

FEBRUARY 25, 2025
PLAN COMMISSION MEETING

Agenda Item No. 1
CALL MEETING TO ORDER & ROLL CALL

Agenda Item No. 2
APPROVAL OF AGENDA AS PUBLISHED

Agenda Item No. 3
APPROVAL OF THE MINUTES FOR THE
JANUARY 28, 2025 MEETING OF THE
PLAN COMMISSION.

Agenda Item No. 4
COMMENTS, CORRESPONDENCE AND CONCERNS
FROM THE PUBLIC
(3 Minutes Per Person)



PLAN COMMISSION MEETING AGENDA

TUESDAY, FEBRUARY 25, 2025 AT 5:30 P.M.

Sister Bay-Liberty Grove Fire Station – 2258 Mill Rd., Sister Bay, WI – Large Meeting Room

To access the meeting electronically, click:

<https://zoom.us/j/4439901723?pwd=yAVpi40M1OlqgNufcVUE8XWCUSkKaH.1&omn=9706363858>

(Please note that this is a new hyperlink.)

Meeting ID: 443 990 1723 Passcode: 304078

To connect by phone: 1-301-715-8592 - Meeting ID 443 990 1723#

For additional meeting information visit: www.sisterbaywi.gov, click 'Agendas and Minutes' or watch the meeting video online.

AGENDA

1. Call to Order & Roll Call
2. Approval of Agenda
3. Approval of January 28, 2025, Meeting Minutes
4. Comments, Correspondence and Concerns from the Public (3 Minutes Per Person)
5. Public Hearings/Action as Appropriate (See Meeting Packet for Details):
 - Ord. 2025-003; Recreate Floodplain Zoning Ordinance
 - Ord. 2025-004; Proposed Text Amendments; Ch. 66; B-2 Overlay, B-3 Height, Misc. Amendments
6. Administrator's Report
7. Matters to be Placed on a Future Agenda or Referred to a Committee, Official or Employee
8. Next Meeting
 - Public Hearing: March 11, 2025 (20-Year Comprehensive Plan)
 - Regular Monthly Meeting: March 25, 2025
9. Adjournment

Public Notice

For questions regarding the above agenda items or to review the related files contact Julie Schmelzer, Village Administrator, at julie.schmelzer@sisterbaywi.gov. To submit letters in support or opposition of an agenda item that is *not* part of a public hearing, email janal.suppanz@sisterbaywi.gov by 4:00 pm the day before the meeting; letters regarding a public hearing must be received by 4:00 pm the Thursday before the hearing. It is possible that members of, or quorum of, other governmental bodies may attend the meeting to gather information; no action will be taken by any governmental body other than the body specifically referred to above. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid or accommodation at no cost to the individual. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible, preferably a minimum of 48 hours. For additional information or to request this service, contact the Village Administration Office at 920.854.4118 or in writing to: Village Administration Building, 2383 Maple Dr., PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are typically available online and can also be viewed at the Village Administration Office 8 am – 4 pm Monday through Thursday, except holidays.

The Village of Sister Bay is an Equal Opportunity Provider & Employer

POSTED DATE/SIGNATURE _____

VILLAGE OF SISTER BAY
HYBRID PLAN COMMISSION MEETING MINUTES
TUESDAY, JANUARY 28, 2025
SISTER BAY-LIBERTY GROVE FIRE STATION – 2258 MILL ROAD
APPROVAL PENDING

At 5:30 P.M. on Tuesday, January 28, 2025 Denise Bhirdo, the Chair of the Plan Commission, called the hybrid regular monthly meeting of the Village of Sister Bay Plan Commission to order.

Present: Plan Commission Chair Denise Bhirdo, and Commission members Patrice Champeau, Nate Bell, Ron Kane, Laurel Harff, and Mitch Ohnesorge.

Staff Members: Village Administrator Julie Schmelzer and Administrative Assistant Janal Suppanz

Others: Kurt Harff, James Lohmiller, Chad Kodanko, “Heather”, Dave Matasek, James Lohmiller, Chris Schmeltz, Jamie Sanger, Mary Kay Shumway and Ben Kornowski.

Agenda Item No. 2: Approval of the Agenda:

Motion by Bell, second by Harff that the Agenda for the January 28, 2025 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.

Agenda Item No. 3: Approval of minutes as published:

Motion by Harff, second by Kane that the minutes for the November 26, 2024 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.

Agenda Item No. 4. Comments, correspondence and concerns from the public:

Bhirdo asked if anyone would like to comment regarding a non-agenda item, but no one responded. She then noted that an e-mail that was received from Steve Musinsky had been included in the digital meeting packets. (In his e-mail Mr. Musinsky explains a number of different street lighting requirements, and also describes several of the Dark Sky initiatives that he is aware of.)

Agenda Item No. 5. Discussion/Action Items:

(a) Temporary Use; Portable Sauna; Dorr Hotel – 2329 Mill Road:

James Lohmiller, the Manager of The Dorr Hotel, which business is located at 2329 Mill Road, has asked if it would be possible for he and his associates to see that a sauna which is displayed on a trailer is parked on the hotel grounds on February 8 and 9, 2025, as they will be hosting a health & wellness event. In accord with the provisions of §66.0302 of the Zoning Code the Zoning Administrator, the Plan Commission Chair, or the Village President may allow such a use, but in some instances a referral must be made to the Plan Commission. Due to the fact that the sauna will be on a trailer and will be displayed downtown Schmelzer determined that a referral should be made to the Plan Commission, and, therefore, a related site plan and photos of the sauna and trailer that will be utilized if the required permissions are granted were included in the digital meeting packets. Mr. Lohmiller was present and answered all the questions the Commission members had concerning the health and wellness event and the display of the sauna.

Motion by Bell, second by Harff that the Plan Commission grants permission for representatives of The Dorr Hotel to see that a sauna which is displayed on a trailer and will be utilized during a health and wellness event

1 *to be conducted on February 8, 2025 and February 9, 2025, is parked on the hotel grounds from February 7,*
 2 *2025 through February 10, 2025, on the condition that if any damage is done to the adjacent Village owned*
 3 *property when the trailer is driven across it, that property must be restored to the satisfaction of Village officials.*
 4 *Motion carried – All ayes.*

5
 6 **(b) Development Agreement Amendment; Exterior Revisions; Eagle Mechanical; Highway 57:**

7 On November 19, 2024 the Village Board approved a Development Agreement that allowed the owners of
 8 Eagle Mechanical to see that an HVAC/Plumbing contractor workshop and sales facility is constructed off of
 9 Highway 57. The owners of Eagle Mechanical have now decided that they would actually like to utilize a
 10 different type and color of siding and trim on their new building, and, therefore, this matter was referred back
 11 to the Plan Commission. If the owners' request is granted the new building will be brown with black gables,
 12 trim, windows and doors, rather than midnight blue with clay and white accents. The brand name and color of
 13 the preferred siding is "Nichiha Vintagewood Cedar" fiber cement board, and color renderings of the new
 14 building that depict what it will look like with the proposed changes were included in the digital meeting
 15 packets.

16
 17 *Motion by Bell, second by Harff that the Plan Commission recommends that the Village Board approve the*
 18 *Amended Development Agreement for the contractor workshop and sales facility that the owners of Eagle*
 19 *Mechanical will be constructing off of Highway 57. That Development Agreement shall be amended in such*
 20 *fashion that it states that the exterior of the new building will be brown with black gables, trim, windows and*
 21 *doors, and the specific brand and color of the siding that will now be utilized on the new building will be "Nichiha*
 22 *Vintagewood Cedar" fiber cement board. Motion carried – All ayes.*

23
 24 **(c) Architectural Review/Site Plan Review; Façade and Entrance Improvements; Husby's; 10641 N Bay Shore**
 25 **Drive:**

26 The owners of Husby's, which establishment is located at 10641 N. Bay Shore Drive, would like to remodel the
 27 front façade of their building in such fashion that it appears more historic in nature. If their request is granted
 28 new windows and siding will be installed on the building, and the parapet will no longer be just one height.
 29 Since the Plan Commission serves as the Architectural Review Board for the Village, this issue was added to the
 30 Agenda for this meeting. Related building plans and elevation drawings were included in the meeting packets,
 31 and the Commission members jointly reviewed all of that documentation. During the review process
 32 Schmelzer noted that if the plans are approved the railing on the entry-way to Husby's that is located at the
 33 corner of N. Bay Shore Drive and Maple Drive will be replaced. Due to its close proximity to the right-of-way
 34 the entry is "non-conforming", but since the Plan Commission has proposed a text amendment that will allow
 35 non-conforming building exits and landings, she did not require that a variance be requested. Chad Kodanko,
 36 one of the owners of Husby's, was present and answered all the questions that the Commission members had
 37 concerning the proposed remodeling project. He also explained that cedar shake siding that matches the siding
 38 that was utilized on "The Garage" at Husby's as well as new "barn style" light fixtures that are black in color
 39 will be installed. The Commission members asked if the existing sign will continue to be utilized, and Mr.
 40 Kodanko stated that it is his understanding that it will be, but it may have to be moved.

41
 42 Bhirdo stated that she believes all the proposed renovations will look very nice, and the other Commission
 43 members wholeheartedly agreed.

44
 45 *Motion by Kane, second by Harff that the Plan Commission grants permission for the owners of Husby's to see*
 46 *that the building that is located at 10641 N. Bay Shore Drive is remodeled in the fashion that is depicted on the*
 47 *elevation drawings and building plans that were reviewed at this meeting, on the condition that if the existing*
 48 *sign for Husby's is going to be moved a Sign Permit will be required, and before any new light fixtures are*

1 *installed the Village Administrator and the Plan Commission Chair must be provided related spec. sheets and*
 2 *grant written approval for those fixtures to be utilized. Motion carried – All ayes.*
 3

4 **(d) Site Plan Review; Retail Area Expansion and Alpaca Displays; “Alpaca to Apparel”; 2340 Mill Road:**

5 Ben Kornowski from “Alpaca To Apparel”, has submitted an Offer To Purchase for the property that is located
 6 at 2340 Mill Road and would like to convert most of the first floor area of the building that formerly housed
 7 Pipka’s and “Glo” to retail space. He would also like to retain the rental on the second floor of the building, and
 8 would like to display his Alpacas on the lawn from time to time. In total eight parking stalls will be required for
 9 the proposed use, and in an attempt to satisfy the Village’s parking regulations Mr. Kornowski has proposed
 10 that he be allowed to utilize the existing dumpster stall for parking. (If that occurs the dumpster that is currently
 11 on-site will be removed and replaced with standard trash bins.)
 12

13 The Alpacas will never be stabled in the Village, and instead, two or three of them (typically a mother and her
 14 baby as well as another adult female) will periodically be trailered from the area where they are stabled to the
 15 property at 2340 Mill Road, and will temporarily be on display inside a picket fence that is approximately four
 16 feet high. (Mr. Kornowski stated that he operates a similar business in Fish Creek, WI and has found that the
 17 Alpacas are a very popular attraction. He also noted that he has heard “nothing but good comments” about
 18 the fact that they are on display.) Because there is not sufficient parking for the truck and trailer that will be
 19 used to transport the Alpacas at 2340 Mill Road, the Plan Commission would either have to grant a one-time
 20 parking credit of three stalls or impose the condition that the truck and trailer may never remain on-site
 21 overnight.
 22

23 Harff expressed concerns that there is potential for Mr. Kornowski’s Alpacas to become quite stressed as they
 24 will be on display in a very small, rather congested and busy area, three days a week from May through
 25 November, and Champeau agreed. Champeau also expressed concerns that there is potential for precedence
 26 to be set. She is very concerned that other business owners in the Village will decide that they also want to
 27 display different breeds of animals, which could lead to “all kinds of problems”.
 28

29 Mr. Kornowski responded that he truly cares about all of his Alpacas, and has no intention of ever doing or
 30 allowing anything to happen that would harm any of them or cause them to become stressed.
 31

32 Schmelzer noted that if Mr. Kornowski is granted the required permissions, she is recommending that the Plan
 33 Commission formulate specific conditions related to the Alpaca displays, and is also recommending that the
 34 following additional conditions be imposed:

- 35 • The on-site landscaping is to be maintained;
- 36 • Any dead or dying vegetation must be replanted in as timely a fashion as possible; and,
- 37 • The trash and recycling bins must be kept under the stairs and screened from view by a fence.

38
 39 *Motion by Bell, second by Kane that the Plan Commission grants permission for Ben Kornowski from “Alpaca*
 40 *To Apparel” to convert most of the first floor area of the building that formerly housed Pipka’s and “Glo”, that*
 41 *is located at 2340 Mill Road, to retail space. Permission is also granted for Mr. Kornowski to retain the rental*
 42 *on the second floor of the previously mentioned building, and display his Alpacas in both of the areas on the*
 43 *lawn at 2340 Mill Road that are designated on the site plan that was included in the digital meeting packets,*
 44 *but the Alpacas will only be allowed to be on display on Saturdays and Sundays from May through November,*
 45 *as well as on the Friday of Fall Fest Weekend. All of the previously mentioned permissions are granted subject*
 46 *to the following conditions:*

- 47 • *All on-site landscaping must be maintained, and any dead or dying vegetation must be replanted in as*
 48 *timely a fashion as possible;*

Minutes for the January 28, 2025 Meeting of the Plan Commission

- *The trash and recycling bins for the property must be kept under the stairs and screened from view by a fence;*
- *The trailer that is used to haul the Alpacas may never be parked in the parking lot on the property; and,*
- *A permit will be required for any fencing that is installed on the property.*

Motion failed as there was a tie vote –

Ayes - Bhirdo, Kane and Bell;

Nays - Ohnesorge, Champeau and Harff.

A motion was then made by Harff, seconded by Bhirdo that the Plan Commission grants permission for Ben Kornowski from “Alpaca To Apparel” to convert most of the first floor area of the building that formerly housed Pipka’s and “Glo”, that is located at 2340 Mill Road, to retail space. Permission is also granted for Mr. Kornowski to retain the rental on the second floor of the previously mentioned building, and display his Alpacas in the area on the lawn at 2340 Mill Road that has been designated “Area 1” on the site plan that was included in the digital meeting packets, on the condition that that area must be expanded in such fashion that the Alpacas have as much room to roam about as possible. Before “Area 1” is actually expanded a related site plan must be presented to and approved in writing by the Village Administrator and the Chair of the Plan Commission, and the Alpacas will only be allowed to be on display on Saturdays and Sundays from May through November, as well as on the Friday of Fall Fest Weekend. All of the previously mentioned permissions are granted subject to the following conditions:

- *All on-site landscaping must be maintained, and any dead or dying vegetation must be replanted in as timely a fashion as possible;*
- *The trash and recycling bins for the property must be kept under the stairs and screened from view by a fence;*
- *The trailer that is used to haul the Alpacas may never be parked in the parking lot on the property; and,*
- *A permit will be required for any fencing that is installed on the property.*

A roll call vote was taken on that motion, and the Plan Commission members voted in the following fashion:

Bhirdo – Aye; Harff – Aye; Bell – Aye; Kane – Aye; Ohnesorge – Nay; Champeau – Nay.

