

CHAPTER 18. ZONING AND PLANNING

SECTION 18.01 ZONING

(1) Purpose

The regulations and restrictions established herein have been made in accordance with a comprehensive plan and are designed to lessen congestion in the streets, to secure safety from fire, panic, and other dangers, to promote health and general welfare, to provide adequate light and air, to prevent overcrowding of land, to avoid under concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements.

Such Regulations and restrictions have been made with reasonable consideration of the characteristic of each district and its particular suitability of particular uses and with view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

(2) Definitions

The purpose of this ordinance, certain terms or words used herein shall be interpreted as follows: words used in present tense include the future, words in singular number include the plural number, and word sin the plural number include the singular number. The word “shall” is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

- (a) Building: structure having a roof supported by columns or walls, including mobile homes, whether movable or stationary.
- (b) Building, Accessory: a subordinate building the use of which is incidental to that of the main building on the same lot.
- (c) Building, Height of: the vertical distance from the average elevation of the finished ground at the exterior walls of a building to the highest point of the roof or in cases of pitched roofs, to the mean level between the eaves and the highest point of the roof.
- (d) Dwelling, Multiple: a building containing three or more dwelling units.
- (e) Dwelling, Twin Home: means a two-family dwelling, each dwelling unit of which is located on a separate lot, and which dwelling units share a common wall on the boundary line between the two lots.
- (f) Dwelling Unit: a dwelling, or portion thereof, providing complete living facilities for one family, including a permanent provisions for living, sleeping, eating, cooking and sanitation, and in which not more than two persons, other than members of the family, are lodged or boarded, for compensation at one time.
- (g) Dump (or Junk Yard): any land used for the outdoor storage, keeping or abandonment of junk or discarded materials, rubbish, trash, cans, bottles, garbage, vehicles, machinery, or parts.

- (h) Family: one or more persons, with their domestic servants, and with not to exceed two boarders or roomers, occupying a dwelling unit as a single, non-profit, housekeeping unit.
- (i) Garage, Private: an accessory building or part of a main building used for the storage only of motor vehicles as an accessory use.
- (j) Home Occupation: a customary use carried on for gain as a hobby entirely within a dwelling or within an accessory building by a member or members of a family therein and which is clearly incidental and secondary to the residential use of the premises and does not change its character.
- (k) Home Professional Office: the office or studio of a physician, surgeon, clergyman, architect, artist, engineer, attorney at law or similar professional person located in the dwelling of the principal practitioner but not including any display of such use outside the dwelling.
- (l) Lot: an entire parcel or tract of land occupied or to be occupied by a main building and its accessory buildings, or by a group such as a dwelling group or automobile court and their accessory buildings, including the yards and open spaces required therefore by this ordinance and other applicable law.
- (m) Mobile Home: a detached single family dwelling unit designed for long-term occupancy; and containing sleeping accommodations, a flush toilet, a tub or shower, and kitchen facilities; with plumbing and electrical connections provided for attachment to outside systems; which unit is mounted upon wheels or supports and/or capable of moving under its own power or with the aid of another vehicle.
- (n) Non-Conforming Use: a building or use, lawfully established, that does not conform to the regulations of this ordinance.
- (o) Public Utility: any person, firm, corporation, municipal department or board duly authorized to furnish, and furnishing under public regulations to the public, electricity, gas, heat, power, steam, telephone, other communications, video, telegraph, transportation, or water.
- (p) Structural Alteration: any change in or addition to the supporting member of a structure, including any enlargement or extension of outside building dimensions or building height or depth.
- (q) Satellite Dish Antennae: any parabolic or spherical device whose purpose is to receive electronic signals from orbiting artificial satellites or other extraterrestrial sources.
- (r) Travel Trailer: a vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a mobile home.
- (s) Use, Accessory: a subordinate use on the same lot with the principal use and incidental and accessory thereto.
- (t) Vision Clearance Triangle: a triangle bounded by the intersecting street right-of-way lines at a street intersection and a line connection point on them 35 feet distant from their point of intersection.
- (u) Yard, Front: a yard extending across the full width of a lot whose depth is the shortest distance between the front line of the lot and the main building, including an enclosed over covered porch, provided that the depth shall be measured from a

future street line for a street on which a lot fronts, when such line shown on the district map, on an adopted street map or is otherwise established.

- (v) Yard, Side: a yard between the side line of the lot and the main building extending from the front yard to the rear yard whose width sit he shortest distance between said line and the main building.
- (w) Yard, Rear: a yard extending across the full width of a lot whose depth is the shortest distance between the rear lot line and the main building.
- (x) Subdivision: as defined in s. 236.02 (7) of the Wis. Stats of 1991 and as said statute may be amended from time to time.
- (y) Subdivisions Abutting a State Trunk Highway:
 - (i) A subdivision some part of which adjoins or abuts a state trunk highway; or
 - (ii) A subdivision which includes streets one or more of which is to be laid out or dedicated as art of the subdivision, and which is to connect with the state trunk highway; or
 - (iii)A subdivision which is separated from the state trunk highway by un-platted lands which abut the highway and the subdivision are owned by, or under option (formal or informal), contract or lease to the subdivider.

(3) Establishment of Districts

(a) Seven zoning districts, as follows, are hereby established:

A	Agricultural District
R	One and two family residential district
M	Multiple residential district
C-1	Local Commercial district
C-2	Central commercial district
I	Industrial District
O-C	Open development/Conservancy District

(4) District Map – Boundaries of Districts

Said districts are shown upon the district map filed in the office of city clerk accompany and by reference made a part of this formation thereon, shall be as much a part of this ordinance as if they were all fully described herein. District boundary lines on the district map shall be determined as follows:

- (a) Where district boundary lines obviously follow road, street, water, lot or property lines, such lines shall be the boundaries.

- (b) In unsub divided property or where a district boundary line divides, a lot or parcel of property, dimensions on the map shall be used to locate district boundaries, and in the absence of dimensions, the map scale shall be applied.
- (c) If uncertainty exists, the board of appeals established herein shall determine the location of the boundaries.
- (d) Zoning of lot 105A of the 1940 Assessor's Plat is hereby changed from 'R' to 'M'.

(5) Annexation District

Lands hereafter annexed to the City of Mondovi shall be subject to regulations of the 'R' districts, provided that, upon study and recommendation by the City plan commission, within 90 days of the date of annexation, the Common Council may adopt other districts for all or a portion of such lands.

(6) Uses Permitted or Excluded from Districts

No building shall hereafter be erected, constructed, reconstructed, altered, enlarged, or moved, nor shall any building or land be used for any purpose of use other than that permitted herein in the district in which located, subject to other applicable regulations hereof including the securing of permits and conditional use permits as required by the provisions in certain sections hereof. Each building hereafter erected or moved shall be located on a lot, as defined herein, and there shall be no more than one main building on one lot, unless otherwise provided herein. Each building containing dwelling units or guest rooms shall be erected on a lot at least one line of which shall be not more or less than 25 feet along a public street, or if approved by the zoning administrator of the purpose, for 25 feet along a permanent, unobstructed easement of access to the lot from the public street.

(7) Regulations – 'A' District

Uses permitted – 'A'

- (a) General farming, including truck growing, dairying, and horticultural uses, and stock, animal and poultry raising except that:
 - (i) Hog, goat and sheep raising and cattle feed yard no incidental to general farming, are permitted only with a conditional use permit (paragraph 'B' below).
 - (ii) No animal barns, pens or kennels, or feeding areas, no fowl raising and no slaughter of animals or fowl shall be permitted closer than 200 feet to any 'R' or 'M' district.
- (b) One family and two family dwellings and non-farm dwellings.
- (c) Plant nurseries and greenhouses.
- (d) Public buildings and uses including elementary and secondary schools, school athletic fields, parks, playgrounds, libraries, museums, community and recreation centers, police and fires stations, water towers and reservoirs, and pumping stations.

- (e) Churches, parsonages, convents, child nurseries, nurseries, schools, and private schools for educational purposes similar to public schools.

(8) Uses permitted with Conditional use Permit in ‘A’ District

- (a) Hospitals and clinics, nursing, convalescent and rest homes for the aged, philanthropic and charitable institutions.
- (b) Golf courses, country clubs, yacht clubs, tennis courts, swimming pools, and additional recreational facilities and areas, but not limited to non-commercial kinds for private and private-club purposes.
- (c) Sale, on the premises, of farm products produced on the premises.
- (d) Hog, goat and sheep raising and cattle feed yards, not incidental to general farming.
- (e) Fur farms.
- (f) Private information and directional signs, any permit for which shall be valid for one year only, unless renewed.
- (g) Mobile home parks and travel trailer parks.

(9) Yards and Spaces Required in ‘A’ District

Minimum Front Yard	25 Feet
Minimum Side Yard	20 feet for two; 8 feet for one
Minimum Rear Yard	25 feet
Minimum Lot Area	4 acres for farm dwellings and accessory buildings
Minimum Lot Width	200 feet for farm dwellings; 100 feet for non-farm dwellings
Parking Space	(See section 31 and 34 of this Ordinance)
Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings is 25%
Minimum Floor Area Required	720 square feet for one family dwelling; 1200 square feet for two family dwellings
Building Height Limit	35 feet

(10) Regulations – ‘R’ District
 Uses permitted – ‘R’

(a) Uses permitted in ‘A’ District except that restricted farming is permitted only with a conditional use permit (paragraph (b) below). An application for conditional use permit in an ‘R’ district for restricted farming shall contain all of the following:

- (i) Written permission from all adjoining property owners, and
- (ii) Site plan showing area to be used, distances to property boundaries, size of coops, fencing, location of mulch, feed and manure piles, and
- (iii) Number of animals to be raised, and
- (iv) Manure and feed handling plans.

