)
Public Utilities and Service Uses	1 sp. per 2 employees, plus adequate number to serve public (as determined by Building Inspector)
Private Clubs	1 sp. per lodging room, plus spaces equal to 30% of capacity in persons
Non-Commercial Community Center	Parking spaces equal to 30% of capacity in persons
Radio and TV Stations	1 sp. per 2 employees
Churches, Etc.	1 sp. per 6 seats
Apartment Hotels	1 sp. per dwelling unit
Boarding Houses, Etc.	1 sp. per 3 rooming units, plus 1 sp. for manager
Multi-Family Residential	1.5 spaces per dwelling unit except that in housing developments for the elderly this ratio shall be .75 spaces per dwelling unit
Taverns and Rest.	Parking sp. equal to 30% of capacity in persons
Service Stations	1 sp. per 2 employees plus one space for manager
Resorts	1 sp. per 2 employees plus equal to 20% of capacity or 1 sp. for rental unit whichever is greater

Bowling Alleys	5 sp. per alley plus 1 sp. per 300-sq. ft. used for bars, restaurants, etc.
Travel Trailer Parks	1 1/2 sp. per travel trailer site
Campgrounds	1 sp. per campsite
Pool Halls, Dance Halls, Pools, Skating Rinks, Etc.	Parking sp. equal to 30% of the capacity in persons
Medical and Dental Clinics	3 sp. per staff member
Auto Sales	2 sp. per employee
Post office	1 sp. per 2 employees, plus one sp. for 300 gross sq. ft. in excess of 4,000 sq. ft.
Commercial Schools Music, Dance, Etc.)	1 sp. per 2 employees, plus one sp. per students.
Indoor Theater	1 sp. per 6 seats up to 400 seats, plus one sp. Per 4 seats over 400
Funeral Parlors	8sp. per chapel of parlor, plus one sp. per funeral vehicle
All Commercial Districts	1 sp. per 200 gross sq. ft. in excess of 2,000 sq. ft. or of 2,000 sq. ft. or 6 sp. for each 1,000 gross sq. ft. in integrated center
Animal Hospitals & Kennels	2 sp. per employees
Car Wash	1 sp. per 3 employees plus 1 sp. for manager plus sp. equaling 5 times that capacity of the wash
Cartage and Express Facilities	1 sp. per vehicle operated plus 1 sp. per 2 employees
Contractor or Construction Office and	1 sp. per 1 employee
Laundries	1 sp. per 3 employees
Printing and Publishing	1 sp. per 3 employees
Warehousing / Wholesaling	1 sp. per 3,employees
Hotels	1 sp. per 3 rooms
Laboratories	1 sp. per 3 rooms
Motels	1 sp. per unit plus 1 sp. for manager
Riding Stables	1 sp. per 1 employee and enough additional space for public (as determined by the Plan Commission)
General Industry	1 sp. per 1.3 employees (Max. no. of employees at one time in plant)

SEC. 9-1-17 REVERSED CORNER LOTS: DEPTH.

Reversed corner lots shall have a front yard of the required depth on either frontage and a second front yard of half the depth generally required for front yards in the district shall be provided for the other frontage.

SEC. 9-1-18 REGULAR CORNER LOTS: DEPTH.

Regular corner lots shall have a front yard of required depth in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided or, the other frontage.

SEC. 9-1-19 ACCESSORY BUILDINGS (Amended 2/2001).

Accessory Buildings in all residential districts shall be limited to two (2) per lot, shall not exceed fifteen (15) feet in height, shall be placed so as to maintain a minimum five (5) foot yard to all existing lot lines and shall be placed no closer to the front lot line than the principal dwelling on the lot. The total square footage of accessory buildings in an R-3 zoning district shall not exceed the greater of three hundred (300) square feet per dwelling unit or nine hundred (900) square feet in total floor area. The total combined floor area of any attached garage and all accessory buildings in an R-1 or R-2 zoning district shall not exceed one thousand two hundred (1,200) square feet. Accessory buildings of area or number exceeding these standards shall be subject to the procedures for variance in this Chapter.

SEC. 9-1-20 FENCES (Amended 12/19/96.)

DEFINITION. A fence shall be defined as any artificially constructed barrier of any materials or combination of materials erected to enclose or screen areas of land.

(a) PERMIT REQUIRED. No fence shall hereafter be located, erected, moved, extended, enlarged or structurally altered within ten (10) feet of any lot line, without a fence permit and without being in conformity with the provisions of this Section. This Section shall not apply to decorative fences not greater than ten (10) feet in length, provided that such fences are not less than one foot from all lot lines.

(b) PERMIT APPLICATION. A permit application in the form required by the Building Inspector shall be submitted prior to the erection of a fence. If any portion of the fence will be closer than five (5) feet to any existing lot line, the application shall be accompanied by a survey prepared by a registered land surveyor showing the location of each boundary along which the fence, or any portion thereof, will be constructed and the proposed location of such fence. The registered land surveyor shall also mark each such boundary with

a flag or other suitable marking so that such boundary is clearly visible to the adjoining property owner. The Building Inspector shall mail copies of the application and survey to each adjoining property owner at least five (5) days prior to the issuance of any permit. The issuance of a permit may be withheld pending the resolution of any bona fide dispute with respect to the location of the lot line along which the proposed fence would be constructed.

(c) NO SETBACK FROM LOT LINE REQUIRED. No setback from the lot line along which the fence is constructed shall be required; provided that such fence, including all foundations and supports shall be located entirely upon the property of the applicant.

(d) HEIGHT RESTRICTION. Fences on property zoned residential shall not exceed the following heights, as measured from the established grade:

- (1) Fences located with a required front yard or shore yard shall not be more than four (4) feet high.
- (2) No fence higher than four (4) feet shall be constructed closer than fifteen (15) feet from either side of an alley, public or private driveway.
- (3) All other fences shall be not more than six (6) feet high.

(e) CONSTRUCTION. Fences shall be constructed so that the decorative side of the fence, when applicable, faces the neighboring property or right of way.

(f) PENALTIES. A person, firm, or corporation violating any provision of this Section shall upon conviction therefore forfeit not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00). Each day of violation shall constitute a separate violation. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction on the part of the building inspector constitute a defense.

(g) FEE. The fee for the issuance of a Fence Permit shall be twenty-five dollars (\$25.00).

(h) LIABILITY. This Section shall not be construed as an assumption on the part of the Village of any liability for damages resulting from noncompliance or failure to enforce the provisions of this Section.

SEC. 9-1-21 SHRUBS, BUSHES, and TREES (Amended 12/19/96).

Shrubs, bushes and other similar landscape plants shall be trimmed or otherwise maintained at a minimum distance of two (2) feet from all lot lines, including public right-of-ways, in all districts. Trees shall be planted at a minimum distance of ten (10) feet from all lot lines, including public rights-of-way, in all districts. All shrubs, bushes, trees and other plant materials shall be maintained so as not to encroach on any public sidewalk. Any shrub, bush, tree or other plant material encroaching upon area, public sidewalk may be removed by the Village at the owner's expense without any liability of any kind on the part of the Village.

SEC. 9-1-22 NOTICE OF REZONING.

- a) The Village Board (THE BOARD), the Village Plan Commission (THE COMMISSION), or any person(s) owning property within the Village may request rezoning of property. With the exception of THE BOARD and THE COMMISSION, applicants for rezoning shall make application to the Zoning Administrator, on forms provided by the Village, and pay the filing fee.
- b) THE BOARD, upon receipt of the application, shall refer the matter to THE COMMISSION for study and recommendation.
- c) THE COMMISSION, after receiving the application, shall convene to consider the request. At this meeting, THE COMMISSION shall set a public hearing date for receiving public input.
 - 1) Notice of the public hearing shall be published twice as a Class 2 Notice in the official newspaper and mailed to all property owners within (1,000) feet of the property(s) considered for re-zoning.
 - 2) The date of the public hearing shall be at least fifteen (15) days after publication of the notice and receipt of same by the surrounding property owners.
 - 3) THE COMMISSION shall have (60) days following THE BOARD'S receipt of the re-zoning request to submit its recommendation and report to THE BOARD. If THE COMMISSION fails to submit its recommendation and report as herein provided, said request shall be referred back to THE BOARD without recommendation or report.
- d) If THE BOARD fails to act on said request within (60) days after receiving THE COMMISSION's recommendation and report or (60) days has elapsed since THE PLAN COMMISSION's

recommendation and report were due, but not submitted, such request shall be considered denied.

e) If THE BOARD or THE COMMISSION formally requests rezoning of a specific parcel(s) all procedures, as outlined above, shall remain the same except for the filing fee, which shall be waived.

REFERENCE Wisconsin Statutes, Chapter 62.23 (7) (d). Effective June 25, 1997

f) The fee for submission of a rezoning application shall be established by the Village Board from time to time and set forth in Appendix A to Title 9 of this Code. The fee shall be non-refundable.

SEC. 9-1-23 DESIGNATION OF ANNEXED PROPERTY.

Property accepted for annexation by the Village shall be automatically designated as R1-A Single Family Residential unless or until official action is taken to designate the property as being in any other zoning districts.

SEC. 9-1-24 FLOOD PLAIN INFORMATION FOR AREAS TO BE ANNEXED.

Prior to official acceptance by the Village of an annexation petition, the Village may require one or more property owners to submit flood plain elevation information in sufficient detail as may be necessary to specifically delineate official flood zones.

SEC. 9-1-25 SATELLITE T.V. DISH ANTENNAS. (Amended 12/19/96)

No Satellite T.V. Dish Antenna larger than eighteen (18) inches diameter shall be installed, erected, or placed on any property within the Village of Winneconne unless there is full compliance with the requirements of this Section:

(a) APPLICATION. Application for a Satellite T.V. Dish Antenna permit shall be made in writing to the Village Clerk who shall in turn submit the application to the Building Inspector. With such application there shall be submitted a fee of Ten Dollars (\$10.00), and a complete set of plans and specifications including a plat plan showing the location of the proposed Satellite T.V. Dish Antenna with respect to the adjoining alleys, lot lines, and buildings. Applications for placement in a residential district shall be considered and acted upon by the Building Inspector within ten (10) days. Applications for placement in a business district shall be reviewed and submitted to the Plan Commission for approval.

(b) LOCATION OF SATELLITE T.V. DISH ANTENNA. Any Satellite T.V. Dish Antenna approved for placement within a residential area may only be located in the rear yard at least ten (10) feet from either side lot line and at least five (5)

feet from the rear lot line. Only one (1) Satellite T.V. Dish Antenna shall be permitted per lot and it shall be placed as close to the residence as is reasonably possible. The maximum height of the Satellite T.V. Dish Antenna shall be twelve (12) feet, the maximum diameter shall be ten (10) feet.

(c) WIND PRESSURE. All Satellite T.V. Dish Antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All installations shall meet a minimum wind load design velocity of eighty (80) miles per hour.

(d) TEMPORARY PLACEMENT. A Satellite T.V. Dish Antenna may be placed in a yard on a trial basis for a period not exceeding ten (10) days.

The following additional requirements shall apply to all Satellite T.V. Dish Antennas, including Satellite T.V. Dish Antennas not larger than eighteen (18) inches in diameter:

(a) LOCATION OF CABLES AND WIRING. All electrical lines, cables and conduits running to or from any Satellite T.V. Dish Antenna shall be buried. If a Satellite T.V. Dish Antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. If a permit is required, the location of all such underground lines, cables and conduits shall be shown on the application for permit.

(b) INTERFERENCE WITH BROADCASTING. Each Satellite T.V. Dish Antenna shall be filtered and/or shielded so as to prevent any harmful interference with radio and/or television broadcasting or reception. In the event that harmful interference is caused by any Satellite T.V. Dish Antenna, the owner shall promptly take steps to eliminate the interference in accordance with the Federal Communication Commission regulations.

(c) ELECTRICAL. All electrical wiring related to any Satellite T.V. Dish Antenna, including grounding of the system, shall be in accordance with the instructions of the manufacturer and all applicable codes. Each Satellite T.V. Dish Antenna shall be grounded against direct lightning strikes.

(d) ADVERTISING. No advertising messages will be allowed on the Satellite T.V. Dish Antenna or framework other than the manufacturers identification.

Sections 9-1-26 through 9-1-29 Reserved.

ARTICLE C

Signs

SEC. 9-1-30 SIGNS; BUILDING PERMIT REQUIRED.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Building Permit except those signs in Section 9-1-31 below and without being in conformity with the provisions of this Chapter. The sign shall also meet all the structural requirements of the Building Code.

SEC. 9-1-31 SIGNS; RESIDENTIAL DISTRICT.

All signs are prohibited in all Residential Districts except the following:

(a) SIGNS OVER SHOW WINDOWS OR DOORS OF A NONCONFORMING BUSINESS establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.

(b) REAL ESTATE SIGNS not to exceed eight (8) square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

(c) NAME, OCCUPATION AND WARNING SIGNS not to exceed two (2) square feet located on the premises.

(d) BULLETIN BOARDS for public, charitable or religious institutions not to exceed eight (8) square feet in area located on the premises.

(e) MEMORIAL SIGNS, tables, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(f) OFFICIAL SIGNS, such as traffic-control, parking restrictions, information and notices,

(g) TEMPORARY SIGNS when authorized by the Building Inspector for a period not to exceed 30 days.

SEC. 9-1-32 SIGNS; COMMERCIAL AND INDUSTRIAL DISTRICT.

Signs are permitted in all Commercial and Industrial Districts subject to the following restrictions:

(a) WALL SIGNS placed against the exterior walls of building shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed five hundred (500) square feet in area for any one premise, and shall not exceed

twenty (20) feet in height above the mean centerline street grade.

(b) PROJECTED SIGNS fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in area for any one premise shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way, shall not be less than ten (10) feet from all side lot lines; shall not exceed a height of twenty (20) feet above the mean centerline street grade or fifteen (15) feet above a driveway or an alley.

(c) GROUND SIGNS shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which they are located, and shall not exceed one hundred (100) square feet on all sides for any one premises.

(d) ROOF SIGNS shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which they are located, and shall not exceed three hundred (300) square feet on all sides for any one premises.

(e) ALL SIGNS shall advertise, promote, or represent only establishments, goods, or services located, sold, or manufactured within 100 feet.

(f) COMBINATION of any of the above signs shall meet all the requirements for the individual sign.

SEC. 9-1-33 RESTRICTION ON SIGNS FACING RESIDENTIAL DISTRICT.

No sign except those permitted in Section 9-1-31 above shall be permitted to face a Residential District within one hundred (100) feet of each district boundary.

SEC. 9-1-34 PROHIBITED SIGN SHAPES AND LOCATIONS.

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe of fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

SEC. 9-1-35 PRE-EXISTING SIGNS.

Signs lawfully existing at the time of the adoption or amendment of this Chapter may be continued although the use, size, or location does not conform with the provisions of this

Chapter. However, it shall be deemed a nonconforming use or structure; and the provisions of Article E shall apply.

Sections 9-1-36 through 9-1-39 Reserved

ARTICLE D

Zoning Districts And Maps

SEC. 9-1-40 ESTABLISHMENT OF ZONING DISTRICTS.

The following Zoning Districts are hereby established:

(a) RESIDENTIAL DISTRICTS:

R-1A Single-Family Residential District
R-1B Single-Family Residential District
R-2 Single-Family, Two-Family Residential District
R-3 Multi-Family Residential District

(b) COMMERCIAL DISTRICT:

B-1 General Commercial District
B-2 Highway Commercial District
B-3 Convenience Commercial District

(c) INDUSTRIAL DISTRICT

(d) CONSERVANCY DISTRICT

(e) GENERAL FLOOD PLAIN DISTRICT (See Supplementary Flood Plain Zoning Chapter.)

SEC. 9-1-41 DISTRICT BOUNDARIES ESTABLISHED ON OFFICIAL MAP.

The boundaries of the aforesaid districts are hereby established as shown on the "Official Zoning Map, Village of Winneconne, Wisconsin". Such map, together with a copy of this Chapter, shall be available for public inspection in the Office of the Village Clerk. The map shall be certified by the President attested by the Village Clerk. Any change in district boundaries shall be recorded on the map. No change shall be effective until so recorded and until a duly certified and attested certificate describing the change is filed with the map.

SEC. 9-1-42 STREETS AS DISTRICT BOUNDARY LINES.

The district boundaries are either streets or alleys, unless otherwise shown and where the designation on the Zoning Map indicates that the various districts are approximately bounded by the centerline of a street or alley, such street or alley center line shall be construed to be the district boundary line.

SEC. 9-1-43 WHEN DISTRICT LINES NOT INDICATED.

Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the Zoning Map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.

SEC. 9-1-44 UNSUBDIVIDED PROPERTY: DISTRICT BOUNDARY LINES.

In unsubdivided property, the district boundary lines shown on the Zoning Map shall be determined by use of the scale shown on such map.

SEC. 9-1-45 R-IA AND R-IB SINGLE FAMILY RESIDENTIAL DISTRICTS.

(a) PERMITTED USES AND STRUCTURES: Single-family dwellings and their accessory structures or uses.

(b) CONDITIONAL USES AND STRUCTURES: Parks, greenways and open spaces, playgrounds, public and private schools, guesthouses, cemeteries, crematories, mausoleums and columbariums, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, libraries, single-family planned residential development, private stables, home occupations, nursery schools, swimming pools, agricultural uses, and bed and breakfast establishments (wherein one off-street parking space is provided per room rented, and as a condition of the Conditional Use Permit all establishments shall be subject to and comply with Chapter HSS 197, Wisconsin Administrative Code, relating to bed and breakfast establishments. (Nov 97)

(c) R-IA & R-IB Minimum Dimensions

R-IA

(1) Lot Size:	Width:	80 feet minimum
	Area:	9,600 square ft. min
(2) Building:	Height:	30 feet maximum
(3) Yards:	Street:	30 feet minimum
	Rear:	30 feet minimum
	Side:	10 feet minimum
(4) Parking:	Refer to Section 9-1-15.	

R-IB

(1) Lot Size:	Width	80 feet minimum
	Area:	8,000 sqr. ft. min
(2) Building:	Height	30 feet maximum
(3) Yards:	Street:	25 feet minimum
	Rear:	25 feet minimum
	Side	8 feet minimum

(4) Parking: Refer to Section 9-1-16.

NOTE: The Planning Commission, at its October 13, 1994, meeting, voted that an accessory structure may be built on a vacant residential lot of record, provided the applicant requesting to build said structure owns a residential lot --with single family residence -- that directly abuts the vacant lot containing the accessory structure.

SEC. 9-1-46 R-2 SINGLE-FAMILY, TWO-FAMILY RESIDENTIAL DISTRICT.

(a) PERMITTED USES AND STRUCTURES: Single-family and two-family dwellings and their accessory structures or uses. The zoning regulations for R-I(b) zoning districts shall be applied to single-family dwellings. (Supp 03/85)

(b) CONDITIONAL USES AND STRUCTURES: Parks, greenways and open spaces, playgrounds, public and private schools, guest houses, hospitals, cemeteries, crematories, mausoleums, columbariums, governmental and community service buildings and functions, utility lines, pumping -stations, golf courses, churches, libraries, single-family and two-family planned residential development, home occupations, nursery schools, swimming pools and agricultural uses, and bed and breakfast establishments (wherein one off-street parking space is provided per room rented, and as a condition of the Conditional Use Permit all establishments shall be subject to and comply with Chapter HSS 197, Wisconsin Administrative Code, relating to bed and breakfast establishments. (Nov 97)

- | | | |
|---------------|--------------------------|---------------------------|
| (c) LOT SIZE: | Width: | 80 feet minimum |
| | Area: | 9,600 square feet minimum |
| (d) BUILDING: | Height: | 35 feet maximum |
| (e) YARDS: | Front: | 25 feet minimum |
| | Rear: | 25 feet minimum |
| | Side: | 8 feet minimum each |
| (f) PARKING: | Refer to Section 9-1-15. | |

SEC. 9-1-47 R-3 MULTI-FAMILY RESIDENTIAL DISTRICT.

(a) PERMITTED USES: Single-family residential uses provided they conform to the regulations applicable to R-I(b) zoning districts, multi-family uses provided they conform to the regulations below. (Supp 03/85)

(b) CONDITIONAL USES AND STRUCTURES: Parks, greenways and open spaces, playgrounds, public and private schools, medical and dental clinics, cemeteries, crematories, mausoleums, columbariums, nursing homes, governmental and community service buildings and functions, utility lines, pumping stations, golf courses, churches, libraries, single-family planned residential development, home occupations, swimming pools, agricultural uses,

nursery schools and multi-family planned residential development, agricultural uses, and bed and breakfast establishments (wherein one off-street parking space is provided per room rented, and as a condition of the Conditional Use Permit all establishments shall be subject to and comply with Chapter HSS 197, Wisconsin Administrative Code, relating to bed and breakfast establishments. (Nov 97)

- (c) LOT SIZE: Width: 80 feet minimum
 Area: 9,600 square feet

- (d) BUILDING: Height: Maximum 45 feet or four
 stories, whichever is least

- (e) YARDS: Front: 20 feet minimum
 Rear: 20 feet minimum
 Side: 25 feet minimum

- (f) PARKING: Refer to S-Section 9-1-16.

(g) OTHER REQUIREMENTS

- (1) That the floor area ratio, defined as the maximum square footage of total floor area permitted for each foot of land area, is not more than .40.