Motion carried.

(e) Proposed Text Amendments; Chapter 66 – B-2 Overlay:

(f) Proposed Text Amendments; Chapter 66 – B-3 Building Height Limitations:

(g) Proposed Text Amendments; Chapter 50 & Chapter 66 – Miscellaneous Provisions

Drafts of documents that contain all the revisions that the Plan Commission members formulated at their last meeting concerning the proposed B-2 Historic Overlay District regulations, the proposed B-3 Building Height Limitations, and several miscellaneous provisions that are contained in Chapters 50 and 66 of the Municipal Code were included in the digital meeting packets, and the Commission members jointly reviewed all of that documentation. During the review process Schmelzer and Suppanz took note of all the suggested revisions.

It was the consensus that a Public Hearing shall be conducted regarding all of the previously mentioned Municipal Code revisions at the next regularly scheduled monthly meeting of the Plan Commission that will take place at 5:30 P.M. on Tuesday, March 25, 2025. Schmelzer indicated that she will see that all the agreed upon

1 *revisions are made to the drafts, and will also see that related Public Hearing Notices are prepared and*
 2 *processed in as timely a fashion as possible.*

3
 4 **(h) Proposed Re-Draft of Floodplain Ordinance:**

5 Last spring a Floodplain Zoning Ordinance was adopted by the Village, and that ordinance was modelled after
 6 the template that had been provided to Schmelzer by employees from the Wisconsin Department of Natural
 7 Resources. Recently DNR officials asked that the Village's Floodplain Ordinance be re-adopted as the wrong
 8 template had apparently been provided and/or utilized, and, therefore, another Public Hearing will be
 9 required. Staff members intend to see that a re-draft of a Floodplain Ordinance that is modelled after the
 10 correct template as well as a related Public Hearing Notice are prepared and processed ASAP.

11
 12 *It was the consensus that a Public Hearing shall also be conducted regarding the Re-Draft of the Floodplain*
 13 *Ordinance at the March 25, 2025 meeting of the Plan Commission.*

14
 15 **(i) Identify Location for Marge Grutzmacher's "Little Library"**

16 The decision has been made that a "Little Library" should be erected somewhere in the Village in honor
 17 of Marge Grutzmacher's service to the community; but, in particular, the number of years she served as
 18 a member of the Plan Commission. Schmelzer noted that she has not had an opportunity to reach out to
 19 Marge to determine what the "Little Library" should actually look like yet, but the members of the Parks,
 20 Property & Streets Committee have requested that the Plan Commission decide where it should be
 21 located.

22
 23 *Discussion took place regarding this issue, and it was the consensus that Marge's "Little Library" should*
 24 *be placed along the path that is adjacent to the existing bench that bears her name in Waterfront Park. It*
 25 *was also the consensus that Bhirdo and Schmelzer shall decide upon the actual design of Marge's "Little*
 26 *Library", and Linczmaier was asked to see that it is created and installed in as timely a fashion as possible.*

27
 28 **(j) Review Draft Comprehensive Plan; Schedule Informational Session/Public Hearing:**

29 A draft of the proposed Comprehensive Plan for the Village was included in the digital meeting packets,
 30 and the Commission members jointly reviewed that document. During the review process Schmelzer took
 31 note of all the suggested revisions, and indicated that she will see that the document is revised in as timely
 32 a fashion as possible.

33
 34 *It was the consensus that a Public Hearing shall be conducted on the Draft Comprehensive Plan on Tuesday,*
 35 *March 4, 2025 at 5:30 P.M. Motion carried – All ayes.*

36
 37 **Agenda Item No. 6. Matters To Be Placed on a Future Agenda or Referred to a Committee, Official or**
 38 **Employee:**

39 **Agenda Item No. 7. Next Meetings:**

40 *The next regular monthly meeting of the Plan Commission will be conducted at 5:30 P.M. on Tuesday,*
 41 *February 25, 2025.*

42 *At that meeting the following issues will be addressed:*

- 43 • **Public Hearings and discussion regarding all of the previously mentioned Municipal Code revisions.**
- 44 • **Discussion regarding the Village's R-4 District regulations**
- 45 • **Discussion regarding the Village's Dark Sky regulations**

Minutes for the January 28, 2025 Meeting of the Plan Commission

1 *A Special Meeting of the Plan Commission will be conducted at 5:30 P.M. on Tuesday, March 4, 2025, and*
2 *at that meeting a Public Hearing will be conducted regarding the draft of the Villages Twenty Year*
3 *Comprehensive Plan.*

4
5 *It was also the consensus that the following issue shall be addressed at a future meeting of the Plan*
6 *Commission.*

- 7 • **Discussion regarding the Village's Bluff Protection regulations**

8
9 **Agenda Item No. 9. Adjournment:**

10 *At 8:40 P.M. a motion was made by Kane, seconded by Harff that the January 28, 2025 regular monthly*
11 *meeting of the Plan Commission be adjourned. Motion carried – All ayes.*

12
13 Respectfully submitted,

14 

15 Janal Suppanz,
16 Administrative Assistant
17
18

From: [Julie Schmelzer](#)
To: [Janal Suppanz](#)
Subject: FW: Website Contact Form Submission
Date: Monday, February 17, 2025 9:25:42 AM
Importance: High

Correspondence for the Plan Commission...

From: Scott Burtness <noreply@municipal.email>
Sent: Thursday, February 13, 2025 12:39 PM
To: Julie Schmelzer <julie.schmelzer@sisterbaywi.gov>
Subject: Website Contact Form Submission

Name: Scott Burtness

Email: scottwburtness@gmail.com

Phone: 3109094255

Message:

I'm sharing this in the hopes that the village recognizes that pet owners in Northern door have virtually no resources for regular pet services and care, much less emergency 24/7 care. As the village continues to plan for growth, including plans for housing, administration, infrastructure, etc, please seriously consider how to incentivize pet care and services - especially urgent and emergency services - to work in northern Door. With the closure of Blue Pearl in Green Bay, a pet owner in Sister Bay will need to travel 2+ hours for emergency 24/7 care. This impacts residents and tourists alike. <https://www.nbc26.com/greenbay/green-bay-area-to-lose-its-only-24-7-emergency-pet-hospital>

AGENDA ITEM NO. 5

PUBLIC HEARINGS/ACTION AS APPROPRIATE:

• **ORDINANCE NO. 2025-003;
RECREATE FLOODPLAIN ZONING ORDINANCE**

• **ORDINANCE NO. 2025-004;
PROPOSED TEXT AMENDMENTS –**

CHAPTER 66:

B-2 OVERLAY DISTRICT

B-3 HEIGHT REQUIREMENTS

MISCELLANEOUS AMENDMENTS



PLAN COMMISSION NOTICE OF PUBLIC HEARINGS

PUBLIC NOTICE IS HEREBY GIVEN that the Sister Bay Plan Commission will hold public hearings on February 25, 2025, recreating Chapter 65, Floodplain Zoning, and amending Ch. 66, Zoning, and a hearing on March 11, 2025, for the new comprehensive land use plan. Both hearings begin at 5:30 PM, or shortly thereafter. The purpose of the public hearings is to obtain comments and input from the public on the proposed new Floodplain Zoning regulations, Zoning Code text amendments, and new 20-year comprehensive plan. The public hearing will be held at the Sister Bay Liberty Grove Fire Station located at 2258 Mill Rd., Sister Bay. A virtual option is available by visiting www.sisterbaywi.gov, search for the agenda, which includes the Zoom link, or, contact the Village Office by phone at (920) 854-4118. More information is provided below.

1. February 25, 2025, Public Hearing: Recreate Ch. 65, *Floodplain Zoning*, which establishes the regulatory framework for the floodplain areas in the village. Adoption of the ordinance includes adoption of the Federal Emergency Management Agency (FEMA) updated Flood Insurance Rate Maps. The proposed ordinance can be viewed at sisterbaywi.gov, "News & Notices".
2. February 25, 2025, Public Hearing: Amend Ch. 66, *Zoning*, to create an overlay district for the B-2 zoning district; specific height restrictions in the B-3 district; revised tree regulations; revised water setback; and several other miscellaneous amendments. All proposed amendments can be viewed at sisterbaywi.gov, "News & Notices".
3. March 11, 2025, Public Hearing: Adopt an updated 20-year comprehensive plan. The plan addresses how the village is to develop over the next two decades and includes statistical information, goals, and objectives for a variety of elements such as housing, transportation and economic development. The draft plan and past informational session information is available for viewing beginning at noon on February 10, 2025, and can be viewed at baylakerpc.org, click "Projects", and click on the Sister Bay logo, or, to just view the plan, visit sisterbaywi.gov, "News & Notices".

In addition to testimony presented at the hearings, written correspondence will also be accepted for the February 25, 2025, hearings until 3:00 PM, February 20, 2025; for the March 11, 2025, hearing written correspondence will be accepted until 3:00 PM, March 6, 2025. All correspondence submitted by the deadlines will be entered into the record and forwarded to the Plan Commission but late submissions or anonymous correspondence will be disregarded. Correspondence can be mailed to P.O. Box 769, Sister Bay, WI 54234; faxed to (920) 854-9637; deposited in the drop box at the Administration Office at 2383 Maple Drive, Sister Bay; or e-mailed to janal.suppanz@sisterbaywi.gov. The above proposed ordinances and amendments, the draft plan, and correspondence is available for public inspection until the close of business on the day of the hearing and may be viewed at the Sister Bay Administration Building, 2383 Maple Drive, Sister Bay, WI between 8 AM and 4 PM, Monday-Thursday.

By order of the Plan Commission of the Village of Sister Bay
Julie Schmelzer, Village Administrator

ORDINANCE NO. 2025-0003**AN ORDINANCE RECREATING CHAPTER 65 OF THE MUNICIPAL CODE
ADOPTING A FLOODPLAIN ZONING ORDINANCE**

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

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

WHEREAS, due to errors in the template used, the ordinance was not approved by the Wisconsin Department of Natural Resources and the Village was told they had to adopt a new ordinance. On February 25, 2025, the Plan Commission held a public hearing on a redrafted Floodplain Zoning Ordinance and recommended that the Village Board for the Village of Sister Bay rescind Ordinance No. 2024-014, which amended the Municipal Code to create Chapter 65, *Floodplain Zoning*, and replace that ordinance with a new Floodplain Zoning Ordinance.

NOW, THEREFORE, the Village Board of the Village of Sister Bay does hereby amend the Municipal Code to recreate Chapter 65, to be known as the 'Floodplain Zoning Ordinance', including the Flood Insurance Rate Maps for Sister Bay, and subsequent amendments thereto; said ordinance to become effective April 1, 2025. Furthermore, enforcement of Chapter 65 shall lie with staff designated to enforce *Chapter 66, Zoning*.

SECTION 1. Adoption of Code Amendments. The following, in red font, shall constitute *Chapter 65, Floodplain Zoning Ordinance*.



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

Created: Ord. No. 2025-003 dated **March 18**, 2025

Effective Date: April 1, 2025

Date of Publication and Posting of Notice of Enacted Ordinance: _____

Dates of Publication: February 7, 2025 & February 14, 2025

Date of Public Hearing: February 25, 2025

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CHAPTER 65 – FLOODPLAIN ZONING

SECTION 100

STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

Sec. 65.0101 Statutory Authorization

This ordinance is adopted pursuant to the authorization in Wis. Stats., Sec. 61.35 and Sec. 62.23 and the requirements in Wis. Stats., Sec. 87.30.

Sec. 65.0102 Findings 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.

Sec. 65.0103 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.

Sec. 65.0104 Title

This ordinance shall be known as the Floodplain Zoning Ordinance for Sister Bay, Wisconsin.

Sec. 65.0105 General Provisions

(1) Areas Regulated.

This ordinance regulates all areas of special flood hazard identified as Zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate 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, AO, VE, V1-30, or V on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in (b) below. These maps and revisions are on file in the office of the Village Clerk.

(a) Official Maps: Based on the Flood Insurance Study (FIS):

1. Flood Insurance Rate Map (FIRM), panel numbers 55029C0184D, 55029C0192D, and 55029C0203D, dated May 8, 2024.
2. Flood Insurance Rate Map (FIRM), panel number 55029C0211C, dated March 2, 2009.
3. Flood Insurance Study (FIS) for Door County, Volume 55029CV000B, dated May 8, 2024.
(Approved by the DNR and FEMA)

(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 Sec. 65.0105(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 Sec. 65.105(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.
- (d) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as Zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP District, development within the floodway must comply with the regulations for both the FW and CFP Districts. Where a riverine A Zone or AE Zone with no floodway determination abuts the CFP District, the riverine study's floodway limit must be determined based on standard floodway expansion principles within the CFP District, and development within the floodway must comply with the standards for both the FW and CFP Districts.

(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 (a) or (b) below. If a significant difference exists, the map shall be amended according to Sec. 800 - Amendments. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use (zoning) 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 Sec. 0703(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 Sec. 65.0800 - 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, AO, V1-30, VE, or V, 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 Sec. 800 - Amendments.
- (b) The delineation of any of the Floodplain Districts may be revised by the Village 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 floodplain 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 and the applicant shall obtain a floodplain development permit before applying for a LOMR or LOMR-F;
- (c) Removal of lands from the floodplain may also occur by operation of Wis. Stats., Sec. 87.30(1)(e), 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 Sec. 900.
- (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 is punishable in accordance with Sec. 900.

(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 Wis. Stats., Sec. 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stats., Sec. 30.2022 applies. Although exempt from a local zoning permit and permit fees, the DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under Wis. Stats., Sec. 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 Wis. Stats., Sec. 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 Wis. Stats., Sec. 61.35 or Wis. Stats., Sec. 87.30, 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.

(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 Wis. Adm. Code Chapter NR 116 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 Door County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village for all annexed areas until the Village adopts and enforces an ordinance which meets the requirements of Wis. Adm. Code Chapter NR 116, and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the Village'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 Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

SECTION 200

GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

Sec. 65.0201 Permit Application Review

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

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

Sec. 65.0202 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 Section 800 – Amendments, are met.