(11) Uses Permitted with Conditional use Permit in ‘R’ District

(a) Same conditional uses in ‘A’ districts except the following, which are prohibited in ‘R’ districts:

- (i) Mobile home courts and travel trailer parks.
- (ii) Poultry raising and feeding of up to four (4) chickens, excluding roosters.
- (iii) Crop and tree farming, fruit and berry raising, and non-commercial plant nurseries and greenhouses.

(12) Yards and Spaces Required in ‘R’ District

Minimum Front Yard	25 Feet
Minimum Side Yard	Except for the provisions contained in s. 18.01 (12) (1) relating to twin home dwellings. 16 feet for two; 6 feet for one.
Minimum Rear Yard	25 feet
Minimum Lot Area	2 acres for farm dwellings and accessory buildings, 9600 square feet for non-farm dwellings except twin home dwelling; 5000 square feet for a twin home dwelling.
Minimum Lot Width	150 feet for farm dwellings, 80 feet for a non-farm dwelling except twin home dwellings 45 feet for each lot containing a twin home dwelling.
Parking Space	(See section 31 and 34 of this Ordinance)
Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings is 25%

Minimum Floor Area Required

720 square feet for one family dwelling; 1200 square feet for two family dwellings

Building Height Limit

35 feet

(a) Frontage Modifications

In the case of the curvilinear streets and cul-de-sacs, the Zoning Administrator may authorize a reduction of the otherwise specified lot frontage in 'R' Districts provided that the lot width measured at the building line shall equal the frontage required in the district where located. All buildings shall be placed so that they will not obstruct the provision of future streets.

(b) Miscellaneous Provisions

- (i) If two or more substandard lots with continuous frontage, have the same owner, the lots involved may be considered to be a single lot for the purpose of this chapter.
- (ii) Minor, readily removable structures, such as open fences or signs, permitted by this chapter, may be placed within the setback line.

(12a) Accessory Building in 'R' District

(a) Without Main Building

No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building except for a garage on a lot which abuts the lot containing the principal building.

(b) Separation From Main Building

Accessory buildings shall be distant at least 6 feet from the dwelling situated on the same lot, unless an integral part hereof.

(c) Size

An accessory building shall not occupy more than 25% of a required rear yard, plus 35% of any non-required rear yard, nor shall accessory buildings occupy more than 25% of the combined rear yard and side yard area. However, in no instance shall the accessory building exceed the ground floor area of the main building used for residence.

(d) Height

Accessory buildings shall also be subject to the height limitations of Section 18.01 (39) (a) (i) of this code.

(12b) Twin Home Dwelling

A two-family dwelling lot that contains or will contain a twin home dwelling maybe divided into two separate ownerships with each resulting lot containing one dwelling unit of the twin home dwelling, subject to the relations and

limitations of this Title. The side yard setback on the side of the twin home dwelling which shares a common wall shall be zero (0) feet. The setback on the other side of the twin hoe dwelling shall comply with the requirements set forth in section 18.01 (12) (b). A certified survey map prepared by a certified land surveyor created the two lots from one must be recorded before such division of ownership can occur.

(13) Regulations – ‘M’ District
Uses Permitted – ‘M’

- (a) Uses permitted in ‘R’ district
- (b) Multiple dwellings have three or more dwelling units.
- (c) Boarding and lodging houses.

(14) Uses Permitted with Conditional use Permit in ‘M’ Districts

Same conditional uses in ‘R’ districts and the following:
Hotels, motels, when located within 500 feet of a ‘C-1’ or ‘C-2’ district, provided no other business shall be conducted therein except hat which is for the service and convenience of the guests thereof.

- (a) Clubs, lodges, fraternity, and sorority houses, noncommercial in nature.
- (b) Plant nurseries and greenhouses.

(15) Yards and Spaces Required in ‘M’ District

Minimum Front Yard	25 Feet
Minimum Side Yard	For multiple dwellings - 20 feet for two, 8 feet for one. For one and two family dwellings – 16 feet for two, 6 feet for one.
Minimum Rear Yard	25 feet
Minimum Lot Area	8700 square feet for one and two family dwellings. 3500 square feet per family for three and four family dwellings. 14000 square feet, plus 2000 square feet per family for each family over four.
Minimum Lot Width	80 feet.
Parking Space	(See section 31 and 34 of this Ordinance)

Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings is 35%
Minimum Floor Area Required	720 square feet for one family dwelling; 600 square feet per family for two family and multiple dwelling.
Building Height Limit	45 feet

(16) Regulations – ‘C-1’ Districts

Uses Permitted – ‘C-1’

- (a) One family and two family dwellings.
- (b) Retail store and shops and small service businesses such as: art shops; professional studios; clothing, drug, grocery, fruit, meat, vegetable, confectionary, hardware, sporting goods, stationary, music, variety, and notion stores; household appliances, fixture and furnishing stores and repair shops; store and shops for barbers, beauticians, cabinet makers, electricians, florists, jewelers, watchmakers, locksmiths, painters, plumbers, shoemakers, tailors, dressmakers, pressers, and photographers.
- (c) Advertising signs and bulletin boards pertaining to the name and the use of the property on which located and signs permitted in ‘A’ district.
- (d) Offices and office buildings of business and professional firms, including banks, medical, and dental offices and public and public-utility offices.
- (e) Automobile display and sales room, parking lots and structures, and when accessory thereto, the retail sale of automobile parts and accessories and the washing, cleaning, greasing, and servicing of automobiles, including minor adjustments and repairs but not major repairs, overhauling, rebuilding, demolition, and spray painting.
- (f) Cleaning and dyeing and laundry pick up stations, self-service laundries and cleaning shops.
- (g) Bakeries, confectionaries, ice cream and soft drink shops, but with food preparation limited to that for on-site sale.
- (h) Restaurants, but with no selling or serving of alcoholic beverages.
- (i) Frozen food lockers for service of families and individuals.
- (j) Liquors stores selling only packaged goods.
- (k) Radio (AM and FM) or television broadcasting stations and transmitters and microwave radio relay structures.
- (l) Clubs, lodges, meeting rooms, with seating capacities less than 300 persons.
- (m) Other retail stores and shops and small service businesses catering to neighborhood patronage, including only those deemed to be appropriately located in ‘C-1’ districts are those enumerated above, and only those not dangerous or otherwise detrimental to person residing or working in the vicinity thereof, or to the public welfare and not impairing the use, enjoyment or value of any property.

(17) Uses Permitted with Conditional Use Permit in ‘C-1’ Districts

- (a) Multiple dwellings.
- (b) Auto courts and motels
- (c) Drive-in restaurants and refreshment stands.
- (d) Gasoline service stations.
- (e) Auto wash, except steam.
- (f) Commercial recreation uses.

(18) Minimum Spaces and Facilities in 'C-1' Districts

- (a) Buildings and uses, except automobile parking and loading spaces, driveways, essential services, walks and planting spaces, shall not be closer to any street line than 50 feet, nor closer to any alley line or to the boundary line of any other district or to any required planting strip than 40 feet.
- (b) A screen planting strip not less than 15 feet in width shall be provided along all boundaries that do not adjoin streets. Such strips shall be so planted with varieties of trees and shrubs as to assure rapid growth and density of foliage for screening the development within such districts from adjoining residential districts.
- (c) For dwellings, required yards, lot area, and width shall not be less than those required in 'M' districts.
- (d) Parking space required (see sections 31 through 34)
- (e) Building height limit – 35 feet.

(19) Regulations – 'C-2' Districts

Uses permitted – 'C-2'

- (a) Uses permitted in 'C-1' districts, provided that no dwelling or dwelling units are permitted without conditional use permits.
- (b) Bakeries and candy making.
- (c) Bars, taverns and night clubs.
- (d) Boat and mobile home sales rooms and lots.
- (e) Cleaning and dyeing plants.
- (f) Department stores.
- (g) Engraving, photo engraving, photo finishing, lithographing, printing, publishing, and bookbinding plants.
- (h) Household equipment repair shops.
- (i) Laboratories, medical, dental, and optical; other laboratories of non-hazardous or inoffensive operations when accessory to permitted uses.
- (j) Laundries.
- (k) Loft buildings.
- (l) Music conservatories and dance studios.
- (m) Paint shops, including signs and other painting.
- (n) Repair garages and shops for motor vehicles, including parking, storage, repair, maintenance and washing of vehicles and parts, but excluding sand or steam cleaning and manufacture of vehicles or parts.
- (o) Retail, wholesale, and jobbing businesses.

- (p) Tire repair shops.
- (q) Used car and farm implement sale lots.
- (r) Other retail or wholesale sale and services used considered to be appropriate and desirable for inclusion within 'C-2' districts as those permitted above, and which will not be dangerous or otherwise detrimental to persons residing or working in the vicinity thereof, or to the public welfare, and will not impair the use, enjoyment or value of another property, but not including any uses excluded hereinafter.

(20) Uses Permitted with Conditional Use Permit in 'C-2' Districts

- (a) Automobile courts, hotels, and motels.
- (b) Bottling works and bottling non-alcoholic beverages
- (c) Bottled gas storage for local distribution.
- (d) Bus, taxi, and truck terminals and storage; railroad lines, spurs, and passenger terminals.
- (e) Dairies and ice cream plants.
- (f) Drive in restaurants and refreshment stands.
- (g) Gasoline service station.
- (h) Hatcheries.
- (i) Ice plants and cold storage plants.
- (j) Mortuaries.
- (k) Multiple dwellings.
- (l) Shops for the following and similar occupations: blacksmith, mason, and tinsmith.
- (m) Warehouses.
- (n) Vocational and trade schools.

(21) Uses Excluded

- (a) Any use permitted in only 'I' Districts and any use excluded from 'I' Districts.
- (b) Junk Yards.
- (c) Manufacturing and processing other than an accessory use customarily incidental to permit commercial sales and service uses.
- (d) Any use which is objectionable by reason of emission of odor, dust, smoke, gas, vibration, or noise, or because of subjection of life, health, or property, to hazard.

