

TITLE 13

Zoning

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Floodplain Zoning

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Article A: Introduction; Definitions

Sec. 13-1-1 Authority.

These regulations are adopted under the authority granted by Secs. 61.35 and 62.23(7), Wis. Stats.

Sec. 13-1-2 Short Title.

This Chapter shall be known as, referred to or cited as the "Zoning Code, Village of Combined Locks, Wisconsin."

Sec. 13-1-3 Purpose.

The purpose of this Chapter is to promote the health, safety, prosperity, aesthetics and general welfare of the Village of Combined Locks.

Sec. 13-1-4 Intent.

It is the general intent of this Chapter to:

- (a) Regulate and restrict the use of all structures, lands and waters;
- (b) Regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways;
- (c) Secure safety from fire, flooding, panic and other dangers;
- (d) Provide adequate light, air, sanitation and drainage;
- (e) Prevent overcrowding; avoid undue population concentration;
- (f) Facilitate the adequate provision of public facilities and utilities;
- (g) Stabilize and protect property values;
- (h) Further the appropriate use of land and conservation of natural resources;
- (i) Preserve and promote the beauty of the Village of Combined Locks;
- (j) Implement the Village comprehensive plan or plan components;
- (k) Provide for the administration and enforcement of this Chapter and to provide penalties for its violation.

Sec. 13-1-5 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits

previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of the Chapter shall govern.

Sec. 13-1-6 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 13-1-7 Effective Date.

This Chapter shall be originally effective after a public hearing, adoption by the Village Board and publication or posting as provided by law.

Sec. 13-1-8 Definitions.

- (a) For the purposes of this Chapter, the following definitions shall be used:
- (1) **Accessory Building.** A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building, not including a garage as defined herein.
 - (2) **Accessory Use.** A use subordinate in nature, extent or purpose to the principal use of the building or lot.
 - (3) **Advertising Sign, Outdoor.** A structural poster panel or painted sign, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
 - (4) **Advertising Structure, Outdoor.** Anything constructed or erected, either free standing or attached to the outside of a building, for the purpose of conveying information, knowledge or ideas to the public about a subject either related or unrelated to the premises upon which located.
 - (5) **Alley.** A way which affords only a secondary means of access to abutting property and which is not more than twenty-four (24) feet wide.
 - (6) **Alteration.** A change or rearrangement in the structural parts of a structure, an enlargement of a structure, whether by extending on the side or by increasing the height, or the movement of a structure from one (1) location to another.
 - (7) **Apartment.** A portion of a residential or commercial building used as a separate housing unit.
 - (8) **Apartment House.** See "Dwelling, Multiple."

- (9) **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
- (10) **Automobile Service Stations.** Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and where, in addition, minor repair work may be performed such as ignition service, tire repair, repair and replacement of minor parts such as pumps and filters brake service and the like. An automobile service station is not a repair or body shop.
- (11) **Automobile Wrecking Yard.** The dismantling, crushing, shredding, or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.
- (12) **A Zones.** Areas shown on the "Official Floodplain Zoning Map" which would be inundated by the "base flood" or "regional flood" as defined herein. These areas may be numbered A0, A1 to A30 or A99. A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- (13) **Basement or Cellar.** A story partly underground but having at least one-half (1/2) of its height, or more than five (5) feet, below the mean level of the adjoining ground. See DILHR Chapters 20, 21 and 22.
- (14) **Boarding House.** A building other than a hotel where meals or lodging and meals are served for compensation for not more than six (6) persons.
- (15) **Buildable Area.** Buildable area includes the portion of a lot remaining after the required yards have been provided. Buildings may be placed in any part of the buildable area, but limitations on percent of the lot which may be covered by buildings may require open space within the buildable area.
- (16) **Building.** A structure having a roof and intended for the shelter, housing or enclosure for persons, animals or chattel.
- (17) **Building, Alterations Of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (18) **Building, Front Line Of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (19) **Building Frontage.** For purposes of computation of number and area of signs permitted on buildings, in cases where lineal feet of building frontage is a determinant, the frontage of a building shall be computed as nearly at ground level as computation of horizontal distance permits. In cases where this test is indeterminant or can not be applied, as for instance where there is a diagonal corner entrance or where two (2) sides of a building have entrances of equal importance and carry approximately equal volumes of pedestrian traffic, the Building Inspector shall select building frontage on the basis of interior layout of the buildings, traffic on adjacent streets, or other indicators available. (See also lot frontage).

- (20) **Building, Height Of.** The vertical distance from the mean elevation of a finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs.
- (21) **Building Line.** Building line is the rear edge of any required front yard or the rear edge of any required setback line.
- (22) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
- (23) **Business.** Includes the commercial, limited industrial and general industrial uses and districts as herein defined.
- (24) **Carport.** See "Garage."
- (25) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or nonboarding basis only.
- (26) **Club.** A building owned, leased or hired by a nonprofit association of persons who are bona fide members, the use of which is restricted to said members and their guests.
- (27) **Common Open Space.** A parcel or parcels of land or an area of water or combination of land and water designated and intended for either the recreational use and enjoyment of residents of the development for which it was established and for the general public, or for the exclusive recreational use and enjoyment of residents of the development from which it was established. No yard required in connection with any principal use or structure shall be designated or intended for use as common open space.
- (28) **Community Living Arrangement.** The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 69.97(15), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (29) **Conditional Use.** A use of land, water or building which is allowable only after the issuance of a special permit by the Village Board under conditions specified in this Chapter.
- (30) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (31) **Convalescent Home, Children's Home, Nursing Home.** A place where regular care is provided to three (3) or more infirmed persons, children, or aged persons, who are not members of the family if care is provided in a private residence. This definition

shall include institutions whether operated for profit or not including places operated by units of government.

- (32) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (33) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (34) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- (35) **Day Care Center.** A place or home which provides care for four (4) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.
- (36) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mobile homes, mining, dredging, filling, grading, paving excavation or drilling operations, and deposition of materials.
- (37) **Dog Kennel.** A place where more than two (2) adult dogs are boarded for a fee on a recurrent basis, or a place where more than three (3) adult dogs are kept for any purpose.
- (38) **Drive-In Restaurant.** Any establishment dispensing or serving food in automobiles including those establishments where customers serve themselves and may eat or drink in the building or in their automobiles on the premises.
- (39) **Dwelling, Single-Family Attached.** A building containing not more than one (1) dwelling unit attached at the side or sides in a series or group of three (3) or more buildings each containing not more than one (1) dwelling unit. Each building shall be separated from the adjoining building or buildings by a party wall or walls extending from footings through roofs. The term attached dwelling is intended to imply townhouses, patio or atrium houses, or any form which conforms to this definition.
- (40) **Dwelling, Single-Family Detached.** A building containing not more than one (1) dwelling unit, entirely separated from structures on adjacent lots. The term detached dwelling shall not include mobile homes, travel trailers, or other forms or portable or temporary housing.
- (41) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (42) **Dwelling, One-Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family, whether attached, detached or semi-attached. Shall include specially designed buildings covered by earth and manufactured homes.
- (43) **Dwelling, Two-Family.** A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.

- (44) **Dwelling, Multiple.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.
- (45) **Dwelling Group.** A group of two (2) or more multi-family dwellings occupying a lot in one (1) ownership with any two (2) or more dwellings having any yard or court in common.
- (46) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (47) **Encroachment.** Any fill, structure, building, accessory use or development in the floodway.
- (48) **Equal Degree of Hydraulic Encroachment.** Any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodway.
- (49) **Erected.** Anything built, constructed, reconstructed, moved upon, or any physical operation on the premises required for building. Excavation, fill, drainage, demolition of an existing structure and the like shall be considered part of erection.
- (50) **Family.** One (1) or more persons immediately related by blood, marriage, adoption or guardianship and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage, adoption or guardianship. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.
- (51) **Family Day Care Center/Home.** A place where day care is provided to four (4) or more children who are not members of the family which resides on the premises, provided this definition shall not include public or private schools organized, operated or approved under Wisconsin law.
- (52) **Farm.** Land consisting of five (5) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.
- (53) **Flood Fringe.** That portion of the flood plain between the flood plain limits and the floodway area which is covered by flood waters during the regional flood. The flood fringe is generally associated with standing water rather than rapidly flowing water.
- (54) **Flood Hazard Boundary Map/Flood Insurance Study Map.** A map prepared by the U.S. Department of Housing and Urban Development designating areas of special flood hazard or flood insurance rate zones. Flood hazard and insurance rate zones are designated A Zones. Said maps form the basis for the regulatory and/or the insurance aspects of the National Flood Insurance program.

- (55) **Flood Plain.** Land which has been or may be covered by flood water during the regional flood. The flood plain encompasses both the floodway and flood fringe district.
- (56) **Flood Protection Elevation.** A point two (2) feet of freeboard above the water surface profile associated with the regional flood and the official floodway lines (see freeboard).
- (57) **Floodway.** The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the floodwaters or flood flows of any river or stream associated with the regional flood.
- (58) **Floor Area.** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (59) **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats., and amendments thereto.
- (60) **Freeboard.** A factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects or urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.
- (61) **Frontage.** All of the property abutting on one (1) side of a street measured along the street line.
- (62) **Garage.** A building or portion thereof used exclusively for parking or temporary storage of self-propelled vehicles.
- (63) **Garage, Private.** An accessory structure designed or used for inside parking of private passenger vehicles, recreation vehicles, or boats, by the occupants of the principal structure.
- (64) **Garage, Public.** A building other than a private or storage garage used for the care, repair or storage of self-propelled vehicles or where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.
- (65) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed

- to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.
- (66) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (67) **Height, Building.** A building's vertical measurement, from the mean level of the finished grade in front of the building to the highest point on the roof line of a flat roof or of a roof having a slope of less than fifteen (15) degrees from the horizontal, and to a point midway between the peak and the eaves of a roof having a slope of fifteen (15) degrees or more.
- (68) **Home Occupation.** Any business or profession carried on only by a member of the immediate family residing on the premises, carried on wholly within the principal building thereto and meeting the standards of Section 13-1-91.
- (69) **Hotel.** An establishment where sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings and boarding houses, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients. Hotels may serve meals to both occupants and others. The term hotel is also intended to imply? motel, motor court, motor lodge, tourist court or any form which conforms to this definition.
- (70) **House Trailer.** A nonself-propelled vehicle, containing living or sleeping accommodations which is designed and used for highway travel.
- (71) **Junk Yard.** An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.
- (72) **Landscaping.** Landscaping shall consist of, but not be limited to, grass, ground covers, shrubs, vines, hedges, trees, berms and complimentary structural landscape architectural features such as rock, fountains, sculpture, decorative walls and tree wells.
- (73) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley
- (74) **Lot.** A parcel of land use or set aside and available for use as the site for one (1) or more buildings and buildings accessory thereto or for any other purpose, in one (1) ownership and not divided by a street nor including any land within the limits of a public or private street right-of-way. The term record lot shall mean land designated as a district and separate parcel on a legally recorded deed or plat in the County Clerk's Office.

- (75) **Lot Coverage.** The percentage of lot area that is covered or occupied by buildings, including accessory buildings, or the percentage of a lot that may be covered or occupied by buildings, including accessory buildings, under the terms of these regulations.
- (76) **Lot Depth.** Depth of a lot shall be considered to be the distance between midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (77) **Lot Frontage.** The front of an interior lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as set out in these zoning regulations. For the purpose of computing number and area of signs, frontage of a lot shall be established by orientation of the frontage of buildings thereon, or of principal entrance points to the premises if building frontage does not clearly indicate lot frontage. If neither of these methods are determinant, the Building Inspector shall select on the basis of traffic flow on adjacent streets, and the lot shall be considered to front on the street with the greater flow.
- (78) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (79) **Lot Width.** Width of a lot shall be considered to be the distance between each side lot line as measured along the street line (or right-of-way line). However, the width of lots facing cul-de-sacs may be reduced to not less than eighty-five percent (85%) of the normal required width.
- (80) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (81) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (82) **Lot, Zoning.** A single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.
- (83) **Marquee or Canopy.** A roof-like structure of permanent nature which projects from the wall of a building.
- (84) **Manufactured Home.** A structure certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
- a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

- b. Is installed in accordance with the manufacturer's instructions;
 - c. Is properly connected to utilities; and
 - d. Meets other applicable standards of this Chapter.
- (85) **Mobile Home.** Every vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid noncollapsible construction, except that excluded from this definition is every "manufactured home" as defined above.
- (86) **Mobile Home Park.** Premises where mobile homes are located for non-transient living purposes and where sites or lots are set aside or offered for lease or rent for use by mobile homes for living purposes, including any land, building, structure, or facility used by occupants of mobile homes on such premises.
- (87) **Mobile Home Site.** A mobile home site is a lot or parcel within a mobile home park, designated for the accommodation of not more than one (1) mobile home.
- (88) **Mobile Home Subdivision.** Premises where mobile homes are located for non-transient living purposes and where lots are set aside or offered for sale for use by mobile homes for living purposes in with the Village subdivision regulations, including land, building, structure, or facility used by occupants or mobile homes on such premises.
- (89) **Motel.** A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.
- (90) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (91) **Motor Vehicle.** Any passenger vehicle, truck, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.
- (92) **Net Acre.** The total acreage of a lot, tract, or parcel excluding land in existing and proposed streets and street right-of-ways.
- (93) **Net Density.** The term net density refers to the number of residential dwelling units permitted per net acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel not including streets or street right-of-ways. In the determination of the number of dwellings to be permitted on a specified parcel of land, a fractional unit shall not entitle the applicant to an additional unit.
- (94) **Nonconforming Building or Structure.** Any building or structure which does not comply with all of the regulations of this Chapter or of any amendment hereto regulating any building or structure for the Zoning District in which such building or structure is located.
- (95) **Nonconforming Use.** Any use of land, buildings or structures which does not comply with all of the regulations of this Chapter or of any amendment hereto governing use for the Zoning District in which such use is located.

- (96) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (97) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- (98) **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (99) **Office, Business.** A business office is an office for such activities as real estate agencies, advertising (but not sign shops), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies or insurance companies, stockbrokers, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on the premises to a customer. A barber and beauty shop is not a business office.
- (100) **Office, Professional.** A professional office is an office for the use of a person or persons generally classified as professionals, such as architects, engineers, attorneys, accountants, doctors, dentists, veterinarians, psychiatrists, psychologists and the like. It is characterized by offering consultive services.
- (101) **Parking Area, Semi-Public.** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (102) **Parking Space.** An off-street space available for the parking of a motor vehicle and which is exclusive of passageways and driveways, appurtenant thereto and giving access thereto, except as in Section 10-1-16(3)(c).
- (103) **Place.** An open unoccupied space other than a street or alley, permanently reserved as the principal means of access to abutting property.
- (104) **Planned Unit Development.** A residential land development comprehensively planned as an entity via a unitary plan which permits flexibility in building siting, mixtures of housing types, usable open spaces and the preservation of significant natural resources.
- (105) **Property Lines.** The lines bounding a platted lot as defined herein.
- (106) **Public Way.** Any sidewalk, street, alley, highway or other public thoroughfare.
- (107) **Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions used to conduct their professions where the office does not exceed the standards in Section 13-1-72 and only one (1) nonresident person is employed.
- (108) **Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

- (109) **Reach, Hydraulic.** That portion of the river or stream extending from one (1) significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile and may be caused by bridges, dams, expansion and contraction of the water flow, and changes in the stream bed slope or vegetation.
- (110) **Regional Flood.** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of similar characteristics once every one hundred (100) years; this means that in any given year there is a one percent (1%) chance that the regional flood may occur or be exceeded. (Also referred to as the base flood elevation).
- (111) **Regional Flood Elevation.** An elevation equal to that which reflects the height of the regional flood. (Also referred to as the base flood elevation).
- (112) **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for mental defectives or a college or other institution of higher learning.
- (113) **School, Commercial.** A school limited to special instruction such as business, art, music, trades, handicraft, dancing or riding.
- (114) **Shopping Center.** A commercial land development consisting of three (3) or more establishments, comprehensively planned as an entity via a unitary plan, under one (1) ownership or unified control or management.
- (115) **Sign, Number.** For the purpose of determining number of signs, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. In the case of double face signs, where both faces advertise a single facility, product, or service, the total sign shall not constitute a single sign. Where both faces do not advertise a single facility, product, or service, each sign face shall constitute a single sign. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (116) **Sign, On-Site.** A sign relating in its subject matter to the premises on which it is located. Unless provided otherwise, all permitted signs shall be on-site.
- (117) **Sign Types.**
- a. Detached sign is a sign not attached to or painted on a building but which is affixed to the ground, fence, or wall not part of a building.
 - b. Flat sign is a sign attached to or parallel to the face of a building or erected or painted on the outside wall of a building and where support of such sign is provided by the wall. No part of such sign shall extend more than eighteen (18) inches from the building.

- c. Marquee sign is a sign attached to or hung from a marquee projecting from and supported by a building.
- d. Projecting sign is a sign attached to and projecting eighteen (18) inches or more from the face of the wall of a building.
- (118) **Storage Capacity of a Flood Plain.** The volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.
- (119) **Story.** That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.
- (120) **Story, Half.** A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (121) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (122) **Street Line.** The dividing line between the street and the lot. The street line shall be the same as the legal right-of-way line.
- (123) **Structure.** Anything constructed or erected with a fixed location on the ground, or attached to something with a fixed location on the ground. Among other things structures include signs, fences, mobile homes and parking lots.
- (124) **Signs.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (125) **Structural Alterations.** Any change in the supporting members of a structure such as foundations, bearing walls, columns, beams or girders.
- (126) **Trailer Park.** Any lot on which are parked two (2) or more house trailers or mobile homes for longer than forty-eight (48) hours.
- (127) **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (128) **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."
- (129) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (130) **Use, Conditional.** See definition (29).
- (131) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.

- (132) **Yard.** An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward provided, however, that fences, walls, poles, posts and other customary yard accessory ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.
- (133) **Yard, Front.** A yard extending across the front of a lot between the side lot lines, and extending from the street line to the foundation of the principle structure. Additionally, projections, to include front porches and overhangs, shall not extend more than five (5) feet from the foundation of the principle structure.
- (134) **Yard, Rear.** A yard extending across the rear of a lot between the side lot lines, and extending from the rear property line to the nearest line of the principal structure or projection of the principal structure.
- (135) **Yard, Side — for Principal Structure.** A yard extending between the foundation of the nearest building and the side lot line, and extending from the front lot yard to the rear yard. Eave restrictions in Section 13-1-22 apply.
- (136) **Yard, Side — for Accessory Structure.** A yard extending between the nearest building, or projection thereto, and the side lot line, and extending from the front yard to the rear yard.
- (137) **Yard, Corner Side.** A side yard which adjoins a public street.
- (138) **Yard, Interior Side.** A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.
- (139) **Yard, Street.** Yard abutting a street.
- (140) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (141) **Zoning District.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Sec. 13-1-9 through Sec. 13-1-19 Reserved for Future Use.

Article B: General Provisions

Sec. 13-1-20 General Application.

The regulations set forth herein in this Article shall supplement or modify the regulations set forth in Article C Zoning Districts.

Sec. 13-1-21 Jurisdiction and Compliance.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall include all lands and water within the corporate limits of the Village of Combined Locks, Wisconsin.
- (b) **Compliance.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this Chapter and all other applicable Village, county and state regulations.

Sec. 13-1-22 Lots and Yards.

- (a) **No More Than One (1) Building on a Lot.** Every principle building hereafter erected, converted, or enlarged or structurally altered in a residential district shall be located on a lot; and in no case shall there be more than one (1) principle building on a lot.
- (b) **Through Lots.** On through lots or lots with double frontage, the required yard shall be provided on each street. On corner lots the street side yard shall equal the required front yard for lots fronting on that street.
- (c) **Development in Mapped Streets.** Where an official line has been established for the future widening or opening of a street, the depth of a front yard or the width of a side yard shall be measured from such official line to the nearest line of the building.
- (d) **Access.** Every building housing a principal use hereafter erected or moved shall be on a lot with direct access to a public street and all such buildings shall be so located as to provide safe and convenient access for servicing and off-street parking.
- (e) **Building Groups.** In any non-residential district a group of buildings separated only by common or party walls shall be considered as one (1) building.
- (f) **Yard Encroachments.** Every part of every required yard shall be open and unobstructed from thirty (30) inches above the general ground level of the graded lot upward to the sky except as hereinafter provided or as otherwise permitted in these regulations:
 - (1) **Eaves.** Roof eaves may project into a required side yard not more than three (3) feet where the required side yard is eight (8) feet or more in width. Roof eaves may project into a required side yard not more than two (2) feet where the required side yard is less than eight (8) feet.

- (2) **Sills.** Sills, belt courses, conices, verticular solar screens and other ornamental features may project not over one (1) foot into a required yard.
 - (3) **Stairways and Balconies.** Fire escapes, stairways, and balconies whether unroofed, open and unenclosed or enclosed shall not intrude into required yards.
 - (4) **Solar Collectors.** Solar collectors which are part of the principal building may extend into a required rear yard for a distance not to exceed ten (10) feet, and solar collectors may extend into a required side yard, provided that they have a minimum seven (7) foot clearance from grade, and provided further that such extension shall be at least five (5) feet distant from the adjacent lot line and shall not extend more than three (3) feet from the building.
- (g) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Village Board, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she so desires.
- (h) **Street Frontage.** All lots shall abut upon a public street or other officially approved means of access, and each lot shall have a minimum frontage of thirty (30) feet at the building line; however, to be buildable, the lot shall comply with the frontage requirements of the Zoning District in which it is located.
- (i) **Principal Structures.** All principal structures shall be located on a lot. Only one (1) principal structure shall be located, erected or moved onto a lot. The Village Board may permit as a conditional use more than one (1) principal structure per lot in any district where more than one (1) such structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Village Board may impose additional yard requirements, landscaping requirements or parking requirements, or require a minimum separation distance between principal structures.
- (j) **Dedicated Street.** No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (k) **Preservation of Topography.** In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than one and one-half (1-1/2) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Village Board; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining

property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.

- (l) **Decks.** For purposes of this Chapter, decks shall be considered a part of a building or structure.

Sec. 13-1-23 Reduction or Joint Use.

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

Sec. 13-1-24 Common Open Space.

- (a) **Nature.** Common open space shall not include street right-of-ways, driveways, parking areas or yards required in connection with any building.
- (b) **Buildings and Structures.** Common open space areas may contain complementary buildings and structures appropriate for the recreational use and enjoyment of the residents of the development for which it was established.
- (c) **Dedication.** When common open space or any portion thereof is approved for dedication, and complementary improvements are completed and accepted, a deed shall be conveyed to the Village and the supervision and maintenance shall be the responsibility of the Village.
- (d) **Reservation.** When common open space or any portion thereof is to be reserved for the exclusive use and enjoyment of the residents of the development from which it was established, the developer shall establish conditions as to the ownership, maintenance, and use of such areas as deemed necessary by the Village to assure preservation of its intended purposes. Land designated as common open space shall be restricted by appropriate legal instrument satisfactory to the Village Attorney as open space perpetually or for a period of not less than ninety-nine (99) years. Such instrument shall be binding upon the developer, his successors and assigns, and shall constitute a covenant running with the land, and be in recordable form.
- (e) **Maintenance.** In the event that common open space is improperly maintained, the Village may serve written notice upon any property owner or association setting forth the manner in which such property owners or association has failed to maintain the common open space and demand maintenance deficiencies to be corrected within thirty (30) days. If the deficiencies as originally set forth or subsequently modified are not corrected within thirty (30) days, the Village may enter upon such common open space and current maintenance deficiencies. The cost of such maintenance shall be assessed ratable against the properties within the development that have the right to use the area and shall become a tax lien on

said properties. The Village at the time of entry shall file notice of any liens in the office of the Village Administrator.

Sec. 13-1-25 Landscaped Buffer.

- (a) **Generally.** The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other.
- (b) **Requirements.** Where these regulations require a landscaped buffer area, the following requirements shall be met:
 - (1) The landscaped buffer area shall not be less than eight (8) feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
 - (2) The area shall be so designed, planted and maintained as to be seventy-five percent (75%) or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally.
 - (3) Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
 - (4) Plantings shall be of a size and type which will insure the meeting of the seventy-five percent (75%) opacity requirement within no longer than twelve (12) months of the date of the first planting.
 - (5) Failure to maintain the landscaped buffer area as set out above shall be a violation of these zoning regulations.
- (c) **Substitution for Landscaped Buffer Area.** Except when otherwise specifically provided by these regulations, a six (6) foot high opaque structure set in a six (6) foot wide landscaped buffer area may be substituted for the six (6) foot high planted buffer above. If such opaque structure is of non-living material, for each ten (10) feet thereof, an average of one (1) shrub or vine shall be planted abutting such barrier but need not be spaced ten (10) feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover or other landscaping.
- (d) **Sight Distance.** When an accessway intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross-visibility at a level between two and one-half (2-1/2) feet and six (6) feet within the areas of property on both sides of the accessway formed by the intersection of each side of the accessway and public right-of-way lines with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the two (2) other sides. No structure

of landscaping except required grass or ground cover shall be located closer than three (3) feet from the edge of any accessway pavement.

Sec. 13-1-26 through Sec. 13-1-39 Reserved for Future Use.

Article C: Zoning Districts

Sec. 13-1-40 Establishment of Districts; Interpretation and Organization.