Sec. 65.0203 Watercourse Alterations

- (1) No land use (zoning) permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Zoning Administrator has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and has required the applicant to secure all necessary state and federal permits. The standards of Sec. 65.0201 must also be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
- (2) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Sec. 800 –Amendments, the Village shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

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

- (1) Development which requires a permit from the Department under Wis. Stats., Chapters 30 and 31, 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 Sec. 800 - Amendments.

Sec. 65.0205 Public and Private Campgrounds

(1) Public and private campgrounds are currently prohibited in the Village of Sister Bay. If, at some point in the future, the Village does enact regulations that allow them, the following regulations will apply to all Floodplain Districts within the Village limits:

- (a) 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 (zoning) 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 Sec. 300, Sec. 400, Sec. 65.0501, or Sec. 65.0502 for the floodplain district in which the structure is located;
 - d. 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 Sec. 65.0205(a)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 Sec. 65.0205 or meet the applicable requirements in Sec. 300, Sec. 400, Sec. 65.0501, or Sec. 65.0502 for the floodplain district in which the

- structure is located;
- b. Decks/Landings - 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 Sec. 65.0205(a)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 Sec. 65.0205(a)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 Sec. 65.0205(a)4.
12. A land use (zoning) permit shall be obtained as provided under Sec. 65.0701(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.

SECTION 300

FLOODWAY DISTRICT (FW)

Sec. 65.0301 Applicability

- (1) This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Sec. 65.0501(5).

Sec. 65.0302 Permitted Uses

- (1) The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:
- (a) They are not prohibited by any other ordinance;
 - (b) They meet the standards in Sec. 65.0303 and Sec. 65.0304; and,
 - (c) All permits or certificates have been issued according to Sec. 65.0701.
 1. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
 2. Non-structural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

3. Non-structural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Sec. 65.0303(4).
4. Uses or structures accessory to open space uses or classified as historic structures that comply with Sec. 65.0303 and Sec. 65.0304.
5. Extraction of sand, gravel or other materials that comply with Sec. 65.0303(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 Wis. Stats., Chapters 30 and 31.
7. Public utilities, streets and bridges that comply with Sec. 65.0303(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 Wis. Adm. Code Chapter SPS 383.
9. Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and Wis. Adm. Code Chapters NR 811 and NR 812.
10. Wastewater treatment ponds or facilities permitted under Wis. Adm. Code Sec. NR 110.15(3)(b).
11. Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

Sec. 65.0303 Standards for Development in the Floodway

(1) General:

- (a) Any development in the floodway shall comply with Sec. 200 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 Sec. 65.0202 and Sec. 65.0701(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 Sec. 65.0303(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 Sec. 65.0105(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 Sec. 65.0303(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 Sec. 65.0303(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 Secs. 65.0303(2)(a) through 65.0303(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 of Sec. 65.0304(4) and Sec. 65.0304(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 Sec. 65.0201.
- (4) Fills or Deposition of Materials
Fills or deposition of materials may be allowed by permit, if:
- (a) The requirements of Sec. 65.0201 are met;
 - (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Wis. Stats., Chapter 30 and a permit pursuant to Sec. 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.

Sec. 65.0304 Prohibited Uses

(1) All uses not listed as permitted uses in Sec. 65.0302 are prohibited, including the following uses:

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) 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 Wis. Admin. Code, Chapter SPS 383;
- (e) 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 Wis. Admin. Code, Chapters. NR 811 and NR 812;
- (f) Any solid or hazardous waste disposal sites;
- (g) Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code, NR 110.15(3)(b), and,
- (h) 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.

SECTION 400

FLOOD FRINGE DISTRICT (FF)

Sec. 65.0401 Applicability

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Sec. 65.0501(5).

Sec. 65.0402 Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Sec. 65.0403 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in Sec. 65.0701 have been issued.

Sec. 65.0403 Standards For Development in the Floodfringe

Sec. 200 shall apply, in addition to the following requirements, according to the use requested. Any existing structure in the floodfringe must meet the requirements of Sec. 600 – Non-conforming 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 Sec. 600 – Non-Conforming 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 Sec. 65.0105(5).

- (b) Notwithstanding Sec. 65.0403(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 (d).
- (d) In developments where existing street or sewer line elevations make compliance with (c) impractical, the Village may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - 1. The Village 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 Village has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) Accessory Structures or Uses

In addition to Sec. 200, 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 Sec. 200, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of Sec. 65.0403(1). Subject to the requirements of Sec. 65.0403(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 Sec. 65.0200, 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 Sec. 65.0705. Subject to the requirements of Sec. 65.0403(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 Sec. 65.0705. 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 Sec. 65.0705.
- (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

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Sec. 65.0705(3), to the flood protection elevation and meet the provisions of all local ordinances and Wis. Admin. Code Chapter SPS 383.

(8) Wells

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Sec. 65.0705(3), to the flood protection elevation and shall meet the provisions of Wis. Admin. Code Chapters NR 811 and NR 812.

(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, if allowed under Chapter 66 of the Municipal Code, the Zoning Code, 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, if allowed under Chapter 66 of the Municipal Code, the Zoning Code, 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 Sec. 65.0403(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 Sec. 65.0403(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.)

SECTION 500

OTHER FLOODPLAIN DISTRICTS (GFP)

Sec. 65.0501 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 Sec. 65.0105(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 Sec. 65.0105(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to Sec. 65.0501(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Sec. 300. If the development is located entirely within the floodfringe, the development is subject to the standards of Sec. 400.

(3) Permitted Uses

Pursuant to Sec. 65.0501(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Sec. 65.0302) and Floodfringe (Sec. 65.0402) Districts are allowed within the General Floodplain District, according to the standards of (ec. 65.0501(4) provided that all permits or certificates required under Sec. 65.0701 have been issued.

(4) Standards For Development in the General Floodplain District

Sec. 300 applies to floodway areas, determined pursuant to Sec. 65.0501(5); and Sec. 400 applies to floodfringe areas, determined to pursuant to Sec. 65.0501(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) feet above the highest adjacent natural grade or higher.
- (b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including 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 Zone AO and Zone AH shall meet the requirements of Sec. 400 applicable to flood fringe areas.

(3) 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 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 determine floodway boundaries:
 - 1. A Hydrologic and Hydraulic Study as specified in Sec. 65.0701(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.

Sec.65.0502 Coastal Floodplain District (CFD)

(1) Applicability

The provisions of this section apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, which includes Zones V, V1-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in Sec. 65.0105(3)(d) or a regulatory floodway

identified pursuant to Sec. 65.0501(5), extends into a Coastal Floodplain District, development shall comply with the standards of Sec. 300 and Sec. 65.0502.

(2) Standards for Development in the Coastal Floodplain District

Development in the CFD District shall meet the requirements of Sec. 200, as well as the following:

- (a) New construction shall be located landward of the ordinary high-water mark.
- (b) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed and constructed so as not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.
- (c) Man-made alterations of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.
- (d) The use of fill for structural support of buildings is prohibited.
 - 1. Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause run-up, ramping, or deflection of floodwaters that cause damage to buildings.
- (e) New construction and substantial improvement of buildings shall be elevated, consistent with SPS 321.34, on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the FPE.
 - 1. The pile or column foundation and structure attached thereto shall be anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers 7-16 - Minimum Design Loads and Associated Criteria For Buildings and Other Structures, or other equivalent standard.
 - 2. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of Sec. 65.0502(2)(e).
- (f) New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood latticework, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.
 - 1. For the purpose of Sec. 65.0502(2)(f), a breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot.
 - 2. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers

- 1 7-16 - Minimum Design Loads and Associated Criteria For Buildings and Other
 2 Structures, or equivalent standard.
 3 3. All space enclosed by breakaway walls, open wood latticework, or insect screening below
 4 the lowest floor shall be used solely for parking, building access, or storage.
 5 (g) Required within flood-prone areas:
 6 1. New and replacement water supply systems to be designed to minimize or eliminate
 7 infiltration of flood waters into the systems; and,
 8 2. New and replacement sanitary sewage systems to be designed to minimize or eliminate
 9 infiltration of flood waters into the systems and discharges from the systems into flood
 10 waters and onsite waste disposal systems to be located to avoid impairment to them or
 11 contamination from them during flooding.
 12 (h) All mobile recreation vehicles must be on site for less than 180 consecutive days and be either:
 13 1. Fully licensed and ready for highway use; or,
 14 2. Shall meet the standards of Sections 65.0502(2)(a) through 65.0502(2)(g) inclusive.
 15 (A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking
 16 system, is attached to the site only by quick-disconnect type utilities and security devices,
 17 and has no permanently attached additions.)
 18 (i) Manufactured homes placed or substantially improved within the Coastal Floodplain District
 19 shall meet the standards of Secs. 65.0502(2)(a) through 65.0502(2)(g) inclusive.
 20

21 **SECTION 600** 22 **NON-CONFORMING USES**

23 **Sec. 65.0601 General Non-Conforming Use Regulations**

24 (1) Applicability

- 25 (a) The standards in this section shall apply to all uses and buildings that do not conform to the
 26 provisions contained within a floodplain zoning ordinance or with Wis. Stats., Sec. 87.30 and
 27 Wis. Adm. Code Sec. NR 116.12-14 and 44 CFR 59-72. These standards shall apply to all
 28 modifications or additions to any non-conforming use or structure and to the use of any
 29 structure or premises which was lawful before the passage of this ordinance or any amendment
 30 thereto. A party asserting existence of a lawfully established non-conforming use or structure
 31 has the burden of proving that the use or structure was compliant with the floodplain zoning
 32 ordinance in effect at the time the use or structure was created.
 33 (b) As permit applications are received for additions, modifications, or substantial improvements
 34 to non-conforming buildings in the floodplain, Village staff members shall develop a list of those
 35 non-conforming buildings, their present equalized assessed value, and a list of the costs of those
 36 activities associated with changes to those buildings.
 37 (2) The existing lawful use of a structure or its accessory use which is not in conformity with the
 38 provisions of this ordinance may continue subject to the following conditions:
 39 (a) No modifications or additions to a non-conforming use or structure shall be permitted unless
 40 they comply with this ordinance. The words "modification" and "addition" include, but are not
 41 limited to, any alteration, addition, modification, structural repair, rebuilding or replacement
 42 of any such existing use, structure or accessory structure or use. Maintenance is not
 43 considered a modification; this includes painting, decorating, paneling and other nonstructural
 44 components and the maintenance, repair or replacement of existing private sewage or water
 45 supply systems or connections to public utilities. Any costs associated with the repair of a

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

- (b) If a non-conforming use or the use of a non-conforming structure is discontinued for 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 non-conforming uses and non-conforming 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 non-conforming structure or any structure with a non-conforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently 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 Sec. 65.0403(1). The costs of elevating the lowest floor of a non-conforming building or a building with a non-conforming 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 non-conforming structure or any structure with a non-conforming 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 Sec. 65.0403(1). Maintenance to any non-conforming 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 Sec. 65.0403(1).
- (g) Except as provided in (h), if any non-conforming structure or any structure with a non-conforming 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 non-conforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such non-conforming 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 Sec. 65.0705(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 Sec. 65.0501(4).
 - f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
2. Non-Residential Structures
- a. Shall meet the requirements of Sec. 65.0601(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 Sec. 65.0705(1) or (2).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Sec. 65.0501(4).
- (3) A non-conforming 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 Sec. 65.0303(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 65.0705 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Sec. 65.0601(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.

Sec. 65.0602 Floodway District

- (1) No modification or addition shall be allowed to any non-conforming structure or any structure with a non-conforming 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 Sec. 65.0601;
 - (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 Sec. 65.0705, 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, Sec. 65.0705(3) and Wis. Adm. Code Chapter SPS 383.

(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, Sec. 65.0705(3) and Wis. Adm. Code Chapters NR 811 and NR 812.

Sec. 65.0603 Floodfringe District

(1) No modification or addition shall be allowed to any non-conforming structure or any structure with a non-conforming use unless such modification or addition has been granted a permit or variance by the Village and meets the requirements of Sec. 65.0403, except where Sec. 65.0603(2) is applicable.

(2) Where compliance with the provisions of (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 Adjustment/Appeals, using the procedures established in Sec. 65.0703, may grant a variance from those provisions of (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 Sec. 65.0403(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, Sec. 65.0705(3) and Wis. Adm. Code Chapter SPS 383.

(4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, Sec. 65.0705(3) and Wis. Adm. Code Chapters NR 811 and NR 812.

Sec. 65.0604 Coastal Floodplain District (CFD)

(1) New construction and substantial improvement shall meet the standards of Sec. 65.0502.

(2) No structural repairs, modifications or additions to an existing building, the cost of which exceeds, over the life of the existing building, 50% of its present equalized assessed value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in Sec. 65.0502.

SECTION 700

ADMINISTRATION

Where the Zoning Administrator, a planning agency or a Board of Appeals has already been appointed to administer a zoning ordinance adopted under Wis. Stats., Secs. 59.69, 59.692 or 62.23(7), those officials shall also administer this ordinance.

Sec. 65.0701 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, non-conforming uses and structures including changes, appeals, variances and amendments.
 5. All substantial damage assessment reports for floodplain structures.
 6. List of non-conforming structures and uses.
 7. In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.
 8. In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under Sec. 65.0502.
- (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 (zoning) 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 Sec. 300 or Sec. 400 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 Sec. 65.0201. This may include any of the information noted in Sec. 65.0303(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 Wis. Adm. Code Chapter NR 116.07(3) - Hydrologic Analysis: Determination of Regional Flood Discharge.

(b) Hydraulic Modeling

The regional flood elevation shall be based on the standards in Wis. Adm. Code Chapter NR 116.07(4) - 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 Wis. Adm. Code Chapter NR 116.07(3) - Hydrologic Analysis: Determination of Regional Flood Discharge.

(b) Hydraulic Model

The regional flood elevation shall be based on the standards in Wis. Adm. Code Chapter NR 116.07(4) - 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, and 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 Sec. 65.0705 are met.
- (e) Where applicable pursuant to Sec. 65.0501(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 Sec. 65.0501(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 Sec. 65.0501(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 Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 65.0702 Zoning Agency

(1) The Village of Sister Bay Zoning Board of Appeals 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 Wis. Stats., Chapter 985, specifying the date, time, place, and subject of the public hearing.

(2) The Village of Sister Bay Zoning Board of Appeals shall not:

- (d) Grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (e) Amend the text or zoning maps in place of official action by the governing body.