(22) Yards and Spaces Required in 'C-2' District

Minimum Front Yard	None
Minimum Side Yard	10 feet on the side of a lot adjoining any 'A', 'R', 'M, or 'C-1' District, and one the street side of a corner lot whose rear line adjoins any such district. None, otherwise, unless required by other applicable regulations.

Building Height Limit

70 feet, but not exceeding 45 feet on any portion of a lot less than 20 feet distance from any portion of a lot in any 'A', 'R', 'M' or 'C-1' District.

(23) Regulations – 'I' District

Uses Permitted – 'I'

- (a) Uses permitted in 'C-2' districts, except any of religious, educational, charitable, or medical nature and except any dwelling or lodging place for either permanent or tourist accommodations provided that a dwelling for a watchman or caretaker employed on the premises, and his/her family, is permitted.
- (b) Industrial type uses consisting of manufacturing, processing, assembling, storing, distributing, and transporting of materials, goods, and foodstuffs, provided none of the types in section (24) below shall be permitted without a conditional use permit.

(24) Uses Permitted with Conditional Use Permit in 'I' Districts

- (a) Auto wrecking, junk or scrap yards, or the baling of junk, scrap, or rags.
- (b) Bag cleaning.
- (c) Distillation of bones, coal, tar, petroleum, refuse, grain or wood.
- (d) Garbage offal, dead animal or fish reduction or dumping, or other waste dumping.
- (e) Forge plants and foundries.
- (f) Inflammable gases or liquids, refining, or tank farm storage thereof.
- (g) Refining of petroleum and refining or smelting of ores.
- (h) Sawmills or planing mills.
- (i) Steam power plants.
- (j) Stockyards or slaughter of animals or poultry.
- (k) Stone quarries, gravel pits, stone cutting and crushing, washing and grading of stone gravel and sand.
- (l) Sugar refining.
- (m) Tanneries.
- (n) Wool pulling or scouring.
- (o) Manufacture of: acetylene, acid, alcohol or alcoholic beverages, ammonia, bleaching powder, chlorine, chemicals, soda or soda compounds, kiln-made brick, pottery, terra cotta or tile, candles (except by hand), cement, gypsum, lime or plaster of Paris, disinfectants, dyestuffs, emery cloth or sandpaper, explosives or firewood's (or storage of the same), exterminators or insect poisons, fertilizer, glass, glue or size, gelatin, grease, lard, or tallow (manufactured or refined from animal fat, illuminating or heating as (or storage of the same), lamp black, matches, linoleum, linseed oil, paint, oil, shellac, turpentine, or varnish (except mixing only), oilcloth, or oiled products, paper or pulp, pickles, sauerkraut or vinegar, plastics, potash products, rayon or similar products, rubber or gutta-percha products (or treatments of the same), shoddy, shoe polish, soap (other than liquid soap), soybean products, starch, glucose or dextrin, stove polish, tar

roofing, or waterproofing or other tar products, chewing tobacco (or treatment of tobacco), or yeast.

- (p) Any other sue which is objectionable by reason of emission of odor, dust, smoke, gas, vibration or noise, because of subjection of life, health, or property to hazard.

(25) Yards and Spaces Required in 'I' District

Minimum Front Yard	25 Feet
Minimum Side Yard	Same as in 'C-2' district.
Minimum Rear Yard	25 feet
Minimum Lot Width	100 feet.
Parking Space	(See section 31 and 34 of this Ordinance)
Lot Coverage by Buildings	Maximum lot coverage by a main building and all accessory buildings is 35%
Building Height Limit	100 feet, but not exceeding 45 feet on any portion of a lot less than 20 feet distance from any portion of a lot in any other district.

(26) Regulations – 'O-C' district

Uses permitted – 'O-C'

- (a) Management of forestry, wildlife, and fish.
- (b) Harvesting of wild crops, such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
- (c) Facilities and structures for drainage, floor control, hydro-electric power, power transmission, ponding, conservation, erosion control, reclamation, and fire prevention.
- (d) Parks and open recreational areas.
- (e) Uses accessory or customarily incidental to any of the above facilities.

(27) Uses Permitted with Conditional Use Permit in 'O-C' Districts

- (a) Gravel pits, stone quarries, and washing and grading of products.
- (b) Crop and tree farming.
- (c) Fuel transmission lines and related facilities.
- (d) Golf courses.
- (e) Boat harbors.

(28) Additional Use provisions and Restrictions

(a) Uses Permitted in Districts:

(i) Accessory buildings and those customarily incidental to permitted uses including public and private ways and easements, essential services, dwelling units for servants employed on the premises or for private guests, private garages, stables, pump houses, boat houses, docks and other non-commercial marine facilities, structures for yard and garden ornamentation, and private recreation areas and facilities, are permitted in any district, provided that:

- (1) No accessory shall be dangerous, obnoxious, or offensive to persons residing in the vicinity, nor shall impair the use, enjoyment or value of any property, and
- (2) No accessory dwelling unit in any 'R' district shall be let for living purposes of compensation.

(ii) Home gardening and crop growing may be an accessory use on any dwelling lot or other principal use on any vacant lot or parcel.

(iii) A home occupation or home professional office, as defined herein, is permitted in a dwelling, provided that in a dwelling district there shall be no external evidence thereof except a name plate.

(b) Satellite dish antennae are permitted as accessory uses in all districts and shall comply with all structural, yard, and space requirements of accessory uses.

(29) Basement Dwellings

No basement dwellings shall hereafter be permitted in any district.

(30) Mobile Homes

Mobile homes shall not be used as a dwelling in any district unless part of a mobile home park permitted in a particular location by a conditional use permit.

(31) Additional Uses Permitted with Conditional Use Permits

The following uses as well as those previously designated as such, shall be permitted in certain districts only after securing conditional use permits therefore, following approval by the Board of Appeal as provided in section (41) hereof.

- (a) Automobile parking lots and parking structure in 'M' districts, for providing required off-street parking spaces for uses within 500 feet therefrom.
- (b) Keeping of one unoccupied mobile home or trailer coach in a designated portion of the rear yard of a dwelling lot in 'A', 'R', and 'M' Districts.
- (c) Mortuaries in 'M', 'C-1' and 'C-2' districts.
- (d) Moving a non-conforming use to another lot in a district where it would be conforming use.

(32) Nonconforming Uses

The lawful use of a building or premises existing at the time of the adoption or amendment of this ordinance may be continued although such use does not conform

to the provision hereof. Such nonconforming use may not be extended. The total structural repairs or alterations in such a nonconforming building shall not during its life exceed 50% of the assessed value of the building unless a permanently changed to a conforming use. If such conforming use is discontinued for a period of 12 months, any future use of the building and premises shall conform to this ordinance.

(33) Automobile Parking and Truck Parking and Loading Space Required

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

(34) Automobile Parking Spaces

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

One family and two family dwellings	2 spaces for each dwelling unit
Multiple Dwellings	1 $\frac{1}{2}$ spaces for each dwelling unit
Motels, Hotels, Tourist Homes and Courts	1 space for each guest overnight accommodations, plus 1 space for managers and for each employee
Restaurants, taverns, and night clubs	1 space for each 3 seats provided for customers, plus 1 space for each employee
Car Service Drive-In Stands	5 spaces for each employee required during periods of capacity patronage
Retail Business and Service Establishments	1 space for each 165 square feet of gross business floor area.
Service Stations	Spaces for all vehicles used in the business, plus: 1 space of managers and for each employee, 2 spaces for each gas pump, and 3 spaces for each grease rack and auto wash space.
Hospitals, convalescent, and nursing homes.	1 space for each 3 beds, plus 1 space for each 2 employees on the two largest shifts combined, plus 1 space for each staff doctor, in addition to spaces required for ambulances and other

vehicles for patient delivery and pick-up.

Doctor, dentist offices, and medical clinics 4 spaces for each doctor and dentist, plus 1 space for each employee

Bowling Alleys 7 spaces for each alley, plus 1 space for each employee at peak employment

Warehouse, Industries 1 space for each 2 employees on the two largest shifts combined

- (a) In applying for permits for buildings and uses not included above, the applicant shall specify the minimum off-street parking spaces to be provided and the zoning administrator shall issue the permit subject to such provision and on the condition that spaces for additional need shall be provided if and when such need accrues.

(35) Truck Parking and Loading Space

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

(36) Supplemental Parking and Loading Space Requirements

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

(37) Additional Regulations – Yards, Lot Areas, and Open Spaces

(a) Lots Unserved by Sewer

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

(b) Corner Lots

The side street setbacks of any buildings on a corner lot shall not be less than 25 feet.

(c) Division of Lots

No lot improved with a building or buildings shall hereafter be divided into two or more lots and no portion of any lot which is improved with a building shall be sold, unless all lots resulting from each such division or sale shall conform with all of the area and lot coverage regulations of the district in which the property is located.

(38) Yards, Lot Area Measurement from Future Street Line

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

(39) Setback in Subdivision Abutting State Trunk Highway

- (a) Notwithstanding any other provisions of this section, minimum building setback in subdivisions abutting state trunk highways shall be 100 feet from the centerline of the state trunk highway or 42 feet from the nearer right of way line whichever is more restrictive.
- (b) No variances or exceptions shall be permitted for property and subdivisions abutting state trunk highways without prior approval from the Wisconsin State Highway Commission
- (c) There shall be no improvements or structures placed between the state trunk highway and the setback line.
- (d) The setback requirement shall be shown on any subdivision plat which abuts a state trunk highway and shall be a restriction for the benefit of the public under section 236.293 of the Wisconsin Statutes.