- (2) That the living ratio defined as the minimum square footage of non-vehicular outdoor space required for each square foot of floor area is not less than 1.2.

SEC. 9-1-48 B-1 GENERAL COMMERCIAL DISTRICTS.

(a) PERMITTED USES AND STRUCTURES: Hardware and feed stores, funeral parlors, drug stores, furniture stores, barber shops, grocery stores, supermarkets, retail, bakeries, cocktail lounges, restaurants, cafes, hotels, rooming houses, fruit stores, dry goods stores, luggage shops, stationery stores, personal and business service establishments, pet shops, clothing stores, public passenger transportation terminals, gift stores, variety stores, garages, theaters, resorts, professional offices, organization headquarters, newspaper and magazine publishers, jewelry stores, banks, shoe stores, packaged beverage stores, appliance sales and repair, sporting goods, insurance and real estate offices, radio and TV sales and service, catalogue order stores, savings and loan and finance companies, department stores, coin operated laundries, medical and dental offices, bowling alleys, churches, tobacco and magazine stores, beauty salons, music shops, radio (w/o antenna), parking areas, open spaces, libraries, parks. Residential apartment is an accessory use in conjunction with any other permitted use; provided that the floor area of such apartment or cumulative floor area of such apartments shall not exceed fifty percent (50%) of the floor area of the building. (Supp 03/85)

(b) CONDITIONAL USES: Wholesale outlets, animal hospitals, governmental service functions, automobile services, garages and offices, second hand stores., professional laundry dry cleaning establishments, gas stations, drive-in theaters, implement sales, contractors offices, circus or carnival, automobile sales and service, motels, nursery schools, commercial storage and other uses similar or customarily incident to the above uses, small machine shops and amusement centers.

- (c) LOT SIZE: Minimum 1,500 square feet
- (d) BUILDING: Height: 4 stories or 45 feet maximum
- (e) YARDS: No minimum
- (f) PARKING: Refer to Section 9-1-16.

SEC. 9-1-49 B-2 Highway Commercial: District.

(a) PERMITTED USES AND STRUCTURES: Gas stations, automobile repair, automobile sales and service, implement sales and service, drive-in establishments serving food and beverages for consumption on premises motels, gift stores, bowling alleys, mobile home sales, restaurants, night clubs, parks, greenways and open spaces, trucking terminals, trans-shipment depots, amusement parks and parking.

(b) CONDITIONAL USES AND STRUCTURES. Any use permitted in a B-1 General Commercial District. Drive-in theaters, animal hospitals, circuses, golf driving ranges and amusement centers, dance halls, and similar places. other uses similar to or customarily incident to any of the above uses and the extensive commercial uses requiring large land areas. (Supp 07/87)

- (c) BUILDING: Height: 35 feet maximum
- (d) LOT SIZES: Width: 80 feet minimum
Area: 1 acre
- (e) YARDS Front 80 feet (may be parking)
Rear: 20 feet
Side: 20 feet each
- (f) PARKING: Refer to Section 9-1-16.

SEC. 9-1-50 B-3 CONVENIENCE COMMERCIAL DISTRICT.

(a) PERMITTED USES AND STRUCTURES: Drugstores, superette, coin operated Laundromats, professional offices, fraternities, package beverage stores, barber shops, beauty salons, magazine and tobacco stores, coffee shops, soda fountains, laundry and dry cleaners, gift shops, taverns, -artists/craftsmen studio and shop, and parking areas. (Supp. 10/89)

(b) CONDITIONAL USES AND STRUCTURES: Gas stations and other uses similar or customarily incident to any of the above uses.

- (c) LOT SIZE: No minimum
- (d) BUILDING Height 35 feet maximum
- (e) YARDS: Front: 50 feet (may be parking)
Rear: 30 feet (may be parking)
Side: 12 feet each
- (f) PARKING: Refer to Section 9-1-16.

SEC. 9-1-51 I-GENERAL INDUSTRIAL DISTRICT.

(a) PERMITTED USES AND STRUCTURES: Automotive body repairs, automotive upholstery, ceramics, cleaning, pressing and dyeing establishments, commercial bakeries, commercial greenhouses, distributors, farm machinery, feed mills, dairy plants, equipment repairs and storage, railroad depots, cooperatives, laboratories, machine shops, manufacture and bottling of non-alcoholic beverages, painting, printing, publishing, storage and sale of lumber, machinery and equipment, trade and contractors offices, warehousing and wholesaling; manufacturing,, fabrication, packing, packaging and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles and wood; manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devises, food except cabbage, fish and fish products, meat products and toiletries; freight yards, freight terminals and transshipment depots, inside storage, breweries, agriculture, greenways and open spaces, parking and open areas.

(b) CONDITIONAL USES AND STRUCTURES: Dumps, disposal areas; incinerators and sewage disposal plants; earth and sanitary landfill operations; airports and heliports; manufacturing and processing of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ink, insecticide, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster of pads, plastics, poison, potash, pulp, pyroxylin, radium, rope, rubber, sausage, seeds, starch, stove polish, textiles, and varnish; manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains grease lard, radioactive materials, shellac, soap, turpentine, vinegar and yeast; bag cleaning; ble-acheries; canneries; cold storage warehouses; electric and steam generating plants, electroplating; enameling; lithographing; bulk gas storage and sales; offal, rubbish or animal reduction; oil coal and bone distillation; excavating operations; refineries; road test facilities; slaughterhouses; smelting; poultry farms; stockyards; tanneries; and weaving; and commercial service facilities, such as restaurants and fueling stations, providing all such services are physically and sales oriented toward

industrial district users and employees and other users are only incidental customers. (Supp. 06/92)

(c) **CONDITIONAL USES SUBJECT TO SPECIAL RESTRICTIONS:** Outside storage and manufacturing areas and wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence of evergreen planting completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from residential or commercial structures.

- | | | |
|---------------|-------------------------|----------------------|
| (d) LOT SIZE: | Width: | 100 feet |
| | Area: | 15,000 feet |
| (e) BUILDING: | Height: | 60 feet |
| (f) YARDS: | Street: | Minimum 25 feet |
| | Rear: | Minimum 30 feet |
| | Side: | Minimum 15 feet each |
| (g) PARKING: | Refer to Section 9-1-16 | |

SEC. 9-1-52 C-CONSERVANCY DISTRICT.

(a) **PERMITTED USES AND STRUCTURES:** The harvesting of wild crops such as marsh, hay, ferns, moss, wild rice, berries, tree fruits, tree seeds, sustained yield forestry, utilities such as, but not restricted to telephone, telegraph and power transmission lines; fishing, scenic, historic, scientific, wildlife preserve; non-resident buildings used solely in conjunction with the raising of water fowl or fish; hiking trails and bridle paths, accessory uses; public and private parks and picnic areas, greenways and open spaces, recreation related structures not requiring basements, regulatory signs not over 6 square feet and general farming provided no drainage, filling or dredging takes place and no farm buildings are constructed.

(b) **CONDITIONAL USES:** Filling, drainage, dredging, golf driving ranges, farm structures, single-family residences, dams, power plants, flowages, ponds, relocation of water courses, removal of top soil or peat; piers, docks, boat houses, campgrounds, mobile home parks, trailer parks, home occupations. All conditional uses are subject to the provisions of Article G, Section 9-1-80 of this Chapter.

- (c) **PARKING:** Refer to Section 9-1-16.

SEC. 9-1-53 GENERAL FLOODPLAIN DISTRICT.

Refer to Floodplain Zoning Chapter.

SEC. 9-1-54 EXTRATERRITORIAL ZONING JURISDICTION (09/19/95).

The area described on the map attached hereto is hereby zoned to continue the existing zoning and uses under the Town of Winneconne Zoning Ordinance, and the Winnebago County Zoning Ordinance applicable to shoreline properties in effect. Such

area shall continue with such existing zoning and uses while a comprehensive zoning and uses plan is being prepared and such zoning and uses shall continue for no longer than two (2) years after enactment, unless extended pursuant to the provisions of Wisconsin Statutes, Chapter 62.23, paragraph (7a)(b). A copy of said map is attached hereto and incorporated as Exhibit "A" of this ordinance. State Law Reference: Section 62.23 (7a). Wisconsin Statutes.

Sections 9-1-55 through 9-1-59 Reserved.

ARTICLE E

Nonconforming Uses, Structures and Lots

SEC. 9-1-60 EXISTING NONCONFORMING USES.

(a) The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provision of this Chapter.

(b) ONLY THAT PORTION of the land in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Chapter.

(c) TOTAL LIFETIME STRUCTURAL REPAIRS or alterations, shall not exceed fifty (50) percent of the Village's assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter.

(d) SUBSTITUTION OF NEW EQUIPMENT may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

SEC. 9-1-61 NONCONFORMING USE: ABOLISHMENT OR REPLACEMENT.

(a) If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land shall conform to the provisions of this Chapter. 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 Chapter.

(b) A current file of all nonconforming uses shall be maintained by the Building Inspector listing the following: owners name and address; use of the structure or land; and assessed value, at the time of its becoming a nonconforming use.

SEC. 9-1-62 EXISTING NONCONFORMING STRUCTURES.

The lawful nonconforming structure existing at the time of the adoption of amendment of this Chapter 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 Chapter; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except

when required to do so by law or order or so as to comply with the provisions of this Chapter.

SEC. 9-1-63 NONCONFORMING USES: 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 Zoning 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 Zoning Appeals.

SEC. 9-1-64 SUBSTANDARD LOTS.

(a) In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel, providing such lot or parcel was of record in the County Register of Deeds office before the effective date or amendment of this Chapter.

(b) Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

- | | | |
|---------------|---------|--|
| (1) LOT | Width: | Minimum 40 feet |
| | Area: | Minimum 4,600 square feet |
| (2) BUILDING: | Height: | Maximum 30 feet |
| (3) YARDS: | Street: | Minimum 25 feet; the second street yard on corner lots shall be not less than 10 feet. |
| | Rear: | Minimum 25 feet |
| | Side: | Minimum 16 percent of the frontage, but not less than 5 feet for either side. |

SEC. 9-1-65 NONCONFORMING LOTS, STRUCTURES, AND USES IN INDUSTRIAL DISTRICT.

In the Industrial District, residential dwellings and their accessory structures may not be erected on any lot or parcel of record after the time of the adoption of this Chapter. No further subdivision for residential purposes is permitted in the Industrial District.

SEC. 9-1-66 EXCEPTION TO FRONT YARD SETBACK (06120/96).

The front yard setback for a principal single family or two family structure may be the average of the existing front yard setbacks of the two lots abutting it, but not less than fifteen (15) feet. In the event that either or both of the abutting lots is vacant, the minimum front yard setback required will be used for the purpose of calculating the average. This ordinance shall only apply to property platted prior to January 1, 1993.

Sections 9-1-67 through 9-1-69 Reserved.

ARTICLE F

Protection of Shoreland and Watercourses

SEC. 9-1-70 PROTECTION OF SHORELAND AND WATERCOURSES GENERALLY.

(a) The purposes of this Article are to prevent and control water pollution; protect spawning grounds, fish and aquatic life; and to preserve shore cover and natural beauty.

(b) The provisions of this Article shall apply to the shorelands of all navigable waters.

(c) Lakes, ponds, or flowages shall be considered as navigable for the purposes of this Chapter if they are listed in the Wisconsin Division publication "Wisconsin Lakes 218-64".

(d) Rivers or streams shall be considered navigable for the purposes of this Ordinance if they are indicated as continuous on the United States Geological Quadrangle Survey Maps.

SEC. 9-1-71 SETBACKS FROM THE WATER.

(a) Except as provided in Section 9-1-73, for lots that abut on navigable waters all buildings and structures except piers, marinas, boat houses and similar uses which require a lesser setback as determined by the Board of Appeals, shall be set back at least twenty-five (25) feet from the high water line and elevated at least two (2) feet above the experienced high water elevation unless otherwise specified by a flood plain zoning Chapter. (Supp. 04/89)

(b) Seepage, pits and soil absorption fields shall be set back at least fifty (50) feet from the normal high water elevation. The Building Inspector shall determine the normal high water elevation or line where not established. Furthermore, it shall be the duty of the Building Inspector to determine that the design, location and construction of private sewage disposal facilities are in conformation with applicable State and Village codes.

SEC. 9-1-72 FILLING, GRADING AND LAGOONING.

(a) A conditional use permit shall be required for any filling or grading:

(1) Of the bed of a navigable body of water. In addition a permit shall be obtained from the Department of Natural Resources or any other state agency having jurisdiction under the provisions of Section 30.11 and 30.12, Wis. Stats. This permit

shall be applied for prior to application for a conditional use permit from the Village. Approval of such conditional use permit by the Village shall be conditioned on the permit approved by the DNR.

(2) Of any area which is within 300 feet horizontal distance of navigable water and which has surface drainage toward the water and on which there is:

a. Filling of more than 500 square feet of any wetland which is contiguous to the water. For purposes of this Section, a wetland shall be defined as any area where groundwater is at or near the surface a substantial part of the year.

b. Filling or grading on slopes of 20 percent or more.

c. Filling or grading of more than 1,000 square feet on slopes of 12-20 percent.

d. Filling or grading of more than 2,000 square feet on slopes of 12 % or less.

(b) A conditional use permit shall be required before constructing or commencing on any artificial waterway, canal ditch, lagoon, pond, lake or similar waterway which is within 500 feet of the high-water mark of a navigable body of water or where the purpose is ultimate connection with a navigable body of water. This requirement does not apply to soil conservation practices such as terraces, diversions and grassed waterways which are used for sediment retardation.

(c) In granting a conditional use permit for filling, grading, or lagooning the Plan Commission may attach the following conditions in addition to those specified in Article G of this Chapter.

(1) The smallest amount of bare ground be exposed for the shortest time feasible.

(2) Temporary ground cover such as mulch be used and permanent cover such as sod be planted.

(3) Diversions, silting basins, terraces and other methods to trap sediment be used.

(4) Dredging to a firm bottom before filling.

(5) Dredging be conducted in such a manner as to avoid creation of fish trap conditions.

(6) Fill is stabilized according to accepted engineering standards.

(7) Fill will not restrict a floodway or destroy the storage capacity of a flood plain.

(8) Walls of a channel or artificial watercourse be stabilized to prevent slumping.

(9) Sides of channels or artificial watercourses be constructed with side slopes of two horizontal to one vertical or flatter, unless suitable vertical bulkheading is provided.

SEC. 9-1-73 SPECIAL RESTRICTIONS APPLICABLE TO SHORELANDS
ANNEXED BY THE VILLAGE. (Supp 04/89)

(a) STATEMENT OF INTENT. The intent of this ordinance is to comply with the requirements of Section 59.971, Wis. Stats. The following special restrictions shall apply to any lands annexed by the Village of Winneconne after May 7, 1982, which were subject to the provisions of the Winnebago County Shoreland Zoning ordinance at the time of annexation.,

(b) PRINCIPAL USES. The principal uses shall be according to the underlying districts, except that uses in shoreland wetland shall be consistent with any special provisions pertaining to such areas.

(c) BASIC DISTRICT STANDARDS.

(1) The standards of the underlying district shall apply. However, compliance with Section 59.971, Wis. Stats., requires that no new lot shall have less than:

a. Lot (Sewered).

1. Area--Minimum--10,000 sq. ft.
2. Width--Minimum Average--65 ft.

b. Building Structure Setback (Sewered).

1. From Ordinary High Water Mark of Navigable Waters--Minimum--75 ft.

c. Lot (Unsewered).

1. Area--Minimum--20,000 sq. ft.
2. Width--Minimum Average--100 ft.

d. Building Structure Setback (Unsewered).

1. From ordinary High Water Mark of Navigable Waters--Minimum--75 ft.

(2) In addition to all other applicable use, site or sanitary regulations, the following restrictions and regulations shall apply to shorelands:

a. Tree cutting and shrubbery clearing are prohibited except for home and park site development, access roads, path and trail construction, timberstand improvement, customary trimming, and dead tree removal provided that in a strip 35 feet inland from the ordinary high water mark no more than 30 feet in any 100 feet shall be clear cut.

b. In other areas, tree and shrub cutting shall be governed by consideration of the effect on water quality and shall be in accord with accepted management practices.

(d) CONDITIONAL USES.

(1) All conditional uses specified in the underlying district.

(2) Roads (except roads used primarily for agricultural purposes, path and trail development and all other cutting and trimming).

(3) Filling, grading, lagooning, dredging, ditching and excavating.

(a) Only filling, grading, lagooning, dredging, ditching or excavating that is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat may be permitted in the shoreland area.

(b) A state or federal permit may be required, in addition to a permit under this Ordinance, if state or federal laws are applicable to the filling, grading, lagooning, dredging, ditching or excavating that is proposed.

(d) APPROVAL OF BUILDING SITE AND OPERATIONAL PLANS.

Where street and water projects, including rip-rapping and cleaning of existing ditches, have approval by the Department of Natural Resources; the Army Corps of Engineers; and/or the Land & Water Conservation Department, or where managed timber harvesting falls under a State District Foresters Plan, approval shall be based upon plans and/or permits authorized by said agency(s) of jurisdiction.

(f) ACCESSORY USES. All accessory uses specified in the underlying district.

(g) VARIANCES. (Supp 12/90)

(1) Reduction to Average Water Setback Without Variance:

The required setback from the ordinary high water mark of navigable waters may be decreased without a variance in a residential or business district to the average setback of the abutting structures on each side, but in no case less than 50 feet.

(2) Limitations on Water Setback Variances:

The required setback from the ordinary high water mark of navigable waters may be reduced by variance, but in no case less than 25 feet.

(h) NOTICE AND DECISIONS - Shorelands.

(1) Written notice shall be given to the appropriate District Office of the Department of Natural Resources at least ten (10) days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), appeals for map or text interpretations, and map or text amendments.

(2) Copies of decisions on shoreland variances, special exceptions (conditional uses), appeals for map or text interpretations, and map or text amendments shall be submitted to the appropriate District Office of the Department of Natural Resources within ten (10) days after they are granted or denied.

Section 9-1-74 through 9-1-79 Reserved.

ARTICLE G

Administrative Procedures

SEC. 9-1-80 CONDITIONAL USE; PERMIT.

The Village Plan Commission may authorize the Building Inspector to issue a conditional use permit for conditional uses after review and a public hearing, provided that such additional uses or structures are in accordance with the purpose and intent of this Chapter and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.

SEC. 9-1-81 CONDITIONAL USES; APPLICATION.

Applications for Conditional Use Permits shall be made in duplicate to the Building Inspector on forms provided by his office. Such applications shall be forwarded to the Plan Commission on receipt by the Building Inspector. Such applications shall include where applicable:

- (a) NAMES AND ADDRESSES of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- (b) DESCRIPTION OF THE SUBJECT SITE by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (c) PLAT OF SURVEY prepared by a registered land surveyor showing all of the information required for a Building Permit and existing and proposed landscaping.
- (d) ADDITIONAL INFORMATION as may be required by the Plan Commission, Village Engineer, Building or Health Inspectors.
- (e) FEES - A fee for the variance application shall be established by the Village Board from time to time and set forth in Appendix A to Title 9 of this Code. The fee shall be non-refundable.

SEC. 9-1-82 CONDITIONAL USES: REVIEW AND APPROVAL.

(a) The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

(b) The Plan Commission shall hold a public hearing on the proposed conditional use. Notice of time and place of such hearing shall be published not less than fifteen (15) nor more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the Village. The Village Clerk shall notify all abutting or opposite property owners, as listed by the developer in the original application of the time, date and subject matter of the hearing. Failure to comply with this provision shall not however, invalidate any previous or subsequent action on the application.

(c) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access trafficways and within fifteen hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highways agency that has jurisdiction over the trafficway. The Plan Commission shall request such review and await the highway agency's recommendations for a period not to exceed sixty (60) days before taking final action.

SEC. 9-1-83 STANDARDS FOR CONDITIONAL USES.

(a) GENERALLY. No conditional use shall be granted by the Plan Commission unless the Commission shall find:

(1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;

(2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood;

(3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

(4) That adequate utilities, access road, drainage and/or necessary facilities have been or are being provided;

(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and

(6) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

(b) REQUIRED CONDITIONS. Conditions such as landscaping, architectural design, type of construction, construction, commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation,

improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Commission upon its finding. that these are necessary to fulfill the purpose and intent of this Chapter.

SEC. 9-1-84 PLANNED RESIDENTIAL UNIT DEVELOPMENT.

(a) Planned unit residential developments consisting exclusively of single-family dwelling units are permitted in R-1, R-2, and R-3 residential districts as conditional uses. Planned unit residential development which includes any two-family dwelling units are permitted in the R-2 residential district as conditional uses. Planned unit residential developments which include any two-family or multi-family dwelling units are permitted in the R-3 District as conditional uses. A successful applicant for a conditional use permit under this Section may be allowed to modify the lot size, setback and yard requirements within the district in which the project is located. All other district requirements shall be complied with as well as any fire, building, or electrical codes and applicable subdivision regulations.