Sec. 65.0703 Board of Appeals

The Board of Appeals, created under Wis. Stats., Sec. 62.23(7)(e), 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

1 The Board of Appeals shall:

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

8
9 (2) Appeals To The Board

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

16 (b) Notice and Hearing For Appeals Including Variances

17 1. Notice - The Board shall:

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

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

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

27 (c) Decision:

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

- 29 1. Be made within a reasonable time;
- 30 2. Be sent to the Department Regional office within 10 days of the decision;
- 31 3. Be a written determination signed by the chairman or secretary of the Board;
- 32 4. State the specific facts which are the basis for the Board's decision;
- 33 5. Either affirm, reverse, vary or modify the order, requirement, decision, or determination
- 34 appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny
- 35 the variance application; and,
- 36 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the
- 37 applicant in the case of a variance, clearly stated in the recorded minutes of the Board
- 38 proceedings.

39
40 (3) Boundary Disputes

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

- 43 (a) If a floodplain district boundary is established by approximate or detailed floodplain studies,
- 44 the flood elevations or profiles shall prevail in locating the boundary.
- 45 (b) The person contesting the boundary location shall be given a reasonable opportunity to
- 46 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 Sec. 800 - 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 Sec. 65.0103.
- (b) In addition to the criteria in (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 Sec. 800 - 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.

Sec. 65.0704 Review of Appeals of Permit Denials

- (1) The Zoning Agency (See Sec. 65.0702) or Board shall review all data related to the appeal. This may include:
- (a) Permit application data listed in Sec. 65.0701(2);
 - (b) Floodway/floodfringe determination data in Sec. 65.0501(5);
 - (c) Data listed in Sec. 65.0303(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 Sec 65.0703;

- (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 Sec. 800 - 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.

Sec. 65.0705 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 Sec. 200, Sec. 300, Sec. 400, Sec. 65.0501 or Sec. 65.0502.
- (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.

Sec. 65.0706 Public Information Required

- (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.

SECTION 800

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 Sec. 65.0801.

- (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 Sec. 65.0801. 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 Sec. 65.0801.

Sec. 65.0801 General

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Sec. 65.0802 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 Sec. 65.0105(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 Wis. Adm. Code Sec. NR 116.05 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.

Sec. 65.0802 Procedures

Ordinance amendments may be made upon petition of any party according to the provisions of Wis. Stats., Sec. 62.23. The petitions shall include all data required by Sec. 65.0501(5) and Sec. 65.0701(2). The land use (zoning) 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 Wis. Stats., Sec. 62.23.

(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.

SECTION 900

ENFORCEMENT & 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 may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to Wis. Stats., Sec. 87.30.

SECTION 1000

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.

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

AH ZONE – See “AREA OF SHALLOW FLOODING”.

AO ZONE – See “AREA OF SHALLOW FLOODING”.

ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.

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

AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood

Insurance Rate Map (FIRM) with a 1 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.

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

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

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

BUILDING – See STRUCTURE.

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

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

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

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

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

COASTAL FLOODPLAIN – An area along the coast of Lake Michigan or Lake Superior which is inundated by the regional flood and which is also subject to additional hazard due to wave runup.

COASTAL HIGH HAZARD AREA – An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms.

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.

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

DEPARTMENT – The Wisconsin Department of Natural Resources.

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

supply facilities.

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

ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

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

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

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

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

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

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

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

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

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

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

FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

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

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

FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)

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

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

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

HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.

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

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

HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE – Any structure that is either:

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

INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation 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.

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

LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in Sec. 65.0503(2)(f) is not considered the building's lowest floor.

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.

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

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

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.

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.

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."

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.

MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

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.

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.

MODERATE WAVE ACTION AREA (MoWA) – A special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a Limit of Moderate Wave Action, where identified. (Also known as “Coastal A Zone”)

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

NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

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

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.

NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.

NON-CONFORMING 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 non-conforming.)

NON-CONFORMING 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.)

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

OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in Sec. 65.0105(2), which has been approved by the Department and FEMA.

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

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

PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.

PRIMARY FRONTAL DUNE – A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to

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

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.

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

REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

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

SAND DUNES – Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

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

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

SUBDIVISION – Has the meaning given in Wis. Stats., Sec. 236.02(12).

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.

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 an historic structure.

THE VILLAGE – The Village of Sister Bay.

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.

VARIANCE – An authorization by the Board of Adjustment or Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the Floodplain Zoning Ordinance.

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

WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

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

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

SECTION 2. Available for Inspection.

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

SECTION 3. Ordinances in Conflict.

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

SECTION 4. Effective Date.

This ordinance shall take effect and be in full force from and after April 1, 2025.

SECTION 5. Severability.

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

VILLAGE OF SISTER BAY

By:

Nate Bell, Village President

ATTEST:

Heidi Teich, Village Clerk

Ayes: _____ Nays: _____

Filed/Posted: _____
Village Administration Office, 2383 Maple Drive
Sister Bay Post Office, 10685 N Bay Shore Drive
Sister Bay Liberty Grove Library, 2323 Mill Road
Effective Date: April 1, 2025

DRAFT ORDINANCE NO. 2025-004

AN ORDINANCE AMENDING CH. 66 TO CREATE A B-2 OVERLAY, B-3 HEIGHT RESTRICTIONS, ADDITIONAL TREE REGULATIONS, REVISED WATER SETBACK, AND MISCELLANEOUS OTHER AMENDMENTS

WHEREAS, the Village of Sister Bay periodically reviews their ordinances to ensure they comply with the Wisconsin State Statutes and Administrative Code, the intent of adopted village plans, they have a regulatory framework to best protect the environment, they are easy and effective to understand and implement, and they support planning policies and trends; and,

WHEREAS, on February 25, 2025, the Plan Commission held a public hearing on various amendments to the Village of Sister Bay Municipal Code, Chapter 66, *Zoning*, that were necessary to comply with state statutes, meet the intent of the comprehensive plan and zoning code, further protect the natural resources, make for a more understandable code that can more effectively be administered, and follow national trends in planning practices.

NOW, THEREFORE, after consideration of the code amendments recommended by the Plan Commission, on **March __**, 2025, the Village Board of the Village of Sister Bay voted to amend Ch. 66, *Zoning*, as shown below.

SECTION 1. Adoption of Code Amendments. Shown below are the code sections amended, with deletions shown with a strikethrough and additions shown in red font. [Amendments may require amendments to the Table of Contents, Overlay Districts summary, and other areas in Ch. 66 where formatting would be affected.]

I. Create an overlay district within the B-2 zoning district, west of North Bay Shore Drive, to give landowners and developers an alternative to developing their land. This overlay would also encourage development similar to a historic neighborhood.

SEC. 66.0343 – B-2 HD

B-2 HISTORIC OVERLAY DISTRICT

Sec. 66.0343 B-2 Historic Overlay District

The B-2 zoned area west of North Bay Shore Drive is the one area left in the village with several historic properties. In an attempt to maintain the historic character of the area, while providing for the development of new properties that would be architecturally compatible, the overlay gives landowners the option of developing their properties under the regular B-2 standards, or, developing under the provisions within this overlay.

(1) Uses Allowed

- (a) The list of permitted and conditional uses listed in Sec. 66.0322, the B-2 Downtown Transitional District, shall be allowed in this overlay district, with the exception of physical fitness centers, professional offices, restaurants and self-service laundry and dry cleaning. Unlike other zoning

districts where only the uses listed shall be allowed, this overlay allows for additional uses, if developed per this overlay, and if authorized by conditional use permit upon finding the use would be compatible in the neighborhood.

- (b) No use allowed under this overlay may be established or expanded, prior to obtaining a conditional use permit, if required in (a)(1) above; receiving approval from the Plan Commission via a Site Plan Review; and if required by the Plan Commission, a Development Agreement.

(2) Architecture

The exterior of a building housing such use, or its accessory use, cannot be refaced (repainted, resided, the roof pitch altered, new windows or doors) or renovated, prior to receiving a successful Architectural Review by the Plan Commission to determine the compatibility with the historic character of the neighboring properties and compliance with Sec. 66.1055, *Architectural Review Criteria*, and Sec. 4200, *Illustrations*. If the project is for single family residential purposes, there shall be no fee is to be charged for the Architectural Review of a refacing or renovation project; short-term rental and all other uses shall be charged a Site Plan Review or Building Plan Review fee.

(3) Landscaping

With every Architectural Review application, the applicant shall provide a landscape plan which illustrates the following:

- (a) All existing tree canopies shall be preserved; no tree in excess of a twelve-inch caliper, as measured at chest height, shall be removed prior to securing approval from the Plan Commission; all development shall occur in such manner as to not jeopardize the root system of a tree of twelve-inch caliper or greater.
- (b) For every development, one hardwood tree, at least six inches in caliper, shall be planted so as to result in one tree being planted or maintained every forty feet along all public rights-of-way and rear lot lines.
- (c) In lieu of a hardwood tree every forty feet along the front lot line, the developer may install a white picket fence along the front lot line, provided the fence is flanked by mature trees, at least twelve inches in caliper, at the ends of the fence where the property meets the adjacent neighbor's property line.
- (d) All properties shall be developed per a landscaping plan approved by the Plan Commission that integrates Cottage Garden or English Garden landscaping design styles. Cottage Garden design uses a multitude of fragrant flowers in bold and pastel hues, arranged in what appears to be a haphazard manner; the plants are a mix of perennials, annuals, and biennials, creating an on-going and evolving display of color throughout the spring, summer and fall seasons. Typical of the Cottage Garden style are climbing roses, flowering vines, and cascading plants that utilize space and create vertical interest. The feel is relaxed and natural. Cottage Garden design can be described as whimsical, inviting, and romantic. The English Garden is more structured and involves a combination of flowering gardens and well-groomed lawns, pathways, shrubs and trees. The feel of the English Garden is described as 'controlled chaos'. Like the Cottage Garden, it uses plentiful and diverse flowers and greenery and tries to keep a balance of colors and designs. Typical in the English Garden are roses, clematis, delphiniums and wisteria. Colors and textures change with the seasons.

(e) All landscaping plans require review by the Plan Commission, if required by the Plan commission, a Development Agreement.

(f) The Village may require a sidewalk be installed, dependent on location.

(4) Parking

Due to the shallow depth of some lots in the B-2 district, it is often difficult to meet current parking standards found in Ch. 66, Sec. 400. Furthermore, it is acknowledged many of the land uses allowed in this overlay rely on pedestrian traffic, not requiring parking.

(a) Nonconforming parking lots may be retained but shall not be reduced in number.

(b) If a land use change or expansion requires 25% or fewer additional parking stalls in addition to what is on site at time of permit application, the parking lot shall be increased to provide as many additional stalls as possible, within dimensional requirements of this code, even if the resulting parking lot cannot provide all required stalls. If the additional parking required exceeds 25% of the available parking on site, the application may be denied, or, the Plan Commission may make a special exception due to unique or unusual circumstances. If the new configuration of the parking lot does not meet setback or other design requirements, a variance shall be required.

(c) Any redevelopment or modification that results in an increase in the floor area of the pre-development structure, shall provide additional parking, as directed by the Plan Commission, provided the green space on the lot is 25% or greater. The design of the new parking areas shall be dictated by the Plan Commission, who shall take into account topography, green space, safety, runoff and aesthetics. Unhabitable basements, attics, and open porches or decks shall not be included in the floor area calculation.

(d) For those existing land uses that do not have parking onsite, or sufficient parking onsite for employees, provisions shall be made for employee parking that does not rely on public parking areas. The village may require a per employee fee in lieu of parking, said fee to fund a public parking lot in the Village. As an alternative, the Village may require bicycle racks to encourage non-motorized work trips.

(e) New uses, or the development of a vacant lot, shall have the parking requirements set by the Plan Commission, based on need, lot size, and the practicality of the use generating additional vehicular traffic to the neighborhood.

(5) Setbacks

(a) Applicable to existing developments that do not meet the setback provisions in Sec. 66.0322(4): All properties in the B-2 overlay district may be redeveloped utilizing the setbacks of the pre-construction development, provided no development occurs in a public right-of-way, easement, or on an adjacent lot. However, in such scenario, the footprint of the original structure may not be increased. In addition, a public hearing shall be held to ascertain if there are public concerns or objections that may need to be mitigated, or warrant modifications to the proposed project.

(b) Applicable to new developments on vacant lots and existing developments that meet the setback provisions in 66.0322(4): The Plan Commission may reduce setbacks to make the new structure appear it was developed approximately the same time as the development of the adjacent properties. Setback averaging may be used to determine setbacks. Setbacks may be determined by considering existing or desired neighborhood development patterns.

(c) The modifications permitted in Sec. 66.0602, *Setback Modifications*, apply to the B-2 overlay.

1 (6) Height

2 (a) How Measured.

3 The total height of a building is that vertical distance of the front, or roadside, of a structure as
4 measured from pre-existing grade along the roadbed nearest the proposed structure or
5 modification to the highest point on the highest roofline. Said height limit shall exclude the
6 modifications permitted in Sec. 66.0601(1), *Height Modifications*. It is acknowledged that due to
7 topography a structure may be higher in the rear, or the side of the building not facing the road,
8 and in such situation the excessive height shall be mitigated by installing era appropriate fencing
9 and planting additional trees to minimize the view of the back of the structure as seen from
10 adjacent lots, said fencing, canopy size and height to be determined by a ¾ majority vote of the
11 Plan Commission.

12
13 (b) Height Limits.

14 (1) For those properties located in the Bluff Overlay Zone, no structure shall exceed 30' in height.

15 (2) For those properties located along Parkview Lane and Parkview Drive, structures are limited
16 to 24' in height.

17 (3) For all other properties in the B-2 overlay, structures shall not exceed 30' and two floor levels;
18 unhabitable basements and attics shall not be counted as a building floor.

19 (7) Accessory Buildings

20 With the exception of a singular one-story free-standing garage, accessory buildings shall be prohibited.
21 A free-standing garage shall not exceed 24' x 24' and shall be architecturally compatible with the primary
22 structure on the lot. Said garage requires architectural review by the Plan Commission and is subject to
23 the landscaping requirements above.

