

PO Box 159  
242 Fredonia Avenue  
Fredonia, WI 53021



Administrator: Christophe Jenkins  
[admin@fredoniawi.gov](mailto:admin@fredoniawi.gov)

Clerk: Michelle T. Johnson  
[clerk@fredoniawi.gov](mailto:clerk@fredoniawi.gov)

Treasurer: Melissa Depies  
[treasurer@fredoniawi.gov](mailto:treasurer@fredoniawi.gov)

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## AGENDA

### FREDONIA PLANNING COMMISSION MEETING

**MONDAY, April 8<sup>th</sup>, 2024 - 7:00 P.M.**

Fredonia Government Center – Village Board Room  
242 Fredonia Avenue, Fredonia, Wisconsin

### THE FOLLOWING BUSINESS WILL BE BEFORE THE PLANNING COMMISSION FOR INITIATION, DISCUSSION, CONSIDERATION, DELIBERATION AND POSSIBLE FORMAL ACTION

1. Call to Order/ Pledge of Allegiance
2. Consent Agenda:
  - a) Approve Minutes from the Monday, March 4<sup>th</sup>, 2024, Planning Commission Meeting
3. Zoning Change:
  - a) A Public Hearing at 7:00 PM to Hear Public Comment on and Reaction to the Proposed Rezoning of Portion of Parcel Number 090500122051 from A-1 General Agricultural/Holding District to I-1 Institutional.  

Applicant: St. John's Lutheran Church

Agent: Same
  - b) Motion To Close Public Hearing.
  - c) Discussion and Possible Recommendation to the Village Board of Trustees for the Rezoning of a Portion of Parcel Number 090500122051 from A-1 General Agricultural/Holding District to I-1 Institutional.  

Applicant: St. John's Lutheran Church

Agent: Same
4. Action to Set a Public Hearing:

- a) Discussion and Possible Action to Set a Public Hearing to Hear Public Comment on and Reaction to a Proposed Change to Chapter 306: Flood Plain Management of the Village's Code of Ordinances.

5. Continued Review of Existing Sign Ordinance.

6. Items for Future Consideration:

7. Adjourn

**NOTICE IS HEREBY GIVEN** that a majority of the Fredonia Village Board may attend this meeting in order to gather information about a subject over which they have decision-making responsibility.

**UPON REASONABLE NOTICE**, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, contact the Village Clerk at 262-692-9125.

Michelle Johnson is inviting you to a scheduled Zoom meeting.

Topic: Planning Commission

Time: Apr 8, 2024 07:00 PM Central Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86268987488>

Meeting ID: 862 6898 7488

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One tap mobile

+16469313860,,86268987488# US

+19292056099,,86268987488# US (New York)

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## FREDONIA PLANNING COMMISSION MEETING MINUTES MONDAY, March 4<sup>th</sup>, 2024 - 7:00 P.M.

Fredonia Government Center – Village Board Room  
242 Fredonia Avenue, Fredonia, Wisconsin

1. President Gehrke called the meeting to order at 7:01 PM, followed by the Pledge of Allegiance.  
Board Members Present: Daniel Gehrke, Donald Dohrwardt, Jerome Jaques, Blake Buvid, Troy Bretl, Dan Wellskopf.  
Staff Present: Administrator Jenkins  
Residents Present: Tom Paulus, member of the press.

2. **Motion to Approve Minutes from the Monday, December 4<sup>th</sup>, 2023, Planning Commission Meeting** made by Troy Bretl.  
Seconded by Dan Wellskopf.  
Passed by unanimous voice vote.

3. Certified Survey Map (CSM):

*Administrator Jenkins gave an overview of the CSM proposed by St John's Lutheran Church. The CSM divides a 10-acre parcel into two lots: an 8.7-acre lot, to remain zoned as Agricultural, and a 1.9-acre lot to be rezoned as Public Institutional to be used to expand an existing cemetery. Mr. Bretl asked if the neighbors had been informed. Administrator Jenkins clarified that notification is part of the preparation for the public hearing. Mr. Dohrwardt asked what the tax status is on the existing parcel. Administrator Jenkins responded that currently, the property is zoned as Agricultural 1. If the CSM and rezoning requests are approved, the smaller parcel would be rezoned to Institutional and could qualify for tax exempt status.*

- a) **Motion to Recommend Approval to the Village Board CSM# 2024-01: Combining 824-836 Fredonia Ave, Parcel Number 090500120006, and a Portion of Parcel Number 090500122051, Applicant: St. John's Lutheran Church, Agent: Same** made by Mr. Bretl  
Seconded by Mr. Dohrwardt.  
Passed by unanimous voice vote.

4. Action to Set Public Hearing

*President Gehrke requested that the public hearing be set for April 8<sup>th</sup> due to a personal conflict.*

- a) **Motion to Set a Public Hearing on April 8<sup>th</sup>, 2024 at 7:00 PM for the**

**Rezoning of a Portion of Parcel Number 090500122051 from A-1 General Agricultural/Holding District to I-1 Institutional, Applicant: St. John's Lutheran Church, Agent: Same** made by Trustee Dohrwardt.  
Seconded by Mr. Buvid.  
Passed by unanimous voice vote.

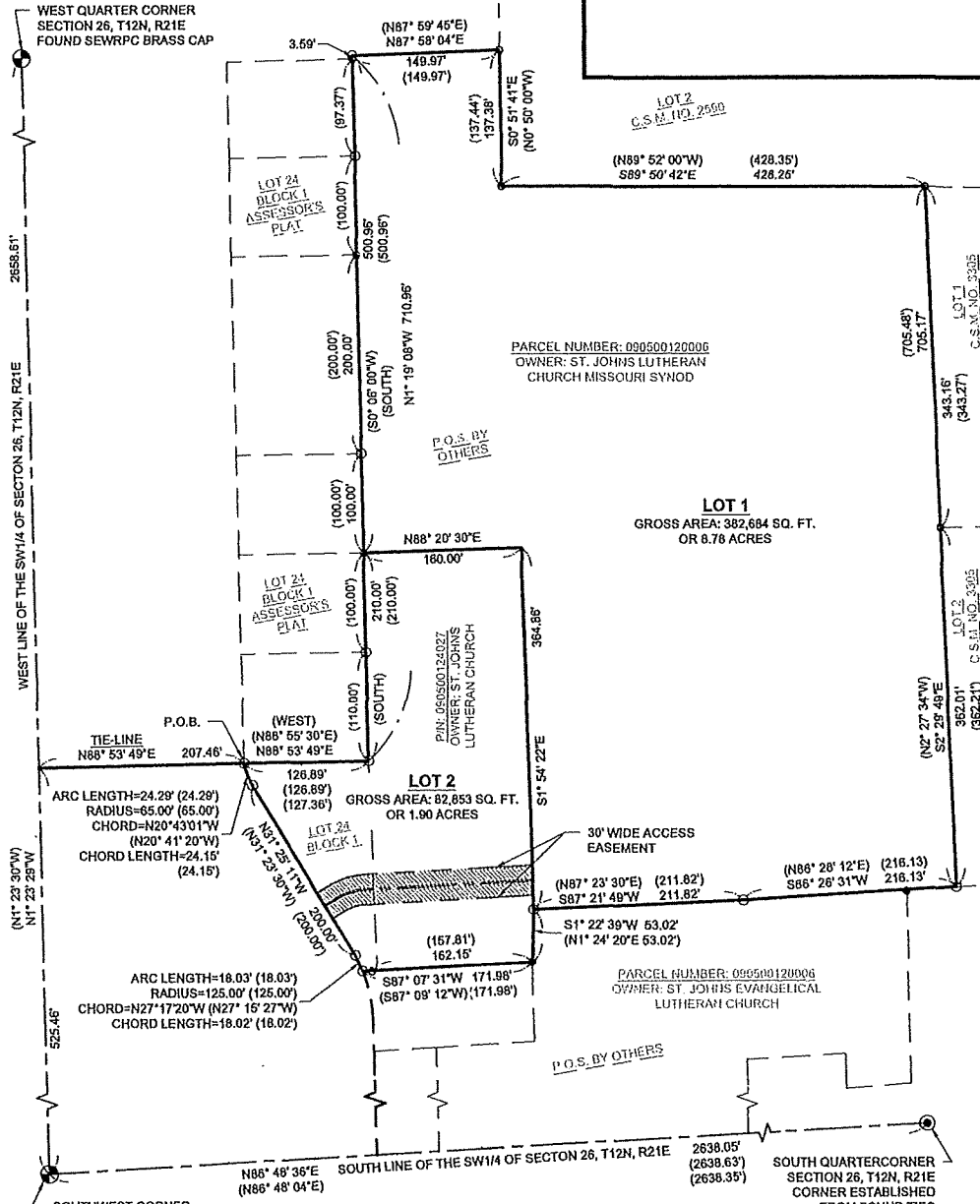
5. **Review of Existing Sign Ordinance.** *President Gehrke asked the board to review the existing sign ordinance and consider if the Commission wished to see any changes. Mr. Dohrwardt pointed out a clerical error in the existing ordinance. Administrator Jenkins asked the Commission to provide clarity on the Zoning Administrator's authority to approve a sign. Mr. Dohrwardt stated that the content of the electrical signs was not covered in the existing ordinance. He said this was brought up in a joint meeting of the FGCC. Mr. Jaques stated there should be some guidance on LED lighted signs regarding brightness and direction that the signs face. Mr. Wellskopf suggested limiting the hours that signs could be illuminated. Mr. Dohrwardt suggested controlling lumens and perhaps the signs could tilt so as to not shine in residents' windows. There was some general confusion about whether there was a separate electronic sign ordinance, after further research it was discovered that there was no separate ordinance dealing with electronic signs, and there was very limited language pertaining to electronic signs in the existing ordinance. President Gehrke said he felt the existing ordinance could be clearer on the authority to approve signs. Mr. Dohrwardt talked about types of content allowed on Fredonia Government Center's electronic sign. Administrator Jenkins said that the Commission should consider the existing ordinance between now and the next meeting and come prepared with suggestions for changes.*