(b) The original application shall be as follows: A preliminary plan shall be submitted with the original application. In addition to meeting the requirements of Section 9-1-83, this preliminary plan shall show the overall plan for development; including grading, landscaping, exterior design and location of buildings, lots, all common structures, facilities, utilities, access roads, streets, sidewalks, parking and open spaces. There shall, also be fee receipt from Village Treasurer in the amount of Twenty-Five Dollars (\$25.00). In addition the following data shall be summarized and attached:

- (1) Total land area (square feet);
- (2) Total number of living units;
- (3) Total floor area on all floors of proposed buildings measured by dimensions of outside walls multiplied by number of floors;
- (4) Total building area at ground level including garages, carports, and other community facilities;
- (5) Total uncovered open space including paved areas in streets, walks and driveways;
- (6) Total recreation space defined as total open space minus paved areas in streets, walks and driveways but including tennis courts, swimming pools and floor area of recreation facilities.
- (7) Total occupant car spaces defined as off-street parking spaces without time limit.

(c) The Village Plan Commission shall in writing and giving reasons for its actions, approve or tentatively approve with suggestions for revisions or deny the original application within 90 days. In the event that the original application is denied the applicant must re-submit an original application to receive consideration. In the event the Plan Commission approves or tentatively approves with suggestions for revision, the applicant shall submit a final plan for final approval within six (6) months.

After six (6) months the applicant must re-submit an original application in order to be eligible for further consideration.

(d) Public hearings on final applications shall be held within ninety (90) days of the receipt of the final application.

(e) Final plans shall be submitted within six (6) months after favorable action by the Plan Commission. In granting the application, the Village Plan Commission shall make the following determinations based on the final plan:

(1) That the tract to be developed is at least ten (10) acres in the case of planned unit residential development of exclusively single-family dwelling units and at least five (5) acres in the case of planned unit residential development containing two-family and multi-family dwelling units;

(2) That the tract to be developed is in single or corporate ownership;

(3) That the height of the proposed structures conforms to the maximum set forth in the district regulations for the district in which the project is to be developed;

(4) That the overall density of the project defined as the number of living units per acre does not exceed the district regulations for the district which is to be developed;

(5) That a certificate attested by the Village Engineer showing the availability of adequate public sewer and water is present;

(6) That landscaping and grading will be done to assure adequate drainage;

(7) That the streets to be provided will assure a traffic circulation pattern which minimizes through traffic, allows for adequate turning and parking and provides ample space for the turning and effective use of snow plows, garbage and fire trucks, the loading and unloading of furniture, and other pickups and deliveries without blocking traffic;

(8) That there will be minimum number of conflicts between pedestrian and vehicular traffic;

(9) That the design of open spaces and housing will provide both easy access and privacy;

(10) That no structure which contains residential units will be more than 200 feet from a street, parking area, or other right-of-way on which a fire truck may be operated;

(11) That adequate lighting will be provided;

(12) That the final plans include the planting of an adequate number of trees and shrubs where not already present;

(13) That the design of the development is in harmony with existing surroundings and will not be detrimental to the character of the neighborhood;

(14) That the applicant has bonded himself and his contractor(s) to provide the improvements shown on the plans;

(15) That in a single-family planned unit residential development adequate deed restrictions are present, running in favor of the Village, or an automobile home owners association and individual homeowners for the proper maintenance, care and preservation of the exterior design, all common structures, facilities, utilities, access and open spaces by the original and all subsequent owners of property within the development;

(16) That in a multi-family planned residential unit development, the owner or ownership has deeded any public recreation space to the Village for the Village to maintain or has covenant to be binding on all future ownership.

(f) In reviewing original and final plans and applications, the Plan Commission may seek technical assistance from such sources as it deems necessary.

(g) Any modifications in the original plan shall be made only by agreement between the developer and the Plan Commission.

SEC. 9-1-85 RESUBMISSION OF CONDITIONAL USE APPLICATIONS.

No application for a conditional use that has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Building Inspector.

SEC. 9-1-86 VALIDITY OF CONDITIONAL USE AUTHORIZATION.

In any case where a conditional use has not been established within one (1) year after the date of granting thereof, then, without further action by the Plan Commission, the conditional use or authorization shall be null and void.

SEC. 9-1-87 MOBILE HOME PARKS; CAMPGROUNDS.

(a) Mobile home parks are permitted as conditional uses in the Conservancy District provided:

(1) The minimum size of a mobile home park shall be 10 acres.

(2) The maximum number of mobile homes shall be ten per acre.

(3) Minimum dimensions of a mobile home site shall be 50 feet wide by 85 feet long;

(4) All drives, parking areas and walkways shall be hard surfaced;

(5) There shall be a minimum yard setback of 40 feet from all lot lines of the mobile home park;

(6) It shall conform to the requirements of Chapter 77 Wisconsin Administrative Code;

(7) No mobile home site shall be rented for a period of less than 30 days;

(8) Each mobile home site shall be separated from other mobile home spaces by a yard not less than 15 feet wide;

(9) Parking shall be provided in accordance with Section 9-1-15;

(10) Unless adequately screened by existing vegetative cover, it shall be screened by:

(11) A temporary planting of fast growing material, capable of reaching a height of 15 feet or more, such as hybrid poplar; and a permanent evergreen planting such as White or Norway Pine, the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

(b) Travel trailer parks and campgrounds may be permitted in the Conservancy District provided:

- (1) The minimum size of a travel trailer park or campground shall be 5 acres;
- (2) The maximum number of travel trailers or campsites shall be 15 per acre;
- (3) Minimum dimensions of a travel trailer site or campsite shall be 25 feet wide by 40 feet long;
- (4) No travel trailer or campsite shall be occupied for a period of more than 30 consecutive days;
- (5) Each travel trailer site or campsite be separated from other travel trailer spaces or campsites by a yard not less than 15 feet wide;
- (6) Parking shall be provided in accordance with Section 9-1-15.
- (7) There shall be a minimum yard setback of 40 feet at all lot lines of travel trailer park or campground;
- (8) It shall conform to the requirement of Chapter 77 Wisconsin Administrative Code;
- (9) The screening provisions for mobile home parks are met.

SEC. 9-1-88 USES IN CONSERVANCY DISTRICT.

Single-family residences, farm structures, mobile home parks, trailer parks and related uses will be permitted only if the property owner or developer can demonstrate the following:

- (a) That on-site soil tests indicate that the proposed structures, uses and sewage disposal can be accommodated adequately and safely.
- (b) That the lot in question is above any known high water mark.
- (c) Drain tile around foundations or other necessary improvements will be provided in areas having a high water table;
- (d) In areas of severe slopes (over 10 percent) practices such as terracing, retaining walls or extensive landscaping will be done in order to prevent erosion of top soils.

SEC. 9-1-89 MANUFACTURING, CONDITIONAL USE CLASSIFICATION; PERFORMANCE STANDARDS.

All manufacturing uses listed in the conditional use classification in the industrial district regulations shall give

evidence of ability to comply with the following standards before the issuance of a building permit or certificate of occupancy. Continued compliance shall be required during the operation of such uses and activities. No use already established on the effective date of this Chapter shall be so altered or modified as to conflict with or further conflict with the performance standards established hereafter.

(a) VIBRATION. No operation which creates vibrations which are readily detectable without the use of instruments at any point along lot lines shall be permitted.

(b) RADIOACTIVITY. No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation", dated June 16, 1957, and any subsequent revisions or amendments.

(c) ODOR. No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

(d) TOXIC OR NOXIOUS MATTER. No discharge beyond lot lines or any toxic or noxious matter in such quantity as to be detrimental to or endanger the public health, safety, comfort or welfare or cause injury or damage to property and/or business shall be permitted.

(e) GLARE. No direct or reflected glare shall be detectable from any residential district. If such glare is detectable, adequate buffering by fence, hedge, or wall shall be constructed to alleviate the condition.

(f) HEAT. No direct or reflected heat shall be detectable without instrument from any commercial or residential district boundaries. If such heat is detectable, adequate buffering by fence, hedge, or wall shall be constructed to alleviate the condition.

(g) DUST. No solid or liquid particles shall be emitted in concentrations exceeding three-tenths (0.3) grains per cubic foot of the conveying gas or air.

(h) ASH.

(1) No emission of fly ash in excess of the quantity specified in the following table shall be permitted:

<u>Heat of Fuel Burned</u> (British Thermal Unit Per Hour)	<u>Fly Ash</u> Rate of Emission (Lbs. Per Hour)
1,000,000	1
100,000,000	100
400,000,000	330
1,000,000,000	750
2,000,000,000	1,365
3,000,000,000	1,850
4,000,000,000	2,260
5,000,000,000	2,640
6,000,000,000	2,950
7,000,000,000	3,200
8,000,000,000	3,140
10,000,000,000	3,750

(2) For heat content between any two (2) consecutive heat contents given in the table, the fly ash limitations shall be determined by means of interpolation.

(i) SMOKE. No emission of smoke from any sources, as measured in the Ringlemann Chart published by the United States Bureau of Mines shall be permitted in excess of:

(1) In commercial districts a density described as Ringlemann No. 3 may be emitted for not more than three (3) minutes in any fifteen (15) consecutive minutes.

(2) In an industrial district a density described as Ringlemann No. 3.

j) PERFORMANCE STANDARDS - SOUND.

(1) At no point on or beyond the boundary of any lot in an industrial district shall or be the sound pressure level resulting from any use of activity whether open or enclosed, (except noises not directly under control of the property user, noises resulting from the construction and maintenance of buildings and facilities, including site preparation and the noises of safety signals, warning devices, railroads and airports), exceed the maximum permitted decibel levels for the designated octave band as set forth in the table below.

<u>Octave Band, Frequency</u> <u>In Cycles, Per Second</u>	<u>Sound Pressure Levels In</u> <u>Decibels</u>
0--74	79
75--149	74
150--299	66
300--599	59
600--1199	53
1200--2300	47
2400--4799	41
4800 and over	39

(2) Where industrial district abuts a district permitting residences, the maximum permitted decibel levels at any point on or beyond the district boundary shall be reduced by six (6) decibels from the maximum permitted level in the table.

SEC. 9-1-90 PRIVATE SWIMMING POOLS (Amended 12/1/96)

No swimming pool higher than thirty (30) inches shall be allowed in any residential district unless it complies with the following requirements:

(a) The pool is not operated as a business or private club, except when allowed as a permitted home occupation,

(b) The pool shall, not be located in any required front or required side yard, and shall not be closer than ten (10) feet to any property line of the property on which it is located. Pump and filter installations for pools shall not be closer than twenty (20) feet to any property line.

(c) Access to the pool shall be restricted by a fence or other barrier which complies with the following requirements:

(1) For a below grade swimming pool, the pool or property upon which said pool is located, shall be enclosed by a fence of a type which effectively controls the entrance by children to the pool area, said fence to be at least four (4) feet in height. Wooden fences with boards placed vertically shall not have any opening wider than four (4) inches per opening and wooden fences with boards placed horizontally shall not have any opening wider than one (1) inch per opening.

(2) Gates installed for access to the property or pool area shall be equipped with an automatic closing and latching device to protect against uncontrolled access to the pool.

(3) An above ground pool shall be deemed to be in compliance with the fencing requirement if the sidewalls supporting the deck of the pool deck are at least forty (40) inches in height, the perimeter of any deck is surrounded by a guard rail at least three (3) feet in height and all-entrances (including steps) to the pool or deck are equipped with a self-closing and self-latch device which keeps such door or gate securely closed at all times when not in actual use.

(4) All fences, guardrails, gates and closure devices required by this Section shall be maintained in good operating condition.

(5) Failure to restrict unauthorized access to the pool area by failing to maintain required fences or guard rails, failing to keep required gates closed and latched, or failing to remove or retract ladders providing access to the pool shall

constitute a violation of this Section and shall subject the owner to all penalties therefore.

(d) This Section shall not be construed as creating a duty on the part of the Village to inspect any property or otherwise enforce the provisions of this Section. The Village shall have no liability for any damages resulting from non-compliance or the failure to enforce the provisions of this Section.

SEC. 9--1-91 ANIMAL HOSPITALS.

Animal hospitals shall be located no closer than one hundred (100) feet to any residential district, restaurant, hotel or motel in any district and shall show that adequate measures and controls shall be taken to prevent, offensive, noise, and odor. No incineration of refuse shall be permitted on the premise.

SEC. 9-1-92 GUEST, HOUSES.

Guest houses without kitchen facilities may be constructed in rear yards, provided that they are, a minimum of ten (10) feet from any other building and provided all other yard requirements of this Chapter for a principal building are complied with.

SEC. 9-1-93 HOME OCCUPATIONS.

Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed twenty-five (25) percent of the area of any floor, uses only household equipment and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering and crafts. It shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment but not for the general practice of his profession. Home occupation does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, photographic studios, commercial stables or kennels.

SEC. 9-1-94 COUNTRY CLUBS: GOLF COURSES.

(a) No building shall be located within one hundred (100) feet of any property line;

(b) Facilities such as restaurants and bars may be permitted when conducted and entered from within the building.

(c) Swimming pools, tennis courts and the like shall be located not less than twenty-five (25) feet from any property line and adjoining property in any Residential, or Commercial District shall be effectively protected by a wall, hedge and/or screen planting.

SEC. 9-1-95 POULTRY FARM.

(a) Any building housing poultry shall be distant not less than two hundred (200) feet from every lot line.

(b) Proponent shall show that odor, dust, noise, and drainage, shall not constitute a nuisance or hazard to adjoining property or uses.

SEC. 9-1-96 ANIMAL FEED YARDS, ANIMAL SALES YARDS, COMMERCIAL KENNELS FOR DOGS OR CATS, RIDING ACADEMIES AND PUBLIC STABLES.

Animal feed yards, animal sales yards, commercial kennels for dogs or cats, riding academies and public stables shall be located no closer than two hundred (200) feet from any property line, shall provide automobile and truck egress, shall provide parking and loading spaces, so designed as to minimize traffic hazard and congestion, Proponent shall show that no odor, dust, noise, drainage shall constitute a nuisance or a hazard to adjoining property or uses.

SEC. 9-1-97 AGRICULTURAL USES IN RESIDENTIAL DISTRICTS.

Agricultural uses in any Residential District which process agricultural products produced on the premises or within a contiguous area shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic, shall provide parking and loading spaces, proponent shall show that adequate measures shall be taken to control odor, dust, noise and waste disposal so as not to constitute a nuisance and shall show that the proposed source of water will not deprive others of normal supply.

SEC. 9-1-98 DRIVE-IN THEATERS.

Drive-in theaters shall be located only on major or secondary thoroughfares, shall provide ingress and egress so designed as to minimize traffic congestion, shall be located sufficiently distant from any Residential District or existing dwelling and so screened from such district or dwelling that any noise shall not disturb residents and shall maintain lighted signs and other lights only in such a way as not to disturb neighboring residents.

SEC. 9-1-99 GOLF DRIVING RANGE AND AMUSEMENT PARKS.

Golf driving range and amusement parks shall be located on major or secondary thoroughfares or non-residential streets. Flood lights used to illuminate the premises are so directed and shielded as not to be an annoyance to any developed residential property. Golf driving platforms shall be not less than two

hundred (200) feet from any adjacent Residential District or existing dwelling. A temporary certificate may be granted to be in force for one year only, which certificate may be renewed for a period of one year at the expiration of such certificate, provided all requirements of this Chapter have been and can continue to be complied with.

SEC. 9-1-100 CEMETERIES: MAUSOLEUMS.

Cemeteries, crematories, mausoleums, columbariums shall provide entrance on a major street or road with ingress and egress so designed as to minimize traffic congestion, shall provide required off-street parking space and shall provide a minimum six (6) foot high wall or minimum three (3) foot thick six (6) foot high evergreen hedge or provide a minimum twenty (20) feet of permanently maintained planting strip on all property lines abutting any Residential District or residential street.

SEC. 9-1-101 AIRPORTS.

Airports or heliports or landing strip for aircraft shall be located no closer than six hundred (600) feet from any dwelling; shall provide runways only so oriented that aircraft landing and taking off do not pass directly over dwellings; shall be located so that air or land traffic shall not constitute a nuisance to neighboring uses; proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights; proponents shall show that the field in question meets the standards of the Federal Aviation Agency for the particular class of field.

SEC. 9-1-102 COMMUNITY BUILDINGS, SOCIAL HALLS, LODGES, FRATERNAL ORGANIZATIONS AND CLUBS.

(a) All buildings must be a minimum of twenty (20) feet from the side lot lines and fifty (50) feet from the rear lot line.

(b) There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.

SEC. 9-1-103 PRIVATE STABLES.

Private stables and paddocks shall be located on the rear half of the lot and not closer than twenty (20) feet to any property line, nor closer than forty (40) feet from any dwelling on the same or adjoining property. The minimum lot area upon which a horse may be kept is one (1) acre and two horses may be kept on such area. One additional horse may be kept for each twenty thousand (20,000) square feet by which the parcel of land exceeds one (1) acre.

SEC. 9-1-104 NURSING HOMES.

(a) Approval must be obtained from proper agencies concerning health and safety conditions and said home must be licensed by such agencies.

(b) Said use must meet space requirements specified by state law.

SEC. 9-1-105 RETAIL SALES FOR GUESTS ONLY.

Community buildings, private clubs, lodges, social or recreational establishments may engage in retail sales for guests only, provided that:

(a) There shall be no external evidence of any gainful activity, however incidental, nor any access to any space used for gainful activity other than from within the building.

(b) That there be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances.

SEC. 9-1-106 HOSPITALS, CHURCHES.

Hospitals, churches or other religious or eleemosynary institutions shall be located on a major street on a parcel of one-half (1/2) acre shall maintain a ten foot wide minimum landscaped strip on all property lines abutting Residential Districts and on all residential streets.

SEC. 9-1-107 FERTILIZER PLANTS.

Fertilizer plants and yards shall be no closer than two hundred (200) feet to any Residential District, shall provide automobile parking and truck loading area together with ingress and egress so designed to minimize traffic hazard and congestion, shall show that odor, dust, noise, and drainage shall not constitute a nuisance to surrounding properties.

SEC. 9-1-108 SHOOTING CLUBS.

A shooting club shall not be located within one (1) mile of any developed residential, commercial or industrial area, or place of public assembly. A temporary certificate will be granted, to be in force for one (1) year only, and may be resumed for a period of one (1) year at the expiration of each temporary certificate at the discretion of the Village, provided above requirements are met.

SEC. 9-1-109 INFLAMMABLE LIQUID STORAGE IN INDUSTRIAL DISTRICT.

Above ground storage of materials or products rated as fast-burning, or which produce flammable or explosive vapors or gases in quantities over one thousand (1,000) gallons will only be permitted in the Industrial District provided that such storage area is not less than six hundred (600) feet distant from any other zoning district. Such storage area must be provided with adequate fire suppression and fire-fighting equipment and devices standard to the industry and shall meet the requirements other applicable Village Ordinances.

SEC. 9-1-110 CIRCUS: CARNIVAL.

Involving temporary assemblages of over three hundred (300) people and their automobiles may only be permitted in any district provided that such establishment may not be located on a street developed with residences, within two hundred (200) feet of such residences or less than two hundred (200) feet from such residences, in any case for all such uses.

SEC. 9-1-111 BOWLING ALLEY: AMUSEMENT CENTERS.

Amusement center, bowling alley, dance hall and similar places of amusement shall provide parking with ingress and egress designed so as to minimize traffic congestion, shall not be less than twenty (20) feet from any property line, provide a minimum six (6) foot solid board fence or masonry wall separating parking area from abutting residential property and shall show that adequate controls or measures will be taken to prevent offensive noise and vibration.

SEC. 9-1-112 NURSERY SCHOOLS: DAY CARE CENTER (Amended 3/20/97).

All nursery schools and day care centers shall comply with applicable State laws and be duly licensed as a day care center pursuant to the requirements of State law. Reference State Statutes Chapter 66.304 and other applicable statutes.

SEC. 9-1-113 TEMPORARY TRACT OFFICE.

Temporary tract office in any district shall be located on the property to which it is appurtenant, shall be limited to a six months period, the expiration at which the applicant may request a further extension of time. Otherwise, the tract office shall be removed at the expense of the owner.

SEC. 9-1-114 MINERAL OR GRAVEL EXTRACTION.

(a) The extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals, or building or construction materials shall not be construed to be a permitted use in any

district established by the Chapter unless and until zoning permit shall first have been secured therefor, except for the following defined extractions and deposits:

(1) Excavations for the foundation or basement of any building or for a swimming pool for which a zoning permit and a building permit have been issued, or deposits on the earth of any building or construction materials to be used in a structure for which such zoning permit and building permit have been issued.

(2) Grading of any parcel of land for a permitted use where no bank is left standing and exposed of more than 10 feet in vertical height, or when less than one thousand (1,000) cubic yards of earth is removed from the premises.

(3) Grading in a subdivision which has been approved by the Village in accordance with the Winneconne Subdivision ordinance and any amendments thereto.

(4) Excavations by any public agency or public utility for the installation, operation, inspection, repair or replacement of any of its facilities.

(5) Any quarry existing and operating as such on the effective date of this section shall obtain a new use permit and conform with the provisions of this Chapter within one (1) year of the adoption of this Chapter.

(b) The Plan Commission shall have the power to grant conditional zoning permits, revocable and valid for specified periods of time, to permit extractions from or deposits on the earth of rock, stone, gravel, sand, earth, minerals or building or construction materials as set forth in this Section.

(c) The Building Inspector shall make such inspections as he deems necessary or as are required by the Plan Commission to ensure that all work is in accordance with the use permit. All inspection services shall be paid by the applicant at the actual cost to the Village.

