

CHAPTER 8 – ZONING CODE

TABLE OF CONTENTS

8.01	VILLAGE MASTER PLAN.....	4
8.02	INTERPRETATION AND PURPOSES.....	4
8.03	DEFINITIONS.....	4
(1)	GENERAL INTERPRETATION.....	4
(2)	DEFINED TERMS.....	4
8.04	GENERAL PROVISIONS.....	23
(1)	USE AND HEIGHT.....	23
(2)	LOT AREAS.....	23
(3)	LOT LIMITATION.....	24
(4)	LEGAL NONCONFORMING USES.....	24
(5)	NONCONFORMING BUILDING PERMITS.....	25
(6)	PUBLIC GATHERING PARKING.....	25
(7)	TOURIST CAMPS.....	25
(8)	BOATHOUSES.....	26
(9)	HEIGHT AND AREA EXCEPTIONS.....	26
(10)	RESTRICTION ON FILLING OF LAND AND CHANGE OF TOPOGRAPHY.....	26
(11)	FENCES.....	27
(12)	STRUCTURAL LANDSCAPE FEATURES.....	28
(13)	PARKING OF COMMERCIAL VEHICLES REGULATED.....	30
(14)	ALTERNATIVE ENERGY SYSTEMS.....	30
(15)	RESTICTIONS ON GO-CARTS & OFFROAD VEHICLES.....	31
8.05	DISTRICTS.....	32
(1)	DISTRICTS DESIGNATED.....	32
(2)	DISTRICT MAP.....	32
(3)	BOUNDARIES OF DISTRICTS.....	32
8.06	RESIDENCE DISTRICT I.....	33
(1)	USE.....	33
(2)	HEIGHT AND AREA.....	33
8.07	RESIDENCE DISTRICT 1-A.....	34
(1)	USE.....	34
(2)	HEIGHT AND AREA.....	34
8.08	RESIDENCE DISTRICT II.....	34
8.09	RESIDENCE DISTRICT III.....	35
(1)	USE.....	35
(2)	HEIGHT AND AREA.....	35
8.10	RESIDENCE DISTRICT IV.....	35
(1)	USE.....	35
(2)	HEIGHT AND AREA.....	35
8.11	RESIDENCE DISTRICT V.....	35
(1)	USE.....	35
(2)	HEIGHT AND AREA.....	35
8.12	RESIDENCE DISTRICT VI.....	36
(1)	USE.....	36

(2)	HEIGHT AND AREA.....	36
8.13	RESIDENCE DISTRICT VII.....	36
(1)	USE.....	36
(2)	HEIGHT AND AREA.....	36
8.14	RESIDENCE DISTRICT VIII.....	37
(1)	PERMITTED USES.....	37
(2)	DISTRICT REQUIREMENTS.....	37
8.15	FLOOD PLAIN DISTRICT.....	37
(1)	STATUTORY AUTHORIZATION.....	37
(2)	FINDING OF FACT.....	37
(3)	STATEMENT OF PURPOSE.....	37
(4)	TITLE.....	38
(5)	GENERAL PROVISIONS.....	38
(6)	GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.....	41
(7)	WATERCOURSE ALTERATIONS.....	42
(8)	CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.....	42
(9)	PUBLIC OR PRIVATE CAMPGROUNDS.....	42
(10)	FLOODWAY DISTRICT (FW).....	43
(11)	FLOOD FRINGE DISTRICT (FF).....	46
(12)	GENERAL FLOODPLAIN DISTRICT (GFP).....	48
(13)	FLOOD STORAGE DISTRICT.....	49
(14)	NONCONFORMING USES.....	50
(15)	FLOODWAY DISTRICT.....	53
(16)	FLOODFRINGE DISTRICT.....	53
(17)	FLOOD STORAGE DISTRICT.....	54
(18)	ADMINISTRATION.....	54
(19)	AMENDMENTS.....	63
(20)	GENERAL.....	64
(21)	PROCEDURES.....	64
(22)	ENFORCEMENT AND PENALTIES.....	64
8.16	C-W CONSERVANCY WETAND DISTRICT AND C-W BUFFER DISTRICT REGULATIONS.....	65
(1)	PERMITTED USES.....	65
(2)	PROHIBITED USES.....	67
8.16.1	I-1 INSTITUTIONAL DISTRICT.....	67
(1)	INTENT.....	67
(2)	PERMITTED USES.....	67
(3)	HEIGHT AND AREA.....	68
(4)	PLAN COMMISSION REVIEW REQUIRED.....	69
8.17	PARK AND PUBLIC LANDS DISTRICT.....	69
(1)	PERMITTED USES.....	69
(2)	PERMITTED ACCESSORY USES.....	69
(3)	CONDITIONAL USES.....	69
(4)	LOT AREA AND WIDTH.....	69
(5)	BUILDING HEIGHT.....	69
(6)	FRONT YARD SETBACK.....	69
(7)	SIDE YARD SETBACK.....	69
(8)	SETBACK FROM LAKE, RIVER, OR STREAM.....	70
(9)	VISION CLEARANCE.....	70

(10) BOATHOUSES.....	70
(11) PLAN COMMISSION REVIEW REQUIRED.....	70
8.18 OCCUPANCY AND USE PERMIT.....	70
(1) REQUIRED.....	70
(2) APPLICATION FOR.....	70
(3) TEMPORARY OCCUPANCY AND USE PERMIT.....	71
(4) FEE FOR OCCUPANCY USE PERMIT.....	71
8.19 APPEAL PROVISIONS.....	71
(1) APPEAL RIGHTS.....	71
(2) BOARD OF APPEALS.....	71
8.20 POWER OF PLAN COMMISSION TO GRANT CONDITIONAL USES.....	74
(1) CONDITIONAL USES.....	74
(2) ISSUANCE OF CONDITIONAL USE PERMIT.....	74
(3) APPLICATION FOR CONDITIONAL USE PERMIT.....	74
(4) ADDITIONAL INFORMATION.....	75
(5) REVIEW AND APPROVAL.....	75
(6) HEARINGS.....	75
(7) NOTICE TO DNR.....	76
8.21 MINIMUM WIDTH OF LOTS HAVING LAKE ACCESS; EASEMENT PROHIBITED, PYRAMIDING PROHIBITED.....	76
(1) OBJECTIVES.....	76
(2) PYRAMIDING PROHIBITED.....	76
8.22 PROPERTY MAINTENANCE.....	77
(1) EXTERIOR BUILDING REQUIREMENTS.....	77
(2) EXTERIOR PROPERTY REQUIREMENTS.....	79
(3) ORDER TO CORRECT CONDITIONS AND CITATION.....	81
(4) FAILURE TO COMPLY.....	81
8.23 SIGN REGULATIONS.....	82
(1) GENERAL SIGN REGULATIONS.....	82
(2) SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A SIGN PERMIT.....	82
(3) SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A SIGN PERMIT.....	83
(4) SIGNS PERMITTED IN NON-RESIDENTIAL DISTRICTS WITH A SIGN PERMIT.....	83
(5) LOCATION OF SIGNS.....	83
(6) FLASHING SIGNS PROHIBITED.....	84
(7) WIND PRESSURE AND DEAD LOAD REQUIREMENTS.....	84
(8) MAINTENANCE.....	84
(9) YARD MARKERS.....	84
8.24 ANNEXATION TO VILLAGE.....	85
8.25 AMENDMENTS.....	85
8.26 METHOD OF GIVING NOTICE.....	85
8.27 ENFORCEMENT AND PENALTIES.....	86
8.28 FILING FEES.....	86
(1) GENERAL.....	86
(2) INITIAL FEE AMOUNT.....	86
(3) ADJUSTMENTS TO APPLICATION FEES.....	86
8.29 EROSION CONTROL.....	88
(3) SUBJECT LAND DISTURBING ACTIVITIES.....	89
(4) EROSION CONTROL PLAN.....	89

(5) OTHER REQUIREMENTS.....	90
(6) INSPECTION.....	90
(7) ENFORCEMENT.....	91
(8) APPEALS.....	91
(9) PENALTY.....	91
8.30 INTERIM EXTRATERRITORIAL ZONING.....	91

8.1 VILLAGE MASTER PLAN.

[Adopted 6/11/1979, and amended from time to time]

The general provisions of this section of Chapter 8 of the Municipal Code of the Village of Lac La Belle, Waukesha County, Wisconsin shall be held to be planning guidelines adopted for the scheduling of future actions geared for the promotion of the health, safety, morals, comfort, prosperity and general welfare of the Village. The Master Plan may be adopted, amended, added to, or updated pursuant to the procedures set forth in Wis. Stats. § 62.23(3), as amended from time to time.

8.2 INTERPRETATION AND PURPOSES.

- (1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Lac La Belle, Waukesha County, Wisconsin.
- (2) It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants or agreements between parties or with any rules, regulations- or permits previously adopted or issued pursuant to laws: provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this chapter shall govern.

8.3 DEFINITIONS.

(1) GENERAL INTERPRETATION.

When not inconsistent with the context, words used herein in the present tense include the future, words in the singular number include the plural, and words in the plural number include the singular; and reference to any officer such as "Clerk". Building Inspector", "Plumbing Inspector", "Engineer", or "Attorney" means that officer appointed or otherwise officially designated by the Village in such capacity.

(2) DEFINED TERMS.

Unless specifically defined below or otherwise provided for in this Chapter, words and phrases used in this Chapter shall have the same meaning as they have at common law and to give this Chapter it's 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:

(a) A ZONES.

Those areas shown on the "Official Floodplain Zoning Map" (see below) which would be inundated by the "regional flood" as defined below. 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.

(b) AH ZONE.

See AREA OF SHALLOW FLOODING.

(c) AO ZONE.

See AREA OF SHALLOW FLOODING.

(d) ACCESSORY BUILDING.

A building or a portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the Accessory Building.

(e) ALTERATION.

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

(f) ALTERNATIVE ENERGY SYSTEM.

Means any energy system, including but not limited to wind energy systems and solar energy systems that collects, converts, distributes, or otherwise makes use of non-fossil fuels for power or energy purposes.

(g) AREA OF SHALLOW FLOODING.

A designated AO, AH, AR/AO, AR/AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

(h) BASE FLOOD.

Means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

(i) BASEMENT.

Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

(j) BOARD OF APPEALS.

The Village of Lac La Belle Board of Appeals established pursuant to Wis. Stats. § 62.23(7).

(k) BOATHOUSE.

A structure used for the storage of watercraft and associated materials which has one (1) or more walls or sides.

(l) BUILDING.

Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals, or property. However, "building" shall not include driveways or flush patios (i.e. patios that do not exceed the elevation of the abutting ground at one point and are level) so long as said driveways and flush patios do not come within thirty (30) feet of the ordinary high water mark of the lake

(m) BUILDING, HEIGHT OF.

The vertical distance from the average ground level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip, or pitch roof.

(n) BUILDING LINE.

See SETBACK.

(o) 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 Wis. Stats. § 30.11, 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 ordinance.

(p) CAMPGROUND.

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

(q) 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 that is fully licensed, if required, and ready for highway use.

(r) 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 ordinance.

(s) CHANNEL.

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

(t) 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.

(u) DEBRIS AND REFUSE.

Includes but is not limited to garbage outside of required containers, broken concrete, bricks, blocks or other mineral matter, bottles, porcelain and other glass or crockery;

boxes; lumber (new or used), posts, logs, sticks, or other wood, tree branches, brush, yard trimmings, grass clippings and other residues; paper, rags, cardboard, excelsior, rubber, plastic wire, tin and metal items; discarded household goods or appliances, junk lawnmowers, motor vehicle parts, machine parts, boards, gypsum board, cut brush and branches, tar paper, residues from burning or any similar materials that constitute health, fire, or safety hazards or a serious blighting influence upon the neighborhood or the Village in general.

(v) DECK.

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

(w) DEPARTMENT.

The Wisconsin Department of Natural Resources.

(x) DEVELOPMENT.

Means 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 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.

(y) DRIVEWAY.

A manmade paved or hard-Surfaced road not exceeding an average width of eighteen (18) feet designed for vehicular ingress and egress between the property's house and/or garage and a public road.

(z) DRY LAND ACCESS.

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

(aa) DWELLING, ONE FAMILY.

A detached building designed for or occupied exclusively by one (1) family.

(bb) DWELLING, TWO-FAMILY.

A detached or semi-detached building designed for and occupied exclusively by two (2) families.

(cc) DWELLING, MULTIPLE.

A building or portion thereof designed for and occupied by more than two (2) families, including tenement houses, row houses, apartment houses and apartment hotels.

(dd) ENCROACHMENT.

Any fill, structure, use or development in the floodway.

(ee) EXISTING MANUFACTURED OR MOBILE HOME PARK OR SUBDIVISION.

A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of Streets, is completed before the effective date of this ordinance.

(ff) 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.

(gg) EXTERIOR PROPERTY.

Means the open space on the premises and on the adjoining property under control of owners, occupants or operators of such premises.

(hh) FACADE.

Means any exterior wall that faces a public street or streets.

(ii) FAMILY.

One (1) person or two(2) or more persons each related to the other by blood, marriage, or legal adoption, or a group of not more than three (3) persons not all so related, together with his or their domestic servants, maintaining a common household in a dwelling unit. A family may include, in addition thereto, not more than two (2) roomers, boarders, or permanent guests, whether or not gratuitous.

(jj) FARM.

A tract of land of ten (10) acres or more used for agricultural purposes.

(kk) FEDERAL EMERGENCY MANAGEMENT AGENCY or FEMA.

The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD).

(ll) FENCE.

A structure of rails, planks, stakes, wire, wrought iron, or similar material erected as an enclosure, barrier, boundary, or intended to decorate, accent or frame a feature of the landscape. "Fence" does not include shrubs, hedges or other living vegetation, nor does it include stone, block, brick or other masonry walls (such stone, block, brick or other masonry walls fall within the definition of "Building" per sec. 8.03(2)(l) of the Code of Ordinances).

(mm) FLOOD or FLOODING.

Means a general and temporary condition of partial or complete inundation of normally dry land areas caused by:

- (i) The overflow or rise of inland Waters; and
- (ii) The rapid accumulation or runoff of surface waters from any source; and
- (iii) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; and

- (iv) 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.
- (nn) **FLOOD FREQUENCY.**
The probability of a flood occurrence, which 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.
- (oo) **FLOODFRINGE.**
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.
- (pp) **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.
- (qq) **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 regional flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (rr) **FLOOD INSURANCE RATE MAP (FIRM).**
A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium Zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (ss) **FLOODPLAIN.**
That land that has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.
- (tt) **FLOODPLAIN ISLAND.**
A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (uu) **FLOODPLAIN MANAGEMENT.**
Means 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.
- (vv) **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.
- (ww) FLOOD PROOFING.
Means 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.
- (xx) FLOOD PROTECTION ELEVATION.
An elevation two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- (yy) FLOOD STORAGE.
Means those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (zz) FLOODWAY.
The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (aaa) FREEBOARD.
Means a flood protection elevation requirement designed as a safety factor that is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those 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 aggregation of the river or stream bed.
- (bbb) FRONTAGE.
All the property abutting on one side of a street between two (2) intersecting streets or all of the property abutting on one side of the street between an intersecting street and the dead end of a street. Frontage calculations shall be determined by calculating the smallest dimension of a lot abutting a public street measured along the street line and, with regard to frontage on Lac La Belle Lake, by measuring the bulkhead line for such property.
- (ccc) GARAGE, PRIVATE.
A private garage, is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored.
- (ddd) GARAGE, PUBLIC.
Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (eee) GARAGE, STORAGE.
Any building or premises used for storage only of motor-driven vehicles, pursuant to previous arrangement and not to transients, and where no equipment, parts, fuel, grease or oil is sold and vehicles are not equipped, serviced, repaired, hired or sold.

