



PLAN COMMISSION MEETING AGENDA

May 15, 2023 at 6:00 PM

Kronenwetter Municipal Center - 1582 Kronenwetter Drive Board Room (Lower Level)

1. CALL MEETING TO ORDER

- A. Announcement of any possible or perceived conflicts of interest
- B. Roll Call
- C. Selection of Vice-Chairperson

2. PUBLIC HEARING

D. Conditional Use Permit Request (Bienek)

VB BTS, LLC - Mike Bieniek, ACIP - Agent, 10700 W. Higgins Road, Suite 240, Rosemont, IL request a conditional use permit for a Communication Tower to be built on the property of 1898 Creek Road, Mosinee, WI, 54455 with an AR Zoning district. Legal description of this property: SEC 09-27-08 NW 1/4, SW 1/4, SECTION 9, T27N, R8E, Parcel 145-2708-0930-998 VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN

3. PUBLIC COMMENT

Please be advised per State Statute Section 19.84(2), information will be received from the public. It is the policy of this Village that Public Comment will take no longer than 15 minutes with a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion. Be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.

4. APPROVAL OF MINUTES

- [E.](#) Previous PC Minutes April 17, 2023

5. REPORTS AND DISCUSSIONS

- [F.](#) Community Development Director Report

6. NEW BUSINESS

- [G.](#) Discussion and Action: Conditional Use Permit Request (Bienek)
- [H.](#) Discussion and Action: Floodplain Ordinance Revisions

7. CONSIDERATION OF ITEMS FOR FUTURE AGENDA

8. NEXT MEETING: Wednesday, May 17, 2023 6:00 p.m.

9. ADJOURNMENT

NOTE: Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made at least 24 hours in advance to the Village Clerk's office at (715) 693-4200 during business hours.

Posted: 05/11/2023 Kronenwetter Municipal Center and www.kronenwetter.org

Faxed: WAOW, WSAW, WSAU, and Mosinee Times | Emailed: Wausau Daily Herald



Minutes
Kronenwetter Plan Commission
Kronenwetter Municipal Center
1582 Kronenwetter Drive, Kronenwetter, WI 54455
Board Meeting Room (Lower Level)
April 17, 2023 – 6:00 P.M.

1. **Call Meeting to Order TIME 6:00 P.M.**
 - a) *Commission Members Present: Trustee Tim Shaw, Bruce Sinkula, Bill Udulutch, Rick Grundman, Tony Strange, Dick Kvapil.*
Commission Members Absent:
 - b) *Announcement of any possible or perceived conflict of interest.*
Rick Grundman states that he will be voting abstain on conditional use for Four Seasons because Grundman works in direct contact with Chris, (the owner of Four Seasons) at the School Rick Grundman works at.
2. **Public Hearing**
Motion by Grundman/Shaw to close public hearing.

Voice Vote Motion passes 6:0 in favor.
1. **Call Meeting to Order**
Commission Members Present: Trustee Tim Shaw, Bruce Sinkula, Bill Udulutch, Rick Grundman, Tony Strange, Dick Kvapil
Commission Members Absent: Chris Voll
2. **Public Input** (Please be advised per State Statute Section 19.84(2), the information will be received from the public. It is the policy of this Village that there be a three-minute time period, per person, with time extension per the Chief Presiding Officer's discretion; be further advised that there may be limited discussion on the information received, however, no action will be taken under public comments.)
3. **Discussion and Action:** February 20, 2023 Minutes. TIME 6:11 P.M.
Motion by Sinkula/Strange to dispense with the reading and approve February 20, 2023 Minutes.
Commission Members Present Roll Call Vote: Shaw: Yes, Bruce Sinkula: Yes, Bill Udulutch: Yes, Rick Grundman: Yes, Tony Strange: Yes, Dick Kvapil: Yes.
Roll Call Vote motion passes 6:0 in favor.
4. **Discussion and Action:** CSM APPROVAL AND ZONING CHANGE REQUEST (PROHASKA) TIME 6:26 P.M.
Motion by Grundman/Sinkula Recommend approval of CSM for-Maddie Prohaska at Maple ridge Road and Ropel Road Kronenwetter 54455 Parcel #145-2707-242-0997 along with a rezone for lot 1 and outlot 1 from AR Agriculture and residential (AR) to Rural residential (RR-5).
Commission Members Present Roll Call Vote: Shaw: NO, Bruce Sinkula: Yes, Bill Udulutch: Yes, Rick Grundman: Yes, Tony Strange: Yes, Dick Kvapil: Yes.
Roll Call Vote Motion Passes 5:1 in favor.
5. **Discussion:** Conditional Use Permit (VROOM) TIME 6:40 P.M.
Motion by Shaw/Sinkula to approve the conditional use permit request for a residential business at 694 Pioneer Road and accept the findings of fact