(d) The conditions under which a use permit for excavation from or depositing on the earth of said materials may be issued, may include but are not limited to any requirements deemed necessary to protect the public health, safety, comfort, convenience or general welfare including insurance against liability arising from production or activities or operations incident thereto, completion of the work and cleaning up and planting in accordance with approved plans; designation of area in which work may be done; designation of the slope to which excavation may be made or the grade of filling; provisions for controlling dust; hours during which operations may proceed; precautions which must be taken to guide safe traffic movements in and around and by said operation; enclosure by fences of exterior boundaries of property to be used; posting of a good and

sufficient bond to assure compliance with the use permit and any other conditions deemed necessary by the Plan Commission.

Sections 9-1-115 through 9-1-129 Reserved.

ARTICLE H

Board Of Appeals; Variances

SEC. 9-1-130 BOARD OF APPEALS.

(a) APPOINTMENT. Appointment to the Board of Appeals shall be as stated in Section 2-4-6 of the Village of Winneconne Code of Ordinances.

(b) POWERS. The Board of Appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector.

(2) To hear and decide special exceptions to the terms of this Chapter upon which the Board of Appeals is required to pass.

(3) To authorize, upon appeal in specific cases, such variance from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the Chapter shall be observed, public safety and welfare secured and substantial justice done; provided, however, that no such action shall have the effect of establishing in any district a use or uses not permitted in such district.

(4) To permit the erection and use of a building or premises in any location subject to appropriate conditions and safeguards in harmony with the general purposes of this Chapter, for such purposes which are reasonably necessary for public convenience and welfare.

(5) The Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Building Inspector. The concurring vote of 4 members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any variation in the requirement of this Chapter. The grounds of every such determination shall be stated and recorded. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained within such period and the erection or alteration of a building is started or the use is commenced within such period.

SEC. 9-1-131 APPEALS AND VARIANCES.

Any person aggrieved or any officer, department, board or commission of the Village affected by any decision of the Building Inspector under this Chapter may appeal to the Board of Zoning Appeals by filing a notice of appeal with the Building Inspector and with the Board specifying the grounds of appeal within 30 days after the decision or action complained of. The Board of Appeals, after a public hearing, may determine and vary the regulations of this Chapter in harmony with their general purposes and intent, only in the specific instances hereinafter set forth, where the Board of Appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this Chapter.

SEC. 9-1-132 APPLICATION FOR VARIANCE AND NOTICE OF HEARING.
(Supp 11/92)

An application for a variance shall be filed in writing with the Building Inspector. A fee for the variance application shall be established by the Village Board from time to time and set forth in Appendix A to Title 9 of this Code. The fee shall be non-refundable. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of such public hearing shall be published at least once in a newspaper of general circulation in the Village of Winneconne and also by mailing notice thereof to the parties of interest, said publication and mailing to be made at least ten (10) days prior to the date of the hearing. The Board shall thereafter reach its decision within ninety (90) days from the filing of the application.

SEC. 9-1-133 STANDARDS FOR VARIANCE.

The Board of Appeals shall not vary the regulations of this Chapter, as authorized in Section 9-1-130 above, unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;

(b) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought and are not applicable, generally, to other property within the same zoning classification;

(c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;

(d) The alleged difficulty or hardship is caused by this Chapter and has not been created by any person presently having an interest in the property;

(e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located; and

(f) The proposed variation will not impair an adequate supply of light and air adjacent property or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(g) The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Article.

SEC. 9-1-134 AUTHORIZED VARIANCES.

Variances from the regulations of this Chapter shall be granted by the Board of Appeals only in accordance with the standards established in Section 9-1-130 above, and may be granted only in the following instances and in no others:

(a) To permit any yard or setback less than a yard or a setback required by the applicable regulations;

(b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 percent of the required area and width;

(c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;

(d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;

(e) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served; and

(f) To increase by not more than 10 percent the maximum gross floor area of any use so limited by the applicable regulations.

(g) To permit such other reasonable variations from the regulations of this chapter as shall be deemed necessary to prevent a genuine hardship or be deemed to be in the best interest of the Village. (Supp 09/84)

SEC. 9-1-135 SEPARABILITY.

It is hereby declared to be the intention of the Village Board of the Village of Winneconne that the several provisions of this Chapter are separable in accordance with the following:

(a) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.

(b) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

Sections 9-1-136 through 9-1-139 Reserved.

ARTICLE I

Definitions

SEC. 9-1-140 DEFINITIONS.

For the purpose of this Chapter, certain words are defined as follows: words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular. The word "building" includes the word "structure", the word "shall" is mandatory and not directory.

(a) ACCESSORY BUILDING OR STRUCTURE. A building or portion of a building subordinate to the main building but not part of the main building and used for a purpose customarily incidental to the permitted use of the main building.

(b) AGRICULTURAL USE. Agricultural uses include farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

(c) ALLEY. A street or thoroughfare affording only secondary access to abutting property.

(d) BASEMENT. That portion of any structure located partly below the average adjoining lot grade.

(e) BED AND BREAKFAST ESTABLISHMENTS. "Bed and Breakfast Establishment" means any place of lodging that provides two (2) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and which the only meal served to guests is breakfast.

(f) BED AND BREAKFAST AGENT. The person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Zoning Official at least five (5) days prior to a designated agent taking charge.

(g) BUILDING. Any structure used, designed, or intended for the protection, shelter, enclosure or support of persons or property.

(h) BUILDING, HEIGHT OF. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the roof .

(i) CONDITIONAL USE. A use of land, water or building which is allowable only after the issuance of a special permit by the Plan Commission under conditions specified in this Ordinance.

(j) CORNER LOT. A lot abutting two or more streets at their intersection.

(k) DENSITY. Number of living units per acre allowable under the schedule of district regulations.

(l) DETACHED STRUCTURE. A structure surrounded by open space on the same lot.

(m) DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family. Excludes mobile home units.

(1) DWELLING, TWO-FAMILY. A building or portion thereof designed for and occupied by two-families.

(n) DWELLING, MULTI-FAMILY. A building or portion thereof designed for and occupied by two or more families.

(o) FAMILY. A group of persons related by blood or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

(p) FLOOD PLAIN. (Floodplain) The land adjacent to a body of water which is subject to periodic overflow therefrom.

(q) FLOODWAY. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

(r) FLOOR AREA. Area in square feet of all floors in all buildings including elevators and stairways. Measured from outside of exterior wall to outside of exterior wall and multiplied by the number of floors. Includes basements which are used in the primary function of the building.

(s) FLOOR AREA RATIO. The square footage of floor area on all floors for each square foot of lot area.

(t) FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street line.

(u) GARAGE, PRIVATE. An accessory building or space for the storage only of not more than three non-commercial vehicles per dwelling.

(v) GARAGE, PUBLIC. Any building or premises, other than a private or storage garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.

(x) GARAGE, STORAGE. Any building or premises used for storage of motor driven vehicles and where no vehicles are serviced, repaired, hired or sold.

(y) HOME OCCUPATION. A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such is permissible for purely domestic purposes and that no person other than a member of the immediate family living on the premises is employed.

(z) HOTEL-MOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation.

(aa) LIVING SPACE RATIO. The square footage of open space, less the space used for vehicular movement, that exists for each square foot of building floor area.

(bb) LOADING AREA. A completely 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.

(cc) LOT. A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory building together with the open space as required by this Chapter and on a public street.

(dd) LOT, DEPTH OF. The mean horizontal distance between the front and rear lot lines.

(ee) LOT LINES. The lines bounding lots as defined herein.

(ff) LOT WIDTH. The shortest distance between side lot lines measured at the building setback line.

(gg) MINOR STRUCTURES. Any small, movable accessory erection or construction such as birdhouses; tool houses; pethouses; play equipment; arbors; and walls and fences under four (4) feet in height.

(hh) MOBILE HOME. Any vehicle designed, used, or so constructed as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner that will permit occupancy thereof as a residence or sleeping place for one or more persons.

(ii) NON-CONFORMING USE. A building or premises lawfully used or occupied at the time of the passage of this Chapter or amendments thereto, which use of occupancy does not conform to the regulations of this Chapter or any amendments thereto.

(jj) PRINCIPAL BUILDING. The building on a lot in which the principal use as permitted on such lot by the regulations of the district in which it is located.

(kk) SETBACK. The minimum horizontal distance between the street line and the nearest point of a building or any projection thereto.

(ll) SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks 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

(mm) STREET. Any property dedicated or intended for public or private street purposes or subject to public easements.

(nn) STORY. That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

(oo) STREET LINE. A dividing line between a lot, tract or parcel of land and a contiguous street.

(pp) STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground.

(qq) STRUCTURAL ALTERATIONS. Any change in the supporting members of a building or any substantial change in the roof or in the exterior walls.

(rr) VISION CLEARANCE. An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connecting points determined by measurements from the corner of each street line, the dimensions being as stated in this Chapter.

(ss) WATERLINE. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the normal high water mark of such stream.

(tt) YARD. Any open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

(uu) YARD, FRONT. A yard extending the full width of the lot between the front lot line and nearest part of the main building.

(vv) YARD, REAR. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building.

(xx) YARD SIDE. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.

END OF CHAPTER 1

CHAPTER 2

Floodplain Zoning

<u>Article A</u>	<u>Introduction</u>
§ 9-2-1	Statutory Authorization
§ 9-2-2	Finding of Fact
§ 9-2-3	Statement of Purpose
§ 9-2-4	Title of Chapter
§ 9-2-5	through § 9-2-9 Reserved
<u>Article B</u>	<u>General Provisions</u>
§ 9-2-10	Areas to be Regulated
§ 9-2-11	District Boundaries
§ 9-2-12	Locating Floodplain Boundaries
§ 9-2-13	Removal of Lands From Floodplain
§ 9-2-14	Compliance with Chapter
§ 9-2-15	Abrogation and Greater Restrictions; Interpretation of Chapter
§ 9-2-16	Warning and Disclaimer of Liability
§ 9-2-17	Severability
§ 9-2-18	General Standards Applicable to All Floodplain Districts
§ 9-2-19	Reserved
<u>Article C</u>	<u>Floodway District (FW)</u>
§ 9-2-20	Applicability
§ 9 9-21	Permitted Uses
§ 9-2-22	Standards for Developments in Floodway Areas
§ 9-2-23	Prohibited Uses
§ 9-2-24	through § 9-2-29 Reserved
<u>Article D</u>	<u>Flood Fringe District (FF)</u>
§ 9-2-30	Applicability
§ 9-2-31	Permitted Uses
§ 9-2-32	Standards for Development in Flood Fringe Areas
§ 9-2-33	through § 9-2-39 Reserved
<u>Article E</u>	<u>General Floodplain District (GFP)</u>
§ 9-2-40	Applicability
§ 9-2-41	Permitted Uses
§ 9-2-42	Standards for Development in the General Floodplain District
§ 9-2-43	Determining Floodway and Floodfringe Limits
§ 9-2-44	through § 9-2-49 Reserved
<u>Article F</u>	<u>Nonconforming Uses</u>
§9-2-50	General

§9-2-51 Floodway Areas
§9-2-52 Flood Fringe Areas
§9-2-53 through §9-2-59 Reserved

Article G

Administration

§ 9-2-60 Zoning Administrator
§ 9-2-61 Administrative Procedures
§ 9-2-62 Zoning Agency
§ 9-2-63 Board of Appeals
§ 9-2-64 Review Appeals of Permit Denials
§ 9-2-65 Floodproofing
§ 9-2-66 Public Information
§ 9-2-67 through § 9-2-69 Reserved

Article H

Amendments

§ 9-2-70 Amendments Generally
§ 9-2-71 Amendment Procedures
§ 9-2-72 through § 9-2-79 Reserved

Article I

Enforcement and Penalties

§ 9-2-80 Enforcement and Penalties
§ 9-2-81 through § 9-2-89 Reserved

Article J

Definitions

§9-2-90 Definitions

ARTICLE A

Introduction

SEC. 9-2-1 STATUTORY AUTHORIZATION.

This Chapter for floodplain protection is adopted pursuant to the authorization contained in Sections 61.35 and 87.30, Wis. Stats.

SEC. 9-2-2 FINDING OF FACT.

The uncontrolled development and use of the floodplains, rivers or streams of the Village of Winneconne, Wisconsin would adversely affect the public health, safety, convenience and general welfare and impairs its tax base.

SEC. 9-2-3 STATEMENT OF PURPOSE.

The purpose of this Chapter is to provide a uniform basis for the preparation, implementation and administration of sound floodplain regulations for all floodplains within the Village of Winneconne to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public monies for costly flood control projects;
- (c) Minimize rescue and relief efforts, generally undertaken at the expense of the general public;
- (d) Minimize business interruptions which usually result in the loss of local incomes;
- (e) Minimize damage to public facilities on the floodplains such as water mains, sewer lines, streets and bridges;
- (f) Minimize the occurrence of future flood blight areas on floodplains; and
- (g) Discourage the victimization of unwary land and home buyers.
- (h) Prevent increases in regional flood heights that could increase flood damage and may result in conflicts or litigation between property owners.

SEC. 9-2-4 TITLE.

This Chapter shall be known as the Floodplain Zoning Ordinance for the Village of Winneconne, Wisconsin.

SEC. 9-2-5 THROUGH SEC. 9-2-9 RESERVED.

ARTICLE B

General Provisions

SEC. 9-2-10 AREAS TO BE REGULATED.

Areas regulated by this Chapter include all lands, within the corporate limits of the Village of Winneconne, Wisconsin, that would be inundated by the "regional flood" defined in the Definitions, Section 9-2-90(a) of this Chapter, and include "floodplain islands" where emergency rescue and relief routes would be inundated by the regional flood.

SEC. 9-2-11 DISTRICT BOUNDARIES.

(a) OFFICIAL MAP. The boundary of the floodplain districts, including the floodway and flood fringe districts, shall be those areas designated as floodplains or A-zones on the flood insurance survey maps and corresponding profiles contained in the flood insurance study. This map dated August 1994 is the official floodplain zoning map for the community and has been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA) and is on file in the office of the Village Clerk. If more than one map is referenced, the regional flood profiles govern boundary discrepancies according to Sec. 9-2-12 below.

(b) DISTRICTS. The regional floodplain areas within the jurisdiction of this Chapter are hereby divided into three districts: the Floodway District (FW), Flood Fringe District (FF), and General Floodplain District (GFP), defined as follows:

(1) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the regional flood waters.

(2) The Flood Fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.

(3) The General Floodplain District (GFP) consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It encompasses both the Floodway and Flood Fringe Districts.

SEC. 9-2-12 LOCATING FLOODPLAIN BOUNDARIES.

(a) Where an apparent discrepancy exists between the location of the outermost boundary of the Flood Fringe District or General Floodplain District shown on the official floodplain zoning map and actual field conditions, the location of the district boundary line shall be initially determined by the Zoning Administrator using the criteria set forth in

Subsections (b) or (c) below. Where the Zoning Administrator finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in Article H. Disputes between the Zoning Administrator and an applicant on the location of the district boundary line shall be settled according to Section 9-2-63.

(b) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map and the location indicated by the regional flood elevations and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this Section within a reasonable period of time.

(c) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Village Board and the Department, the Zoning Administrator shall have the authority to grant or deny a land use permit.

SEC. 9-2-13 REMOVAL OF LANDS FROM FLOODPLAIN.

Compliance with the provisions of this Chapter shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two (2) feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district, and the map is amended pursuant to Article H. To remove the land from flood insurance requirements, FEMA must first revise the flood insurance rate map or issue a letter of map amendment or revision.

SEC. 9-2-14 COMPLIANCE WITH CHAPTER.

(a) COMPLIANCE. The use or development, as defined in Sec. 9-2-90(a), or use within the areas to be regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state and federal regulations.

(b) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Chapter and obtain all necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Sec. 30.12(4)(a), Wis. Stats., applies.

SEC. 9-2-15 ABROGATION AND GREATER RESTRICTIONS;
INTERPRETATION OF CHAPTER.

(a) GREATER RESTRICTIONS. This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Sections 61.35 or 87.30, Wis. Stats., which relate to floodplains except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) ABROGATION. It is not otherwise intended by this Chapter to repeal, abrogate, or impair any existing easements, covenants or deed restrictions; however, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

(c) INTERPRETATION. In their interpretations and application, the provisions of this Chapter shall be held to be minimum requirements liberally construed in favor of the governing body, and shall not be deemed a limitation on or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 116, Wisconsin Administrative Code, and where the meaning of the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 116 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

SEC. 9-2-16 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages. Nor does this Chapter create a liability on the part of or a cause of action against, the Village or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

SEC. 9-2-17 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.

SEC. 9-2-18 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

(a) GENERAL STANDARDS.

(1) No development, except as provided in Subsection (a)(2) below, shall be allowed in floodplain areas which will:

a. Cause an obstruction to flow, defined in Sec. 9-2-90(a) as any development which physically blocks the conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or

b. Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot.

(2) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with Article H, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream.

(3) The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

(b) MOBILE HOMES AND MANUFACTURED HOMES.

(1) Owners or operators of all manufactured or mobile home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage.

(2) All new, replacement and substantially improved manufactured or mobile homes to be placed or improved on a site located in the regional floodplain shall:

- a. Be elevated to the flood protection elevation;
- b. Meet the residential development standards for the floodfringe in Sec. 9-2-33(b); and
- c. Be anchored so they do not float, collapse or move laterally during a flood.

(c) WATERCOURSE ALTERATIONS. Prior to any alteration or

relocation of a watercourse, and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the Zoning Administrator shall notify, in writing, adjacent municipalities, the appropriate district office of the Department of Natural Resources and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

(d) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT. Development which requires a permit from the Department of Natural Resources, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids may be allowed provided the necessary local permits are obtained and necessary amendments to the official floodway lines, water surface profiles, floodplain zoning maps or floodplain zoning ordinance, are made according to Article H.

ARTICLE C

Floodway District (FW)

SEC. 9-2-20 APPLICABILITY.

The provisions of this Article shall apply to all areas within the Floodway District, as shown on the official floodplain zoning maps, and to the floodway portion of the General Floodplain District, as determined pursuant to Section 9-2-43 of this Chapter.

SEC. 9-2-21 PERMITTED USES.

The following open space uses are permitted within the Floodway District, and in the floodway portion of the General Floodplain District, provided that they are not prohibited by any other ordinance, and provided further that they meet all of the standards contained in Section 9-2-22, and all permits or certificates have been issued according to Article G.

- (a) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as: loading areas, parking areas, and airport landing strips.
- (c) Private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- (d) Uses or structures accessory to open space uses, or essential for historical areas, providing they are not in conflict with the provisions in Sections 9-2-22 and 9-1-23.
- (e) Extraction of sand, gravel or other materials pursuant to Sec. 9-2-22(d).
- (f) Docks, piers or wharves, including docks, piers or wharves used as part of a marina, and other water-related uses, such as dams flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to Chapters 30 and 31, Wis. Stats.
- (g) Public utilities, streets and bridges, according to Sec. 9-2-22(c).

SEC. 9-2-22 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS.

- (a) GENERAL REQUIREMENTS.
 - (1) Any development in floodway areas shall:
 - a. Meet all of the provisions of Section 9-2-18; and
 - b. Have a low flood damage potential.

- (2) Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to Sec. 9-2-18(a):
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether 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 where it is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the date submitted for Subsection 9-2-22(a) (2) above.

(b) STRUCTURES. Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:

- (1) The structures are not designed for human habitation;
- (2) The structures are constructed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters, and approximately on the same line as those of adjoining structures;
- (3) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
- (4) The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for the particular area.

(c) UTILITIES. Public utilities, streets and bridges provided that:

- (1) Adequate flood-proofing measures are provided to the flood protection elevation;
- (2) Construction does not cause an increase in the regional flood height according to Sec. 9-2-18(a), except where the water surface profiles, floodplain zoning maps and floodplain zoning ordinance are amended as needed, to reflect any changes resulting from such construction.

(d) FILLS. Fills or deposition of materials may be permitted provided that:

- (1) The requirements of Section 9-2-18(a) are met;
- (2) The fill or deposition of materials does not encroach on the channel area between the ordinary high water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act., Amendments of 1972, 33 U.S.C. 1334 has

been issued, if applicable, and the other requirements of this Section are met;

- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion; and provided that Such fills are not associated with private or public solid waste disposal.

SEC. 9-2-23 PROHIBITED USES.

All uses not listed as permitted uses in Sec. 9-2-21 are prohibited within the floodway district and in the floodway portion of the general floodplain district including the following uses which are always prohibited in the floodway:

- (a) Structures designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses;
- (b) Storage of any materials that are capable of floating, flammable, explosive, or injurious to property water quality, or human, animal, plant, fish or other aquatic life;
- (c) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;
- (d) All 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 Chapter ILHR 83, Wisconsin Administrative Code;
- (e) All public or private wells which are used to obtain water for ultimate human consumption; except those for recreational areas that meet the requirements of local ordinances and Chapters NR 111 and NR 112, Wis. Adm. Code.
- (f) All solid and hazardous waste disposal sites, whether public or private.
- (g) All wastewater treatment ponds or facilities except those permitted under Sec. NR 110.15(3)(b), Wis. Adm. Code.
- (h) All sanitary sewer or water lines except those to service existing or proposed development outside the floodway which complies with the regulations for the floodplain area occupied.

ARTICLE D

Flood Fringe District (FF)

SEC. 9-2-30 APPLICABILITY.