- No storage motor vehicle exceeding one (1) ton capacity shall be stored in any storage garage.
- (fff) GO CART.
A motorized miniature vehicle capable of achieving Speeds in excess of ten (10) miles per hour (mph) and commonly used on courses or racetracks for racing or recreation.
- (ggg) HABITABLE BUILDINGS.
Means any building, or portion thereof used or designed for human habitation.
- (hhh) HEARING NOTICE.
Means publication or posting meeting the requirements of Chapter 985, of the Wisconsin Statutes. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.
- (iii) HEIGHT.
Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.
- (jjj) HIGH FLOOD DAMAGE POTENTIAL.
Means 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.
- (kkk) HIGHEST ADJACENT GRADE.
The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (III) HISTORIC STRUCTURE. (Federal rule Oct. 1990) any structure that is:
- (i) 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;
 - (ii) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (iii) 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
 - (iv) 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."
- (mmm) HOME OCCUPATION.
A gainful occupation conducted only by members of the family, within their place of residence in a manner that is incidental to the residential occupation of the building,

and further restricted to only activities that are conducted by telephone only (including computer modem) and that generate or attract no additional (i.e. non-residential) traffic (including delivery vehicles of any kind). A gainful occupation that does not comply with all the conditions of the previous sentence, but that was actively conducted within a residence as of June 1, 1993, may be continued (but not expanded) if it is granted, a conditional use permit pursuant to section 8.19. A gainful occupation actively conducted in the Village as of June 1, 1993, within a residence, and in a manner that does not qualify as a "Home Occupation" pursuant to this Section shall be granted a conditional use permit pursuant to this Section and 8.19 and subject to the following conditions:

- (i) The application for the conditional use permit was filed with the Village Clerk on or before October 1, 1993;
- (ii) If the conditional use permit is granted, the use may be continued subject to the conditions specified in the permit until such time as the party conducting the use ceases to occupy the premises or until the use is discontinued for a period of twelve (12) consecutive months (whichever occurs first);
- (iii) The activity must be conducted solely by members of the family occupying the residence except that one person other than members of the family occupying the residence may also be employed and one additional person may be employed for no more than six (6) months to replace a member of the family who is not then so employed in the residence because of a temporary condition (such as illness) after receiving an amendment to the conditional use permit (one additional six (6) month period of this amendment will be granted for illness only);
- (iv) No mechanical equipment may be used for the activity other than such used for purely domestic purposes;
- (v) No sign other than one unlighted nameplate, not more than one foot square may be displayed;
- (vi) No more than Twenty five percent (25%) of the floor area of only one (1) floor of a dwelling unit may be occupied by the activity;
- (vii) The activity may not emit beyond the boundaries of the premises any noise or sound of character that is disruptive to the residential nature of the community;
- (viii) The activity may not emit beyond the boundaries of the premises any odor, gas or chemical of a character or concentration that is obnoxious, harmful to human, plant, or animal life or is offensive, noisome, nauseating, obnoxious, or disagreeable;
- (ix) The activity may not generate vehicular traffic of such a volume or character that would be inconsistent with the residential nature of the community (more than two (2) stops per day at the premises by commercial delivery vehicles shall be presumed to violate this restriction);

- (x) The activity may not generate or attract vehicles that are not parked wholly on the premises when making pickups or deliveries or doing business on the premises;
 - (xi) The activity may not attract more than five (5) people per day to the premises who do not live there except during gun deer hunting season and one (1) week beyond;
 - (xii) The activity may not involve the use of or storage of a hazardous substance (as that phrase is defined in 42 U.S.C. Section 9601 (14) or 40 C.F.R. Section 302, both as amended from time to time);
 - (xiii) The activity may not involve the service of food or beverage on the premises.
- (nnn) HOTEL.
A commercial building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (ooo) INCREASE IN REGIONAL FLOOD HEIGHT.
Means a calculated upward rise in the regional flood elevation, equal to or greater than 0.00 foot, resulting by 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.
- (ppp) LAND USE.
Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
- (qqq) LODGING HOUSE.
A building other than a hotel where room and/or board is provided for compensation for not more than three (3) persons not members of the family. This excludes tourists and transients.
- (rrr) LOT.
A parcel of land having a width and depth sufficient to provide the space necessary for one main building and its accessory buildings, together with the open spaces required by this chapter and abutting on a public street or officially approved place.
- (sss) LOT, CORNER.
A lot abutting on two (2) or more streets at their intersections provided that the interior angle of such intersection is less than one-hundred thirty-five degrees (135°).
- (ttt) LOT, INTERIOR.
A lot other than a corner lot.
- (uuu) LOT, THROUGH.
An interior lot having frontage on two (2) nonintersecting streets.
- (vvv) LOT LINES.
The lines bounding a lot as defined herein.
- (www) LOT DEPTH.
The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

- (xxx) LOT, T INTERSECTION CORNER.
A single lot abutting two (2) public roads with one (1) of the roads ending at their intersection that create an approximate 90 degree (90°) angle and allows traffic to pass through it from three (3) different directions.
- (yyy) LOT WIDTH.
The horizontal distance between the side lot lines measured at right angles, to the lot depth at a point midway between the front and rear lot lines.
- (zzz) LOWEST ADJACENT GRADE.
Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- (aaaa) LOWEST FLOOR.
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- (bbbb) MAINTENANCE.
The act or process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
- (cccc) MOBILE HOME or MANUFACTURED HOME.
A Structure transportable in one (1) 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. For the purpose of this ordinance, it does not include recreational vehicles or travel trailers that remain licensed and ready for highway use and remain on site less than one-hundred eighty (180) days. (Rev. Federal rule Oct. 1990)
- (dddd) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION.
A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots for rent or sale.
- (eeee) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.
A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (ffff) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING.
The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

- (gggg) **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."
- (hhhh) **MODEL, CORRECTED EFFECTIVE.**
A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- (iiii) **MODEL, DUPLICATE EFFECTIVE.**
A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- (jjjj) **MODEL, EFFECTIVE.**
The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (kkkk) **MODEL, EXISTING (PRE-PROJECT).**
A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- (llll) **MODEL, REVISED (POST-PROJECT).**
A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- (mmmm) **MUNICIPALITY or MUNICIPAL.**
Means the county, city or village governmental units enacting, administering and enforcing this zoning ordinance.
- (nnnn) **NATIONAL GEODETIC VERTICAL DATUM or NGVD.**
Means elevations referenced to mean sea level datum, 1929 adjustment.
- (oooo) **NATURAL AREAS.**
Means the wooded areas which are too shady to permit a grass lawn to grow; prairie lands that are more than one acre in square footage.
- (pppp) **NATURAL GARDEN.**

	Means a wildflower, prairie, woodland or other decorative garden border or area that is less than one (1) acre in square footage which is well maintained, is not a public nuisance or a serious blighting influence and contains no noxious weeds.
(qqqq)	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 the Village of Lac La Belle 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.
(rrrr)	NONCONFORMING STRUCTURE. An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
(ssss)	NONCONFORMING USE. An existing lawful use or accessory use of a structure or building that is not in conformity with the provisions of this ordinance for the area of the floodplain that it occupies. (Such as a residence in the floodway.) Such use may not be expanded except in conformance with provisions of this chapter.
(tttt)	OBSTRUCTION TO FLOW. Means any development that 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.
(uuuu)	OCCUPIED. Includes designed or intended to be occupied.
(vvvv)	OFFICIAL FLOODPLAIN ZONING MAP. That map, adopted and made part of this ordinance, which has been approved by the Department of Natural Resources and FEMA.
(wwww)	OPEN SPACE USE. Those uses having a relatively low flood damage potential and not involving structures.
(xxxx)	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.
(yyyy)	PERSON.

- (zzzz) Includes individuals, partnerships, associations and bodies politic or corporate.
PLAN COMMISSION.
The Village of Lac La Belle Plan Commission established under Wis. Stats. § 62.23(7).
- (aaaaa) PRIVATE SEWAGE SYSTEM.
Means 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 Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.
- (bbbbb) PUBLIC NUISANCE.
Includes the following:
- (i) The physical condition or occupancy of any premises regarded as a public nuisance at common law; or
 - (ii) Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures; or
 - (iii) Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property; or
 - (iv) Any premises that are unsanitary, or that is littered with rubbish, garbage, debris or refuse or that has an uncontrolled growth of weeds; or
 - (v) Noxious weeds: Noxious weeds are currently defined as Canadian Thistle, Leafy Spurge, Field Bindweed (Creeping Jenny), Poison Ivy, Ragweed, Perennial Sow Thistle and Burdock.
- (cccc) PUBLIC UTILITIES.
Means 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.
- (ddddd) REASONABLY SAFE FROM FLOODING.
Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (eeee) RECYCLABLES.
Means materials listed under this code, which include but are not limited to glass or plastic bottles, metal containers, cardboard boxes, newspaper, magazines, appliances, brush, tree trimmings, grass clippings or leaves.
- (ffff) REGIONAL FLOOD.
A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being

- equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (ggggg) **SECURITY BARRIER.**
Means any device intended to limit or block access to individual doors or windows on a building facade, or to an entire building facade. This term shall include, but not be limited to, window bars, fixed metal grilles, and side-mounted or overhead-mounted retractable metal security gates or grilles, regardless of whether such devices are solid or semi-transparent. It shall not include strengthened vision glass, non-glass transparent materials, electronic alarms or security cameras.
- (hhhhh) **SETBACK.**
The minimum horizontal distance between the center of the street unless otherwise defined in a given district, and the nearest point of a building or any projection thereof, excluding uncovered steps.
- (iiii) **SHALL.**
Mandatory and not merely permissive.
- (jjjjj) **SIDEWALK.**
Any manmade paved or hard-Surfaced path not exceeding six (6) feet in width at any point designed for pedestrian ingress and egress between the property's house, driveway, and/or garage and a public road.
- (kkkkk) **SOLAR ENERGY SYSTEM.**
Means a device or combination of devices, structures, or elements that converts sunlight into usable energy.
- (lllll) **SOLAR PANEL.**
Means a structure containing solar cells that collects sunlight and converts it into usable energy.
- (mmmmm) **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 wither the first placement of permanent construction on a site, such as pouring of slab or footings, installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading or filing, 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.
- (nnnnn) STREET.
All property dedicated or intended for public or private street purposes or subject to public easements therefore and twenty-one (21) feet or more in width.
- (ooooo) STORY.
That portion of a building included between the surface of a floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one-half or more of its height above grade shall be deemed a story for purposes of height regulations.
- (ppppp) STREET LINE.
A dividing line between a lot, tract or parcel of land and a contiguous street.
- (qqqqq) STRUCTURE.
Any manmade object with form, shape and utility, permanently 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.
- (rrrrr) STRUCTURAL ALTERATIONS.
Any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.
- (sssss) SUBDIVISION.
Has the meaning given in Wis. Stats. § 236.02(12).
- (ttttt) SUBSTANTIAL DAMAGE.
Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (uuuuu) SUBSTANTIAL IMPROVEMENT.
Any structural repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the municipal official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. The term does not, however, include either:
- (i) 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 is necessary to assure safe living conditions.

- (ii) Any alteration of a designated historical (see definition) structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places provided the alteration will not preclude the structure's continued designation as a historical structure (Rev. federal rule Oct. 1990)
- (iii) 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.

(vvvvv)

T-INTERSECTION.

A type of two public road intersection beyond which one of the roads does not continue, and accepts traffic from three different directions and which creates an approximate 90 degree (90°) angle at the point where the two (2) roads intersect.

(wwwww)

TEMPORARY STRUCTURE.

A movable structure not designed for human occupancy, but merely for the protection and/or sale of goods or chattels. Temporary structure shall be placed in such a manner so as not to obstruct vision or create a traffic hazard in the reasonable opinion of the Building Inspector.

(xxxxx)

TRACK.

A path or course laid out or established by usage for the purpose of racing or operating go-carts, motorized dirt bikes, dune buggies, or similar motorized vehicles.

(yyyyy)

TRAILER.

Means a wheeled vehicle which is hitched or attached to a motor vehicle; but does not mean a boat trailer.

(zzzzz)

UNNECESSARY HARDSHIP.

Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

(aaaaaa)

USED.

Includes designed or intended for use.

(bbbbbb)

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.
(ccccc)	VILLAGE. The Village of Lac La Belle, Waukesha County, Wisconsin.
(ddddd)	VISION CLEARANCE. An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
(eeeeee)	WATERSHED. Means the entire region or area contributing runoff or surface water to a particular watercourse or body of Water.
(fffff)	WATER SURFACE PROFILE. Means 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.
(ggggg)	WELL. Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.
(hhhhh)	WIND ENERGY SYSTEM. Means a wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used primarily to reduce on-site or off-site consumption of power.
(iiiiii)	WINDMILL. Means any structure or machine that converts wind into usable energy through the rotation of a wheel made up of blades.
(jjjjj)	YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
(kkkkk)	YARD, FRONT. A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.
(lllll)	YARD, REAR. A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.
(mmmmm)	YARD, SIDE. A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line.
(nnnnn)	ZONING ADMINISTRATOR.

After October 1, 2009, the Village Administrator shall be the Zoning Administrator.

8.4 GENERAL PROVISIONS

(1) USE AND HEIGHT.

The use, and height of building now existing or hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established

(2) LOT AREAS.

No lot area shall be so reduced, divided, or diminished if the yards or other open spaces will be, or are smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the regulations hereby established for the district in which a building or premises is located. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.

(3) LOT LIMITATION.

Every building hereafter erected, structurally altered or relocated shall be located on a lot as defined herein and in no case shall there be more than one principal building on a lot, provided, however, that the Board of Appeals may grant an exception to permit more than one principal building on a lot in any district, where such grant would not be contrary to the spirit or intent of the chapter and provided that sufficient lot area is provided and the buildings so located as to individually meet the setback, offset, lot size, and open space requirements of the district in which located.

(4) LEGAL NONCONFORMING USES.

- (a) Applicability. Insofar as the standards in this section are not inconsistent with the provisions of Wis. Stats. § 59.97(10), for counties, or Wis. Stats. § 62.23 (7)(h), for Villages, they shall apply to all nonconforming uses and nonconforming structures. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.
- (b) The existing lawful use of a structure or building or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:
 - (i) No modifications or additions to a nonconforming use or a nonconforming structure

shall be permitted unless they are made in conformity with the provisions of this chapter for the area of the floodplain occupied. 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 internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

- (ii) 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.
- (iii) As requests are received by the Village of Lac La Belle for modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept by the Village Clerk in consultation with the Village Assessor which lists the nonconforming uses and nonconforming structures, their current assessed value, and the cost of those additions or modifications which have been permitted, and the percentage (%) of the structure's total current value those modifications represent.
- (c) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty-percent (50%) of its current 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 non-residential uses.
- (d) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the requirements of this chapter. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty-percent (50%) of the current assessed value of the structure.

(5) NONCONFORMING BUILDING PERMITS.

Nothing herein contained shall require any change in the plans construction, size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter and the construction of which shall have been started within six (6) months from the date of such permit.

(6) PUBLIC GATHERING PARKING.

All theatres, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible, parking space of sufficient size to accommodate at least one (1) car for every five (5) seats provided.

(7) TOURIST CAMPS.

No Tourist Camp shall hereafter be constructed in the Village of Lac La Belle. The placing, keeping and maintaining of trailers for habitation is prohibited. No person, shall place, keep or maintain for habitation any automobile trailer or mobile home upon any lot, piece or parcel of ground within the Village. This section shall not be construed to prevent the placing, parking, or keeping of an automobile trailer or house car within the Village Limits for a period not exceeding twenty (20) days from the time that such automobile trailer, or house car first arrived within the Village, for occupants of the same who may be guests of citizens where an adequate water supply and toilet facilities are at all times available to the guests within the homes of their hosts; nor to any automobile trailer or house car which is parked within the Village merely for storage purposes and unused for habitation both of which are hereby excepted from this section. Any automobile trailer or house car placed, kept or maintained within the limit of the enumerated exceptions of this section shall be deemed to be an accessory building as such defined herein, and all sections of said zoning ordinance shall be applicable to such automobile trailer or house car.

(8) BOATHOUSES.

No boathouses shall be erected or reconstructed in the Village after January 1, 2000.

(9) HEIGHT AND AREA EXCEPTIONS.

The regulations contained herein relating to the height of buildings and the size of yards and other open spaces shall be subject to the following exceptions:

- (a) Residences in the Residence Districts may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by six (6) inches on each side of the house for each foot which such building exceeds the height limit of the district in which it is located.
- (b) Where a lot abuts two (2) or more streets having different average established grades, the higher of such grades shall control only for a depth of one-hundred-twenty (120) feet from the line of the higher average established grade.
- (c) Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets is complied with.
- (d) Where a lot has an area less than the minimum number of square feet per family

required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one (1) family.