Commission Members Present Roll Call Vote: Shaw: Yes, Bruce Sinkula: Yes, Bill Udulutch: Yes, Rick Grundman: Yes, Tony Strange: Yes, Dick Kvapil: Yes.

Roll Cal Vote motion passes 6:0 in favor.

6. **Discussion and Action:** Conditional Use Permit Renewal (American Asphalt of WI) Time 6:42 P.M.

Motion by Sinkula/Shaw approve a one-year renewal for the conditional use permit for the American Asphalt Plant 22 Sand Pit Site.

Commission Members Present Roll Call Vote: Shaw: Yes, Bruce Sinkula: Yes, Bill Udulutch: Yes, Rick Grundman: Yes, Tony Strange: Yes, Dick Kvapil: Yes.

Roll Cal Vote motion passes 6:0 in favor.

7. **Discussion and Action:** Site Plan (FOUR SEASONS HEATING & AC) Time: 6:48 P.M.

Motion by Shaw/Stange to approve the Site Plan for Bill Krzmarcik.

Commission Members Present Roll Call Vote: Trustee Tim Shaw Yes, Bruce Sinkula Yes, Bill Udulutch, Rick Grundman Abstain , Tony Strange Yes, Dick Kvapil Yes.

Roll call Vote Motion passes 5:0:1 in favor.

8. **Community Development Director Report TIME 6:53 P.M.**

9. **Consideration of items for future Agenda TIME 6:53 P.M.**

10. **Adjournment TIME 6:55 P.M.**

Motion to adjourn by Shaw/Kvapil.

Voice Vote motion passes 6:0.

Agenda Item

Community Development/Planning and Zoning Director Report

May 15, 2023

Peter S. Wegner, Community Development/Planning and Zoning Director

- 4/18/2023 Preliminary Review proposed Rezones and CSM at 1582 Old Highway 51.
- 4/18/2023 Preliminary review possible variance request, reduction in minimum separation between driveways.
- 4/18/2023 Information request re: permitted and conditional uses at 1420 Kronenwetter Drive.
- 4/19/2023 Correspondence with DSPS regarding updating the Village's delegation preference for Commercial Electrical Inspector.
- 4/20/2023 Business EXPO, Central Wisconsin Convention and Expo Center.
- 4/21/2023 Meeting with REI re: permitted and conditional uses within M2 General Industrial.
- 4/21/2023 Meeting with Duane re: preliminary proposed amendments to the Future Land Use Map.
- 4/21/2023 Proposed CSM off Wood Road.
- 4/24/2023 Letter to NLHS regarding certificates of Occupancy for Commercial Buildings.
- 4/25/2023 Preliminary review of new Creek Road Cell Tower CUP.
- 4/26/2023 Proposed CSM St. Johns the Baptist Church correspondence with realtor and surveyor.
- 4/26/2023 Preliminary Research TID 1-4.
- 4/27/2023 Preliminary discussions regarding available property within TID 2 (permitted and Conditional Uses).
- 4/27/2023 Correspondence with property owner off Pioneer Road re: wetland concerns.
- 4/27/2023 Review and edit Developer Agreement.
- 4/27/2023 Kountry Squire Mobile Home Park proposed replacements.
- 5/1/2023 Research and provide info to Lee Turonie.
- 5/1/2023 Discussion with Developer I regarding TID 2.
- 5/1/2023 Discussion with Developer II regarding Kronenwetter Parcels.
- 5/2/2023 Correspondence with Duane (RFPs, Development Agreement, Appraisals, Future Land Use Maps and wetland ordinance language).
- 5/2/2023 Research and correspondence re: Public Access.
- 5/2/2023 Correspondence with Duane regarding proposed development TID 2
- 5/3/2023 Meeting with TJ Morice, Dick Austin and Dan Mahoney Re: Development Options
- 5/3/2023 Meeting with Lee Turonie and Dan Mahoney Re: Conditional Use Permits and CSMs.
- 5/3/2023 CLIPP Meeting (Community Development/Planning and Zoning Director Report, Complaints and Park Project Priorities).