The provisions of this Article shall apply to all areas within the Flood Fringe District, as shown on the official floodplain zoning maps, and to those portions of the General Floodplain District that are determined to be in the flood fringe area pursuant to Section 9-2-64 of this Chapter.

SEC. 9-2-31 PERMITTED USES.

Any structures, land use, or development, including accessory structures and uses, are allowed within the Flood Fringe District and flood fringe portions of the General Floodplain District, provided that the standards contained in Section 9-2-32 are met, that the use is not prohibited by this or any other ordinance or any other local, state or federal regulation and that all permits or certificates required by Article G have been issued.

SEC. 9-2-32 STANDARDS FOR DEVELOPMENT IN FLOOD FRINGE AREAS.

- (a) STANDARDS. All of the provisions of Section 9-2-18 shall apply hereto.
- (b) RESIDENTIAL USES. Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area shall meet or exceed the following standards:
 - (1) The elevation of the lowest floor excluding the basement or crawlway, shall be at or above the flood protection elevation (which is a point two [2] feet above the regional flood elevation) except where Subsection (2) below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Appeals grants a variance due to dimensional restrictions.
 - (2) The basement or crawlway floor may be placed at the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.
 - (3) Contiguous dryland access, defined in Sec. 9-2-90, as a vehicle access route above regional flood elevation, shall be provided from a structure or building to land

which is outside of the floodplain, except as provided in Subsection (4).

- (4) In existing developments where existing streets or sewer lines are at elevations which make compliance with Subsection (3) impractical, the Village may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:
 - a. The Village has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structures) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or
 - b. The Village has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.
- (c) ACCESSORY STRUCTURES OR USES. An accessory structure or use (not connected to a principal structure, including nonresidential agricultural structures) shall meet all the applicable provisions of Section 9-2-22(a), (b) and (d) and 9-2-23. A lesser degree of protection, compatible with these criteria and the criteria in Subsection (d) may be permissible for an accessory structure or use providing that the site is not inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood.
- (d) COMMERCIAL USES. Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements of Section 9-2-32(b) above. Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of Subsection (f). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.
- (e) MANUFACTURING, AGRICULTURAL AND INDUSTRIAL USES. Any manufacturing, agricultural or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, Section 9-2-65, or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in Subsections

- (d) and (f) may be permissible for storage yards, parking lots and accessory structures or uses.
- (f) STORAGE OR PROCESSING OF MATERIALS. The storage or processing of materials that are buoyant, flammable, explosive, or which in times of flooding, could be injurious to property, water quality or human, animal, fish, plant or adequate life, shall be at or above the flood protection elevation for the particular area or flood proofed in compliance with Section 9-2-65. Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.
- (g) PUBLIC UTILITIES, STREETS AND BRIDGES. All utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans; and
- (1) When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed, in compliance with Section 9-2-65, to the flood protection elevation;
 - (2) Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.
- (h) SEWAGE SYSTEMS. All on-site sewage disposal systems shall be flood proofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Chapter DILHR 83 Wisconsin Administrative Code.
- (i) WELLS. All wells, whether public or private, shall be flood proofed to the flood protection elevation, pursuant to Section 9-2-65, and shall meet the applicable provisions of Chapters NR 111 and NR 112, Wis. Adm. Code.
- (j) SOLID WASTE DISPOSAL SITES. All solid or hazardous waste disposal sites, whether public or private, are prohibited in flood fringe areas.
- (k) DEPOSITION OF MATERIALS. Any materials deposited for any purpose may only be allowed if all the provisions of this Chapter are met.

ARTICLE E

General Floodplain District (GFP)

SEC. 9-2-40 APPLICABILITY.

The provisions for this district shall apply to all floodplains in the Village for which "regional flood" data, as defined in the Definitions, Section 9-2-90(a), is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be placed in the Flood Fringe or Floodway District, as appropriate.

SEC. 9-2-41 PERMITTED USES.

The General Floodplain District encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 9-2-43, to determine whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in floodways and floodfringe areas are allowed within the general floodplain district, according to the standards of Sec. 9-2-42 and provided that all permits or certificates required under Sec. 9-2-61 have been issued.

SEC. 9-2-42 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT.

Once it is determined according to Sec. 9-2-43 that a proposed use is located within a floodway, the provisions of Article C shall apply. Once determined that the proposed use is located within the floodfringe, the provisions of Article D shall apply. All provisions of the remainder of this Chapter apply to either district.

SEC. 9-2-43 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS.

Upon receiving an application for development within the general floodplain district, the Zoning Administrator shall:

- (a) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.

- (b) Require the applicant to furnish any of the following additional information as is deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and where applicable to determine the boundaries of the floodway:
- (1) A typical valley cross-section showing the channel of the stream, 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.
 - (2) Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement 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.
 - (3) Profile showing the slope of the bottom of the channel or flow line of the stream.
 - (4) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department District office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Sec. 9-2-61 (a) (3) apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

SEC. 9-2-44

THROUGH

SEC. 9-2-49

RESERVED.

ARTICLE F

Nonconforming Uses

SEC. 9-2-50 GENERAL.

Insofar as the standards in this Article are not inconsistent with the provisions of Section 62.23(7) (h), Wis. Stats., they shall apply to all nonconforming structures and nonconforming uses. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises which was lawful before passage of this Chapter or any amendment thereto. The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this Chapter may be continued subject to the following conditions:

- (a) No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this Chapter for the area of floodplain occupied. The words "modification" and "addition" shall include, but not be 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 modifications or additions; these include internal and external 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.
- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall be made to conform to the applicable requirements of this Chapter.
- (c) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the floodway, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, and the cost of those additions or modifications which have been permitted;
- (d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty (50%) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter and

contiguous dry land access is provided in compliance with Section 9-2-32(b) (3) or (4).

- (e) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the requirements of this ordinance. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty (50%) percent of the present equalized assessed value of the structure.

SEC. 9-2-51 FLOODWAY AREAS.

- (a) No modifications or additions shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (1) Has been granted a permit or variance; and
 - (2) Meets the requirements of Sec. 9-2-50; and
 - (3) Will not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Sec. 9-2-65, by means other than the use of fill, to the flood protection elevation.
- (b) 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 provisions of local ordinances and Chapter DILHR 83, Wis. Admin. Code.
- (c) No new well used to obtain water for ultimate human consumption, or modifications to an existing well, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable provisions of all municipal ordinance and Chapters NR 111 and NR 112, Wis. Adm. Code.

SEC. 9-2-52 FLOOD FRINGE AREAS.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the flood fringe area unless such modification or addition has been granted a permit or variance and in addition, the modification or addition shall be placed on fill or flood proofed to the flood protection elevation in compliance with the applicable regulations for

that particular use in Sec. 9-2-32, except where subsection (b) is applicable.

- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship, and only where the structure will not be either used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedure in Section 9-2-63, may grant a variance from those provisions of subsection (a) 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:

- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not to be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials described in Section 9-2-32(f).
- (c) If neither the provisions of Subsections (a) nor (b) above can be met, an addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe on a one-time basis only, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
 - (2) Does not exceed sixty (60) square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, does not exceed fifty (50%) percent of the present equalized assessed value of the building.
- (d) 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. DILHR 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapter and Ch. NR 111 and NR 112, Wis. Adm. Code.

ARTICLE G

Administration

(NOTE: This Article provides for the appointment of appropriate boards and staff, and the development of necessary policies and procedures, to administer the floodplain zoning ordinance in accordance with this Article. Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under Section 62.23(7), Wis. Stats., these officials shall also administer the floodplain zoning ordinance.)

SEC. 9-2-60 ZONING ADMINISTRATOR.

The Village Zoning Administrator is hereby authorized to administer the provisions of this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applicants as to the provisions of this Chapter, assist them 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 this Chapter and issue Certificates of Compliance when appropriate.
- (c) Keep records of all official actions such as:
 - (1) All permits issued.
 - (2) Inspections made.
 - (3) Work approved.
 - (4) Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - (5) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
- (d) Submit copies of the following items to the Department district office:
 - (1) Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - (2) Copies of 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.
- (e) Investigate, prepare reports and report violations of this Chapter to the appropriate Village committee and to the municipal attorney, for prosecution. Copies of the violation reports shall also be sent to the appropriate district office of the Department of Natural Resources.
- (f) Submit copies of map and text amendments and biennial reports to the Regional Office of FEMA.,

- (a) LAND USE PERMIT. A land use permit shall be obtained from the Zoning Administrator before any new "development," as defined in Section 9-2-90(a), or any change in the use of an existing building or structure, including sewage disposal systems and water supply facilities, may be initiated. Application for a land use permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:
- (1) General Information:
 - a. Name and address of the applicant, property owner, and contractor-builder;
 - b. Legal description of the property, type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;
 - (2) Site Development Plan: The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
 - h. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of Article C or Article D of this Chapter are met.
 - i. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Sec. 9-2-18(a). This may include any of the information noted in Sec. 9-2-22(a).

(3) Data Requirements To Analyze Developments

a. The applicant shall provide all computations and survey data required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Sec. 236.02(3), Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-Five Thousand (\$125,000.00) Dollars. The applicant shall provide:

1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
2. A map showing location and details of vehicular access to lands outside the floodplain.
3. A surface drainage plan with adequate details showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing, and similar items reasonably applied to the overall development costs, but need not include land costs.

b. The Department will determine elevations and evaluate the proposal where the applicant is not required to provide computations as above, and inadequate data exists. The municipality may transmit additional information, such as the date in Sec. 9-2-43(b) where appropriate, to the Department with the request for analysis.

(4) Expiration: All permits issued under the authority of this Chapter shall expire one (1) year from the date of issuance.

(b) CERTIFICATE OF COMPLIANCE. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required subject to the following provisions:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter.
- (2) Application for such certificate shall be concurrent with the application for a permit.
- (3) The certificate of compliance shall be issued within ten (10) days after notification of completion of the work specified in the permit, providing the

building or premises or proposed use conforms with all the provisions of this Chapter.

- (4) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered architect or professional engineer that floodproofing adequacy meets the requirements of Sec. 9-2-65.
- (c) OTHER PERMITS. It is the responsibility of the applicant to secure all other necessary permits from all appropriate Federal, State and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

SEC. 9-2-62 ZONING AGENCY.

(a) A zoning agency or committee shall have the following duties and powers to:

- (1) Oversee the functions of the office of the Zoning Administrator;
- (2) Review and make recommendations to the Village Board on all proposed amendments to the floodplain zoning ordinance map and text;
- (3) Maintain a complete public record of all its proceedings.

(b) The zoning agency shall not grant variances to the terms of this Chapter nor amend the text or zoning maps in place of official action by the Board of Appeals or Village Board.

SEC. 9-2-63 BOARD OF APPEALS.

(a) STATUTORY AUTHORIZATION. The appropriate board created under Chapter 62. 23 (7) (e), Wis. Stats. , for cities or villages is hereby authorized to act as Board of Appeals for the purposes of this Chapter. The Board of Appeals 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.

(b) POWERS AND DUTIES. The Board of Appeals shall:

- (1) Appeals. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
- (2) Boundary Disputes. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- (3) Variances. Hear and decide, upon appeal, variances from the dimensional standards of this Chapter.

(c) APPEALS TO THE BOARD. Appeals to the Board of Appeals may be taken by any person aggrieved of by an officer,

department, board or bureau of the municipality affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days, as provided by the rules of the Board, by filing with the Zoning Administrator, and with the Board of Appeals, a notice of appeal specifying the reasons for appeal. The official whose decision is in question shall transmit to the Board all the papers constituting the record concerning the matter appealed.

(d) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES.

(1) Notice. The Board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish adequate Class 1 or 2 notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
- c. Assure that notice shall be mailed to the parties in interest and the district office of the Department at least ten (10) days in advance of the hearing.

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

- a. Resolve boundary disputes according to subsection (d);
- b. Decide variance applications according to subsection (e);
- c. Decide appeals of permit denials according to Sec. 9-2-64.

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

- a. Be made within a reasonable time;
- b. Be sent to the district office of the Department within ten (10) days of the decision;
- c. Be a written determination signed by the chairperson or secretary of the board;
- d. State the specific facts which are the basis for the Board's decision;
- e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the application for a variance;
- f. Include the reasons or justifications for granting an appeal, with a description of the hardship or practical difficulty demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

(e) BOUNDARY DISPUTES. The following procedure shall be used by the Board of Appeals in hearing disputes concerning the district boundaries shown on the official floodplain zoning map:

- (1) Where a floodplain district boundary is established by approximate or detailed floodplain studies the regional flood elevations or profiles for the point in question shall be the governing factor in locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.
 - (2) In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.
 - (3) Where it is determined that the district boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the location of the boundary to petition the governing body for a map amendment according to Article H.
- (e) VARIANCE.
- (1) The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates that:
 - a. Literal enforcement of the provisions of the Chapter will result in unnecessary hardship on the applicant;
 - b. The hardship is due to adoption of the floodplain ordinance and special conditions unique to the property; not common to a group of adjacent lots or premises (in such case the Chapter or map must be amended);
 - c. Such variance is not contrary to the public interest;
 - d. Such variance is consistent with the purpose of this Chapter.
 - (2) A variance shall not:
 - a. Grant, extend or increase any use of property prohibited in the zoning district;
 - b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created;
 - d. Damage the rights or property values of other persons in the area;
 - e. Permit a lower degree of flood protection in the floodplain than the flood protection elevation;
 - f. Allow any floor, basement or crawlway below the regional flood elevation;
 - g. Allow actions without the required amendment to this Chapter or map(s) described in Sec. 9-2-70.
- (c) When a variance is granted in a floodplain area the Board shall notify the applicant in writing that increased flood insurance premiums may result. A copy of this notification shall be maintained with the variance appeal record.

- (a) The Zoning Agency or Board of Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):
 - (1) Permit application data listed in Sec. 9-2-61(a);
 - (2) Floodway/floodfringe determination data in Sec. 9-2-43;
 - (3) Data listed in Sec. 9-2-22(a) (2)b where the applicant has not submitted this information to the Zoning Administrator.
 - (4) Other data submitted to the Zoning Administrator with the permit application, or submitted to the Board with the appeal.
- (b) For appeals of all denied permits the Board shall:
 - (1) Follow the procedures of Sec. 9-2-63;
 - (2) Consider Zoning Agency recommendations;
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation the Board shall:
 - (1) 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 any appropriate legal arrangements are made with all adversely affected property owners.
 - (2) 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.

Sec. 9-2-65 FLOODPROOFING.

- (a) No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation. Where floodproofing measures, as defined in Sec. 10-2-90(a) are required, they shall be designed to:
 - (1) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood;
 - (2) Assure protection to the flood protection elevation;
 - (3) Provide anchorage of structures to foundations to resist flotation and lateral movement;
 - (4) Insure that the structural walls and floors are watertight and the interior remains completely dry during flooding without human intervention.
- (b) Flooding measures could include:
 - (1) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris;

- (2) Addition of mass or weight to structures to prevent flotation;
- (3) Placement of essential utilities above the flood protection elevation;
- (4) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures;
- (5) Construction of water supply wells, and waste treatment systems to prevent the entrance of flood waters into the systems;
- (6) Cutoff valves on sewer lines or elimination of gravity flow basement drains.

SEC. 9-2-66 PUBLIC INFORMATION.

- (a) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the regional flood at appropriate locations within the floodplain.
- (b) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.
- (c) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

SEC. 9-2-67 THROUGH SEC. 9-2-69 RESERVED.

ARTICLE H

Amendments

SEC. 9-2-70 AMENDMENTS GENERALLY.

The Village Board may supplement or change the boundaries of the floodplain zoning districts and the regulations contained in this Chapter in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (a) Any change to the official floodplain zoning map including the floodway line or boundary of any floodplain area;
- (b) Correction of significant discrepancies between the water surface profiles and floodplain zoning maps;
- (c) 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;
- (d) Any fill or encroachment into the floodplain that will obstruct flow causing an increase of 0.01 foot or more in regional flood height;
- (e) Any upgrading of floodplain zoning ordinances required by Section NR 116.05(4), Wisconsin Administrative Code, or otherwise required by law.

SEC. 9-2-71 AMENDMENT PROCEDURES.

- (a) Amendments to this Chapter may be made upon petition of any interested party in accordance with the provisions of Section 62.23, Wis. Stats. Such petitions shall include any necessary data required by Sections 9-2-43 and 9-2-61(a).
- (b) Copies of any amendment proposed to the Village Board shall be referred to the zoning agency, described in Section 9-2-62, for a public hearing and recommendation to the Village Board. Copies of the proposed amendment and notice of the public hearing shall be submitted to the appropriate District office of the Department of Natural Resources for review prior to the meeting. The amendment procedure shall comply with the provisions of Section 62.23, Wis. Stats.
- (c) No amendment to the maps or text of this Chapter shall become effective until reviewed and approved by the Department of Natural Resources.
- (d) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase of 0.01 foot or more in the height of the regional flood shall -obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property owners and local units

of government before the amendment can be approved by the governing body.

- (e) When considering amendments to the official floodplain zoning map, in areas where not water surface profiles exist, the zoning agency shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information.

SEC. 9-2-72 THROUGH SEC. 9-2-79 RESERVED.

ARTICLE I

Enforcement and Penalties

SEC. 9-2-80 ENFORCEMENT AND PENALTIES.

Any violations of the provisions of this Chapter by any person, firm, association, corporation (including building contractors) or his or their agent, shall be unlawful and shall be forwarded to the Village Attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village a forfeiture of not less than Ten (\$10.00) Dollars and not more than Fifty (\$50.00) Dollars, together with a taxable cost of such action. Each day during within such violation exists shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State or any citizen thereof pursuant to Section 87.30, Wis. Stats.

SEC. 9-2-81 THROUGH SEC. 9-2-89. RESERVED.

ARTICLE J

Definitions

SEC. 9-2-90 DEFINITIONS.

- (a) Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary.
- (1) A Zones -- Those areas shown on a municipality's "Official Floodplain Zoning Map" (see definition 34) which would be inundated by the "regional flood" as defined herein. 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.
 - (2) Accessory Structure or Use -- A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related, and which is located on the same lot as that of the principal structure or use
 - (3) Base Flood -- A flood having a one (1%) percent chance of being equaled or exceeded in any given year. (See also Regional Flood.)
 - (4) Base Flood Elevation -- An elevation equal to that which reflects the height of the base flood as defined in (3) above.
 - (5) Board of Appeals/Adjustment -- The body established under Chapter 62.23, Wis. Stats., for cities or villages and designated "board of appeals," or as established under Chapter 59.99, Wis. Stats., for counties and designated "board of adjustment."
 - (6) Bulkhead Line -- A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (7) Certificate of Compliance -- A certification by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.

- (8) Channel -- A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
- (9) Department -- The Wisconsin Department of Natural Resources.
- (10) Development -- Any artificial change to improved or unimproved real estate, including but not limited to construction, of buildings, structures or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.
- (11) Dryland Access -- Means 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.
- (12) Encroachment -- Any fill, structure, building, use or development in the floodway.
- (13) Existing Mobile Home Park or Mobile Home Subdivision - A parcel (or contiguous parcels) of land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.
- (14) Federal Emergency Management Agency (FEMA) -- The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or the Department of Housing and Urban Development (HUD).
- (15) Flood or Flooding -- A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
- a. The overflow or rise of inland waters
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an

unanticipated force of nature, such as a seiche, or by some similarly unusual event.

- (16) Flood Frequency -- The probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.
- (17) Flood Fringe -- That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood; and generally associated with standing water rather than flowing water.
- (18) Flood Hazard Boundary Map -- A map prepared by FEMA, designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance program.
- (19) Flood Insurance Study -- A technical engineering examination, evaluation, and determination of the Village flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as unnumbered and numbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (20) Floodplain -- That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.
- (21) Floodplain Island -- A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (22) Floodplain Management -- The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

- (23) 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.
- (24) 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.
- (25) Flood Protection Elevation -- An elevation two (?) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (26) Floodway -- The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (27) Flood Storage -- Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.
- (28) Freeboard -- Means a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.
- (29) Hearing Notice -- Publication or posting meeting the requirements of Ch. 985, Wis. Stats., Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: 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.
- (30) 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.
- (31) Human Habitation -- A human residence or dwelling.

- (32) Increase in Regional Flood Height -- A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (33) Land Use -- Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (34) Mobile Home or Manufactured Home -- A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter it does not include recreational vehicles or travel trailers.
- (35) Municipality or Municipal -- The Village governmental units enacting, administering and enforcing this Chapter.
- (36) NGVD or National Geodetic Vertical Datum -- Elevations referenced to mean sea level datum 1929 adjustment.
- (37) Nonconforming Structure -- An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the Area of floodplain which it 'occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
- (38) Nonconforming Use -- A nonconforming use is an existing lawful use or accessory use of a structure, building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway).
- (39) Obstruction to Flow -- Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
- (40) Official Floodplain Zoning Map -- That map, adopted and made part of this Chapter, which has been approved by the Department of Natural Resources and FEMA.
- (41) Open Space Use -- Those uses having a relatively low flood damage potential and not involving structures.
- (42) Ordinary High-water Mark -- The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

- (43) Person -- An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (44) Private Sewage System -- A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Industry, Labor and Human Relations 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.
- (45) 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.
- (46) Regional Flood -- A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every one hundred (100) years.
- (47) Structure -- Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (48) Substantial Improvement -- Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:
- a. any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows, and other nonstructural components. (For purposes of this definition, "substantial improvement" is

considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

- (49) Unnecessary Hardship -- Those circumstances which are special conditions affecting a particular property, which are not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (50) Variance -- An authorization granted by the Board of Appeals to construct, alter or use a structure in a manner which is inconsistent with the dimensional standards contained in this Chapter.
- (51) Watershed -- The entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (52) 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.
- (53) Well -- An excavation opening in the ground made by digging, boring, drilling, driving or other methods, for the purpose of obtaining groundwater regardless of its intended use.