- (e) Buildings shall not occupy more than twenty-percent (20%) of the total area of the required lot.
- (f) Accessory buildings shall not be more than fifteen (15) feet high and shall not be nearer than ten (10) feet to any lot line.
- (g) Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than thirty-six (36) inches.
- (h) Open or enclosed fire escapes, fire towers and television antennas may project into a required side or rear yard not more than five (5) feet, provided it be located as not to obstruct light and ventilation.

(10) RESTRICTION ON FILLING OF LAND AND CHANGE OF TOPOGRAPHY.

- (a) Except as provided in (b) of this subsection, no land shall be filled within the Village, nor shall the existing drainage or topographic characteristics of land within the Village be changed without the owner of said land first obtaining from the Plan Commission a permit allowing for such fill or change in drainage or topographic characteristics. Said permit shall be applied for and considered by the Plan Commission pursuant to Section 1.06 of the Code of Ordinances of the Village of Lac La Belle. The application for said permit shall include a site plan showing all existing and proposed improvements on the property and a topography map showing the topography of the land both before and after the implementation of the proposed change in the topography of the land. The applicant shall pay all fees required by Section 8.28 of the Code of Ordinances of the Village of Lac La Belle. The granting of said permit shall be by majority vote of the Plan Commission and shall be conditioned on compliance with (ii) and (iii) of (b) of this subsection.
- (b) De Minimis Exception. Land may be filled, or topography changed, on a parcel within the Village without need of the owner obtaining a permit from the Plan Commission if:
 - (i) Any slope resulting from the fill or change in topography does not exceed the normal angle of slippage of the material involved and also does not exceed a slope of a ratio greater than three (3) horizontal to one (1) vertical within twenty (20) feet of any boundary line of the parcel (this subparagraph applies only to properties that abut a road with a grade of five-percent (5%) or greater); and
 - (ii) The fill is not deposited on any land within the conservancy zoning district; and
 - (iii) The fill is not deposited on any land designated as wetlands by the Wisconsin Department of Natural Resources or the Village (except that this sub-paragraph does

not apply to land lying between the average high water mark and the bulkhead line for Lake Lac La Belle).

(11) FENCES.

- (a) Fences existing in whole or in part in the area between any lot line and the nearest setback line for that lot may not be constructed, erected or maintained unless the owner of said lot has first received a conditional use permit from the Plan Commission.
- (b) The Plan Commission shall follow the procedures set forth in Section 8.19 of the Code of Ordinances with respect to said conditional use permits. However, the Plan Commission may, by resolution, simplify the application requirements for a fence conditional use permit.
- (c) As guidance to the Plan Commission in the issuance of such conditional use permits, it is the intention of the Village that such permits be granted for the following types of fences, subject to the other considerations listed in this Subsection:
 - (i) Fences enclosing swimming pools;
 - (ii) Fences enclosing tennis courts;
 - (iii) Fences enclosing dog kennels;
 - (iv) Decorative fences not to exceed three feet in height and twenty feet in length and with at least 50 percent (50%) open space; and
 - (v) Fencing to secure dangerous areas and enclose agricultural livestock where allowed within the Village. Conditional use permits for fences should be granted only in instances in which the fence will not materially obstruct the view of the lake for neighboring properties, will be aesthetically appropriate within the neighborhood, and will not otherwise be a material detriment to the neighborhood.
- (d) The fence must be completed in compliance with the conditional use permit within twelve (12) months from the date on which the conditional use permit is issued. The fence must be maintained in good condition at all times, and allowing a fence to deteriorate so that it becomes structurally unsound or an aesthetic detriment to the neighborhood is grounds for the Plan Commission to revoke the conditional use permit.
- (e) Fences existing on June 17, 1991, do not need a conditional use permit during such time as the property on which the fence exists is owned by the same owner of record as was the owner on June 17, 1991. Upon the transfer of record ownership, the new record owner must either obtain a conditional use permit pursuant to this subsection or remove the fence. Fences existing on June 17, 1991, that do not need a conditional use permit may be maintained, but not expanded or extended without a conditional use permit pursuant to this subsection. In addition, to establish that a fence existed on or

before June 17, 1991, the record owner of the property on which the fence exists must register that fence with the Village Clerk on or before December 17 1991, on forms provided by the Village Clerk. Fences not so registered and existing in whole or in part between any lot line and the nearest setback line for that lot must either receive a conditional use permit pursuant to this subsection or be removed.

(12) STRUCTURAL LANDSCAPE FEATURES.

- (a) No structure may be constructed or erected in the area between any lot line and the nearest setback line for that lot, or in the area between Lac La Belle Drive and the lake, except as provided herein.
- (b) Landscaping, architectural, or physical features falling within the definition of "structure" existing in whole or in part in the area between any lot line and the nearest setback line for that lot may not be constructed, erected or maintained unless the owner of said lot has first received a conditional use permit from the Plan Commission. Solely organic and live growth landscaping features including but not limited to trees, gardens, natural plantings and other vegetation are excluded from the regulations of this ordinance.
- (c) The Plan Commission shall follow the procedures set forth in Section 8.20 of the Code of Ordinances with respect to said conditional use permits. However, the Plan Commission may, by resolution, simplify the application requirements for a conditional use permit for such landscaping, architectural, or physical features.
- (d) In evaluating applications for conditional use permits under this subsection, the Plan Commission shall consider the following factors and adhere to the following restrictions:
 - (i) It is the intention of the Village that such permits be granted for the following types of landscaping and architectural features, subject to the other considerations listed in this subsection:
 - 1. Seating benches;
 - 2. Retaining walls;
 - 3. Stairs and landings;
 - 4. Patios, decks and porches;
 - 5. Decorative lighting structures;
 - 6. Driveways; and
 - 7. Sidewalks.
 - (ii) Conditional use permits should be granted only in instances in which the landscaping or architectural feature will not materially obstruct the view of the lake, will be aesthetically appropriate within the neighborhood, and will not otherwise be

a material detriment to the neighborhood.

- (iii) Except as provided otherwise in Section 8.04, conditional use permits shall not be granted pursuant to this subsection for any landscaping, architectural, or physical features located less than sixty (60) feet from the center of Lac La Belle Drive on the non-lake side of the roadway, with the exception of decorative lighting structures.
- (iv) Conditional use permits shall not be granted pursuant to this subsection for any landscaping, architectural, or physical features that exceed two (2) feet in height, with the exception of decorative lighting structures.
- (e) The landscaping, architectural, or physical feature must be completed in compliance with the conditional use permit within twelve (12) months from the date on which the conditional use permit is issued or such conditional use permit shall automatically lapse. The landscaping, architectural, or physical feature must be maintained in good condition at all times, and allowing deterioration so that it becomes structurally unsound or an aesthetic detriment to the neighborhood is grounds for the Plan Commission to revoke the conditional use permit.
- (f) Boatlifts and structures not having permanent location on the ground and which are easily moved by hand are permitted in the area between Lac La Belle Drive and the lake provided such structures do not materially obstruct the view of the lake, will be aesthetically appropriate within the neighborhood, and will not otherwise be a material detriment to the neighborhood.
- (g) Driveways and sidewalks are permitted without a conditional use permit provided they are not constructed on the lake side of Lac La Belle Drive, if they are at the same grade as the surrounding property; the average width of a driveway does not exceed eighteen (18) feet; and the width of a sidewalk does not exceed six (6) feet. Interpretation of what qualifies as a driveway or sidewalk shall be resolved by the Zoning Administrator.
- (h) The following structures are permitted Outside the building envelope anywhere in the village without a conditional use permit provided such structures do not materially obstruct the view of the lake, are aesthetically compatible with the neighborhood, and will not otherwise be a material detriment to the neighborhood: mailboxes, electrical utility structures and outlets, light poles, sprinkler systems, flower boxes smaller than four (4) Square feet, culverts, decorative fences less than eight (8) feet in length, stone features Smaller than four (4) Square feet, underground dog fences, and drain pipes. Interpretation of what structures qualify for the exemption of Sub. (g) shall be resolved by the Zoning Administrator.

(13) PARKING OF COMMERCIAL VEHICLES REGULATED.

No commercial vehicle shall be parked in any residential district within the Village unless such vehicle is screened from view from the street and adjoining properties.

(14) ALTERNATIVE ENERGY SYSTEMS.

(a) STATUTORY AUTHORIZATION. This Alternative Energy Systems ordinance is adopted pursuant to the authorization in Wis. Stats. § 61.35 and § 62.33, for villages, and Wis. Stats. § 66.0401.

(b) FINDING OF FACT. Unrestricted installations of Alternative Energy Systems would adversely impact the public health and safety of the Village and its residents, specifically with regard to noise pollution and bird kills.

(c) STATEMENT OF PURPOSE. To regulate Alternative Energy Systems, the Village Board does ordain that the purpose of this ordinance is to:

(i) Protect life, health, and public safety.

(ii) Promote the orderly land development within the Village.

(iii) Establish Alternative Energy System guidelines for landowners.

(iv) Establish guidelines for granting Conditional Use Permits for Alternative Energy Systems.

(d) CONDITIONAL USE. Windmills, Wind Energy Systems, and Solar Energy Systems, with the exception of Solar Panels and their appurtenant hardware, are considered a conditional use in all Zoning Districts, with the following exceptions:

(i) Solar Panels or Solar Energy Systems may be installed on the roof of a building if they are installed flush against the existing roofline.

(ii) Solar Panels or Solar Energy Systems installed on the roof of a building must conform to height limitations already in place for that building.

(e) PERMITTING REQUIREMENTS. All Alternative Energy Systems, including Solar Panels and their appurtenant hardware, are considered accessory structures. Where permitted, Alternative Energy Systems must comply with Zoning Code restrictions applicable to accessory structures in the applicable District. The Village Plan Commission shall utilize the procedure set forth in sec. 8.20 of the Village Code of Ordinance to determine whether to grant a conditional use permit for a proposed Alternative Energy System, with the following conditions:

(i) Permit application shall include the following information:

1. Site plan to scale showing the location of the proposed Alternative Energy Systems and the locations of all existing buildings, structures and property lines

along with distances.

2. Elevations of the site to scale showing the height, design and configuration of the Alternative Energy System and the height and distance to all existing structures, buildings, electrical lines and property lines.
3. Standard drawings and an engineering analysis of the System.
4. A standard foundation and anchor design along with soil conditions and specifications for the soil conditions at the site, unless the System is a roof-mounted Solar Energy System.
5. Specific information on the type, size, rotor material (if applicable), rated power output, performance, safety and noise characteristics of the System including the name and address of the manufacturer, model and serial number.
6. Emergency and normal shutdown procedures.
7. A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electrical codes.
8. Evidence that the provider of electrical service of the property has been notified of the intent to install an interconnected electricity generator unless the system will not be connected to the electricity grid.

- (ii) It shall be incumbent upon the landowner to demonstrate that the proposed Alternative Energy System does not pose an undue risk to the public health and safety of the Village and its residents.

(15) RESTRICTIONS ON GO-CARTS & OFFROAD VEHICLES.

- (a) Purpose. The purpose of this section is to prohibit the use of go-carts, motorized dirt bikes, dune buggies, or similar motorized vehicles within the Village to protect the public health, safety and welfare of the community.
- (b) Operation. It shall be unlawful for any person to operate a go-cart, motorized dirt bike, or similar motorized vehicles within the Village except as herein specifically permitted and authorized.
- (c) Tracks. It shall be unlawful for any person to construct a track within the village for the purpose of operating or accommodating go-carts, motorized dirt bikes, dune buggies, or similar motorized vehicles within the Village.
- (d) Exceptions. The following vehicles are not prohibited by this section: motorized scooters used by elderly or otherwise disabled individuals used for transportation; riding lawn mowers; and golf carts that are used on the golf course located in the Village of Lac La Belle.

8.5 DISTRICTS.

(1) DISTRICTS DESIGNATED.

The Village of Lac La Belle is hereby divided into twelve (12) districts known as:

- (a) Residential District (R-I)
- (b) Residential District I-A (R-I-A)
- (c) Residential District II (R-II)
- (d) Residential District III (R-III)
- (e) Residential District IV (R-IV)
- (f) Residential District V (R-V)
- (g) Residential District VI (R-VI)
- (h) Residential District VII (R-VII)
- (i) Residential District VIII (R-VIII)
- (j) Floodplain District
- (k) Conservancy-Wetlands District (C-W)
- (l) Park and Public Lands District

(2) DISTRICT MAP.

The boundaries of such districts are shown on the map on file in the office of the Village Clerk, designated as "District Map of the Village of Lac La Belle" and the said map and all notations and the references and other things shown thereon shall be as much a part of this Chapter by reference as if the matters and things set forth by said map were fully described herein.

(3) BOUNDARIES OF DISTRICTS.

Where uncertainty exists with respect to the boundaries of the various districts as shown on the district map, the following rules shall apply:

- (a) The District boundaries are Village streets, unless otherwise shown and where the designation on the District Map indicates that the various districts are approximately bounded by a street line, such street line shall be construed to be the District boundary line.
- (b) Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundary shall be construed to be lot lines, and where the designation on the District Map are approximately bounded by lot lines, said lot lines shall be construed to be the boundary of the district.

- (c) For property that has not been subdivided, unless otherwise indicated on the District Map, the district boundary lines are the corporate lines of Village of Lac La Belle, the low water of Lac La Belle and the centerline of streets and highway.

8.6 RESIDENCE DISTRICT I.

(1) USE.

In the residence district no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) Single-family residence.
- (b) Home occupations. See Definitions
- (c) Signs not over eight (8) square feet in area pertaining to the lease, hire or sale of the building or premises.
- (d) Uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.

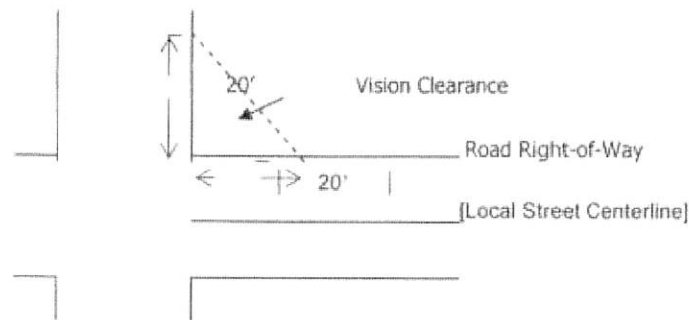
(2) HEIGHT AND AREA.

In the Residence District the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:

- (a) Height. Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.
- (b) Side Yard. There shall be a side yard on each side of a building. The Sum of the widths of the required side yards shall not be less than thirty (30) feet, and no single side yard shall be less than twelve (12) feet in width.
- (c) Setback. There shall be a minimum setback of eighty-five (85) feet from the center of the highway to the nearest point of any building.
 - (i) Any building located on a T-Intersection corner lot created by Lac La Belle Drive and any public road intersecting Lac La Belle Drive shall have a setback of eighty-five (85) feet from the center of Lac La Belle Drive and a setback of no less than forty-five (45) feet from the center of the right-of-way of any public road creating the T-Intersection with Lac La Belle Drive. The Rear Yard setback for a T-Intersection corner lot shall have a minimum depth of forty (40) feet.
- (d) Rear Yard. There shall be a rear yard having a minimum depth of forty (40) feet.
- (e) Lot Area Per Family. Every building hereafter erected or structurally, altered shall provide a, lot area of not less than twenty-thousand (20,000) square feet per family and no, such lot shall be, less than seventy-five (75) feet in width. In this residence district no real

estate shall be subdivided into lots or sold, or leased, or any easement therein created in such a manner as to give access to more than one (1) family for every seventy-five (75) feet of lake frontage.

- (f) Vision Clearance. There shall be a vision clearance on all corner lots of not less than twenty (20) feet from the corner.



- (g) Floor Space. The minimum Square feet of floor area, of any residence shall be at least twelve-hundred (1,200) square feet, provided, however, that at least one-thousand (1,000) square feet of floor area shall be located on the first floor, exclusive of attached garages, basements, breezeways, or attics having an average height of less than eight (8) feet.

8.7 RESIDENCE DISTRICT 1-A.

(1) USE.

In the Residence District I-A no buildings or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this Chapter, except for one or more of the following uses:

- (a) Any use permitted in Residence District I.

(2) HEIGHT AND AREA.

- (a) The height, side yard, setback, rear yard, vision clearance and floor space requirements shall be the same as in Residence District I.
- (b) Lot Area Per Family. Every building hereafter erected or structurally altered shall provide a lot area of not less than thirty-thousand (30,000) square feet per family and no such lot width shall be less than one-hundred (100) feet in width. In this residence district no real estate shall be subdivided into lots or sold, or leased, or easement created in such a manner as to give access to more than one (1) family for every seventy-five (75) feet of lake frontage.