- (a) **Establishment of Districts.** For the purpose of this Chapter, the Village of Combined Locks is hereby divided into the following districts:

RSF - Residential Single-Family District
RNC - Residential Neighborhood Conservation District
RTF - Residential Two-Family District
RMF - Residential Multi-Family District
RTU - Residential Temporary Unclassified District

CD - Commercial District
CHD - Commercial Highway District

IND - Industrial District
IPD - Industrial Park District

IT - Institutional District
MH - Mobile Home District
CN - Conservancy District

FWD - Floodway District
FFD - Flood Fringe District
FPD - Village Flood Plain District

- (b) **Official Zoning Map.**

- (1) **Establishment.** The location and boundaries of all districts except those relating to flood plain regulations, shall be as shown on the map entitled the Official Zoning Map of Combined Locks, Wisconsin. The Official Zoning Map with all notations, dimensions, designations, references and other data shown shall accompany and be a part of this Chapter, and upon adoption by the Village Board shall be signed by the Village President and attested to by the Village Administrator.
- (2) **Amendment.** Amendments to the Official Zoning Map shall be approved by the Village Board in accordance with the regulations herein and Chapter 62.23, Wis. Stats., and shall promptly be portrayed on the Official Zoning Map. Amendments shall be effective upon adoption by the Village Board. All amendments shall be noted on the Official Zoning Map by date and ordinance number.

- (3) **Interpretation of Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
 - a. Boundaries as indicated as approximately following the center lines of streets, highways, alleys or a railroad right-of-way shall be construed to follow such center lines.
 - b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
 - c. Where boundaries do not follow property lines and distances are not specified on the Official Zoning Map, boundaries shall be determined by the use of the scale on the Official Zoning Map.
- (c) **Official Flood Plain Zoning Map.**
 - (1) **Establishment.** The location and boundaries of the Floodway, Flood Fringe and Village Flood Plain District established shall be as shown on the Flood Hazard Boundary Map, Flood Insurance Study Map or community flood plain map approved by the Department of Natural Resources and the Federal Insurance Administration. Upon adoption by the Village Board such map(s) shall accompany and be part of this Chapter.
 - (2) **Amendment.** Any proposed amendment to the Official Flood Plain Zoning Map shall be forwarded to the main office and appropriate district office of the Department of Natural Resources and the Federal Insurance Administration. No such amendment shall become effective until approved by the Department of Natural Resources and until a letter of map amendment has been issued by the Federal Insurance Administration. Amendments shall be approved by the Village Board in accordance with the regulations herein and Chapter 62.23, Wis. Stats.
 - (3) **Interpretation of Boundaries.** Where disputes arise concerning the location of the flood plain district boundaries, the following rules shall apply:
 - a. When the location of a boundary is established by experience flood maps or engineering studies, the flood elevations or "flood profiles" for the point in question shall be the governing factor in locating the district boundary. If no elevation or profiles are available, any other available evidence may be examined.
 - b. Anyone contesting the location of a district boundary shall have a reasonable opportunity to present their case and submit their own technical evidence. Deviations from the boundary as mapped shall not be allowed unless the evidence clearly and conclusively establishes that the mapped location of the line is incorrect, approval has been granted by the Department of Natural Resources and an official letter of map amendment has been issued by the Federal Insurance Administration.
- (d) **Interpretation and Organization.**
 - (1) District regulations shall be as set forth in this Article.
 - (2) Permitted principal and accessory uses and structures listed for any district shall be permitted by right, subject to conditions as specified.

- (3) Special exception uses (conditional uses) and structures listed for any district are permissible only upon approval by the Village Board subject to the conditions as specified and any other conditions as may be imposed as provided by this Chapter.
- (4) All uses and structures, dimensional, sign, and off-street parking requirements shall be subject to Supplementary District Regulations and, where applicable, Special Provisions.
- (5) Off-street loading requirements for all districts are specified in Supplementary District Regulations.
- (6) In those instances where district regulations set forth limited examples of permitted or permissible uses with reference to the phrase "and the like" or "and uses of a similar nature", it is understood that the examples serve as a guideline in determining other permitted or permissible uses.

Sec. 13-1-41 RSF Residential Single-Family District.

- (a) **Purpose.** This District is intended to provide for moderate density single-family detached residential development in traditional development forms. Certain structures and uses designed to serve governmental, educational, religious, and non-commercial recreational uses are also permitted or permissible as special exceptions subject to restrictions and requirements necessary to preserve and protect the residential character of the District.
- (b) **Permitted Principal Uses and Structures.**
 - (1) Single-family detached dwellings, excluding mobile homes; for purposes of this Chapter, manufactured homes are included in the definition of single-family dwelling.
 - (2) Manufactured homes complying with all of the following requirements and limitations:
 - a. The home shall be a double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
 - b. The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed. The enclosed foundation system shall be approved by the Building Inspector and/or Village Engineer; the Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 - c. The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
 - d. The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.
 - e. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Village of Combined Locks.

- (3) Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
- (4) Foster family care.
- (5) Home occupations and professional home offices.
- (6) Public and semi-public non-profit institutional uses including churches, schools, libraries, and the like provided principal access shall be directly onto a collector or arterial street.
- (7) Parks, playgrounds and community centers.
- (c) **Permitted Accessory Uses and Structures.**
 - (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Temporary structures in connection with the construction of principal structures provided such structures are not used for living purposes. Temporary structures shall not remain over one (1) year after construction of the principal structure commences.
- (d) **Special Exception Uses and Structures.**
 - (1) Day nurseries and kindergartens with at least one hundred (100) square feet of open play space per child enrolled.
 - (2) Convalescent homes, children's homes, or nursing homes.
 - (3) Public Utility installations.
 - (4) Cemeteries.
 - (5) Gardens, nurseries, and orchards provided no office or store is maintained on the premises.
 - (6) Community living arrangements/group homes, subject to criteria set forth in Sec. 62.23(7)(i), Wis. Stats.
 - (7) Clinics.
 - (8) Kennels as prescribed in Section 7-1-3(b).
- (e) **Dimensional Requirements.**
 - (1) **Single-Family Dwellings.**
 - a. Lot area: Seven thousand five hundred (7,500) square feet per dwelling;
 - b. Lot width: Seventy (70) feet;
 - c. Front set back: Twenty-five (25) feet;
 - d. Side yard: Total of fifteen (15) feet with a minimum of seven (7) feet;
 - e. Rear yard: Twenty-five (25) feet;
 - f. Maximum lot coverage: Thirty percent (30%);
 - g. Maximum height: Thirty-five (35) feet -- two and one-half (2.5) stories.
 - (2) **Other Permissible Principal Uses and Structures.**
 - a. Minimum dimensions: Lot area -- ten thousand (10,000) square feet;
 - b. Lot width: One hundred (100) feet; front -- twenty-five (25) feet;
 - c. Side yards: Fifteen (15) feet each;
 - d. Rear yard: Twenty-five (25) feet.

- e. Maximum lot coverage: Twenty-five percent (25%);
 - f. Maximum height: Thirty-five (35) feet [two and one-half (2-1/2) stories].
- (f) **Permitted Accessory Signs.**
- (1) One (1) subdivision identification sign limited to twenty-five (25) square feet in area.
 - (2) One (1) temporary sign for each street frontage advertising the sale or lease of real estate and one (1) temporary sign advertising the development of property. No temporary sign shall be erected within ten (10) feet of any adjacent side yard and no temporary sign shall remain after the sale, lease or development of the property.
 - (3) In connection with any public or semi-public institution, the following signs are permitted: One (1) identification sign limited to twenty-five (25) square feet in area, one (1) bulletin board limited to twenty (20) square feet in area and not more than two (2) temporary signs or banners limited to a combined area of thirty (30) square feet in connection with special events, provided that no such sign or banner shall be displayed for a period of more than two (2) weeks.
- (g) **Minimum Off Street Parking Requirements.**
- (1) Dwellings: One and one-half (1.5)/unit.
 - (2) Churches: One-third (1/3) fixed seats.
 - (3) High Schools: One-third (1/3) students -- employees.
 - (4) Elementary school, junior high school, day nurseries: One (1)/employee.
 - (5) Libraries, exhibits, community centers: One-third (1/3) persons of maximum capacity.
 - (6) Convalescent home, children's home, nursing home: One-quarter (1/4) beds plus one (1)/employee.
- (h) **Parking on Residential Properties Regulated.** On-premises storage of vehicles in the open is limited to current owners and current occupants of the property. Storage of a vehicle is herein defined as a licensed motor vehicle that is not operated by the owner or occupant on the roadway for ten (10) consecutive days.
- (i) **Other Requirements.** When property is used for any of the above allowable uses, it shall be landscaped and maintained in harmony with the surrounding area so as not to substantially interfere with the comfortable enjoyment of life or property by residents of the same area, nor to materially decrease the value of their properties. In the event of a new construction, a lawn shall be planted within six (6) months after the residence or other allowable building has been constructed. The Director of Public Works, on petition of the owner of the property, may grant written permission to such owner to deviate from the above provision where undue hardship would otherwise result.

Sec. 13-1-42 RNC Residential Neighborhood Conservation District.

- (a) **Purpose.** This District is intended to apply to older established residential areas which exhibit housing and neighborhood conservation needs. It is the intent of this District to enhance residential property values by facilitating renewal and redevelopment activities as well as facilitating continued adaptability of older residential structures to modern housing needs.

(b) **Permitted Principal Uses and Structures.**

(1) Permitted principal uses and structures one (1) through seven (7) in the RSF District.

(c) **Permitted Accessory Uses and Structures.**

(1) Permitted accessory uses and structures one (1) through three (3) in the RSF District.

(d) **Special Exception Uses and Structures.**

(1) Special exception uses and structures one (1) through four (4) in the RSF District.

(2) Two (2) family dwellings.

(3) Single-family attached dwellings provided adequate off-street parking is provided and that no required front yard shall be used for such parking. Findings shall also be made that street capacity exists to safely accommodate increases in traffic generated by such developments.

(4) Conversions of single-family dwellings to two (2) or more dwelling units provided: adequate on-street or off-street parking is available; no required front yard is needed or intended to be used for parking; off-street outdoor parking areas for more than two (2) automobiles shall be screened with landscaping or other appropriate screening material; street capacity exists to safely accommodate increases in traffic generated by the conversion; to the maximum extent practicable, exterior modifications of the structure necessitated by the conversion shall not be in view from any public way; and any exterior modifications of the structure necessitated by the conversion shall be done with materials similar in appearance, texture, color, and design with the principal structure.

(5) Community living arrangement/group homes, subject to criteria set forth in Sec. 62.23(7)(i), Wis. Stats.

(6) Clinics.

(e) **Dimensional Requirements.**

(1) **Single-Family Detached Dwellings.**

a. Lot area: Six thousand (6,000) square feet per dwelling;

b. Lot width: Fifty (50) feet;

c. Front yard: Twenty-five (25) feet;

d. Side yards: Six (6) feet each;

e. Rear yard: Twenty (20) feet.

f. Maximum lot coverage: Thirty percent (30%);

g. Maximum height: Thirty-five (35) feet [two and one-half (2-1/2) stories].

(2) **Two-Family Dwellings.**

a. Lot area: Six thousand two hundred (6,200) square feet; three thousand two hundred (3,200) square feet per dwelling;

b. Lot width: Fifty (50) feet;

c. Front yard: Twenty-five (25) feet;

d. Side yards: Seven (7) feet each;

e. Rear yard: Twenty-five (25) feet.

f. Maximum lot coverage: Thirty percent (30%);

g. Maximum height: Thirty-five (35) feet [two and one-half (2-1/2) stories].

(3) **Single-Family Attached Dwellings.**

a. Lot area: Ten thousand (10,000) square feet;

- b. Lot width: Eighty (80) feet.
 - c. Front yard: Twenty-five (25) feet;
 - d. Side yards: Twelve (12) feet each;
 - e. Rear yard: Twenty-five (25) feet.
 - f. Maximum density: Twelve (12) dwelling units per net acre;
 - g. Lot coverage: Twenty-five percent (25%);
 - h. Height: Thirty-five (35) feet [two and one-half (2-1/2) stories].
 - i. Not more than eight (8) dwelling units shall be contiguous or in one (1) group or series and not more than two (2) dwelling units in one (1) group or series shall have the same or approximately the same roof line or building line.
 - j. Not less than forty percent (40%) of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas.
 - k. A site plan under Section 13-1-224 is required for all single-family attached developments.
 - l. Common open space shall be subject to the requirements of Section 13-1-24.
- (4) **Other Permissible Principal Uses and Structures.**
- a. Lot area: Ten thousand (10,000) square feet;
 - b. Lot width: Eighty (80) feet;
 - c. Front yard: Twenty-five (25) feet;
 - d. Side yards: Ten (10) feet each;
 - e. Rear yard: Twenty-five (25) feet.
 - f. Maximum lot coverage: Twenty-five percent (25%);
 - g. Maximum height: Thirty-five (35) feet.
- (f) **Permitted Accessory Signs.**
- (1) Permitted accessory signs one (1) through three (3) in the RSF District.
- (g) **Off-Street Parking Requirements.**
- (1) Applicable requirements specified in the RSF District.
- (h) **Other Requirements.**
- (1) Other requirements specified in the RSF District.

Sec. 13-1-43 RTF Residential Two-Family District.

- (a) **Purpose.** This District is intended to provide for moderate to medium density residential development with emphasis on two-family and single-family attached residential uses. This District is also intended to provide for alternative development types and for infilling opportunities for parcels which for various reasons have been by-passed by development. Non-residential uses are limited to those which are compatible with the medium density character of the district.
- (b) **Permitted Principal Uses and Structures.**
- (1) Permitted principal uses and structures one (1) through seven (7) in the RSF District.
 - (2) Two-family dwellings.
 - (3) Single-family attached dwellings.
 - (4) Zero lot line two-family dwellings.

(c) **Permitted Accessory Uses and Structures.**

- (1) Permitted accessory uses and structures one (1) through three (3) in the RSF District.
- (2) Planned unit developments.

(d) **Dimensional Requirements.**

(1) **Single-Family Detached Dwellings.**

- a. Lot area: Seven thousand five hundred (7,500) square feet per dwelling;
- b. Lot width: Seventy (70) feet;
- c. Front set back: Twenty-five (25) feet;
- d. Side yard: Total of fifteen (15) feet with a minimum of seven (7) feet;
- e. Rear yard: Twenty-five (25) feet;
- f. Maximum lot coverage: Thirty percent (30%);
- g. Maximum height: Thirty-five (35) feet [two and one-half (2.5) stories].

(2) **Two-Family Dwellings.**

- a. Lot area: Nine thousand (9,000) square feet, four thousand five hundred (4,500) square feet per dwelling;
- b. Lot width: Seventy-five (75) feet;
- c. Front yard: Twenty-five (25) feet;
- d. Side yards: Eight (8) feet each;
- e. Rear yard: Twenty-five (25) feet.
- f. Maximum lot coverage: Thirty percent (30%);
- g. Maximum height: Thirty-five (35) feet [two and one-half (2-1/2) stories].

(3) **Zero Lot Line Two-Family Dwellings.**

- a. Lot area: Four thousand five hundred (4,500) square feet per dwelling.
- b. Lot width: Forty (40) feet per unit at the building line, with eighty (80) feet combined (at the building line).
- c. Setbacks:

1. Front yard: Twenty-five (25) feet.
2. Rear yard: Twenty (20) feet.
3. Side yards: Zero (0) on one side provided that:

The lot adjacent to that side yard is held under the same ownership at the time of the initial construction of the two-family attached dwelling. The adjoining side yard setback of the lot adjacent to the zero side yard is also zero.

The opposite side yard is not less than eight (8) feet.

Both units of the two-family attached dwelling are completed prior to occupancy of either unit.

Easements shall be provided upon each lot as may be necessary for water, sewer and all other utility services. Said easement shall be approved by each of the utility providers.

Foundation drains shall have a separate sump pump located at each dwelling unit.

State fire codes pertaining to zero lot line developments are incorporated in the construction of the common wall.

- d. Recording requirements:
 1. The zero lot line parcel is to be divided by certified survey, and referred for approval to the Village Board.
 2. Restrictive covenants shall be recorded at the Outagamie County Register of Deeds, providing declarations and/or bylaws similar to those typically recorded on a Declaration of Condominium. Said covenants shall provide for mediation of any and all disputes between owners of each unit and any third party with regard to construction, use, and maintenance of the real property. Furthermore, said covenants shall specifically state that the Village of Combined Locks and all approving authorities shall not be held responsible for same, and that said covenants shall insure to all heirs and assigns.
- (4) **Single-Family Attached Dwellings.**
 - a. Each single-family attached development shall have a minimum:
 1. Lot area: Eighteen thousand (18,000) square feet;
 2. Lot width: One hundred (100) feet.
 - b. Each group or series of single-family attached dwellings shall have a minimum:
 1. Front yard: Twenty-five (25) feet; side yards -- twelve (12) feet each;
 2. Rear yard: Twenty-five (25) feet.
 - c. Maximum density: Twelve (12) dwellings units per net acre;
 - d. Lot coverage: Twenty-five percent (25%);
 - e. Height: Thirty-five (35) feet [two and one-half (2-1/2) stories].
 - f. Not more than eight (8) dwelling units shall be contiguous or in one (1) group or series and not more than two (2) dwelling units in one (1) group or series shall have the same or approximately the same roof line or building line.
 - g. Not less than forty percent (40%) of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas.
 - h. A site plan under Section 13-1-224 is required for all single-family attached developments. Common open space shall be subject to the requirements of Section 13-1-24.
- (5) **Other Permissible Principal Uses and Structures.**
 - a. Lot area: Ten thousand (10,000) square feet;
 - b. Lot width: Eighty (80) feet;
 - c. Front yard: Twenty-five (25) feet;
 - d. Side yards: Ten (10) feet each;
 - e. Rear yard: Twenty-five (25) feet.
 - f. Maximum Lot coverage: Twenty-five percent (25%);
 - g. Maximum height: Thirty-five (35) feet [two and one-half (2-1/2) stories].
- (e) **Permitted Accessory Signs.**
 - (1) Permitted accessory signs one (1) through three (3) in the RSF District.
- (f) **Off-Street Parking Requirements.**
 - (1) Applicable requirements specified in the RSF District.
- (g) **Other Requirements.**
 - (1) Other requirements specified in the RSF District.

Sec. 13-1-44 RMF Residential Multi-Family District.

- (a) **Purpose.** This District is intended to provide for medium to high density residential areas with emphasis on multi-family residential use. Non-residential uses are limited to those which are compatible with the high density character of the district.
- (b) **Permitted Principal Uses and Structures.**
 - (1) Permitted principal uses and structures one (1) through seven (7) in the RSF District.
 - (2) Two-family dwellings.
 - (3) Single-family attached dwellings.
 - (4) Multi-family dwellings not exceeding three (3) stories or forty-five (45) feet in height.
- (c) **Permitted Accessory Uses and Structures.**
 - (1) Permitted accessory uses and structures one (1) through three (3) in the RSF District.
- (d) **Special Exception Uses and Structures.**
 - (1) Special exception uses and structures one (1) through seven (7) in the RSF District.
 - (2) Planned unit developments. (See Section 13-1-61).
 - (3) Multi-family dwellings exceeding three (3) stories or forty-five (45) feet in height.
- (e) **Dimensional Requirements.**
 - (1) **Single-Family Detached Dwellings.** As for the RTF District.
 - (2) **Two-Family Dwellings.** As for the RTF District.
 - (3) **Single-Family Attached Dwellings.** As for the RTF District.
 - (4) **Multi-Family Dwellings [Not Exceeding Three (3) Stories or Forty-five (45) Feet in Height.**
 - a. Lot area: Ten thousand (10,000) square feet;
 - b. Lot width: Eighty (80) feet;
 - c. Front yard: Twenty-five (25) feet;
 - d. Side yards: Twenty-five (25) feet each;
 - e. Rear yard: Twenty-five (25) feet.
 - f. Maximum Density: Twenty (20) dwelling units per net acre;
 - g. Lot coverage: Thirty percent (30%);
 - h. Height: Forty-five (45) feet [three (3) stories].
 - i. Not less than forty percent (40%) of the total site area shall be landscaped in lawns, gardens, decorative plantings, or wooded areas.
 - j. A site plan under Section 13-1-224 is required for all multi-family developments.
 - (5) **Multi-Family Dwellings [Exceeding Three (3) Stories or Forty-five (45) Feet in Height.**
 - a. Lot area: Fifteen thousand (15,000) square feet;
 - b. Lot width: One hundred (100) feet;
 - c. All yards shall have a depth or width of twenty-five (25) feet each provided, however, that for every two (2) feet in building height over forty-five (45) feet yard depth or width shall be increased one (1) foot.

- d. Maximum Density: Forty (40) dwelling units per net acre;
 - e. Lot coverage: Forty percent (40%).
 - f. Not less than thirty percent (30%) of the total site area shall be landscaped in lawns, gardens, decorative plantings or wooded areas.
 - g. A site plan under Section 13-1-224 is required for all multi-family developments.
- (6) **Other Permissible Principal Uses and Structures.** As for the RTF District.
- (f) **Permitted Accessory Signs.**
- (1) Permitted accessory signs one (1) through three (3) in the RSF District.
- (g) **Off-Street Parking Requirements.**
- (1) Applicable requirements as specified in the RSF District.
- (h) **Other Requirements.**
- (1) Other requirements specified in the RSF District.

Sec. 13-1-45 RTU Residential Temporary Unclassified District.

- (a) **Purpose.** The intent of the Residential Temporary Unclassified District (RTU) is to provide flexibility in the way in which an area within the community is developed; and to afford the opportunity for a desirable mix of building types as deemed appropriate by the Plan Commission and Village Board. The Residential Temporary Unclassified District (RTU) is considered a temporary zoning classification until such time as a permanent residential zoning classification, as outlined in this Code, is approved by the Plan Commission and Village Board as outlined in Article M of this Chapter. Development of lands contained within the RTU District are conditioned on obtaining approval of permanent zoning classifications as outlined above.

Sec. 13-1-46 CD Commercial District.

- (a) **Purpose.** This District is established to provide a centrally located core of commercial activity. It is intended that the physical development of the district be highly concentrated and integrated, offering a convenient and attractive shopping environment. It is also intended that, to the maximum extent practicable, various establishments be operated and managed in a coordinated manner, so that a variety of commercial enterprises are developed as one (1) unit rather than single purpose strip type commercial development. Permitted uses are limited to those which are highly compatible, mutually reinforcing and conducive to common approaches in operation, area design improvements, traffic and pedestrian circulation, and parking. Since the commercial district may extend near residential areas, great care is required in fitting commercial development into its surroundings. A site plan per Section 13-1-224 and a certificate of appropriateness per Section 13-1-223 are required for all buildings and structures in the Commercial District.

(b) **Permitted Principal Uses and Structures.**

- (1) Retail outlets for sale of food, wearing apparel, home furnishings and appliances (including repair strictly incidental to sales), office equipment, hardware, toys, sundries and notions, books and stationery, leather goods and luggage, jewelry, art, camera or photographic supplies (including camera repair), alcoholic beverages for off-premises consumption, sporting goods, hobby and pet shops, delicatessen, bake shop (but not wholesale bakery), drugs, musical instruments, florist and gift shops and similar products.
- (2) Service establishments such as barber and beauty shops, shoe repair, restaurants, interior decorator, photographic studios, dance or music studio, tailor or dressmaker, laundry or dry cleaner, radio or television repair and similar uses.
- (3) Banks and other financial institutions, employment offices, business offices, professional offices and similar establishments.

(c) **Permitted Accessory Uses and Structures.**

- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures which do not involve operations or structures not in keeping with the character of the district; provided, however, that garbage and trash shall be kept in closed containers, and that such containers shall not be visible from portions of the premises customarily open to pedestrian or automobile circulation or parking.

(d) **Special Exception Uses and Structures.**

- (1) Clubs and organizations.
- (2) Printing and publishing establishments.
- (3) Commercial recreation facilities in completely enclosed buildings including theaters, arcades and amusement centers.
- (4) Public utility installations.

(e) **Dimensional Requirements: Independent Single Commercial Development.** There are no minimum lot area or width requirements, nor are there any yard requirements or maximum height limitations for commercial properties developed as separate, independent units.

(f) **Dimensional Requirements: Shopping Center or Shopping Mall Developments.**

(1) ***All Shopping Center Developments.***

- a. Lot area: Two (2) acres;
- b. Lot width: (street frontage requirement) Two hundred (200) feet.
- c. Maximum lot coverage: Twenty-five percent (25%);
- d. Height: Thirty-five (35) feet.
- e. All yards adjacent to streets or residential districts shall be at least one hundred (100) feet in depth if at the front or rear and one hundred (100) feet in width if at the side.
- f. Yards adjacent to other than streets or residential districts shall be at least fifty (50) feet in depth if at the front or rear and fifty (50) feet in width if at the side.