**Motion to move the April Planning Commission Meeting From April 1<sup>st</sup>, 2024, to April 8, 2024,** made by Mr. Bretl.  
Seconded by Trustee Dohrwardt.  
Passed by unanimous voice vote.

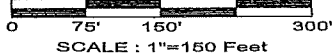
6. Items for Future Consideration: Sign Ordinance
7. **Motion to Adjourn** made by Mr. Dohrwardt.  
Seconded by Mr. Wellskopf.  
Passed by unanimous voice vote.

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A SUBDIVISION OF A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4-SW1/4), SECTION TWENTY-SIX (26), TOWNSHIP TWELVE (12) NORTH, RANGE TWENTY-ONE (21) EAST, VILLAGE OF FREDONIA, OZAUKEE COUNTY, WISCONSIN



BEARINGS ARE REFERENCED TO THE WEST LINE OF THE SW1/4 OF SECTION 26, T12N, R21E, MEASURED TO BEAR N1° 23' 29"W. DATUM: WISCONSIN COUNTY COORDINATE SYSTEM, OZAUKEE COUNTY, U.S. FOOT



### LEGEND

- SECTION CORNER, FOUND (AS NOTED ON MAP). SEE COUNTY SURVEYOR RECORDS. LOCATION OF ALL MONUMENTS AND WITNESS TIES HAVE BEEN VERIFIED CORNER ESTABLISHED FROM FOUND TIES
- SET 3/4" DIA. IRON ROD, 24" LONG WEIGHING 1.5#/L.F
- FOUND 3/4" DIAMETER IRON ROD
- FOUND 1-1/4" DIAMETER IRON PIPE
- FOUND 1" DIAMETER IRON PIPE
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ( ) RECORDED AS DATA

### NOTES:

1. THE LOTS OF THIS C.S.M. ARE CONSIDERED UNBUILDABLE UNTIL A SOILS & SITE EVALUATION REPORT AS REQUIRED BY THE DEPARTMENT OF SAFETY & PROFESSIONAL SERVICES IS FILED WITH THE OZAUKEE COUNTY LAND & WATER MANAGEMENT DEPARTMENT.
2. FIELD WORK COMPLETED DECEMBER 14, 2023.

REVIEW COPY ONLY



PREPARED BY:  
RAMAKER & ASSOCIATES, INC.  
855 COMMUNITY DRIVE  
SAUK CITY, WI 53583  
PHONE: (608) 643-4100  
PROJECT NUMBER: 59628

PREPARED FOR PROPERTY OWNER:  
ST. JOHNS EVANGELICAL LUTHERAN CHURCH  
ATTN: TOM PAULUS  
824 FREDONIA AVENUE  
FREDONIA, WI 53021

TRENT D. NELSON DATE: 02/16/2024  
WISCONSIN PROFESSIONAL SURVEYOR #3132-B



## Zoning Change Application

242 Fredonia Ave  
 PO Box 159  
 Fredonia, Wisconsin 53021  
 (262) 692-9125  
<https://www.fredoniawi.gov/>

Date Filed	2/21/2024
Fee \$200.00	403625

### Owner's Information

Owner of Property	St. John's Lutheran Church
Property Address	824 Fredonia Ave. 824-836
City, State, Zip Code	Fredonia, WI 53021
Phone Number	262-692-2743 Tom Paulus 262-483-9059
Email	secretary.stjohnfredonia@gmail.com

### Property Information

Present Use of Property	Agriculture
Proposed Use of Property	Cemetery
Current Zoning District	A-1 General Agriculture
Proposed Zoning District	I-1 Institutional

### Names and Addresses of Adjoining Property Owners

(Use Reverse if Needed)

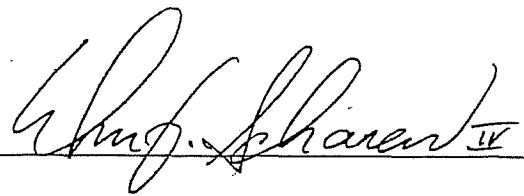
1.	Matthew B Bares, 140 Edmaro St.
2.	Aaron D. Viets, 110 Edmaro St.
3.	
4.	
5.	
6.	
7.	
8.	
9.	

Signature of Owner:	<i>Flora J Paul</i> Trustee
Address of Owner (if different from above):	

# Affidavit of Publication

STATE OF WISCONSIN }  
Ozaukee County } SS

William F. Schanen IV, being duly sworn, says that he is the president of Port Publications, Inc., publishers of the Ozaukee Press, a public newspaper of general circulation, printed and published in the city of Port Washington and county of Ozaukee, Wisconsin; that a notice, of which the printed one hereto attached is a true copy, was published in the Ozaukee Press once each week for 1 weeks successively; that the first publication thereof was on the 14th day of MARCH A.D. 20 24, and that the last publication thereof was on the 21st day of MARCH A.D. 20 24.



Subscribed and sworn to before me this 21st day of Mar A.D. 20 24.

Notary Public, Ozaukee County, Wisconsin.