(40) Lot Area Exception

On an existing lot of record a one-family dwelling may be erected in districts in which permitted when the lot area or lot width or both are less than require din the district. No area shall be so reduced so that the dimensions and yard requirements cannot be met.

(41) Structures in Yards and Courts

- (a) Every part of a required yard or court shall be open and unobstructed by a building or structure, from its lowest point upward, except as follows:
 - (i) Accessory buildings permitted in a rear yard shall not be closer than 3 feet to any lot line, when not more than 15 feet in height, with one additional foot of

distance required for each 3 feet of additional height. The maximum height shall be 20 feet.

(1) Accessory buildings used for storage purposes shall not be larger than 9' x 12' x 8' in height for a total of 108 square feet. They will be permitted within three (3) feet of the side or rear lot line. Only one accessory building of this type permitted on each lot or parcel (this rule applies particularly to prefabricated buildings of this type or others constructed for this purpose).

(ii) Sills, cornices, buttresses, eaves, open work, fire balconies and fire escapes, chimneys, flues and similar building appurtenances, may extend not more than 4 feet into a required yard.

(iii) Uncovered porches and steps to building entrances may extend not more than 12 feet into any required front yard or rear yard and not more than 3 feet into any required side yard or court.

(iv) Walks, steps on ground slopes, retaining walls, hedges and natural growth, fences, paved terraces and paved areas, structures used ornamentally and for essential services and for yard and garden purposes and for private recreation, when accessory to and customarily incidental to the principal use, are permitted in yards and courts, provided, however, that fence, hedges, and screen plantings shall be limited to the following heights in the following locations:

(1) $2\frac{1}{4}$ feet in height within a vision clearance triangle as defined herein.

(2) 4 feet in height within 3 feet of a front lot line, and within 3 feet of a side lot line on the street side of a corner lot, and within 3 feet of the other side lot line for a distance extending from the front lot line to the building set back line.

(3) 6 feet in height within 3 feet of a side lot line not adjoining a street for a distance extending from the front lot line to the building set back line.

(b) Regulation of wood burning stoves

(i) In this section, "wood burning stove" means a device designed and intended for the burning of wood or wood products except all stoves or fire places which are installed in a residence. No person, firm, corporation, or other entity shall install or utilize a wood burning stove unless the emissions from the stove are emitted through a chimney which shall have a minimum height of at least three (3) feet higher than the highest point on any residence on the parcel on which the stove is located or any lot that is served by the wood burning stove, or 20 feet from ground level; whichever is greater. As used in this section, all chimneys shall comply with those requirements for "residential type" and "building heating appliance". Chimneys as defined by the Department of Commerce in the Wis. Adm. Code, as amended from time to time, except as modified herein.

- (ii) Wood for burning in a fireplace, stove, or furnace (regardless of whether the fireplace, stove or furnace is installed in a residence) shall not exceed two (2) cords and may be stored in any yard other than the front yard or corner side yard, provided it is stored in a neat, orderly and secure stack not exceeding six (6) feet in height and the wood stack is not infested with rodents. In this section, a cord is a stack having a volume of 128 cubic feet.
- (iii) Any wood burning stove which is installed outside of the home, whether in a separate building or free standing, must be located behind the residence or building which it services and must be no closer than ten (10) feet to a side or rear lot line.
- (iv) Compliance with this Ordinance shall not relieve the property owner from the responsibility of creating public nuisance as a result of the smoke emitted from any chimney located on the property.

(42) Minimum Space and Facilities for Mobile Home Parks and for Travel Trailer Parks

(a) Mobile Home Parks (MHP)

Minimum Size of a MHP	5 Acres
Maximum Number of Mobile Homes per Acre	10 Mobile Homes Per Acre
Minimum Dimensions of a Mobile Home Lot	50 feet wide by 85 feet long
Minimum Yards around Each Individual Unit	15 feet
Automobile Parking Spaces Required	2 per unit
Minimum Width or Depth of Exterior Yards	40 feet on each side
<ul style="list-style-type: none"> (i) All drives, parking areas, and walkways shall be hard surfaced. (ii) No unit shall be rented for less than a 30 day period. (iii) Screen planting strips 15 feet wide shall be maintained along all exterior boundaries. If insufficient natural growth, fast growing trees and shrubs of acceptable types shall be planted and maintained at a height of not less than 15 feet. (iv) Each MHP shall conform to additional requirements of Chapter H77, Wis. Administrative Code. 	

(b) Travel Trailer Park (TTP)

Minimum Size of a TTP	5 Acres
Maximum Number of Units per Acre	15 Units Per Acre
Minimum Dimensions of Individual Site	25 feet wide by 40 feet long

Minimum Yards around Each Individual Unit 15 feet

Automobile Parking Spaces Required $1\frac{1}{2}$ per unit

Minimum Width or Depth of Exterior Yards 40 feet on each side

- (i) Screen planting requirements herein for mobile home parks shall be met.
- (ii) Each TTP shall conform to additional requirements of Chapter 78, Wis. Admin. Code.

(43) Planned Unit Development District

- (a) Site plans of planned unit residential developments, with proposed lot sizes, yard sizes and other opens spaces varying from district regulations herein, may be considered by the Board of Appeals for variances from the terms of this ordinance.
- (b) In specific cases, the Board may authorize such variance as will not be contrary to public interest, an such the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done, subject to the conditions set forth below and any additional conditions required by the board:
 - (i) A gross area of six (6) acres or more shall be required for each planned development.
 - (ii) Residential uses shall be those permitted in the district in which located.
 - (iii)Reduction of individual lot sizes, yards, and open spaces for cluster developments shall be balanced by the reservation of other common space, so that the overall density will not be greater than that required in the district.
 - (iv)Adequate water and sewer facilities shall be provided.
 - (v) Street circulation and access to existing streets shall be satisfactory and paved streets and sidewalks shall be provided.
- (c) Should any proposed uses be those not permitted in the district, such variance shall not be authorized until after the necessary rezoning by amendment has been accomplished.

(44) Building Height Limit Exceptions

- (a) Established building height limits shall not apply to belfries, cupolas, spires, monuments, radio or television antenna, flag poles, chimneys or flues, silos, water towers, to poles, towers, and other structures for essential services, nor to similar structures or necessary mechanical appurtenances extending from a roof upward and not occupying more than 25% of the area of such roof as projected into a horizontal plane.
- (b) When permitted in a district, public buildings, community buildings, schools, churches, hospitals, and other institutions, public utilities, and public service buildings and those for essential services may be erected to a height not exceeding

75 feet, provided the side yard width and the rear yard depth be each increased one foot over and above the district requirements for each two feet of building height above the height limit.

(45) Signs

(a) Signs are permitted accessory use in all districts, subject to the following regulations:

- (i) A sign is a structure or a part of a structure for the purpose of applying yard and height regulations.
- (ii) Except for traffic control, all signs are prohibited within the public right-of-way or easement except that the zoning administrator may grant a conditional permit to locate signs and decorations on or within the right-of-way subject to Section (43) (a) (iii)
- (iii) The zoning administrator may grant a special permit for temporary signs and decorations to be placed in the right-of-way for a period of time to be determined by the zoning administrator subject to the laws of the State of Wisconsin.
- (iv) Signs existing on the effective date of this ordinance which do not conform to the regulation set forth in the ordinance are a non-conforming use.
- (v) Except for temporary (less than 30 days) signs, signs shall not be attached by an adhesive or painted on a fence but shall be on a separate frame or attached by a permanent fixture. Permanent signs, limited to the display of the name and address of a building, may be painted on the building in which the business is located.
- (vi) Election signs are permitted in all districts; however, they shall be removed within two weeks following Election Day.
- (vii) All signs shall structurally be safe and in good repair.
- (viii) No signs shall be permitted within the vision clearance triangle, s. 18.01 (2) (r), closer than five feet from ground level.
- (ix) Signs in 'A', 'R' and 'M' Districts.

(b) Within the 'A', 'R', and 'M' Districts the following signs are permitted:

- (i) One nameplate sign for each dwelling and such signs shall not exceed one square foot in area per surface, and no sign shall be so constructed as to have more than two surfaces for advertising purposes.
- (ii) One nameplate sign for each dwelling group of three or more units and such signs shall not exceed three square feet in area per surface and no signs shall be constructed to have more than two surfaces for advertising purposes.
- (iii) One nameplate sign for each permitted use or use by conditional permit other than residential and such sign shall not exceed six square feet in area per surface.
- (iv) Symbols, statues, sculptures, and integrated architectural features on nonresidential buildings may be illuminated by flood lights provided the direct

source of light is not visible from the public right-of-way or adjacent residential district.

(v) Signs in the central commercial and outlying commercial district.

(c) Within the central commercial and outlying commercial district, nameplate signs and business signs are permitted subject to the following regulations:

- (i) No individual sign shall exceed 200 square feet or area per surface.
- (ii) No signs shall hang lower than ten feet above ground or sidewalk surface, and shall extend no more than five feet beyond the side of the building.
- (iii) Signs must be substantially supported and well maintained.
- (iv) Signs, if illuminated, shall not employ lighting in a manner adverse to safety or traveling public.

(d) Within the 'I' use districts, nameplate signs, business signs, and advertising signs shall be permitted subject to the following regulations:

- (i) The aggregate square footage of sign space per lot shall not exceed the sum of four square feet per front foot of building plus one square foot per front foot of property not occupied by a building. No individual sign surface shall exceed 250 square feet except advertising signs. Advertising signs permitted as an accessory use shall not exceed 250 square feet of surface and shall be counted towards square footage permitted.

(46) Permit fees – Signs

- (a) Application for sign permits shall be made to the zoning administrator.
- (b) All permits for signs hereafter erected shall require the payment of the sum of \$5.00 for each permit.
- (c) No permits required for election signs or premises for sale signs.

(47) Board of Appeals

Board of Appeals is hereby established. The board shall be appointed and shall have the power and duties as specified in s. 62.23 (7) (e), Wis. Stats.