- g. Any required yard adjacent to a residential district shall be subject to the landscaped buffer requirements of Section 13-1-25.
 - h. To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip not less than fifteen (15) feet in depth if at the front and fifteen (15) feet in width if at the side shall be required along any lot line adjacent to a street.
 - i. Except for accessways, such strip shall be continuous for the entire length of the lot line adjacent to the street. A site plan under Section 13-1-224 is required for all shopping center developments.
- (g) **Permitted Accessory Signs.**
- (1) **For Each Shopping Center Development.** One (1) general identification sign limited to two hundred (200) square feet in area if mounted approximately parallel to the right-of-way or two (2) signs limited to one hundred (100) square feet in area if mounted back to back or angled to be read from opposite directions, for each frontage of the development.
 - (2) **For Each Establishment.** One (1) sign and one (1) square foot of sign area for each lineal foot of building frontage. Such signs shall refer only to the name and nature of the business conducted in the building and to goods and services offered, and shall be mounted flat against the wall of the building. Insofar as practicable, such signs shall be oriented away from surrounding residential areas.
 - (3) **For Each Principal Structure Within Commercial Properties Developed as Separate and Individual Units.** Flat signs limited in area to fifteen percent (15%) of the wall area fronting on a street or public way (total wall area including the window area). Signs shall not be permitted on side walls unless fronting on a street or public way. No sign shall be extended above the height of buildings. Such signs shall be oriented away from surrounding residential areas.
- (h) **Off-Street Parking Requirements.**
- (1) Retail and service establishments existing as separate and individual units: One (1)/two hundred fifty (250) square feet of floor area.
 - (2) Restaurant and recreational establishments existing as separate and individual units: One (1)/one hundred (100) square feet of floor area.
 - (3) Clubs, organizations, and theaters which exist as separate and individual units: One third (1/3) persons of maximum capacity.
 - (4) Shopping centers: One (1)/two hundred (200) square feet of floor area.

Sec. 13-1-47 Business Park District.

- (a) **Purpose.** This District is established to provide for the development of an attractive grouping of buildings limited to offices, clinics, targeted consumer-oriented establishments and support facilities in a park-like setting. The District is further intended to provide a

pleasing environment to include landscaping screens or buffer yards in areas adjacent to residential developments.

(b) **Permitted Principal Uses and Structures.**

(1) Business offices, professional offices, clerical or general offices, health or nature-based businesses. Examples of allowable uses are illustrated as follows:

- a. Bank and credit union offices.
- b. Laboratories.
- c. Photographic studios.
- d. Graphic design companies.
- e. Medical clinics, chiropractic clinics.
- f. Dental clinics, pharmacies.
- g. Florists.
- h. Barbershops, hair salons.
- i. Veterinary clinics provided there are no outside kennels.
- j. Upscale restaurants.
- k. For-profit educational or learning centers.

(2) Any odors produced from any premises shall meet applicable federal and state regulations for emissions. Noise, vibration, flash or heat that are produced shall be confined within the building.

(c) **Permitted Accessory Uses and Structures.**

(1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures that do not involve operations, uses, or structures that are prohibited in the District.

(2) Garbage and trash shall be kept in closed containers. Such containers shall not be visible to portions of the premises customarily open to pedestrians or automobile circulation or parking, nor be visible to adjacent properties.

(d) **Uses Expressly Prohibited in Business Park Zoned Areas.** The following uses and those of a similar character are deemed to be incompatible with the development of a business park in the Village of Combined Locks, and are expressly prohibited:

- (1) Shopping centers.
- (2) Movie theaters, dance halls, amusement places.
- (3) Chain stores.
- (4) Body shops.
- (5) Outdoor recreation facilities.
- (6) Restaurants with drive-through lanes.
- (7) Grocery stores; meat, poultry and/or fish markets.
- (8) Mini-warehouses, storage yards and garages for equipment, supplies, or vehicles.
- (9) Storage of junked automobiles and parts.
- (10) Primary or secondary uses involving motor vehicle repair; or outside storage of vehicles, equipment or trailored apparatus.

- (11) Dry cleaning, dyeing, laundry establishments.
 - (12) Lockers or cold storage plants.
 - (13) Wholesalers and distributors.
 - (14) Animal processing, stock yards, rendering plants.
 - (15) Freight transfer stations or trucking terminals.
 - (16) Manufacturing processes.
 - (17) Uses (including restaurants, motels or motor fuel sales or vehicle service) which are significantly oriented to trucking patronage.
 - (18) Salvage or recycling operations; extractive operations.
 - (19) Outdoor animal kennels or runs.
 - (20) Drop forgers, ferrous and brass foundries, grain elevators, refineries, tanneries.
 - (21) Asphalt and concrete plants.
- (e) **Special Exception Uses and Structures.** The following uses must follow the requirements of the Zoning Code for consideration as a special exception use or structure:
- (1) Gas station, or combination gas station and convenience store.
 - (2) Retail sales establishment.
 - (3) Uses not identified in Permitted Principal Uses and Structures, and not included in Subsection (d) above, "Uses Expressly Prohibited in Business Park".
- (f) **Dimensional Requirements – All Permitted Principal Uses and Structures.**
- (1) **Lot Area.** Minimum of thirty thousand (30,000) square feet.
 - (2) **Lot Width.** Minimum of one hundred and fifty (150) feet.
 - (3) **Front Yard.** Minimum needed for front yard parking.
 - (4) **Rear Yard.** Minimum of thirty-five (35) feet [Note: To accommodate potential ten (10) foot easement for future pathway along Hwy. CE].
 - (5) **Slide Yard.** Ten (10) feet minimum, with a total of thirty (30) feet.
 - (6) **Lot Coverage and Open Space.** To achieve a park-like appearance, lot coverage by buildings, accessory structures, and surface parking and driveways shall occupy a maximum of seventy percent (70%) of the lot area. Landscaped open space not covered by buildings, accessory structures, and surface parking and driveways shall occupy a minimum of thirty percent (30%) of the lot area. The open space may include storm water retention/detention areas.
 - (7) **Height.** Maximum of twenty-five (25) lineal feet to eave, with a maximum of forty-five (45) feet to top of roof.
 - (8) **Landscape Requirement.** Any required yard adjacent to a residential district shall be subject to the landscape buffer requirements of Section 13-1-25 and must be approved by the Planning Commission.
 - (9) **Landscape Buffer Required For Properties Adjacent To Hwy. CE.** A landscape buffer is required for properties adjacent to Hwy. CE per the requirements of Section 13-1-25 and must be approved by the Planning Commission.
 - (10) **Landscape Strip Requirement For Lots Adjacent To Intersecting Streets.** To eliminate hazards involved in unchanneled ingress and egress, a landscaped strip not

less than fifteen (15) feet in depth if at the front, and fifteen (15) feet in width if at the side, shall be required along any lot line adjacent to an intersecting street. Except for access ways, such strip shall be continuous for the entire length of the lot line adjacent to the street.

- (g) **Permitted Accessory Signs.** No sign shall be erected or maintained on property in the Business Park District zoning classification except in conformity with the following:
 - (1) Property address signage shall be building mounted and shall be two (2) square feet in area.
 - (2) One (1) free-standing sign, measuring no more than forty (40) square feet, is allowed within the front yard area of the parcel. As an alternative, one (1) monument type sign, measuring no more than forty (40) square feet, may be erected to a height not to exceed eight (8) feet above ground level. As an alternative, one monument type sign may be erected to a height not to exceed ten (10) feet above ground level.
 - (3) A second free-standing sign, measuring no more than forty (40) square feet, may be constructed on the rear lot area of those lots that have rear yards which abut road right-of-way.
 - (4) Signs shall be restricted to advertising only the person, firm, company, or corporation operating the use conducted on-site or the products produced or sold therein.
 - (5) Signage that is visible from the exterior of any building may be lighted, but no sign or any other contrivance shall be devised or constructed so as to rotate, gyrate, blink, or move in an animated fashion.
- (h) **Off-Street Parking Required.** Each owner of a site shall provide adequate off-street parking to accommodate all parking needs for the site. All employee parking will take place on the side. Front yard or side yard parking sufficient for the use of the property is required. No rear yard parking is allowed. Off-street parking shall be paved within one (1) year of receipt of an occupancy permit.
- (i) **Utilities.** All utilities shall be underground. This shall apply to all electric, telephone, gas, water, storm sewers and sanitary sewers.

Sec. 13-1-48 IT Institutional District.

- (a) **Purpose.** The intent of this District is to provide for areas of the community where public or semi-public institutional uses are or can be established and to ensure that such areas will continue in this use unless otherwise approved by the Village of Combined Locks.
- (b) **Permitted Principal Uses and Structures.**
 - (1) Public parks, parkways, playgrounds, golf courses and other uses of a similar nature.
 - (2) Public and semi-public zoos, arboretums, museums, exhibits and libraries.
 - (3) Public and semi-public institutional uses including churches, convents, elementary schools, high schools, colleges, hospitals, clinics, elderly homes, children's homes, convalescent homes, and other uses of a similar nature.

- (4) Public administrative offices.
- (5) Public utility installations, navigation works, flood control works and other uses of a similar nature.
- (c) **Permitted Accessory Uses and Structures.**
 - (1) Uses and structures which are necessary and desirable adjuncts to permissible principal uses and structures and are under the management or control of the public or semi-public agency or entity responsible for the principal use and structure.
- (d) **Special Exception Uses and Structures.**
 - (1) Public garages, maintenance yards, equipment yards and other uses of a similar nature.
- (e) **Dimensional Requirements.**
 - (1) There are no minimum lot requirements. Any lot adjacent to a public street or residential district shall have a yard at least twenty-five (25) feet in width if at the side and twenty-five (25) feet in depth if at the front or rear.
 - (2) Maximum lot coverage shall not exceed thirty percent (30%).
 - (3) Maximum height of any structure within forty (40) feet of a residential district shall not exceed forty-five (45) feet.
- (f) **Permitted Accessory Signs.**
 - (1) Identification, informational or directional signs erected by public or semi-public agencies or entities in connection with permissible principal uses and structures or for other public purposes. No sign shall be erected within ten (10) feet of any side or rear lot line.
- (g) **Off-Street Parking Requirements.**
 - (1) Applicable parking requirements as specified in the RSF District.
 - (2) Offices: One (1)/two hundred fifty (250) square feet of floor space.
 - (3) Hospitals: One (1)/three (3) beds.
 - (4) Exhibits, museums, libraries: One (1)/three (3) persons of maximum capacity.

Sec. 13-1-49 IND Industrial District.

- (a) **Purpose.** This District is intended to provide for industrial, warehousing and wholesaling and certain service and commercial activities in areas already established for such uses.
- (b) **Permitted Principal Uses and Structures.**
 - (1) Wholesale, warehouse, and building equipment and supply establishments.
 - (2) Automobile, boat, construction and farm implement sales, service and repair.
 - (3) Agricultural related uses including feedmills and co-ops.
 - (4) Printing and publishing.
 - (5) Service establishments catering to commercial and industrial uses including business machine services, linen supply, freight movers, communication services, canteen services and uses of a similar nature.

- (6) Transportation terminals.
 - (7) Light manufacturing uses including bottling, packaging, laboratories and uses of a similar nature.
 - (8) Manufacturing uses including production, processing, cleaning, testing and the distribution of materials and goods except wrecking yards, fertilizer and chemical manufacture, cement manufacture, explosive manufacture or storage, smelting, tanneries and slaughterhouses. All manufacturing uses are subject to the provisions of Section 13-1-62.
- (c) **Permitted Accessory Uses and Structures.**
- (1) Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
 - (2) Outside storage of equipment and materials shall be located behind the building setback line and screened from view of any public street or residential district boundary by a fence, wall or shrubs. All outside storage areas shall be clean and orderly.
 - (3) Railroad spurs and service rails with side or rear yards only.
- (d) **Special Exception Uses and Structures.**
- (1) None.
- (e) **Dimensional Requirements.**
- (1) **All Permissible Principal Uses and Structures.**
 - a. Lot area: Nine thousand (9,000) square feet;
 - b. Lot width: Ninety (90) feet;
 - c. Front yard: Twenty-five (25) feet;
 - d. Side yards: Fifteen (15) feet each provided, however, side yards shall be increased one (1) foot in width for every three (3) feet in building height above thirty-five (35) feet;
 - e. Rear yard: Thirty (30) feet.
 - f. There are no side or rear yard requirements when a railroad right-of-way abuts at the side or rear property line.
 - g. Any required side or rear yard adjacent to a residential district boundary shall be subject to the landscape buffer requirements of Section 13-1-25.
- (f) **Permitted Accessory Signs.**
- (1) **For Each Principal Structure.** Flat signs limited in aggregate area to twenty-five percent (25%) of the wall area fronting on a street. For every ninety (90) feet of lot frontage, one (1) detached sign limited in area to two hundred (200) square feet on each side [limit of two (2) sides and four hundred (400) square feet] and thirty (30) feet in height.
 - (2) **Temporary Signs.** Temporary signs as provided in Section 13-1-41(f)(2) of the RSF District.
- (g) **Off-Street Parking Requirements.**
- (1) Applicable parking requirements as specified in the CH District.

- (2) Manufacturing and service uses: One (1)/employee on maximum shift.
- (3) Other uses: Sufficient off-street parking such that no public street shall be used for parking.

Sec. 13-1-50 CN Conservancy District.

- (a) **Purpose.** This District is intended to provide for the conservation and protection of natural resources. Generally this District is intended to include marshlands, drainage ways, river frontage, woodlands and other lands of significant natural environmental or aesthetic value.
- (b) **Permitted Principal Uses and Structures.**
 - (1) Open space users including preserves, scenic areas, historic and scientific areas, fishing, soil and water conservation practices, sustained yield forestry, stream bank protection, and water retention and control provided; however, that no such uses involved structures, fill, soil or peat removal or disruption of the natural flow of any watercourse or natural topography.
- (c) **Permitted Accessory Uses and Structures.**
 - (1) Uses customarily and clearly incidental to permissible uses provided such uses do not require structures or fill.
- (d) **Special Exception Uses and Structures.**
 - (1) Structures and fill necessary to permitted principal uses.
 - (2) Parks and campgrounds and accessory structures.
 - (3) Public shooting ranges and accessory structures.
 - (4) Fish hatcheries, raising of minnows, waterfowl and other lowland animals and accessory structures.
 - (5) Public utilities.
- (e) **Dimensional Requirements.**
 - (1) **All Permissible Principal Uses and Structures.**
 - a. Lot area: Twenty thousand (20,000) square feet.
 - b. There are no lot width requirements.
 - c. Any use involving a structure shall provide front and rear yards of at least fifty (50) feet in depth and side yards at least fifty (50) feet in width each.
- (f) **Permitted Accessory Signs.**
 - (1) **All Permissible Principal Uses and Structures.** Authorization as a special exception must be received for any accessory or identification sign in a Conservancy District.
- (g) **Off-Street Parking Requirements.**
 - (1) Sufficient off-street parking such that no public street shall be used for parking.

Sec. 13-1-51 MH Mobile Home District.

- (a) **Purpose.** It is the intent of this District to provide for mobile homes as a means of providing balance and variety to dwelling types by allowing this type of housing in a

conventional residential setting through a mobile home subdivision and, to a more limited extent, a mobile home park.

(b) **Permitted Principal Uses and Structures.**

(1) **Mobile Home Subdivisions.** All mobile homes shall be certified as meeting the *Mobile Home Construction and Safety Standards* of the Department of Housing and Urban Development and, in addition meet the following requirements: Minimum width of the main body shall not be less than twenty-four (24) feet as measured across the narrowest portion; a length to width ratio shall not exceed two and one-half (2-1/2) times to one (1); the pitch of the main roof shall not be less than one (1) foot of rise for every four (4) feet of horizontal run and minimum distance from eaves to ridge shall be ten (10) feet; reflection from exterior surfaces shall not be greater than from siding coated with clean, white, gloss exterior enamel; and each mobile home shall have a permanent foundation.

(c) **Permitted Accessory Uses and Structures.**

(1) Permitted accessory uses and structures one (1) through three (3) in RSF District.

(d) **Special Exception Uses and Structures.**

(1) Mobile homes parks. (See Section 13-1-63).

(e) **Dimensional Requirements.**

(1) **Mobile Home Subdivisions.** Each mobile home subdivision shall have a minimum tract area of two (2) acres. Each mobile home subdivision lot shall have a minimum: lot area: four thousand eight hundred (4,800) square feet; lot width: sixty (60) feet; front yard: twenty-five (25) feet; rear yard: twenty (20) feet; side yards: ten (10) feet each. A site plan under Section 13-1-224 is required for all mobile home subdivisions.

(2) **Mobile Home Parks.** Each mobile home park shall have a minimum tract area of two (2) acres. Each mobile home park site shall have a minimum: Site area: four thousand (4,000) square feet; site width: fifty (50) feet; front yard: two (2) feet; rear yard: twenty (20) feet; side yards: ten (10) feet each. A site plan under Section 13-1-224 is required for all mobile home parks. All mobile home parks are subject to the provisions of Section 13-1-63.

(f) **Permitted Accessory Signs.**

(1) Permitted accessory signs one (1) through three (3) in the RSF District.

(g) **Off-Street Parking Requirements.**

(1) Dwellings: One (1)/unit.

Sec. 13-1-52 FWD Floodway District.

(a) **Purpose.** This District applies to all areas within the Regional Floodway so designated on the official flood plain zoning map showing the regional flood limits, which are based on

Flood Hazard Boundary Maps or Flood Insurance Study Maps as approved by the Department of Natural Resources. This District also applies to the floodway portion of the General Flood Plain District as determined pursuant to Section 13-1-64(e). All development in the Floodway District is subject to the provisions of Section 13-1-64. The provisions of this Section are intended to support, not replace, provisions of Title 13, Chapter 2 of the Village ordinances. If there are any conflicts between Title 13, Chapter 2 of the municipal code, the provisions contained in Title 13, Chapter 2 shall take precedence. Further, if the property exists within a conservancy zoning classification as outlined in Section 13-1-50, the rules of conservancy zoning shall take precedence with regard to structures and fill.

(b) **Permitted Principal Uses and Structures.**

- (1) Open space uses having a low flood damage potential and not obstructing flood flows or involving fill, including: agricultural uses such as general farming, pasture grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting; nonstructural industrial and commercial uses such as loading areas, parking areas and storage areas; private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching facilities, swimming areas, parks, wildlife and nature preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, marinas and boat rentals.
- (2) Utility facilities such as dams, flowage areas, transmission lines, pipelines, water monitoring devices and water related uses such as docks, piers, wharves, bridges and culverts subject to regulations pursuant to Chapter 30, Wis. Stats., and applicable federal regulations.
- (3) Navigational and drainage aids such as channels, channel markers, buoys, and the like provided that prior to any alteration or relocation of a watercourse the Building Inspector shall notify adjacent communities, the Department of Resources and the Federal Insurance Administration and require the applicant to secure necessary permits. The flood carrying capacity within the altered or relocated portion of the watercourse shall be maintained.
- (4) Public utilities, streets and bridges provided that adequate flood proofing measures are provided to the flood protection elevation.
- (5) Uses permitted by the Department of Natural Resources pursuant to Chapters 30 and 31, Wis. Stats., provided the necessary permits are obtained.

(c) **Permitted Accessory Uses and Structures.**

- (1) Uses and structures customarily and clearly incidental to permissible principal uses provided, however, that accessory structures are not designed for human habitation; have a low flood damage potential; are constructed and placed on the building site so as to offer minimum obstruction to flow of flood waters (to include whenever possible, construction with the longitudinal axis parallel to the direction of the flow of flood waters and approximately on the same line as adjoining structures); are firmly

anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the river or stream; and have all service facilities such as electrical and heating equipment at or above the flood protection elevation.

(d) **Special Exception Uses and Structures.**

(1) Fill or deposition of materials provided that such fill or deposition of materials does not encroach on the channel area between the ordinary high water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable; and the fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulkheading sufficient to prevent erosion.

(e) **Dimensional Requirements.**

(1) Any permitted use involving livestock or poultry raising or firearms shall have a minimum lot area of five (5) acres. There are no minimum lot area requirements for other uses. No accessory building shall be located closer than twenty-five (25) feet to any lot line. There are no height or lot coverage limitations.

(f) **Permitted Accessory Signs.**

(1) Identification, information or directional signs limited in aggregate area to two hundred (200) square feet subject to the requirements and conditions for accessory structures.

(g) **Off-Street Parking Requirements.**

(1) Sufficient off-street parking so that no public street shall be used for parking.

Sec. 13-1-53 FFD Flood Fringe District.

(a) **Purpose.** This is an overlay district applicable to all areas within the Regional Flood Fringe so designated on the official flood plain zoning map showing the "A" zones, which are based on the Flood Hazard Boundary Maps or Flood Insurance Study Maps as approved by the Department of Natural Resources. This District also applies to the flood fringe portion of the General Flood Plain District as determined pursuant to Section 13-1-64(e). All development in the Flood Fringe District is subject to the provisions of Section 13-1-64. As an overlay district these regulations supplement the regulations of the underlying district. The provisions of this Section are intended to support, not replace, provisions of Title 13, Chapter 2 of the Village ordinances. If there are any conflicts between Title 13, Chapter 2 of the municipal code, the provisions contained in Title 13, Chapter 2 shall take precedence. Further, if the property exists within a conservancy zoning classification as outlined in Section 13-1-50, the rules of conservancy zoning shall take precedence with regard to structures and fill.

(b) Permitted Principal Uses and Structures.

- (1) Permitted principal uses and structures in the underlying district (except for solid waste disposal sites) provided, however, that the following standards shall be met:
 - a. For all residential and commercial buildings the first floor of a structure to be erected, constructed, reconstructed, or moved into the flood fringe area shall be constructed on fill at or above the flood protection elevation for the particular area and the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. The basement floor shall be at or above the regional flood elevation, unless a community-wide exemption allowing flood proofing of basements has been granted by the Federal Insurance Administration. In commercial areas certain yards, parking lots and other accessory uses may be at lower levels. However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than four (4) feet per second upon the occurrence of the regional flood.
 - b. For all manufacturing and industrial uses, buildings, structures and accessory uses shall be elevated or flood proofed in accordance with Section 13-1-64(f) to two (2) feet above the regional flood elevation. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory uses such as yards and parking lots may be at lower elevations subject to the requirements for such uses in Subsection (b)(1)a above.
 - c. For all uses, the storage or processing of materials that are buoyant, flammable, explosive, or which in times of flooding, could be injurious to human, animal or plant life, shall be at or above the flood protection elevation for the particular area or flood proofed in compliance with Section 13-1-64(f).
 - d. Construction and substantial improvements to utilities and wells shall be flood proofed to the flood protection elevation pursuant to Section 13-1-64(f).
- (2) If there is no underlying district designation, the underlying district shall be the RSF District.

(c) Permitted Accessory Uses and Structures.

- (1) As for the underlying district subject to applicable standards listed for permissible principal uses and structures in this District.

(d) Special Exception Uses and Structures.

- (1) As for the underlying district subject to applicable standards listed for permissible principal uses and structures in this District.

(e) Dimensional Requirements.

- (1) As for the underlying district.

(f) Permitted Accessory Signs.

- (1) As for the underlying district subject to applicable standards listed for permissible principal uses and structures in this District.

(g) **Off-Street Parking Requirements.**

- (1) As for the underlying district.

Sec. 13-1-54 FPD General Flood Plain District.

(a) **Purpose.** This District applies to all flood plains for which regional flood data is not available or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this District, such portions shall be placed in the Floodway or Flood Fringe District as appropriate. The General Flood Plain District encompasses both the floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 13-1-64(e) to determine whether the proposed use is located within a floodway or flood fringe area. If it is determined that a proposed use is located within a floodway, the Floodway District shall apply. If it is determined that the proposed use is located within the flood fringe, the Flood Fringe District shall apply. The provisions of this Section are intended to support, not replace, provisions of Title 13, Chapter 2 of the Village ordinances. If there are any conflicts between Title 13, Chapter 2 of the municipal code, the provisions contained in Title 13, Chapter 2 shall take precedence. Further, if the property exists within a conservancy zoning classification as outlined in Section 13-1-50, the rules of conservancy zoning shall take precedence with regard to structures and fill.

(b) **Permitted Principal Uses and Structures.**

- (1) Permitted principal uses and structures in the Floodway District subject to the conditions and standards as specified.

(c) **Permitted Accessory Uses and Structures.**

- (1) Permitted accessory uses and structures in the Floodway District subject to the conditions and standards as specified.

(d) **Special Exception Uses and Structures.**

- (1) Permitted principal uses and structures in the Flood Fringe District subject to the conditions and standards as specified provided, however, there is a determination that the proposed use is located in the flood fringe portion of the flood plain pursuant to Section 13-1-64(e). If there is no underlying district designation, or if no such designation is provided by the Village within sixty (60) days from the date the Village receives a determination by the Department of Natural Resources that the proposed use is located in the flood fringe, the underlying district shall be the RSF District.

(e) **Dimensional Requirements.**

- (1) As for the Flood Fringe or Floodway District as applicable.

(f) **Permitted Accessory Signs.**

- (1) As for the Flood Fringe or Floodway District as applicable.

(g) **Off-Street Parking Requirements.**

- (1) As for the Flood Fringe or Floodway District as applicable.

Sec. 13-1-55 Adult Entertainment.