My commission expires 9/18/24

(Mar. 14, 21, 2024)

## NOTICE OF PUBLIC HEARING FOR ZONING CHANGE

VILLAGE OF FREDONIA  
242 FREDONIA AVENUE

MONDAY, April 8th, 2024 - 7:00PM

PUBLIC NOTICE IS HEREBY GIVEN that the Planning Commission of the Village of Fredonia will hold a public hearing for the purpose of hearing public comment on and reaction to a proposed change in property zoning.

Property to be rezoned:

A Portion of Parcel Number 090500122051 from A-1 General Agricultural/Holding District to I-1 Institutional.

Applicant: St. John's Lutheran Church

Agent: Same

Following said hearing and after consideration of the Plan Commission recommendation, the Village Board will then take formal action on the proposed rezoning of said property on April 18th, 2024.

Interested citizens are encouraged to attend the public hearing on Monday, April 8th, 2024, at 7:00PM at the Fredonia Government Center Board Room, 242 Fredonia Avenue, Fredonia, Wisconsin. Further information about these matters may be obtained by contacting the clerk of the Village of Fredonia.

FOR: Fredonia Plan Commission

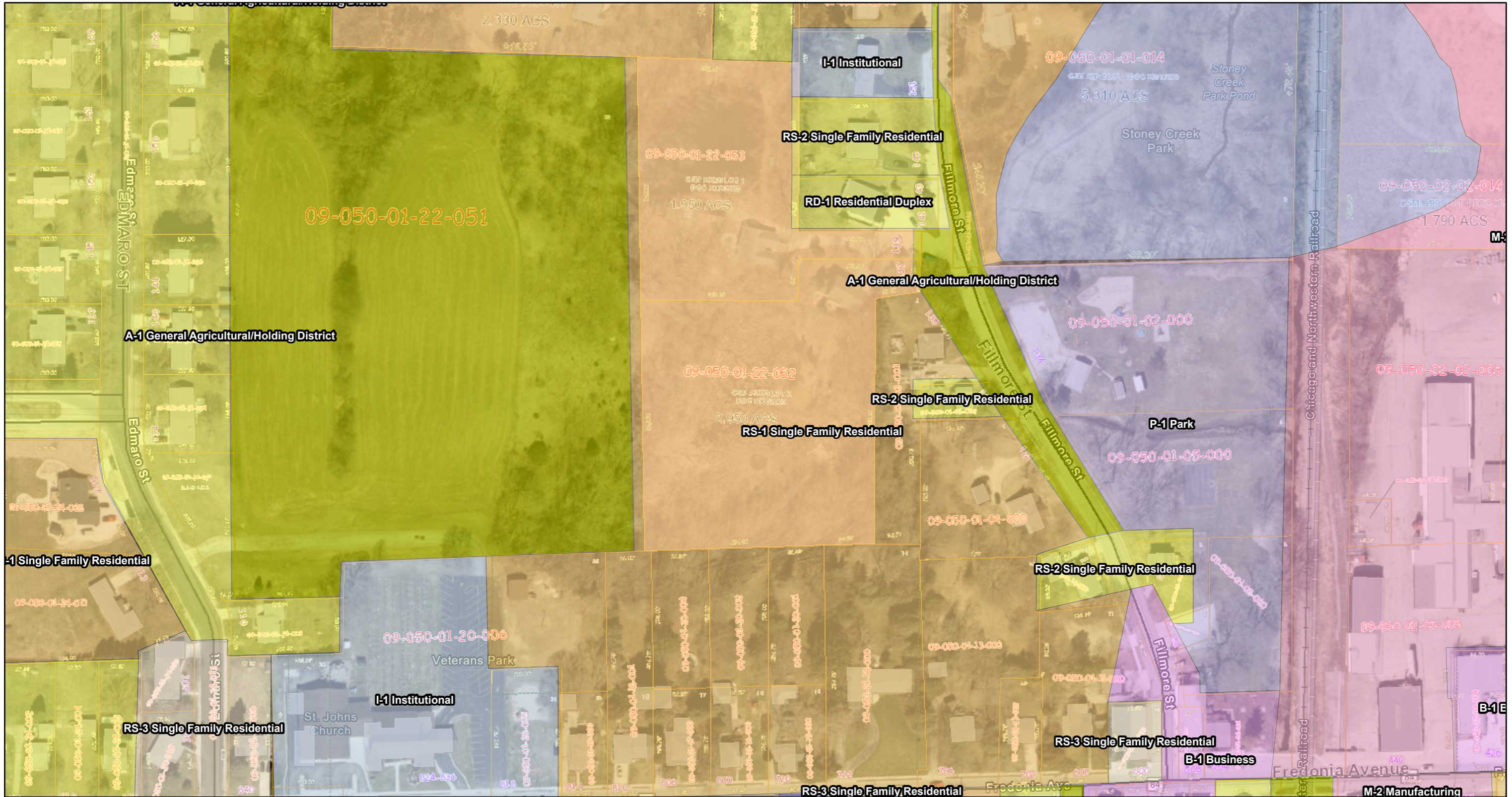
By:  
Michelle T. Johnson  
Village Clerk

Sent To: Abutting Properties  
Plan Commission  
Village Administration

WNAXLP



# Village of Fredonia Maps



2/21/2024, 3:09:52 PM

1:2,257

Zoning

- A-1-General Agricultural/Holding District
- B-1 Business
- C-1 Conservancy
- I-1 Institutional
- M-2 Manufacturing
- P-1 Park
- RD-1 Residential Duplex

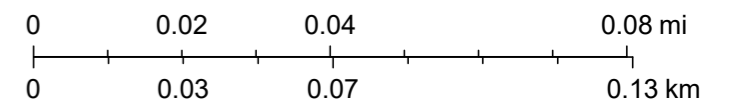
- RD-2 Residential Duplex
- RS-1 Single Family Residential
- RS-2 Single Family Residential
- RS-3 Single Family Residential
- Control Survey Diagram
- PLSS Quarter Sections
- PLSS Sections

- PLSS Townships
- CSM
- Building Footprints
- Parcels
- Road Reservation
- Road Right-of-Way
- Condominium
- Gap

- Overlap
- Tax Parcel
- Historical Parcel Lines
- Local Roads
- Local
- Private
- Ramp
- Service Drive

- Highways
- Interstate
- State Highway
- County Highway
- Railroad Centerline
- PLSS Corners
- Center of Section
- GPS Point

- Meander Corner
- Quarter Section Corner
- Section Corner
- Witness Corner



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

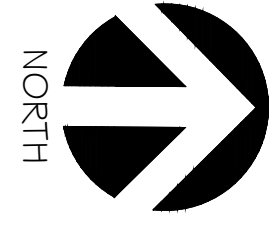


- SITE INFORMATION**
1. PARCEL AREA = ± TBD ACRES
  - 1.1. EXISTING CONDITIONS IMPERVIOUS AREA = 4,673 SF, ± TBD%
  - 1.2. PROPOSED CONDITIONS IMPERVIOUS AREA = 5,726 SF, ± TBD%
  - 1.3. NET INCREASE IN IMPERVIOUS AREA = 1,053 SF
  - 1.4. TOTAL DISTURBED AREA = ± TBD ACRES
  2. CURRENT ZONING: A-1: AGRICULTURAL
  3. CURRENT USE: AGRICULTURAL
  4. PAST USE: P-1: INSTITUTIONAL
- GENERAL NOTES**
1. CONTRACTOR SHALL INSTALL THE NECESSARY TRAFFIC CONTROL AND ADVANCED WARNING SIGNS 48 HOURS PRIOR TO PERFORMING ANY WORK WITHIN RIGHT-OF-WAY