(48) Powers of the Board of Appeal

- (a) To hear and decide appeals where it is alleged that the zoning administrator has erred in the enforcement of this ordinance.
- (b) To hear and decide special exceptions to the terms of this ordinance, and to approve the issuance of conditional use permits as authorized in the various sections hereof.
- (c) To authorize, upon appeal in specific cases, variances from the terms of this ordinance where due to special conditionals, a literal enforcement of the terms will result in practical difficulty or unnecessary hardship.

- (d) To permit, in appropriate cases a building or premises to be erected or used for such public utility purposes in any location, which is reasonably necessary for the public convenience or welfare.
- (e) To interpret the words, terms, rules, regulations, provisions and restrictions of this ordinance where there is doubt of the intended meaning, and to determine the location of boundaries of districts where there is uncertainty after the rules in Section 4 hereof for determining said boundaries have been applied.
- (f) In its actions the board shall impose appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance, any violation of which shall be considered a violation of this ordinance.

(49) Hearing and Notice, Filing Fee

- (a) The board shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (b) Any person requesting a hearing before the board shall pay a filing fee in the amount of \$100.00 at the time of the request of such hearing.

(50) Limitations of Powers of Boards of Appeal

The powers of the board, except its power or interpretation, shall be limited to action on specific appeals and applications only. No board action shall change or have the effect of changing any rule, regulation, provision, or restriction of this ordinance, without amending this ordinance, but shall effect only its application in a specific case before the board.

(51) Amendments

The amendment may be amended by changing any of the regulations, hereof, or the district map or any of the districts thereon, in accordance with s. 62.23 (7) (a), Wis. Stats.

(52) Zoning Administrator, Permits, Plats.

(a) Zoning Administrator

The Common Council shall appoint a zoning administrator to administer and enforce this ordinance; to issue required permits; to inspect buildings and the use of land, and buildings and to order the remedying of violations of this ordinance; to act as secretary for the board of Appeals.

(b) Permits Required – Plats

The zoning permit or conditional use permit shall be applied for and issue before the erection, construction, reconstruction, enlargement, or moving or any building, except for minor alterations or repairs not involving change or use of moving of building, and not costing over \$400.00 and except for painting and decorating.

Temporary permits for temporary buildings and uses incidental to use and necessary for the erection, alteration, enlargement, moving, and equipping of permitted buildings and uses may be issued for a duration of up to one year.

(c) Plats

Each application for a permit shall be accompanied by a drawing, or plat in duplicate, drawn to scale, and showing the following: location and dimensions of lot, proposed buildings on lot; existing buildings on adjoining lots or parcels; building setbacks and sizing of yard around existing and proposed buildings; present and proposed uses of buildings; proposed off-street parking spaces; proposed sewer, waste disposal and water supply system, and other information required by the zoning administration for the purpose of this ordinance.

(d) Fees

Fees for required permits shall be: \$500.00 for the first, \$1,000.00; \$3.00 per \$1,000.00 for the next \$4,000.00 or part thereof; \$2.00 per \$1,000.00 for the next \$10,000.00 or part thereof; and \$1.00 per \$1,000.00 for all over \$15,000.00 or part thereof.

(53) Certificate of Occupancy

A certificate of occupancy stating that the provisions of this ordinance have been complied with, is required prior to any occupancy or use of any structure or land, or any change of use of an existing structure or land, or prior to any change of any non-conforming use. Application for a certificate of occupancy shall be made to the zoning administrator, who shall inspect same and shall sign and issue a certificate of occupancy if found to be in conformity with the provision of this ordinance.

(54) Enforcement, Violation, and Penalties

- (a) All departments, officials and employees of the City of Mondovi who are vested with the duty of authority to issue permits or licenses shall issue no such permit or license for any use, structure or purpose if the same would not conform to the provisions of this ordinance.
- (b) The City of Mondovi or any adjacent or neighboring property owner who would be specially damaged by such violation may institute appropriate action to prevent unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.
- (c) Other measures of enforcement and remedies shall be as authorized by section 62.23 (8), Wis. Stats.
- (d) Any person, firm, or corporation in violation of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be fined \$50.00. Each and every day during which said violation continues shall be deemed a separate offense.

- (55) Separation
Invalidation of any part of this ordinance by a court shall not invalidate the rest of the ordinance.
- (56) Confliction Provisions Repealed
All ordinances or parts of ordinances in conflict with any or the provisions of this ordinance are hereby repealed.
- (57) Effective Date
This ordinance shall become effective upon its passage, adoption, publication, and recording as provided by law.
- (58) The zoning map adopted on April 10, 1984, is hereby amended by changing the zoning classification for Lot 413 of the 1940 Assessor's Plat to the City of Mondovi to 'I' industrial.
- (59) The zoning map adopted April 10, 1984, is hereby amended by changing the zoning classification for the following described property to 'I' industrial:
- (60) The zoning map adopted on April 10, 1984 is hereby amended by changing the zoning classification for Lots 327, 371, 371B, 371C, 408, 410C, and 410F of the 1940 Assessor's Plat of the City of Mondovi to (C-2) central commercial district.
- (61) The zoning map revised June, 1990, is hereby amended by changing the zoning classification for lots in the Heike Countryside Addition as follows:
- (a) Lots 1 through 32 and Lots 35 through 48 are hereby classified 'R', one and two family residential.
 - (b) Lots 33 and 34 are hereby classified as 'M', multi-family residential.
 - (c) Lot 49 is hereby classified 'I', industrial.

SECTION 18.02 FLOODPLAIN ORDINANCE

- (1) Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions
- (2) Statutory Authorization
This ordinance is adopted pursuant to the authorization in Section 62.23, Wis. Stats., and the requirement in s. 87.30, Wis. Stats.
- (3) Finding of Fact
Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base.
- (4) Statement of Purpose
This ordinance is intended to regulate floodplain development to:

- (a) Protect life, health, and property.
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and homebuyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflict between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplains.

(5) Title

This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Mondovi, Wisconsin.

(6) General Provisions

(a) Areas to be Regulated

This ordinance regulates all areas that would be covered by the regional flood or base flood.

Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as Zone A on the Flood Insurance Rate Map.

(b) Official Maps and Revisions

The boundaries of all floodplain districts are designated as floodways or Zones A, A4, A5, and B on the maps listed below for the City of Mondovi Flood Boundary and Floodway Map (FBFM). Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) must be reviewed and approved by the DNR and FEMA before it becomes effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Administrator, at City Hall, in the City of Mondovi, Buffalo County, Wisconsin. If more than one map or revision is referenced, the most current approved information shall apply.

(i) Official maps: Based on the FIS

Floodway flood boundary and floodway map, City of Mondovi, Buffalo County, Wisconsin, with an effective date of June 1, 1981, prepared by FEMA and the Federal Insurance Administration based on the Flood Insurance Study dated December 1, 1980.

Approved by: the DNR and FEMA. These maps consist of the 100 year flood boundary and the 500 year flood boundary for Peeso Creek and the Buffalo

River contained within the corporate boundaries for the City of Mondovi, Buffalo County, Wisconsin.

(c) Establishment of District's

The regional floodplain areas are divided into three districts as follows:

- (i) 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.
- (ii) The Flood fringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
- (iii) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood.

(d) Locating Floodplain Boundaries

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendment required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 7.3 (3) and the criteria in (i) and (ii) below.

- (i) If flood profiles exist, the map scale and profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- (ii) Where flood profiles do not exist, the location the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the department.
- (iii) Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 8.1 (6).

(e) Removal of Lands from Floodplain

Compliance with the provisions of this ordinance shall not be grounds for removing lands from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0.

This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(f) Compliance

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(g) Municipalities and State Agencies Regulated

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

(h) Abrogation and Greater Restrictions

(i) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692, or 59.694 for countries; s. 62.23 for cities; or s. 61.35 for villages; or s. 87.30, Stats. which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

(i) Interpretation

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provisions 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.

(j) Warning and Disclaimer of Liability

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur of the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(k) Severability

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

(l) Annexed Areas for Cities and Villages

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

(m) General Development Standards

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

(7) General Standards Applicable to All Floodplain Districts

(8) Hydraulic and Hydrologic Analysis

(a) Except as allowed in par. (c) below, no floodplain development shall:

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

(b) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or

more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (c) are met.

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

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

(9) Watercourse Alterations

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

As soon as is practicable, but not later than six months after the date of the watercourse alteration nor relocation, the zoning administrator shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations are required.

(10) Chapter 30, 31, Wis. Stats. Development

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

(11) Public or Private Campgrounds

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

- (a) The campground is approved by the Department of Health and Family Services; and
- (b) A land use permit for the campground is issued by the zoning administrator; and
- (c) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants; and
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which the evacuation

- shall occur, personnel responsible for the monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, the method as and personnel responsible for conducting the evaluation; and
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated by the officials identified in (d) to remain in compliance with all applicable regulations, including those of the state department to health and family services and all other applicable regulations; and
 - (f) Only camping unites are allowed; and
 - (g) The camping units may not occupy any site on the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours; and
 - (h) All camping units that remain on site for more than 30 days must be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section; and
 - (i) The municipality shall monitor the limited authorizations issued by the campground operator assure compliance with the terms of this section; and
 - (j) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either s. 3.0 or s. 4.0 for the floodplain district in which the structure is located.
 - (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
 - (l) All service facilities, including but not limited to refuse collection, electrical services, natural gas lines, propane tanks, sewage systems and wells shall be property anchored and placed at or flood proofed to the flood protection elevation.

(1) Floodway District (FW)

(2) Applicability

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

(3) Permitted Uses

- (a) The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district if:
 - (i) They are not prohibited by any other ordinance;
 - (ii) They meet the standards in s. 3.3 and 3.4; and
 - (iii) All permits or certificates have been issued according to s. 7.1.
- (b) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.