- (a) **Definitions.** As used herein:
- (1) **Adult Establishments.** Establishments which include bookstores, motion picture theaters, mini-motion picture theaters, bath houses, massage parlors, modeling and body painting studios and cabarets whose principal use is to depict, describe, engage in or relate to "specified anatomical areas" or "specified sexual activities."
 - (2) **Adult Book Store.** An establishment having greater than ten percent (10%) of its stock in trade, books, magazines and other periodicals, or videocassettes, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein).
 - (3) **Adult Motion Picture Theater.** An establishment having greater than the ten percent (10%) of its income received for presenting motion pictures, film, videocassettes, cable television, or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for observation by patrons therein.
 - (4) **Specified Anatomical Areas.**
 - a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola;
 - b. Human male genitals in a discernible turgid state even if completely and opaquely covered.
 - (5) **Specified Sexual Activities.**
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- (b) **Standards.**
- (1) **Adult Establishments; Findings and Purpose.** The Village Board finds that due to their nature, the existence of adult establishments in the Village has serious objectionable operational characteristics, such as an effect upon property values, local commerce and crime. Due to the deleterious combined effect on adjacent areas when such uses are concentrated, they should not be permitted to be located in close proximity to each other. Special regulations of these uses are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. Such regulations are contained in these standards. These standards are designed to protect the Village's retail trade, maintain property values, prevent crime, and, in general, protect and preserve the quality of the Village's neighborhoods, commercial districts and the quality of urban life.

- (2) **Standards.** An adult establishment is permitted in the IND Industrial District, provided that:
- a. Such use shall not be located within one thousand three hundred twenty (1,320) feet of any residential district as designated within this Title with an RSF Residential Single-Family District designation, RNC Residential Neighborhood Conservation District designation, RTF Residential Two-Family District designation, RMF Residential Multi-Family designation or RTU Residential Temporary Unclassified designation.
 - b. Such use shall not be located within two thousand six hundred forty (2,640) feet of a public or private school.
 - c. Such use shall not be located within one thousand three hundred twenty (1,320) feet of another adult bookstore or adult motion picture theater.
 - d. The distances provided in this Subsection shall be measured, by following a straight line, without regard to intervening buildings, from the nearest point of the zoning district boundary line or the lot from which the proposed use is to be separated.
 - e. Violation of these provisions is declared to be a public nuisance per Section 11-6-4 of this Code of Ordinances.
 - f. Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Village ordinance or statute of the State of Wisconsin regarding public nuisances, sexual conduct, lewdness or obscene or harmful matter or the exhibition or public display thereof.

Cross-Reference: Sections 7-9-1 through 7-9-13, Adult-Oriented Establishments.

Sec. 13-1-56 through Sec. 13-1-59 Reserved for Future Use.

Article D: Special Provisions

Sec. 13-1-60 General Application.

Regulations for uses and structures specified in this Article shall apply to such uses and structures whether permitted by "right" or permissible by special exception.

Sec. 13-1-61 Planned Unit Development (PUD).

- (a) **Intent.** The intent of the Planned Unit Development provisions is to encourage quality and desirable development by allowing for greater flexibility and design standards for projects conceived and implemented as comprehensive and cohesive developments. These regulations are established to permit and encourage diversification, variation and imagination in the relationship of uses, structures, and heights of structure; to encourage the preservation of open space; and to encourage more rational, economic development with respect to the provisions of public services.
- (b) **Character of Site.** All Planned Unit Developments must be suitable for development in the manner proposed without hazards to persons or property, on or off the site, from probability of flooding, erosion, subsidence or slipping of the soil, or other dangers, annoyances or inconveniences.
- (c) **Locational Requirements.** All Planned Unit Developments must have direct access to major streets or highways without creating traffic on local residential streets outside the district. PUD's must be so located in relation to existing public utilities and facilities that no additional public expense will be involved, unless the developer agrees to offset the added public expense.
- (d) **Unified Control.**
 - (1) All land included for development as a PUD shall be under the legal control of the applicant, whether that applicant be an individual, partnership, or corporation or group of individuals, partnerships, or corporations. Applicants requesting approval of a PUD shall present firm evidence of unified control of the entire area within the proposed PUD together with evidence that the developer has the unrestricted right to impose all of the covenants and conditions upon the land as are contemplated by the provisions of these regulations.
 - (2) a. The applicant shall state agreement to
 1. Proceed with the proposed development according to the provisions of these zoning regulations and such conditions as may be attached to the special exception for PUD;
 2. Provide agreements, contracts, deed restrictions, and sureties acceptable to the Village for completion of the development according to the approved

plans, and maintenance of such areas, functions and facilities as are not to be provided, operated, or maintained at public expense, and

3. Bind their successors in title to any commitments made under Subsections (a),(b) and (c) preceding.
 - b. All such agreements and evidence of unified control shall be examined by the Village Attorney that such agreements and evidence of unified control meet the requirements of these zoning regulations.
- (e) **Permitted Uses.** Any use permitted in the RMF District.
- (f) **General Requirements.** All permitted uses shall be subject to the accessory use and structure, sign, height and parking requirements of the district in which it is located.
- (g) **Area and Density Requirements.** A tract of land proposed for development as a Planned Unit Development shall contain a minimum area of two (2) acres and a maximum density of fourteen (14) dwelling units per net acre in the RTF District and twenty-four (24) dwelling units per net acre in the RMF District.
- (h) **Internal Lots and Frontage.** Within the boundaries of the PUD no minimum lot size or minimum yards shall be required, provided however, that no structure shall be located close to any peripheral property line than two (2) times the height of such structure.
- (i) **Access.** Every dwelling unit shall have access to a public street either directly or via an approved private road, pedestrian way, court or other area dedicated to public or private use, or common element guaranteeing access. Permitted uses are not required to front on a dedicated public street.
- (j) **Common Open Space Requirements.** There shall be a minimum open space requirement of forty percent (40%) of the total net acreage of the tract. Common open space areas shall be subject to the conditions for such areas as specified in Section 13-1-24.
- (k) **Engineering Design Standards.** Normal standards or operational policy regarding right-of-way widths, provision for sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a Planned Unit Development, but precise standards satisfactory to the Plan Commission shall be made a part of the approved plan and shall be enforceable as a part of this Section.
- (l) **Procedures for Approving Planned Unit Developments.** Approval of a Planned Unit Development is subject to the following conditions:
 - (1) **Preapplication Conference.** Prior to initiating a request for a special exception, a pre-application conference with the Village Plan Commission is required. The purpose of such a Pre-application conference shall be to assist in bringing the overall proposal as nearly as possible into conformity with these or other regulations applying generally to the property involved and to define specifically those variations from application of general regulations which appear justified in view of equivalent service of the public purposes of such regulations.
 - (2) **Concept Plan.** A concept plan shall accompany the application and shall contain the following information.

- a. The title of the project and the names of the professional project planner and the developer.
 - b. Scale, date, north arrow and general location map.
 - c. Boundaries of the property involved, all existing streets, buildings, water courses, easements, section lines, and other existing important physical features in and adjoining the project.
 - d. Master plan locations and the acreage of each component thereof of the different uses proposed by dwelling types, open space designations, and recreation facilities, and other permitted uses, and off-street parking locations.
 - e. Master plan showing access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic.
 - f. Tabulations of total gross acreage in the development, and the percentage thereof proposed to be devoted to the several dwelling types, other permitted uses, recreational facilities, open spaces, streets, parks, schools, and other reservations. Tabulations of projected density shall be computed by deducting gross acreage used for non-residential purposes other than open space recreation uses.
 - g. Architectural drawings and sketches illustrating the design and character of the various structures proposed in the development.
 - h. Deed restrictions and other documents pertaining to the improvement, operation, and maintenance of common areas in the development.
 - i. In addition, the Plan Commission may require additional material such as plans, maps, studies, and reports which may be needed in order to make the necessary findings and determinations that the applicable standards and guidelines have been complied with.
- (3) **Plan Commission Recommendation and Village Board Approval.** After conference with the applicant and a public hearing, the Plan Commission may recommend to the Village Board to approve, disapprove or approve subject to stated stipulations and conditions, a request for a special exception. In making its decision, the Plan Commission shall find that the plans, maps and documents submitted by the applicant have met the requirements of these regulations. Board approval applies to the concept plan and request for a special exception only. Final Board approval is necessary for the Final Development Plan according to Subdivision Procedures.
- (4) **Binding Nature of Approval.** All terms, conditions, safeguards and stipulations made at the time of approval of the PUD shall be binding upon the applicant or any successors in interest. Deviations from approved plans or failure to comply with any requirement, condition or safeguard shall constitute a violation of these zoning regulations.
- (5) **Preliminary and Final Development Plans.** Plans for development of land approved for a PUD shall be processed in accordance with the standard subdivision review procedures established by the Village. The same information and data shall be furnished at each stage of plan approval as is required for a standard subdivision

development. The preliminary plan required and submitted shall be in substantial compliance with the concept plan. In addition to the requirements of the Village for reviewing subdivision plats, the following information shall be provided.

- a. Building locations and architectural definitions of all structures proposed which are a part of the project shall be depicted on the preliminary plan or plat and the supplementary materials required.
- b. Master landscape plan depicting existing and proposed vegetation and locations thereof on the site.
- c. Fence, wall and planting screens location, heights and materials.
- d. Tabulations analyzing the number of total gross acres in the project and the percentage thereof proposed to be devoted to the several dwelling types, other non-residential uses, off-street parking, streets, open spaces, recreation areas, parks, schools and other reservations.
- e. Tabulations of total number of dwelling units in the project by types and the overall project density in dwelling units.
- f. In addition to the plat certificates required when reviewing standard subdivision plats, and prior to recording a final plat, the developer shall file, as specified at the time of granting the special exception, a legally constituted maintenance association agreement for improving, perpetually operating, and maintaining the common facilities, including streets, drives, parking areas, and open space and recreation facilities; or he shall file such documents as are necessary to show how the said common areas are to be improved, operated, or maintained. Such documents shall be subject to the approval of the Village Attorney.
- g. Changes in Plans. Changes in plans not in substantial compliance with the site and development plan may be permitted by the Village Board provided an application indicating such changes is submitted by the developer or his successors in interest, and provided it is found that any such changes are in accordance with all regulations in effect when the changes are requested. Changes other than those indicated shall be processed as for a new application for a PUD.
- h. Deviations From Approved Plans. Deviations from the approved plans or failure to comply with any requirement, condition or safeguard imposed by the Village Board during approval or platting procedure shall constitute a violation of the zoning regulations.
- i. Building Permits. Final approval of the PUD does not constitute approval for the construction of individual buildings or structures in the development. Separate approval shall be required upon application for building permits.

Sec. 13-1-62 Industrial Development.

- (a) **Intent.** It is the intent of this Section to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control, and to insure

that the community is adequately protected from potential hazardous and nuisance like effects.

(b) **Standard of Operation.**

(1) ***Vibration.***

- a. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground or structure borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects.
- b. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

(2) ***External Lighting.*** No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the Industrial District boundaries.

(3) ***Odor.*** No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Ch. NR 154.18, Wis. Adm. Code.

(4) ***Particulate Emissions.*** No operation or activity shall emit any particulate matter into the ambient air which exceeds the limitations as established in NR 154.11, Wis. Adm. Code.

(5) ***Visible Emissions.*** No operation or activity shall emit into the ambient air from any direct source any matter that will affect visibility in excess of the limitations established in Ch. NR 154.11(6), Wis. Adm. Code.

(6) ***Hazardous Pollutants.*** No operation or activity shall emit any hazardous substances in such a quantity, concentration, or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Ch. NR 154.19, Wis. Adm. Code.

(c) **Administration.** Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment, to those requiring substantial technical competence and complex equipment. It is the intent of this Section that the methods to be used in determining compliance shall be the responsibility of the Building Inspector subject to the following procedures:

(1) ***Approval of Building Permits.*** Prior to approving a zoning permit for any industrial use, the Building Inspector shall have received from the applicant a site plan as provided in Section 13-1-224, and evidence of assurance that the proposed use or changing use will satisfy the air quality, noise, vibration and exterior lighting standards of this community.

(2) ***Violation of Standards.*** Whenever the Building Inspector has reason to believe the air quality, noise, vibration and exterior lighting standards of this Section have been

violated, he shall give written notice by certified mail to the person or persons responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within thirty (30) days. Failure to reply or correct the alleged violation within thirty (30) days may cause the Village to take lawful action to cause correction as provided in this Section or to refer the alleged violation to the Wisconsin Department of Natural Resources.

Sec. 13-1-63 Mobile Home Parks.

- (a) **Intent.** It is the intent of this Chapter to provide limited opportunities for mobile home parks as a means of providing balance and variety to housing in the Village.
- (b) **Character of Tract.** Each mobile home park tract shall be suitable for the development proposed recognizing and preserving to the maximum extent practicable outstanding natural features. Every mobile home park shall be located on a well drained area and the premises shall be properly graded so as to prevent the accumulation of storm or other waters. Every mobile home is required to be built on a concrete slab. No mobile home park shall be located in any area that is situated so that drainage or contaminated liquids or solids can be deposited on its location.
- (c) **Access.** Access shall be designed for safe and convenient movement of traffic into and out of the park. All vehicular traffic into and out of the park shall be through designated entrances and exits.
- (d) **Streets.** All sites shall abut upon a street that has a sixty (60) foot right-of-way.
- (e) **Sites.** Each site shall be clearly defined and delineated. The basic dwelling unit shall not occupy more than twenty-five percent (25%) of the site area and the basic dwelling unit and all accessory buildings shall not occupy more than thirty-five percent (35%) of the site area. Each site shall contain a concrete slab not less than ten (10) feet by twenty (20) feet in dimension for carport or patio; such slab shall not be required until after the mobile home is in position. Each site must conform to the Subdivision Control Ordinance regarding curb and gutter, etc.
- (f) **Buffer Area.** A buffer area not less than twenty-five (25) feet in width may be required along public streets and mobile home park boundaries. Such buffer strip may be used for drainage structures and utility easements but shall not be used for any other purpose other than storage buildings of no more than twelve (12) x fourteen (14) in size. All such buffer strips shall be planted in suitable ground cover material.
- (g) **Recreation Area.** Ten percent (10%) of the gross area of the park shall be developed for recreational purposes provided, however, that the minimum recreation area shall be one-half (1/2) acre. No mobile home site, required buffer strip, street right-of-way, storage area, or utility easement or facility shall be computed as recreation area in meeting this requirement. Recreation areas and facilities shall be owned and operated by park management. Minimum of a lot should conform to the Village's Subdivision Control Ordinance.

- (h) **Off-Street Parking.** Two (2) off-street parking spaces shall be provided for each site. One (1) parking space for each two hundred (200) square feet of non-storage floor space shall be provided for offices, recreation facilities and the like.
- (i) **Accessory Uses and Structures.**
- (1) Accessory uses and structures 1 through 3 in the RSF District.
 - (2) Park recreation facilities, including room or center, courts for games and the like.
 - (3) Park offices, maintenance facilities and laundry facilities.
 - (4) Enclosed storage structures and storage garage facilities, with use limited to park residents only.
- (j) **Garbage and Trash.** Same as for other residential properties.
- (k) **Utilities.** Each mobile home site shall be connected to central water and sewer. No individual water supply or sewage disposal system shall be permitted in any mobile home park. Each site shall also be provided with electrical power and central gas (if used) and shall be serviced by individual meters.
- (l) **Management.** The park management shall maintain an office in the park or in close proximity for immediate communication. It is the duty of the mobile home park owner or operator to: keep a register, which is to be open at all reasonable times and upon reasonable notice to inspection by appropriate state and local officials, of all owners of mobile homes located in the park; maintain the park in a clean and orderly condition at all times; cooperate with local health officers in all cases of communicable diseases. All occupants shall maintain their site in a clean, orderly and sanitary condition and abide by all regulations and park rules.
- (m) **Park License.** No person shall establish, operate or maintain a mobile home park within the Village without first obtaining a license from the Village Board. Such license shall expire one (1) year from the date of issuance but may be renewed under the provisions of this Section for additional periods of one (1) year. The application for a license or renewal shall be made on forms furnished by the Village Administrator and shall include the name and address of the owner of the mobile home park (if the park is owned by someone other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the park and make application shall be provided) and such legal description of the premises upon which the park is or will be located. The application for a new mobile home park license shall be accompanied by ten (10) copies of the park site plan and other information necessary to ensure compliance with these regulations.
- (n) **License Revocation and Suspension.** The Village Board may revoke or suspend a license after a hearing is held in accordance with Chapter 66.058(2)(d), Wis. Stats.
- (o) **Inspection.** An annual sanitary survey (inspection) shall be conducted by the Building Inspector in accordance with Ch. HSS 177(11), Wis. Adm. Code.

Sec. 13-1-64 Flood Plain Development.

- (a) **Findings.** The uncontrolled use of the flood plains, rivers or streams of the Village of Combined Locks adversely affects the public health, safety, convenience and general welfare.

- (b) **Intent.** The flood plain regulations are intended to provide a uniform basis for the preparation, implementation and administration of sound flood plain regulations to: protect life, health and property; minimize expenditures of public monies for costly flood control projects; minimize rescue and relief efforts generally undertaken at the expense of the general public; minimize business interruptions; minimize damage to public facilities on the flood plain such as water mains, sewer lines, streets and bridges; minimize the occurrence of future flood blight areas on flood plains; and discourage the victimization of unwary land and home buyers.
- (c) **Special Provisions for Floodways.** No development shall be allowed in floodway areas which, acting alone or in combination with existing or future similar uses, cause an increase equal to or greater than 0.1 foot in height of the regional flood for any main stem, tributaries to the main stream, drainage ditches, or any other drainage facilities. Said increase shall be calculated using an equal degree of hydraulic encroachment from the hydraulic floodway lines for a hydraulic reach on both sides of a river or stream. Increases equal to or greater than 0.1 foot may be permitted, but only if amendments are made to this Section, the official floodway lines, water surface profile and flood plain zoning maps pursuant to Article E of this Chapter; provided further that the total cumulative allowable increase reach of a stream shall not exceed one (1) foot.
- (d) **Special Provisions for Flood Fringe Areas.** No developments in flood fringe areas shall materially affect the storage capacity of flood plains, based upon an equal degree of hydrologic encroachment (volume of the storage area which is lost). For the purpose of this Subsection, "materially" is defined as any surface profile of 0.1 foot. Such developments may be permitted only if amendments are made to this Section pursuant to Section 19.10 herein; provided further that the total cumulative allowable increase in height of the regional flood for any given reach of a stream shall not exceed one (1) foot.
- (e) **Procedures for Determining Floodway and Flood Fringe Areas in the General Flood Plain District.** When any developments are proposed within the General Flood Plain District, a determination shall be made to establish the boundaries of the floodway and determine whether floodway or flood fringe uses apply, and, where applicable, to determine the regional flood elevation. Upon receiving an application for development, the Building Inspector shall:
 - (1) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph or a plan which accurately locates the flood plain proposal with respect to the flood plain district limits, channel of stream, existing flood plain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.
 - (2) Require the applicant to furnish any of the following additional information as it deemed necessary by the Department of Natural Resources for evaluation of the effects of the proposal upon flood flows and to determine the boundaries of the floodway and, where applicable, the regional flood elevation.

- a. A typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site, location and elevations of streets, water supply, sanitary facilities, soil types and other pertinent information.
 - c. Profile showing the slope of the bottom of the channel or flow line of the stream.
 - d. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.
- (3) Transmit one (1) copy of the information described above to the Department of Natural Resources along with a written request to have that agency provide technical assistance to establish floodway boundaries and, where applicable, provide regional flood elevation.
- (f) **Flood Proofing.** Flood proofing measures such as the following shall be designed consistent with the flood protection elevation for the particular area to withstand the flood velocities, forces and other factors associated with the flood protection elevation. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are adequately designed to protect to the flood protection elevation for the particular area. All flood proofing shall provide anchorage to resist flotation and lateral movement. Other flood proofing measures may include:
- (1) Installation of watertight doors, bulkheads and shutters.
 - (2) Reinforcement of walls and floors to resist pressure.
 - (3) Use of paints, membranes or mortars to reduce seepage of water through walls.
 - (4) The above flood proofing measures shall insure that structural walls are watertight, which shall be the minimum standard for certification pursuant to Section (f) above.
 - (5) Addition of mass or weight to structures to prevent flotation.
 - (6) Placement of essential utilities above the flood protection elevation.
 - (7) Pumping facilities and/or subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures and to lower water levels in structures.
 - (8) Construction of water supply and waste treatment systems to prevent the entrance of flood waters.
 - (9) Construction to resist rupture or collapse caused by water pressure of floating debris.
 - (10) Cutoff valves on sewer lines or the elimination or gravity flow basement drains.
- (g) **Compliance.** Compliance with the provisions of this Section shall not be grounds for removal of lands from the flood plain district unless; such lands are filled to a height of at least two (2) feet above the elevation of the regional flood for the particular area and are contiguous to other lands lying outside the flood plain district, approval has been granted by the Department of Natural Resources pursuant to Article E of this Chapter, and, where required, an official letter of map amendment has been issued by the Federal Insurance Administration.

- (h) **Warning and Disclaimer of Liability.** The degree of flood protection intended to be provided by this Section is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Section does not imply that areas outside flood plain zoning district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damage, nor shall this Section create liability on the part of or a cause of action against the Village of Combined Locks or any officer or employee thereof for any flood damage that may result from reliance on this Section.

Sec. 13-1-65 through Sec. 13-1-79 Reserved for Future Use.

Article E: Special Exceptions

Sec. 13-1-80 Statement of Purpose—Special Exceptions.

- (a) The development and execution of this Article is based upon the division of the Village of Combined Locks into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as special exceptions.
- (b) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission and Village Board upon their finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (c) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all special exceptions.

Sec. 13-1-81 Initiation of Special Exception.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a special exception is sought may file an application to use such land for one (1) or more of the special exceptions provided for in this Article in the zoning district in which such land is located.

Sec. 13-1-82 Application for Special Exception.

- (a) **Application.** An application for a special exception shall be filed on a form prescribed by the Village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and

adequate evidence showing that the proposed special exception shall conform to the standards set forth in Section 13-1-85 hereinafter. The Plan Commission or Village Board may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; highwater mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

- (b) **Fees.** Any application for a special exception shall be accompanied by a fee of in the amount of the current established cost of the Village of Combined Locks to compensate the Village for publication of notices and other expenses. No action shall be taken until such fee has been paid.

Sec. 13-1-83 Hearing on Application.

All requests for special exceptions shall be to the Plan Commission or the Plan Commission or Village Board can, on their own motion, apply special exceptions when applications for rezoning come before it. Upon receipt of the application and statement referred to in Section 13-1-82 above, the Plan Commission shall hold a public hearing on each application for a special exception at such time and place as shall be established by the Plan Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

Sec. 13-1-84 Notice of Hearing on Application; Plan Commission Recommendation.

- (a) **Notice.** Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under Chapter 985, Wis. Stats., in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.
- (b) **Plan Commission Recommendation.** The Plan Commission may recommend to the Village Board to approve, disapprove or approve subject to stipulated conditions and safeguards a request for a special exception. If the Plan Commission shall recommend disapproval of a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in this Article, or such of them as

may be applicable to the action of disapproval, and the particular regulations relating to the special exception requested, if any. The report and recommendations of the Plan Commission shall be advisory only and shall not be binding on the Village Board. The Plan Commission shall report its action to the Village Board within forty-five (45) days after a matter has been referred to it, after which the Village Board shall take formal action.

Sec. 13-1-85 Standards—Special Exceptions.

- (a) **Standards.** No application for a special exception shall be recommended for approval by the Plan Commission, or granted by the Village Board, unless the Village Board and Plan Commission shall find all of the following conditions are present:
- (1) That the establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
 - (3) That the establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
 - (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - (6) That the special exception shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
 - (7) That the proposed use does not violate flood plain regulations governing the site.
 - (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (c) **Additional Considerations.** In addition, in passing upon a Special Exception Permit, the Village Board and Plan Commission shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions.
 - (2) The prevention and control of water pollution including sedimentation.
 - (3) Existing topographic and drainage features and vegetative cover on the site.

- (4) The location of the site with respect to floodplains and floodways of rivers and streams.
- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

Sec. 13-1-86 Approval or Denial of Application for Special Exception Permit.

- (a) **Board Approval.** The Village Board shall act on the Plan Commission recommendation at its next regularly scheduled meeting if not less than fifteen (15) days from the date of the Plan Commission recommendation on the request. No public notice and hearing is required for the Village Board action on the recommendation and request but the matter shall be handled in a public session as part of a previously prepared agenda. All matters relating to Village Board consideration of a request for a special exception and Plan Commission recommendation shall be a public record and require formal action of the Village Board.
- (b) **Board Denial.** Whenever a decision of denial of a special exception application is made by the Village Board, the Board shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Board has used in determining that each standard was not met.

Sec. 13-1-87 Conditions and Guarantees.

The following conditions shall apply to all special exceptions:

- (a) **Conditions.** Prior to the granting of any special exception, the Planning Committee may recommend and the Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-85 above. In all cases in which special exceptions are granted, the Village shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such

conditions may include specifications for, without limitation because of specific enumeration:

- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its recommendation, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) **Alteration of Special Exception.** No alteration of a special exception shall be permitted unless approved by the Village Board.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.

Sec. 13-1-88 Validity of Special Exception Permit.

- (a) **Action to Construct Required.** Where a special exception application has been approved or conditionally approved, such approval shall become null and void within twenty-four (24) months of the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately

forty-five (45) days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. The Board may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village Board at least thirty (30) days before the expiration of said permit.

- (b) **Action to Maintain Use of Special Exception.** If a property is not actively used for six (6) months for the purpose for which a special exception was granted, the Special Exception is automatically terminated.