**LEGEND**

- EXISTING PROPERTY CORNER
- ▭ PROPOSED GRAVEL DRIVE
- EXISTING LOT LINES

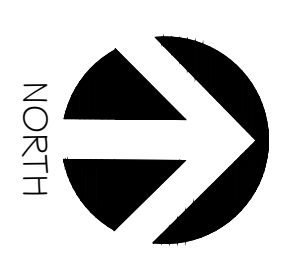
 NORTH	<p><b>PRELIMINARY</b>                  FOR REVIEW                  PURPOSES ONLY</p>	<p>Certification &amp; Seal:</p>	<p><b>RAMAKER</b>                  ENGINEERS-ARCHITECTS                  (608) 643-4100 www.ramaker.com</p>	<p>PROJECT OWNER:                  ST JOHNS LUTHERAN CHURCH</p> <p>PROJECT LOCATION:                  824 FREDONIA AVE                  FREDONIA, WI 53021</p> <p>SHEET TITLE:                  PROPOSED SITE PLAN</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>MARK</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>DATE ISSUED:</td> <td>02/16/2023</td> <td></td> </tr> <tr> <td>ISSUE PHASE:</td> <td>PRELIMINARY</td> <td></td> </tr> <tr> <td>PROJECT TITLE:</td> <td colspan="2">ST JOHNS FREDONIA CEMETERY EXPANSION</td> </tr> </tbody> </table>	MARK	DATE	DESCRIPTION	DATE ISSUED:	02/16/2023		ISSUE PHASE:	PRELIMINARY		PROJECT TITLE:	ST JOHNS FREDONIA CEMETERY EXPANSION	
MARK	DATE	DESCRIPTION															
DATE ISSUED:	02/16/2023																
ISSUE PHASE:	PRELIMINARY																
PROJECT TITLE:	ST JOHNS FREDONIA CEMETERY EXPANSION																
<p>0 10' 20' 40'</p> <p>1" = 17' - 1" = 40'                  2" = 34' - 1" = 20'</p> <p>PROJECT NUMBER: 59628                  SHEET NUMBER: C200</p>																	



- AREAS OF SITE
- TOTAL AREA OF SITE = 1.80 ACRES
  - TOTAL AREA DISTURBED = 1.80 ACRES
- GRADING AND STORM DRAINAGE NOTES
- ALL ELEVATIONS SHOWN ARE TO FINISHED GRADE
  - CLEAR ALL TREES, BRUSH, STUMPS AND OTHER ORGANIC MATERIAL FROM AREAS TO BE FILLED
  - ALL FILLING HAS BEEN MADE TO INCORPORATE ANY AND ALL EXISTING UTILITY LINES AND STRUCTURES. CONSTRUCTION FROM THE GEOTECHNICAL REPORT ONTO THESE PLAN SHEETS HOWEVER, THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE MOST UP-TO-DATE GEOTECHNICAL REPORT AND FAMILIARIZING THEMSELVES WITH SAID REPORT.
  - REMOVE ALL UNSUITABLE MATERIAL (MUCK OR NON-COMPACTABLE MATERIAL) FROM AREAS TO BE FILLED. CONTRACTOR SHALL, WHEN GRADING BETWEEN CONTOURS AND BETWEEN POINTS OF SPOT ELEVATIONS, GRADE ON A UNIFORM SLOPE.
  - CONTRACTOR SHALL, FOR ALL GRASSED AREAS, BE RESPONSIBLE FOR REPLACING FRODED SOIL, GRASS SEED AND/OR MULCH UNTIL AN APPROVED STAND OF GRASS IS ESTABLISHED.
  - CONTRACTOR SHALL, BEFORE BEGINNING GRADING WORK ON SITE, INSTALL SILT FENCE AS SHOWN ON THE PLANS, AS SEDIMENT BUILDS UP AROUND SILT FENCE, REMOVE SEDIMENT AND REPLACE WHERE EROSION HAS TAKEN PLACE.
  - EACH SECTION OF PIPE SHALL BE LAID TO SPECIFIED LINE AND LAID UPGRADE.
  - CONTRACTOR SHALL REMOVE ALL DEBRIS AND OTHER MATERIALS RESULTING FROM DEMOLITION AND DISPOSE OFF-SITE UNLESS OTHERWISE ADVISED BY OWNER.
  - CONTRACTOR SHALL KEEP ALL ROADS ADJACENT TO THE SITE CLEAN DURING CONSTRUCTION OF EXISTING UTILITY LINES
  - CONTRACTOR SHALL BE AWARE OF EXISTING UTILITY LINES FOR ALL UTILITIES INSTALLATION. CALL ALL UTILITY COMPANIES AT BOARDWAY AND DRAINAGE SPECIFICATIONS. (LATEST REVISION TO LOCAL AGENCY SPECIFICATIONS.)
  - ALL NEWLY CONSTRUCTED SLOPES WHICH ARE 4:1 OR STEEPER MUST BE STABILIZED BY INSTALLATION OF EROSION CONTROL MATTING AND SEEDING AS SOON AS PRACTICABLE.



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 (608) 643-4100 www.ramaker.com



**PRELIMINARY**  
 FOR REVIEW  
 PURPOSES ONLY

MARK	DATE	DESCRIPTION
ISSUED:	02/16/2023	
ISSUE		
PHASE:	PRELIMINARY	
PROJECT TITLE:	ST JOHNS FREDONIA CEMETERY EXPANSION	
PROJECT OWNER:	ST JOHNS LUTHERAN CHURCH	
PROJECT LOCATION:	824 FREDONIA AVE FREDONIA, WI 53021	
SHEET TITLE:	STORM DRAINAGE & GRADING PLAN	
SCALE:	AS SHOWN	
PROJECT NUMBER:	59628	
SHEET NUMBER:	C300	



## Request for Commission Consideration

<b>Item Description:</b> Flood Plain Ordinance	
<b>Report Prepared By:</b> Michelle T. Johnson	
<b>Report Date:</b> 03/27/2024	<b>Meeting Date:</b> 04/08/2024
<b>Strategic Priority?</b> <ul style="list-style-type: none"> <li>○ Smart Residential, Industrial, or Commercial Growth</li> <li>○ Responsible Fiscal Priority</li> <li>★ Supports Public Safety and Infrastructure</li> <li>○ Encourages Open Communication and Collaboration</li> <li>○ Strong Sense of Community</li> </ul>	
<b>Fiscal Summary:</b> N/A	
<b>Budget Line Item:</b> N/A	
<b>Wisconsin Statute or Local Ordinance:</b> Chapter 306 of Village Ordinances	
<b>Background Analysis:</b> <p>This update is required by FEMA at the federal level due to new mapping information or technology. The regulatory floodplain maps the Village uses are in the process of being updated and remapped so the Village will need to update the ordinance to reflect the new maps. This is also the time to update the rest of the ordinance text. The last updated ordinance approved by the state is from 2008.... there have been significant changes to the minimum requirements in floodplain zoning for both state and federal regulations since 2008 so this is the opportunity to update not only the "Official Maps" section but also the other ordinance elements so that the Village's ordinance complies with state and federal requirements.</p> <p>Communities that fail to enact the necessary flood plain management regulations will be suspended from the National Flood Insurance Program immediately.</p>	
<b>Staff Comments:</b> <p>This ordinance was drafted by the DNR, reviewed for formatting and editorial changes by Clerk Johnson, then on to Administrator Jenkins for content analysis, sent to Attorney Woodward for legal review, and then back to the DNR for a final review.</p>	
<b>Administrator's Recommendation:</b> Approve	
<b>Action Requested:</b> Motion to Set a Public Hearing to Hear Public Comment on and Reaction to a Proposed Change to Chapter 306: Flood Plain Management of the Village's Code of Ordinances.	
<b>Attachments:</b> <ol style="list-style-type: none"> <li>1. Ordinance 2024-02 Flood Plain Management</li> </ol>	