8.8 RESIDENCE DISTRICT II.

- (1) All provisions applying to residence District I shall apply in the same manner as to Residence District II, except:
 - (a) Setback. In Residential District II there shall be a minimum setback of ninety (90) feet from the center of the road to the nearest point of any building.
 - (b) Side Yard. There shall be a total side yard of twenty (20) feet with a minimum side yard of ten (10) feet on any one side of a property in this district.
 - (c) Height. Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.
 - (d) Minimum lot widths shall be one-hundred (100) feet; minimum lot area per family shall be the same; to-wit: twenty-thousand (20,000) square feet.

8.9 RESIDENCE DISTRICT III.

- (1) USE.

In the Residence District III no buildings or premises shall be used and no building shall hereafter be erected or structurally altered, unless provided in this Chapter except for one or more of the following uses: a. Any use permitted in the Residence District I.
- (2) HEIGHT AND AREA.

The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II.

8.10 RESIDENCE DISTRICT IV.

- (1) USE.

In the Residence District IV no buildings or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

 - (a) Any use permitted in Residence District 1.
- (2) HEIGHT AND AREA.

The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

 - (a) Lot Area per Family. Every building hereafter erected or structurally altered for human habitation shall provide a lot area of not less than thirty-thousand (30,000) square feet and a minimum width of one-hundred (100) feet.

8.11 RESIDENCE DISTRICT V.

- (1) USE.

Any use permitted and as regulated in Residence District I, except as hereinafter modified.

(2) HEIGHT AND AREA.

The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

- (a) Lot Area For Family. Every building hereinafter erected or structurally altered shall provide a lot area not less than thirty-thousand (30,000) square feet per family and no such lot shall be less than one-hundred (100) feet in width. In this Residence District no real estate shall be subdivided into lots or sold, or leased, or any easement therein created in such manner as to give access to more than one family for every one-hundred (100) feet of lake frontage.
- (b) Any building located on a T-Intersection corner lot created by Lac La Belle Drive and any public road intersecting Lac La Belle Drive, or a corner lot created by an approximate ninety degree (90°) bend in Lac La Belle Drive, shall have a front setback of ninety (90) feet from the center of Lac La Belle Drive and a side setback of no less than forty (40) feet from the center of the right-of-Way of any public road creating the T-Intersection with Lac La Belle Drive or the approximate ninety degree (90°) bend in Lac La Belle Drive abutting the side portion of the corner lot.

8.12 RESIDENCE DISTRICT VI.

(1) USE.

Any use permitted and as regulated in Residence District I.

(2) HEIGHT AND AREA.

The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

- (a) Lot Area Per Family. Every building hereinafter created or structurally altered shall provide a lot area not less than thirty-thousand (30,000) square feet per family and no such lot shall be less than one-hundred (100) feet in width. In this Residence District no real estate shall be subdivided into lots or sold, or leased, or any easement therein created in such manner as to give access to more than one family for every one-hundred (100) feet of lake frontage.
- (b) Using the bulkhead line, or the center of the road, as a point of departure there shall be a minimum setback from this line of one-hundred (100) feet to the nearest point of any building.

8.13 RESIDENCE DISTRICT VII.

(1) USE.

In the Residence District VII no buildings or premises shall be used and no buildings shall hereafter be erected or structurally altered, unless otherwise provided in this chapter, except for one or more of the following uses:

- (a) Any use permitted in Residence District IV.
- (2) HEIGHT AND AREA.

The height, area, offsets, location, vision clearance, and space requirements shall be the same as in Residence District II except as follows:

 - (a) Every building within Residence District VII hereafter erected or structurally altered for human habitation shall provide a lot area of not less than five (5) acres and a minimum width of two-hundred (200) feet.

8.14 RESIDENCE DISTRICT VIII.

- (1) PERMITTED USES.

No building or premises shall be used and no buildings shall hereafter be erected or structurally altered in this District, unless otherwise provided in this Chapter, except for uses allowed under the Residence District I.
- (2) DISTRICT REQUIREMENTS.

In the Residence District VIII, the height of buildings, minimum yard dimensions, minimum lot area per family and other minimum District requirements shall be as follows:

 - (a) Height. Buildings hereafter erected or structurally altered shall not exceed thirty-five (35) feet in height.
 - (b) Side Yard. There shall be a side yard on each side of a principal structure. The sum of the widths of the required side yards shall not be less than forty (40) feet, and no single side yard shall be less than twenty (20) feet in width.
 - (c) Rear Yard. There shall be a rear yard having a minimum depth of forty (40) feet from the rear yard property line, except that where the rear yard abuts a navigable body of water, there shall be a setback of one hundred (100) feet from the bulkhead line to the nearest point of any principal or accessory building.
 - (d) Front Yard. There shall be a minimum setback of eighty-five (85) feet from the center of the highway to the nearest point of any building.
 - (e) Lot Area Per Family. Every building or part of a building erected or structurally altered for residential purposes shall provide lot area of not less than thirty-thousand (30,000) square feet per family and no such lot shall be less than one-hundred (100) feet in width. No real estate shall be subdivided into lots or sold, leased or any easement therein created in such manner as to give access to more than one (1) family or residential lot for every one-hundred (100) feet of lake frontage.
 - (f) Vision Clearance. There shall be a vision clearance on all corner lots of not less than twenty (20) feet (See Sec. 8.05(2)(f) Exhibit).

8.15 FLOOD PLAIN DISTRICT.

(1) STATUTORY AUTHORIZATION.

This flood plain district ordinance is adopted pursuant to the authorization in Wis. Stats. § 61.35 and § 62.23, for villages and Wis. Stats. § 87.30.

(2) FINDING OF FACT.

Uncontrolled development and use of the floodplains, rivers or streams of the Village of Lac La Belle would adversely affect the public health, safety, convenience, general welfare, and impair the tax base.

(3) STATEMENT OF PURPOSE.

To regulate development in flood hazard areas to protect life, health and property the Village Board does ordain that the purpose of these rules is to:

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

(4) TITLE.

This section shall be known as the Floodplain Zoning Ordinance for the Village of Lac La Belle, Wisconsin.

(5) GENERAL PROVISIONS.

- (a) Areas To Be Regulated. Areas regulated by this section include all areas within the limits of the Village of Lac La Belle that would be covered by the "regional flood" as defined in sec. 8.03(2)(ffff) and include "floodplain islands" as defined in sec. 8.03(2)(tt) as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory Zones are displayed as

A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map per revision is referenced, the most restrictive information shall apply.

- (b) Official Maps & Revisions. The boundaries of the floodplain districts including the floodway, flood fringe and other floodplain districts are those areas designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the FIRM must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process before it is effective. These official maps and revisions are on file in the office of the Village Clerk, Village of Lac La Belle. If more than one map or revision is referenced, the most current approved information shall apply.

Official Maps Based on the FIS:

WAUKESHA COUNTY: Flood Insurance Rate Map (FIRM), panel numbers 55133C0018G and 55133C0019G, dated November 5, 2014; with corresponding profiles that are based on the Village of Lac La Belle Flood Insurance Study (FIS) 55133CV001C, 55133CV002C and 55133CV003C, dated November 5, 2014. Approved by: The Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

JEFFERSON COUNTY: Flood Insurance Rate Map (FIRM), panel 55055C0118F, dated February 4, 2015; with corresponding profiles that are based on the Village of Lac La Belle Flood Insurance Study (FIS) 55055CV000B, dated February 4, 2015. Approved by: The Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).

OFFICIAL MAPS: Based on other studies.

Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.

- (i) Waukesha County Flood Storage Map, Panel number 1, dated November 5, 2014.
Approved by: The Department of Natural Resources (DNR).
- (c) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS. The regional floodplain areas are hereby divided into four districts defined in sec. 8.03 of this Code and as follows:
 - (i) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.
 - (ii) The Flood fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

- (iii) The General Floodplain District (GFP) consists of all areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.
 - (iv) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
- (d) **LOCATING FLOODPLAIN BOUNDARIES.** Where an apparent discrepancy exists between the locations of the outermost boundary of the flood fringe district or general floodplain district shown on the official floodplain Zoning map and actual field conditions, the location shall be initially determined by the zoning administrator using the criteria in sub (i) or (ii) below. The Zoning administrator can rely on a boundary derived from 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 ordinance. Where the Zoning administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in sec. 8.14(19). Disputes between the Zoning administrator and an applicant over the location of the district boundary line shall be settled according to sec. 8.15(18) (c)(ii). Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to sec. 8.14(16).
- (i) 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.
 - (ii) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the zoning administrator using the scale appearing on the map.
- (e) **REMOVAL OF LANDS FROM FLOODPLAIN.** Compliance with the provisions of this ordinance shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least two feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain district, and the map is amended pursuant to sec. 8.15(19).
- (f) **COMPLIANCE.** Any development, as defined in sec. 8.03(2)(x), or use within the areas regulated by this ordinance shall be in full compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
- (g) **MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically exempted by law, the Village of Lac La Belle is required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stats. § 13.48(13),

applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022, applies.

(h) ABROGATION AND GREATER RESTRICTIONS.

(i) This ordinance Supersedes all the provisions of any municipal Zoning ordinance enacted under Wis. Stats. § 59.69 and § 59.694 for counties; under Wis. Stats. § 61.35 for villages or Wis. Stats. § 87.30, which relate to floodplains except that where another municipal Zoning ordinance is more restrictive than the provisions contained in this section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

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

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

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

(l) ANNEXED AREAS. The Waukesha County and Jefferson County floodplain Zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village of Lac La Belle for all areas annexed by the Village of Lac La Belle until the Village of Lac La Belle adopts and enforces an ordinance that meets the requirements of Ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP).

These annexed lands are described on the Village of Lac La Belle's official zoning map. County floodplain Zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway.

(6) GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment 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 that meets the subdivision definition of this ordinance and all other requirements in sec. 8.15(16). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

(a) Hydraulic And Hydrologic Analyses.

(i) No floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development causing any increase in the regional flood height; or
2. Cause an increase in regional flood height due to floodplain storage area lost.

(ii) The Zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in regional flood height based on the officially adopted FIRM or other adopted map, unless the provisions of sec. 8.15(19) are met.

(7) WATERCOURSE ALTERATIONS.

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

As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation and pursuant to sec. 8.15(17), the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

(8) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.

Development which requires a permit from the Department of Natural Resources, under Chapters 30 and 31 of the Wisconsin Statutes, such as docks, piers, wharves, bridges, culverts, dams and navigational aids may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance, are made according to sec. 8.19.

(9) PUBLIC OR PRIVATE CAMPGROUNDS.

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

- (a) The campground is approved by the Department of Health Services;
- (b) A land use permit for the campground is issued by the Zoning administrator;
- (c) The character of the river system and the campground elevation are 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 the 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 calendar year (12 months), at which time the agreement shall be reviewed and updated - by the officials identified in sec. 8.04 - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;
- (f) Only camping units that are fully licensed, if required, and ready for highway use are allowed;
- (g) The camping units shall not occupy any site in the campground for more than one-hundred-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-eighty (180) days and shall ensure compliance with all the provisions of this section;

- (i) The municipality shall monitor the limited authorizations 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 eighty (180) consecutive days must meet the applicable requirements in either sec. 8.15(10), (11), or (12) for the floodplain district in which the structure is located;
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- (l) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation.

(10) FLOODWAY DISTRICT (FW).

- (a) Applicability. The provisions of this section apply to all areas mapped as floodway on the official floodplain zoning maps, and to those portions of the general floodplain district determined to be floodway according to the procedures in sec. 8.14(d).
- (b) 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 sec. 8.14(c) and 8.14(d); and all permits or certificates have been issued according to sec. 8.15(18).
 - (i) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
 - (ii) Nonstructural industrial and commercial uses, such as loading areas, parking areas, and airport landing strips.
 - (iii) Nonstructural private and public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails, subject to the fill limitations of sec. 8.15(a)(ii)(c).
 - (iv) Uses or structures accessory to open space uses, or those classified as historic structures, that are not in conflict with the provisions in sec. 8.14(c) and 8.14(d).
 - (v) Extraction of sand, gravel or other materials according to sec. 8.15(a)(ii)(c).
 - (vi) Functionally water-dependent uses such as: docks, piers or wharves, including those

used as part of a marina, and other water related uses such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to Chapters 30 and 31, of the Wisconsin Statutes.

(vii) Public utilities, streets and bridges, according to sec. 8.15(14).

(c) Standards For Developments. In Floodway Areas.

(i) GENERAL.

1. Any development in floodway areas shall meet all of the provisions of sec. 8.15(6); and have a low flood damage potential.
2. Applicants shall provide the following data for the zoning administrator to determine the effects of the proposal according to sec. 8.15(6) and sec. 8.15(16).
 - 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 cause any increase in the flood elevations upstream or downstream, based on the data submitted for sec. 2, above.

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

1. Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;
2. Shall have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The openings shall be equipped with Screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters;
3. Must be anchored to resist flotation, collapse, and lateral movement;
4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
5. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(iii) Public utilities, streets and bridges may be allowed by permit, provided that:

1. Adequate flood proofing measures are provided to the flood protection

elevation; and

2. Construction does not cause an increase in the regional flood height according to sec. 8.15(6)(a).

(iv) Fills or deposition of materials may be allowed by permit, provided that:

1. The requirements of sec. 8.15(6)(a) are met;
2. No material is deposited in navigable waters unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30 of the Wisconsin Statutes, and a permit pursuant to sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and all other requirements have been met;
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading; and
4. The fill is not classified as a solid or hazardous material.

(d) Prohibited Uses. All uses not listed as permitted uses in sec. 8.14(b) are prohibited, including the following uses:

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

(11) FLOOD FRINGE DISTRICT (FF).

Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to sec. 8.15(5)(b).

- (a) Permitted Uses. Any structure, land use, or development, is allowed in the Floodfringe District if the standards contained in sec. 8.15(11)(b) are met, the use is not prohibited by this or any other ordinance or any other local, state or Federal regulation and that all permits or certificates specified in sec. 8.15(18) have been issued.
- (b) Standards For Development In the Floodfringe. All of the provisions of sec. 8.15(6)(a) shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of sec. 8.15(13);
 - (i) RESIDENTIAL USES. Any structure, including mobile/manufactured homes, which is to be newly constructed, or moved in the flood fringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of sec. 8.15(13);
 1. The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of sec. 8.15(11)(b)(i) can be met. The fill shall be one foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure.
 2. The basement or crawlway floor may be placed at the regional flood elevation providing it is flood proofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
 3. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in paragraph 4.
 4. In developments where existing streets or sewer line elevations make compliance with paragraph 3 impractical, the Village of Lac La Belle may permit new development and substantial improvements where roads are below the regional flood elevation, provided:
 - a. The Village of Lac La Belle has written assurance from the appropriate local units of 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 Lac La Belle has a DNR approved emergency evacuation plan.
 - (ii) ACCESSORY STRUCTURES OR USES. Accessory structures, shall be constructed on fill with the lowest floor at or above the regional flood elevation.
 - (iii) COMMERCIAL USES. Any commercial structure that is erected, altered or moved into the flood fringe shall meet the requirements of sec. 8.15(11)(b)(i). Subject to the

requirements of Sub (v), 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.

- (iv) **MANUFACTURING AND INDUSTRIAL USES.** Any manufacturing, or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in sec. 8.15(18). Subject to the requirements of sec. 8.15(11)(b)(v), storage yards, parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (v) **STORAGE 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. 8.15(18)(e). Adequate measures shall be taken to assure that such materials will not enter the water body during flooding.
- (vi) **PUBLIC UTILITIES, STREETS AND BRIDGES.** All utilities, streets and bridges should 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 or repair of such facilities shall only be permitted if they are designed to comply with sec. 8.15(18)(e).
 2. Minor roads or nonessential utilities may be constructed at lower elevations provided they are designed to withstand flood forces to the regional flood elevation.
- (vii) **SEWAGE SYSTEMS.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system pursuant to the applicable provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- (viii) **WELLS.** All wells shall be designed to minimize or eliminate infiltration of flood waters into the system pursuant to sec. 8.15(18)(e), and shall meet the applicable provisions of Ch. NR 811 and NR812, Wis. Adm. Code.
- (ix) **SOLID WASTE DISPOSAL SITES.** Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (x) **DEPOSITION OF MATERIALS.** Any materials deposited for any purpose may only be allowed if all the provisions of this ordinance are met.
- (xi) **MOBILE HOMES AND MANUFACTURED HOMES.**
 1. Owners or operators of all mobile 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 the local emergency management authorities.