Sec. 13-1-89 Complaints Regarding Special Exceptions.

The Village Board shall retain continuing jurisdiction over all special exceptions for the purpose of resolving complaints against all previously approved special exceptions. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved special exception, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject special exception is in violation of either one (1) or more of the standards set forth in Section 13-1-85 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-84 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Village Board may, in order to bring the subject special exception into compliance with the standards set forth in Section 13-1-85 or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject special exception. In the event that no reasonable modification of such special exception can be made in order to assure that Standards (a) and (b) in Section 13-1-85 will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the special exception in writing stating the reasons therefor.

Sec. 13-1-90 Bed and Breakfast Establishments.

- (c) **As Special Exception.** Bed and breakfast establishments shall be considered special exceptions and may be permitted in Residence Districts pursuant to this Article.
- (d) **Definition.** "Bed and Breakfast Establishment" means any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

- (c) **State Standards.** Bed and breakfast establishments shall comply with the standards of Chapter HSS 197, Wis. Adm. Code.

Sec. 13-1-91 Home Occupations.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family home-based business or professional home office as a special exception without the necessity of a rezone into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Restrictions on Home Occupations.** Except as provided in Subsection (c) below, occupations are a special exception in all Residential Districts and are subject to the requirements of the District in which the use is located, in addition to the following:
- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage, or within an accessory building or structure provided that business is conducted entirely within the confines of such a building or structure and between the hours of 8:00 a.m. to 8:00 p.m.
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 - (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
 - (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
 - (5) Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated, shall be no larger than five hundred forty (540) square inches, and shall be located a minimum of ten (10) feet from the road right-of-way. A sign permit is required per Section 13-1-142.
 - (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (7) The Village Board may determine the percentage of the property that may be devoted to the occupation, but shall not exceed thirty percent (30%).
 - (8) The home occupation is restricted to a service-oriented business; the manufacturing of items or products or the sale of items or products on the premises is prohibited.
 - (9) The types and number of equipment or machinery may be restricted by the Village Board.

- (10) Sale or transfer of the property shall cause the Special Exception Permit to be null and void.
- (11) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
- (12) Only one (1) non-resident employee may be employed on-site by the home occupation.
- (c) **Permitted Use Exception.** A home occupation under this Section may be maintained in any Residential District as a permitted use, as opposed to a special exception, if the standards of Subsection (b) above are complied with, and no sign is erected or maintained regarding the home occupation, no more than one (1) person works on the premises, no customers regularly come to the house, and the business is service-oriented and not engaged in retail trade.

Sec. 13-1-92 through Sec. 13-1-99 Reserved for Future Use.

Article F: Nonconforming Uses, Structures and Lots

Sec. 13-1-100 Intent – Nonconforming Uses, Lots and Structures.

(a) **Intent; Interpretation.**

- (1) Within the zoning districts established by this Zoning Code or amendment thereof, there may exist lots, structures and uses of land which were lawful before this Zoning Code was enacted or amended, but which would be prohibited in the future under the terms of this Zoning Code or amendment thereto.
- (2) It is the intent of the Village of Combined Locks to permit nonconforming uses, lots and structures to remain and continue in accordance with the provisions hereinafter set forth until they are removed due to economic forces, public health or safety grounds, or otherwise. It is not the intent of this Zoning Code to perpetuate and/or encourage the long-term continuance of nonconformities because they are inconsistent with the requirements and character of the districts involved, or to permit nonconformities to be generally enlarged upon, expanded, or extended except as provided for herein. Existing nonconformities shall not be used to justify adding structures or uses prohibited in the zoning district.

(b) **Classification of Nonconformities.** Zoning nonconformities are classified into three (3) categories as follows:

- (1) Nonconforming uses.
- (2) Nonconforming lots.
- (3) Nonconforming structures.

(c) **General Guidelines.** It is the intention of the Village of Combined Locks that standards be set forth for the purpose of determining:

- (1) That the nonconforming use, lot or structure existed prior to the effective date of this Chapter or amendment thereto;
- (2) The ways in which the right of the nonconforming use, lot or structure to remain can be preserved and the ways in which the right to continue nonconforming use, lot or structure can be lost;
- (3) The extent of permissible variation in the nonconforming use, lot or structure; and
- (4) The devices available for eliminating such nonconforming uses, lots or structures, where appropriate.

(d) **Burden of Proof Regarding Nonconforming Uses.** Any property owner asserting as a defense to a charge of violating this Chapter because his/her property is a valid nonconforming use has the burden of demonstrating to reasonable certainty by the greater weight of credible evidence that:

- (1) The nonconforming use was legally in existence at the time the zoning ordinance provision that now prohibits that use was adopted. The use must be lawful under then existing zoning regulations and cannot contravene such zoning requirements.

- (2) That the use of the property prior to the nonconformity came into being was so active and actual that the property owner can properly assert that the property owner has acquired a vested interest in its continuance. Such use cannot be occasional or sporadic. For purposes of this Chapter, a property owner shall be deemed to have a vested right in the use of his/her property where that use at the time the nonconformity came into being is both actual and active and a substantial degree of activity or expense had been undertaken prior to the effective date the zoning provision that caused the nonconformity to come into being. Such use must be more than incidental or accessory to the principal use of the property.
- (3) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto that caused the nonconformity.

Sec. 13-1-101 Article Definitions.

In addition to the definitions contained in Section 13-1-8(a) of this Chapter, the following definitions shall be applicable in Article; in the event of conflict, the more specific definition shall be applicable:

- (a) **Assessed Value (Lot).** The full market value placed upon the lot by the Village Assessor as of the date that the nonconformity came into being. Such valuation by the Assessor shall be prima facie evidence of an assessed value of the lot.
- (b) **Nonconforming Lot.** [See definition in Sec. 13-1-8(a)].
- (c) **Nonconforming Structure.** [See definition in Sec. 13-1-8(a)].
- (d) **Nonconforming Use.** [See definition in Sec. 13-1-8(a)].

Sec. 13-1-102 Common Ownership of Abutting Nonconforming Lots.

Nonconforming lots of record owned by the same individual or other legal entity shall be combined prior to the issuance of a zoning permit.

Sec. 13-1-103 Existing Nonconforming Structures.

- (a) **Continuation of Nonconforming Structures.**
 - (1) The use of a structure existing on the date that the nonconformity came into being may be continued although the structure's size or location does not conform with the development regulations, parking, loading, or access provisions of this Chapter.
 - (2) Any lawful nonconforming structure may be extended, enlarged, reconstructed, or structurally altered, provided that said extension, enlargement, reconstruction,

movement or alteration complies with the setback and building requirements of the specific zoning district. However, the nonconforming feature of said structure shall not be allowed to become more nonconforming by being extended, enlarged, reconstructed, moved, or structurally altered except under one (1) or more of the following fact situations:

- a. As when required to do so by law, or order.
 - b. To comply with the provisions of this Chapter.
 - c. With the approval of a special exception/conditional use permit under the procedures of Article E of this Chapter for the purpose of making required alterations to maintain the structural integrity of the building.
 - d. With the approval of a variance by the Zoning Board of Appeals.
- (b) **Yard Encroachments by Nonconforming Structures.** Nonconforming structures which encroach upon the yard (setback) requirements of this Chapter, but which met yard requirements at the time the nonconformity came into being at the time of construction, may be structurally enlarged or expanded if the existing structure is located at a minimum of at least fifty percent (50%) of the minimum setback requirement(s) and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements. Placement of a new foundation or basement under an existing nonconforming structure shall be allowed as long as no further encroachment is permitted. The setbacks of the zoning district in which the structure is located shall be met if the lot size and existing location of the structure permits the setbacks to be met.
- (c) **Unsafe Nonconforming Structures.** Nothing in this Chapter shall preclude the Building Inspector or any other Village official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare, constitutes a public nuisance, or is in violation of a licensing regulation.
- (d) **Maintenance, Repair and Remodeling of Nonconforming Structures.** This Chapter does not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.
- (e) **Restoration of Certain Damaged Nonconforming Structures.**
- (1) In the case of damaged or destroyed nonconforming structures, the restoration of a nonconforming structure is permitted if the structure will be restored to the size, subject to Subsection (e)(2) below, location and use that it had immediately before the damage or destruction occurred, or impose any limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - a. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

- (2) Where the criteria under Subsection (e)(1) above exist for a nonconforming structure to be restored, the size of the structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable federal or state requirements.
- (f) **Shoreland Nonconforming Structures.** Nonconforming structures in shoreland areas damaged or destroyed by violent wind, fire, flood, or vandalism may be reconstructed or repaired, as provided by state law, to the size, location, and use it had immediately before the damage occurred if the landowner can establish that the damage was not due to deliberate act by the landowner or his/her agent, or due to general deterioration or dilapidated condition.
- (g) **Relocation of Nonconforming Structures.** A nonconforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the zoning district in which it is located.

Sec. 13-1-104 Existing Nonconforming Uses.

Pursuant to Section 62.23(7)(h), Wis. Stats., a nonconforming use may not be extended. The total structural repairs and alterations in such a nonconforming use's building, premises, structure, or fixtures shall not during its life exceed fifty percent (50%) of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. The nonconforming use of a structure, land, or water existing on the date that the nonconformity came into being may be continued although the use does not conform with the provisions of this Chapter, except that:

- (a) **Change to More Restrictive Use Category.** The nonconforming use of a structure may be changed to a use of the same or more restricted classification, but where the nonconforming use of a structure is hereafter changed to a use of a more restrictive classification, it shall not thereafter be changed to a use of a less restricted classification.
- (b) **Discontinuation of Nonconforming Use.** If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water shall conform to the provisions of this Chapter.
- (c) **Maintenance of Nonconforming Use Parcels.** Parcels containing a nonconforming use of land or water may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land, water or storage (i.e. vehicles, equipment and/or materials) devoted to such nonconforming use as it existed prior to the date that the nonconformity came into being is not extended, enlarged or moved.

Sec. 13-1-105 Changes and Substitutions.

Once a nonconforming use or structure has been changed or altered so as to comply with the pertinent district provisions of this Chapter, it shall not revert back to a nonconforming use or structure. Once the Zoning Board of Appeals has permitted the substitution of a more or equally

restrictive nonconforming use for an existing nonconforming use pursuant to the provisions of Article N, the existing use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Zoning Board of Appeals and pertinent zoning district. Substitution of new equipment may be permitted by the Zoning Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

Sec. 13-1-106 Floodplain and Shoreland-Wetland Nonconforming Uses and Structures.

- (a) **Nonconformities in Floodplain Zoning Areas.** Nonconformities in Floodplain Zoning areas shall be governed by the provisions of the Village of Combined Locks Code of Ordinances regulating floodplain zoning, specifically Sections 13-2-60 through 13-2-62, and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.
- (b) **Nonconformities in Shoreland-Wetland Zoning Areas.** Nonconformities in Shoreland-Wetland Zoning areas shall be governed by the provisions of the Village of Combined Locks Code of Ordinances regulating shoreland-wetland zoning, specifically Section 13-3-24, and pertinent sections of the Wisconsin Statutes and Wisconsin Administrative Code.

State Law References: Sec. 87.303, Wis. Stats., and NR 116.15, Wis. Adm. Code

Sec. 13-1-107 Nonconforming Performance Standards.

The use of any lot or parcel failing to comply with the performance standards set forth in this Chapter at the time of the adoption of this Chapter shall not be expanded unless the expansion conforms with the performance standards set forth in this Chapter.

Sec. 13-1-108 Nonconforming Lots of Record.

- (a) **Applicability.** In any district, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership and provided all other requirements for the district are met.
- (b) **Combined Lots.** If two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Chapter, the lands involved shall be considered to be an individual parcel for the purposes of this Chapter, and no portion of such parcel shall be used, divided,

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or sold which does not meet the lot area and lot width requirements for the district in which located.

Sec. 13-1-109 through Sec. 13-1-119 Reserved for Future Use.

Article G: Traffic Visibility, Loading, Parking and Access

Sec. 13-1-120 Traffic Visibility.

- (a) On a corner lot in all zoning districts, no fence, wall, hedge, planting or structure shall be erected, placed, planted or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining the points along said street lines twenty-five (25) feet from the point of intersection.
- (b) In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

Sec. 13-1-121 Loading Requirements.

- (a) **Loading Space Requirements.** In any Commercial or Industrial District, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Floor Area (sq. ft.)	Loading Space
Retail, wholesale	2,000 - 10,000	1
warehouse, service	10,000 - 20,000	2
manufacturing, and	20,000 - 40,000	3
industrial establishments	40,000 - 60,000	4
	Each additional 50,000	1
Motels, schools, offices	5,000 - 10,000	1
hospitals, places of	10,000 - 50,000	2
public assembly	50,000 - 100,000	3
	Each additional 25,000	1
Funeral homes	2,500 - 4,000	1
	4,000 - 6,000	2
	Each additional 10,000	1

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one (1) use or for different uses and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-

street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.

- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty (40) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls, maintaining shrubbery, or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet in height.
- (e) **Surfacing.** All open off-street loading berths shall be improved with a compacted gravel base, not less than seven (7) inches thick, surfaced with not less than two (2) inches of asphalt or treated with some comparable all-weather dustless material.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - (1) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the Central Loading Area.
 - (4) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-122 Parking Requirements.

All new parking lots and all alterations of existing lots shall be subject to the approval of the Village Board. Requests for said parking lots shall be accompanied with detailed plans on landscaping, parking layout, drainage provisions and driveway locations. In all districts, except those areas which are located in a fire district as designated on the official map, there shall be provided

at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

- (a) **Access.** Adequate access to a public street shall be provided for each parking space.
- (b) **Design Standards.** Each required off-street parking space shall have a stall width of at least nine (9) feet and a stall length of at least eighteen (18) feet. Such space shall have a vertical clearance of at least six and one-half (6-1/2) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: eleven (11) feet for thirty (30) degree parking; and twenty (20) feet for ninety (90) degree parking. Minimum width of aisles providing access to stalls for two-way shall be designed as to require any vehicle to back into a public street. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Any parking area of more than five (5) spaces shall be sufficiently screened in the form of a solid wood fence six (6) feet in height or shrubbery of not less than six (6) feet in height to protect adjacent residential uses. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (c) **Location.**
 - (1) Location to be on the same lot as the principal use or not over four hundred (400) feet from the principal use.
 - (2) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and two-family residence districts but shall not be closer than five (5) feet to a side lot line, right-of-way line or rear lot line.
 - (3) Off-street parking in the single-family resident and two-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sections 6-3-1 and 6-3-2. Parking stalls for single- and two- (2) family residences may be placed one behind the other.
- (d) **Surfacing.** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a two (2) inch blacktop on a four (4) inch base or five (5) inches of Portland cement will meet this requirement.] Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.
- (e) **Landscaping Requirements.**
 - (1) **Landscaping.** All public and private off-street parking areas which serve five (5) vehicles or more and are created or redesigned and rebuilt subsequent to the adoption of this Code shall be provided with accessory landscape areas totalling not less than ten percent (10%) of the surfaced area. The minimum size of each landscape area shall not be less than one hundred (100) square feet.
 - (2) **Location.** Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Zoning Administrator.

- (3) **Plans.** All plans for such proposed parking areas, at the discretion of the Zoning Administrator and Building Inspector, shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (4) **Special Residential Requirements.** Those parking areas for five (5) or more vehicles if adjoining a residential use shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of five (5) feet. Where a solidly constructed decorative fence is provided along the interior lot line, the minimum setback for the parking area shall be five (5) feet from said lot line. Said fence shall be located a minimum of one (1) foot from the said lot line.
- (5) **Street Setback Area.** No parking shall be permitted between the street right-of-way line and the building setback line prevailing in the zone in which the proposed parking area is to be located. The resulting open area shall be planted in grass or otherwise landscaped to create a permanent green area.
- (6) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with unenclosed parking facilities provided in residence districts.
- (7) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot candles measured at the lot line.
- (f) **Number of Stalls.** Number of parking stalls required for newly created parking lots shall be as prescribed in the requirements of the applicable zoning district.
- (g) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use which is similar shall apply. Floor space or area shall mean the gross floor area inside the exterior walls, where floor space is indicated above as a basis for determining the amount of off-street parking required.
- (h) **Handicapped Parking Requirements.** In addition to any other requirements relating to parking spaces contained in these Ordinances, the provisions contained in Sections 101.13, 346.503 and 346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.
- (i) **Off-Lot Parking.**
 - (1) Required off-street parking spaces shall be located on the same lot with the principal use, or when this requirement cannot be met, such parking spaces may be located off-lot provided the parking spaces are located in the same district. Off-lot parking spaces shall also be held in fee simple ownership by the owner of the use requiring such parking or be leased or rented through a written agreement satisfactory to the Village Attorney.

- (2) Off-lot parking spaces for residential uses shall be within two hundred fifty (250) feet of the principal entrance or the entrance for the individual occupants for whom the spaces are reserved while the farthest portions of a parking lot for all other uses shall be within three hundred (300) feet of the entrance of the establishment.
 - (3) Accessory parking may be located in residential districts provided that said lots or property are immediately adjacent to a commercial, business or industrial zoning district.
 - (4) All off-street parking lots adjoining lots zoned for residential use shall have a minimum setback of ten (10) feet from any interior lot line, except if the adjoining lot is used for legally conforming parking purposes.
- (j) **Fractional Spaces.** Where computation of the required parking spaces results in a fractional number, only the fraction of one-half (1/2) or larger shall be counted as one (1).
 - (k) **Changes in Buildings or Use.** Whenever a building or use is changed, structurally altered, or enlarged to create a need for an increase of twenty-five percent (25%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use is enlarged to the extent of fifty percent (50%) or more in the floor area, said building or use shall then comply with the parking requirements set forth in the district in which it is located.
 - (l) **Off-Street Parking; Measurement.** Floor space or area shall mean the gross floor area inside exterior walls, where floor space is indicated in Article C Zoning Districts as a basis for determining the amount of off-street parking required.

Sec. 13-1-123 Highway Access.

- (a) **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Freeways, interstate highways and their interchanges or turning lanes nor to intersection of interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (2) Arterial streets intersecting another arterial street within one hundred (100) feet of the intersection of the right-of-way lines.
 - (3) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (c) **Public Access Barriers.** Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

- (d) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-124 Accessory Parking and Storage.

- (a) **Front Yard Parking.** No person shall store any motor vehicle, vehicular driven sports vehicle, boat, boat trailer, utility trailer, vehicular drawn camper, or any like business or recreational vehicle in the required front yard of any residential district, except upon the customary driveway emplaced to provide access to a garage attached or adjacent to the principal building, a carport or a rear parking area. Any of the herein vehicles parked within the front yard, on a driveway shall be parked in such a manner as to maintain all wheels and trailer tongues on the driveway surface. For the purposes of this Subsection, "store" shall be defined as leaving any such vehicle unattended for more than four (4) hours.
- (b) **Terrace Parking.** No parking shall park or store such units as defined above or any other equipment on any terrace in the Village except for those places where the Village Board has authorized the removal of a terrace for the purpose of parking.
- (c) **Parking and Storage of Unlicensed Vehicles.** The provisions of Title 10 of this Code of Ordinances shall apply to the parking and storage of unlicensed motor vehicles.

Sec. 13-1-125 Storage of Tractors and Road Machinery.

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings, the following types of vehicles: semi-tractors and/or trailers, dump trucks, auto wreckers and road machinery. Said vehicles may not be kept or parked on said premises whether or not they are in enclosed buildings, except for the purposes of unloading or servicing the premises.

Sec. 13-1-126 through Sec. 13-1-139 Reserved for Future Use.

Article H: Signs, Canopies, Awnings and Billboards

Sec. 13-1-140 Purpose of Sign, Canopy and Awning Regulations.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs, awnings, canopies and billboards. The provisions herein contained shall be binding alike upon every owner of a building, every lessee and every person in charge or responsible for or who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Village of Combined Locks; painting, posting and general maintenance are excepted.

Sec. 13-1-141 Signs, Canopies, Awnings and Billboards—Definitions.

In addition to the definitions in Section 13-1-8, the following definitions are used in this Article:

- (a) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (b) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (c) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (d) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (e) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (f) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (g) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (h) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (i) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather

- or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (j) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
 - (k) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
 - (l) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
 - (m) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
 - (n) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
 - (o) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Chapter.
 - (p) **Off-Premise Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
 - (q) **Political Sign.** Any sign displaying a candidate for an election, or a current election's subject matter.
 - (r) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.
 - (s) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
 - (t) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
 - (u) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
 - (v) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.
 - (w) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way. For purposes of this Chapter a window sign shall not include any sign permanently attached in the window or directly painted on the glass.

Sec. 13-1-142 Required Permits for Signs, Canopies, Awnings and Billboards.

- (a) **Application.** Except those specified in Section 13-1-143, no signs, billboards, awnings or canopies shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity with

the provisions of this Article. Signs allowed by permit shall be as prescribed in the pertinent zoning district. The sign shall also meet all other structural requirements of other applicable codes and ordinances of the Village of Combined Locks. If the sign will affect the structural strength of a building, is large enough to require structural supports and bracing, or is to have electrical wiring, a building permit from the Building Inspector shall also be required. Signs shall not be erected or altered until a permit has been issued by the Zoning Administrator. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance.

- (b) **Required Information.** Application for a sign permit shall be made in writing upon forms furnished by the Village which contain the following information about the sign: dimensions, including display surface; materials; illumination; wiring; height above grade; distance from lot lines; and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved.
- (c) **Permit Fees.** Required permit fees shall be paid to the Village of Combined Locks for each sign permit issued under this Article, provided, however, that a fee shall not be charged for putting an existing sign in conformity with this Article, or for a copy change when no change in business name is involved. Permit fees are established as follows:
- (1) **On-Premises Signs.** Twenty cents (20¢) per square foot [minimum Fifteen Dollars (\$15.00)].
 - (2) **Off-Premise Signs.** Thirty cents (30¢) per square foot [minimum Fifteen Dollars (\$15.00)].
 - (3) **Illuminated Sign Electrical Inspection Fee.** Thirty Dollars (\$30.00).
- (d) **Insurance.** Any person, firm or corporation engaged in the business of erecting, repairing, maintaining or relocating any sign shall maintain in effect at all times a policy of liability insurance with limits of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and Two Hundred Thousand Dollars (\$200,000.00) aggregate and One Hundred Thousand Dollars (\$100,000.00) property damage. Proof of insurance shall be presented to the Zoning Administrator before the sign permit is granted.
- (e) **Inspection.** The applicant shall, upon completion of the installation, relocation or alteration of the sign, notify the Zoning Administrator who will assure the sign complies with the regulations of this Article. If a building permit was also required the applicant shall also notify the Building Inspector.
- (f) **Appeals.** The Zoning Administrator may, at any time for a violation of this Article, revoke a permit or require changes so the sign conforms with this Article. The holder of a revoked permit shall be entitled to an appeal before the Village Board. Any person, firm or corporation aggrieved by any permit denial or decision by the Zoning Administrator relative to the provisions of these sign regulations may appeal and seek review of such decision to the Village Board.

Sec. 13-1-143 Signs Not Requiring a Permit.

All signs are prohibited in all Residential, Floodplain, Public and Semipublic, and Conservancy Districts except the following:

- (a) One warning sign per abutting property, so long as the warning sign is no larger than four (4) square feet.
- (b) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against the structure.
- (c) Official signs, such as traffic control, parking restriction, information and notices.
- (d) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
- (e) Signs designating entrances, exits, service areas, parking areas, restrooms and other such signs relating to functional operation of the building or premises shall be permitted without limitation other than reasonable size and necessity.
- (f) Signs not exceeding two (2) square feet in area and bearing only property numbers, post box numbers or names of occupants of premises.
- (g) Flags and insignia of any government, except when displayed in connection with commercial promotion.
- (h) Legal notices, identification information or directional signs erected by governmental bodies.
- (i) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
- (j) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
- (k) Political message signs during an election campaign, as defined in Sec. 12.04(1), Wis. Stats., limited to one (1) per premises, and subject to the Village Board's authority to regulate size, shape and placement for the public safety. Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign shall be a maximum of thirty-two (32) square feet.
- (l) Window (interior) signs are allowed with no permits.
- (m) Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (n) House numbers or signs identifying parks or country clubs or official bulletin boards.
- (o) Real estate signs not to exceed eight (8) square feet in area which advertise the sale, rental or lease of the premises upon which such signs are temporarily located.

Sec. 13-1-144 Landscape Features.

Landscape features such as plant materials, berms, boulders, fencing and similar design elements unincorporated or in conjunction with the freestanding signs are encouraged and shall not be counted as allowable sign area.

Sec. 13-1-145 Prohibited Signs.

- (a) **Traffic Interference.** Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs or devices. Signs, canopies and awnings shall not

obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices or the safe flow of traffic. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign, awning or canopy shall be placed so as to obstruct or interfere with traffic visibility.

- (b) **Moving or Flashing Signs.** No sign shall be erected which has any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs, except those giving public service information such as time, date, temperature, weather or similar information or where allowed by conditional use permit. No signs, billboards or other advertising media which creates a hazard or dangerous distraction to vehicular traffic or a nuisance to adjoining residential property shall be permitted in any district.
- (c) **Signs on Public Rights-of-Way.** Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line.

Sec. 13-1-146 Dangerous and Abandoned Signs.