ORDINANCE 2024-02  
FLOODPLAIN ORDINANCE FOR VILLAGE OF FREDONIA

**Effective June 6<sup>th</sup>, 2024**

Optional if helpful: Adoption schedule tracking

1. Date of Public Hearing: **May 6<sup>th</sup>, 2024**
  - a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. Date of Adoption: **June 6<sup>th</sup>, 2024**
3. Dates of Publication or Posting: **April 18<sup>th</sup>, 2024 and April 25<sup>th</sup>, 2024**
  - a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. Date of Publication or Posting of Notice of Enacted Ordinance:
  - a. **June 13<sup>th</sup>, 2024**

# TABLE OF CONTENTS

1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS .....	4
1.1 STATUTORY AUTHORIZATION.....	4
1.2 FINDING OF FACT .....	4
1.3 STATEMENT OF PURPOSE.....	4
1.4 TITLE.....	4
1.5 GENERAL PROVISIONS.....	4
(1) AREAS TO BE REGULATED.....	4
(2) OFFICIAL MAPS & REVISIONS .....	4
(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS .....	5
(4) LOCATING FLOODPLAIN BOUNDARIES .....	5
(5) REMOVAL OF LANDS FROM FLOODPLAIN.....	5
(6) COMPLIANCE .....	6
(7) MUNICIPALITIES AND STATE AGENCIES REGULATED.....	6
(8) ABROGATION AND GREATER RESTRICTIONS.....	6
(9) INTERPRETATION .....	7
(10) WARNING AND DISCLAIMER OF LIABILITY .....	7
(11) SEVERABILITY.....	7
(12) ANNEXED AREAS FOR CITIES AND VILLAGES .....	7
 2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.....	7
2.1 HYDRAULIC AND HYDROLOGIC ANALYSES.....	8
2.2 WATERCOURSE ALTERATIONS.....	8
2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.....	8
2.4 PUBLIC OR PRIVATE CAMPGROUNDS.....	8
 3.0 FLOODWAY DISTRICT (FW).....	10
3.1 APPLICABILITY .....	10
3.2 PERMITTED USES .....	10
3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY .....	11
3.4 PROHIBITED USES .....	13
 4.0 FLOODFRINGE DISTRICT (FF) .....	13
4.1 APPLICABILITY .....	13
4.2 PERMITTED USES .....	13
4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE .....	14
 5.0 OTHER FLOODPLAIN DISTRICTS.....	16
5.1 GENERAL FLOODPLAIN DISTRICT (GFP).....	16
 6.0 NONCONFORMING USES AND STRUCTURES.....	17
6.1 GENERAL.....	17
6.2 FLOODWAY DISTRICT.....	20
6.3 FLOODFRINGE DISTRICT .....	20
6.4 NONCONFORMING BUILDING DESTROYED BY NON-FLOOD DISASTER.....	21

7.0	ADMINISTRATION.....	21
7.1	ZONING ADMINISTRATOR .....	21
7.2	ZONING AGENCY .....	26
7.3	BOARD OF APPEALS .....	27
7.4	TO REVIEW APPEALS OF PERMIT DENIALS .....	29
7.5	FLOODPROOFING STANDARDS.....	30
7.6	PUBLIC INFORMATION .....	31
8.0	AMENDMENTS.....	31
8.1	GENERAL .....	31
9.0	ENFORCEMENT AND PENALTIES.....	32
10.0	DEFINITIONS.....	32



## **1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS**

### **1.1 STATUTORY AUTHORIZATION**

This ordinance is adopted pursuant to the authorization in s. 61.35 and 62.23, for villages and cities; and the requirements in s. 87.30, Stats.

### **1.2 FINDING OF FACT**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.

### **1.3 STATEMENT OF PURPOSE**

This ordinance is intended to regulate floodplain development to:

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

### **1.4 TITLE**

This ordinance shall be known as the Floodplain Zoning Ordinance for Village of Fredonia, Wisconsin.

### **1.5 GENERAL PROVISIONS**

#### **(1) AREAS TO BE REGULATED**

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

#### **(2) OFFICIAL MAPS & REVISIONS**

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the Village Administrator/Zoning Administrator at the Village Hall, (Village of Fredonia).

##### **(a) OFFICIAL MAPS:** Based on the Flood Insurance Study (FIS):

1. Flood Insurance Rate Map (FIRM), panel numbers 55089C0101G, 55089C0102G, 55089C0103G, 55089C0104G, and 55089C0106G dated 07/31/2024;
2. Flood Insurance Study (FIS) for Ozaukee County, 55089CV001B, 55089CV002B, and 55089CV003B, dated 07/31/2024.

Approved by: The DNR and FEMA

- (b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows:

- a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
- b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.
- c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

- a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b) Where flood profiles do not exist for projects, including any boundary of zone A or AO the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.
- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The zoning administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
  2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

- a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

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

(8) ABROGATION AND GREATER RESTRICTIONS

- a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. No land use that is a conditional use in the zoning district governing a particular location prior to the adoption of this ordinance shall become a permitted use as a result of the adoption of this ordinance. A land use that is prohibited in the zoning district governing a particular location prior to the adoption of this ordinance shall remain prohibited after the adoption of this ordinance.



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

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

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

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Ozaukee County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

**2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

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

- 1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
  - a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - b. be constructed with flood-resistant materials;
  - c. be constructed by methods and practices that minimize flood damages; and
  - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- 2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

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

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2).

**2.1 HYDRAULIC AND HYDROLOGIC ANALYSES**

- 1) No floodplain development shall:
  - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
  - b. Cause any increase in the regional flood height due to floodplain storage area lost.
- 2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

**2.2 WATERCOURSE ALTERATIONS**

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

**2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 8.0 *Amendments*.

**2.4 PUBLIC OR PRIVATE CAMPGROUNDS**

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

- 1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- 2) A land use permit for the campground is issued by the zoning administrator;
- 3) The character of the river system and the campground elevation are such that a 72-hour

warning of an impending flood can be given to all campground occupants;

- 4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- 5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- 6) All mobile recreational vehicles placed on site must meet one of the following:
  - a. Be fully licensed, if required, and ready for highway use; or
  - b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
  - c. Meet the requirements in either s. 3.0, 4.0, or 5.1 for the floodplain district in which the structure is located;

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.
- 7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;
- 8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- 9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- 10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and
- 11) Standards for structures in a campground:
  - a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, or 5.1 for the floodplain district in which the structure is located;
  - b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200

square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

- c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
- d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).
- e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).

12) A land use permit shall be obtained as provided under 7.1(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

### **3.0 FLOODWAY DISTRICT (FW)**

#### **3.1 APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

#### **3.2 PERMITTED USES**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
  - they meet the standards in s. 3.3 and 3.4; and
  - all permits or certificates have been issued according to s. 7.1.
- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
  - 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
  - 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.

- 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- 7) Public utilities, streets and bridges that comply with s. 3.3(3).
- 8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- 10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

### **3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY**

#### 1) GENERAL

- a. Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).

#### 2) STRUCTURES

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

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
  1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
  2. Have structural components capable of meeting all provisions of Section 3.3(2)(g)



and;

3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement;
  - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
  - e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
    1. The lowest floor must be elevated to or above the regional flood elevation;
    2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
    4. The use must be limited to parking, building access or limited storage.
  - g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
    1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
    2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
    3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
    4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
    5. Placement of utilities to or above the flood protection elevation.
- 3) PUBLIC UTILITIES, STREETS AND BRIDGES  
Public utilities, streets and bridges may be allowed by permit, if:
- a. Adequate floodproofing measures are provided to the flood protection elevation; and
  - b. Construction meets the development standards of s. 2.1.