2. In existing mobile home parks, see definition in sec. 8.03(2)(eeee) 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 a flood.
 - c. Outside of existing manufactured home parks: including new manufactured home parks, and all single units outside of existing parks; all new, replacement and substantially improved mobile/manufactured homes, shall meet the residential development standards for the floodfringe in sec. 8.15(11)(b)(i) and the Flood Storage District in sec. 8.15(13)(c).

(12) GENERAL FLOODPLAIN DISTRICT (GFP).

(a) APPLICABILITY. The provisions for this district shall apply to all floodplains mapped as A, AO or AH Zones.

(b) PERMITTED USES.

- (i) Pursuant to sec. 8.15(d) it shall be determined whether the proposed use is located within the floodway or floodfringe.
- (ii) Those uses permitted in the Floodway sec. 8.15(10)(b) and Floodfringe Districts sec. 8.15(11)(a) are allowed within the General Floodplain District, according to the standards of sec. 8.15(12)(c) provided that all permits or certificates required under sec. 8.15(18) have been issued.

(c) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT. Once it is determined according to sec. 8.15(12)(d) that a proposed use is located within a floodway, the provisions of sec. 8.15(10) shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of sec. 8.15(11) shall apply. All provisions of the remainder of this ordinance apply to either district.

(i) In AO/AH Zones the structure's lowest floor must meet one (1) of the conditions listed below whichever is higher:

1. At or above the flood protection elevation; or
2. Two (2) feet above the highest adjacent grade around the structure; or
3. The depth as shown on the FIRM:

(ii) In AO/AH Zones, provide plans showing adequate drainage paths to guide

floodwaters around structures.

- (d) DETERMINING FLOODWAY AND FLOOD FRINGE LIMITS. Upon receiving an application for development within the general floodplain district, the Zoning administrator shall:
- (i) Require the applicant to submit two copies of an aerial photograph, or a plan which accurately locates the proposed development with respect to the general floodplain district limits, channel of stream, existing floodplain developments, along with all legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures, and the flood Zone as shown on the FIRM.
 - (ii) Require the applicant to furnish any of the following information deemed necessary by the Department for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and to determine the boundaries of the floodway:
 - (iii) A Hydrologic and Hydraulic Study as specified in sec. 8.15(18)(a)(ii)(3).
 - 1. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
 - 2. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(13) FLOOD STORAGE DISTRICT.

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

- (a) APPLICABILITY. The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.
- (b) PERMITTED USES. Any use or development which occurs in a flood storage district must meet the applicable requirements in sec. 8.04.
- (c) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS
 - (i) Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
 - (ii) No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed

development to compensate for the volume of storage which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.

- (iii) If compensatory storage cannot be provided, the area may not be developed unless the entire area Zoned as flood storage district - on this waterway - is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, as per sec. 8.15(19) *Amendments* of this ordinance.
- (iv) No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

(14) NONCONFORMING USES.

(a) GENERAL.

- (i) **APPLICABILITY.** Insofar as the standards in this section are not inconsistent with the provisions of Wis. Stats. § 62.23(7)(h), for villages, they shall apply to all modifications or additions to any nonconforming uses or nonconforming structures and to the use of any structure or premises that was lawful before the passage of this ordinance or any amendment thereto.
- (ii) The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
 - 1. No modifications or additions to a nonconforming use or a nonconforming structure shall be permitted unless they are made in conformity with the provisions of this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered modifications; these include painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private Sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.
 - 2. The construction of a deck that does not exceed two-hundred (200) square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

3. 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 ordinance.
- (iii) The Village of Lac La Belle shall keep, a record which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all additions or modifications which have been permitted, and the percentage of the structure's total current value those modifications represent.
- (iv) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 8.15(11)(b)(i). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent (50%) provisions of this paragraph.
- (v) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 8.15(11)(b)(i). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent (50%) provisions of this paragraph.
- (vi) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 8.15(11)(b)(i).
- (vii) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds fifty-percent (50%) of the present equalized assessed value the

work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 8.15(11)(b)(i).

- (viii) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty-percent (50%) of the structure's present equalized assessed value.
- (ix) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of sec. 8.15(18)(e)(ii).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 8.15(12)(c)(i).
- f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

- a. Shall meet the requirements of sec. 8.15(13)(a)(ii).

- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in sec. 8.15(18)(e)(i) or (ii).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 8.15(12)(c)(i).
- 3. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with sec. 8.15(10)(c)(i) flood resistant materials are used, and construction practices and floodproofing methods that comply with sec. 8.15(18)(e) are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of sec. 8.15(14)(a)(ii) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(15) FLOODWAY DISTRICT.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - (i) Has been granted a permit or variance which meets the floodway requirements of this ordinance; and
 - (ii) Meets the requirements of sec. 8.15(14)(a); and
 - (iii) Shall not increase the obstruction to flood flows or regional flood height; and
 - (iv) Any addition to the existing structure shall be flood proofed, pursuant to sec. 8.15(18)(e), by means other than the use of fill, to the flood protection elevation; and
 - (v) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one (1) square inch for every one (1) square foot of the enclosed area. The lowest part of the opening can be no more than twelve (12) inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- (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 the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. SPS 383, Wis. Adm. Code.
 - (c) No new well or modification to an existing well, used to obtain water for ultimate human consumption, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances and Ch. NR 811 and NR 812, Wis. Adm. Code.

(16) FLOODFRINGE DISTRICT.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village of Lac La Belle, and meets the requirements of sec. 8.15(10)(b) except where sec. 8.15(16)(b) is applicable.
- (b) Where compliance with the provisions of paragraph (a) would result in unnecessary hardship, and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment/appeals, using the procedures established in sec. 8.15(18)(c), may grant a variance from those provisions of paragraph (a) for modifications or additions, using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted provided:
 - (i) No floor is allowed below the regional flood elevation for residential or commercial structures; and
 - (ii) Human lives are not endangered;
 - (iii) Public facilities, such as water or sewer, shall not be installed;
 - (iv) Flood depths shall not exceed two feet;
 - (v) Flood velocities shall not exceed two (2) feet per second; and
 - (vi) The structure shall not be used for storage of materials described in sec. 8.15(11)(b) (v).
- (c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions

of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

- (d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Ch. NR 811 and NR 812, Wis. Adm. Code.

(17) FLOOD STORAGE DISTRICT.

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in sec. 8.15(13)(c) are met.

(18) ADMINISTRATION.

(a) ZONING ADMINISTRATOR.

Duties and Powers

- (i) After October 1, 2009, the Village Administrator shall be the Zoning Administrator for the purpose of administering and enforcing this ordinance. The Zoning administrator is hereby authorized to administer the provisions of this ordinance and shall have the following duties and powers:
 - 1. Advise applicants of the provisions of this ordinance; assist them in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - 2. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
 - 3. Inspect and assess all damaged floodplain structures 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;
 - 5. Floodproofing certificates
 - a. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - b. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
 - 7. Submit copies of the following items to the Department of Natural Resources district office:
 - a. Within ten (10) days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

- b. Copies of case-by-case analyses and other required information including an annual summary of floodplain Zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - 8. Investigate, prepare reports, and report violations of this ordinance to the Plan Commission and the Village attorney for prosecution. Copies of the violation reports shall also be sent to the Department District office.
 - 9. Submit copies of amendments to the regional office of FEMA.
- (ii) LAND USE PERMIT. A land use permit shall be obtained from the zoning administrator before any new "development", as defined in sec. 8.03(2)(x), or any repair, modification or addition to an existing structure; or change in the use of an existing building or structure including sewage disposal systems and Water supply 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-builder;
 - b. Legal description of the property, type of proposed use, and an indication as to whether new construction or a modification to an existing structure is involved;
 - 2. SITE DEVELOPMENT PLAN. The site development plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:
 - a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary highwater mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and center line of all abutting streets or highways;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study - either National Geodetic 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 sec 8.15(10) or 8.15(11) are met.
 - i. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to sec. 8.15(6)a. This may include any of the information noted in sec. 8.15(10)(c)(i).
3. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT.
- a. All hydraulic and hydrologic studies shall be completed under direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.
 - i. Zone A Floodplains:
 - 1. Hydrology.
 - a. The appropriate method shall be based on the standards in Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis. Determination of Regional Flood Discharge.
 - 2. Hydraulic modeling.

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

 - a. Determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for study.
 - b. Channel sections must be surveyed.
 - c. Minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - d. A maximum distance of five-hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross Sections required at transitions in channel bottom slope including a Survey of the channel at each location.
 - e. The most current version of HEC_RAS shall be used.

- f. A Survey of bridge and culvert openings and the top of road is required at each structure.
- g. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than five-hundred (500) feet.
- h. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- i. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie into existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

3. Mapping.

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- a. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- b. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

ii. Zone AE Floodplains

1. Hydrology.

If the proposed hydrology will change the existing study, the

appropriate method to be used shall be based on Ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis. Determination of Regional Flood Discharge.

2. Hydraulic model.

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

- a. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- b. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
- c. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- d. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and Survey notes.
- f. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water

surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

3. Mapping.

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- b. Certified topographic map of suitable scale, contour interval, and a plan metric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- d. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- f. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- g. Both the current and proposed floodways shall be shown on the map.
- h. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

4. Expiration.

All permits issued under the authority of this ordinance shall expire no more than one-hundred-eighty (180) days after issuance. The permit may be extended for a maximum of one-hundred-eighty (180) days for good and sufficient cause.

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

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance.
2. Application for such certificate shall be concurrent with the application for a permit.
3. The certificate of compliance shall be issued within ten (10) days after written notification of completion of the work specified in the permit, provided the building or premises or proposed use conforms to all the provisions of this ordinance.
4. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit issued. Flood proofing measures also require certification by a registered professional engineer or registered architect that the requirements of sec. 8.15(18)(e).

(iv) OTHER PERMITS. Prior to obtaining a floodplain development permit, the applicant must secure all other necessary permits from all appropriate federal, state, and local agencies, including, but not limited to, those required by the U.S. Army Corps of Engineers under sec. 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

(b) PLAN COMMISSION.

(i) The Commission shall:

1. Oversee the functions of the office of the zoning administrator and
2. Review and make recommendations to the governing body on all proposed amendments to this ordinance, maps and text.

(ii) The Plan Commission shall not:

1. Grant variances to the terms of the ordinance in place of action by the Board of Appeals; nor

2. Amend the text or zoning maps in place of official action by the Village Board of Trustees.

(c) BOARD OF APPEALS

- (i) Appeals to the board may be taken by any person aggrieved or by any officer, department, or board of the Village of Lac La Belle affected by any decision of the Zoning administrator in the manner set forth in sec. 8.19. The final decision regarding the appeal or variance application shall be sent to the district office of the Department within ten (10) days of the decision.

(ii) 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. The person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the board of appeals; and
3. If the boundary is incorrectly mapped, the board should inform the Plan Commission or the person contesting the location of the boundary to petition the governing body for a map amendment according to sec. 8.15(19).

(iii) VARIANCE.

1. The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance will cause unnecessary hardship on the applicant;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions; not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - c. Such variance is not contrary to the public interest;
 - d. Such variance is consistent with the purpose of this ordinance in sec. 8.15(3).
2. In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance shall not cause any increase in regional flood elevation;

- b. Variance can only be granted for lots that are less than one-half (1/2) acre and contiguous to existing structures constructed below the RFE; and
 - 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 contract to the purpose of the ordinance.
- 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 ordinance or map(s) required in sec. 8.15(19)(a).
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure. (Rev. Federal rule Oct. 1990)
- 4. When a variance is granted in a floodplain area the Board shall notify the applicant in Writing that it may increase risks to life and property and flood insurance premiums could increase up to twenty-five dollars (\$25.00) per one-hundred dollars (\$100.00) of coverage. A copy of this notification shall be maintained with the variance appeal record.

(d) TO REVIEW APPEALS OF PERMIT DENIALS.

- (i) The Board of Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):
 - 1. Permit application data listed in sec. 8.15(18)(a)(i)(4)(b).
 - 2. Floodway/flood fringe determination data in sec. 8.15(12)(d);
 - 3. Data listed in sec. 8.15(10)(c)(i)(2) where the applicant has not submitted this information to the zoning administrator; and
 - 4. Other data submitted to the zoning administrator with the permit application, or submitted to the Board with the appeal.
- (ii) For appeals of all denied permits the Board shall:
 - 1. Follow the procedures of sec. 8.15(18)(c);
 - 2. Consider Zoning Agency recommendations;

3. Either uphold the denial or grant the appeal.

(iii) For appeals concerning increases in regional flood elevation the Board shall:

1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of sec. 8.15(16)(a).
2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

(e) FLOOD PROOFING STANDARDS FOR NONCOMFORMING STRUCTURES OR USES.

(i) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(ii) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either;

1. Certified by a registered professional engineer or architect; or
2. Meets or exceeds the following standards;
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(iii) Flood proofing measures shall be designed, as appropriate, 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;
4. Minimize or eliminate infiltration of flood waters; and
5. Minimize or eliminate discharges into flood waters.

(f) PUBLIC INFORMATION.

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

(19) AMENDMENTS.

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain Zoning maps, floodway lines and water surface profiles, in accordance with sec. 8.15(17).

- (a) In AE Zones with a mapped floodway, no obstruction or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain Zoning maps, floodway lines and water surface profiles, in accordance with sec. 8.15(17). Any such alterations must be reviewed and approved by FEMA and the DNR.
- (b) In A Zones increases equal to or greater than one (1) foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance to sec. 8.15(17).

(20) GENERAL.

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

- (a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (c) Any changes to any other officially adopted floodplain maps listed in 1.5(2)(b);
- (d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (e) Correction of discrepancies between the water surface profiles and floodplain maps;
- (f) Any upgrade to a floodplain zoning ordinance text required by sec. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (g) 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.

(21)PROCEDURES.

Amendments to this ordinance may be made upon petition of any party according to the provisions of Wis. Stats. § 62.23. The petitions shall include all data required by sec. 8.15(12)(d) and 8.15(18)(a)(ii). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (a) Copies of any amendment proposed shall be referred to the Plan Commission for a public hearing and recommendation to the governing body. Copies of the proposed amendment and notice of the public hearing shall be submitted to the appropriate District office of the Department of Natural Resources for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stats. § 62.23.
- (b) No amendment to the maps or text of this ordinance shall become effective until reviewed and approved by the Department.
- (c) All persons petitioning for a map amendment which involves an obstruction to flow causing any increase in regional flood height shall obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

(22)ENFORCEMENT AND PENALTIES.

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

8.16 C-W CONSERVANCY WETLAND DISTRICT AND C-W BUFFER DISTRICT REGULATIONS

(1) PERMITTED USES.

- (a) The following uses are permitted within the C-W Conservancy - Wetland District and the C-W Buffer District subject to the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other local, state and federal laws, if applicable:
 - (i) Activities and uses which do not require the issuance of a conditional use permit, provided that no wetland alteration occurs:
 - 1. Hiking, fishing, trapping with live traps only (not by bolt or Conobear traps), swimming, snowmobiling and boating;
 - 2. The harvesting of wild crops, such as marsh bay, ferns, moss, wild rice, berries,

tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.

(ii) Uses which do not require the issuance of a conditional use permit and which may involve wetland alterations only to the extent provided below:

1. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks where possible;
2. The construction and maintenance of walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
3. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in sec. 7.13 of the Shoreland-Wetland ordinance; and
4. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

(iii) Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:

1. The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted under sec. 4.02, of the Shoreland-Wetland ordinance, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in sec. 7.13 of the Shoreland-Wetland ordinance;
 - 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 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 and wildlife preserves, provided that:
 - a. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - b. 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 sec. 4.023(1) of the Shoreland-Wetlands ordinance; and
 - c. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, and wildlife preserves, shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
3. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:
 - a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Only limited filling or excavating necessary for such construction or maintenance is allowed and said activities comply with sec. 4.022(3) of the Shoreland-Wetlands ordinance; and
 - c. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in sec. 7.13 of the Shoreland-Wetlands ordinance.

(2) PROHIBITED USES.