24 (8) Signage

25 (a) Each property is allowed one ground or wall sign or projecting sign indicating the name of the
26 property or business. Said sign shall be free-standing, or on the wall of the building, or extend
27 from the overhang or roof of a porch, but not obstruct pedestrian access or travel. A free-standing
28 (ground mounted) sign shall not exceed 8 square feet; a wall sign or sign extending from an
29 overhang, roof or porch, shall not exceed 16 square feet. The sign shall be made of wood, appear
30 woodgrain in texture, be three-dimensional, and have a scroll to the artwork. All such signs
31 require design approval of the Plan Commission Chair. Said signs cannot be located in a public
32 right-of-way, easement, or over a property line. If the sign is a ground mounted sign, the base of
33 the sign shall be landscaped to match the landscaping on the lot. Said sign shall be made of wood
34 or three- dimensional resembling wood; no metal signs shall be allowed.

35 (b) Each property is also allowed one wall sign, adjacent to the primary entrance to the building, said
36 sign not to exceed 4 square feet in area. The sign shall be made of wood or three-dimensional
37 resembling wood; no metal signs shall be allowed. No sign shall be illuminated from within,
38 including 'open' signs.

39 (c) One sandwich board sign is allowed, provided the signboard is slate with a three-dimensional
40 woodgrain trim and does not exceed 6 square feet, including the trim. Said sandwich board sign

is not permitted off-site or on a sidewalk.

(d) One sign placed at the entrance of the space for each separate tenant space in multi-tenant buildings may be placed on the building and each directory sign shall not exceed two square feet per side. In lieu of one entrance directory sign for each separate tenant space, a single wall sign may be permitted. The area of the wall sign shall be no larger than the cumulative amount of the permitted separate entrance directory signs. The sign shall be in addition to the signs and size limitations allowed above.

(9) Number of Uses Per Lot

Every current lot that was in existence as of the date the Village of Sister Bay adopted zoning shall be considered a separate, buildable lot, provided a structure thereon can meet setbacks and contains adequate space for a building and required parking. Every such lot shall be permitted one building to house one of the uses listed in the Table of Uses allowed in the B-2 district, or as approved by conditional use permit. A second use in a building may be allowed provided the Plan Commission finds there will be no additional need for parking or the parking demanded can be accommodated on the same property.

II. Amend the Downtown Business District rules to limit the height of buildings on private property on the west (water) side of North Bay Shore Drive to not block the view of the bay from properties on the east side of the road, and, to retain the view of the water as vehicles drive north from the intersection of State Highways 42 and 57.

Amend the table in Sec. 66.0323(3), Principal Structure, Business, Maximum Height and Accessory Structures, Maximum Height, as follows:

Principal Structure,	Maximum Height	35 Feet [45]
Business	Minimum Floor Area	None
Accessory Structures	Maximum Height	35 Feet [5] , But Shall Not Exceed Height of Principal Structure

[1] Forty (40) feet from the centerline of the street right-of-way or 20 feet from the property line, whichever is greater.

[2] If the buildings on adjoining lots will abut one another and are visually compatible and complementary, the Plan Commission may allow the affected property owners to enter into a written, recordable agreement that establishes a zero foot side setback. (*Amended Ordinance 161-120809*)

[3] For buildings on through-lots, (lots with front and rear frontage onto a street), front yard setbacks shall apply.

[4] Every development shall provide and maintain a public sidewalk with a minimum width of five (5) feet across the front of the parcel and side yard abutting a public street, as well as an additional three (3) feet of landscaping, and one or more of the "pedestrian amenities" listed in (6)(b).

~~[5] Applicable to privately owned properties on the west side of North Bay Shore Drive, adjacent to North Bay Shore Drive, north of Bluffside Lane to Post Office Lane: As of the adoption date of the amendment, the height of a building or structure shall not be increased prior to receiving a conditional use permit from~~

the Plan Commission. The Plan Commission shall only approve the conditional use permit if it has been demonstrated the additional height will not be detrimental to the viewshed of properties on the east side of Bay Shore Drive within 300 feet of the building or structure being modified. It shall be the responsibility of the applicant to prove no detriment to the viewshed of the waters of Green Bay.

III. Amend Section 1500, *Administration*, to improve processes, be compatible with state statutes, and reflect standards for review commonly used in processing applications.

Sec. 66.1500 Plan Commission

(1) Powers and Duties:

The Plan Commission shall perform such duties as are prescribed by Wis. Stats., §62.23, and has such further powers as may be delegated to it by the Wisconsin Statutes and Village ordinances. The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Village to public officials, agencies, public utility companies, civic, educational, and professional and other organizations, and citizens. The Plan Commission may employ consultants, to the extent that the Village budget allows, who may prepare surveys and studies, prepare plans and recommendations, and perform other duties assigned by the Plan Commission. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning. **Decisions, interpretations, and recommendations of the Plan Commission shall take into account existing local, state and federal ordinances, statutes and regulations, together with recent modifications to those legal sources.**

Sec. 66.1505 Public Information

To the fullest extent possible, the Plan Commission and Zoning Administrator shall make available to the public, all reports and documents concerning the Village Comprehensive Plan and any component thereof. In addition:

- (1) All available information in the form of reports, bulletins, maps and engineering data shall be readily available and widely distributed.
- (2) Where ~~useful~~**practical**, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.
- (3) ~~Where useful~~**When practical**, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.
- (4) Information regarding the location of flood ~~landsplains~~ and wetlands shall be provided to realtors, lenders, and the public. **If known, and upon request, a**All legal descriptions of property containing flood ~~landsplains~~ or wetlands should include information designating the flood ~~landplain~~ or wetland areas when property is transferred.
- (5) Fees necessary to recover the costs of providing information to the public ~~may~~ **shall** be established by the Village **Board**.

Sec. 66.1510 Zoning Administrator Designated

The Village Zoning Administrator, or designee, is hereby designated as the administrative and enforcement officer for the provisions of this chapter. The duty of the Zoning Administrator, or designee, shall be to interpret and administer this chapter and to:

- (1) Maintain permanent and current records of all approvals and other actions, including, but not limited to, all maps, zoning ordinance amendments, zoning permits, conditional use permits,

planned unit development approvals, temporary use approvals, sign permits, site plans, certificates of compliance, variances, appeals, interpretations, and applications ~~therefore~~.

- (2) Determine that all zoning permit applications and their constituent plans ~~z~~; certificate of ~~occupancy compliance requests~~ ~~applications~~ ~~z~~; sign permit applications and their constituent plans ~~z~~ and ~~other applications and site~~ plans comply with all the provisions of this chapter.

- (3) Make interpretations regarding the provisions of this chapter.

- (4) ~~If requested or helpful, r~~Receive, file and forward (to the appropriate person, committee or agency) all ~~completed~~ applications for any permit or procedure provided for in this chapter.

- (5) Inspect all structures, lands and waters as often as necessary, to assure compliance with this chapter.

- (6) Issue permits as required by this chapter. ~~Issuance may include conditions, as deemed necessary to insure compliance with this chapter.~~

- (7) ~~Upon receipt of a survey from the property owner or their agent, r~~Record the lowest floor elevations of all structures erected, moved, altered or improved in the flood-land ~~districts~~ areas.

- (8) Investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises.

- (9) Is permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by the Zoning Administrator to ensure compliance with this chapter. If, however, he/she is refused entry after presentation of ~~their~~ identification, he/she may procure a special inspection warrant in accordance with Wis. Stats., §66.122.

- (10) Prohibit the use or erection of any structure until they have inspected and approved such use or erection.

- (11) Institute, in the name of the Village, any appropriate action or proceeding against a chapter violator, as provided by law.

- (12) Request Assistance and cooperation from the Door County Sheriff's Department and Village Attorney as deemed necessary.

- (13) Attend all meetings of the Plan Commission and the Village Zoning Board of Appeals.

Sec. 66.1520 Development Agreement Required

- (1) The Applicant shall ~~be required to~~ enter into a Development Agreement with the Village at the time of ~~approval submission~~ of an application for a Zoning Permit for all projects and developments listed below:

(a) All new construction other than individual single-family homes, which are not part of an active subdivision ~~or condominium plat~~.

~~(b) All projects that require a conditional use permit.~~

(c) Commercial projects, ~~including those projects~~ in existing buildings involving a change of use or occupancy, ~~expansion, or~~ where the building is non-conforming for setback, height or parking.

~~(d) The Plan Commission shall have the authority to exempt an applicant from securing a Development Agreement with a ¾ majority vote of the Plan Commission.~~

- (2) Applicants shall agree to reimburse the Village for all costs incurred by the Village for engineering, inspection, planning, legal and administrative expenses in:

(a) Processing, reviewing, revising, and approving conceptual, preliminary or final development plans, including meeting time, regardless of whether the developer attended or participated in the meeting; ~~and,~~

- (b) Processing, reviewing, revising, drafting and approving any agreements, easements, deed restrictions or other documents associated with the proposed use; and,
- (c) Inspection and approval of construction and installation of all improvements provided for in the development, including but not limited to, consultation reasonably required to address issues and problems encountered during the course of design and construction of the development. Such costs shall include the costs of Village consultants, including engineers, attorneys, inspectors, planners, ecologists, agents, sub-contractors and the Village's own employees. Such costs shall also include those for attendance at meetings. The cost for outside services shall be the direct costs incurred by the Village. The cost for Village employees' time shall be based upon the classification of the employee and the rates established by the Village Board, from time to time, for each such classification.

(3) ~~At the time of filing of the application, the Applicant shall deposit with the Village Treasurer the sum of Two Thousand Dollars (\$2,000.00) in the form of cash. The Village shall apply such funds toward the payment of the above costs. If at any time the deposit becomes insufficient to pay expenses incurred by the Village for the above costs, the Applicant shall deposit required additional amounts within fifteen (15) days of written demand by the Village Administrator. Until the required funds are received, no additional work or review will be performed by the Village as to the plan under consideration.~~

(4) ~~Within 60 days after any final action by the Village and execution of any documents by all parties, or upon abandonment of the plan, the Village shall furnish the Applicant with a statement of all such costs incurred by it with respect to such plan. Any excess funds shall be remitted to applicant, and any costs in excess of such deposit shall be paid by the applicant. Any interest earned on the deposit shall remain the property of the Village to partially offset administrative expenses associated with planning and development.~~

(5) ~~Failure to sign a Development Agreement within six (6) months of approval by the Village Board shall be deemed a forfeiture of the Agreement offered and any future land disturbance, development, or use of the building or property shall be in compliance with this chapter. After the proposed development agreement offer has expired, should a landowner wish to proceed with the project in the future, they shall begin the application process anew.~~

Sec. 66.1525 Terms of Development Agreement

The ~~D~~development ~~A~~greement shall, ~~at a minimum, also~~ include the following terms and conditions:

- (1) The site plan, ~~parking plan, trail locations or future trail easements~~, grading plan, lighting plan, stormwater management plan, landscaping plan, building architectural plans, phasing plan and such other requirements as established by the Plan Commission.
- (2) Any necessary streets and appurtenances thereto, ~~including sidewalks or trails~~, shall be constructed at the expense of the Applicant ~~in as required by the Plan Commission, or~~ in accordance with the provisions of Chapter 54 of the ~~Municipal~~ Code of Ordinances, which are in effect at the time of such construction.
- (3) Sanitary and water mains and laterals, and storm water drainage facilities, and any related off-site improvements shall be paid for, constructed and installed by Applicant as required by the Village, ~~and~~ the provisions of Chapter 62 of the ~~Municipal~~ Code of Ordinances at applicant's expense.
- (4) Assignment of ~~culvert and~~ landscape maintenance responsibilities to the owner(s) of the property in accordance with the submitted ~~site plan and~~ landscape plan and the ability of the Village to conduct such work and charge all costs incurred by the Village as a special charge against the real estate upon owner's failure to maintain.

- (5) Applicant shall agree to indemnify and hold the Village and its agents harmless from and against claims related to the performance of work at or for the site.
- (6) Applicant's principals shall be personally responsible for reimbursement of costs to the Village in the event the Applicant does not proceed with the actual installation as approved by the Village.
- (7) Applicant shall be responsible for payment of the Village's costs, disbursements and attorney's fees ~~to draft and review the Development Agreement and~~ in the event the Village brings legal action to enforce compliance with this ~~A~~agreement and a final determination is made in favor of the Village.
- (8) The terms and conditions of the ~~A~~agreement shall extend to the heirs, administrators, successors in title and assigns of the applicant, including personal liability. However, Applicant may not assign its rights, duties and responsibilities under this Agreement to any other third party without first obtaining the prior written consent of the Village.
- (9) ~~If acceptable to the Village, t~~The Applicant shall convey all necessary easements to the Village.
- (10) ~~As a condition precedent to the execution of the Development Agreement, the Applicant shall post a cash deposit or file a letter of credit with the Village guaranteeing compliance with the Village Ordinances and provisions of the Development Agreement. The security shall be such amount as to cover 100% of the estimated costs of storm water drainage, lot grading, landscaping, and any street construction work as provided for under the Development Agreement. The estimated costs shall be provided by the Applicant or his engineer and shall be subject to the approval of the Village.~~
- (11) Other terms that the Village and Applicant shall ~~agree to be deem~~appropriate.

Sec. 66.1530 Zoning Permit Required

All zoning permits for new construction, ~~expansion~~, reconstruction and remodeling, ~~and change of use~~ are issued under the condition that such construction shall comply with all applicable state and federal standards and local building codes. ~~Acceptance of a permit shall deem acceptance of all conditions imposed upon the permit.~~ No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered, ~~or the use changed~~, until after the owner or ~~their~~his/~~her~~ agent has secured a zoning permit, if required, from the Zoning Administrator, or ~~their~~his/~~her~~ designee, unless otherwise exempted pursuant to Section 66.0501 of this Chapter. Applications for ~~a~~ zoning permit shall be made ~~in duplicate~~ to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the non-refundable fee established by resolution of the Board of Trustees and all required plans. No permit application will be processed until the Zoning Administrator has received a completed application which contains the following, where applicable:

- (1) Names and addresses.
Names and addresses of the applicant, the owner of the site, the architect, the professional engineer and the contractor.
- (2) Lot description.
A description of the subject site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of Survey.
A plat of survey prepared by a registered land surveyor showing the following information:
 - (v) ~~Location of all trees with a well-defined stem at least three (3) inches in diameter measured at a height 4 ½ feet above the ground, and, which trees are to be removed during construction.~~
- (4) Plans. Plans shall be drawn to scale and include the scale and dimensions as appropriate or required by the Zoning Administrator. The intended use of all rooms shall be identified on the floor plans.

- (a) A site plan showing the proposed development in relation to all surface water, roads, rights-of-way, easements, and lot lines.
- (b) All foundation plans, including basement plans and floor plan of said basement.
- (c) All floor plans.
- (d) All elevation views, including the height of the building, as measured from finished grade.

(5) Compliance with building codes; burying utilities.