- 5/3/2023 Contacted DSPS to relinquish the Village delegation for Commercial Electrical Inspections.
- 5/3/2023 Onsites with Brad (public access, storm water and County Rd X).
- 5/4/2023 Final revisions to Roadway Access Permit Application.
- 5/4/2023 Research AECOM Bull Junior Floodplain report for information on Storage Area 5.
- 5/4/2023 Research possible available lots for development.
- 5/5/2023 East Horseshoe Drive Culvert issues.
- 5/5/2023 Meeting with Dan Mahoney re: TIDs, CSMs and Developer's Agreements.
- 5/5/2023 Floodplain Ordinance. Received response from DNR "no comments, looks good!"
- 5/5/2023 Correspondence with Attorney representing property owner of proposed CSM and Rezone.
- 5/8/2023 RDA Meeting (TID 2 Strategic, Denyon Homes Development Agreement, Approval of Scott Williams Appraisal Inc. for appraisals of parcels in TID 2).
- 5/8/2023 Village Board Meeting (CDPZD Report, TID 2 Strategic, Denyon Homes Development Agreement).
- 5/8/2023 Correspondence with concerned citizen, North Road.
- 5/9/2023 Revisions to Development Agreement.
- 5/9/2023 Research Info TID 2
- 5/9/2023 Meeting with Frontier re: Fiber-Optic install projects.
- 5/10/2023 Further discussions regarding interest in Village of Kronenwetter parcels.
- 5/10/2023 Meeting with Mike Block (Village UDC Inspector)
- 5/10/2023 Meeting with property owners, Manatee Drive re: Floodplain.
- 5/10/2023 Review possible setback concerns new construction West Road.
- 5/11/2023 Research Tower Woods drainage issues.



REPORT TO PC

ITEM NAME: Communication

Tower on Creek Road

MEETING DATE: May 15, 2023

PRESENTING COMMITTEE:

COMMITTEE CONTACT:

STAFF CONTACT: William

Gau Planning Technician

**PREPARED BY: William Gau
Planning Technician**

ISSUE: Discussion and Recommendation: Conditional Use Permit- VB BTS, LLC Mike Bieniek, ACIP, 1898 Creek Road Mosinee WI 54455 for a new mobile service support structure and facility on property (Communication Tower).

OBJECTIVES:

ISSUE BACKGROUND/PREVIOUS ACTIONS: Mike Bieniek is requesting a Conditional Use Permit for a Communication Tower at 1898 Creek Road Mosinee WI 54455 property. The property is currently zoned AG-2 Agriculture District. According to Section 520-26(C)(2)(a) of the Village Zoning Code, a Communication tower is permitted as a conditional use.

August 15, 2022 the Planning Commission reviewed and recommended approval of a Cell Tower on this parcel, approximately 360ft SW of the proposed location. On September 26, 2022 the Village Board approved the Conditional Use Permit.

See the attached Staff Report for additional details.

RECOMMENDED ACTION: Recommend the Village Board approve the Conditional Use Permit that allows Mike Bieniek to construct Communication Tower at 1810 or 1898 Creek Road Mosinee WI 54455 as provided in staff report. Under the condition that the owner provide the village with certificate of such insurance before the issuing of the conditional permit by the Village Board.

ATTACHMENTS (describe briefly): Bieniek Conditional Use Permit Application and
Bieniek Staff Report