END OF CHAPTER 2

CHAPTER 3

Subdivisions

Article A General Provisions

- § 9-3-1 Jurisdiction And Proof.
- § 9-3-2 Applicability.
- § 9-3-3 Administration.
- § 9-3-4 Administration

Sections 9-3-5 through 9-3-9 Reserved.

Article B Definitions

- §9-3-10 Definitions.

Sections 9-3-11 through 9-3-19 Reserved.

Article C General Requirements And Design Standards Of Subdivisions

- § 9-3-20 General Requirements.
- § 9-3-21 Streets And Highways.
- § 9-3-22 Service Ways (Alleys).
- § 9-3-23 Easements And Restrictive Covenants.
- § 9-3-24 Blocks.
- § 9-3-25 Lots.
- § 9-3-26 Dedication Of Land For Public Use.

Sections 9-3-27 through 9-23-29 Reserved.

Article D Plat Documentation

- § 9-3-30 Preliminary Sketch And Preliminary Consultation; Documentation.
- § 9-3-31 Preliminary Plat Requirements.
- § 9-3-32 Final Plat Requirements.

Sections 9-3-33 through 9-3-39 Reserved.

Article E Procedure For Approval

- § 9-3-40 Preliminary Sketch And Preliminary Consultation; Procedure For Approval.
- § 9-3-41 Preliminary Plat; Procedure For Approval.
- § 9-3-42 Final Plat; Procedure For Approval.

Sections 9-3-43 through 9-3-49 Reserved.

Article F Improvements To Subdivisions

- § 9-3-50 Required Improvements.

§ 9-3-51 Responsibilities And Duties Of Subdivider
Sections 9-3-52 through 9-3-59 Reserved.

Article G Other Land Divisions

§ 9-3-60 Certified Survey Maps.
§ 9-3-61 Subdivisions Created By Successive Divisions.

Sections 9-3-62 through 9-3-69 Reserved.

Article H Minimum Street Standards And Subdividers
Checklist

§ 9-3-70 Minimum Standards For Class I Subdivision Street
Construction.
§ 9-3-71 Minimum Standards For Class II Rural Subdivision
Street Construction.

Sections 9-3-72 through 9-3-79 Reserved.

Article I Variances

§ 9-3-80 Variances.

Sections 9-3-81 through 9-3-89 Reserved.

Article J Violations, Penalties And Remedies

§ 9-3-90 Violations, Penalties And Remedies.

Sections 9-3-91 through 9-3-99 Reserved.

Article K Amendments, Interpretation And Separability

§ 9-3-100 Amendments.
§ 9-3-101 Interpretation.

Article A

General Provisions

SEC. 9-3-1 JURISDICTION AND PURPOSE.

(a) Subdivision regulations and regional plans pursuant to Section 236.45 of the Wisconsin Statutes entitled "Local Subdivision Regulations", and all amendments thereto, enables the Village of Winneconne to establish a planning agency to adopt ordinances governing subdivisions or other divisions of land.

(b) The following regulations are adopted for the purpose of promoting the public health, safety, and general welfare and are designed to lessen congestion in the streets and highways, to further the orderly layout and use of land, to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid improper concentration(s) of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further resubdivision of larger tracts into smaller tracts of land and to encourage the most appropriate use of land throughout the Village. To provide safe and orderly shoreland subdivision layouts the following regulations are also adopted pursuant to Sections 59.971(3), 144.26 and 144.26(8), Wisconsin Statutes.

SEC. 9-3-2 APPLICABILITY.

These regulations shall apply to the following:

(a) **SUBDIVISIONS:** Any division of land, within the incorporated area of the Village of Winneconne which results in a subdivision as defined herein. A plat thereof shall be approved and recorded as required by this Ordinance and Chapter 236, Wis. Stats., and amendments thereto.

(b) **CERTIFIED SURVEY:** Any division of land within the incorporated area of the Village of Winneconne which results in a certified survey as defined herein. A map thereof shall be approved and recorded as required by this Chapter and Chapter 236, Wis. Stats., and amendments thereto.

(c) **EXCEPTIONS:** The provisions of this Chapter shall not apply to:

(1) Transfers of interests in land by will or pursuant to court order.

(2) Leases for a term not to exceed 10 years - mortgages or easements.

(3) The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and

the lots resulting are not reduced below the minimum size(s) required by this Chapter or other applicable laws or ordinances.

(4) A division of land resulting in all parcels being more than five acres in area.

SEC. 9-3-3 ADMINISTRATION

The regulations shall be administered by the Village Board and/or its designated agency or agencies hereinafter referred to as the Board.

SEC. 9-3-4 PLAT REVIEW FEES (adopted 9/2000)

The fees set forth in Appendix A of Title 9 shall be imposed by the Village for the review of a preliminary and final plat, which fees may be revised by the Village Board from time to time.

As adopted:

Preliminary Plat : \$250 flat fee plus \$10 per lot.

Final Plat: \$75 flat fee.

Sections 9-3-5 through 9-3-9 Reserved.

ARTICLE B

Definitions

SEC. 9-3-10 DEFINITIONS.

Words used in the present tense include the future; the singular number includes the plural; the plural number includes the singular number and the word "shall" is mandatory and not permissive. The purpose of these regulations, the definitions contained in the Village of Winneconne Zoning Ordinance shall be those applied to the interpretation of this ordinance.

(a) ALLEY (SERVICE WAY). A public private way which provides secondary access to a lot, block, or parcel of land.

(b) BLOCK. A parcel, lot or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter or other name through which it may be identified.

(c) BOARD. Village Board of the Village of Winneconne, or any of its designated agencies.

(d) BUILDING SETBACK LINE. The distance from the boundaries of a lot or centerline of a street with which structures or buildings shall not be erected.

(e) CERTIFIED SURVEY MAP. A map of a division of land prepared in accordance with Section 236.34, Wis. Stats., for any division of land that creates four or less lots within a period of five years from the same established parcel or established lot.

(f) CLASS I STREET. A street as described in Section 9-3-70 of this Chapter.

(g) CLASS II RURAL STREET. A street as described in Section 9-3-71 of this Chapter.

(h) COUNTY COMMITTEE. The Winnebago County Planning Commission and Zoning Committee.

(i) COMMISSION - VILLAGE. The Village of Winneconne Planning Commission.

(j) COMPREHENSIVE PLAN. The official guide for the physical, social and economic growth of Winneconne or its constituent parts, properly enacted or adopted according to statute, which is not or may hereafter be in effect.

(k) CONSTRUCTION YEAR. A period of time commencing on February 1st and ending on the next January 31st.

(l) CROSSWALK. A public right-of-way traversing a block for the purpose of providing pedestrian access.

(m) COUNTY BOARD. The governing body of the County of Winnebago.

(n) CUL-DE-SAC. A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.

(o) DEADEND STREET. A street having only one outlet for vehicular traffic and no vehicular turnaround.

(p) DEVELOPMENT. The act of constructing buildings or installing site improvements.

(q) DEVELOPER. Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust, or any legal entity authorized by the subdivider for having the responsibility to cause the development to be completed.

(r) EASEMENT. Any strip of land reserved by the subdivider for public utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude.

(s) ESTABLISHED LOT. A lot that is on file with the Register of Deeds at the time of adoption of this Chapter.

(t) ESTABLISHED PARCEL. A parcel of land that is on file with the Register of Deeds at the time of adoption of this Chapter.

(u) FINAL PLAT. The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wis. Stats., and any accompanying material as described in Articles D and F.

(v) FRONTAGE. The length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right-of-way.

(w) GRADIENT. The slope of a road, street, or other public way specified in percent (%).

(x) IMPROVEMENT - PUBLIC. Any sanitary sewer, storm sewer, drainage ditch, watermain, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.

(y) LOT. An area of land less than five (5) acres, represented and identified in a subdivision or certified survey which meets all requirements for the development of a single building site.

(z) OFFICIAL MAP. The map of the Village by law showing thereon streets highways, parkways, parks, and playgrounds and the exterior lines of planned new streets, highways, parkways, parks or playgrounds as provided by statute.

(aa) OUTLOT. An outlot is a parcel or lot so designated on the plat which does not meet all the requirements for a building site.

(bb) PARCEL. An area of land over five (5) acres represented and identified in a subdivision or certified survey which meets all requirements for the development of a single building site.

(cc) PLAT. A map of a subdivision.

(dd) PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to the Board for purposes of preliminary consideration.

(ee) PRELIMINARY SKETCH. A roughly drawn map showing the approximate idea how the land will be divided, submitted to the Board for purposes of preliminary consultation.

(ff) REPLAT. The changing of the boundaries of a recorded subdivision plat or part thereof.

(gg) RIGHT-OF-WAY. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, watermains, sanitary sewers, storm drains, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions of areas of such lots or parcels.

(hh) ROADWAY. The surface portion of the street available for vehicular traffic.

(ii) SERVICE DRIVE. An approved public street generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating ingress and egress to the right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.

(jj) SERVICE WAY (ALLEY). A public or private way which provides secondary access to a lot, block or parcel of land.

(kk) SEWAGE DISPOSAL SYSTEM, INDIVIDUAL. A sewerage disposal system or any other sewerage treatment device which services only one lot. This system must be approved by the Board in accordance with applicable land ordinances, and the County Sanitary Inspector as being in accordance with the Winnebago County Sanitary Ordinance the rules of the Department of Health and Social Services and the Department of Natural Resources.

(ll) SEWERED AREA. An area in the Village of Winneconne which, in the opinion of the Board, may be readily and feasibly served by sewer and water by extensions to existing sewer and water systems.

(mm) SIDEWALK. That portion of a street or crosswalking, paved or otherwise surfaced, and intended for pedestrian use only.

(nn) STREET. Means and includes all access ways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust under the terms of a reservation; but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.

(oo) STREET, ARTERIAL. A major, high capacity street designed to carry large volumes of traffic between various areas of the community.

(pp) STREET, COLLECTOR. A street which carries traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

(qq) STREET, HALF. A street bordering one or more property lines of a tract of land in which the subdivider has allocated only a part of the ultimate right-of-way width.

(rr) STREET, MINOR (OR LOCAL). A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

(ss) SUBDIVIDER. Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity that has legal right of ownership of land

and commencing proceedings under the regulations of this Chapter to effect a division of said land hereunder.

(tt) SUBDIVISION. Any division of land by the owner thereof or his agent where:

(1) The act of division creates five or more lots or building sites of five acres each or less in area; or

(2) Five or more lots or building sites of five acres each or less in area are created by successive divisions within a period of five years.

(uu) SUBDIVISION DESIGN STANDARDS. The basic land planning standards established as guides for the preparation of plats.

(vv) SURVEYOR. A land surveyor duly registered in the State of Wisconsin.

(ww) THOROUGHFARE. A street with a high degree of continuity, including collectors, major arterials and limited access highways.

(xx) WISCONSIN ADMINISTRATIVE CODE. The rules of administrative agencies having rule making authority in Wisconsin published in a continual revision system as directed by the Wisconsin Statutes.

Sections 9-3-11 through 9-3-19 Reserved.

ARTICLE C

General Requirements and Design Standards Of Subdivisions

SEC. 9-3-20 GENERAL REQUIREMENTS.

The proposed subdivision shall conform to:

- (a) The provisions of Chapter 236, Wisconsin Statutes.
- (b) All applicable local ordinances.
- (c) The official map and the Comprehensive Plan of the Village of Winneconne.
- (d) The rules of the Division of Health, Chapter H65 of the Wisconsin Administrative Code and Department of Natural Resources relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service will not be made.
- (e) The rules of the Department of Transportation, relating to safety of access and the presentation of the public interest and investment in the streets if the subdivision or any lot contained therein abuts on a state highway or connecting streets.

SEC. 9-3-21 STREETS AND HIGHWAYS.

(a) BLANK

(1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the official map and all area development plans adopted by the Village of Winneconne and shall be related to: existing and planned streets, topographic conditions, existing natural features, public convenience and safety and proposed uses of the land to be served by such streets.

(2) The right-of-way width and building setback requirements of all highways and county trunk routes shall be determined by the Board upon the recommendation of the Department of Transportation or the County Highway Commission, whichever is appropriate. In no case, however, shall the right-of-way width for a state highway be less than 100 feet.

(b) ARRANGEMENT OF STREETS.

(1) Major arterial streets shall be properly integrated with the existing and proposed system of major streets, highways and thoroughfares.

(2) Collector streets shall be properly related to special traffic generating from facilities such as schools, churches and shopping centers, to population densities and to the arterial streets into which they feed.

(3) minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, and to require the minimum amount of street necessary to provide convenient, safe access to property.

(c) When a subdivision abuts or contains an existing or proposed arterial street the Board may require service drives, or reverse frontage lots with screen planting contained in a nonaccess reservation along the rear of the property line.

(d) Where a subdivision borders on or contains a railroad right-of-way, the Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separation.

(e) Street intersections with centerline offsets of less than 125 feet shall not be allowed.

(f) Property lines at street intersections may be required to be rounded with a radius of 12 feet or a greater radius where the Board considers it necessary. Cutoffs or chords may be permitted in place of rounded corners.

(g) A tangent of at least 100 feet long shall be introduced between reverse curves on major and collector streets.

(h) Arc distances when appropriate for lot frontages on curved rights-of-way shall be shown along the lot frontage for municipal assessment purposes.

(i) Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 60 degrees, and more than two streets intersecting at one point shall be discouraged.

(j) Reserve strips or median strips controlling access to streets shall be prohibited except where approved by the Board.

(k) All street rights-of-way shall be of the width specified on the official map or if no width is specified there, they shall be not less than the width specified below:

(1) Arterial streets - 80 feet.

(2) Collector streets - 66 feet.

(3) Minor streets - 60 feet.

(4) Service drives - 50 feet in addition to the major traffic street if adjoins.

(5) Service ways (alleys) - 30 feet.

(1) Clear visibility measured along the centerline shall be not less than specified below:

<u>Street Type</u>	<u>Minimum Sight Distance In Feet</u>
Major (arterial)	400
Collector	350
Minor	200

(m) The minimum radii or curvature on the centerline shall be as specified below:

<u>Street Type</u>	<u>Minimum Radius In Feet</u>
Major (arterial)	200
Collector	200
Minor	100

(n) Cul-de-sacs: Streets designed to have one end permanently closed shall not exceed 750 feet in length and shall provide a turnaround with a minimum right-of-way radius of 60 feet.

(o) Half Streets (Streets with less than full right-of-way width):

(1) Where a half street has previously been dedicated adjacent to the subdivision, the remaining half of the street shall be dedicated by the subdivider.

(2) Where no half street adjacent to the subdivision exists, the dedication of half streets will not be approved.

(p) Street grades shall conform to the following specifications:

<u>Street Type</u>	<u>Maximum Grade</u>
Major (arterial)	5%
Collector	7%
Minor	10%

(q) Street Names:

(1) Any street which is the reasonable continuation of an existing street shall bear the same name. If the topography or other feature of a permanent nature are such as to render the

continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.

(2) The Village Board may disapprove any street name on a plat and furnish the street name, thereof.

(3) The following table shall be considered in nomenclature:

<u>Type</u>	<u>Dead-end</u>	<u>Curving</u>	<u>Straight</u>
Short Streets	Places or Courts	Crescent, Way, Circle or Lane	Terrace, Row or Lane
Long Streets		Drive or Road	Street or Avenue

(4) The term boulevard shall be reserved for such streets which because of their breadth or monumental character are to be especially designated.

SEC. 9-3-22 SERVICE WAYS (ALLEYS).

(a) Service ways shall be provided in all commercial and industrial districts except that the Board may waive this requirement if definite and assured provision is made for service access such as off-street loading and parking consistent with and adequate for the uses proposed.

(b) Service ways shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.

SEC. 9-3-23 EASEMENTS AND RESTRICTIVE COVENANTS.

(a) Easements centered on rear or side lot lines shall be provided for utilities where required by the Board and shall be at least six feet wide on each side of the lot line or total of 12 feet.

(b) Where a subdivision is traversed by a water course, drainage way, channel or stream there shall be provided a storm water easement or drainage right-of-way of sufficient width as determined by the Board. Grading or construction adequate for the purpose of drainage may be required. Wherever possible, the drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow as determined by the Board. Said improvement shall be guaranteed prior to approval of the final plat.

(c) Residential lots including corner lots in a

subdivision shall have a minimum building setback from the right-of-way line for the following street classes:

- (1) Arterial streets - 35 feet.
- (2) Collector streets - 30 feet.
- (2) Minor streets - 25 feet.

SEC. 9-3-24 BLOCKS.

(a) The lengths, widths and shapes of blocks shall be as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,500 feet between right-of-way lines.

(b) Pedestrian crosswalks not less than 15 feet wide may be required by the Board through the center of blocks more than 900 feet long where deemed essential to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation and other community facilities.

SEC. 9-3-25 LOTS.

(a) The lot sizes, width, depth, shape and orientation and the minimum building lines shall be appropriate for the location of the subdivision and for the type of development and use proposed, and said building lines shall be shown on the plat.

(b) Lot dimensions shall conform to the requirements of the local zoning ordinance as well as existing county and state requirements. Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the Division of Environmental Protection, Chapters H62 and H65 of the Wisconsin Administrative Code, the Winnebago County ordinances and other state and local requirements.

(c) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type and use and development contemplated.

(d) Every lot in a subdivision shall abut on a public street.

(e) Side lot lines shall be substantially at right angles or radial to street center lines.

(f) Double frontage or reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries as defined in Section 9-3-21(c) or to overcome specific disadvantages of topography and orientation. A planting screen easement of at

least 20 feet may be required along the line of residential lots abutting such a traffic artery.

SEC. 9-3-26 DEDICATION OF LAND FOR PUBLIC USE.

(a) When a final plat of a subdivision has been approved by the Board, State, Federal, and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street dedications.

(b) Whenever a preliminary plat includes a proposed dedication of land to public use and the Board finds that such land is not required or not suitable for public use, the Board may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision.

Sections 9-3-27 through 9-3-29 Reserved.

ARTICLE D

Plat Documentation

SEC. 9-3-30 PRELIMINARY SKETCH AND PRELIMINARY
CONSULTATION; DOCUMENTATION.

The preliminary sketch may be freehand pencil sketch with an approximate scale showing enough accuracy so that a true representation of the development is presented. The following shall be shown on this pencil sketch:

- (a) Date, north point, approximate scale.
- (b) Subdividers name and address.
- (c) Location of land by quarter section, section, township and range.
- (d) Relationship to existing streets.
- (e) Sizes of all lots, blocks, and streets.
- (f) Zoning.
- (g) Location of municipal sewer and water closest to site.

SEC. 9-3-31 PRELIMINARY PLAT REQUIREMENTS.

The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of 100 feet to an inch or approved scale by the Board and shall show correctly on its face:

- (a) Date, scale and north point.
- (b) The proposed subdivision name which shall not duplicate the name of any plat previously recorded in Winnebago County.
- (c) The name and address of the owner, the subdivider and the surveyor preparing the plat.
- (d) Location of the subdivision by private claim or by government lot, quarter section, quarter, township, range and county.
- (e) A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
- (f) The lengths and bearings of the exterior boundaries of the proposed plat by a registered surveyor.

(g) Location and names of adjacent subdivisions and the owners of abutting properties.

(h) Zoning on and adjacent to the subdivision.

(i) Locations, widths and names of all existing platted or dedicated streets, alleys or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the Board.

(j) The water elevations of adjoining river or streams at the date of the survey, the approximate high and low water elevations of such river or streams, and the floodway and the flood plain lines of such rivers or streams. All elevations shall be referred to U. S. Coast and Geodetic Survey datum as utilized by the Village of Winneconne.

(k) If the subdivision borders a river or stream, the distances and bearing of a meander line established not less than 20 feet back from the ordinary high water mark of the river or stream.

(l) Layout and width of all new streets and rights-of-way such as alleys, highways, easements for sewers, watermains and other public utilities.

(m) Direction, distance, depth and elevations to nearest water and sewer mains. Also, approximate elevation of land in subdivision. (Contour map).

(n) A brief description of the requested improvements such as sanitary sewers, laterals, watermains, stormsewers, curb and gutter, paving and roadside ditches where applicable.

(o) Approximate dimensions of all lots, and the area of the smallest lot in the subdivision.

(p) Proposed building setback lines.

(q) Approximate radii of all curves and lengths of tangents.

(r) Approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation.

(s) A brief description of the proposed restrictions, if any, which will be put on the plat. The Board reserved the right to approve or disapprove any such proposed restriction.

(t) Proposed easements, as required by non-public utilities, for gas mains, electrical cables, telephone cables, cable television, and other non-public improvements.

SEC. 9-3-32 FINAL PLAT REQUIREMENTS.

The final plat of the subdivision shall comply with the requirements of this ordinance and of Chapter 236, Wisconsin Statutes, which is hereby adopted as amended by reference and incorporated herein as though fully set out.