All construction and remodeling activity that ~~also requires~~ building permits and inspections shall comply with ~~the Chapter 14 of the Municipal Code of Ordinances, and other applicable~~ Village and State building codes. All utilities including electric, telephone, cable television, water and sanitary sewers shall be buried for all new structures. Utilities shall also be buried for remodeling projects where the value of the project is in excess of 50% of the equalized value. ~~No utility shall be buried without the express written approval of the Zoning Administrator or Utilities Director; depending on disturbance activity involved, a permit may be required to bury the utility.~~

(6) Setback and footing inspection and permit.

The owner, tenant, contractor or agent shall notify the Building Inspector in writing or on forms provided by the Building Inspector 48 hours (excluding Saturdays, Sundays and legal holidays), ~~or as required by the Building Inspector, if different,~~ prior to the pouring of footings so that the Building Inspector may inspect the location of the footings for compliance with the ~~setback provisions of this chapter and~~ zoning permit ~~and compliance with state building codes.~~ No footings shall be poured or otherwise made permanent until such inspection and approval of the footings for compliance ~~with is chapter~~ has been given by the Building Inspector. ~~The Building Inspector shall conduct the setback and footing inspection within 48 hours of being notified. However, if it is shown for good cause that the inspection cannot be made within the 48 hours, the inspection may be delayed by the Building Inspector an additional 48 hours (excluding Saturdays, Sundays and legal holidays) upon verbal or written notification of the owner, tenant, contractor or agent by the Building Inspector. Failure to provide the required notice to the Building Inspector or pouring of footings or otherwise making them permanent without the approval of the Building Inspector shall result in an immediate penalty of \$500.00 in addition to the provisions of Section 66.1550.~~

(7) Waiver of some requirements.

In the sole discretion of the Zoning Administrator ~~they he/she~~ may waive the requirements for certain plans, specification, data, or the plat of survey when the application is to execute minor alterations or repairs to a building or structure, ~~documentation is already on file at the Village offices,~~ or provided that the proposed construction, alteration, or repair is sufficiently described in the application for the permit.

(8) Proposed sewage disposal plan if municipal sewerage service is not available.

This plan shall include a copy of the permit issued by the appropriate regulatory agency for the installation of an on-site soil absorption sanitary sewage disposal system, or other appropriate means of waste disposal.

(9) Proposed water supply plans if municipal water service is not available.

This plan shall be in accordance with ~~state codes chapter NR 112 of the Wisconsin Administrative Code~~ and shall be approved by the Village Engineer ~~or Utilities Director~~ who shall certify in writing that an adequate and safe supply of water will be provided.

(10) Proof of approved access and address assignment.

If no approved village access to a site exists, prior to development, the landowner shall secure a driveway permit. The driveway permit shall only be issued if the culvert size, surface, width, and setbacks meet the provisions of this chapter. Driveway permits are required for access to all roads,

regardless of jurisdictional authority. Before a zoning permit can be issued the landowner shall secure an address assignment in accord with this chapter. Driveway permits are valid for one year; if no action commences to physically install the access point within twelve (12) months of permit issuance, the permit shall be deemed expired.

[Renumbered, becomes new number 11] Culverts.

No zoning permit shall be issued for the erection or construction of any building or structure on platted or unplatted land along a public or private street with roadside ditches, unless the owner or agent has arranged, with the Village Engineer, for the installation of a culvert of such size and length to preserve the capacity and grade of any drainage ditch laid alongside the public street or public service drive abutting the property. The Village engineer shall determine the size and length of the culvert required, but in no case shall the culvert extend beyond the width of the driveway. ~~be less than 18 inches in diameter and less than 15 feet longer than the width of the driveway on which it is installed.~~ A driveway permit shall be required for the installation of the culvert.

(11) Condominium declaration.

Any developer of land in the Village who elects to create a condominium pursuant to chapter 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator to be attached to the file copy of the Zoning Permit application or other application required by this chapter.

~~(10) Estimate of the cost of completing the site plan improvements including, but not limited to, landscaping, paving, drainage facilities, sign installation, and lighting.~~

(12) Environmental Assessment.

The developer shall provide an evaluation of the site for wetlands, woodlands, ridges or swales, natural landforms or other natural areas if so directed by the Zoning Administrator. For those properties in a Bluff Protection Overlay, or adjacent to said overlay, the Zoning Administrator may require evidence from a professional engineer that the project will not jeopardize the integrity of the escarpment or cliff face or result in undue water that could result in dissolution of the karst feature. The Zoning Administrator may also request an environmental assessment or impact assessment to ensure the integrity of the escarpment is not diminished; there are no rare, endangered or threatened species present; or there are no cultural or historical resources present.

(13) Grading Plan Review. [Renumbered and as amended in other amendment proposed]

A grading plan is an important element in preventing property damage, flooding and view vistas. A grading plan takes into account the existing topography of the development and its relationship with adjacent properties. Proper grading avoids the need for retaining walls, storm drainage systems, swales on the development and adjacent properties.

(a) Building construction projects that have less than a two-foot change in elevation between the preconstruction grade and finished grade are not required to have engineering review of the grading plan.

(b) Building construction projects that are not otherwise exempt shall have a grading plan prepared by a qualified professional engineer. The proposed project shall comply with the Village's Grading Standards as developed by the Village Engineer. A zoning permit shall not be issued for a project requiring a grading plan until it is approved by the Village Engineer.

(14) Additional information.

Additional information, such as a traffic impact analysis, or acoustics report, as may be required by the Plan Commission, Village Engineer, Zoning Administrator, ~~Wastewater Superintendent~~ Utilities Director, or Fire Inspector.

(15) [Culvert section moved to new number 11]

(16) Outstanding fees and assessments; violations.

No zoning permit shall be issued until the Village has investigated the fact that all outstanding connection and development fees, ~~and citations~~, or special assessments levied against the property have been fully paid or an agreement for payment to the Village by the property owner has been executed, ~~and all known violations have been resolved.~~

(17) Zoning permit for use expiration.

~~Unless part of a Development Agreement, r~~Regular zoning permits to establish a use shall expire ~~twelve 24~~(12) months from the date of issuance if no action has commenced to establish the use. Any change of land use after the expiration of a zoning permit shall be considered a violation of this chapter. ~~Provided there has been substantial progress towards the establishment of the use, the permit can be renewed for one (1) twelve (12) month period. Subsequent renewals shall not be allowed, and the project will require the authorization of a new permit and associated permit processes, such as site plan review and if required, Development Agreement. If part of a Development Agreement, permit expiration shall be as described in the Development Agreement.~~

(18) Zoning permit for construction expiration.

Regular zoning permits for construction of a structure shall expire ~~twelve 24~~(12) months from the date of issuance or at the same time as the building permit, ~~or, if part of a Development Agreement, as described in that Development Agreement.~~ Any exterior construction after the expiration of a zoning permit shall be considered a violation of this chapter. ~~Provided construction has been started within the initial twelve (12) months following permit issuance, and there has been substantial progress towards completion of the structure, then the permit may be renewed for one (1) twelve (12) month period. Subsequent renewals shall not be allowed, and the project will require the authorization of a new permit and associated permit processes, such as site plan review and if required, Development Agreement.~~

(19) Action in writing.

A zoning permit shall be granted or denied in writing by the Zoning Administrator or designee. ~~For purposes of providing a land use decision, written notification may be provided electronically; a copy of said decision shall be retained in the file.~~

(20) Resubmission.

~~No regular zoning permit application that has been denied shall be resubmitted or processed within twelve (12) months of said denial unless substantial changes have been made to the application that could result in the potential issuance of a permit. A new completed application is required with each resubmission.~~

Sec. 66.1531 Zoning Permit Not Required

No zoning permit shall be required for any of the following activities; provided that any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, height, and other requirements set forth in this chapter:

- (1) Accessory structures shall require a regular zoning permit except: minor structures such as birdhouses, yard light poles, birdbaths, doghouses (housing dogs which are licensed as the personal pets of the residents of the property), tree houses, children's play apparatus, ~~functional~~ home heating oil storage tanks, clothesline poles, lawn ornaments, flag poles, mailboxes, garbage containers ~~(storage containers or fences to conceal refuse and recycling receptacles from public~~

view shall require a zoning permit), and ice fishing shanties. Accessory buildings greater than 120 square feet in area shall also require the issuance of a building permit.

- (2) For minor repairs, as determined by the Zoning Administrator, that do not alter the size or position of an existing structure on a lot.

Sec. 66.1532 Certificates of Occupancy and Compliance Required

- (1) Certificate of occupancy.

No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or create a change in use; and no non-conforming use shall be changed, or extended until a certificate of occupancy has been issued by the Building Inspector, Zoning Administrator or designee. Such certificate shall show that the building, premises or part thereof complies with the provisions of this chapter the applicable state codes. Such certificate shall be applied for prior to the time of occupancy of any land and/or building.

- (2) Certificate of compliance.

No building or land authorized for development for which a permit or other approval has been issued by the Zoning Administrator, Plan Commission or Village Board shall be used for such purpose until located in a business district and used for business purposes shall have the use changed without the issuance of a new a certificate of compliance has been issued by the Zoning Administrator or designee. Such certificate shall show that the building or premises or part thereof are in compliance with the provisions of the Zoning Code, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the Village and State of Wisconsin. Application for a certificate of compliance shall be made in the same manner as for a zoning permit pursuant to sSection 66.1530 of this chapter. It shall be the responsibility of the landowner to obtain the certificate of compliance.

Sec. 66.1535 Conditional Use Permit

~~(Note: This section was amended in its entirety by Ordinance 173-081010)~~

The Village Board has may authorized the Zoning Administrator to issue a conditional use permit for a conditional use after a upon review and recommendation approval by the Plan Commission following a public hearing, or, if required, a Development Agreement approved by the Village Board. The request for a permit for a conditional use shall be filed with the Zoning Administrator on an official completed application form and shall be accompanied by the required non-refundable fee and detailed written and graphic materials fully explaining the proposed development. The applicant shall explain in writing why a conditional use permit should be issued addressing the criteria in subsection (i9) below. A public hearing shall be conducted by the Plan Commission.

- (1) Applicant.

Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and adjacent abutting property owners of record.

- (2) Project Description.

Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.

- (3) Plat of Survey.

Plat of survey prepared by a registered land surveyor showing all of the information required under ~~§~~Section 66.1530(~~€~~3) for a zoning permit and, in addition, the ordinary high-water mark, and existing and proposed landscaping.

(4) Additional Information Required.

Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, ~~Utility Manager~~Utilities Director, or Fire Inspector.

(5) Conditional Uses Will be Reviewed as to Intent.

~~A conditional use is development, which would not generally be appropriate within a district, but might be allowed in certain locations within the district, if specific requirements are met. The compatibility must be judged on the basis of the particular circumstances and may require the imposing of conditions before the use, development or occupancy is permitted. The intent is to allow a reasonable degree of discretion to the Plan Commission in determining the suitability of a particular use or development at a specific location. A conditional use permit application will be reviewed for compliance with the purpose and intent of the ordinance, as described in Section 100 of this chapter. Any conditions imposed shall serve the purpose of reinforcing code requirements and furthering the purpose and intent of this chapter.~~

(6) Plan Commission Action.

The Plan Commission encourages all applicants to present their conceptual plans or land use proposal to the Commission prior to filing for the conditional use permit. Such preliminary review may minimize the need for changes later, save time and money for the applicant, and avoid a denial or delay in review. The Plan Commission is empowered to recommend to the Village Board approval of the permit and approval of a ~~D~~development ~~A~~greement for a conditional use if the following requirements are met. Uses, which require such a permit, are identified in the respective district regulations. The Plan Commission may make such recommendation as it deems appropriate regarding approval of the request. ~~The Board of Trustees shall approve or deny all conditional use permits and related development agreements as submitted.~~

(7) Conditions.

Conditions imposed on a permit must be related to the purpose and intent of the ordinance and be based on substantial evidence and must be reasonable and to the extent practicable and measurable. For purposes of conditions imposed on a conditional use permit, substantial evidence means facts, and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. Acceptance of the conditional use permit shall be deemed acceptance of all conditions contained therein.~~related to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, operational control, hours of operation, traffic circulation, deed restrictions, access restrictions, setbacks and yards, sewerage disposal, water supply, storm water management and parking requirements may be required by the Village Plan Commission upon its finding that such conditions are necessary to fulfill the purposes and intent of this chapter.~~

(8) Issuance and Safeguards.

If a ~~D~~development ~~A~~greement is required, the permit for a conditional use shall be part of the ~~D~~development ~~A~~greement, and shall be attached thereto. In ~~recommending~~ approving any conditional use, the Plan Commission may prescribe appropriate conditions and safeguards in

conformity with this chapter. The Plan Commission may request that the Village be provided with either a surety bond, cash escrow, certificate of deposit, securities, or cash deposit prior to issuance of the conditional use permit. The security shall be used to guarantee compliance with the conditions of the permit and shall be returned to the developer when an ~~an occupancy permit certificate of~~ **compliance** is issued.

(9) Decision Criteria.

In making a determination on an application for a conditional use, the Plan Commission shall consider all relevant factors specified in other sections of this chapter including standards for specific requirements for certain land uses and activities. The Plan Commission shall consider the following criteria:

(a) Compatibility.

The compatibility of the proposed use with existing development within ~~the area. 300 feet of the proposed use and within 500 feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions, which would make the use more~~ **compatible.**

(b) Health and safety.

The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

(c) Consistency with the Comprehensive Plan.

The relationship of the proposed use to the objectives of the Village of Sister Bay comprehensive plan. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.

(d) Importance of Services to the Community.

The importance of the services provided by the proposed use to the community, if any, and the requirements of the use for certain locations, if any, and without undue inconvenience to the developer and the availability of alternative locations equally suitable.

~~(e)~~ Neighborhood Protections.

The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the surrounding area.

(10) Conformance with other Requirements of the Chapter.

The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located, ~~including but not limited to parking, landscaping, setbacks and other dimensional criteria. and the Plan Commission shall find that there is a public necessity for the conditional use.~~

~~(j)~~ Other Factors.

~~Other factors pertinent to the proposed use, site conditions or surrounding area considerations, which the Plan Commission feels, are necessary for review in order to make an informed and just decision.~~

(11) Public Hearing.