- (c) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
- (d) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of s. 3.3 (4).
- (e) Uses or structures accessory to open space uses, or classified as historical structures that comply with ss. 3.3 and 3.4.
- (f) Extraction of sand, gravel, or other materials that comply with s. 3.3 (4).
- (g) 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 Ch. 30 and 31, Wis. Stats.
- (h) Public utilities, streets, and bridges that comply with 3.3 (3).

(4) Standards for Developments in Floodway Areas

(a) General

- (i) Any development in floodway areas shall comply with s. 2.0 and have low flood damage potential.
- (ii) Applicants shall provide the following data to determine the effects of the proposal according to s. 2.1:
 - (1) A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; and
 - (2) An analysis calculating the effects of this proposal on regional flood height.
- (iii) The zoning administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the submitted data for par. (ii) above.

(b) Structures

Structures accessory to permanent open space uses, classified as historic structures, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- (i) The structures are not designed for human habitation and do not have a high flood damage potential;
- (ii) The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;

- (iii) The structures are properly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - (iv) The structures have all services facilities at or above the flood protection elevation.
- (c) Public utilities, streets and bridges may be allowed by permit if:
- (i) Adequate flood proofing measures are provided to the flood protection elevation; and
 - (ii) Construction meets the development standards of s. 2.1.
- (d) Fills or depositions of materials may be allowed by permit if:
- (i) The requirements of s. 2.1 are met;
 - (ii) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met;
 - (iii) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading; and
 - (iv) The fill is not classified as solid or hazardous waste material.

(5) Prohibited Uses

All uses not listed as permitted uses in s. 3.2 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 Ch. COMM 83, Wis. Adm. Code;
- (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 Ch. NR 811 and NR 812, Wis. Adm. Code;
- (f) Any solid or hazardous waste disposal sites;
- (g) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15 (3) (b), Wis. Adm. Code; 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.

(6) Flood Fringe District (FF)

(7) Applicability

This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.4.

(8) Permitted Uses

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

(9) Standards for Development in Flood Fringe Areas

(a) All of the provisions of s. 2.1 shall apply. In addition, the following requirements shall apply according to the use requested.

(b) Residential use

Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area, shall meet or exceed the following standards:

(i) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other flood proofing measures if the elevations of the existing streets or sewer lines makes compliance impractical and the Board of Adjustment/Appeals grants a variance;

(ii) The basement or crawlway floor may be placed at the regional flood elevation if it is flood proofed to the floor protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

(iii) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in (iv);

(iv) In developments where existing street or sewer line elevations make compliance with (ii) impractical, the municipality may permit new development and substantial improvements where access roads area at or below the regional flood elevation if:

(1) The municipality has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

(2) The municipality has a natural disaster plan approved by Wisconsin Emergency management and the Department.

(c) Accessory Structures or Uses

An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all provisions of ss. 3.3 (2) (a), (b), (c), (d), and (6) below.

(d) Commercial Uses

Any commercial structure which is erected, altered or moved into the flood fringe area shall meet the requirements of s. 4.3 (2). Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(e) Manufacturing and Industrial Uses

Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 7.5. Subject to the requirements of sub. (6), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(f) 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 flood proofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(g) Public Utilities, Streets, and Bridges

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

- (i) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction and substantial improvements to such facilities may only be permitted if they are flood proofed in compliance with s. 7.5 to the flood protection elevation;
- (ii) Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(h) Sewage Systems

All on-site sewage systems shall be flood proofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.

(i) Wells

All wells shall be flood proofed, pursuant to s. 7.5, to the flood protection elevation and shall meet the provisions of Ch. NR 811 and NR 812, Wis. Adm. Code.

(j) Solid Waste Disposal Sites

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

(k) Deposition of Materials

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

(l) Manufactured Homes

(i) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(ii) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially

- (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 the flood.

(iii) 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 flood fringe in s. 4.3 (2).

(m) Mobile Recreational Vehicles

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

(10) General Floodplain District (GFP)

(11) Applicability

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data is available.

(12) Permitted Uses

Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway or flood fringe area.

Those uses permitted in floodway s. 3.2 and flood fringe areas s. 4.2 are allowed within the general floodplain district, according to the standards of s. 5.3, provided that all permits or certificates required under s. 7.1 have been issued.

(13) Standards for Development in the General Floodplain District

S. 3.0 applies to floodway areas, s. 4.0 applies to flood fringe areas. The rest of this ordinance applies to either district.

(14) Determining Floodway and Flood Fringe Limits

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

- (a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations, and flood proofing measures;
- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - (i) A typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information;
 - (ii) Plan, a 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;
 - (iii) Profile showing the slope of the bottom of the channel or flow line of the stream; and
 - (iv) Specifications of building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- (c) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1 (2) (c) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

(15) Nonconforming Uses

(16) General

(a) Applicability

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

(b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (i) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words “modification” and “addition” include but are not limited to any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modification or additions; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities;
- (ii) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it’s no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (iii) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure’s total current value those modifications represent;
- (iv) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3 (2);
- (v) Except as provided in s. (2) if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the ordinance requirements.
- (vi) For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.

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

(17) Floodway Areas

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
 - (i) Has been granted a permit or variance which meets all ordinance requirements;
 - (ii) Meets all the requirements of s. 6.1;
 - (iii) Will not increase the obstruction to flood flows or regional flood height; and
 - (iv) Any addition to the existing structure shall be flood proofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation.
- (b) No new on-site sewage disposal system, or addition to any existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinance and CH. COMM 83, Wis. Adm. Code.

(18) Flood Fringe Areas

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or flood proofed to the flood protection elevation in compliance with the standards for that particular use in s. 4.3, except where s. 6.3 (2) is applicable.
- (b) Where compliance with the provisions of par. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of par. (1) for modification or addition, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (i) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (ii) Human lives are not endangered;
 - (iii) Public facilities, such as water or sewer, will not be installed;

- (iv) Flood depths will not exceed two feet;
- (v) Flood velocities will not exceed two feet per second; and
- (vi) The structure will not be used for storage of materials as described in s. 4.3 (6).

- (c) If neither the provisions of par. (1) or (2) above can be met, one addition to the existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe, if the addition:
 - (i) Meets all other regulations and will be granted by permit or variance;
 - (ii) Does not exceed 60 square feet in area; and
 - (iii) In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.
- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal systems shall meet all the applicable provisions foal l local ordinances and Ch. COMM 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 811 and NR 812, Wis. Adm. Code.

(19) Administration

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

(20) Zoning Administrator

- (a) The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:
 - (i) 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.
 - (ii) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - (iii) Keep records of all official actions such as:
 - (1) All permits issued, inspections made, and work approved;

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SECTION 18.03 SHORELAND-WETLAND ORDINANCE

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...held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be granted by the Wis. Stats. Where a provision of this ordinance is required by a standard in Ch. NR 117, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Ch. NR 117 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(e) Severability

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

(3) Shore Land – Wetland Zoning District

(a) Purpose

This ordinance is adopted to maintain safe and healthful conditions, to prevent and control water pollution, to protect fish spawning grounds, fish and aquatic life and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner which minimizes adverse impacts upon the wetland.

(b) Official Shore Land-Wetland Zoning Maps

The following maps are hereby adopted and made part of this ordinance and are on file in the office of the Clerk for the City of Mondovi, Wisconsin:

- (i) Wisconsin Wetland Inventory map, stamped “Final” on October 25, 1985.
- (ii) Floodplain Zoning Map dated June 1, 1981.
- (iii) U.S.G.S. maps; quadrangles.

(c) District Boundaries

The shore land-wetland zoning district includes all wetlands in the City of Mondovi, Wisconsin which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made part of this ordinance in section (3) (b) and which are:

- (i) Within one thousand feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the City of Mondovi shall be presumed to be navigable if they are listed in the Department publication “Surface Water Resources of Buffalo County” or are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance in paragraph (3) (b) of this ordinance.
- (ii) Within three hundred feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is

greater. Rivers and streams shall be either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this ordinance in paragraph (3) (b) of this ordinance. Flood Hazard Boundary Maps, Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, County Soil Survey Maps, or other existing community floodplain zoning maps used to delineate floodplain area which have been adopted by the City of Mondovi, shall be used to determine the extent of floodplain areas in the City of Mondovi.

- (1) Determinations of Navigability and ordinary high-water marks shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.
- (2) When an apparent discrepancy exists between the shore land-wetland district boundary shown on the official shore land-wetland zoning maps and the actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shore land-wetland district boundary as mapped, is in error. If the Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant to deny land use or building permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official shore land-wetland zoning maps, the zoning administrator shall be responsible for initiating a shore land-wetland amendment within a reasonable period.

(d) Permitted Uses

The following uses are permitted subject to the provision of Ch. 30 and 31 of the Wis. Stats., and the provisions of other local, state, and federal laws, if applicable. Activities and uses which do not require the issuance of a zoning/building permit, provided that no wetland alterations occur:

- (i) Hiking, fishing, trapping, hunting, swimming, snowmobiling, and boating;
- (ii) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
- (iii) The practice of silviculture, including the planting, thinning, and harvesting of timber;
- (iv) The pasturing of livestock;
- (v) The cultivation of agricultural crops; and
- (vi) The construction and maintenance of duck blinds.