Sections 9-3-33 through 9-3-39 Reserved.

ARTICLE E

Procedure For Approval

SEC. 9-3-40 PRELIMINARY SKETCH AND PRELIMINARY CONSULTATION.

(a) Final approval of a proposed plat will involve the successive approvals of a preliminary sketch, a preliminary plat, the final plat, and construction.

(b) Before filing a preliminary plat for approval, the subdivider must submit to the Board, six (6) copies of a preliminary sketch not less than one (1) week preceding the meeting of the Board. This preliminary sketch shall be drawn as specified in Section 9-3-31 contained herein.

(c) The preliminary sketch shall be accompanied with a letter of intent, briefly describing the desired public utilities and improvements for the proposed plat.

(d) The Board shall, within 40 days of its submission, express its opinion in writing of the proposed plat with regard to the availability and feasibility of desired improvements.

(e) Based on the Board review of the preliminary sketch, the subdivider may proceed with submitting a preliminary plat and rezoning petition, if required.

SEC. 9-3-41 PRELIMINARY PLAT; PROCEDURE FOR APPROVAL.

(a) After approval of the preliminary sketch and before submitting a final plat for approval, the subdivider shall submit six (6) copies of a preliminary plat not less than one (1) week preceding the meeting of the Board for preliminary approval. These plats will be drawn as specified in Section 9-3-31 contained herein. The preliminary plat shall also be submitted by the subdivider or his agent to the Wisconsin Department of Development and be approved by said agency.

(b) Following a review of the preliminary plat and data and after negotiations with the subdivider on changes deemed advisable including the kind and extent of improvements to be made by him, the Board shall within 90 days of its submission express its approval or disapproval in writing to the subdivider. The Board shall state the conditions of such approval, if any, and if disapproved, shall state its reasons for rejection.

(c) Approval of the preliminary plat with the proper zoning shall entitle the subdivider to final approval of the layout shown by such plat if the final plat is submitted within twelve months of the date of approval of the preliminary plat and conforms to such layout and conditions of the approved preliminary plat. Said plat shall have been certified as non-

objectionable by all local and state agencies having the authority to object.

SEC. 9-3-42 FINAL PLAT; PROCEDURE FOR APPROVAL.

(a) After approval of the preliminary plat, six (6) copies of the final plat shall be submitted to the Board within twelve months of the approval of the preliminary plat. The final plat shall also be submitted by the subdivider or his agent to the Wisconsin Department of Development.

(b) Upon receipt thereof, the Board shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat and the requirements established in this ordinance. Approval of the final plat shall not be granted until the plat has been certified as non-objectionable by all state and local agencies having the authority to object. The final plat may be conditionally approved, but not signed until certification by other agencies are obtained. The Board shall take action on the final plat within 60 days after the plat has been submitted to the Board, unless the time is extended by agreement with the subdivider. As a condition of final plat approval, the Board may require an irrevocable letter of credit from the subdivider in an amount sufficient to assure completion of all improvements or actions required of the subdivider within the stated time frame for performance and a letter of credit from the subdivider in an amount equal to 2 percent of the cost of all privately constructed improvements to guaranty the privately constructed improvements for a period of two years from the date of their acceptance into the Village. Upon any approval, conditional approval, or disapproval decisions, the reasons or conditions shall be stated on the record of the Board and forwarded in writing to the subdivider.

(c) The final plat of the subdivision shall be recorded by the subdivider in the office of the Register of Deeds of Winnebago County, Wisconsin, as requiredd by Chapter 236.25, Wis. Stats., as amended. Necessary copies of the final approval plat shall be forwarded to the Board for distribution.

Sections 9-3-43 through 9-3-49 Reserved.

ARTICLE F

Improvements To Subdivisions

SEC. 9-3-50 REQUIRED IMPROVEMENTS.

(a) MONUMENTS. The subdivision shall be monumented as required by Section 236.15, Wis. Stats., as amended, which is hereby adopted by reference and incorporated herein as though fully set out.

(b) REQUIRED UTILITIES. Subdivisions lying in a sewered area will be required to have sanitary mains and watermains on all streets. Sanitary sewer and water laterals to each lot shall also be required. Storm sewers and laterals are required if a "Class I Street Construction" is specified by the Board.

(c) REQUIRED STREET CONSTRUCTION. The Board shall determine if a Class I Subdivision Street or a Class II Subdivision Street is required. All requirements of the Village of Winneconne's minimum standards for street construction shall be met. This includes, but is not limited to, clearing and grubbing, top soil stripping, cuts, fills, rough grading, crushed aggregate base course, ditches, curb and gutter, and hot mix bituminous surfacing depending on class of street.

(d) MUNICIPAL IMPROVEMENTS.

(1) Reviewing the general design quality of individual subdivisions submitted to it, the Board shall make a determination as to the scope of improvements which should be installed to conform to sound development standards. The Board's determination will be based on size of lot proposed, the degree of local improvement requirements, the drainage conditions existing in the area to be platted and any other pertinent locational factors.

(2) The design, size, depth, location and method of financing of the required improvements shall be determined by the Board. The Board may also require the provision of drainage ways or easements of widths sufficient to accommodate anticipated storm water runoff and of a design permitting the unimpeded flow of natural water resources.

(3) No private sanitary or storm sewers, water services or streets will be allowed, except in cases where those municipal services are presently not available and the area intended to be subdivided is outside the sewered area of the Village.

(f) PRIVATELY OWNED UTILITIES. It shall be the responsibility of the developer and/or owner to have installed all privately owned non-public improvements that may be required in this land division. The Board shall not be responsible for any cost or agreements required by these private utilities.

Agreements shall be submitted with the final plat to insure the Board that the private utilities have been contacted and arrangements made for installation. All privately owned utilities including gas mains, electrical cables, telephone cables, cable television or any other non-public improvement shall not be installed until such time as the sanitary sewer, storm sewer, and watermains have been installed.

SEC. 9-3-51 RESPONSIBILITIES AND DUTIES OF SUBDIVIDER.

In addition to all other pertinent sections of this Chapter, the subdivider, is responsible for all of the following duties to insure installation of improvements within the timeframe as established by the Village Board.

(a) At the time of submission of the preliminary plat, the subdivider shall establish and deposit funds in an escrow account in an amount established by the Board which will be sufficient to cover the total costs of engineering for investigation, preliminary design, reports, legal fees and meetings required by the Village, and also to cover any additional preliminary costs which the Village might incur in conjunction with the Board's consideration of the plat.

(b) After submission of the preliminary plat, the subdivider must secure all properly notarized waiver of notice to a hearing, a waiver of the hearing, a consent for construction and consent to be assessed as per Section 66.60 of the Wisconsin Statutes for the respective construction of streets, sanitary sewer mains, watermains, curb and gutter, or any other public improvement as required by the Board. These waivers and consents shall be from all owners entitled to notice and those within the construction project, and not just the subdivision.

(c) If the subdivider is unable to obtain all the required signatures on the waivers and consents, the subdivider shall in writing, request the Village Board for a public hearing on this project. The Board will decide whether or not a hearing will be held on the project.

(1) If, after a public hearing, the Board and the subdivider want to continue the project, the subdivider shall pay as part of the deposit in escrow with the Village, the costs which would have been assessed against the respective properties had their owners signed waivers and consents.

(2) If a lot or parcel owned by someone other than the subdivider at the time the plat is approved, and for which the subdivider has paid the amount which would have been assessed to that property for the improvement, is later connected to the facility, the owner of said property shall pay to the Village, in advance of connection, a hook-up

charge equal to the amount which would have been assessed against such property after installation of the facility, plus interest thereon at the rate of nine (9) percent per annum, compounded annually, to the date of payment. Said amount shall thereupon be paid in full to the subdivider, or his assigns or heirs, by the Village.

(3) If it is necessary to install a larger pipe size than would be necessary to serve the subdivision, the amount paid by the subdivider shall be reduced by the difference between the pipe price of the size installed and the normal installed size.

(d) The subdivider shall not install any streets or other improvements required by the Village until the Preliminary Plat has been approved by the Village Board. Before recording the Final Plat with the County Register of Deeds, the subdivider shall enter into a contract with the Village agreeing to install all required improvements, and shall file with said contract an irrevocable letter of credit or other satisfactory security meeting the approval of the Village Board as a guarantee that such improvements will be completed by the subdivider or his subcontractors within the time limit established by the Village Board. In order that adequate inspections can be made, the subdivider or his contractor shall notify the Village Board one week prior to the time each improvement is to be installed and upon completion of the project.

(e) The subdivider may request that the Village permit the subdivider to privately contract for the construction of some or all of the utilities, streets and other improvements required in connection with the subdivision. If the Village grants such permission, the subdivider shall be required to provide the Village with an irrevocable letter of credit in an amount equal to the estimated total of all costs related to the construction of the privately constructed improvements. The letter of credit shall guaranty that the privately constructed improvements by the subdivider or his subcontractors within the time limit established by the Village Board and all costs related to are paid

The subdivider shall also be required to provide the Village with an irrevocable letter of credit in an amount equal to twenty percent (20%) of the total of all costs related to the construction of the privately constructed improvements. The letter of credit shall guaranty the privately constructed improvements for a period of two years from the date of their acceptance by the Village.

The form and issuer of each letter of credit must be acceptable to the Village Board. Each letter of credit must authorize the Village to draw upon the letter of credit for the purposes specified above. No work on any privately constructed improvements may be commenced until the letters of credit have

been approved by the Village and all permits required by the Village have been issued.

(f) The escrow account required by Sections 9-3-51(a) shall be established by the subdivider in a bank approved by the Board, subject to a written escrow agreement which shall be prepared by the Village and executed by the subdivider and appropriate Village officers. The escrow agreement shall provide that only the Village may withdraw funds from the account. Withdrawals shall be made by the Village as needed to pay construction costs. Billings for the withdrawals shall be provided to the subdivider when such withdrawals are made, indicating the purpose and amount of the withdrawal and the remaining balance in the escrow account. When all construction costs have been paid and the project has been accepted by the Village, any amount remaining in the escrow account, including interest earned by the account, shall be withdrawn by the Village and paid to the subdivider.

(g) The subdivider shall provide all required utility easements, beyond the limits of the subdivision, the locations and width of which shall be determined by the Board. Also the subdivider will be responsible for the proper legal description of the easement and for the proper execution of the easement by the grantor. Easements for water line provision shall be placed on the side of the road bed opposite from that providing for a telephone, electrical, and cable television lines, where feasible. All completed easements will be submitted to the Board, for its review, and will be recorded by the Village at the subdividers expense.

(h) The subdivider shall also execute any other special agreements deemed necessary by the Board. This will include providing street signs and granting deeds for lift station sites.

(i) COST OF IMPROVEMENTS. --The subdivider shall pay for all improvements required within the proposed development, and also the cost of sanitary sewer and watermain construction to get to the site, as per Section 9-3-51(c). These improvements are set forth in Section 9-3-50(a), (b) and (c) of this Chapter. The cost shall also include engineering, legal, bidding, advertisements, administration and other related cost to the Village directly related to this project.

(j) No lot shall be sold or ownership changed prior to the recording of the plat.

Sections 9-3-52 through 9-3-59 Reserved.

ARTICLE G

Other Land Divisions

SEC. 9-3-60 CERTIFIED SURVEY MAPS.

(a) REQUIREMENTS. A certified survey map shall be prepared in compliance with the requirements of Chapter 236.34 of the Wis. Stats., which is hereby adopted by reference and incorporated herein as though fully set out.

(b) PROCEDURE. The subdivider shall file a copy of said survey map with the Board. The Board shall review and within 90 days approve, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval or reasons for rejection. The subdivider or an authorized representative of the subdivider shall be present at the meeting to answer any questions from the Board.

(c) CERTIFICATES.

(1) The map shall include the certificates of the surveyor who surveyed and mapped the land as required by Chapter 236.34 of the Wis. Stats., and shall be signed by the property owner.

(2) The certificate of approval of the Board shall be typed, lettered or reproduced legibly with nonfading black ink on the face of the map.

(d) MAP. The map shall be filed by the subdivider with the Register of Deeds of Winnebago County. Additional copies of the final approved map shall be forwarded to the Board and appropriate agencies. The volume and page number of the recording file shall be noted on the final approved map.

(e) PUBLIC IMPROVEMENTS. Procedures for installation of public improvements shall conform to pertinent requirements of Article F or as determined by the Board.

SEC. 9-3-61 SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS.

(a) SUCCESSIVE DIVISIONS.

(1) Where it is not practicable to require that a final plat of a subdivision created prior to this Chapter by successive divisions be filed in accordance with this Chapter, the Village Board may in lieu thereof order an assessor's plat to be made under Section 70.27, Wis. Stats., and may assess the cost thereof as provided in such section or as provided for under the State Statutes.

(2) Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this Chapter to the extent that they may be reasonably applied.

(b) Certified surveys shall not be approved where it appears clearly and is determined by the Board that the intent is to bypass the platting of a subdivision.

Sections 9-3-62 through 9-3-69 Reserved.

ARTICLE H

Minimum Street Standards And Subdividers Checklist

SEC. 9-3-70 MINIMUM STANDARDS FOR CLASS I SUBDIVISION
STREET CONSTRUCTION.

All Class I Subdivision roads and streets which are to be constructed within the Village of Winneconne and which are to be dedicated to the Village for public use, shall meet the following requirements:

(a) Construction details shall conform to the attached typical street section which is hereby made a part of these standards. Streets constructed under this classification shall have full surfacing (from edge of gutter to edge of gutter) consisting of 2 inch thick hot mix bituminous surface. Streets of this class shall include 2'-0" wide unreinforced concrete curb and gutter.

(b) All street alignment (horizontal and vertical) shall be subject to final approval by the Village engineer, with the following items to be used as design guidelines:

Minimum roadway width 37 feet back of curb to back of curb

Minimum surface width 33 feet

Minimum right-of-way width = 60 feet

Minimum thickness of base course = 12 inches full 33 foot width - 8 inches under curb and gutter

Maximum grade = 10%

Minimum sight distance = 200 feet measured along centerline

Minimum radius = 100 feet

Minimum width of curb and gutter = 2'-0"

(c) Street drainage shall be in accordance with good engineering practice, subject to final approval by the Village Engineer as approved by the Public Works Committee.

(d) Street intersections shall be made as close to 90 degrees as possible, with no street intersecting at less than 60 degrees.

(e) Street intersections which consist of more than two streets shall not be approved.

(f) Streets which are to have one end permanently closed shall not exceed 750 feet in length and shall have a turnaround with a minimum right-of-way radius of 60 feet (Cul-de-Sac).

(g) Where bridges are required, bridge design shall incorporate the loading and width specified by the Village Engineer.

SEC. 9-3-71 MINIMUM STANDARDS FOR CLASS II SUBDIVISION
STREET CONSTRUCTION.

All Class II Subdivision roads and streets which are to be constructed within the Village of Winneconne and which are to be dedicated to the Village for public use, shall meet the following requirements.

(a) BLANK

(1) Construction details shall conform to the attached typical street section which is hereby made a part of these standards. Surfacing of traffic lanes will be required and construction of curb and gutter will not be required for this class of street. Crushed aggregate base course for the full 34 feet width of the roadway (including shoulders) shall be required.

(2) Streets of this class shall be constructed with 2 foot deep ditches having a 1 foot wide bottom and 2:1 maximum foreslopes and back slopes, in cut sections. Fill slopes shall be 2:1 maximum in embankment sections.

(b) All street alignment (horizontal and vertical) shall be subject to final approval by the Village Engineer, with the following items to be used as design guidelines:

Minimum roadway width = 34 feet (including 5 foot shoulders)

Minimum surface width = 24 feet

Minimum right-of-way width = 60 feet

Minimum thickness of base course = 12 inches (full 34 foot width - including shoulders)
8 inches under curb and gutter

Maximum grade = 10%

Minimum sight distance = 200 feet (measured along centerline)

Minimum radius = 100 feet

c) Street drainage shall be in accordance with good engineering practice, subject to final approval by the Village Engineer.

(d) Street intersections shall be made as close to 90 degrees as possible, with no street intersecting at less than 60 degrees.

(e) Street intersections which consist of more than two streets shall not be approved.

(f) Streets which are to have one end permanently closed shall not exceed 750 feet in length and shall have a turnaround with a minimum right-of-way radius of 60 feet (Cul-de-Sac).

(g) Where bridges are required, bridge design shall incorporate the loading and width specified by the Village Engineer.

Sections 9-3-72 through 9-3-79 Reserved.

ARTICLE I

Variances

SEC. 9-3-80 Variances.

(a) When in the judgment of the Board it would be inappropriate to apply literally a provision of this Chapter because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured provided that in no event shall the requirement of filing and recording the plat or survey be waived.

(b) Any modification or variance thus granted shall be entered in the minutes of the Board setting forth the reasons which in the opinion of the Board, justified the modification.

Sections 9-3-81 through 9-3-89 Reserved.

ARTICLE J

Violations, Penalties, And Remedies

SEC. 9-3-90 VIOLATIONS, PENALTIES, AND REMEDIES.

(a) It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes, and no person, firm, or corporation shall be issued a Village Building Permit authorizing the building on or improvement of any subdivision or replat within the jurisdiction of this Chapter and not of record as of the effective date of this Chapter, until the provisions and requirements of this Chapter and conditions of approval of the Final Plat have been fully met.

(b) Any person, firm or corporation who fails to comply with the provisions of these regulations shall upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 and the cost of prosecution for each violation and in default of payment of such forfeiture and the cost shall be imprisoned in the County Jail until payment thereof but not exceeding 30 days. This fine shall be imposed for each lot or parcel created by the subdivision. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by injunctive order at the suit of the Village or the owner or owners of real estate within the District affected by the regulations of the Chapter by law.

Sections 9-3-91 through 9-3-99 Reserved.

ARTICLE K

Amendments, Interpretation And Separability

SEC. 9-3-100 AMENDMENTS.

For the purpose of promoting the public health, safety and general welfare, the Board may from time to time amend the regulations imposed by this ordinance. The Board shall hold public hearings on all proposed amendments. Notice of such public hearings shall be given by publication of a Class I notice in a newspaper of general circulation within the Village preceding the hearing or as otherwise provided by statute.

SEC. 9-3-101 INTERPRETATION.

(a) The provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

(b) Where the conditions imposed by any provisions of this Chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are most restrictive and impose higher standards or requirements shall govern. The terms of this Chapter shall take precedence over any conflicting provisions of other sections of the Village Code of Ordinances.

(c) This Chapter is not intended to abrogate any easement, covenant or any other private agreement provided that where the regulations of this ordinance are more restrictive or impose higher standards or regulations that such easement, covenant or other private agreement, the requirements of this ordinance shall govern.

CHAPTER 4

Official Map

- § 9-4-1 Adoption of official Map.
- § 9-4-2 Certificate To Be Filed With The Register Of Deeds By Village Clerk.
- § 9-4-3 Authority Of Village Plan Commission.
- § 9-4-4 Building Permits; Plot Plan.
- § 9-4-5 Village Board May Change Map.

SEC. 9-4-1 ADOPTION OF OFFICIAL MAP.

(a) In order to conserve and promote the public health, safety, convenience and general welfare, there is hereby adopted and established the Official Map of the Village of Winneconne, Wisconsin, which consists of two sheets and made a part of this Chapter by Reference:

(1) Sheet 1 of 2 (Street Development Plan), for the area within the Village limits and adjacent thereto;

(2) Sheet 2 of 2 (Street Extension Plan), for the area outside the Village limits over which the Village has extra-territorial jurisdiction, in accordance with Section 62.23 (6) of the Wis. Stats.

(b) It is the further purpose of the Official map to show the width and location of the streets, highways, and parkways in order to promote the efficient and economical development of the Village of Winneconne.

SEC. 9-4-2 CERTIFICATE TO BE FILED WITH THE REGISTER OF DEEDS BY VILLAGE CLERK.

Immediately upon adoption of this Chapter, the Village Clerk shall file with the Register of Deeds of Winnebago County, a certificate showing that the Village of Winneconne has established the Official Map as described in Section 9-4-1 above, and shall do likewise as to any changes or additions.

SEC. 9-4-3 AUTHORITY OF THE VILLAGE PLAN COMMISSION.

The Village Plan Commission, when passing upon a land subdivision plat referred to it by the Village Board, shall not recommend such plat for approval unless it conforms with the Official Map.

SEC. 9-4-4 BUILDING PERMITS; PLOT PLAN.

For the purpose of preserving the integrity of the Official Map, no permit shall hereafter be issued for any building in the bed of any street, highway or parkway shown or laid out in such map except as provided in paragraphs (d) and (g), subsection (6) of Section 62.23 of the Wisconsin Statutes. The proper official authorized by the Village Board to issue building permits shall require each applicant to submit a plot plan, drawn to scale, for approval. Such plot plan shall show accurately the location of any proposed building with reference to any streets as shown on the Official Map.

SEC. 9-4-5 VILLAGE BOARD MAY CHANGE MAP.

The Village Board, whenever and as often as it may deem it for the public interest, may change or add to the Official Map of the Village in conformity with the provisions contained in paragraph (b), subsection (6) of Section 62.23 of the Wisconsin Statutes.

CHAPTER 5

Building Permits

§ 9-5-1 Building Permits And Inspection.
§ 9-5-2 Liability.

SEC.9-5-2 BUILDING PERMITS AND INSPECTION.