1810 OR 1898 CREEK ROAD (BIENIEK)
CONDITIONAL USE PERMIT REQUEST

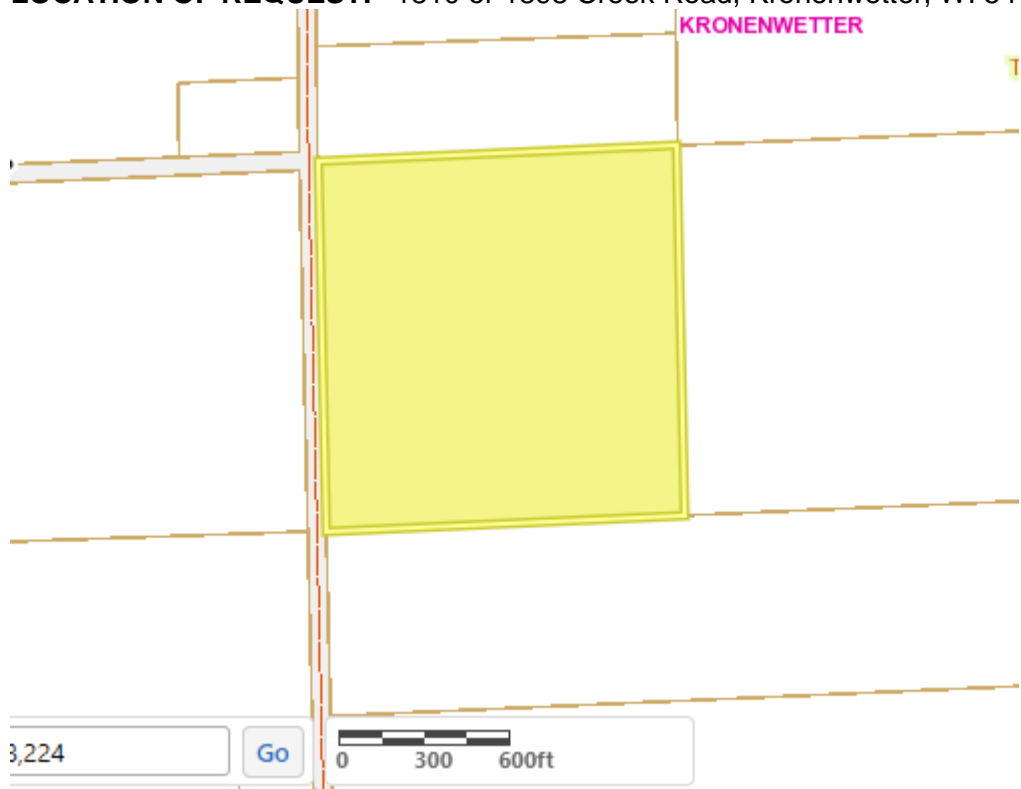
STAFF REPORT FOR PLANNING COMMISSION

PUBLIC HEARINGS/ MEETINGS: Plan Commission Public Hearing: 6:00 p.m. May 15, 2023
Village Board Public Meeting: 6:00 p.m. May 22, 2023

APPLICANT: Mike Bieniek
1810 or 1898 Creek Road
Kronenwetter, WI 54455

PREPARED BY: LLC Telecom Service
1810 or 1898 Creek Road
Kronenwetter, WI 54455

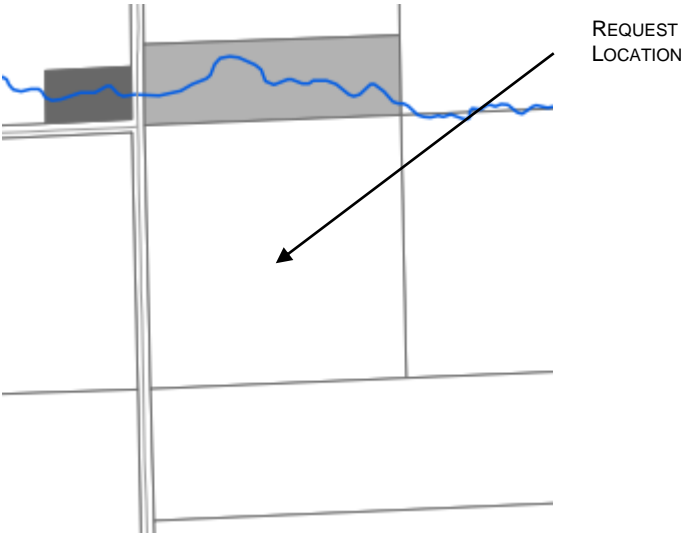
LOCATION OF REQUEST: 1810 or 1898 Creek Road, Kronenwetter, WI 54455 (See Map 1)



Map 1: Location Map
(Source Data: Village of Kronenwetter)

ZONING: AG-2 – Agriculture Zoning District (See Map 2)