- (a) **Removal of Dangerous Signs.** All signs shall be removed by the owner or lessee of the premises upon which the sign is located in the judgment of the Zoning Administrator, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Zoning Administrator may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Zoning Administrator to the Village Board.
- (b) **Abandoned Signs.** Except as otherwise herein provided, all sign messages shall be removed by the owner or lessee of the premises upon which an off-premise sign is located when the business it advertised is longer conducted where advertised. If the owner or lessee fails to remove the sign, the Zoning Administrator shall give the owner sixty (60) days' written notice to remove said sign and thereafter upon the owner's or lessee's failure to comply may remove such sign, any costs for which shall be charged to the owner of the property or may be assessed as a special assessment against the property, and/or the Zoning Administrator may take any other appropriate legal action necessary to attain compliance.
- (c) **Violations.** All signs constructed or maintained in violation of any of the provisions of this Article after the date of adoption are hereby declared public nuisances within the meaning of this Code of Ordinances. In addition to the penalty provisions for violations of this Article, the Zoning Administrator or Village Board may bring an action to abate the nuisance in the manner set forth in the Wisconsin Statutes.

Sec. 13-1-147 Variances or Exceptions.

Variances or exceptions to these sign regulations may be granted by the Board of Appeals following a recommendation from the Village Board and Zoning Administrator, pursuant to the standards of the Village Zoning Code.

Sec. 13-1-148 Construction and Maintenance Regulations for Signs.

- (a) **Installation.** All signs shall be properly secured, supported and braced and shall be kept in reasonable structural condition and shall be kept clean and well painted at all times. Bolts or screws shall not be fastened to window frames. Every sign and its framework, braces, anchors and other supports shall be constructed of such material and with such workmanship as to be safe and satisfactory to the Zoning Administrator and/or Building Inspector.
- (b) **General Requirements.**
 - (1) **Construction Standards.** All signs, except flat signs and those signs weighing less than ten (10) pounds, shall be designed, fastened and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area and shall be constructed, attached, fastened or anchored to adequately support the dead load and any anticipated live loads (i.e., ice, snow) of the sign.
 - (2) **Illuminated Signs.** Any illuminated signs shall not interfere with surrounding properties or traffic.
 - (3) **Roof Signs.** No sign shall be located so as to project above the parapet line unless approved by the Zoning Administrator.
 - (4) **Projection.** Signs including supports shall not interfere with surrounding properties or traffic.
 - (5) **Prohibited Mounting.** No signs shall be painted on, attached to or affixed to any trees, rocks, or other similar organic or inorganic natural matter, including utility poles or apparatus.
 - (6) **Blanketing.** Blanketing of signs on buildings shall not be allowed.
 - (7) **Maintenance.** All signs, including supports and attachments, shall be properly maintained and have an appearance that is neat and clean. All signs shall be kept in good structural condition, well painted, and clean at all times and the immediate premises shall be maintained in a clean, sanitary and inoffensive condition and kept free and clear of all obnoxious substances, rubbish and weeds.
 - (8) **Annexed Areas.** All signs in newly annexed areas shall comply with this Article within five (5) years of annexation.

Sec. 13-1-149 Special Sign Requirements.

- (a) **Electronic Message Unit Signs.**
 - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
 - (2) Segmented messages must be displayed for not less than one-half (1/2) second and more than ten (10) seconds.

- (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (b) **Portable Signs/Message Boards.** Such signs shall be limited in use to fifteen (15) days at a time following approval by the Zoning Administrator, provided, however, that the Zoning Administrator shall not give approval for placement of a portable sign/message board if it presents a vision obstruction; such signs shall not be displayed more frequently than four (4) times per calendar year at any one (1) location, not more than fifteen (15) days each time. The maximum size of a portable sign/message board shall be ten (10) square feet on each face, back to back. Portable signs/message boards shall not be located in any public right-of-ways and shall be securely fastened to prevent any hazardous condition.
- (c) **Search Lights.** The Zoning Administrator may permit the temporary use of a searchlight for advertising purposes in any district provided that the searchlight will not be located in any public right-of-way, will not be located closer than ten (10) feet to an adjacent property and will not cause a hazard to traffic or adjoining properties. Searchlight permits shall not be granted for a period of more than five (5) days in any six (6) month period.

Sec. 13-1-150 Nonconforming Signs.

- (a) **Signs Eligible For Characterization as Legal Nonconforming.** Any sign located within the Village of Combined Locks limits of the date of adoption of this Article hereafter which does not conform with the provisions of this Article is eligible for characterization as a legal nonconforming sign and is permitted.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
- (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or Act of God; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
 - (2) The sign is relocated;
 - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs;
 - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Article with a new permit secured therefor or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Article shall relieve the owner or use of a legal nonconforming sign or the owner of the property in

which the sign is located from the provisions of this Article regarding safety, maintenance and repair of signs.

Sec. 13-1-151 Awnings and Canopies.

- (a) **Permitted Awnings.** No awnings (non-collapsible tape) shall be erected or maintained, except such awnings as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** Awnings shall be securely attached to and supported by the building and shall be without posts or columns beyond the setback line.
 - (2) **Height.** All awnings shall be constructed and erected so that the lowest portion thereof shall be not less than seven (7) feet above the level of the public sidewalk or public thoroughfare.
 - (3) **Setback from Curb Line.** No awning shall extend within one (1) foot of the curb line.
- (b) **Permitted Canopies.** No canopies shall be erected or maintained, except such canopies as comply with the following requirements, and then only if the permit required hereunder is first obtained and the same conform to the regulations of the zoning district in which the same are to be located:
 - (1) **Support.** The structural support of all canopies shall be approved by the Zoning Administrator as in compliance with the Building Code of the Village and shall meet state building codes. All frames and supports shall be of metal and designed to withstand a wind pressure as provided in Section 13-1-148 of this Code. All canopies shall be attached to a building, and no supports shall exist beyond the setback line between the canopy and the sidewalk or ground below.
 - (2) **Height Above Sidewalk.** All canopies shall be constructed and erected so that the lowest portion thereof shall not be less than eight (8) feet above the level of the sidewalk or public thoroughfare.
 - (3) **Setback From Curb.** No canopy shall extend beyond a point two (2) feet from the curb line.

Sec. 13-1-152 Violations of Sign Code.

- (a) **Construction Without Permit.** Any person, firm or corporation who begins, erects or completes the erection or construction of any sign, awning or canopy controlled by this Article prior to the granting of a sign permit shall pay a penalty double the amount of the permit otherwise required.
- (b) **Compliance Notice.**
 - (1) If the Zoning Administrator finds any sign, awning or canopy regulated herein unsafe or insecure or is a menace to the public, it shall give written notice to the sign owner and to the property owner.

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- (2) If such sign, awning or canopy owner fails to remove or alter the sign, awning or canopy so as to comply with the standards herein set forth within five (5) days after such notice, the Zoning Administrator may cause such sign, awning or canopy to be removed or altered at the expense of the owner of the sign, awning or canopy or the owner of the property upon which it is located so as to comply with the provisions of this Article.
- (c) **Violations; Penalties.** Any person who shall violate any of the provisions of this Article shall be subject to a penalty which shall be as follows:
- (1) Any person found guilty of violating any part of this Article who has previously been notified of being in violation or been convicted of violating the same Article within one (1) year shall, upon conviction thereof, be subject to a forfeiture as prescribed by Section 1-1-6 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (2) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Article shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Article.

Sec. 13-1-153 through Sec. 13-1-159 Reserved for Future Use.

Article I: Signal Receiving Antennas; Antenna Towers

Sec. 13-1-160 Signal Receiving Antennas.

- (a) **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:
- (1) Provide uniform regulation of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Permit Required.** No owner shall, within the Village of Combined Locks, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator.
- (c) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (d) **Application.**
- (1) Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee as determined by the Village Board and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.
 - (2) a. Prior to the issuance of a permit for the installation of a satellite television antenna, all owners of property adjoining that of the applicant shall be notified of the application together with copies of any plans or other material filled with the application deemed appropriate. Each property owner shall have ten (10) days to object to the installation of said antenna.

- b. If any adjoining property owner objects to the installation of said antenna, no permit shall be issued, and the application, plans and any objection thereto shall be referred to the Board of Appeals under Article N of this Chapter.
- (e) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
 - (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of fifteen (15) feet from any property line.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
 - c. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.
 - (2) **Mounting.** Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.
 - (3) **Diameter.** The diameter of signal receiving antenna shall not exceed ten (10) feet and six (6) feet for a roof-mounted antenna, except for systems used to provide community antenna television services.
 - (4) **Height.**
 - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed ten (10) feet in height, as measured from the ground to the highest point of the antenna.
 - b. A roof-mounted antenna may not exceed eight (8) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
 - (5) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
 - (6) **Electrical Installations.** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground.

- If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
- (7) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
- (8) **Advertising.** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.
- (9) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- (10) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.
- (11) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (12) **Color.** The color of any satellite dish shall be such that it blends into its surroundings and shall be approved by the Zoning Administrator as part of the application.
- (f) **Variances.** Requests for variances from the standards established by this Section may be made to the Village Board.
- (g) **Enforcement.**
- (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Zoning Administrator, Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
- (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 13-1-161 Radio or Television Antenna Towers.

- (a) No radio or television antenna tower shall be erected or installed within the front yard or side yard. The rear setback and the side setback in rear yards shall be that for the principal structure within the respective zoning district. The exact location of the antenna tower shall be subject to approval by the Zoning Administrator.
- (b) No radio or television tower shall exceed a height of twenty (20) feet above the roof line of the building on the property upon which the antenna is located or sixty (60) feet above the ground measured at grade level, whichever is the minimum.
- (c) Radio or television antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code, Federal Communications Commission and the instructions of the manufacturer; in cases of conflict the stricter requirements shall govern.

Sec. 13-1-162 through Sec. 13-1-179 Reserved for Future Use.

Article J: Accessory Uses and Structures; Fences;
Swimming Pools

Sec. 13-1-180 Accessory Uses or Structures.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions — Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
- (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, an attached or detached garage may be constructed to serve each residential unit so long as the yard requirements of the district are met. One (1) additional accessory (shed) building may also be built on a lot.
- (2) **Accessory Building Size Limits.**
- a. An unattached garage shall not exceed the height of the main structure on the parcel with a maximum height not exceeding eighteen (18) feet and shall not exceed thirty (30) feet by thirty (30) feet in area. Other accessory (shed) buildings shall not exceed twelve (12) feet by fourteen (14) feet in area. Unattached garage structures and other accessory (shed) structures shall not occupy more than thirty percent (30%) of the required rear yard (see definition of rear yard), to be located within three (3) feet of any other accessory building, principal building, or lot line. No accessory building will be allowed except in conjunction with a residence.
- b. A variance to code would be required if the proposed garage structure(s) would occupy more than thirty percent (30%) of the required rear yard. The application for a variance to the rule limiting the percentage of a rear yard that can be occupied by structures would at a minimum have to address the following:
1. Affect of storm water runoff on abutting properties; and
 2. Aesthetic impact on neighborhood.
- (3) **Attached Accessory Buildings.** All accessory buildings which are attached to the principal building shall comply with the yard requirements of the principal building.
- (4) **Accessory Structures Setbacks.** Notwithstanding residential driveways and parking lots, unless otherwise provided by these regulations, no structure shall be located within three (3) feet of any accessory building, principal building, or lot line.
- (c) **Use Restrictions — Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined and authorized herein and shall not be occupied as a dwelling unit.
- (d) **Reversed Corner and Corner Lots.** An accessory building, structure or use on a corner lot, a reversed corner lot or a through lot, shall be set back from the property line adjoining

a street the distance required for a front yard unless otherwise required herein for a specific permitted or conditional use.

- (e) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flag poles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (f) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator, and shall be removed within thirty (30) days of occupancy of the project.
- (g) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, following approval by the Village Board, provided as follows:
 - (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (h) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (i) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (j) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls and provided further that along a street frontage no such wall shall be closer than three (3) feet to the property line.

Sec. 13-1-181 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.

- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) No person shall store in the open more than three (3) full cords of firewood in a residential district or use more than fifteen percent (15%) of the side and rear yard for storage.

Sec. 13-1-182 Fences.

- (a) **Fences Defined.** For the purpose of this Section,
 - (1) **Fence.** An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance.
 - (2) **Boundary Fence.** A fence placed the property lines of adjacent properties.
 - (3) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (4) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (5) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.
- (b) **Fence Permit Required.** No person shall erect a fence in the Village without first obtaining a fence permit from the Building Inspector and paying the required fee. The applicant shall provide the Building Inspector with accurate design information for the proposed fence. Permits may only be issued for proposed fences complying with this Section.
- (c) **Height of Fences Regulated.**
 - (1) **Standards.** Notwithstanding other provisions of these regulations, ornamental fences, walls, and hedges may be permitted in any required yard, or along the edge of any required yard provided no such fence, wall, or hedge shall exceed a height of three (3) and one-half (3-1/2) feet along the sides or front edge of any front yard and no such fence, wall, or hedge shall exceed a height of six (6) feet in any other required yard. No driveway shall be closer than one (1) foot from any lot line. Hedges shall be maintained within the owner's lot line.
 - (2) **Corner Lots.** On any corner lot where a front or side yard is required or provided, no hedge, or obstruction, or fence through which no object can be seen shall be erected, constructed or maintained which exceeds more than three and one-half (3-1/2) feet in height measured from the established grade of the street so as to interfere with clear vision from one (1) street to another across the corner. In other cases, a fence

- through which objects can be easily seen may be erected, constructed or maintained not to exceed three and one-half (3-1/2) feet in height.
- (3) **Mixed Use.** No fence or wall shall be erected, placed or maintained along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (d) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (e) **Prohibited Fences.** No fence shall be constructed which creates a dangerous condition, or which conducts electricity, or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
 - (f) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.
 - (g) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
 - (h) **Nonconforming Fences.** Any fence existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but any alteration, modification or improvement of more than fifty percent (50%) of said fence shall result in the entire fence being brought into compliance with this Section.
 - (i) **Location Determination.** The property owner erecting a fence is solely responsible for ensuring that the fence is located properly on his property.

Sec. 13-1-183 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than twenty-four (24) inches located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his/her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum water depth of twenty-four (24) inches, and which are so constructed that they may readily be disassembled for storage and reassembled to their original integrity, are exempt from the provisions of this Section.
- (c) **Permit Required.**
- (1) An application for a swimming pool building permit must be submitted in writing to the Building Inspector before work is commenced on the construction, installation, or placement of private or residential swimming pools not exempted by these regulations. A building permit is also required for any alterations, additions, remodeling or other improvements to an existing pool. Plans, specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application.
 - (2) Incidental plumbing and/or electrical work shall be subject to the provision of the respective codes and require separate permits from the Village.
 - (3) The minimum building permit fee pursuant to the Village Building Code shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
- (1) All materials and methods for construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and codes and with any and all ordinances of the Village now in effect or hereafter enacted.
 - (2) All plumbing work shall be in accordance with all applicable ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
 - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Village ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
- (1) All pools, to include exempted pools, shall be installed, constructed or placed on rear or side lots only, and only on a lot occupied by a principal building. No swimming pool shall be installed, constructed or placed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
 - (2) No part of any outdoor swimming pool shall be set nearer than three (3) feet from any lot line or fifteen (15) feet from any adjacent residence or garage or in the front setback area of any lot.

- (f) **Fence.**
- (1) **Requirement.** Outdoor swimming pools shall be protected by a fence, wall, buildings, enclosure or solid wall of durable material of which the pool itself may be constructed or any combination thereof. The artificial barrier shall be constructed so as to afford no handholds or footholds, of materials which are impenetrable by toddlers, at least four (4) feet in height so that a toddler cannot grasp its top by jumping or reaching. Any gate installed shall be provided with self-closing and self-latching devices which shall be on the inside of the gate at least thirty (30) inches above ground level. All fences shall be constructed so that there is no more than four and one-half (4-1/2) inches of spacing between vertical members.
 - (2) **Exception.** The pool enclosure may be omitted where a pool is installed above ground and has a raised deck around the entire pool perimeter with an attached enclosed railing or uncovered sidewalls a minimum of thirty-six (36) inches high, provided that a ladder or stairs access can be restricted.
 - (3) **Portable Pools.** Portable pools over twenty-four (24) inches in depth shall be fenced or shall be drained, or covered with a secured cover to prevent access into the pool, after each day's use so as to provide public safety.
- (g) **Life Saving Equipment.** Lifesaving equipment shall be provided and shall consist of at least one (1) life pole ten (10) feet long and a Coast Guard approved ring buoy with a minimum outside diameter of twenty (20) inches (U.S.C.G. approval numbers 160.009 or 160.050) to which shall be attached a three-sixteenths inch rope of a length at least equal to the greatest dimension of the swimming pool.
- (h) **Draining and Approval Thereof.** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer or septic tank nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Building Inspector.
- (i) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof. Every private swimming pool which has a capacity of at least five hundred (500) cubic feet of water shall be equipped with a recirculating system which shall be capable of filtering and recirculating the entire volume content of the pool during a twelve (12) hour period.
- (j) **Dirt Bottoms Prohibited.** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Sec. 13-1-184 through Sec. 13-1-199 Reserved for Future Use.

Article K: Modifications

Sec. 13-1-200 Height Modifications.

The District height limitations stipulated elsewhere in this Chapter may be exceeded, but such modification shall be in accord with the following:

- (a) **Architectural Projections.** Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
- (b) **Special Structure Height Limitations.** Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this Chapter.
- (c) **Essential Services Height Limitations.** Essential services, utilities, water towers, and electric power and communication transmission lines are subject to conditional use permit.
- (d) **Communications Structures Height Restrictions.** Communications structures such as radio and television transmission and relay towers, aerial and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (e) **Agricultural Structures Height Restrictions.** Agricultural structures such as barns, silos and water windmills shall not exceed in height twice their distance from the nearest lot line.
- (f) **Public Facilities Height Restrictions.** Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the District's maximum height requirement.

Sec. 13-1-201 through Sec. 13-1-219 Reserved for Future Use.



Article L: Administration

Sec. 13-1-220 General Administrative System.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, planned unit development conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-221 Zoning Administrator.

The Zoning Administrator is hereby designated as the primary administrative officer for the provisions of this Chapter, and shall be referred to as the Zoning Administrator. The Zoning Administrator shall be appointed by resolution of the Village Board. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue all permits required by this Chapter. The Zoning Administrator shall further:

- (a) Issue all zoning certificates, and make and maintain records; which records shall be maintained in the Village hall.
- (b) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
- (c) Maintain permanent and current records of this Chapter, including but not limited to, all maps, amendments, conditional uses, variances, appeals and applications therefore.
- (d) Provide and maintain a public information function relative to all matters arising out of this Chapter.
- (e) Receive, file and forward to the Village Administrator all applications for amendments to this Chapter.
- (f) Receive, file and forward to the Village Board all applications for conditional uses.
- (g) Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and shall attend all Board of Appeals meetings to provide technical assistance when requested by the Village Board.
- (h) Initiate, direct and review from time to time a study of the provisions of this Chapter, and make recommendations to the Village Board not less than once a year.

Sec. 13-1-222 Certificate of Occupancy.

- (a) **General.**
 - (1) Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection, alteration, repair, or moving of such buildings has been completed in

conformity with the provision of this Chapter and in conformity with the statements on the application. A record of all certificates issued shall be kept in the Village Administrator's office.

- (2) No vacant land shall be occupied or used and no building hereafter erected or altered shall be occupied or used until a certificate of occupancy has been issued by the Building Inspector.
 - (3) A certificate of occupancy shall state that the building or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the Village Administrator's office and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected.
 - (4) No permit for excavation for any building shall be issued before application has been made for certificate of occupancy and compliance.
- (b) **For a Building.** Certificate of occupancy for a new building, or the alteration of an existing building, shall be applied for coincident with the application for a building permit and shall be issued within ten (10) days after the erection or alteration of such building has been completed in conformity with the provisions of these regulations.
 - (c) **For Land.** Certificate of occupancy for the use of vacant land or the change in the use of land herein provided shall be applied for before any such land shall be occupied by the proposed new use. Such certificate shall be issued within ten (10) days after the application has been made, provided such use is in conformity with the provision of these regulations.
 - (d) **For Non-conforming Use.** Certificates of occupancy for non-conforming uses shall be issued by the Building Inspector, and the certificate shall state that the use is a non-conforming use and does not conform with the provisions of this Chapter. The Building Inspector shall notify all occupants of property being used as non-conforming uses and such occupants shall within thirty (30) days after receipt of such notice, apply at the office of the Building Inspector for a certificate of occupancy.

Sec. 13-1-223 Certificate of Appropriateness.

- (a) **Findings.** The Village Board hereby finds that an economically strong commercial core serving as the focus of commercial and cultural activity of the Village will promote the general welfare; that to establish and maintain an economically strong commercial core it is necessary for physical development to be highly concentrated, coordinated and aesthetically attractive and distinctive; and that dissimilar, uncoordinated or otherwise inappropriate physical development will adversely affect the economy, have a detrimental affect on property values, discourage private investment, adversely affect public investments, and cause the loss of distinctive and unique characteristics of the area.
- (b) **Applicability.** No structure (except signs exempt from the provisions of this Chapter) and no building shall be erected, constructed, reconstructed, moved, enlarged or exterior

architectural feature altered in the Commercial District until a certificate of appropriateness has been obtained from the Village Board. A certificate of appropriateness shall not be required for interior alterations or design features not subject to any public view, or for ordinary repairs and maintenance to the exterior of any structure or building where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, its prior condition.

- (c) **Application.** Application for a certificate of appropriateness shall be made in writing to the Village Administrator. Applications shall include the following information: statement of ownership and control of the property affected; statement describing in detail the character and extent of improvements contemplated; site layout drawn to scale showing the location, orientation, and dimensions of buildings and structures; front elevations and architectural definitions of buildings and structures by sketches, drawings, photographs or other information showing the proposed exterior alterations, additions, changes or new construction as reasonably required to make a decision. The Village Administrator shall transmit the application for Certificate of Appropriateness to the Plan Commission for their review and recommendation to the Village Board.
- (d) **Plan Commission to Recommend; Village Board to Decide.**
- (1) **Powers.** The Plan Commission shall make recommendation to the Village Board what action it believes appropriate regarding an application for a Certificate of Appropriateness. The Village Board shall, after first hearing the recommendations of the Plan Commission, have jurisdiction to consider whether a certificate should be issued. The Board shall be concerned with the visual and functional effects of erection, construction, reconstruction, movement, enlargement or alteration of any exterior architectural feature of any building or structure under this Section. The Board shall not be concerned with interior alterations or design features not subject to any public view, or ordinary repairs and maintenance to the exterior of any building or structure where the purpose of such work is to correct any decay or damage and to restore, as nearly as practicable, its prior condition.
 - (2) **Findings.** Before granting a Certificate of Appropriateness, the Village Board shall find, that to the maximum extent practicable:
 - a. The historic or cultural significance of buildings or structures affected is maintained or enhanced.
 - b. The architectural style, value and significance and general design arrangement, texture, material and color of the architectural features of buildings and structures are visually and functionally coordinated with other buildings and structures in the area.
 - c. Principal entrances are visually and functionally related and coordinated with other buildings and pedestrian ways.
 - d. Activity nodes such as plazas and arcades are created, retained and coordinated.
 - e. Building facades and other appurtenances such as fences, walls and landscaping are coordinated to form cohesive walls to enclosure along streets or other public ways.

- f. The scale, orientation and directional expression of buildings and structures are visually and functionally coordinated with other buildings and structures in the area.
 - g. Views are protected, created or enhanced.
- (3) **Procedures.** After the Village Administrator transmits the application for a Certificate of Appropriateness, together with the supporting information and material to the Plan Commission, the Commission shall make recommendation to the Board within twenty (20) days of the filing thereof. Failure of the Commission to act within twenty (20) days shall be deemed a recommendation for approval. The Board shall take action on the application within fifteen (15) days of receiving the recommendation of the Plan Commission. Nothing herein shall prohibit an extension of time where mutual agreement has been made. If the Village Board approves the application, a Certificate of Appropriateness shall be issued. If the Board disapproves the application, a Certificate of Appropriateness shall not be issued. If the Village Board disapproves of an application, it shall give written notice of its findings.
- (4) **Appeals of Board Decisions.** Any applicant or person aggrieved by a final decision of the Village Board under this Section shall have the right to appeal and be heard before the Zoning Board of Appeals, provided a written appeal, along with the payment of current established costs of appeal, are filed with the Village Administrator within thirty (30) days of the Board's decision. The Village Administrator shall schedule a public hearing before the Zoning Board of Appeals not less than thirty (30) days after the filing. A Class 2 notice pursuant to Chapter 983, Wis. Stats., shall be published in the official newspaper of the Village, specifying the date, time and place of the hearing and the matters to come before the Zoning Board of Appeals. A concurring vote of at least two-thirds (2/3) of the Zoning Board of Appeals present at the proceedings shall be necessary to reverse a final decision of the Village Board.

Sec. 13-1-224 Site Plans.

- (a) **Applicability and Procedures.** Where, by the terms of these zoning regulations a site plan is required prior to the issuance of a building permit, such site plan shall be submitted to the Building Inspector. The Building Inspector shall forward such site plan to the Plan Commission for its review and recommendation to the Village Board. The Village Board shall take action to consider approval of said site plan within fifteen (15) days from the date that it receives the recommendation from the Plan Commission. A public hearing is not required for site plan consideration by either the Plan Commission or Village Board, but such matters shall be handled in a public session as part of a previously prepared agenda. All matters relating to the Plan Commission's recommendation and the Village Board's formal action shall be matter of public record.