(a) PERMIT REQUIRED. No building or any part thereof shall hereafter be erected or ground broken for the same within the Village limits of the Village of Winneconne , except as hereinafter provided, until a permit therefore shall have been obtained by the owner or his authorized agent from the Building Inspector the term "building" as used in this Chapter shall include any building or structure and any enlargement, alteration, heating or ventilating installation,, moving or demolishing, or anything affecting the fire hazard or safety of any building or structure.

(b) APPLICATION. Application for building permit shall be made in writing upon a form furnished by the Building Inspector,, and shall state the name and address of the owner of the land and also the owner of the building, if different, the legal description of the land upon which the building is to be located and the name and address of the designer, and the estimated cost of the structure or the improvements to be made thereon and shall contain such other information as the Building Inspector may require.

(c) PLANS- With such application there shall be submitted two complete sets of plans and specifications, including a plot plan, showing the location of the proposed building with respect to adjacent streets, alleys, lot lines and buildings. Plans for buildings required to comply with the State Building Code shall bear a stamp of approval from the Industrial Commission. Such plans and specifications shall be submitted in duplicate. One set shall be returned after approval as hereinafter provided; the other set shall remain on file in the office of the Village Clerk. All plans and specifications shall be signed by the designer.

(d) WAIVER OF PLANS. If the Building Inspector finds that the character of work is sufficiently described in the application, he may waive the filing of plans for alteration, repairs or moving, provided the cost of such work does not exceed five hundred dollars (\$500.00) or with the approval of the Village Board.

(e) APPROVAL OF PLANS.

(1) If the Building Inspector determines that the proposed building will comply in every respect with all of the ordinances of the Village of Winneconne and all-of the applicable laws and

orders of the State of Wisconsin, he shall then officially approve and stamp one set of plans and return it to the owner and shall issue a building permit therefore, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned laws and orders or which involves the safety of the building or occupants, except with the written consent of the Building Inspector.

(2) In case adequate plans are presented for part of the building only, the Building Inspector may at his discretion, issue a permit for part of the building before receiving plans and specifications for the entire building.

(f) MINOR REPAIRS. The Building Inspector may authorize any repair or alterations valued at less than Five Hundred Dollars (\$500.00), which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building without requiring a building permit to be issued.

(g) FEES

(1) No permit shall be issued for any required work unless the following fees have been paid:

(2) For the first One Thousand Dollars (\$1,000.00) of cost or fraction thereof Two Dollars and Fifty Cents (\$2.50) and for every One Thousand Dollars (\$1,000.00) of cost or fraction thereof in addition thereto the sum of Fifty Cents (\$.50) per Thousand Dollars (\$1,000.00) or fraction thereof. In any case the minimum fee shall be Two Dollars and Fifty Cents (\$2.50).

(h) INSPECTION OF WORK. The builder shall notify the Building Inspector when ready and the Building Inspector shall inspect all buildings upon completion of the foundation forms or before the foundation is laid and again when ready for lath and plaster or before paneling is applied. After completion he shall make a final inspection of all new buildings and alterations.

(i) PENALTIES. Any person, firm or corporation violating any provisions of this Chapter shall upon conviction thereof forfeit not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00), and in default of payment of the forfeiture and costs of prosecution, shall be imprisoned in the County Jail until the payment of such forfeiture and the costs of prosecution, but not exceeding thirty days (30) for each violation. Each day of violation shall constitute a separate offense. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight, or dereliction of duty on the part of the Building Inspector constitute a defense.

This Chapter shall not be construed as assuming any liability on the part of the Village for damages to anyone injured or for any property destroyed by any defect in any building or equipment or for any plumbing or electric wiring or equipment.

CHAPTER 6

Uniform Numbering System

- § 9-6-1 Uniform System Established.
- § 9-6-2 Base Line Designated.
- § 9-6-3 Numbering Sequence.
- § 9-6-4 Multiple Occupants Served By One Door.
- § 9-6-5 Streets Not Extending Through Base Line.
- § 9-6-6 Survey; Placement Of Numbers.
- § 9-6-7 Where Only One Number Is Assigned A House.
- § 9-6-8 Plat Map.
- § 9-6-9 Building Inspector To Assign Number To Applicants.
- § 9-6-10 Owner's Duty To Procure Number.
- § 9-6-11 Police Officers To Report Violations.
- § 9-6-12 Violations.

SEC. 9-6-1 UNIFORM SYSTEM ESTABLISHED.

There is hereby established a uniform system of numbering houses and buildings fronting on all streets, avenues and public ways in the Village of Winneconne, and all houses and buildings shall be numbered in accordance with the provisions of this Chapter.

SEC. 9-6-2 BASE LINES DESIGNATED.

The Wolf River shall constitute the base line for numbering along all streets commencing at and running north and south, and Main Street shall constitute the base line for numbering of all streets running east and west.

SEC. 9-6-3 NUMBERING SEQUENCE.

(a) The numbering for each street shall begin at the base line. The numbers within the first block shall be from 0 to 99 and the numbers in each succeeding block shall increase from the base line in units of 100, namely, the first block shall be 0 to 99, the second block shall be 100 to 199, the third block shall be 200 to 299 and continuing in a like manner. There shall be assigned 100 numbers to each block, square or space that would be one block or square, if streets each way were so extended as to intersect each other, and one number shall be assigned to each 15 feet of frontage. In blocks or equivalent space longer than 750 feet which is not intersected by a street, if extended the total length of space divided by 50 shall be used to determine the feet of frontage assigned to each number.

(b) Where blocks of different lengths occur on opposite sides of a street, the numbers on both sides shall be assigned on the basis of the shorter blocks.

SEC. 9-6-5 STREETS NOT EXTENDING THROUGH BASE LINE.

All streets not extending through the base line shall be assigned the same relative numbers as if the said street had extended to the base line.

SEC. 9-6-6 SURVEY; PLACEMENT OF NUMBERS.

(a) The Village Board shall cause the necessary survey to be made and there shall be assigned to each house and building located on any street, avenue, alley, or highway in said Village, its respective number under the uniform system provided for in this Chapter. When the said survey shall have been completed and each house and building has been assigned its respective number or numbers, the Village shall place or cause to be placed upon each house or building the number or numbers assigned under the uniform system provided by this Chapter.

(b) Such number or numbers shall be placed within 20 days after the assigning of the proper number. The numbers used shall be not less than 2 1/2 inches in height.

(c) The numbers shall be conspicuously placed immediately above, on or at the side of the proper door of each building so that the number can be seen plainly from the street.

SEC. 9-6-7 WHERE ONLY ONE NUMBER IS ASSIGNED A HOUSE.

Where only one number can be assigned to any house or building, the owner, occupant or agent of such house or building, who shall desire distinctive numbers for the upper or lower portion of any such house or building, or for any part of such house or building, fronting on any street, such owner, occupant or agent shall use the suffix "A", "B", "C", etc., as may be required.

SEC. 9-6-8 PLAT MAP.

For the purpose of facilitating a correct numbering, a plat book of all streets, avenues and public highways within the Village showing the proper numbers of all lots or houses fronting upon all streets, avenues, or highways shall be kept on file in the office of the Village Clerk. These plats shall be open to inspection of all persons during the office hours of the Clerk.

SEC. 9-6-9 BUILDING INSPECTOR TO ASSIGN NUMBER TO APPLICANTS.

It shall be the duty of the Building Inspector to inform any party applying therefor, of the number or numbers belonging or embraced within the limits of said lot or property as provided in this Chapter. In case of doubt as to the proper number to be

assigned to any lot or building, the Clerk shall determine the number of such lot or building.

SEC. 9-6-10 OWNER'S DUTY TO PROCUR NUMBER.

(a) Whenever any house, building or structure shall be erected or located in the Village of Winneconne after the entire work of establishing a uniform system of house numbering has been completed, in order to preserve the continuity and uniformity of numbers of the houses, buildings, and structures, it shall be the duty of the owner to procure the correct number or numbers from the Village Clerk for the said property and immediately to fasten the said number or numbers so assigned upon said building as provided by this Chapter.

(b) No building permit shall be issued for any house, building or structure until the owner has procured from the Clerk the official number of the premises.

SEC. 9-6-11 POLICE OFFICERS TO REPORT VIOLATIONS.

It shall be the duty of all police officers of the Village of Winneconne to report violation of any provision of this Chapter.

SEC. 9-6-12 VIOLATIONS.

If the owner or occupant of any building required to be numbered by this Chapter shall neglect for the period of twenty days duly to attach and maintain the proper number on such building, the Village shall serve upon him a notice requiring such owner or occupant properly to number the same, and if he neglects to do so for ten days after the service of such notice, he shall be deemed to have violated this Chapter. Upon conviction thereof, he shall forfeit not less than \$1.00 nor more than \$10.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed 30 days for each violation. Each day that a violation continues to exist shall constitute a separate offense.

CHAPTER 7

Shoreland-Wetland Zoning

Article A

Introduction

- § 9-7-1 Statutory Authorization
- § 9-7-2 Finding of Fact and Purpose

Article B

General Provisions

- § 9-7-3 Compliance
- § 9-7-4 Municipalities and State Agencies Regulated
- § 9-7-5 Abrogation and Greater Restrictions
- § 9-7-6 Interpretation
- § 9-7-7 Severability
- § 9-7-8 Annexed Areas

Article C

Shoreland-Wetland Zoning District

- § 9-7-9 Shoreland-Wetland Zoning Maps
- § 9-7-10 District Boundaries
- § 9-7-11 Permitted Uses
- § 9-7-12 Prohibited Uses

Article D

Nonconforming Structures And Uses

- § 9-7-13 Nonconforming Structures and Uses

Article E

Administrative Provisions

- § 9-7-14 Zoning Administrator
- § 9-7-15 Zoning Permits
- § 9-7-16 Certificates of Compliance
- § 9-7-17 Conditional Use Permits
- § 9-7-18 Fees
- § 9-7-19 Recording
- § 9-7-20 Revocation
- § 9-7-21 Board of Appeals

Article F

Amending Shoreland-Wetland Zoning Regulations

- § 9-7-22 Amending Regulations

Article G

Enforcement And Penalties

- § 9-7-23 Enforcement and Penalties

Article H

Definitions

- § 9-7-24 General Provisions
- § 9-7-25 Definitions

ARTICLE A

INTRODUCTION

SEC. 9-7-1 STATUTORY AUTHORIZATION.

This chapter is adopted pursuant to the authorization in Sections 61.35, 61.351, and 144.26, Wis. Stats.

SEC. 9-7-2 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 flood water 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; and
- (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.

ARTICLE B

GENERAL PROVISIONS

SEC. 9-7-3 COMPLIANCE.

The use of wetlands and the alteration of wetlands within the shoreland area of the municipality shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter.

SEC. 9-7-4 MUNICIPALITIES AND STATE AGENCIES REGULATED.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if section 13.48(13), Wis. Stats., 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), Wis. Stats., applies.

SEC. 9-7-5 ABROGATION AND GREATER RESTRICTIONS.-

(a) This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under sections 61.35, Wis. Stats., which relates to shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

SEC. 9-7-6 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where an ordinance in this Chapter is required by a standard in chapter NR 117, Wis. Adm. 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 Chapter or in effect on the date of the most recent text amendment to this Chapter.

SEC. 9-7-7 SEVERABILITY.

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

SEC. 9-7-8 ANNEXED AREAS.

The Winnebago County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Winnebago County shoreland and 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.

ARTICLE C

SHORELAND-WETLAND ZONING DISTRICT

SEC. 9-7-9 SHORELAND WETLAND

The following maps are hereby adopted and made part of this Chapter and are on file in the office of the municipal Clerk:

- a) Wisconsin Wetland Inventory maps stamped "FINAL" on April 9, 1992.
- b) Floodplain zoning maps titled Flood Boundary and Floodway dated August 1, 1980.
- c) United States Geological Survey maps dated May, 1961, revised 1975
- d) Zoning maps titled Official Zoning Map and dated February 1983 with revisions through October, 1989.

SEC. 9-7-10 DISTRICT BOUNDARIES.

(a) The shoreland-wetland zoning district includes all wetlands in the municipality which are five acres or more and are shown on the final Wetland Inventory map that has been adopted and made a part of this Chapter and which are:

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

(2) within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter. Floodplain zoning maps, adopted in Section 9-7-9, shall be used to determine the extent of floodplain areas.

(b) Determinations of navigability and ordinary high-water location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.

(c) When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were

adopted, the zoning administrator shall contact the appropriate district office of the Department of Natural Resources to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetlands the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping(errors or acknowledge exempted wetlands designated in paragraphs (d) and (e) of this Section, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

(d) FILLED WETLANDS. Wetlands which are filled prior to April 9, 1992 date on which the municipality received the final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetlands are not subject to this Chapter.

(e) WETLANDS - LANDWARD OF A BULKHEAD LINE. Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Stats., are not subject to this Chapter.

SEC. 9-7-11 PERMITTED USES.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

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

- (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
- (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (3) the practice of silviculture, including the planting, thinning and harvesting of timber;
- (4) The pasturing of livestock;
- (5) The cultivation of agricultural crops.
- (6) The construction and maintenance of duck blinds.

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

(1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;

(2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;

(3) The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;

(4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

(5) The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;

(6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in section 9-7-22(c) of this Chapter; and

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

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

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

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

(b) The road is designed and constructed to minimize adverse impacts upon the natural functions of the

wetland listed in section 9-7-22(c) of this Chapter.

- (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
- (d) Road construction activities are carried out in the immediate area of the roadbed only; and
- (e) Any wetland alteration must be necessary for the construction or maintenance of the road.

(2) The construction and maintenance of nonresidential buildings provided that:

- (a) The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
- (b) The building cannot, as a practical matter, be located outside the wetland;
- (c) The building does not exceed 500 square feet in floor area; and
- (d) Only limited filling and excavating necessary to provide structural support for the building is allowed.

(3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed area, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

- (a) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
- (b) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;
- (c) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in section 9-7-11 (c) (1) of this Chapter; and

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

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

- (a) The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
- (b) only limited filling or excavating necessary for such construction or maintenance is allowed; and
- (c) Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in section 9-7-22(c) of this Chapter.

SEC. 9-7-12 PROHIBITED USES.

- (a) Any use not listed in Section 9-7-11 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of an ordinance in this Chapter in accordance with Section 9-7-22.
- (b) The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

ARTICLE D

NONCONFORMING STRUCTURES AND USES

SEC. 9-7-13 NONCONFORMING STRUCTURES AND USES.

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

- (a) The shoreland-wetland provisions in this Chapter authorized by s. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to 50% of current fair market value.
- (b) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter.
- (c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under section 61.351 Wis. Stats., may be continued although such use does not conform with the provisions of the Chapter. However, such nonconforming use may not be extended.
- (d) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.
- (e) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

ARTICLE E

ADMINISTRATIVE PROVISIONS

SEC. 9-7-14 ZONING ADMINISTRATOR.

The Village Zoning Administrator is hereby authorized to administer and enforce the provisions of this Chapter.

The Zoning Administrator shall have the following duties and powers:

- (a) Advise applicants as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- (b) Issue permits and certificates of compliance and inspect properties for compliance with this Chapter.
- (c) Keep records of all permits issued, inspections made, work approved and other official actions.
- (d) Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
- (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department of Natural Resources.
- (f) Investigate and report violations of this Chapter to the appropriate municipal planning agency and to the municipal attorney.

SEC. 9-7-15 ZONING PERMITS

(a) WHEN REQUIRED. Unless another section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development, as defined in section 9-7-25(f), of this Chapter, or any change in the use of an existing building or structure is initiated.

(b) APPLICATION. An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the municipality and shall include, for the purpose of proper enforcement of these regulations, the following information:

(1) GENERAL INFORMATION

- (a) Name, address, and telephone number of applicant, property owner and contractor, where applicable.
- (b) Legal description of the property and a general description of the proposed use or development.
- (c) Whether or not a private water supply or sewage system is to be installed.

(2) SITE DEVELOPMENT PLAN

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

- (a) Dimensions and areas of the lot;
- (b) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- (c) Description of any existing or proposed onsite sewage systems or private water supply systems;
- (d) Location of the ordinary high-water mark of any abutting navigable waterways;
- (e) Boundaries of all wetlands;
- (f) Existing and proposed topographic and drainage features and vegetative cover;
- (g) Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
- (h) Location of existing or future access roads; and
- (i) specifications and dimensions-for areas of proposed wetland alteration.

(c) EXPIRATION. All permits issued under the authority of this ordinance shall expire twelve (12) months from the date of issuance.

SEC. 9-7-16 CERTIFICATE OF COMPLIANCE.

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

(1) The certificate of-compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.

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

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

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

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

SEC. 9-7-17 CONDITIONAL USE PERMITS

(a) APPLICATION Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Board of Appeals following the procedures in sections 9-7-21(b), (c), and (d) of this Chapter.

(b) CONDITIONS Upon consideration of the permit applicant and the standards applicable to the conditional uses designated in section 9-7-11(c) of this Chapter, the Board of Appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in section 9-7-2. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover;

erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Board of Appeals may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

SEC. 9 -7-18 FEES.

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

- (a) Zoning permits.
- (b) Certificates of compliance.
- (c) Public hearings.
- (d) Legal notice publications.
- (e) Conditional use permits.
- (f) Rezoning petitions.

SEC. 9-7-19 RECORDING.

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

SEC. 9-7-20 REVOCATION.

Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

SEC. 9-7-21 BOARD OF APPEALS.

The Village President shall appoint a Board of Appeals under Section 62.23(7)(e), Wis. Stats., consisting of five (5) members subject to confirmation by the municipal governing body. The Board of Appeals shall adopt rules for the conduct of its business as required by section 62.23(7)3., Wis. Stats.

(a) POWERS AND DUTIES.

The Board of Appeals:

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

(2) Shall hear and decide applications for conditional use permits.

(3) May authorize, upon appeal, a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates:

(a) That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.

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

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

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

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

(c) PUBLIC HEARINGS.

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

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

(d) DECISIONS.

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

(2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department of Natural Resources within ten (10) days after the decision is issued.

ARTICLE F

AMENDING SHORELAND-WETLAND ZONING REGULATIONS

SEC. 9-7-22 AMENDING REGULATIONS.

The municipal governing body may alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirements of section 62.23(7)(d)2., Wis. Stats., NR 117, Wis. Adm. Code, and the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department of Natural Resources within five (5) days of the submission of the proposed amendment to the municipal planning agency;
- (b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)2., Wis. Stats. The appropriate district office of the Department of Natural Resources shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.
- (c) In order to insure that this Chapter will remain consistent with the shoreland protection objectives of section 144.26, Wis. Stats., the municipal governing body may not rezone a wetland in a shoreland-wetland zoning district or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
 - (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against erosion;
 - (5) Fish spawning, breeding, nursery or feeding grounds;
 - (6) Wildlife habitat; or

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

(d) Where the district office of the Department of Natural Resources determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section 9-7-22(c) the Department shall so notify the municipality of its determination either prior to or during the public hearing held on the proposed amendment.

(e) The appropriate district office of the Department of Natural Resources shall be provided with:

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

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

(f) If the Department of Natural Resources notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section 9-7-22(c), that proposed amendment, if approved by the municipal governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the municipal approval was mailed to the Department of Natural Resources, as required by Section 9-7-22(f). If within the thirty (30) day period, the Department of Natural Resources notifies the municipality that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the municipality as provided by section 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the ordinance adoption procedure under section or 61.351(6), Wis. Stats., is completed or otherwise terminated.

ARTICLE G

ENFORCEMENT AND PENALTIES

SEC. 9-7-23 ENFORCEMENT AND PENALTIES.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the municipal planning agency and the municipal attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$5.00 nor more than \$500.00 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

ARTICLE H

DEFINITIONS

SEC. 9-7-24 GENERAL PROVISIONS.

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

SEC. 9-7-25 DEFINITIONS.

The following terms used in this ordinance mean:

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

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

(c) "Class 2 public notice" means publication of a public hearing notice under chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two consecutive weeks, the last at least seven (7) days prior to the hearing.

(d) "Conditional use" means a use which is permitted by this Chapter provided that certain conditions specified in the Chapter are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning agency designated by the municipal governing body.

(e) "Department" means the Wisconsin Department of Natural Resources.

(f) "Development" means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

(g) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

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

(i) "Fixed houseboat" as defined in section 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

(j) "Navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sections 61.351 or 62.221, Wis. Stats., and chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:

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

"Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal

spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons."

(k) "Ordinary high-water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

(l) "Planning agency" means the municipal plan commission created under section 62.23(1), Wis. Stats., a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.

(m) "Shorelands" means land within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(n) "Shoreland-wetland district" means the zoning district, created in this shoreland-wetland zoning Chapter, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter.

(o) "Unnecessary hardship" means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

(p) "Variance" means an authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Chapter.

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

(r) "Wetland alteration" means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

END OF TITLE 9. - see appendices.

TITLE 9

Appendix A

Permit / Review Fees

- | | |
|-----------------------------|---|
| A. Variance: | \$100.00 |
| B. Conditional Use Permit: | \$100.00 |
| C. Re-zoning: | \$100.00 |
| | |
| D. Preliminary Plat Review: | |
| | \$250.00 flat fee plus \$10.00 per lot. |
| | |
| E. Final Plat Review Fee: | |
| | \$75.00 flat fee only. |

Fees A,B,C as of May 2000

Fees D & E as of Sep 2000