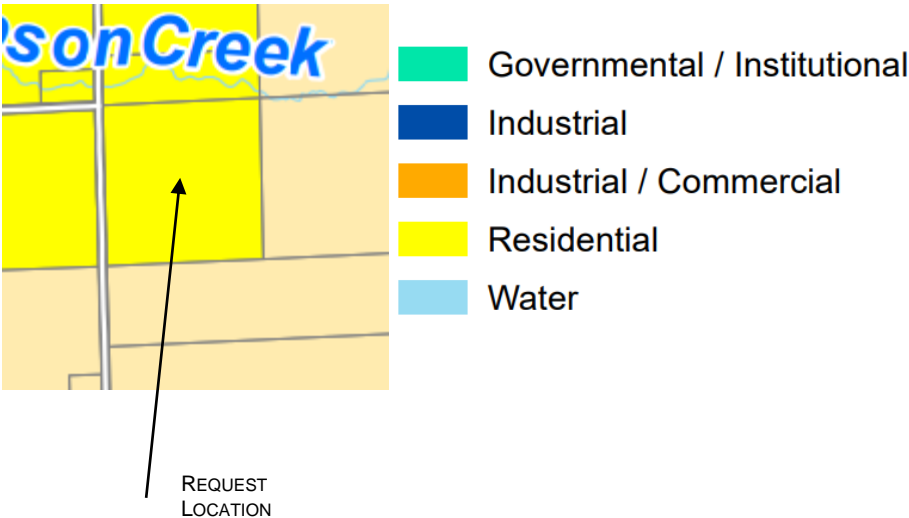
1810 or 1898 Creek Road (Bieniek)



Map 2: Current Zoning
(Source Data: Village of Kronenwetter)

- Zoning Districts**
- AG-1 - Agriculture
 - AG-2 Agriculture
 - B1 - Neighborhood Shopping
 - B2 - Community Service
 - B3 - General Commercial
 - BP - Business Park
 - Conservancy
 - M1 - Limited Industrial
 - M2 - General Industrial
 - R1 - Single Family Residence
 - R2 - Two Family Residence
 - R4 - Multi - Family Residence
 - RR - Rural Residential
 - SR - Suburban Residential

COMPREHENSIVE PLAN
FUTURE LAND USE: Residential (Residential) (See Map 3)



Map 3: Future Land Use Map
(Source Data: Village of Kronenwetter)

ACREAGE: 40 Acres

1810 or 1898 Creek Road (Bieniek)

DESCRIPTION

NW ¼ of the SW ¼, Section 09, T27N, R8E

LEGAL NOTIFICATION:

A legal advertisement was published in the *Wausau Daily Herald* on Monday, May 1, 2023 and Monday, May 7, 2023. Notice of the project was sent by regular mail over ten days before this Planning commission meeting to adjacent property owners within 500 feet of the subject property.

DEVELOPMENT PATTERN (AND ZONING):	Subject Property	Residential and Farm (AR)
	North	Timber land (RR-5)
	South	Timber land (AR)
	East	Timber land (AR)
	West	Residential and Farm (AR)

CONDITIONAL USE REQUEST:

Mike Bieniek is requesting to a Conditional Use Permit for a Communication Tower at Creek Road Mosinee WI 54455 property. The property is currently zoned AG-2 Agriculture District. According to Section 520-26(C)(2)(a) of the Village Zoning Code, a Communication tower is permitted as a conditional use. Vertical Bridge has made application to install a new mobile service support Facility. The proposed new mobile service support facility will consist of a 195’0” tall monopole tower with a 4’-0” lighting rod for a total height of 199’-0” to be located within a 50’-0” x 50’-0) ground area.

Staff recommends approval of the Conditional Use request.



Map 4: Aerial Photo
(Source Data: Village of Kronenwetter)

1810 OR 1898 CREEK ROAD (BIENIEK) **CONDITIONAL USE PERMIT REQUEST**

RECOMMENDED MOTION

Staff recommends to the Planning Commission to approve the Conditional Use Permit that allows Mike Bieniek to construct Communication Tower at 1810 or 1898 Creek Road Mosinee WI 54455 under the condition that the owner provide the village with certificate of such insurance before the issuing of the conditional permit by the Village Board and to accept the findings of fact set forth in the staff report.

FINDINGS

No conditional use shall be recommended by the Village Plan Commission unless such commission shall find:

(1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

Yes. The establishment of the conditional use, and subsequent construction of a new tower, will conform to all officially adopted Village codes and will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

(2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

Yes. The conditional use permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood because the site on which the business will be conducted is a largely wooded, 40-acre parcel of land. The large lot size, natural buffer, and a proposed mobile support facility should not be a deterrent.