4) **FILLS OR DEPOSITION OF MATERIALS**

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

- a. The requirements of s. 2.1 are met;
- b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- d. The fill is not classified as a solid or hazardous material.

**3.4 PROHIBITED USES**

All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:

- 1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- 2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- 3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;
- 5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- 6) Any solid or hazardous waste disposal sites;
- 7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- 8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

**4.0 FLOODFRINGE DISTRICT (FF)**

**4.1 APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

**4.2 PERMITTED USES**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

#### **4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE**

Section 2.0 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

##### **(1) RESIDENTIAL USES**

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5).
- b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
- c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

##### **(2) ACCESSORY STRUCTURES OR USES**

In addition to s. 2.0, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

##### **(3) COMMERCIAL USES**

In addition to s. 2.0, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

##### **(4) MANUFACTURING AND INDUSTRIAL USES**

In addition to s. 2.0, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the

requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

- a) All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
- b) Ozaukee County regulates all private, onsite, wastewater treatment systems (POWTS), as regulated under SPS 383 in incorporated parts of the county.

(8) WELLS

- a) All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- b) Ozaukee County administers this regulation for private wells on properties served by Private Onsite Wastewater Treatment Systems in incorporated parts of the county.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES

- a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
  - 1. have the lowest floor elevated to the flood protection elevation; and
  - 2. be anchored so they do not float, collapse, or move laterally during a flood.
- c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- a) fully licensed and ready for highway use; or
- b) shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

**5.0 OTHER FLOODPLAIN DISTRICTS**

**5.1 GENERAL FLOODPLAIN DISTRICT (GFP)**

1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

2) FLOODWAY BOUNDARIES

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.

3) PERMITTED USES

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2)



Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.

4) **STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

Section 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).

- a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
  - 1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
  - 2. If the depth is not specified on the FIRM, two (2) above the highest adjacent natural grade or higher.
- b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.

5) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  - 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
  - 2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
  - 3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

## **6.0 NONCONFORMING USES AND STRUCTURES**

### **6.1 GENERAL**

- 1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
  - b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

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

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count

against the cumulative calculations over the life of the structure for substantial improvement calculations.

- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

#### 1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

#### 2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).

- c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

## **6.2 FLOODWAY DISTRICT**

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- a) Has been granted a permit or variance which meets all ordinance requirements;
  - b) Meets the requirements of s. 6.1;
  - c) Shall not increase the obstruction to flood flows or regional flood height;
  - d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and,
  - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    - 4. The use must be limited to parking, building access or limited storage.
- 2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.
- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

## **6.3 FLOODFRINGE DISTRICT**

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- 2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - a) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - b) Human lives are not endangered;
  - c) Public facilities, such as water or sewer, shall not be installed;
  - d) Flood depths shall not exceed two feet;
  - e) Flood velocities shall not exceed two feet per second; and
  - f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.
- 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

#### **6.4 NONCONFORMING BUILDING DESTROYED BY NON-FLOOD DISASTER**

Notwithstanding the provisions of ss. 6.2-6.3, a nonconforming building that is destroyed by a non-flood disaster may be repaired, reconstructed, or improved, in order to restore the nonconforming building after the non-flood disaster, except that such repair, reconstruction, or improvement shall not be permitted if the nonconforming building, after repair, reconstruction or improvement, will fail to meet one or more of the minimum requirements applicable to such a nonconforming structure under 42 USC ss. 4001-4129 or under the regulations promulgated thereunder.

### **7.0 ADMINISTRATION**

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

#### **7.1 ZONING ADMINISTRATOR**

##### **1) DUTIES AND POWERS**

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

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

- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d) Keep records of all official actions such as:
  - 1. All permits issued, inspections made, and work approved;
  - 2. Documentation of certified lowest floor and regional flood elevations;
  - 3. Floodproofing certificates.
  - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
  - 5. All substantial damage assessment reports for floodplain structures.
  - 6. List of nonconforming structures and uses.
- e) Submit copies of the following items to the Department Regional office:
  - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
  - 2. Copies of case-by-case analyses and other required information.
  - 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g) Submit copies of amendments to the FEMA Regional office.

2) LAND USE PERMIT

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

- a) GENERAL INFORMATION
  - 1. Name and address of the applicant, property owner and contractor;
  - 2. Legal description, proposed use, and whether it is new construction or a modification;
- b) SITE DEVELOPMENT PLAN
 

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

  - 1. Location, dimensions, area and elevation of the lot;
  - 2. Location of the ordinary highwater mark of any abutting navigable waterways;
  - 3. Location of any structures with distances measured from the lot lines and street center lines;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;
5. Location and elevation of existing or future access roads;
6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT**

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains and in AE zones within which a floodway is not delineated:

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC-RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.

- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
  - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
  - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping
- A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

## 2. Zone AE Floodplains

- a. Hydrology
 

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
- b. Hydraulic model
 

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

  - i. Duplicate Effective Model
 

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

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



- iii. Existing (Pre-Project Conditions) Model.  
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
  - iv. Revised (Post-Project Conditions) Model.  
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
  - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
  - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- c. Mapping  
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
  - ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
  - iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
  - iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
  - v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
  - vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
  - vii. Both the current and proposed floodways shall be shown on the map.
  - viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d) EXPIRATION

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

3) CERTIFICATE OF COMPLIANCE

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

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.
- e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).

4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

**7.2 ZONING AGENCY**

1) The Planning Commission shall:

- a) oversee the functions of the office of the zoning administrator; and
- b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
- c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.

2) The Planning Commission shall not:

- a) grant variances to the terms of the ordinance in place of action by the Board of Appeals; or
- b) amend the text or zoning maps in place of official action by the governing body.

**7.3 BOARD OF APPEALS**

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

1) POWERS AND DUTIES

The Board of Appeals shall:

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

2) APPEALS TO THE BOARD

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

b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

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

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

- a. Resolve boundary disputes according to s. 7.3(3);
- b. Decide variance applications according to s. 7.3(4); and
- c. Decide appeals of permit denials according to s. 7.4.

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

- 1. Be made within a reasonable time;
- 2. Be sent to the Department Regional office within 10 days of the decision;
- 3. Be a written determination signed by the chairman or secretary of the Board;
- 4. State the specific facts which are the basis for the Board's decision;

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

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

3) BOUNDARY DISPUTES

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

- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

4) VARIANCE

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

1. Literal enforcement of the ordinance will cause unnecessary hardship;
2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
3. The variance is not contrary to the public interest; and
4. The variance is consistent with the purpose of this ordinance in s. 1.3.

b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:

1. The variance shall not cause any increase in the regional flood elevation;
2. The applicant has shown good and sufficient cause for issuance of the variance;
3. Failure to grant the variance would result in exceptional hardship;
4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;
  2. Be granted for a hardship based solely on an economic gain or loss;
  3. Be granted for a hardship which is self-created.
  4. Damage the rights or property values of other persons in the area;
  5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
  6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

#### **7.4 TO REVIEW APPEALS OF PERMIT DENIALS**

- (1) The Planning Commission (s. 7.2) or Board shall review all data related to the appeal. This may include:
  - a. Permit application data listed in s. 7.1(2);
  - b. Floodway/floodfringe determination data in s. 5.1(5);
  - c. Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
  - d. Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
  - a. Follow the procedures of s. 7.3;
  - b. Consider zoning agency recommendations; and
  - c. Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
  - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
  - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

## **7.5 FLOODPROOFING STANDARDS**

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, 4.0, or 5.1.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
  - a. certified by a registered professional engineer or architect; or
  - b. meeting or exceeding the following standards:
    1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    2. the bottom of all openings shall be no higher than one foot above grade; and
    3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
  - a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - b. Protect structures to the flood protection elevation;
  - c. Anchor structures to foundations to resist flotation and lateral movement;
  - d. Minimize or eliminate infiltration of flood waters;
  - e. Minimize or eliminate discharges into flood waters;
  - f. Placement of essential utilities to or above the flood protection elevation; and
  - g. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
    1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
    2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
    3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
    4. The use must be limited to parking, building access or limited storage.