Any use not listed in section (1) of this section is prohibited within the C-W - Conservancy-Wetland District and the C-W Buffer District, unless the wetland or a portion of the Wetland has been re-zoned by amendment of this ordinance in accordance with this Ordinance sec. 7.0 of the Shoreland-Wetlands ordinance.

8.16.1 I-1 INSTITUTIONAL DISTRICT

(1) INTENT.

The I-1 Institutional District is intended to provide areas that are under educational, religious, and/or public-related use and ownership, and where the use for these purposes is anticipated to be permanent.

(2) PERMITTED USES.

In the I-1 Institutional District no building or premises shall be used and no building shall hereafter be erected or structurally altered, except in accordance with the provisions of this Section.

(a) Permitted uses in the I-1 district are as follows:

- (i) The exercise of religion in churches, temples, synagogues, mosques, schools, and/or recreational facilities.
- (ii) Libraries, museums, nature centers, and art galleries.
- (iii) Private schools, colleges, and universities.

(b) The following accessory uses are permitted in the I-1 Institutional District provided such uses are directly associated with one or more permitted uses for the I-1 Institutional District:

- (i) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
- (ii) Off-street parking and loading areas.
- (iii) Residential quarters for caretakers or clergy and seasonal residential quarters for seasonal staff and employees.
- (iv) Service buildings and facilities normally accessory to the permitted uses.
- (v) Infirmarys.
- (vi) Utilities servicing the property.
- (vii) Ground-mounted and building-mounted earth station dish antennas.
- (viii) Private recreational facilities including:
- (ix) Group or organized camps.
- (x) Historic and monument sites.
- (xi) Ice-skating.
- (xii) Parks (general recreation).
- (xiii) Parks (leisure and ornamental).
- (xiv) Picnicking areas.
- (xv) Playfields or athletic fields.
- (xvi) Playgrounds.
- (xvii) Play lots or tot lots.

- (xviii) Recreation centers.
 - (xix) Skiing and tobogganing.
 - (xx) Swimming beaches.
 - (xxi) Swimming pools.
 - (xxii) Outdoor camping and related camping.
 - (xxiii) Short-term lodging and meeting facilities.
 - (xxiv) Private indoor and outdoor eating facilities (permanent and temporary).
- (c) Conditional uses. Conditional uses in the I-1 district are as follows:
- (i) Utilities servicing properties other than the subject property.
 - (ii) Public administrative offices and public service buildings, including fire and police stations.
 - (iii) Wind energy conversion systems.
 - (iv) Music and performance facilities directly related to a permitted use.
 - (v) Limited animal husbandry for non-commercial educational purposes conducted within areas approved by the Plan Commission.
 - (vi) Seasonal gazebos and structures utilized for uses otherwise permitted in the I-1 District that are less than 6'x6' in size, are not more than ten (10) feet in height, and that are not permanently anchored to the ground or any permanent structure.
 - (vii) Vegetable and/or flower gardens not more than one-half (1/2) acre in size used for non-commercial, educational purposes.
 - (viii) Activities and uses of an organized religion not otherwise expressly permitted by this section that do not constitute the exercise of religion.

(3) HEIGHT AND AREA.

In the I-1 Institutional District the height of buildings, the minimum dimensions of yards and the minimum lot area shall be as follows:

- (a) Lot area and width. Lots in the I-1 district shall be a minimum of five (5) acres in area with a minimum lot width of two-hundred (200) feet.
- (b) Building Height. No building or parts of a building in the I-1 district shall exceed thirty-five (35) feet in height.
- (c) Yards. Yard regulations in the I-1. Institutional District shall be as follows:
 - (i) Rear yard: not less than one-hundred (100) feet.
 - (ii) Side yard: there shall be two (2), the sum of the widths shall be a minimum of

seventy-five (75) feet, and no single side yard shall be less than ten (10) feet in width.

(iii) Street yard: a minimum of eighty-five (85) feet from the right-of-way line of all public streets.

(4) PLAN COMMISSION REVIEW REQUIRED.

To encourage a use environment that is compatible with the primarily residential character of the Village of Lac La Belle, no building permit and/or occupancy permit for any permitted, accessory or conditional use in the I-1 district, except the exercise of religion in churches, shall be issued without prior review and approval of the Plan Commission. Such review and approval shall be concerned with, but not necessarily limited to, the general layout, building plans, ingress, egress, parking, plan of operation, loading and unloading and landscape plans. The application procedure and standards of review described in sec. 8.19 of this chapter shall be applicable to Plan Commission review under this division. Plan Commission review is required for all types of permitted, accessory, and conditional uses and structures.

8.17 PARK AND PUBLIC LANDS DISTRICT.

(1) PERMITTED USES.

- (a) Forest reserves (wilderness areas).
- (b) Forest reserves (wilderness refuges).
- (c) Golf courses, either public or private, with or without clubhouse facilities.
- (d) Parks (general recreation).
- (e) Parks (leisure and ornamental).
- (f) Picnic areas.

(2) PERMITTED ACCESSORY USES.

- (a) Buildings accessory to the permitted recreational use.

(3) CONDITIONAL USES.

- (a) Temporary Uses.

(4) LOT AREA AND WIDTH.

Lots shall provide sufficient area for the principal structure and its accessory structures, off-street parking and loading areas and all required yards.

(5) BUILDING HEIGHT.

No building or parts of a building shall exceed fifty (50) feet in height or two and one-half (2-1/2) stories in height.

(6) FRONT YARD SETBACK.

There shall be a minimum setback of sixty-five (65) feet from the center of the highway to

the nearest point of any building.

(7) SIDE YARD SETBACK.

There shall be a side yard on each side of a principal structure. The sum of the widths of the required side yards shall not be less than forty (40) feet, and no single side yard shall be less than twenty (20) feet in width.

(8) SETBACK FROM LAKE, RIVER, OR STREAM.

There shall be a minimum setback of seventy-five (75) feet from any lake, river, or stream.

(9) VISION CLEARANCE.

There shall be a vision clearance on all corner lots of not less than twenty (20) feet.

(10) BOATHOUSES.

Boathouses shall not be constructed in this District.

(11) PLAN COMMISSION REVIEW REQUIRED.

To encourage a recreational use environment that is compatible with the residential character of the Village, building permits for permitted uses in the Park and Public Lands District shall not be issued without the review and approval of the Plan Commission. Such review and approval shall be concerned with the current and proposed general layout, building plans, ingress, egress, parking, loading, unloading, and landscape and drainage plans.

8.18 OCCUPANCY AND USE PERMIT.

(1) REQUIRED.

No vacant land nor any building erected, structurally altered, or relocated shall be used or occupied except for agricultural purposes until the Building Inspector has inspected the premises and determined that such building, use, or occupancy complies with the provisions of the Village Code of Ordinances he or she understands to be applicable. Upon Such determination, the Building Inspector shall issue an Occupancy and Use Permit.

(a) A survey reflecting all as-built improvements shall be submitted to the Building Inspector and filed with the Village Clerk before the issuance of an occupancy permit. Any changes between the approved construction and its location and final Construction or its location must comply with all applicable provisions of the Village Code of Ordinances; the Building Inspector may not issue an Occupancy and Use Permit until the construction is brought into compliance and a new Survey reflecting all as-built improvements is submitted.

(b) A like permit shall be obtained before any change is made in the type of use or before any non-conforming use is resumed, changed or extended.

(2) APPLICATION FOR.

An Occupancy and Use Permit shall be applied for with the application for a Building Permit, and shall be accompanied by a statement by the applicant of the intended use of the premises or building. Within ten (10) days after the notification of the completion of the erection, alteration or relocation of the building or of intent to commence a use, the Building Inspector shall make an inspection of the building or premises and shall then issue an Occupancy and Use Permit if the building and the intended use thereof, or the proposed use of the premises comply with the requirements of this chapter.

(3) TEMPORARY OCCUPANCY AND USE PERMIT.

Pending the issuance of a regular permit, a temporary permit may be issued for a period not exceeding six (6) months during the completion of alterations or during partial occupancy of a building pending its permanent occupation. Such temporary permit shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants. A temporary permit shall be voided if the building fails to conform to the provisions of this Chapter to such a degree as to render it unsafe for the occupancy proposed.

(4) FEE FOR OCCUPANCY USE PERMIT.

No fee shall be charged for an original permit applied for coincidentally with the application for a building permit. For all other permits or for copies of any original permit there shall be a charge of one dollar (\$1.00) each.

8.19 APPEAL PROVISIONS

(1) APPEAL RIGHTS.

Any person aggrieved, or any officer, department, or board of the Village affected by a decision of an administrative officer may appeal such decision to a Board of Appeals as hereinafter established, provided such appeal be taken within a reasonable time, as provided by the rules of said Board of Appeals.

(2) BOARD OF APPEALS.

(a) Establishment: There shall be a Board of Appeals consisting of five (5) members appointed by the Village President, subject to confirmation by the Village Board, for terms of three (3) years, except that of those first appointed one shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. Vacancies shall be filled for the unexpired terms of members whose terms become vacant, The Village President may appoint, for a term of three (3) years, two (2) alternate members of such board, in addition to the five (5) members above provided for, who shall act with full power only when a member of the Board refuses to vote because of interest or when a member is absent. The above provisions with regard to removal and the filling of vacancies shall apply to such alternate.

(b) General Rules:

- (i) The members of the Board of Appeals shall serve without compensation.
- (ii) Members shall be removable by the Village President for cause upon written charges and after public hearing.
- (iii) The Village President shall designate one of the members chairman and the Board of Appeals may designate such other officers and employ such employees as it feels necessary.
- (iv) The Board of Appeals shall adopt rules governing its procedure consistent with the terms of this Ordinance.
- (v) Meetings. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the Board and shall be a public record.

(c) Powers. The Board of Appeals shall have the following powers as defined by Statute:

- (i) To 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 of a Village of Lac La Belle Ordinance.
- (ii) To hear and decide special exceptions to the terms of Village of Lac La Belle Ordinances upon which such Board is required to pass under the Ordinance.
- (iii) To authorize upon appeal in specific cases such variances from the terms of a Village of Lac La Belle Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of said Ordinance will result in practical difficulty or unnecessary hardship, and so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (iv) The Board of Appeals may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for Such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(d) Additional Considerations. In making its determination the Board may consider whether

the proposed exception, variance, or use would be hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood by reason of physical, social or economic effects; and may impose such requirements and conditions with respect to location, construction, maintenance and operation--in addition to any which may be stipulated in the Village of Lac La Belle Ordinance--as the Board may deem necessary for the protection of adjacent properties and the public interest and welfare.

- (e) Performance Standards. In order to reach a fair and objective decision the Board may utilize and give recognition to appropriate performance standards which are available in model codes or ordinances, or which have been developed by planning, manufacturing, health, architectural, and engineering research organizations.
- (f) Enforcement of Decision. In exercising the above-mentioned powers, the Board of Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from, and may make determination as ought to be such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit provided that no such action shall have the effect of permitting in any district a use prohibited in that district; of rezoning, or of permitting, without the approval of the Plan Commission, any building within the base setback area as established for said building's zoning district.
- (g) Required Vote. The concurring vote of four (4) members of the Board shall decision or be necessary to reverse any order, requirement, determination of any such which it is required to pass under this Ordinance, or to effect any variation there from. The grounds of every such determination shall be stated.
- (h) Further Appeal. Any person or persons aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, or board of the municipality may appeal from a decision of the Board of Appeals within thirty (30) days after the filing of the decision in the office of the Board of Appeals in the manner provided in Wis. Stats. § 62.23 (10).
- (i) Procedure.
 - (i) Filing. A notice of appeal shall be filed with the officer from whom the appeal is taken and with the Board of Appeals, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - (ii) Stay. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of

Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, In such cases where the officer certifies that, in his opinion, a stay would cause imminent peril to life or property, 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 due cause shown and on notice to the officer from whom the appeal is taken.

- (iii) Hearing. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice of such hearing as well as to the parties in interest. Such public notice however shall require only posting as a Class I notice on a public bulletin board. Any party may appear in person, or by agent or by attorney representing him.
- (iv) Decision. The Board of Appeals shall render its decision in writing within fifteen (15) days after completion of the hearing thereon.
- (v) Recording of Variance Required.
 - 1. Any such variance granted shall be submitted by the applicant to the Waukesha County Register of Deeds for recording with the Title to the property.
 - 2. Any variance that has not been submitted under paragraph (1) for filing within thirty (30) days of its issuance by the Board of Appeals shall be null and void. This section applies only to variances granted after March 23, 1989.
 - 3. Variances submitted for recording shall indicate that, upon filing, the Register of Deeds shall return the original to the Village Clerk.

8.20 POWER OF PLAN COMMISSION TO GRANT CONDITIONAL USES.

(1) CONDITIONAL USES.

Some of the Zoning districts established by this ordinance set forth a list of uses referred to as Conditional Uses. These are uses that have a particular impact on the surrounding area that cannot be pre-determined and controlled by general regulations. In order to ensure that these uses in their proposed locations would be compatible with surrounding development, their establishment shall not be as a matter of right but only after review and approval as hereinafter provided.

(2) ISSUANCE OF CONDITIONAL USE PERMIT.

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

(3) APPLICATION FOR CONDITIONAL USE PERMIT.

Application for conditional use permits shall be made in duplicate on forms furnished by the Village Clerk and shall include the following where pertinent and necessary for proper review by the Plan Commission:

- (a) Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor (when engaged), and all opposite and abutting property owners of record.
- (b) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the Zoning district within which the subject site lies.
- (c) Plat of Survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Building Inspector, showing the location, property boundaries, dimensions, uses, and size of the following: subject site: existing and proposed structures: existing and proposed easements, streets, and other public ways: off-street parking, loading areas, and, driveways; existing highway access restrictions; existing and proposed street, side, and rear yards; and areas subject to inundation by floodwaters.
- (d) In Areas Subject to Inundation by floodwaters, the plat of Survey shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations, depth of inundation, floodproofing measures, and plans for proposed structures, giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structures or its effects on flood flows. Where floodproofing is required, the applicant shall submit a plan or document certified by "a registered professional engineer or architect," that the floodproofing measures are adequate to withstand the flood forces and velocities associated with the one-hundred (100) year recurrence interval flood. Prior to the issuance of certificate of compliance, the applicant shall also submit a certification by the registered professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this Ordinance.
- (e) In Addition. The plat of Survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site; soil mapping unit lines, types and slopes, ground surface elevations; mean and historic highwater lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping when so required by the Plan Commission.

(4) ADDITIONAL INFORMATION.

As may be required by the Village Board, Village Plan Commission, Village Engineer, or the Building Inspector.

(5) REVIEW AND APPROVAL.

The Village Plan Commission shall review the site, existing and proposed structures, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation; also conditions such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting. The Commission shall give due regard to the nature and condition of all adjacent uses and structures, and in authorizing such conditional uses may impose such requirements and conditions with respect to location, construction, maintenance and operation - in addition to those expressly stipulated in this Chapter for the particular conditional use as the commission may deem necessary for the protection of adjacent properties and the public interest: such conditional uses may not detract from the surrounding area.

(6) HEARINGS.

The Plan Commission shall fix a reasonable time and place for the hearing, publish a Class One notice thereof and shall give due notice to the parties in interest. At the hearing the applicant may appear in person, by agent, or by attorney.

(7) NOTICE TO DNR.

The Plan Commission shall transmit a copy of each application for a conditional floodland use to the Wisconsin Department of Natural Resources (DNR) for review and comment. Action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all floodland conditional use permits shall be transmitted to the DNR within ten (10) days of the effective date of such permit.

8.21 MINIMUM WIDTH OF LOTS HAVING LAKE ACCESS; EASEMENT PROHIBITED, PYRAMIDING PROHIBITED.

(1) OBJECTIVES.

Under the authority granted the Village in Wis. Stats. § 144.26 to regulate the lands under, abutting, and lying close to navigable waters, the following regulations have been created to further the maintenance of safe and healthful conditions along the shores of Lake Lac La Belle, to prevent and control water pollution, control building sites and the placement of structures and land uses, and to preserve the shore cover and natural beauty of Lake Lac La Belle for the general public. The following regulations shall not be deemed to restrict in any manner any publicly owned access points to Lake Lac La Belle.

(2) PYRAMIDING PROHIBITED.