(3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Yes. By meeting the requirements in § 520-26(C)(2)(a) of the Zoning Ordinance the granting of a conditional use permit will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Yes. The operation will utilize existing infrastructure. Thus, adequate utilities, access roads, drainage and/or necessary facilities have been provided.

(5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Yes. Do to having little maintenance.

(6) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Village Board pursuant to the recommendations of the Village Plan Commission.

Yes. The proposed business will conform to the applicable regulations of the AG-2 Zoning District in which it is located.



APPLICANT: VB BTS II, LLC



**APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL FOR
THE PROPOSED MOBILE SERVICE SUPPORT STRUCTURE AT**

**1898 CREEK RD.
MOSINEE, WI 54455
PARCEL NO. 145-27080930998**

VERTICAL BRIDGE SITE ID# – US-WI-5446 KRONENWETTER

Table of Contents

1. Letter of Application
2. Application Materials
3. Site Data Sheet
4. Legal Description
5. Narrative Overview
6. Compliance with State Statute
7. Conditional Use Permit Standards
8. Section 520-26 (C)(1-2)(a-n) Telecommunications antenna and tower Standards
9. Carrier Affidavit – Sworn Statement of Need
10. Carrier RF Propagation Maps
11. FAA Determination Letter
12. Site Plan

Letter of Application

April 19, 2023

Mr. Peter Wegner
Community Development Director
Village of Kronenwetter
1582 Kronenwetter Drive
Kronenwetter, WI 54455

RE: Proposed Vertical Bridge Mobile Service Support Structure – US-WI-5446 Kronenwetter
1898 Creek Rd., Mosinee, WI 54455
Parcel No. 145-27080930998

Dear Mr. Wegner:

LCC Telecom Services, on behalf of the applicant, VB BTS II, LLC (“Vertical Bridge”), has finalized an agreement with the property owners of the site referenced above to develop and construct a mobile service support structure and facility that will be available to be used by wireless carriers. The proposed shared use facility is designed to house the equipment necessary to provide clear and uninterrupted wireless telecommunications services to the residents and visitors of the Village of Kronenwetter and surrounding areas.

This mobile service support structure is being constructed pursuant to Section 66.0404 of the Wisconsin State Statutes and Section 520-26(C) (Telecommunications towers) of the Village of Kronenwetter Zoning Ordinance. A Conditional Use Permit is required for the siting and construction of any new mobile service support structure and facility. The proposed mobile service support structure will consist of a 195’-0” tall monopole tower with a 4’-0” lightning rod for a total height of 199’-0”, to be located within a 50’-0” x 50’-0” ground area. The proposed tower will be erected, owned, and operated by Vertical Bridge. Vertical Bridge has a commitment with Cellcom, a wireless services providers, for this site. Additionally, the facility will be open for collocation to other wireless providers.

On September 9, 2022, the Village of Kronenwetter approved a Conditional Use Permit for the proposed mobile service support structure which will consist of a 195’-0” tall monopole tower with a 4’-0” lightning rod for a total height of 199’-0”, to be located within a 50’-0” x 50’-0” ground area. Following the zoning approval, Building Permit #22-1026-223 was issued by the Village on November 14, 2022. Following this date, the Department of Natural Resources indicated they would not permit the approved tower in the location submitted as part of the Conditional Use Permit. The Department of Natural Resources delineated the wetlands which essentially will require the tower to be relocated approximately 75’ due north of the originally approved location.

On behalf of the applicant VB BTS II, LLC (“Vertical Bridge”), LCC Telecom Services has submitted all required documentation for the proposed tower, in accordance with Section 66.0404 of the Wisconsin State Statutes, and Sections Section 520-26 (C)(1-2)(a-n) (Telecommunications antennas and towers) and of the Village of Kronenwetter Zoning Ordinance for this application to be deemed complete. Should you have any questions please feel free to contact me. I look forward to working with you during the review

and approval process. Vertical Bridge looks forward to helping provide the Village of Kronenwetter with improved wireless coverage.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Bieniek", written in a cursive style.