## **7.6 PUBLIC INFORMATION**

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

## **8.0 AMENDMENTS**

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

## **8.1 GENERAL**

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

## **8.2 PROCEDURES**

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages. The petitions shall include all data required by s. 5.1(5) and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

## **9.0 ENFORCEMENT AND PENALTIES**

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

## **10.0 DEFINITIONS**

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

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.



8. BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
16. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- The overflow or rise of inland waters;
  - The rapid accumulation or runoff of surface waters from any source;
  - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
  - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. 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.
32. 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.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
39. 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.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
41. HISTORIC STRUCTURE – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).
46. MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.

47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
51. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
57. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
58. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
60. NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
61. NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
62. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.) The term “nonconforming building” as used in Wis. Stat. s. 87.30(1d)(a)1. is synonymous.
63. NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
64. OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
65. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
66. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
67. ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
68. PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
69. PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
70. 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.
71. REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
72. REGIONAL FLOOD – A flood determined to be representative of large floods known to have

occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

73. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
74. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
75. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
76. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
77. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
78. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
79. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
80. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
81. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
82. **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.

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



## Request for Commission Consideration

<b>Item Description:</b> Sign Ordinance Discussion	
<b>Report Prepared By:</b> Michelle T. Johnson	
<b>Report Date:</b> 03/27/2024	<b>Meeting Date:</b> 04/08/2024
<b>Strategic Priority?</b> <ul style="list-style-type: none"> <li>★ Smart Residential, Industrial, or Commercial Growth</li> <li>○ Responsible Fiscal Priority</li> <li>○ Supports Public Safety and Infrastructure</li> <li>○ Encourages Open Communication and Collaboration</li> <li>○ Strong Sense of Community</li> </ul>	
<b>Fiscal Summary:</b> N/A	
<b>Budget Line Item:</b> N/A	
<b>Wisconsin Statute or Local Ordinance:</b> Village of Fredonia Ordinance Article VII: Signs	
<b>Background Analysis:</b> At the request of Commissioner Dohrwardt, I conducted research into electronic signs to help guide your conversation tonight. My research consisted of two parts. First, I spoke to sign vendors and installers regarding the specs of LED panel signs. Second, I investigated like-communities existing ordinances.	
<b>Staff Comments:</b> I felt there were two key takeaways from my research. <ul style="list-style-type: none"> <li>• Firstly, LED sign panels are designed and constructed to direct light in only one direction: straight ahead. The panels are comprised of diodes, not individual light bulbs, and aren't meant to be aimed in a particular direction.</li> <li>• Secondly, like-municipalities have very similar sign ordinances to the Village's existing ordinance.</li> </ul>	
<b>Administrator's Recommendation:</b> N/A	
<b>Action Requested:</b> Guidance in drafting an ordinance that includes any references to electronic signs the Commission feels appropriate.	
<b>Attachments:</b> <ol style="list-style-type: none"> <li>1. Chart of comments from vendors and installers.</li> <li>2. Links to other Ozaukee County municipalities' sign ordinances.</li> </ol>	



## Sign Vendors and Installation Contractors

I spoke to two sign vendors and an installer of these types of signs. The signs (like the ones at Fredonia Government Center and Divine Savior) are constructed from flat LED panels, not individual lights. The panels themselves cannot be directed in a certain direction. Since there is not a technical way to direct the light (according to the vendors and installers) I asked what their suggestions would be to address the issue of light pollution. The vendors made interesting suggestions that you may find useful as you consider any changes to the existing ordinance.

Vendor/Installer	Comments
ThinkSign	<ul style="list-style-type: none"> <li>• Add a light screen, like the brim of a baseball hat, on the sides or top of a panel to mitigate light shining into resident’s windows.</li> <li>• Require that all signs have a dimming feature.</li> <li>• Set hours that electronic signs could be illuminated (ex 8:00AM-8:00PM)</li> <li>• Require a variance for electronic signs in locations abutting residentially zoned areas.</li> </ul>
PrimeCast Advertising	<ul style="list-style-type: none"> <li>• High quality signs like ours and Divine Savior are meant to be read head-on. Installing with a tilt would probably not minimize light pollution.</li> <li>• Suggested only allowing electronic signs in commercial areas.</li> <li>• Require that electronic signs only be installed perpendicular to the road. He felt that these signs should not be installed on the sides of buildings that face residential properties (our existing ordinance does address this).</li> <li>• Require that lumens be lowered at night.</li> <li>• Utilizing dark backgrounds, especially on signs that move from slide to slide.</li> <li>• Pointed out that, in a municipality like the village, only the Fire Department, churches, and schools are going to be installing signs electronic signs.</li> </ul>
Watchfire Signs (these comments were sent from a sales rep and are part of their sales package)	<ul style="list-style-type: none"> <li>• <b>Driving Safety Objection:</b> The National Highway Traffic Safety Administration (NHTSA) has conducted thorough research to determine whether digital signs or billboards create unsafe distractions for drivers. They have reported on traffic incidents both before and after the presence of a digital billboard and found no correlation with increased incidents. They have also designed and conducted eye-tracking studies to see if drivers were</li> </ul>

distracted in the presence of digital billboards and findings showed that drivers spent no more time distracted by digital billboards as they were by anything else along the road.

• **Brightness Pollution Objection:** *(I asked their rep for clarification on this one, it's not that the owner could change the direction of the sign itself or the LED panels, but that it is designed only to direct light straight ahead, and not to either side)*

Watchfire signs come with automatic daytime and nighttime brightness settings. These settings are based on suggested levels from the International Sign Association, but there are several other ways the signs' brightness can be further adjusted.

An optional photocell component can allow the billboard to adjust for ambient light. With this option, the sign will dim down on a cloudy day when it doesn't need to compete with the full brightness of the sun. In the rare event that a hardware photocell fails, the sign defaults to the daytime and nighttime brightness settings. Daytime and nighttime brightness settings are based on the longitude and latitude of the display, adjusting according to sunrise and sunset tables. Watchfire signs brightness levels can also be manually adjusted within the software. A sign owner can adjust the numerical NITs value to any number they like. Watchfire can also hard program the brightness of the display to comply with local standards if required for permits.

### Municipal Electronic Sign Ordinances

Not many like-sized municipalities had electronic signs specified in ordinance: Belgium and Saukville had very similar ordinances to ours, Thiensville seems to not allow electronic signs at all, and I have included Grafton as an example of a more in-depth electronic sign ordinance.