(a) Persons owning property on the shores of Lake Lac La Belle have the right to make

reasonable use of the adjacent waters for purposes including, but not limited to, skating, fishing, Swimming, boating, and domestic purposes. However, overloading of the lake and shorelands can occur when a riparian owner retains his or her rights to use the lake while, at the same time, granting them in whole or in part to other persons. Pyramiding occurs when a residential lot is used in a manner which increases the number of persons who have access to the lake to a greater degree than would occur if a single-family riparian owner was using an individual residential lot fronting on the lake. One effect of pyramiding is to unduly intensify lake usage by owners of off-shore lots or residences utilizing a parcel of residential lake front land to gain access to the water. Pyramiding is hereby prohibited.

- (b) When more than one (1) person, family, or entity has an ownership interest in a parcel fronting on the lake which is zoned for use as a single-family residence, it shall be prohibited for any of the persons, parties or entities having an ownership interest therein to either utilize by themselves or allow another to utilize said property in any manner which provides access to Lake Lac La Belle from that property to persons, families, or entities to a greater degree than would otherwise result from single family riparian owners having single-family residential lots fronting on the water.
- (c) Minimum Width of Lots Having Lake Access. Notwithstanding any language contained in these ordinances to the contrary, no real estate shall be subdivided, re-platted, sold, or leased in any manner which would result in any individual parcel having frontage on Lake Lac La Belle which is less than the minimum width required for lots in that Zoning District.
- (d) Easements Prohibited. No person or entity having an ownership interest or leasehold interest in any parcel of residential property fronting on the lake shall grant an easement or enter into a licensing agreement with any person or persons which provides access to Lake Lac La Belle from that property. This sub-section shall not be deemed to preclude a lease agreement whereby a tenant is granted use of property for use as a single-family residence if said lease precludes recreational access to the lake by the owner or owners throughout the term of the tenancy.

8.22 PROPERTY MAINTENANCE

(1) EXTERIOR BUILDING REQUIREMENTS.

No person, firm or corporation shall allow or permit any building, whether dwelling, non-dwelling or accessory, on their property to deteriorate or remain in a condition that is not in accord with the following provisions of this section:

- (a) Street Numbers. Each structure to which a street number has been assigned shall meet the requirements of this code.

- (b) Structural Members. All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.
- (c) Exterior Walls and Foundations.
 - (i) The exterior walls of every structure shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls, or to the occupied spaces of the building;
 - (ii) The foundation walls of every structure shall be maintained plumb, free from open cracks, weather tight, rodent proof, insect proof, and reasonably watertight, and shall be kept in a reasonably good state of maintenance and repair. The foundation elements shall adequately support the building at all points.
- (d) Roofs and Drainage.
 - (i) The roofs and flashing of every structure shall be sound, tight and maintained so as to not leak, and all water shall be so drained and conveyed therefrom so as to not cause damage to the exterior walls, eaves, soffits, or foundations;
 - (ii) The gutters and down spouts on every structure, when provided, shall be adequately secured, kept free of obstruction and in a reasonable state of repair and function as designed.
- (e) Porches, Railings, Stairways, Deck Patios and Decorative Features.
 - (i) Every outside stair, porch, deck, patio and every appurtenance attached thereto shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code and shall be kept in sound condition and good repair;
 - (ii) All cornices, belt courses, corbels, terra cotta trim, wall facing and similar decorative features shall be maintained in good repair with proper anchorage and in safe condition.
- (f) Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads as required by the building code and shall be maintained in good condition.
- (g) Overhang Extensions. All canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe and sound condition.
- (h) Chimneys and Towers.
 - (i) All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained in a structurally safe and sound condition and in good repair;

- (ii) All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.
- (i) Doors, Windows and Basement Hatchways.
 - (i) Every exterior door, door frame, door hinge, door latch and basement hatchway shall be substantially tight and shall be kept in sound condition and repair. Exterior doors, when closed, shall fit reasonably well within the frame. Latches at all exterior doors to dwelling units shall tightly secure the door. Every basement hatchway shall be maintained to prevent the entrance of animals, rain and surface drainage water;
 - (ii) Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes. Every window sash shall be in good condition and fit reasonably tight within its frame.
- (j) Paint and Other Preservatives.
 - (i) If paint or other preservatives have been applied to an exterior surface, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when the paint or other preservatives is missing, flaking and peeling off or its condition is a seriously blighting influence on the surrounding property;
 - (ii) Siding not commonly intended or customarily used in a natural or exposed state shall be painted or sealed to prevent deterioration.
- (k) Accessory Structures.

All accessory structures including but not limited to storage sheds, doghouses, flagpoles, kennels, playhouses, tree houses, barbecue pits and planters shall be maintained in good repair and in a clean and sanitary condition.
- (l) Vandalism and/or Dilapidation.
 - (i) If it is found upon inspection of any vacated building within the Village that the building is in danger of vandalism and/or dilapidation by the weather or elements, the Village shall order the owner thereof to make the building secure against vandalism and/or dilapidation in a Workmanlike manner;
 - (ii) Damaged or vacant buildings need to be restored to comply with this code within the time set forth in the order from the Village;
 - (iii) Boarded up windows will not be allowed except in the case of fire, natural disaster or an emergency. In the case of an emergency, the boarded up windows will only be allowed for a three (3) month period.
- (m) Graffiti.

Persons owning or otherwise controlling property cannot allow graffiti to be placed

upon or remain on any permanent structure located on their property when the graffiti is visible from the street or other public or private property.

(n) Insect Screens.

In every door, window and other outside opening where screening is provided the Screens shall be tight fitting and of not less than sixteen mesh per inch and shall be kept in sound condition and repair.

(o) Security Barriers.

(i) Exterior Security Barriers. No security barrier shall be placed on the exterior of any portion of any facade of any enclosed building.

(ii) Interior Security Barriers -- Standards. All security barriers placed on the interiors of facades of enclosed buildings shall conform with the following standards:

1. If the security barrier was manufactured to be retractable, it shall remain retracted for the duration of the building occupants normal business hours or hours of operation.
2. The opacity to light of the security barrier shall not exceed twenty five percent (25%) at any time.
3. The security barrier and any associated enclosures or casings shall be of a color that matches, or painted to match, the mullion pattern or window or door surrounds.
4. The Security barrier shall comply with all applicable regulations of the Wisconsin Statutes and the Wisconsin Administrative Code.
5. The restrictions contained in paragraphs i. and ii. of this subsection shall not apply to a residential dwelling.

(2) EXTERIOR PROPERTY REQUIREMENTS.

(a) Exterior Property Areas. All exterior property areas shall be kept in a clean and sanitary condition; free from any accumulation of combustible or noncombustible material, debris and refuse.

(b) Fences. All fences shall be properly maintained and kept in good repair or shall be removed. If paint or other preservatives have been applied to the exterior surface, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when its condition is a seriously blighting influence on the surrounding property or neighborhood.

(c) Walking and Driving Surfaces. Sidewalks, walks, drives, and other concrete, asphalt, bricked, graveled, stoned or similarly treated areas shall be kept in sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other aggregate being

repeatedly deposited upon the immediate adjacent public or private property shall be corrected.

(d) Lawn Areas.

(i) Lawn areas, where provided, shall not be allowed to deteriorate to such condition as to be a seriously blighting influence on the surrounding property or neighborhood, or the Village in general. The growth of grass or weeds in excess of six (6) inches in height or the maintenance of the property with a lack of vegetation which renders the yard areas unsightly and results in the diminution of the appearance of the property as compared with adjacent properties shall be considered a violation of the maintenance provision of this section;

(ii) Where lawn areas are not provided or have been removed such areas shall be landscaped with garden beds or other ground cover so as not to be a public nuisance or a serious blighting influence;

(iii) Whenever grass or lawn weeds on properties are six (6) inches or more in height, or if noxious weeds are present, or if the overgrowth of vegetation is such as to cause a seriously blighting influence, the Village may order the condition corrected within four (4) days or other time limit set forth by the safety and building division. If the condition is not corrected within the specified time limit, the property maintenance inspector is empowered to cause such grass or lawn weeds to be cut, and the cost therefor shall be placed on the tax rolls as a special charge against the property.

(e) Natural Areas and Natural Gardens. Natural areas and natural gardens shall be kept free of debris, refuse and noxious weeds.

(f) Erosion and Soil Runoff. Whenever erosion of the soil causes the same to spill over onto the sidewalk, street or alley, the condition shall be corrected by the construction of a suitable retaining wall, grading, or sodding and/or the planting of grass or other suitable ground cover.

(g) Retaining Walls. Retaining walls abutting public property when present, shall be structurally sound, and not be constructed or maintained in such a manner as to cause repeated flow of mud, gravel or debris upon any public way or street.

(h) Firewood. Firewood is permitted to be stored in the exterior property areas when cut to fireplace or stove size lengths and neatly and tightly stacked.

(i) Compost Piles. Compost piles or yard waste holding bins shall be permitted provided they are maintained in a manner that does not produce an odor, nuisance, nor provide a rodent harborage, nor shall they be allowed to deteriorate to such condition as to be a seriously blighting influence on the surrounding property or neighborhood or the Village in general. Compost piles must be located ten (10) feet or more from any habitable

structure. Compost piles may not be located in the front yard.

- (j) Solid Waste and Recyclables. Solid waste and recyclables shall be disposed of in compliance with the requirements of this code.

(3) ORDER TO CORRECT CONDITIONS AND CITATION.

(a) Order to Correct Conditions.

Whenever the Village, its agents or employees shall, upon inspection of any premises within the Village, find the conditions of the premises are in violation of this code, an order shall be issued to the owner and/or occupant of the premises to correct said conditions.

(b) Contents.

- (i) The order shall specify a time within which the owner and/or occupant shall comply there with;
- (ii) The order shall also provide that if the owner and/or occupant is aggrieved by the order he may appeal to the board of appeals and request a hearing as hereinafter provided.

- (c) Service. The order shall be served on the owner and/or occupant, by delivering a copy of same to such occupant personally or by delivering the same to and leaving it with any adult, competent person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place near the entrance to the premises, or by regular mail.

- (d) Appeal Request. An owner and/or occupant aggrieved by an order as provided in this ordinance may appeal to the board of appeals within fifteen (15) days after service of the order upon him and request a hearing.

- (e) Appeal Hearing. The board of appeals shall conduct a hearing in connection with this section within fifteen (15) days after request for an appeal is submitted.

(4) FAILURE TO COMPLY.

In addition to other penalties provided for under this Chapter, upon failure to comply with an order provided by the Village under this section, where there is proof of service of said order, which requires that any building, premises, structure or property be cleaned or repaired, or condition abated or improved in accordance with this chapter, the Village Board may cause such cleaning, repair, improvement, abatement or removal of the offending substance or structure. Such cleaning, repair, improvement or removal shall be deemed a special benefit to such premises and the cost for the same shall be charged against the owner or owners of the property. If the cost of the same is not paid within sixty (60) days, it shall be levied as a special charge against the premises as authorized by Wis. Stats. §

8.23 SIGN REGULATIONS.

(1) GENERAL SIGN REGULATIONS.

Given the predominantly residential nature of the Village of Lac La Belle, no person shall put up, erect, fasten, post, paint or maintain any sign, picture, poster, or advertisement of any description upon any curb, sidewalk, fence, board, post, pole, structure or building of any kind within the Village of Lac La Belle except as otherwise provided herein. No sign shall, after the effective date of the ordinance from which this chapter is derived, be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a permit except those signs excepted in section (2) of this Section. All signs shall be located, erected, constructed and reconstructed in conformity with the provisions of this Section. All signs requiring sign permits shall be subject to Plan Commission review.

(2) SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A SIGN PERMIT.

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

- (a) Real estate signs. Two (2) real estate signs per premises advertising the Sale, rental or lease of the premises upon which it is located in any district, provided that the total combined sign area of both signs does not exceed ten (10) square feet. All signs erected for advertising real estate must be constructed in a neat, workmanlike
- (b) Name and warning signs. Name and warning signs not to exceed an area of two (2) square feet and located on the premises.
- (c) Bulletin boards. Bulletin boards for public charitable or religious institutions not to exceed an area of thirty-five (35) square feet and located on the premises.
- (d) Memorial signs. Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (e) Official signs. Official signs such as traffic control, parking restrictions, information and notices. Temporary signs. Temporary signs, except election campaign signs, for a period not to exceed seven (7) days, but such time period may be extended when authorized by the plan commission.
- (f) Election campaign signs. Election campaign signs, provided that consent shall be obtained from the property owner, renter or lessee. No more than one campaign sign per office on the ballot is allowed on any property. Campaign signs shall be removed within seven (7) days following the election.

(3) SIGNS PERMITTED IN RESIDENTIAL DISTRICTS WITH A SIGN PERMIT.

- (a) Home occupation signs and professional home office signs provided, however, that applicants for these types of signs must meet the definition of the terms "home occupation" and "professional home offices" found in the Zoning Code.
- (b) Only one (1) sign per premises may be allowed. The sign shall not exceed an area of two (2) square feet and must not be illuminated.
- (c) Two (2) off-premises directional signs. A maximum of two (2) off-premises directional signs for public, charitable or religious institutions provided that such signs do not exceed eight (8) feet in height or six (6) square feet in area; and further provided that the sign owner receives written consent from the owners of the property upon which the signs are located.

(4) SIGNS PERMITTED IN NON-RESIDENTIAL DISTRICTS WITH A SIGN PERMIT.

- (a) Non-residential properties may contain only one sign not to exceed eight (8) feet in height or ten (10) square feet in area. Where one (1) non-residential business or enterprise is conducted on more than one parcel of property, only one (1) sign is allowed for the entire business or enterprise under this Section.
- (b) Two (2) off-premises directional signs. A maximum of two (2) off-premises directional signs for public, charitable or religious institutions provided that such signs do not exceed eight (8) feet in height or six (6) square feet in area; and further provided that the sign owner receives written consent from the owners of the property upon which the signs are located.
- (c) The sign shall be permanently affixed to the face of the building or to the ground, and shall not flash, pulsate, rotate or be affixed with moving appurtenances. Rooftop signs are prohibited.
- (d) Any sign illumination shall be so designed, located, shielded or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.
- (e) Any sign attached to a building shall not extend above the higher of the ceiling line or the top of a parapet wall.
- (f) Small signs adjacent to individual building entrances to identify individual buildings or to direct traffic may also be allowed which conform to the provisions of this section.
- (g) All signs must be architecturally and aesthetically compatible to other surrounding improvements.

(5) LOCATION OF SIGNS.

To prevent damage or injury to persons or vehicles traveling on the public highway, no sign,

other than official governmental signs, may be posted in any public right of way or affixed to any street sign or utility pole. No sign shall be placed within five (5) feet of the edge of the street pavement or curb (when a curb is present) on public streets. Where no street pavement exists, there shall be a minimum setback of ten (10) feet from any property line.

(6) FLASHING SIGNS PROHIBITED.

No sign shall be erected, located, or constructed that is animated by means of flashing, scintillating, blinking or traveling lights.

(7) WIND PRESSURE AND DEAD LOAD REQUIREMENTS.

All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than forty (40) pounds per square foot of area; and, shall be constructed to receive dead loads as required in the building code or other ordinance.

(8) MAINTENANCE.

The owner of property on which a sign is located shall keep such sign in good maintenance and repair which includes restoring, repainting or replacement of a worn or damaged legally existing sign to its original condition; and, shall maintain the premises on which the sign is erected in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds and grass.

(9) YARD MARKERS

(a) Definition and scope.

Yard Markers refers to any sign, post, pole, stake, or other marker placed by a property owner, lessee, or agent thereof, at, or, within three (3) feet of the edge of the street pavement or curb on public streets, which is intended to alert motorists to the lawn area. This definition does not apply to mailboxes, mailbox posts, mailbox or newspaper enclosures, landscaping rocks, or vegetation, nor to temporary markers erected by surveyors, utility locators, or similar services.¹

(b) Findings.

Yard Markers can be beneficial to motorists, property owners, and the Village as a whole; to the former, they can help motorists determine where the road ends and where private property begins, so they may stay on the road. To property owners, Yard Markers help keep their yards intact and prevent damage by veering motorists. Overall, Yard Markers help preserve the Village's aesthetic character and promote driver and pedestrian safety.

Yard Markers that are overly tall, or are made of inflexible materials, are detrimental to health, safety, and welfare. Such Markers have the potential to cause serious injury to

¹ Except as otherwise permitted by law, this sentence does not grant a license or permit to any party to place the items mentioned in this sentence within the Village right of Way. The Village assumes no liability with respect to any such items placed in the right of way.

cyclists and pedestrians, and property damage to vehicles. The purpose of this section is to prohibit the use of dangerous Yard Markers.