- (e) Uses which do not require the issuance of a zoning/building permit and which may involve wetland alterations only to the extent specifically provided below:
 - (i) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (ii) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (iii) The maintenance and repair of existing drainage ditches, where permissible under section 30.20, Wis. Stats., or of other existing drainage systems, such as tiling, to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is permissible under Ch. 30, Wis. Stats. and that dredged spoil is placed on existing spoil banks where possible;
 - (iv) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (v) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (vi) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shore land-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shore land-wetland listed in section 6 (a) (3) of this ordinance; and
 - (vii) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

- (f) Uses which are allowed upon the issuance of a zoning/conditional use permit and which may include wetland alterations only to the extent specifically provided below:
 - (i) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under section (3) (d) through (3) (f) of this ordinance, provided that:
 - (1) The road cannot, as a practical matter, be located outside the wetland;
 - (2) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in section (6) (a) (3) of this ordinance;
 - (3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;

- (4) Road construction activities are carried out in the immediate area of the roadbed only; and
- (5) Any wetland alteration must be necessary for the construction or maintenance of the road.

(ii) The construction and maintenance of nonresidential buildings, provided that:

- (1) The building is used solely in conjunction with a use permitted in the shore land-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
- (2) The building cannot, as a practical matter, be located outside the wetland;
- (3) The building does not exceed 500 square feet in floor area; and
- (4) Only limited filling and excavating necessary to provide structural support for the building is allowed.

(iii) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:

- (1) Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
- (2) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelter or similar structures is allowed;
- (3) The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in section (3) (f) (a) of this ordinance; and
- (4) Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

(iv) The construction and maintenance of electric and telephone transmission lines and water, gas, and sewer distribution lines, and related facilities provided that:

- (1) The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside the wetland;
- (2) Only limited filling or excavating necessary for such construction or maintenance is allowed; and
- (3) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in section (6) (a) (3) of this ordinance.

(v) The construction and maintenance of railroad lines, provided that:

- (1) The transmission and distribution lines and related facilities cannot, as a practical matter, be located outside of the wetland;
- (2) Only limited filling or excavating necessary for such construction or maintenance is necessary; and
- (3) Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland as listed in section (6) (a) (3) of this ordinance.

(g) Prohibited Uses

- (i) Any use not listed in section (3) (d) through (3) (f) of this ordinance is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with section (6) of this ordinance.
- (ii) The use of a boathouse for human habitation and the construction or placement of a boat house or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

(4) Nonconforming Structures and Uses

- (a) The existing lawful use of a structure, building or property, or its accessory use, which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions:
- (b) Notwithstanding section 62.23 (7) (h), Wis. Stats., the repair, reconstruction, renovation, remodeling or expansion of a legal nonconforming structure in existence at the time of adoption or subsequent amendment of this ordinance adopted under section 62.231, Wis. Stats., or of an environmental control facility in existence on May 7, 1982, related to that structure, is permitted under section 62.231 (5), Wis. Stats., section 62.23 (7) (h), Wis. Stats., applies to any environmental control facility that was not in existence on May 7, 1982, but was in existence on the effective date of this ordinance or amendment.
- (c) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve consecutive months, any future use of the building, structure, or property shall conform to the appropriate provisions of this ordinance.
- (d) Any legal nonconforming use of the property which does not involve the use of structure and which existed at the time of the adoption or subsequent amendment of this ordinance adopted under sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform to the provisions of the ordinance. However, such nonconforming use may not be extended.
- (e) The maintenance and repair of nonconforming boathouses which are located below the ordinary high-water mark of any navigable waters shall comply with the requirements of section 30.121, Wis. Stats.
- (f) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

(5) Administrative Provisions

(a) Zoning Administrator

The zoning administrator shall have the following duties and powers:

- (i) Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- (ii) Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.
- (iii) Keep records of all permits issued, inspections made, work approve and other official actions.
- (iv) Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
- (v) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation, and map or text amendments within 10 days after they are granted or denied, to the appropriate district office of the Department.
- (vi) Investigate and report violations of this ordinance to the appropriate City Planning Commission and the district attorney, corporation counsel or municipal attorney.

(b) Zoning/Building Permits

(i) When Required

Unless another section of this ordinance specifically exempts certain types of development from this requirement, a zoning/building permit shall be obtained from the zoning administrator before any new development, as defined in section (8) (b) (4) this ordinance, or any change in the use of existing building or structure is initiated.

(ii) Application

An application for a zoning/building permit shall be made to the zoning administrator upon forms furnished by the city and shall include, for the purpose of proper enforcement of these regulations the following information:

(1) General Information

- a) Name, address and telephone number of applicant, property owner and contractor, where applicable.
- b) Legal description of the property and a general description of the proposed use or development
- c) Whether or not a private water or sewage system is going to be installed.

(2) Site Development Plan

The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

- a) Dimensions and are of the lot;
- b) Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
- c) Location of any existing or proposed on-site sewage systems or private water supply systems;
- d) Location of the ordinary high-water mark of any abutting navigable waterways;
- e) Location and landward limit of all wetlands;
- f) Existing and proposed topographic and drainage features and vegetative cover;
- g) Location of a floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
- h) Location of existing or future access roads; and
- i) Specifications and dimensions for areas or proposed wetland alteration.

(3) Expirations

All permits issued under the authority of this ordinance shall expire one year from the date of issuance.

(c) Certificates of Compliance

- (i) Except where no zoning/building permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the zoning administrator subject to the following provisions:
 - (1) The certificate of compliance shall show that the building or premises or par thereof, and the proposed use thereof, conform the provisions of this ordinance.
 - (2) Application for such certificate shall be concurrent with the application for a zoning/building/conditional use permit.
 - (3) The certificate of compliance shall be issued with 10 days after the completion of the work specified in the zoning/building/conditional use permit, providing the building or premises or proposed use thereof conforms to all the provisions of this ordinance.
- (ii) The zoning administrator may issue a temporary certificate of compliance for a building, premises or part hereof pursuant to rules and regulations established therefore, by the city council.
- (iii) Upon written request from the owner, the zoning administrator shall issue a certificate of compliance for any building or premises existing at the time of adoption, certifying after inspection, the extent and type of use made by the

building or premises and whether or not such use conforms to the provision of this ordinance.

(d) Conditional Use Permits

(i) Application

Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and conditional use permit has been granted by the board of Appeals, following the procedures in section (5) (h) (2) through (5) (h) (4) of this ordinance, for hearing and deciding appeals.

(ii) Conditions

Upon consideration of the permit application and the standards applicable to the permitted uses in section (3) (d) of this ordinance, the Board of appeals shall attach such conditions to a conditional use permit, in addition to those required elsewhere in the ordinance, as are necessary to further the purposes of this ordinance as listed in section (1) (c) of this ordinance. Such conditions may include specification for, without limitation because of specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restriction; location of piers; docks, parking areas and signs; and types of construction. To secure information upon which to base its determination, the Board of Appeals require the applicant to furnish, in addition to the information required for a zoning/building permit, other pertinent information which is necessary to determine of the proposed is consistent with the purpose of this ordinance.

(e) Fees

Fees for Zoning/building/conditional use permits shall be based on section 16.02 (vii) of the municipal Building Code.

(f) Recording

Where a zoning/building permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structure permitted.

(g) Revocation

Where the conditions of a zoning/building permit or conditional use permit are violated, the permit shall be revoked by the Board of Appeals.

(h) Board of Appeals

The city mayor shall appoint a board of appeals under section 62.23 (7) €, Wis. Stats., consisting of five members subject to confirmation by the Common Council. The Board of Appeals shall adopt rules for the conduct of the business of the Board of Appeals as required by section 62.23 (7) (e) (3), Wis. Stats.

(i) Powers and Duties

- (1) Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (2) Hear and decide application for conditional use permits.
- (3) May authorize upon appeal in specific cases, such variance from the terms of the ordinance as shall not be contrary the public interest, where owing to special conditions, a literal enforcement of the ordinance will result in unnecessary hardship. In the issuance of a variance, the spirit of the ordinance shall be observed and substantial justice done. No variance from the terms of this ordinance shall be granted which is contrary to the public interest. A variance may be granted where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. The granting of a variance shall not have the effect of granting or extending any use of property which is prohibited in that zoning district by this ordinance.

(ii) Appeals to the Board

Appeals to the Board of appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community effected by any order, requirement, decision or determination of the zoning administrator or other administrative official. Such appeals shall be taken within a reasonable time as provided by the rules of the board by filing with the official from whom the appeal is taken, shall transmit to the Board all the papers constituting the record on which the appeal action was taken.

(iii) Public Hearings

- (1) Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The board shall give public notice of the hearing by publishing a class 2 notice under CH. 985, Stats, specifying the date, time and place of the hearing and the matters to come before the board. At the public hearing, any party may appear in person, by agent or by attorney and present testimony.
- (2) A copy of such notice shall be mailed the parties in interest and the appropriate district office of the Department at least 10 days prior the public hearings on issues involving shore land-wetland zoning.

(iv) Decisions

- (1) The final disposition of an appeal, or application for conditional use permit, to the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board chairperson. Such decision shall state the specific facts which are the basis for the Board determination and shall either affirm, reverse, or

modify the order, requirement, and decision or determination appeals, in whole or in part, dismiss the appeal for lack of jurisdiction or persecution, or grant the application for a conditional use.

- (2) A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days aft the decision is issued.

(6) Amending Shore land-Wetland zoning Regulations

- (a) The City Council may from time to time, alter, supplement or change the district boundaries and the regulations contained in this ordinance accordance with the requirements of section 62.23 (7) (d) (2), Wis. Stats, and the following:
 - (i) The copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the City Planning Commission.
 - (ii) All proposed text and map amendment to the shore land-wetland zoning regulations shall be referred to the City Planning Commission, and a public hearing shall be held as required by section 62.23 (7) (d) (2), Wis. Stats. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.
 - (iii) In order to insure that the shore land protection objectives in section 144.26 Stats, will be accomplished by the amendment, the City Council may be accomplished by the amendment, the city council may not rezone a wetland in a shore land-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, and the recharge of groundwater from a wetland to another area of the flow of groundwater through a wetland
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters
 - (4) Shoreline protection against soil erosion
 - (5) Fish spawning, breeding, nursery or feeding grounds,
 - (6) Wildlife habitat; or
 - (7) Areas of special recreational, scenic, or scientific interest, including scarce wetland types and habitat of endangered species.
 - (iv) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section (6) (a) (3) of this ordinance, the Department shall so notify the City of its determination either prior to or during the public hearing held on the proposed amendment.
 - (v) The appropriate district office of the Department shall be provided with:

- (1) A copy of the recommendation and report, if any, of the City Planning Commission on the proposed text or map amendment, within 10 days after the submission of those recommendations to the City Council and;
- (2) Written notice of the City Council's action on the proposed text or map amendment within 10 days after the action is taken.