Whenever a conditional use permit is requested and the required public hearing is scheduled and noticed by the Village as a Class 2 notice, the Village shall give notice, by regular mail, of the proposed conditional use to all property owners whose property lies within 300 feet measured in a straight line from the exterior boundary of the property subject to the proposed conditional use permit. The notice shall be mailed at least ten days prior to the hearing; however, failure of a neighboring property owner to receive such mailed notice shall not invalidate a public hearing. If action **on the application** is delayed more than 120 days from the date of public hearing, a new public hearing shall take place. **If the delay is the result of the action of the Plan Commission, the new hearing fee is waived; however, if the new hearing is the result of a delay on the applicant's part, the applicant shall pay for a new permit fee, which is used to cover the costs of a new public hearing. In addition to the notification requirements listed above, applicant shall post signage visible to every facing street at least ten days prior to the hearing. The signage shall identify the property as being the subject of a public hearing and identify the appropriate Village office that may be contacted for information.**

(12) Resubmissions.

A conditional use permit application that has been heard and denied shall be eligible to be resubmitted only if the applicant submits an affidavit to the Plan Commission identifying how the new application materially differs from the previous application or identifying substantial new evidence that will be offered. The Plan Commission shall review the affidavit and then vote by simple majority of the members present on the question of whether the changes or new evidence would be of such significance that the Plan Commission may consider changing the previous decision. If the resubmission is accepted, the Plan Commission shall schedule a hearing on the entire resubmitted application. If the Plan Commission rejects the resubmitted application, a new application shall not be submitted during the following **twelve (12)** months.

(13) Notice to DNR.

The Plan Commission shall transmit a copy of each application for a wetland conditional use in the W-1 district to the Wisconsin Department of Natural Resources (DNR) by certified mail at least ten **(10)** days prior to the public hearing. Final action on the application by the Village Board shall not be taken for thirty **(30)** days from the date the DNR receives notice of public hearing by certified mail or until the DNR has made its recommendation, whichever comes first. A copy of all wetland conditional use decisions shall be transmitted to the DNR within ten **(10)** days following the decision.

(14) ~~Expiration of Conditional Use Permit That Was Issue for a "Use".~~ Conditional Use for Use Expiration.

Conditional use permits to establish a use shall expire **twelve (12)** months from the date of issuance if no action has commenced to establish the use, unless a different time is established as a condition of granting the conditional use permit **or established in the Development Agreement**. Any change of land use after the expiration of a conditional use permit shall be considered a violation of this chapter.

(15) Conditional Use for Construction Expiration.

Conditional use permits for construction of a structure shall expire **twelve (12)** months from the date of issuance, unless a different time period is established as a condition of granting the conditional use permit **or per the signed Development Agreement**. Any exterior construction after the expiration of a conditional use permit shall be considered a violation of this chapter and shall warrant consideration for revocation of the ~~C~~conditional ~~U~~se permit in accordance with section 66.1535(**15**) of this chapter.

(16) Amendments.

Changes subsequent to the initial issuance of a conditional use permit, which would substantially affect the conditions listed in section 66.1535(e7) of this chapter, shall require an amendment to the conditional use permit. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section including filing a new conditional use permit application and non-refundable fee and public hearing.

(17) Revocation of Conditional Use Permit.

Should a permit applicant, their heirs or assigns, fail to comply with the conditions of the permit issued by the Zoning Administrator or should the use or characteristics of the use be changed without prior approval by the Plan Commission Village Board, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this section.

(18) Existing Conditional Uses.

All uses existing on the effective date of this chapter, which would be classified as conditional uses in the particular districts concerned, if they were to be established after the effective date of this chapter, are hereby declared conforming conditional uses. Any proposed change or expansion, including signage and parking, of the existing operation shall be subject to the conditional use procedures and regulations in this section, as if such use was being newly established.

Sec. 66.1540 Other Permits

It is the responsibility of the permit applicant to secure all other necessary permits required by the Village, or any state, federal, or county agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes, a water quality certification pursuant to Chapter NR 103 of the Wisconsin Administrative Code, or a wetland fill permit pursuant to section 404 of the Federal Water Pollution Act.

Sec. 66.1545 Permit Fees

All persons, firms, or corporations performing work, which by this chapter requires the issuance of a permit or planning review, shall pay a non-refundable fee for such permit or review to the Village Clerk at time of application to help defray the cost of administration, investigation, advertising, hearings, and processing of permits and variances and other required processes. The permits and processes for which a fee is required are identified on the resolution adopted by the Village Board that sets the fee schedule the Building Permit, Certificate of Occupancy, Conditional Use Permit and Sign Permit. A fee shall also be required for a zoning text or map amendment, and zoning appeal or variance. The fees shall be set forth in the Municipal Code of the Village, or by Resolution as amended from time to time.

Sec. 66.1550 Violations

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. Failure to secure the necessary permits prior to commencing construction or land use activity shall also constitute a violation. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin or abate a violation of this chapter. Every day of violation shall constitute a separate offense.

Sec. 66.1560 Remedial Action

Whenever an order of the Village Board, Plan Commission or Zoning Administrator has not been complied with within 30 days after written notice has been mailed or emailed to the owner with a successful read receipt to the owner, resident agent, or occupant of the premises, the Village Board, the Plan Commission,

the Zoning Administrator, or the Village Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water; and to cause to remove such structure or use.

Sec. 66.1570 Penalties

Penalties for violation~~ing of~~ the provisions of this chapter shall be in accordance with the provisions of the Municipal Code.

Sec. 66.1575 Renewal of Permits

If construction has commenced prior to the expiration of a regular zoning permit ~~or conditional use permit~~, but is not completed prior to such expiration, a ~~twelve (12)~~ month renewal regular zoning permit shall be issued by the Zoning Administrator upon submittal of a renewal application and fee. ~~Additional renewals may only be granted by the Plan Commission. shall be granted by the Zoning Administrator upon a finding that substantial progress had been made during the previous year toward completion of the structure. If a 12-month period passes without evidence of substantial progress towards completion, the Zoning Administrator shall advise the Plan Commission of such fact and the Plan Commission may call a public hearing on the matter and may impose a completion schedule.~~ A structure shall be deemed completed when the roof, exterior walls, doors, windows and sub-floors are in place and finished and utility connections have been made and required landscaping and site improvements have been made.

IV. The current code uses the terms both ‘open space’ and ‘green space’ interchangeably, and has errors in the amount of green space allowed in zoning districts. The amendments clarify the term to be used shall be ‘green space’, corrects the district tables, and makes sure lower density districts, and districts intended for less development, require more green space than certain other districts intended to be developed at a higher density or lot coverage.

Amend Sec. 66.0303(5): No Village Board approved public improvement on private land, installed after the adoption of this section of the Code, shall deem the lot nonconforming in size as a result of the public improvement, nor shall any publicly installed impervious surface be counted toward the impervious surface or ~~open~~green space limitations in this Code.

Amend Sec. 66.0311(4) (R-1):

<u>Minimum Green Space</u>	<u>2050% of Lot Must Be Left As Green Space</u>
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Amend Sec. 66.0312(4) (R-2):

<u>Minimum Green Space</u>	<u>6040% of Lot Must Be Left As Green Space</u>
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Create Sec. 66.0314(4) (R-4):

<u>Minimum Green Space</u>	<u>20% of Lot Must Be Left As Green Space</u>
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Amend Sec. 66.0331: The P-1 Park District is intended to provide for areas where the ~~open~~green space and recreational needs of the citizens of the Village can be met without undue disturbance of natural resources and adjacent uses.

Amend Sec. 66.0331(4)(b): The total of the floor area on all floors of the principal building and all accessory buildings including the required parking, driveways and sidewalks shall not exceed 25 percent of the lot area, which shall be left as ~~open~~green space. (*Amended Ordinance 159-120809*) However, for public historic sites with more than one principal building, it shall be the footprint of all buildings, parking, driveways and sidewalks that shall not exceed 25 percent of the lot area, which shall be left as ~~open~~green space.

1 Amend Sec. 66.0340: The purpose... and protect the water based recreation and ~~open~~green space
2 resources of the Village.

3 Amend Sec. 66.0340(2)(a): The construction of streets which are necessary for the continuity of the Village
4 street system, are necessary for the provision of essential utility and public safety services, or are
5 necessary to provide access to permitted ~~open~~green space uses...

6 Amend Sec. 66.041: ... Such developments are intended to provide a safe and efficient system for
7 pedestrian and vehicle traffic; to provide attractive recreation and ~~open~~green spaces as integral parts
8 of the developments...

9 Amend Sec. 66.0341(1): Uses permitted in a PUD District shall conform to uses permitted in the
10 underlying basic use district. Individual structures shall comply with the specific building area and
11 height requirements of the underlying basic use district. All ~~open~~green space and parking
12 requirements of the underlying basic use district shall be complied with either individually or by
13 providing the combined ~~open~~green space and parking space required for the entire development in
14 one or more locations within the development.

15
16 Amend Sec. 66.0341(3)(b)1.a: Total area to be included in the PUD, area of ~~open~~green space...

17
18 Amend Sec. 66.0341(3)(b)1.f.iv: The location of institutional, recreational and ~~open~~green space areas and
19 areas reserved or dedicated for public uses, including schools, parks and drainage ways.

20
21 Amend Sec. 66.0341(6)(a)9.: Adequate guarantee must be provided for permanent preservation of
22 ~~open~~green space areas as shown on the approved site plan either by private reservation and
23 maintenance or by dedication to the public.

24
25 Amend Sec. 66.0341(b)3: Each residential planned unit development, having more than one property
26 owner involved and featuring common ~~open~~green space or...

27
28 Amend Sec. 66.0341(c)4: Each business planned unit development featuring common ~~open~~green space
29 or other common improvements shall be managed by a Property Owner's Association...

30
31 Amend Sec. 66.0404: ...to avoid construction of unnecessarily large storm water management facilities,
32 and to provide more landscape areas and ~~open~~green space on business sites. To achieve these
33 purposes...

34
35 Amend Sec. 66.0404(4): The site plan for the business use in the R-2, B-1, P-1 and I-1 Districts shall be
36 designed to provide sufficient ~~open~~green space on the subject site to accommodate the additional
37 parking spaces otherwise required by this chapter. Such ~~open~~green space shall be in addition to
38 required yards, setbacks, driveways, private streets, loading and service areas. Sufficient ~~open~~green
39 space shall be provided...

40 Amend Sec. 66.404(8)(b) and (c): (b) A calculation would be done to determine the amount of parking
41 required to achieve compliance with the ~~open~~green space and related requirements.

42 (c) The business shall be given the option of installing the required parking or leaving the equivalent
43 area as landscaped ~~open~~green space except for...

44
45 Amend Sec. 66.0405(2)((f): No recreational vehicles or equipment shall be stored in any ~~open~~green space
46 outside a building unless such equipment...

Amend Sec. 66.0501(4): ...The permitted area of an accessory buildings listed below is also subject to the respective zoning district ~~open~~green space requirements.

Amend Sec. 66.0910(6)(b): Any building other than a detrimental non-conforming building, which does not conform to the height, yard, setback, parking loading, and ~~open~~green space requirements of the zone where it is located.

Amend Sec. 66.0923: ...such as non-conforming driveways, parking areas, signs, landscaping, ~~open~~green space, or other non-conformities shall be...

Amend Sec. 66.1000(2)(a): ...Village Comprehensive Plan that woodlands, wetlands and ~~open~~green space areas serve as...

Amend Sec. 66.1025(4): ...Commission may give consideration to offsetting some of the required ~~open~~green space to a maximum credit of 5% if employee housing dwelling units are created on site.

Amend Sec. 66.1050(3)(i): The required ~~open~~green space shall be... the minimum amount of ~~open~~green space may not be...

Amend Sec. 66.1050(2): The Plan Commission shall impose time schedules for the completion of buildings, parking areas, ~~open~~green space utilization...

Amend Sec. 66.1060(12)(f): The Plan Commission shall impose time schedules for the completion of buildings, parking areas, ~~open~~green space utilization, and landscaping.

Amend Sec. 66.1060(14): ...All landscaped and ~~open~~green space areas shall be continually maintained in accordance...

V. Amend the code to allow for safe ingress and egress from second floors.

Sec. 66.0602 Setback Modifications

The setback requirements included elsewhere in this chapter may be modified as follows:

(1) Architectural projections.

Architectural projection, such as eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies and similar architectural features may encroach into ~~side~~ yard setbacks by no more than ~~four~~ two feet, subject to compliance with applicable standards of the Building Code and Fire Code. Eaves, overhangs, cornices, awnings, canopies and similar architectural features may encroach into the right-of-way subject to conditional use approval by the Plan Commission. Walls ~~which are not part of a building~~ and fences may be placed on the property line, subject to the requirements of standards on Landscaping and Fences and Walls.

(2) Essential services.

Essential Services, utilities and electric power and communication transmission lines are exempt from the setback requirements of this chapter.

(3) Emergency Ingress and Egress. In the absence of a deck or other structure to provide safe ingress and egress to a second story or higher floor in a building existing at time of this amendment, a landing not to exceed sixteen square feet shall be allowed within a required side yard setback. The burden of proof to illustrate a second or story higher floor had a pre-existing ingress or regress shall be upon the applicant.

VI. Correct conflicting language between the nonconforming structure regulations and Sec. 66.1050 Site Plan and Architectural Review.

Sec. 66.1050 Site Plan and Architectural Review

(3)(i) The required open[green] space shall be designed as an integral part of the site, and ~~may~~ shall not include those areas required for parking, loading or other impervious surfaces. ~~This requirement does not apply to the redevelopment of sites, including, but not limited to, the construction of a new building, additional buildings, a building addition or expanded parking lot, which do not meet this minimum requirement at the time of the adoption of this ordinance. In those cases, the minimum amount of open space may not be reduced beyond that which exists on the property at the time of the adoption of this ordinance.~~

VII. With the depletion of our tree canopy, efforts need to be made to preserve the trees we have, and make sure property owners and developers understand the important role trees play in our community. Such amendments directly support the draft comprehensive land use plan as well. Amendments also address fill that may result in flooding adjacent properties.

Sec. 66.1000 Tree Cutting Regulations

(1) Tree cutting regulations:

Outside of the area delineated as the Bluff Overlay district, the purpose of tree cutting regulations applicable to the shorelands area are to protect scenic beauty, control erosion and reduce effluent and nutrient flow from the shore land.

(a) Tree cutting. Tree cutting in a strip paralleling the shoreline and extending 350 feet inland from all points along the normal high-water mark of the shoreline shall be limited in accordance with the following:

4. ~~Sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from adjacent lots.~~

(d) ~~Violations. Anyone found in violation of the tree cutting regulations shall pay the greater of two times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village's choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally, they shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.~~

(2) Tree cutting regulations beyond the shoreland area.