(c) Regulation.

Yard Markers may not be installed except under the following conditions:

- (i) Yard Markers, may not be installed at a rate more frequently than one (1) marker per twenty (20) linear feet of road frontage.
 - (ii) Yard Markers shall not have sharp edges or sharp protrusions. All Yard Markers must be constructed such that they easily bend or break away upon impact from a motorist, cyclist, or pedestrian.
 - (iii) Yard Markers shall not incorporate flashing, traveling, or pulsing lights.
 - (iv) Yard Markers shall not carry advertising messages.
- (d) The Village shall not be responsible for the loss or damage to any Yard Markers installed within the Village's Snow removal right-of-way, as referenced in sec. 14.03 of the Village Code of Ordinances and described in Village Resolution No. 3778, dated March 19, 1990.

8.24 ANNEXATION TO VILLAGE.

- (1) All new territory annexed to the Village shall automatically become part of the a Park and Public Lands District until definite district boundaries and regulations for such property are recommended by the Village Plan Commission and-adopted by the Village Board, provided, however, that the Village Board shall adopt definite Zone regulations for such districts within ninety (90) days of its annexation to the Village.

8.25 AMENDMENTS.

- (1) The Village Board may from time to time on its own motion, or on recommendation of the Plan Commission, or on petition, after notice and public hearing the Village Board of Trustees, amend, supplement or change the boundaries of Districts or the regulations herein or which may be subsequently established.
- (2) In cases of protest against such change duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of land included in such proposed amendment or change, or by the owners of twenty percent (20%) or more of the area of land immediately adjacent and extending five-hundred (500) feet there from, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending five-hundred (500) feet from the street frontage of such opposite land, such amendments, supplement or change shall not become effective except by the favorable vote of all members of the Village Board.
- (3) On all proposed amendments or changes the Village Board shall hold a public hearing, and notice thereof shall be given by posting the same not less than ten (10) days prior to the

date of such hearing in three (3) public places within the Village.

8.26 METHOD OF GIVING NOTICE.

- (1) Except as otherwise herein specifically provided, the notices herein required shall be given by the posting of such notices in the Village in three (3) public places at least ten (10) days before the date of public hearing. Such notices shall state the time and place of such public hearing and the purpose for which the hearing is held. Notices shall be mailed in a written form to all property owners with five-hundred (500) feet of the property that is the subject matter of the hearing.

8.27 ENFORCEMENT AND PENALTIES.

- (1) All provisions of this Chapter shall be enforced by the Village Building Inspector or Village Administrator under the direction of the Village-Board.
- (2) Any person who violates any provision of this Chapter shall be subject to a penalty as provided in sec. 15.04 of this Municipal Code.

8.28 FILING FEES.

(1) GENERAL.

The applicant for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals shall pay the Village Clerk application fees as hereinafter required at the times specified. Said fees shall be required to provide for adequate investigation by the Village of Lac La Belle of proposed amendments, conditional use permits, and variances so as to defray the cost to the Village of said investigations and to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Lac La Belle.

(2) INITIAL FEE AMOUNT.

All applicants for amendments of a zoning ordinance or official map or for filing an appeal to the board of appeals shall pay an initial, non-refundable, fee of one hundred dollars (\$100.00) to the Village Clerk at the time of filing said application. All applicants for conditional use permits shall pay an initial, non-refundable, fee of five hundred dollars (\$500.00) to the Village Clerk at the time of filing said application. Said initial application fees shall be subject to adjustment as provided for in subsection (3) of this section.

(3) ADJUSTMENTS TO APPLICATION FEES.

- (a) In General. In addition to the initial application fees set forth in this section, upon review of any request for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals, the Village Board or Plan Commission may determine that, in order to adequately protect the interests set forth in subsection (1) of this section, professional assistance will be required to provide adequate assessment. Said professional assistance may include, but is not limited to, the

services of engineers, planners, architects, attorneys, or other related professional experts. The actual expense of said professional assistance shall be paid by the applicant. The Village shall retain the right to select the source of the professional service to be provided.

- (b) Administrative and Legal Expenses. The applicant shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken by the village in connection with the application for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals. Legal expenses may include, but are not limited to, expenses incurred by the Village due to services provided by the Village Attorneys (during or outside of Village Board or Plan Commission meetings) in connection with the application.
- (c) Engineering and Inspection Expenses. The applicant shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the application for the amendment of a zoning ordinance or official map, for a conditional use permit, or for filing an appeal to the board of appeals, including inspections required by the Village. The applicant shall pay a fee equal to the actual cost to the Village for such inspections as the Village Board deems necessary to assure that the proposal is in compliance with the plans, specifications, and ordinances of the Village or any other applicable governmental authority.
- (d) Time and amount of payment.
 - (i) Upon determination by the Village Board, Board of Appeals, or Plan Commission that expenses enumerated in this subsection (3) will be incurred by the Village, an initial estimate of said costs shall be provided to the applicant by the Village Clerk. An amount equal to this initial estimate shall then be deposited by the applicant with the Village Clerk prior to any action being taken by the Village in connection with the application. The Village shall then apply the amount deposited towards the actual expenses connected with the application as they are incurred. Notwithstanding any contrary provisions contained within this Chapter, in the event that the requested monies are not received within ten (10) days, the Village shall take no action as to the application.
 - (ii) If the Village Board or Plan Commission determines that costs in excess of the initial amount deposited by the applicant will be incurred, additional funds shall be requested from the applicant by the Village Clerk to cover the additional expenses. Said additional fees shall be paid by the applicant within fifteen (15) days of notification by the Village Board or Plan Commission. In the event that said the Village Clerk does not receive additional fees within fifteen (15) days of said notification, notwithstanding any other provisions within this Chapter to the

contrary, no further action shall be taken as to the application.

- (iii) Following completion of the review by the Village, the actual cost of the application shall be determined and the difference, if any, shall be paid in full to the village Clerk by the applicant within fifteen (15) days. Any payment by the applicant in excess of the actual costs incurred in the review shall be remitted to the applicant. Upon request of the applicant the Village Clerk shall provide copies of invoices reflecting the actual costs incurred by the Village. Payment equal to the actual costs for review of the application shall be received before final action is taken by the Village as to the application.

8.29 EROSION CONTROL.

- (1) **AUTHORITY; PURPOSE.** This section is adopted pursuant to Wis. Stats. § 62.234 for the purpose of minimizing the amount of sediment and other pollutants carried by runoff from sites of construction or other land disturbing activities as enumerated in sub. (3) below.
- (2) **EROSION CONTROL PERMIT.**
 - (a) Required. No landowner, land user or contractor shall, within the Village, commence any activity enumerated in sub. (3) below before obtaining an erosion control permit from the Building Inspector, with prior approval of the Village Engineer.
 - (b) Application, Fee: Application for a permit shall be made on an application form provided by the Building Inspector and shall be accompanied by an erosion control plan in accordance with sub. (4) below, a fees for services agreement pursuant to Section 1.15 of the Village Code, and a fee established as follows which shall serve as an advance deposit towards the actual expenses or charges for professional services rendered to the applicant:
 - (i) No charge, if the work to be done is not subject to sub. (3) below and is only to repair or restore land or improvements to their immediately preceding condition, with the need for repair or restoration being caused by an act of nature, all as determined by the Building Inspector.
 - (ii) New construction of residential, commercial, accessory buildings and additions: two-hundred dollars (\$200.00) review fee plus two-hundred dollars (\$200.00) inspection fee for the first one-half (1/2) acre containing disturbed land and one-hundred dollars (\$100.00) for each additional one-half (1/2) acre or portion thereof containing disturbed land.
 - (iii) Construction activity within twenty-five (25) feet of the ordinary high water mark of the Lake that is not encompassed in (i) or (ii): two-hundred dollars (\$200.00) review fee plus two-hundred dollars (\$200.00) inspection fee for the first one-half (1/2) acre containing disturbed land and one-hundred dollars (\$100.00) for each

additional half (1/2) acre or portion thereof containing disturbed land.

- (iv) Landscape features (decks, patios, etc.) not encompassed in (i), (ii) or (iii): One-hundred dollars (\$100.00) review fee plus fifty dollars (\$50.00) inspection fee for each two-thousand (2,000) square feet or fraction thereof containing disturbed land.
- (v) All other activities requiring a permit: Two-hundred dollars (\$200.00) review fee for the first one-half (1/2) acre containing disturbed land and one-hundred dollars (\$100.00) review fee for each additional one-half (1/2) acre or part thereof containing disturbed land plus two-hundred dollars (\$200.00) inspection fee for the first one-half (1/2) acre of disturbed land and one-hundred dollars (\$100.00) inspection fee for each additional one-half (1/2) acre or part thereof containing disturbed land.

- (c) Grant or Denial of Permit. Upon receipt of a complete application containing all information required under sec. 8.29(2)(b), the Building Inspector shall forward the permit application and erosion control plan to the Village Engineer. Within fourteen (14) working days after receipt of the application, the Village Engineer shall render his recommendation and the Village Building Inspector shall grant or deny the permit in conformity with the Village Engineers recommendation. No permit shall be granted, however, unless the Village Engineer shall have first found that the proposed work will not:

- (i) Adversely affect the environment, public health, safety or welfare; or
- (ii) Violate any provision of the Village of Lac La Belle Code of Ordinances.

If the permit is denied, the Inspector shall enumerate the required additions or modifications to the erosion control plan. Upon satisfactory revision of the plan, the permit shall be issued.

- (d) Exceptions. A permit shall not be required for the following:

- (i) Agriculture Land Use. The use of land for planting, growing, cultivating and harvesting of crops and the pasturing or yarding of livestock.
- (ii) State Projects. Any State funded or conducted activity that requires an erosion control plan at least as strict as the requirements of this section.

(3) SUBJECT LAND DISTURBING ACTIVITIES.

The land disturbing activities requiring a permit under sub. (2) above are as follows:

- (a) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of one-thousand (1,000) square feet or more.
- (b) Those involving excavation or filling, or a combination thereof, affecting ten (10) cubic

yards or more of dirt, sand or other excavation or fill material.

- (c) Those involving street, highway, road or bridge construction or reconstruction.
- (d) Those involving the laying or repair of underground pipe for a distance of three-hundred (300) feet or more.
- (e) Site dewatering that may create sediment control problems.
- (f) Any land disturbance within twenty-five (25) feet of the ordinary high water mark of the Lake that involves disturbance of more than ten (10) cubic yards of material or more than one-hundred (100) square feet of land.

(4) EROSION CONTROL PLAN.

- (a) General. The Village hereby adopts the erosion control plan criteria, standards and Specifications that have been established by the Wisconsin Department of Natural Resources in its "Wisconsin Construction Site Best Management Practice Handbook" (as revised from time to time by the Wisconsin Department of Natural Resources). The erosion control plan shall include the following information:
 - (i) Post-development topographic contours;
 - (ii) Pre and post-development flow paths;
 - (iii) Property lines;
 - (iv) All factors which may affect erosion control on and adjacent to the site;
 - (v) Site plan drawn to scale designating the location of the most suitable erosion control devices so as to prevent sediment runoff to the greatest degree practical;
 - (vi) A timetable of land disturbing activities and the area involved in such activity;
 - (vii) Permanent procedures to be implemented to minimize sediment runoff.
 - (viii) Property owners may avoid the requirements of sec. 8.29(4)(a)(i-vii) by submitting an erosion control plan to the Zoning administrator that demonstrates that the proposed activities will not disturb more than three (3) cubic yards of dirt. Erosion control plans submitted under this section shall include a silt fence if the proposed activities will disturb a surface area greater than one-hundred (100) square feet. The Zoning Administrator shall determine whether an erosion control plan meets the requirements of subsection (a)(viii). Property owners are only permitted to utilize the subsection (a)(viii) exemption once during a three (3) month period.
- (b) Erosion Control Devices. Erosion control devices shall include sedimentation basins, filter fences, straw bales and mulch, tarps, temporary and permanent seeding. Sodding, and channeling surface water around disturbed areas.

(5) OTHER REQUIREMENTS.

- (a) Waste and Material Disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic materials, or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm sewer system.
- (b) Tracking. Each site shall have gravel roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each workday.
- (c) Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier.

(6) INSPECTION.

The Building Inspector and/or the Village Engineer shall inspect the site as often as he deems necessary for the enforcement of this section.

(7) ENFORCEMENT.

- (a) Stop-Work Order. The Building Inspector may post a stop-work order if:
 - (i) Any land disturbing activity requiring a permit under this section is undertaken without a permit; or
 - (ii) The control plan, or any revised control plan, is not being implemented in a good faith or correct manner; or
 - (iii) A condition of the permit is not being met.
- (b) Revision. If, because of excessive rainfall or other abnormal conditions, the erosion control plan in place is inadequate to prevent sediment runoff, the Building Inspector shall order the permittee to install additional erosion control devices and provide a timetable for such installation.
- (c) Permit Revocation. If, within ten (10) days of the issuance of a stop-work order, any permittee does not cease the activity or comply with the control plan, the Building Inspector may revoke the permit.
- (d) Correction Order. In the event any person without a permit fails to obey a stop-work order or obtain a permit within ten (10) days, the Building Inspector may request the Village Attorney to obtain a correction order to compel compliance with the provision of this Chapter.
- (e) Special Charge. Ten (10) days after posting a stop-work order, the Building Inspector may issue a notice of intent to the permittee or landowner or land user of his intent to compel compliance with applicable permits or provisions of law by undertaking work

directly or through an agent or contractor. The Building Inspector may go on the land and commence the work after fourteen (14) days from issuing the notice of intent. The costs of the work performed by the Building Inspector shall be billed to the permittee or the landowner. In the event the permittee or landowner fails to pay the amount due, the Clerk-Treasurer shall enter the amount due on the tax rolls and collect as a special charge against the property, pursuant to Wis. Stats. § 66.0627.

(8) APPEALS.

Any person aggrieved by the grant or denial of a permit or any order issued by the Building Inspector may appeal to the Board of Appeals, pursuant to sec. 8.18 of the Code of Ordinances.

(9) PENALTY.

Any person violating any provision of this section shall be subject to penalties as set forth in sec. 15.04 of the Code of Ordinances and liable for the Villages actual costs of prosecution including actual attorney's fees. Each day a violation exists shall constitute a separate violation.

8.30 INTERIM EXTRATERRITORIAL ZONING

- (1) Pursuant to Resolution 720, which is incorporated herein by reference, and which was adopted on July 2, 2009, by the Board of Trustees of the Village of Lac La Belle to declare the Villages intent to exercise extraterritorial Zoning jurisdiction over a portion of the Town of Oconomowoc, Waukesha County, Wisconsin, the Village hereby establishes an interim Zoning ordinance for that area described therein and that has been depicted on the map as part of said resolution. That area so designated in the resolution is referred to herein as the ETZ Properties.
- (2) This interim zoning ordinance is hereby enacted to preserve the Zoning in the ETZ Properties in accordance with the Waukesha County zoning ordinance and official Zoning map as it exists on this date. The ETZ Properties are currently zoned, in part, C-1 Conservancy, P-I Public/Institutional, A-P Agricultural Preservation, EC Environmental Corridor and R-2 Residential. A copy of the relevant portions of the Waukesha County Zoning Ordinance, containing descriptions of the above Zoning districts, is attached hereto as Exhibit B and incorporated herein by reference. A copy of the relevant portions of the official Zoning map is attached hereto as Exhibit C and incorporated herein by reference.
- (3) Enforcement and administration of the zoning ordinance preserved by this interim ordinance, including, without limitation, approval of all conditional use permits and granting of all variances and appeals, shall be performed by the appropriate Village board, commission or officer, as designated in the Village of Lac La Belle Municipal Code. This interim zoning ordinance shall be effective no longer than two (2) years after its enactment,

unless extended for one additional year upon recommendation of a Joint Extraterritorial Zoning Committee established under Wis. Stats. § 62.23 (7a)(c).

- (4) The Village of Lac La Belle Plan Commission shall promptly formulate tentative recommendations for the zoning district plan and regulations throughout the ETZ Properties pursuant to Wis. Stats. § 62.23 (7a).
- (5) When the Plan Commission is so engaged, a Joint Extraterritorial Zoning Committee shall be established and shall operate under the provisions of Wis. Stats. § 62.23 (7a)(c) through (g).
- (6) All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.