(vi) If the department notifies the City Planning commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in section (6) (a) (3), of this ordinance, that proposed amendment, if approved by the City Council may not become effective until more than 30 days have elapsed since written notice if the City Council approval was mailed to the department as required by section (6) (b) (5) of this ordinance. If within the 30 day period the department notifies the City Council that the Department intends to adopt a superseding shore land-wetland zoning ordinance for the City under section 62.231 (6) and 61.351 (6) Wis. Stats. the proposed amendment may not become effective until the ordinance adoption procedure under section 62.231 (6) and 61.315 (6) Wis. Stats. is completed or otherwise terminated.

(7) Enforcement and Penalties

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this ordinance in violation of the provision of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the City Planning Commission and the district attorney, corporation counsel or municipal attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$500.00 per offense, together with the taxable costs of such action. Each day of continued violations shall constitute a separate offense. Every violation of this ordinance is a public nuisance the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the city, state, or any citizen thereof pursuant to section 87.30 (2), Wis. Stats.

(8) Definitions

- (a) For the purpose of administering and enforcing this ordinance the terms or works used herein shall be interpreted as follows: words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- (b) The following terms used in this ordinance mean:

- (i) “Accessory structure or use” means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.
- (ii) “Boathouse” as defined in section 30.121 (1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.
- (iii) “Department” means the Wisconsin Department of Natural Resources.
- (iv) “Development” means any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials
- (v) “Drainage system” means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to the point of discharge.
- (vi) “Environmental control facility” means any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, including facilities installed principally to supplement or replace existing property or equipment not meeting or allegedly meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (vii) “Fixed houseboat” as defined in section 30.121 (1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spud poles attached to the bed of the waterway.
- (viii) “Navigable waters” means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under section 144.26 (2) (d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shore land ordinances required under section 61.351 and 62.231, Wis. Stats, and chapter NR 117, Wis. Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
 - (1) Such lands are not adjacent to a natural navigable stream or river;
 - (2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching, and
 - (3) Such lands are maintained in nonstructural use.

- (ix) “Ordinary high water mark” means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or the easily recognized characteristic.
- (x) “Planning Commission” means the City Plan Commission created under section 62.23 (1) Wis. Stats., a board of public land commissioners or a committee of the municipality’s governing body which acts on matters pertaining to planning and zoning.
- (xi) “Regional Flood” means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur or be exceeded one particular stream because of like physical characteristics once in every 100 years.
- (xii) “Shore lands” means lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (xiii) “Shore land-wetland district” means the zoning district, created in this shore land-wetland ordinance, comprised of shore lands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this ordinance as described in section (3) (b) of this ordinance.
- (xiv) “Conditional use” means a use which is permitted by this ordinance, provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Appeals or, where appropriate, the planning commission designated by the City Council.
- (xv) “Unnecessary hardship” means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this ordinance.
- (xvi) “Variance” means an authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- (xvii) “Wetlands” means those areas where water is at, near or above the land surface long enough to support aquatic or hydrophobic vegetation and which have soils indicative of wet conditions.
- (xviii) “Wetland alteration” means any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction a wetland area.

SECTION 18.04 EXTRATERRITORIAL ZONING

- (1) The City of Mondovi has, by Resolution No. R-87-9-1, declared the following described area to be zoned within the City’s extraterritorial zoning jurisdiction:
Commencing at the NW corner of Sec. 3, Twp. 24 N., Rge. 11 W. as a point of beginning; thence E. along the N. section lines to the NE corner of Sec. 6, Twp. 24 N.,

Rge. 10 W.; thence S. along the E. section lines to the SE corner of Sec. 19, Twp. 24 N., Rge. 10 W.; thence W. along the S. section lines to the SW corner of Sec. 22, Twp. 24 N., Rge. 11 W.; thence N. along the W. section lines to the point of beginning, Buffalo County.

- (2) Pursuant to s. 62.23 (7a) (a) (b), Wis. Stats., all existing uses in the extraterritorial zoning jurisdiction described above are hereby declared to be the permitted zoning ad uses pending completion of the comprehensive zoning plan.
- (3) This ordinance shall be effective for not longer than two years from the date of its enactment.
- (4) The City Clerk is directed to publish this ordinance as a Class I notice and is further directed to mail a certified copy of this ordinance to the Buffalo County Clerk and to the Clerks of the Towns of Mondovi and Naples, Buffalo County, Wisconsin, and further to file a copy of this ordinance with the City Planning Commission.

SECTION 18.05 PLAT REVIEW AND APPROVAL

(1) Submission with Preliminary Plat

With each submission of a preliminary plat here shall be included an Erosion and Sedimentation Control Plan which shall show:

- (a) Topographic map with contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slop of the ground surface is 10% or more.
- (b) Soil map showing the soils mapping units according to “ASCS” maps for Buffalo County published by the U.S> Department of Agriculture, Soil Conservation Service.
- (c) The area where the natural vegetation will be removed.
- (d) The areas where the topsoil and backfill will be stockpiled during development.
- (e) The areas where temporary vegetation, permanent vegetation and/or mulching will be established.
- (f) The areas of land to be exposed during development.
- (g) The location of improvement to be provided for increased run off caused by changed soil and surface conditions during and after development.
- (h) The other necessary measures as determined by the City Engineer.

(2) Submissions with Final Plat

With each submission of a Final Plat there shall be included an Erosion and Sedimentation Control Plan which shall show:

- (a) The ways in which the vexation that will not be removed will be protected during development.
- (b) The areas where topsoil and backfill will be stockpiled and the ways in which they will be anchored to prevent washing.
- (c) The kind, timing, and location of temporary vegetation, permanent vegetation, and/or mulching to be established in areas subject to erosion.
- (d) The length of time areas of land will be exposed during development.

- (e) The size, type, location and timing of installation of permanent vegetation, sediment basins, drainage ways, improvements such as streets and storm sewers, and other features of development capable of accommodating increased run-off caused by soil and surface conditions changed by development.

(3) General Provisions

In order to prevent soil erosion, siltation, sedimentation, and washing, the subdivide shall make provisions for disposal of water and the protection of soil surfaces during and after construction. The subdivide shall so state these provisions in the Erosion and Sedimentation Control Plan submitted as a requirement to platting.

(4) Review of Plans by City Plan Commission

The following criteria shall serve as guidelines for review of the Erosion and Sedimentation Control Plan. The City Plan Commission shall find:

- (a) That the development plan is fitted to the topography, soils, and vegetative cover so that minimal erosion will result.
- (b) That reasonable effort is made to protect and retain except for noxious trees and plants, all existing trees, shrubbery, vines, and grasses not actually lying in the public roadways, drainage ways, building foundation sites, private driveways, soil absorption water disposal areas, paths, and trails (noxious plants are excepted).
- (c) That topsoil and backfill which are removed during development are stockpiled or hauled away so as not to contribute to the erosion hazard.
- (d) Where inadequate vegetation exists, temporary or permanent vegetation and/or mulching is established to protect critical areas during development.
- (e) That the smallest practical area of land is exposed at one time during development at that such exposure is kept the shortest practical period of time.
- (f) The permanent vegetation, drainage ways, sediment basins, improvements such as streets and storm sewers, and other features of development, capable of effectively accommodating the increased amounts of velocity and other characteristics of run-off caused by changed soil and surface conditions expected during and after development, are scheduled for installation of the greatest extent possible before removing vegetative cover from an area.

(5) Easements and Restrictive Covenants

- (a) Easements across lots or centered on rear or side lot line shall be provided for utilities where required by the plan commission and shall be at least ten feet wide.
- (b) A drainage easement in favor of the city, centered on rear lot lines, shall be provided on all subdivisions of land. Such easement shall, at a minimum, contain the following restrictions:
 - (i) Any obstruction to the flow of water, by any means, shall be prohibited
 - (ii) No structure, earthen berm, dam, erection of other improvement, tree, or landscaping shall be permitted.

- (iii) The erection of a fence or annual plantings may be allowed provided that same do not obstruct the flow of water.
 - (iv) Grantor (property owner) is prohibited from changing the grade elevation of the drainage easement from that established by grantee.
 - (v) Grantee shall have full rights of ingress and egress to carry on and all work in connection with the maintenance and operation in, over, under and across the lands of grantor.
 - (vi) The property covered by said easement shall not be used in any way or manner that will impair the rights of the grantee.
 - (vii) The easement shall run with the land and shall be binding upon the grantees, lessees, successors, heirs and assigns of grantor and grantee.
 - (viii) The easement shall be assignable.
- (c) The storm water covenant shall be provided on the face of each subdivision as follows: The land on the side of the lots within the area shall be graded by the sub divider and maintained by the abutting property owner to provide for the adequate drainage of surface water.
- (d) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way of sufficient width conforming substantially to the lines of such watercourse. Grading or construction adequate for the purpose may be required. Wherever possible, the drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow as determined by the plan commission. Such improvement shall be installed prior to council approval of the final plat.
- (e) A storm water covenant shall be provided on each plat as follows: the land on the rear of the all lots and on the side of lots (specified) within the area shall be graded by the sub divider and maintained by the abutting property owner to provide for the adequate drainage of surface water.