<b>Municipality</b>	<b>Link to Ordinance</b>
Grafton	<ul style="list-style-type: none"><li>• Electronic Signs <a href="https://ecode360.com/38064355#38064355">https://ecode360.com/38064355#38064355</a></li><li>• General Sign Regulation <a href="https://ecode360.com/32632113#32632113">https://ecode360.com/32632113#32632113</a></li></ul>
Belgium (small portion re electronic signs)	<a href="https://ecode360.com/9038364#9038364">https://ecode360.com/9038364#9038364</a>
Thiensville (they have a whole separate ordinance packet, and from what I can tell, electronic signs are allowed under narrow circumstances)	<a href="https://www.village.thiensville.wi.us/DocumentCenter/View/899/4-29-2013-Final-Sign-Code?bidId=">https://www.village.thiensville.wi.us/DocumentCenter/View/899/4-29-2013-Final-Sign-Code?bidId=</a>
Saukville (they have a small portion relating to electronic signs, like ours, but interesting in that it specifies that slides are acceptable, but flashing lights are not)	<a href="https://ecode360.com/9829536#9829536">https://ecode360.com/9829536#9829536</a>

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## § 575-66 Sign permits required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except those signs excepted in § 575-67, and without being in conformity with the provisions of this chapter.

## § 575-67 Signs permitted in all districts without permit.

The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

- A. Real estate signs not to exceed eight square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- B. Name and warning signs not to exceed two square feet located on the premises.
- C. Household occupation and professional home office not to exceed two square feet in area and mounted flush against the dwelling.
- D. Bulletin boards for public, charitable or religious institutions not to exceed 50 square feet in area located on the premises.
- E. Bulletin boards for public, charitable or religious institutions not to exceed 50 square feet in area located on the premises.
- F. Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- G. Official signs, such as traffic control, parking restrictions, information, and notices.
- H. Temporary signs or banners when authorized by the Planning Commission for a period of not more than six months.
- I. Temporary signs or banners to be displayed for 45 days or less which promote community events or events sponsored by nonprofit organizations with prior approval of at least two of the three following Village officials: Village President, Village Clerk, Director of Public Works.
- J. Rummage sale signs used for the purpose of advertising the sale of merchandise at a private residence by at least one occupant of said residence, subject to the following regulations:
  - (1) Such signs shall be posted only on the day(s) of the sale.
  - (2) Signs shall not be attached to or displayed on traffic or regulatory signs, light poles, parkway/terrace trees or other public property.
  - (3) Signs shall be ground signs.
  - (4) Signs must not exceed four square feet, shall be a minimum of 10 feet from the right-of-way line of the intersection street, and are not allowed in the median strip of boulevard streets.
- K. Election campaign signs, provided that permission has been obtained from the property owner, renter or lessee. The combined area of campaign signs on properties in a business or industrial district shall not exceed 100 square feet. In residential districts, campaign signs shall not exceed 20 square feet in area on all sides. No election campaign signs are permitted on public property or in any public right-of-way. This section shall not apply during an election campaign period, as defined as the period beginning on the first day of circulation of nomination papers by candidates for office or the first day on which candidates would circulate nomination papers were papers to be required and ending on the day of the election; in the case of a referendum, the period beginning on the day on which the question to be voted on is submitted to the electorate and ending on the day on which the referendum is held.  
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

## § 575-68 Signs permitted in all business and manufacturing districts with permit.

Signs are permitted in all business, manufacturing, and extractive districts subject to the following restrictions. Each premises is limited to two of the following sign types, and any unused area may not be transferred from one sign type to another:

- A. Wall signs placed against the walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 500 square feet in area for any one premises, and shall not exceed 20 feet in height above the mean center-line street grade.
- B. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area for any one premises, shall not extend more than six feet into any required yard, shall not extend more than three feet into any public right-of-way, shall not be less than 10 feet from all side lot lines, shall not exceed a height of 20 feet above the mean center-line street grade, and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground signs shall be of the monument style, shall not exceed 30 feet in height above the mean center-line street grade, shall not be less than 10 feet from any right-of-way or lot line, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.
- D. Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located and shall not exceed 300 square feet on all sides for any one premises. The sign shall be considered part of the building in determination of permitted height.
- E. Window signs shall not exceed 50% of the glass area of the pane upon which the sign is displayed.
- F. Combinations of any of the above signs shall meet all the requirements for the individual sign.

### **§ 575-69 Signs permitted in institutional and park districts with permit.**

Institutional and park name signs are permitted in the institutional and park districts when approved by the Village Board after review and recommendation by the Planning Commission.

### **§ 575-70 Municipal-owned signs.**

Municipal-owned signs may be permitted in any district without a permit, provided that permission shall be obtained from the property owner, renter, or lessee and provided that such sign shall not exceed 200 square feet in area per face.

### **§ 575-71 Search lights.**

The Village Board may permit the temporary use of a search light for advertising purposes in any district, provided that the search light will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Search light permits shall not be granted for a period of more than five days in any six-month period.

### **§ 575-72 Facing.**

No sign, except those permitted in §§ 575-67 and 575-69, shall be permitted to face a residential or park district within 100 feet of such district boundary.

### **§ 575-73 Lighting and color.**

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. Signs shall not 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 or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but only by non-flashing lighting.

### **§ 575-74 Construction and maintenance standards.**

- A. Wind pressure and dead load requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area and shall be constructed to receive dead loads as required in the Village Building Code<sup>[1]</sup> or other ordinance.  
 [1] *Editor's Note: See Ch. 200, Building Construction.*
- B. Protection of the public. The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted, provided the space occupied is roped off, fenced off, or

otherwise isolated.

- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair, which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition, and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- D. Supporting members or braces. Supporting members or braces of all signs shall be constructed of galvanized iron, properly treated steel, copper, brass, or other noncorrosive incombustible material. All projecting signs, if placed at a right or other angle to the wall or roof of any building, shall be attached by such noncorrosive metal bolts, anchors, cable, or other metal attachments as shall ensure permanent and safe construction and shall be maintained free from rust or other defects. Every means or device used for attaching any sign shall extend through the walls or roof of the building should the Building Inspector determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls or to bearings on the under side of two or more roof or ceiling joists in accordance with instructions given by the Building Inspector. Small flat signs containing less than 10 feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Building Inspector.
- E. No signs, or any part thereof, or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Village, as necessity therefor may require.

### **§ 575-75 Existing signs.**

Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the size or location does not conform to this chapter. However, all nonconforming signs shall be deemed to have exhausted their economic life after seven years from the time they became a nonconforming use. Nonconforming signs, after this seven-year period, shall either be made to conform to the terms of this chapter or shall be removed by the owner, agent, or person having beneficial use of the property. Nonconforming signs, during the seven-year grace period, shall be kept in good repair, but the cost of maintenance shall not be considered grounds for their continued use beyond the seven-year period. The Village Planning Commission shall, after the seven-year grace period, notify the owner, agent, or person having beneficial use of the property, of the expiration of the grace period. After 30 days, if the sign has not been made to conform to this chapter or removed, the Planning Commission shall initiate appropriate punitive action. Signs which are not repaired, painted or maintained pursuant to written notification and orders by the Planning Commission shall also be subject to punitive action.

### **§ 575-76 Sign permit.**

- A. Applications for a sign permit shall be made on forms provided by the Village Clerk and shall contain or have attached thereto the following information:  
[Amended 11-17-2022 by Ord. No. 2022-6]
  - (1) Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
  - (2) Name of person, firm, corporation, or association erecting the sign.
  - (3) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
  - (4) A scale drawing of such sign, indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
  - (5) A scale drawing indicating the location and position of such sign in relation to nearby building or structures.
- B. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, reinspecting all wiring and connections to determine if the same complies with all applicable local, state and federal electrical codes and regulations.
- C. Additional information as may be required by the Zoning Administrator.

- D. Sign permit applications shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy.
- E. The Zoning Administrator shall approve, deny, or forward to the Planning Commission, in writing, the application within 15 days of receipt unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within six months of the date of issuance.
- F. Fee. The fee for the permit shall be in accordance with the Village's current Schedule of Fees.  
[Added 12-17-2020 by Ord. No. 2020-06]