- (b) **Contents.** A site plan required to be submitted by the requirements of these zoning regulations shall include the following elements, where applicable:
- (1) Statements of ownership and control of the proposed development.
 - (2) Statement describing in detail the character and intended use of the development.
 - (3) A site plan containing the title of the project and the names of the project planner and developer, date, and north arrow and, based on an exact survey of the property drawn to a scale of sufficient size to show
 - a. Boundaries of the project, any existing streets, buildings, water courses, easements, and section lines;
 - b. Exact location of all buildings and structures;
 - c. Access and traffic flow and how vehicular traffic will be separated from pedestrian and other types of traffic;
 - d. Off-street parking and off-street loading areas;
 - e. Recreation facilities locations;
 - f. All screening and buffers;
 - g. Refuse collection areas; and
 - h. Access to utilities and points of utility hookups.
 - (4) Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to
 - a. The various permitted uses;
 - b. Ground coverage by structures; and
 - c. Impervious surface coverage.
 - (5) Tabulations showing
 - a. The derivation of numbers of off-street parking and loading spaces shown in Subsection (b)(4) above; and
 - b. Total project density in dwelling units per net acre.
 - (6) Architectural definitions for buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.
 - (7) Storm drainage and sanitary sewage plans.
 - (8) If common facilities (such as recreation areas or structures, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, home owners associations, surety arrangements, or other legal instruments providing adequate guarantee to the Village that such common facilities will not become a future liability for the Village.
 - (9) Plans for signs, if any.
 - (10) Landscaping plan, including types, sizes and locations of vegetation and decorative shrubbery, and showing provisions for maintenance.
 - (11) In the Industrial Districts, plans for the exterior walls of all buildings, lighting, outside storage and industrial processes and materials pertinent to conformance with the industrial performance standards herein.

- (12) Such additional data, maps, plans or statements as may be required for the particular use or activity involved or as the applicant may believe is pertinent.

Sec. 13-1-225 Change of Use Permit Required.

Whenever a change in use of a premises in either the Commercial District or Commercial Highway District is proposed, a change of use permit shall be considered for approval by the Village Board, after first submitting said application to the Plan Commission for its review and recommendation. The Village Board shall take action to consider approval of said change in use permit within fifteen (15) days from the date that it receives the recommendation from the Plan Commission. Application for said permit shall be made to the Village Administrator's Office. The cost of said permit shall be the actual costs incurred by the Village for its review.

Sec. 13-1-226 Violations and Penalties.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.
- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances.

Sec. 13-1-227 through Sec. 13-1-239 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-240 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review of the Village Board.

Sec. 13-1-241 Initiation of Changes or Amendments.

- (a) **Initiation.** A change or amendment may be initiated by the Village Board or by a petition of one (1) or more of the owners or lessees of property within the area proposed to be changed.
- (b) **Petitions.** Petitions for any change to the District boundaries or amendments to the regulations shall be filed with the Village Administrator and shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
 - (1) A plot plan drawn to a scale of one (1) inch equals one hundred (100) feet [one (1) inch = one hundred (100) feet] showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within two hundred (200) feet of the area proposed to be rezoned.
 - (2) The owners' names and addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.
 - (3) Additional information required by the Village Board.
- (c) **Board Action.** The Village Board shall hold a public hearing as provided for in Sec. 62.23(7)(d), Wis. Stats., and review all proposed changes and amendments within the corporate limits and shall determine that the petition be granted as requested, modified or denied.

Sec. 13-1-242 Protest.

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more

of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

Sec. 13-1-243 through Sec. 13-1-259 Reserved for Future Use.

Article N: Appeals

Sec. 13-1-260 Appeals to the Zoning Board of Appeals.

- (a) **Scope of Appeals.** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable thirty (30) days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Board of appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appeals from was taken.
- (b) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
 - (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
 - (2) **Variances.** To hear and grant appeals for variances as will not be contrary to the public interest where, owing to practical difficulty or unnecessary hardship, so that the spirit and purposes of this Chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Board has made a review and recommendation.
 - (4) **Substitutions.** To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Village Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Village Board has made a review and recommendation.

- (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Village Board has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (7) **Permits.** The Board may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.
- (8) **Business Uses.** To add more uses to the list of those permitted in the B-2 and I-1 Districts, provided that such uses are comparable in general character and not offensive or obnoxious due to emission of odor, dust, noise, gas, smoke or vibration.
- (9) **Parking Standards.** Vary the parking regulations where an applicant demonstrates conclusively that the specific use of a building would make unnecessary the parking spaces required by this Section but providing that such a reduction not be more than fifty percent (50%) of the usual requirement.

Sec. 13-1-261 Hearing on Appeals.

The Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) days prior to the hearing of the fee owners of records of all land within one hundred (100) feet of any part of the subject building or premises involved in the appeal.

Sec. 13-1-262 Decisions of Board of Appeals.

- (a) **Timeframe.** The Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (c) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-263 Variations.

(a) **Purpose.**

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection that the flood protection elevation for the particular area or permit standards lower than those required by state law.
- (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

(b) **Application for Variation.** The application for variation shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:

- (1) Name and address of applicant and all abutting and opposite property owners of record.
- (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
- (3) Address and description of the property.
- (4) A site plan showing an accurate depiction of the property.
- (5) Additional information required by the Village Engineer, Village Board, Zoning Board of Appeals or Zoning Administrator.
- (6) Fee receipt in the amount as determined by the Village Board.

(c) **Public Hearing of Application.** The Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than ten (10) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant.

- (d) **Action of the Board.** For the Board of Appeals to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiological consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (e) **Conditions.** The Board of Appeals on appeal may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

Sec. 13-1-264 Review by Court of Record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the offices of the Board of Appeals.

Title 13 ► Chapter 2

Floodplain Zoning

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Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

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

Sec. 13-2-2 Finding of Fact.

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

Sec. 13-2-3 Statement of Purpose.

This Chapter 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 home buyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts 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 floodplain.

Sec. 13-2-4 Title.

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

Sec. 13-2-5 General Provisions.

- (a) **Areas To Be Regulated.** This Chapter regulates all areas that would be covered by the regional flood or base flood.

[**Note:** "Base floods" are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.]

- (b) **Official Maps and Revisions.** The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Village of Combined Locks Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village of Combined Locks Administrator. If more than one (1) map or revision is referenced, the most restrictive information shall apply. The pertinent floodplain zoning maps shall be: Based on the Outagamie County Flood Insurance Study (FIS), dated (July 22, 2010), volume number (55087CVOOOA) Outagamie County Flood Insurance Rate Map (FIRM), panel numbers (55087CO339D, 55087CO343D, and 55087CO456D), dated July 22, 2010; with corresponding profiles that are based on the FIS; and the map entitled Extent of 100 Year Flood Plain Based on the Kensington Pond Dam Analysis, Village of Combined Locks, dated July 2007, along with supporting profile document entitled Maximum Water Surface Elevations – Kensington Pond Dam Break Analysis – Model Extent in Village of Combined Locks, and supporting profile document entitled Kensington Pond Dam Break Analysis – Extent through Combined Locks, dated June 2007.
- (c) **Establishment of Districts.** The regional floodplain areas are divided into three (3) districts as follows:
- (1) 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.
 - (2) The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway.
 - (3) 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 Subsections (d)(1) and (2) below. If a significant difference exists, the map shall be amended according to Sec. 13-2-80 and 13-2-81. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district's boundary line shall be settled according to Sec. 13-2-7(c) and the criteria in Subsections (d)(1) and (2) below:

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspections and any information provided by the Department.
[**Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to Sec. 13-2-80(f)].
- (e) **Removal of Lands From Floodplain.** Compliance with the provisions of this Chapter shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Secs. 13-2-80 and 13-2-81.
[**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC)].
- (f) **Compliance.** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this Chapter, 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 Chapter and obtain necessary permits. State agencies are required to comply if Section 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stats., applies.
- (h) **Abrogation and Greater Restrictions.**
- (1) This Chapter supersedes all the provisions of any zoning ordinance enacted under Sec. 62.23, Wis. Stats., for cities, or Sec. 61.35, Wis. Stats., for villages, which relate to floodplains. If another ordinance is more restrictive than this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (2) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (i) **Interpretation.** In their interpretation and application, the provisions of this Chapter 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 Chapter, required by 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 Chapter or in effect on the date of the most recent text amendment to this Chapter.
- (j) **Warning and Disclaimer of Liability.** The flood protection standards in this Chapter are based on engineering experience and scientific research. Larger floods may occur or the

flood height may be increased by man-made or natural causes. This Chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Chapter create liability on the part of, or a cause of action against, the Village of Combined Locks or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

- (k) **Severability.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (l) **Annexed Areas for Cities and Villages.** The Outagamie 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 Village of Combined Locks adopts and enforces an ordinance which meets the requirements of NR 116, Wis. Adm. Code, and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village of Combined Lock's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the 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 equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development which meets the subdivision definition of this Chapter.

Sec. 13-2-6 through Sec. 13-2-19 Reserved for Future Use.

Article B: General Provisions Applicable to All Floodplain Districts

Sec. 13-2-20 Hydraulic and Hydrologic Analyses.

- (a) Except as provided in Subsection (c) below, no floodplain development shall:
 - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
 - (2) 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 Subsection (c) are met.
- (c) Obstructions or increases equal to or greater than 0.01 may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Secs. 13-2-80 and 13-2-81.
[**Note:** This Section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.]

Sec. 13-2-21 Watercourse Alterations.

- (a) 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.
- (b) As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or 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 as required.

Sec. 13-2-22 Chapter 30, 31, Wis. Stats., Development.

Development which requires a permit from the Department, under Chapters 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 Secs. 13-2-80 and 13-2-81.

Sec. 13-2-23 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 Wisconsin Department of Health and Family Services.
- (b) A land use permit for the campground is issued by the Zoning Administrator.
- (c) The character of the river system and the elevation of the campground is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this Section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (e) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection (d), to remain in compliance with all applicable regulations, including those of the Wisconsin Department of Health Services and all other applicable regulations.
- (f) Only camping units are allowed.
- (g) The camping units may not occupy any site in the campground for more than one hundred and eighty (180) consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of twenty-four (24) hours.
- (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred and eighty (180) days and shall ensure compliance with all the provisions of this Section.
- (i) The Village of Combined Locks shall monitor the limited authorization issued by the campground operator to assure compliance with the terms of this Section.
- (j) All camping units that remain in place for more than one hundred and eighty (180) consecutive days must meet the applicable requirements of either Article C or Article D of this Chapter 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.

- (I) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Sec. 13-2-24 through Sec. 13-2-29 Reserved for Future Use.

Article C: Floodway District (FW)

Sec. 13-2-30 Applicability of Floodway District Regulations.

This Article/District applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Sec. 13-2-53.

Sec. 13-2-31 Floodway District Permitted Uses.

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

- They are not prohibited by any other ordinance;
 - They meet the standards in Secs. 13-2-32 and 13-2-33; and
 - All permits or certificates have been issued according to Sec. 13-2-70:
- (a) *Agricultural* uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (b) *Nonstructural* industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
 - (c) *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 Sec. 13-2-32(d).
 - (d) Uses or structures accessory to open space uses, or classified as historic structures that comply with Secs. 13-2-32 and 13-2-33.
 - (e) Extraction of sand, gravel or other materials that comply with Sec. 13-2-32(d).
 - (f) 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 Chapters 30 and 31, Wis. Stats.
 - (g) Public utilities, streets and bridges that comply with Sec. 13-2-32(c).

Sec. 13-2-32 Standards for Developments in Floodway Areas.

- (a) **General Standards.**
 - (1) Any development in floodway areas shall comply with Article B and have a low flood damage potential.
 - (2) Applicants shall provide the following data to determine the effects of the proposal according to Sec. 13-2-20:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

- b. An analysis calculating the effects of this proposal on regional flood height.
- (3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection (a)(2) 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:
 - (1) The structures are not designed for human habitation and do not have a high flood damage potential;
 - (2) 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;
 - (3) 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
 - (4) The structures have all service facilities at or above the flood protection elevation.
- (c) **Public Utilities.** Public utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of Sec. 13-2-20.
- (d) **Fills or Deposits of Materials.** Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of Sec. 13-2-20 are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Article are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous waste material.

Sec. 13-2-33 Prohibited Uses In The Floodway District.

All uses not listed as permitted uses in Sec. 13-2-31 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 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 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 NR 110.15(3)(b), Wis. Adm. Code;
- (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.

Sec. 13-2-34 through Sec. 13-2-39 Reserved for Future Use.

Article D: Floodfringe District (FF)

Sec. 13-2-40 Applicability of Floodfringe District Regulations.

This Article/District applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Sec. 13-2-53.

Sec. 13-2-41 Floodfringe District Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Sec. 13-2-42 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in Sec. 13-2-70 have been issued.

Sec. 13-2-42 Standards for Development in Floodfringe Areas.

- (a) **Compliance With Other Provisions.** All of the provisions of Sec. 13-2-20 shall apply. In addition, the following requirements prescribed in the Subsections below shall apply according to the use requested.
- (b) **Residential Uses.** Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the floodfringe area, shall meet or exceed the following standards:
 - (1) 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 (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Appeals grants a variance;
 - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection (b)(4) below;
 - (4) In developments where existing street or sewer line elevations make compliance with Subsection (b)(3) impractical, the Village of Combined Locks may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
 - a. The Village of Combined Locks has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

- b. The Village of Combined Locks has a natural disaster plan approved by Wisconsin Emergency Management and the Department.
- (c) **Accessory Structures or Uses.** Except as provided in Subsection (b), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation. An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than Ten Thousand Dollars (\$10,000.00) may be constructed with its lowest floor no more than two (2) feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second and it meets all of the provisions of Section 13-2-32(b)(1)-(4) and Subsection (f) below.
- (d) **Commercial Uses.** Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of Sec. 13-2-42(b). Subject to the requirements of Subsection (f), storage areas, 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 floodfringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in Sec. 13-2-73. Subject to the requirements of Subsection (f), 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 floodproofed in compliance with Sec. 13-2-73. 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:
 - (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Sec. 13-2-73 to the flood protection elevation;
 - (2) 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 disposal systems shall be floodproofed, pursuant to Sec. 13-2-73, to the flood protection elevation and shall meet the provisions of all local ordinances and COMM 83, Wis. Adm. Code.
- (i) **Wells.** All wells shall be floodproofed, pursuant to Sec. 13-2-73, to the flood protection elevation and shall meet the provisions of NR 811 and NR 812, Wis. Adm. Code.
- (j) **Solid Waste Disposal Sites.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.

- (k) **Deposition of Materials.** Any deposited material must meet all the provisions of this Chapter.
- (l) **Manufactured Homes.**
- (1) 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.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse or move laterally during the flood.
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Sec. 13-2-42(b).
- (m) **Mobile Recreational Vehicles.** All mobile recreational vehicles that are on site for one hundred and eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Sec. 13-2-42(1)(1)-(2). 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.

Sec. 13-2-43 through Sec. 13-2-49 Reserved for Future Use

Article E: General Floodplain District (GFP)

Sec. 13-2-50 Applicability of Floodplain District Regulations.

The provisions of this Article/District shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and Floodfringe Districts shall be delineated when adequate data is available.

Sec. 13-2-51 General Floodplain District Permitted Uses.

- (a) Pursuant to Sec. 13-2-54, it shall be determined whether the proposed use is located within a floodway or floodfringe area.
- (b) Those uses permitted in floodway (Sec. 13-2-31) and floodfringe areas (Sec. 13-2-41) are allowed within the General Floodplain District, according to the standards of Sec. 13-2-52, provided that all permits or certificates required under Sec. 13-2-70 have been issued.

Sec. 13-2-52 Standards for Development in the General Floodplain District.

Article C applies to floodway areas; Article D applies to floodfringe areas. The rest of this Chapter applies to either district.

Sec. 13-2-53 Determining Floodway and Floodfringe Limits.

Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

- (a) Require the applicant to submit two (2) 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 floodproofing 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:
 - (1) 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;
 - (2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing

- structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil type and other pertinent information;
- (3) Profile showing the slope of the bottom of the channel or flow line of the stream;
 - (4) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (c) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department's regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of Sec. 13-2-70(b)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Sec. 13-2-54 through Sec. 13-2-59 Reserved for Future Use.

Article F: Nonconforming Uses

Sec. 13-2-60 General Applicability of Nonconforming Use Status.

- (a) **Applicability.** If these standards in this Article conform with Sec. 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 Chapter or any amendment thereto.
- (b) **Existing Lawful Use of a Structure.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Chapter may continue subject to the following conditions:
- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Chapter. 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 modifications 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.;
 - (2) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Chapter;
 - (3) The Village of Combined Locks 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;
 - (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure equals or exceeds fifty percent (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 Chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 13-2-42(b). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provision of this Subsection;
 - (5) Except as provided in Subsection (b)(6) below, 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 of the structure meet this Chapter's requirements. A structure is considered substantially damaged if the total cost to

- restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value;
- (6) For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.
 - (7) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with Sec. 13-2-32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 13-2-73 are used.

Sec. 13-2-61 Floodway Areas—Nonconforming Uses.

- (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:
 - (1) Has been granted a permit or variance which meets all Chapter requirements;
 - (2) Meets the requirements of Sec. 13-2-60;
 - (3) Will not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Sec. 13-2-73, by means other than the use of fill, to the flood protection elevation.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and COMM 83, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all Village of Combined Locks ordinances and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-62 Floodfringe Areas—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modifications or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in Sec. 13-2-42, except where Subsection (b) below is applicable.

- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in Sec. 13-2-70, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be granted if:
- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, will not be installed;
 - (4) Flood depths will not exceed two (2) feet;
 - (5) Flood velocities will not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials as described in Sec. 13-2-42(f).
- (c) If neither the provisions of Subsections (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
 - (2) Does not exceed sixty (60) square feet in area; and
 - (3) In combination with other previous modifications or additions to the building, equals or exceeds fifty percent (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 system shall meet all the applicable provisions of all local ordinances and 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 Chapter and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-63 through Sec. 13-2-69 Reserved for Future Use.

Article G: Administration

Sec. 13-2-70 Zoning Administrator; Permits.

- (a) **Responsibilities.** The Zoning Administrator is authorized to administer this Chapter and shall have the following duties and powers:
- (1) Advise applicants of the provisions of this Chapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this Chapter and issue certificates of compliance where appropriate.
 - (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to structures has occurred.
 - (4) Keep records of all official actions such as;
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments;
 - d. All substantial damage assessment reports for floodplain structures.
 - (5) Submit copies of the following items to the Department's regional office:
 - a. Within ten (10) days of the decision, a copy of any decision on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken; copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - (6) Investigate, prepare reports, and report violations of this Chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department's regional office.
 - (7) Submit copies of text and map amendments and biennial reports to the FEMA regional office.
- (b) **Land Use Permit.** A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:
- (1) **General Information.**
 - a. Name and address of the applicant, property owner and contractor;
 - b. Legal description, proposed use, and whether it is new construction or a modification.

- (2) **Site Development Plan.** A site plan drawn to scale shall be submitted with the permit application form and shall contain:
- a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and street center lines;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using either National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Articles C or D are met; and
 - i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Sec. 13-2-20. This may include any of the information noted in Sec. 13-2-32(a).
- (3) **Data Requirements to Analyze Developments.**
- a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Wis. Stats., and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred and Twenty-five Thousand Dollars (\$125,000.00). The applicant shall provide:
 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 2. A map showing location and details of vehicular access to lands outside the floodplain; and
 3. A surface drainage plan showing how flood damage will be minimized.
[Note: The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.]
- (4) **Expiration.** All permits issued under the authority of this Chapter shall expire three hundred and sixty-five (365) days after issuance.
- (c) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures meet the requirements of Sec. 13-2-73.
- (d) **Other Permits.** The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 13-2-71 Board of Appeals.

The Board of Appeals, created under Sec. 62.23(7)(e), Wis. Stats., for cities and villages, is hereby authorized to act for the purposes of this Chapter. The Board of Appeals shall exercise the powers conferred by the Wisconsin Statutes and adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Board of Appeals:

(a) **Powers and Duties.**

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

(b) **Appeals to the Board.**

- (1) **Eligible Parties.** Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village of Combined Locks affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board of Appeals all records regarding the matter appealed.
- (2) **Notice and Hearing for Appeals Including Variances.**
 - a. **Notice.** The Board of Appeals shall:
 1. Fix a reasonable time for the hearing;

2. Publish adequate notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
3. Assure that notice shall be mailed to the parties in interest and the Department's regional office at least ten (10) days in advance of the hearing.
- b. **Hearing.** Any party may appear in person or by agent or attorney. The Board of Appeals shall:
 1. Resolve boundary disputes according to Subsection (c) below.
 2. Decide variance applications according to Subsection (d) below.
 3. Decide appeals of permit denials according to Sec. 13-2-72.
- (3) **Decision.** The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department's regional office within ten (10) days of the decision;
 - c. Be a written determination signed by the chairperson or secretary of the Board of Appeals;
 - d. State the specific facts which are the basis for the Board's decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board of Appeals' proceedings.
- (c) **Boundary Disputes.** The following procedure shall be used by the Board of Appeals in hearing disputes concerning floodplain district boundaries:
 - (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.
 - (3) If the boundary is incorrectly mapped, the Board of Appeals should inform the Zoning Committee or the person contesting the boundary location to petition the governing body for a map amendment according to Secs. 13-2-80 and 13-2-81.
- (d) **Variances.**
 - (1) The Board of Appeals may, upon appeal, grant a variance from the standards of this Chapter if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the Chapter's provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions not common to adjacent lots or premises. In such cases this Chapter or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this Chapter in Sec. 13-2-3.

- (2) In addition to the criteria in Subsection (d)(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Chapter.
- (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the amendments to this Chapter or map(s) required in Sec. 13-2-80.
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted, the Board of Appeals shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

Sec. 13-2-72 Board of Appeals to Review Appeals of Permit Denials.

- (a) The Board of Appeals shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Sec. 13-2-70(b).
 - (2) Floodway/floodfringe determination data in Sec. 13-2-53.
 - (3) Data listed in Sec. 13-2-32(a)(2)b where the applicant has not submitted this information to the Zoning Administrator.
 - (4) Other data submitted with the application, or submitted to the Board of Appeals with the appeal.
- (b) For appeals of all denied permits the Board of Appeals shall:
 - (1) Follow the procedures of Sec. 13-2-71;
 - (2) Consider the Zoning Agency's/Administrator's recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation, the Board of Appeals shall:
 - (1) Uphold the denial where the Board of Appeals agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.

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

Sec. 13-2-73 Floodproofing.

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement; and
 - (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures can include:
 - (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
 - (2) Adding mass or weight to prevent flotation.
 - (3) Placing essential utilities above the flood protection elevation.
 - (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
 - (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
 - (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Sec. 13-2-74 Public Information.

The Village of Combined Locks may do the following:

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

Sec. 13-2-75 Zoning Agency.

- (a) The Village of Combined Locks Plan Commission shall:
 - (1) Oversee the functions of the office of the Zoning Administrator; and

- (2) Review and advise the Village Board on all proposed amendments to this Chapter, maps and text.
- (b) The Plan Commission shall not:
 - (1) Grant variances to the terms of the Chapter in place of action by the Board of Appeals; or
 - (2) Amend the text or zoning maps in place of official action by the Village Board.

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

Sec. 13-2-76 through Sec. 13-2-79 Reserved For Future Use.

Article H: Amendments

Sec. 13-2-80 General Amendments.

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

- (a) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (b) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (d) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (e) Any upgrade to a floodplain zoning ordinance text required by NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Combined Locks.
- (f) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

[**Note:** Consult the FEMA web site - www.fema.gov - for a current map change fee schedule.]

Sec. 13-2-81 Procedures for Amendments.

- (a) Ordinance amendments to this Chapter may be made upon petition of any interested party according to the provisions of Sec. 62.23, Wis. Stats. Such petitions shall include all necessary data required by Secs. 13-2-53 and 13-2-70(b).
- (b) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stats.
- (c) No amendments shall become effective until reviewed and approved by the Department.
- (d) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the Village Board.
- (e) For amendments in areas with no water surface profiles, the Plan Commission shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information [See Sec. 13-2-5(d)].

Sec. 13-2-82 through Sec. 13-2-89 Reserved for Future Use

Article I: Enforcement and Penalties; Definitions

Sec. 13-2-90 Enforcement and Penalties.

Any violation of the provisions of this Chapter by any person shall be unlawful and shall be referred to the Village of Combined Locks village attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Village of Combined Locks a penalty of not less than Twenty-five Dollars (\$25.00) and not more than Fifty Dollars (\$50.00) [as provided in Section 87.30(2), Wis. Stats.], together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.

Sec. 13-2-91 Definitions.