(c) Tree cutting provisions. Trees or similar woody vegetation shall only be removed if one or more of the following conditions are present:

5. ~~Necessity to remove trees in order to construct permitted structures and other approved development (as defined in Sec. 66.2100) because of the need for: access around the proposed structure for construction equipment; access to the building site for construction equipment; essential grade changes, surface water drainage and utility installations. Only those areas approved for the placement of a physical improvement may be cleared of trees.~~

Sufficient vegetation shall be left between all side lot lines and development to screen the development from view from the adjacent lots.

- (e) Violations. Anyone found in violation of the tree cutting regulations shall pay the greater of two times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village's choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally the violator shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.

Sec. 66.1015 Land Disturbance Regulations.

(3) General design principles.

Control measures shall apply to all aspects of the proposed land disturbance use or activity and shall be in operation during all stages of the disturbance activity. The following principles shall apply to soil erosion and sediment control:

- (b) No site shall be cleared of topsoil, trees and other natural features before the zoning and building permits are issued. Whenever feasible, natural vegetation shall be retained and protected. Only those areas approved for the placement of physical improvements may be cleared. The extent of the disturbed area and the duration of its exposure shall be kept within practical limits. **Sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from the adjacent lots.**
- (h) No filling shall be allowed that will result in water being dispersed onto adjacent lots.

Sec. 66.0344 BP Bluff Protection Overlay District

(7) Special requirements:

- (b) The clearing of trees, shrubbery, undergrowth, and other ground cover located within bluff protection areas shall be permitted for:
1. Building footprints.
 2. Sites for wastewater disposal systems.
 3. Driveways, not to exceed 20 feet in width.
 4. The area on a lot, excluding the bluff crest and face, extending not more than 15 feet from the exterior walls of principal buildings and ten feet from accessory buildings. **In addition, sufficient vegetation shall be left between all side lot lines and development (as defined in Sec. 66.2100) to screen the development from view from the adjacent lots.**
- (c) Violations. Anyone found in violation of the tree cutting regulations specified in sub. (b) shall pay the greater of two times the price of a citation for a violation of the zoning code, plus court costs if applicable, or, the value of the tree as determined by a qualified Forester of the Village's choice. The violator shall pay the cost of the Forester to conduct their valuation. Additionally, they shall revegetate the cleared site to the same density as prior to the violation occurring, as determined by the Plan Commission. Every day of violation shall constitute a separate offense. Trees to be planted to rectify the violation shall be of such size, density, and variety so as to screen buildings. A revegetation plan shall be submitted to the Zoning Administrator by a

professional landscape engineer and the trees planted by a landscape firm registered in the state of Wisconsin to conduct business. The Zoning Administrator reserves the right to require the violator to apply for a conditional use permit and appear before the Plan Commission to have the revegetation plan approved.

Sec. 66.1530 Zoning Permit Required

(18) Grading Plan Review.

A grading plan is required for all sites where a building with a slab or other foundation is to be erected, or for a new hard surface, expansion of a hard surface, or improvement so as to result in a hard surface. Examples of hard surfaces include but are not limited to parking lots and tennis courts. The plan shall show preconstruction grade and final grade of the site, noting any changes to be made to the grade. The plan is an important element in preventing property damage, flooding and view ~~vista~~ scenic beauty. A grading plan takes into account the existing topography of the site and development and its relationship with adjacent properties. The plan shall show the directional flow of water across the surface of the property, and how that water will be maintained onsite to prevent property damage, including flooding and erosion. Under no circumstance shall water be displaced onto adjacent properties or roadways that do not have a storm sewer or ditch capable of transporting the increase in water. Proper grading avoids the need for retaining walls, storm drainage systems, swales on the development and adjacent properties.

(a) Building construction and hard surface projects that have less than a two-foot change in elevation between the preconstruction grade and finished grade are not required to have engineering review of the grading plan.

(b) Building construction and hard surface projects that ~~are not otherwise exempt~~ are on a lot with a grade change of two percent or more in elevation between the preconstruction grade and finished grade shall have a grading plan prepared by a qualified professional engineer. The proposed project shall comply with the Village's Grading Standards as developed by the Village Engineer. A Zoning Permit shall not be issued for a project requiring a grading plan until it is approved by the Village Engineer; the cost of the Village Engineer's time to review the plan shall be bore by the applicant.

VIII. Currently water setback is based on 'developed' and 'undeveloped' areas, yet there are no code definitions for 'developed' vs. 'undeveloped'. It has been decided one consistent setback from the ordinary highwater mark would be easier for owners and contractors to understand, and for the village to regulate. In addition, the current setbacks allow buildings within the tree protection area, meaning the trees along the shoreline are often removed to accommodate building, and, building is also allowed over the root system, often resulting in the trees not surviving after construction. To be compatible with the Wisconsin Administrative code tree protection standards, and to protect our own tree canopy, and reduce the threat of erosion, a uniform setback for all shoreland areas, outside the tree protection area, will help the village meet their environmental goals while still allowing for the development and enjoyment of the shoreline.

Sec. 66.0304 Setback Requirements from the Water

For lots that abut on navigable waters, there shall be setbacks from the ordinary high-water mark of such waters.

~~(1) Applicability in developed areas. In areas with existing development patterns, structures close to the ordinary high-water mark, except as provided in (3) and (4) below, shall be set back at least 30 feet~~

from all points along the ordinary high water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high water mark. All structures, boathouses, and accessory buildings allowed in (3) and structures that are not considered buildings shall comply with the applicable district side yard setbacks.

~~(2) Applicability in undeveloped areas. In areas with no development pattern, structures close to the ordinary high water mark, except as provided in subsection (3) and (4) below, shall be set back at least 75 feet from all points along the ordinary high water mark. The lowest floor level of all structures shall be elevated at least two feet above the ordinary high water mark. All structures, boathouses, and accessory buildings allowed in (3) and structures that are not considered buildings shall comply with the applicable district side yard setbacks.~~

(1) Setback from Ordinary High-Water Mark. Except as restricted in NR 117, shoreland-wetland areas, and except as allowed in (2) below, all portions of a structure shall be located at least 50 feet from the ordinary highwater mark.

(2) Exceptions.

(a) ~~Decks.~~ (Decks are allowed provided they do not extend waterward more than 20 percent of the remaining required setback and no trees are removed to accommodate the erection of the deck.)

(b) ~~Boathouses.~~ (Boathouses shall not project waterward beyond the ordinary high-water mark.)

(c) Stairways, elevated walkways, ramps, lifts, fences, flagpoles, piers, and boat hoists.

(d) Utility poles, lines and related equipment without permanent foundations.

(e) Structures not buildings exempt from setbacks per as defined in Section 66.0303(i).

(f) Signs as permitted starting with Section 66.0701.

(3) Parking lots. Parking lots shall be set back at least 125 feet from all points along the ordinary high-water mark of Green Bay.

IX. Amend the definition section to make definitions used above easier to understand. Also, amend Sec. 66.2001, the general information section, to explain how words or phrases are defined in the absence of the word or phrase being defined in the code.

Sec. 66.2001 General Definitions. For the purpose of this Chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "he" includes the word "she." The word "shall" is mandatory, the word "should" is advisory and the word "may" is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions; in the absence of a definition or the absence of a definition consistent with land use law, words and phrases shall have the definition found in Black's Law Dictionary or as established by case law. Definitions shall be interpreted in favor of the village.

Building Height

The vertical distance above the finished lot grade along the foundation of a building at the front of the building measured to the highest exterior point of the coping of a flat roof. or to the deck line of a mansard roof or to the average height between the eaves and the ridge of the highest gable, hip or gambrel roof. The finished lot grade shall be the average grade across the front of the building measured five feet away. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles and similar features, which are not for human occupancy. In measuring building height, average

measurements along a foundation or along the finished lot grade are not allowed, rather no point of the building shall exceed the allowed height, unless exempted in this chapter, regardless of where measured along the finished lot grade.

Development Regulations

The regulations within this chapter apply to elements including setback, height, lot coverage, and side yard.

Driveway

An access point connecting the area used for vehicular travel on a parcel that leads to a public or private street right-of-way, and the surface area occupied by that vehicular travel.

Finished Lot Grade

The elevation or elevations of the surface of the ground after completion of final grading. When determining finished lot grade adjacent to a building, finished lot grade is the elevation of the ground adjoining the building or structure.

Non-conforming Lot

A LOT, WHICH DOES NOT CONTAIN SUFFICIENT AREA AND/OR WIDTH TO MEET THE REQUIREMENTS OF THE ZONING DISTRICT IN WHICH IT IS LOCATED.

Non-conforming Uses or Structures

Any structure, land or water lawfully used, occupied or erected before November 15, 1973, which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to development regulations such as frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a non-conforming structure and not a non-conforming use.

Ordinary High-water Mark

The point on the bank or shore of a body of water 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. The ordinary high-water mark shall be established by a professional land surveyor.

X. Other amendments address the village addressing regulations, clarify a permit is needed for a temporary sign, and makes the fee in lieu of parking language consistent with a fee recently adopted by the Board of Trustees.

Sec. 66.1035 Property Addressing

(1) Purpose.

The purpose is to establish the procedures used to implement and administer a uniform addressing system in Village of Sister Bay that utilizes address numbers determined by the Door County Planning Land Use Services Department. The basis for the assignment of property address numbers shall be the Door County baseline system. ~~(Sections 66.1035-1025)~~

(2) Responsibilities.

The Door County ~~Planning Land Use Services~~ Department shall be responsible for assigning all property addresses upon submission of the necessary information from the ~~Village Zoning~~ Administrator.

(6) Property Address Application.

All requests for property addresses shall be ~~completed on a Building Address Permit application in writing and~~ provided ~~by~~to the ~~Village Zoning~~ Administrator.

Sec. 66.1036 Criteria for Address Number Assignment.

(2) Accessory Building Addressing.

New numbers will generally not be assigned to new buildings accessory to the principal use (i.e., a new house will be assigned a number, but a detached garage or storage building will not be assigned a number). Accessory buildings may be assigned a separate address if accessed by a separate ~~legal~~ driveway or if accessed by the principal driveway, but housing a separate use.

(4) Driveways.

(a) Address numbers are generally required when there is a driveway (existing or proposed) that serves or will serve a principal use or accessory use, as described above in 66.1036(a1). Address numbers shall not be assigned until a driveway location has been determined.

Sec. 66.1039 County Administration of Village Numbering

The Door County ~~Planning Land Use Services~~ Department shall maintain a record of all assigned addresses and of all road names and their locations. The Door County ~~Planning Land Use Services~~ Department may adopt policies and practices as necessary to manage the County addressing system and to ensure fulfillment of the purpose of the Uniform Addressing System Ordinance.

Sec. 66.1040 Property Address Reassignment Implementation

(1) Any new building addresses assigned after the effective date of this ordinance shall be based upon the County numbering system.

(2) ~~Existing properties with addresses assigned to buildings shall be converted to the County numbering system no later than April 1, 2008. Door County shall provide the Village with electronic data file incorporating the existing property address, proposed property address and mailing address for each property in the Village with an existing property address no later than August 1, 2007. Door County will be responsible for all notifications to businesses—and agencies affected by the wholesale conversion of Village addresses.~~

[Temporary Signs]

Sec. 66.0302 Use Restrictions

(4) The following are examples of temporary uses that may be permitted by the Zoning Administrator, the Plan Commission Chair and/or the Village President for a period of 14 days or as hereinafter provided. Temporary use permits for longer periods may be issued by the Plan Commission after review of site and operation plans. Special requirements may be imposed, but not limited to ensuring that there is sufficient parking, the provision of sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this section may be allowed one temporary sign not to exceed 24 square feet in area on one side and 48 square feet in area on all sides; ~~a permit is required and the sign; it shall not be located in a public right-of-way.~~ All buildings, tents, equipment, supplies and debris shall be removed from the site within 48 hours following the temporary activity.

[Fee in Lieu of Parking]

Sec. 66.0404 Adjustments to Required Parking

(2) Fee In Lieu of Creating Parking Spaces.

A developer who chooses to not construct the required parking spaces on the parcel may be allowed to pay to the Village ~~a one-time fee~~ a fee in lieu of parking at a rate of \$1000 per stall per year paid into a fund established by the Village to construct and maintain common transition parking spaces. A developer who cannot construct the required spaces on the parcel shall as a condition of approval pay to the Village ~~a one-time fee~~ a fee in lieu of parking at a rate of \$1000 per stall per year paid into a fund established by the Village to construct and maintain common transition parking spaces. The payment of the fee to the Village in either instance shall absolve the developer from constructing the required number of spaces on their property. ~~The fee shall be established annually by the Village Board of Trustees and reflect the cost of constructing and maintaining public parking lots.~~

SECTION 2. Available for Inspection.

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

SECTION 3. Ordinances in Conflict.

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

SECTION 4. Effective Date.

This ordinance shall take effect and be in full force from and after March, 2025.

SECTION 5. Severability.

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

VILLAGE OF SISTER BAY

By:

Nate Bell, Village President

ATTEST:

Heidi Teich, Village Clerk

Ayes: _____ Nays: _____

Filed/Posted: _____
Village Administration Office, 2383 Maple Drive
Sister Bay Post Office, 10685 N Bay Shore Drive
Sister Bay Liberty Grove Library, 2323 Mill Road
Effective Date: April 1, 2025

AGENDA ITEM NO. 6
ADMINISTRATOR'S REPORT



ADMINISTRATORS REPORT

Date: February 25, 2025

Board/Committee: Plan Commission

Author: Julie A. Schmelzer, Village Administrator

Future Meetings

Previously we discussed future amendments regarding R-4 and lighting. I am working on the amendments to the R-4 district that would allow homes to be built on smaller lots, and, drafting lighting amendments to protect the night sky.

Zoning Board of Appeals

On Wednesday the Zoning Board of Appeals granted a variance for a home to be 37'11" tall.

Code Compliance Officer

The new code compliance officer starts work on March 17. She will be assigned a village phone and general email address for complaints.

AGENDA ITEM NO. 7
**MATTERS TO BE PLACED ON A FUTURE
AGENDA OR REFERRED TO A COMMITTEE,
OFFICIAL OR EMPLOYEE**

AGENDA ITEM NO. 8

NEXT MEETINGS:

- **PUBLIC HEARING – TUESDAY, MARCH 11, 2025
(20-YEAR COMPREHENSIVE PLAN)**
- **REGULAR MONTHLY MEETING –
TUESDAY, MARCH 25, 2025**

AGENDA ITEM NO. 9

ADJOURNMENT