- (a) **Definitions Established.** Unless specifically defined below, words and phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary:
- (1) **A-Zones.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Accessory Structure or Use.** A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
 - (3) **Base Flood.** The flood having a one percent (1%) chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
 - (4) **Basement.** Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
 - (5) **Building.** See "Structure."
 - (6) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (7) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

- (8) **Camping Unit.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent.
- (9) **Certificate of Compliance.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (10) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (11) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
- (12) **Deck.** An unenclosed exterior structure that no has roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (13) **Department.** The Wisconsin Department of Natural Resources.
- (14) **Development.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (15) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (16) **Encroachment.** Any fill, structure, equipment, building, use or development in the floodway.
- (17) **Existing Manufactured Home Park or Subdivision.** A parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the original effective date of this Chapter/ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (18) **Expansion to Existing Mobile/Manufactured Home Park.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- (19) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.

- (20) **Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (floodplains) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency (FEMA).
- (21) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
- a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (22) **Flood Frequency.** The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (23) **Floodfringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
- (24) **Flood Hazard Boundary Map.** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superceded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (25) **Flood Insurance Study.** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (26) **Floodplain.** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.
- (27) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (28) **Floodplain Management.** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

- (29) **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (30) **Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (31) **Flood Protection Elevation.** An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (See also "Freeboard").
- (32) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (33) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (34) **Freeboard.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- (35) **Habitable Structure.** Any structure or portion thereof used or designed for human habitation.
- (36) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class I notice, published once at least one (1) week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class II notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (37) **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (38) **Historic Structure.** Any structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on state inventory of historic places with preservation programs which have been approved by the Secretary of the Interior.

- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.
- (39) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (40) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see "Development".)
- (41) **Manufactured Home.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- (42) **Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles".
- (43) **Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this Chapter.
- (44) **NAVD or North American Vertical Datum.** Elevations referenced to mean sea level datum, 1988 adjustment.
- (45) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (46) **New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (47) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area

- of the floodplain which it occupies. (For example, an existing residential structure in the Floodfringe District is a conforming use; however, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (48) **Nonconforming Use.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (49) **Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
- (50) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, as described in Sec. 13-2-5(b), which has been approved by the Department and FEMA.
- (51) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (52) **Ordinary Highwater Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (53) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (54) **Private Sewage System.** A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin Department of Commerce, including a substitute for the septic tank or soil absorption field, a hold tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (55) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (56) **Reasonably Safe From Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (57) **Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (58) **Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The

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

- (59) **Structure.** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (60) **Subdivision.** Has the meaning given in Sec. 236.02(12), Wis. Stats.
- (61) **Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (62) **Unnecessary Hardship.** Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (63) **Variance.** An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (64) **Violation.** The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (65) **Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (66) **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (67) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

Article J: Definitions

Sec. 13-2-90 Definitions.

- (a) Unless specifically defined below, words or phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter its most reasonable application. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary.
- (1) **A Zones.** Those areas shown on the "Official Floodplain Zoning Map" which would be inundated by the "regional flood" as defined herein. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (3) **Basement.** Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
 - (4) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this Chapter.
 - (5) **Certificate of Compliance.** A certification issued by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
 - (6) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
 - (7) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.
 - (8) **Department.** The Wisconsin Department of Natural Resources.
 - (9) **Development.** Any artificial change to improved or unimproved real estate, including but not limited to construction of buildings, structure or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

- (10) **Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (11) **Encroachment.** Any fill, structure, building, use or development in the floodway.
- (12) **Existing Mobile Home Park or Mobile Home Subdivision.** A parcel (or contiguous parcels) or land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.
- (13) **Expansion to Existing Mobile/Manufactured Home Park.** means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.
- (14) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA) or the Department of Housing and Urban Development (HUD).
- (15) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
 - a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (16) **Flood Frequency.** The probability of a flood occurrence. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (17) **Flood Fringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood, and generally associated with standing water rather than flowing water.
- (18) **Flood Hazard Boundary Map.** A map prepared by FEMA, designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance program.
- (19) **Flood Insurance Study.** A technical engineering examination, evaluation and determination of the municipal flood hazard areas. It provides maps designating those

areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood hazard areas are designated as unnumbered and numbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

- (20) **Floodplain.** That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.
- (21) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (22) **Floodplain Management.** The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.
- (23) **Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (24) **Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.
- (25) **Flood Protection Elevation.** An elevation two (2) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (26) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (27) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.
- (28) **Freeboard.** Means a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.
- (29) **Habitable Buildings.** Any building, or portion thereof, used for human habitation.
- (30) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats., Class 1 notice is the minimum required for appeals: Published once at least one (1) week (seven days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments, published twice, once each week consecutively, the last at least a week (7 days) before the

- hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (31) **High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (32) **Historic Structure.** Any structure that is:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.
- (33) **Human Habitation.** A human residence or dwelling.
- (34) **Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (35) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (36) **Mobile Home or Manufactured Home.** A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and remain on-site less than one hundred eighty (180) days.
- (37) **Municipality or Municipal.** The Village governmental units enacting, administering and enforcing this floodplain zoning Chapter.
- (38) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (39) **Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)

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- (40) **Nonconforming Use.** A nonconforming use is an existing lawful use or accessory use of a structure, building which is not in conformity with the provisions of this Chapter for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (41) **Obstruction to Flow.** Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
- (42) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, which has been approved by the Department of Natural Resources and FEMA.
- (43) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (44) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action or surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (45) **Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (46) **Private Sewage System.** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Industry, Labor and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (47) **Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (48) **Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every one hundred (100) years.
- (49) **Structure.** Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (50) **Substantial Improvements.**
- a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:
 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which existed before the

- improvement began, was identified by a municipal official and are necessary to assure safe living conditions; or
 - 2. Any alteration of a designated historical structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed in the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as an historic structure.
 - b. Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components. "Substantial improvement" begins when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.
- (51) **Unnecessary Hardship.** Those circumstances which are special conditions affecting a particular property, which are not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the Chapter.
- (52) **Variance.** An authorization granted by the Board of Appeals to construct, alter or use a structure in a manner which is inconsistent with the dimensional standards contained in this Chapter.
- (53) **Watershed.** The entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (54) **Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
- (55) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater regardless of its intended use.

Chapter 3

Shoreland–Wetland Zoning

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Article A: Statutory Authorization; Findings of Fact;
Statement of Purpose and Title

Sec. 13-3-1 Statutory Authorization.

This Chapter is adopted pursuant to the authorization in Sections 61.35, 61.351, 87.30 and 144.26, Wis. Stats.

Sec. 13-3-2 Findings of Fact.

Uncontrolled use of the shoreland-wetlands and the pollution of the navigable waters of the Village of Combined Locks would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

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

Sec. 13-3-3 Title of Chapter.

Shoreland-Wetland Zoning Ordinance/Chapter for the Village of Combined Locks, Wisconsin.

Sec. 13-3-4 through Sec. 13-3-9 Reserved for Future Use.

Article B: General Provisions

Sec. 13-3-10 Compliance.

The use of wetlands and the alteration of wetlands within the shoreland area of the Village of Combined Locks shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. (However, see Section 13-3-24 of this Chapter for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter.

Sec. 13-3-11 Municipalities and State Agencies Regulated.

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

Sec. 13-3-12 Abrogation and Greater Restrictions.

- (a) This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Section 61.35, 62.23 or 87.30, Wis. Stats., which relates to floodplains and shoreland-wetlands, except that where another municipal zoning ordinance is more restrictive than the provisions contained in this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- (b) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

Sec. 13-3-13 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the municipality and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 117, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 117 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.

Sec. 13-3-14 Severability.

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

Sec. 13-3-15 Annexed Areas.

The shoreland zoning provisions of Outagamie County in effect on the date of annexation remain in effect administered by the municipality for all areas annexed by the municipality after May 7, 1982. These annexed lands are described on the municipality's official zoning map. The Outagamie County shoreland zoning provisions are incorporated by reference for the purpose of administering this Chapter and are on file in the office of the municipal zoning administrator.

Sec. 13-1-16 through Sec. 13-3-19 Reserved for Future Use.

Article C: Shoreland–Wetland Zoning District

Sec. 13-3-20 Official Shoreland–Wetland Zoning Maps.

The following maps are hereby adopted and made a part of this Chapter and are on file in the office of the Village Administrator:

- (a) Wisconsin Wetland Inventory map stamped "Final" on June 8, 1992.
- (b) Floodplain zoning maps titles "Flood Insurance Rate Maps (FIRM) panel number 55087C339D, 55087C0343 and 55087C0456 dated 7-22-2010.

Sec. 13-3-21 District Boundaries.

- (a) **Boundaries.** The shoreland-wetland zoning district includes all wetlands in the Village of Combined Locks, Wisconsin, which are five (5) acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this Chapter in Section 13-3-20 and which are:
 - (1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the Village of Combined Locks shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20 of this Chapter.
 - (2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Chapter in Section 13-3-20. Floodplain Zoning Maps shall be used to determine the extent of floodplain areas in the Village of Combined Locks.
- (b) **Determinations of Navigability.** Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for the final determination of navigability or ordinary high-water mark.
- (c) **Discrepancies.** When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-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 shoreland-wetland district boundary as mapped is in error. If the Department staff concurs with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. In order

to correct wetland mapping errors or acknowledge exempted wetlands designated in Sections 13-3-21(d) and 13-3-21(e), the Zoning Administrator shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period.

- (d) **Filled Wetlands.** Wetlands which are filled prior to June 8, 1992, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this Chapter.
- (e) **Wetlands Landward of a Bulkhead Line.** Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982, under Sec. 30.11, Wis. Stats., are not subject to this Chapter.

Sec. 13-3-22 Permitted Uses.

The following uses are permitted subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) **No Wetland Alteration.** Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) **Wetland Alteration Restricted.** Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - (1) The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 - (2) The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 - (3) The maintenance and repair of existing drainage to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible, and that dredged spoil is placed on existing spoil banks where possible;
 - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

- (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - (6) The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the shoreland-wetland listed in Section 13-3-37(c) of this Chapter; and
 - (7) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (c) **Permit Required.** Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted in this Section, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37(c) of this Chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - e. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed five hundred (500) square feet in floor area; and
 - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed;

- c. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Subsection (c)(1) of this Section; and
 - d. 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.
- (4) The construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, and sewage collection lines, and related facilities and the construction and maintenance of railroad lines provided that:
- a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - c. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37 (c) of this Chapter.

Sec. 13-3-23 Prohibited Uses.

- (a) **Rezoning Required.** Any use not listed in Section 13-3-22 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-3-37 of this Chapter.
- (b) **Boathouses; Other Prohibited Uses.** The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

Sec. 13-3-24 Nonconforming Structures and Uses.

The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of the Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

- (a) **Reconstruction and Repair.** The shoreland-wetland provisions of this ordinance authorized by Sec. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to Sec. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repairs and alterations to fifty percent (50%) of current fair market value.

- (b) **Nonconforming Use Discontinued.** If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to the appropriate provisions of this Chapter.
- (c) **Nonconforming Use Without a Structure.** Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under Sections 62.231 or 61.351, Wis. Stats., may be continued although such use does not conform with the provisions of this Chapter. However, such nonconforming use may not be extended.
- (d) **Nonconforming Boathouses.** 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 Sec. 30.121, Wis. Stats.
- (e) **Nuisances.** Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.

Sec. 13-3-25 through Sec. 13-3-29 Reserved for Future Use.

Article D: Administrative Provisions

Sec. 13-3-30 Zoning Administrator.

The Building Inspector is appointed Zoning Administrator for the purpose of administering and enforcing this Chapter. The Zoning Administrator shall have the following duties and powers:

- (a) Advise applications as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- (b) Issue permits and inspect properties for compliance with this Chapter.
- (c) Keep records of all permits issued, inspections made, work approved and other official actions.
- (d) Have access to any structure or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation and map or text amendments within ten (10) days after they are granted or denied to the appropriate district office of the Department.
- (f) Investigate and report violations of this Chapter to the appropriate Village planning agency and the District Attorney, corporation counsel or Village Attorney.

Sec. 13-3-31 Zoning Permits.

- (a) **When Required.** Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Section 13-3-41(b)(6) of this Chapter, or any change in the use of an existing building or structure is initiated.
- (b) **Application.** An application for a permit shall be made to the Zoning Administrator upon forms furnished by the Village 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 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 area of the lot;
 - b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

- c. Description 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. Boundaries of all wetlands;
 - f. Existing and proposed topographic and drainage features and vegetative cover;
 - g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas;
 - h. Location of existing or future access roads; and
 - i. Specifications and dimensions for areas of proposed wetland alteration.
- (c) **Expiration.** All permits issued under the authority of this Chapter shall expire twelve (12) months from the date of issuance.

Sec. 13-3-32 Certificates of Compliance.

- (a) **Certificates of Compliance.** Except where no zoning permit or conditional use permit is required, no land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Zoning Administrator subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this Chapter.
 - (2) Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
 - (3) The certificate of compliance shall be issued within ten (10) days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provisions of this Chapter.
- (b) **Temporary Certificate.** The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the Village Board.
- (c) **Issued Upon Written Request.** Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of ordinance adoption, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Chapter.

Sec. 13-3-33 Conditional Use Permits.

- (a) **Application.** Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the Zoning Administrator, a public hearing is held by the Plan Commission followed by an advisory recommendation, and a conditional

use permit has been issued by the Village Board following the procedures in Section 13-3-37(b), (c) and (d).

- (b) **Conditions.** Upon consideration of the permit application and the standards applicable to the conditional uses designated in Section 13-3-22, the Village Board shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter. Such conditions may include specifications for, without limitation because of specific enumeration: Type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the Village Board may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

Sec. 13-3-34 Fees.

The Village Board, by resolution, shall establish fees for the following:

- (a) Zoning permits.
- (b) Public hearings.
- (c) Legal notice publications.
- (d) Conditional use permits.
- (e) Rezoning petitions.
- (f) Certificates of compliances.

Sec. 13-3-35 Recording.

Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

Sec. 13-3-36 Revocation.

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

Sec. 13-3-37 Board of Appeals.

- (a) **Appointment.** The Village President shall appoint a Board of Appeals under Title 2, Chapter 4 of this Code of Ordinances and Section 62.23(7)(e), Wis. Stats., consisting of five (5) members subject to confirmation by the Village Board. 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.

- (b) **Powers and Duties.** The Board of Appeals shall:
- (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 Chapter.
 - (2) Hear and decide applications for conditional use permits under this Chapter.
 - (3) May authorize, upon appeal, a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates:
 - a. That literal enforcement of the terms of the ordinance will result in unnecessary hardship for the applicant.
 - b. That the hardship is due to special conditions unique to the property; and is no self-created or based solely on economic gain or loss.
 - c. That such variance is not contrary to the public interest as expressed by the purpose of this Chapter.
 - d. That such variance will not grant or increase any use of property which is prohibited in the zoning district.
- (c) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the community affected by any order, requirement, decision or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the official from whom the appeal is taken and with the Board of Appeals, a notice of appeal specifying the reasons therefor. The Zoning Administrator or other 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.
- (d) **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, Wis. 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 to the parties in interest and the appropriate district office of the Department at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning.
- (e) **Decisions.**
- (1) The final disposition of an appeal, or application for a 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 of the Board's determination and shall either affirm, reverse or modify the order, requirement, decision or determination

appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or 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 one hundred ninety (190) days after the decision is issued.

Sec. 13-3-38 Amending Shoreland-Wetland Zoning Regulations.

The Village Board may alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirements of Section 62.23(7)(d)2, Wis. Stats., Ch. NR 117, Wis. Adm. Code, and the following:

- (a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within five (5) days of the submission of the proposed amendment to the Village planning agency.
- (b) All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the municipal planning agency, and a public hearing shall be held 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 twenty (20) days prior to such hearing.
- (c) In order to insure that the shoreland protection objectives in Section 144.26, Wis. Stats., will be accomplished by the amendment, the Village Board may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following:
 - (1) Storm and flood water storage capacity;
 - (2) Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (4) Shoreline protection against 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.
- (d) 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 Subsection (c) of this Section, the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.
- (e) The appropriate district office of the Department shall be provided with:
 - (1) A copy of the recommendations and report, if any, of the municipal planning agency on the proposed text or map amendment within ten (10) days after the submission of those recommendations to the Village Board; and

- (2) Written notice of the Village Board's action on the proposed text or map amendment within ten (10) days after the action is taken.
- (f) If the Department notifies the municipal planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Subsection (c) of this Section, that proposed amendment, if approved by the Village Board, may not become effective until more than thirty (30) days have elapsed since written notice of the Village Board approval was mailed to the Department, as required by Subsection (e) of this Section. If, within the thirty (30) day period, the Department notifies the Village Board that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the Village 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 61.351(6), Wis. Stats., is completed or otherwise terminated.

Sec. 13-3-39 Reserved for Future Use.

Article E: Penalties; Definitions

Sec. 13-3-40 Enforcement and Penalties.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced, or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Zoning Administrator shall refer violations to the Village Board and the Village Attorney who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the State or any citizen thereof pursuant to Section 87.30(2), Wis. Stats.

Sec. 13-3-41 Definitions.

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
- (b) The following terms used in this Chapter mean:
 - (1) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (2) **Boathouse.** As defined in Section 30.121(1), Wis. Stats., 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.
 - (3) **Class 2 Public Notice.** Publication of a public hearing notice under Chapter 985, Wis. Stats., in a newspaper of circulation in the affected area. Publication is required on two (2) consecutive weeks, the last at least seven (7) days prior to the hearing.
 - (4) **Conditional Use.** A use which is permitted by this Chapter 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 agency designated by the municipal governing body.

- (5) **Department.** The Wisconsin Department of Natural Resources.
- (6) **Development.** 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.
- (7) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (8) **Environmental Control Facility.** 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, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- (9) **Fixed Houseboat.** As defined in Section 30.121(1), Wis. Stats., a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
- (10) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 144.26(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Sections 62.351 and 62.221, Wis. Stats., and Chapter NR 117, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if:
 - a. Such lands are not adjacent to a natural navigable stream or river;
 - b. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
 - c. Such lands are maintained in nonstructural agricultural use.
- (11) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (12) **Planning Agency.** The Plan Commission created under Section 62.23(1), Wis. Stats., or the Planning Committee of the Village.
- (13) **Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and

three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

- (14) **Shoreland-Wetland District.** The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this Chapter as described in Section 13-3-20 of this Chapter.
- (15) **Unnecessary Hardship.** 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 Chapter.
- (16) **Variance.** 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 Chapter.
- (17) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (18) **Wetland Alteration.** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Chapter 4

Official Map

13-4-1	Intent; Purpose
13-4-2	Official Map Established
13-4-3	Building Permits
13-4-4	Municipal Improvements
13-4-5	Appeals
13-4-6	Certified Map; Filing
13-4-7	Enforcement; Penalties

Sec. 13-4-1 Intent; Purpose.

- (a) **Intent.** It is the intent of the Village Board to establish an official map for the purpose of serving and promoting the public welfare, safety, convenience, economy, orderliness and general health of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to insure proper legal descriptions and proper monumenting of land; to facilitate adequate provisions for transportation, parks, playgrounds and storm water drainage; and to facilitate the further subdivision of larger tracts into smaller parcels of land.
- (b) **Authority.** This Chapter is enacted under the authority granted by Sec. 62.23(6), Wis. Stats..

Sec. 13-4-2 Official Map Established.

- (a) **Map Adopted.** The Official Map shall show the location and extent of all platted and existing streets, highways, parkways, parks and playgrounds within the corporate limits of the Village of Combined Locks as heretofore laid out, adopted and established by law. There is hereby established as the Official Map of the Village of Combined Locks, the Map which accompanies and is made a part of this Chapter bearing the date of March 20, 1973. This map is hereby designated as the "Official Map of the Village of Combined Locks" and all notations, references and other information shown thereon shall be as much a part of this Chapter as though the matters and information thereon were fully described herein.
- (b) **Changes and Additions.**
 - (1) The Village Board may change or add to the Official Map so as to establish the exterior lines of; widen; narrow; extend; or close any platted, existing, proposed or planned streets, highways, parkways, parks or playgrounds.

- (2) The Village Board shall refer any change or addition to the Official Map to the Village Plan Commission for review and report thereon prior to adoption. The Village Plan Commission shall report their recommendation to the Village Board within sixty (60) days. A Public Hearing of parties in interest and citizens before the Village Board shall be required before any changes or additions to the Official Map are effective. Notice of the public hearing shall be published as a Class 2 notice, under Chapter 985, Wis. Stats. Changes and additions made by duly approved subdivision plats shall not require the public hearing if the changes or additions do not affect any land outside the area being platted.

Sec. 13-4-3 Building Permits.

- (a) For the purpose of preserving the integrity of the Official Map a building permit shall be required for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered. No permit shall hereafter be issued for any building in the bed of any existing or proposed street, highway, or parkway shown on the Official Map. No permit for the erection of any building shall be issued unless a street, highway or parkway giving access to such proposed structure has been duly placed on this Map.
- (b) The Building Inspector may require each applicant for a building permit to submit a plan, prepared and certified by a registered land surveyor, showing accurately the location of any proposed building with reference to any street, highway, or parkway shown on the Official Map.

Sec. 13-4-4 Municipal Improvements.

No public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway within the corporate limits of the Village of Combined Locks until such street, highway, or parkway is duly placed on the Official Map.

Sec. 13-4-5 Appeals.

The Board of Zoning Appeals shall have the power to review any administrative decision of the Building Inspector to deny a permit for the erection of a structure under this Chapter and to grant relief from the requirements of this Chapter under the provisions of Sections 62.23(6)(d), (f) and (g), Wis. Stats..

Sec. 13-4-6 Certified Map; Filing.

- (a) **Certified Copy of Map.** There shall be a certified copy of the Official Map described in Section 13-4-2. The certified copy shall be kept in the Office of the Village Administrator, and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this Chapter and shall show the date of adoption of this Chapter and shall be signed by the Village President and countersigned by the Village Administrator. Thereafter no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Village President and countersigned by the Village Administrator.
- (b) **Map to Be Filed With Register of Deed.** The Village Administrator shall be responsible immediately upon adoption of the Official Map or any amendment thereto for recording a true copy of the amended Official Map with the Register of Deeds of the County of Outagamie.

Sec. 13-4-7 Enforcement; Penalties.

- (a) **Enforcement.** It shall be the duty of the Building Inspector and the Chief of Police to enforce the provisions of this Chapter.
- (b) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, be subject to a forfeiture as prescribed by Section 1-1-6.
 - (2) No damages shall be allowed for the taking by any governmental agency, for street, highway and parkway purposes, any building erected in violation of this Chapter.

Chapter 5

Comprehensive Plan

- 13-5-1** Village of Combined Locks Comprehensive Plan 2030
13-5-2 Comprehensive Plan Amendment

Sec. 13-5-1 Village of Combined Locks Comprehensive Plan 2030.

- (a) **Authorization.** Pursuant to Secs. 62.23(2) and (3), Wis. Stats., the Village of Combined Locks is authorized to prepare and adopt a comprehensive plan as defined in Sec. 66.1001(1)(a) and (2), Wis. Stats.
- (b) **Adoption of Written Procedures.** The Village Board of the Village of Combined Locks has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by Sec. 66.1001(4)(a), Wis. Stats.
- (c) **Plan Commission Recommendation.** The Plan Commission of the Village of Combined Locks, by a majority vote of the entire Commission as recorded in its official minutes, has adopted a resolution recommending to the Village Board the adoption of the document entitled "Village of Combined Locks Comprehensive Plan 2030", containing all of the elements of Sec. 66.1001(2), Wis. Stats.
- (d) **Public Hearing.** The Village has held at least one (1) public hearing on this Section, in compliance with the requirements of Sec. 66.1001(4)(d), Wis. Stats.
- (e) **Adoption.** The Village Board of the Village of Combined Locks does, by the enactment of this Section, formally adopt the document entitled "Village of Combined Locks Comprehensive Plan 2030", pursuant to Sec. 66.1001(4)(c), Wis. Stats.

State Law Reference: Section 66.1001, Wis. Stats.

Sec. 13-5-2 Comoprehensive Plan Amendment.

- (a) **Background.** The Village of Combined Locks, Wisconsin, adopted the Village of Combined Locks Year 2030 Comprehensive Plan on February 2, 2010, in compliance with Sec. 66.1001(1)(1) and (2), Wis. Stats.
- (b) **Plan Amendment.**
 - (1) **Plan Amendment Preparation.** Village of Combined Locks staff, working under the direction of the Plan Commission, have prepared a proposed Comprehensive Plan Amendment (CPA-01-13) dated July 11, 2013.

- (2) **Notice.** The Village published the required Class I thirty (30) day notice on July 24, 2013.
- (c) **Public Hearing.** The Village of Combined Locks Plan Commission conducted a public hearing on August 28, 2013, in compliance with Sec. 66.1001(4)(d), Wis. Stats., regarding the proposed Comprehensive Plan Amendment.
- (d) **Plan Commission Recommendation.** The Plan Commission has adopted a Resolution recommending that the Village Board approve an ordinance adopting the proposed Year 2030 Comprehensive Plan Amendment.
- (e) **Finding of Fact.**
 - (1) **Plan Consistency.** The proposed amendment is consistent with the remaining sections of the adopted Village of Combined Locks Year 2030 Comprehensive Plan.
 - (2) **Statutory Elements.** The proposed amendment, together with the adopted Village of Combined Locks Year 2030 Comprehensive Plan, contains all of the elements set forth in Sec. 66.1001(2), Wis. Stats.
- (f) **Plan Amendment Adopted.** The Village Board hereby amends the Village of Combined Locks Year 2030 Comprehensive Plan as described in the proposed Comprehensive Plan Amendment dated July 11, 2013.