Michael Bieniek, AICP
Zoning Director
LCC Telecom Services
10700 Higgins Road, Suite 240
Rosemont, IL 60018
mbieniek@lcctelecom.com
Cell – (847) 287-1156
Fax – (847) 608-1299

cc: Steve Hedges, Project Manager, Vertical Bridge

Application Materials

Required Attachments

Attach a written statement of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.

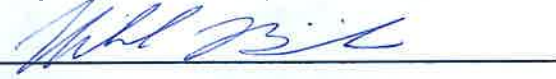
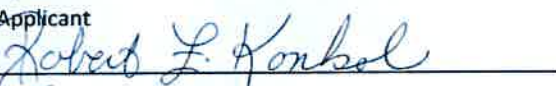

Attach a site plan of the subject property, with any alterations as may be proposed to accommodate the conditional use.

Attach a written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria:

- Is the proposed conditional use in harmony with the Comprehensive Plan, this chapter, and any other plan, program, or ordinance adopted by the Village?
- The proposed conditional use does not, in its proposed location and as depicted on the required site plan, result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvement, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the Comprehensive Plan, or other plan, program, map or ordinance adopted by the Village?
- Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property?
- Does the potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditionals use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?

Applicant Acknowledgement

To the best of my knowledge, I certify that the information provided on this application and accompanying documents are true and accurate. I also understand that submitting this application authorizes the Zoning Administrator or his/her designee to enter onto the property for the purposed outlined operation.

	<u>4/20/23</u>
Applicant	Date
	<u>4/19/23</u>
Owner	Date
	<u>4/20/23</u>
Prepared By	Date

FOR OFFICE USE ONLY:

Application Received _____ Check # _____

Plan Commission:

Meeting Date _____ Recommendation: Approved / Denied
Renewal Recommendation: 1 year 2 year 3 year 4 year 5 year
Conditions (see attached)

Site Data Sheet

Applicant:	VB BTS II, LLC ("Vertical Bridge") 750 Park of Commerce Drive Suite 200 Boca Raton, FL 33487
Authorized Agent:	Michael Bieniek, AICP LCC Telecom Services 10700 Higgins Road Suite 240 Rosemont, IL 60018
Tower Owner:	VB BTS II, LLC 750 Park of Commerce Drive Suite 200 Boca Raton, FL 33487
Applicant's Interest in the Property:	Leasehold
Property Owner:	Robert & Donna Konkol
Address of Property:	1898 Creek Rd. Mosinee, WI 54455
Parcel Number:	145.27080930998
Request:	Application for a Conditional Use Permit and any other approvals or permits necessary to erect a 195'-0" monopole tower with a 4'-0" lightning rod for a total height of 199'-0" to be located within a 50'-0" x 50'-0" ground area.

Legal Description

EXHIBIT A

The following tract of land in Marathon County, State of Wisconsin:
The Northwest Quarter (NW1/4)) of the Southwest Quarter (SW1/4), in Section Nine (9), Township Twenty-seven (27) North, Range Eight (8) East, subject to existing roads.

Parcel Id #14527080930998

This being a portion of the property conveyed to Robert Frank Konkol and Donna Mae Konkol, his wife, as Joint Tenants, from John Rudolph and Priscilla Rudolph, his wife, as Joint Tenants, in a Warranty Deed dated May 21, 1971 and recorded October 11, 1971 in Book 125 Page 152 as Instrument No. 631569.

Narrative Overview

VB BTS II, LLC (“Vertical Bridge”) seeks approval of a Conditional Use Permit and any other permits or approvals necessary in order to install a new mobile service support structure and facility on property located at 1898 Creek Rd., Mosinee, WI 54455. Vertical Bridge proposes to erect this tower and will be offering it as a shared facility to Cellcom (with whom Vertical Bridge already has a commitment) and any other communication carriers that have a need for a facility in this area. Vertical Bridge thus submits this Application (as that term is defined in Section 66.0404 of the Wisconsin State Statutes) seeking a permit for the siting and construction of a new mobile service support structure and facilities. The proposed site is located in an AR, Agricultural Residential District. Communication towers are an allowable conditional use in Attachment 520-1 to the zoning code, which lists allowable uses in rural districts, including the AR district. The property consists of a house along with a wooded parcel.

The wireless mobile service facility that Vertical Bridge is proposing to install on the property for Cellcom is necessary to provide uninterrupted wireless services to the residents and visitors of the Village of Kronenwetter and surrounding area, including wireless telephone service, voice paging, messaging and wireless internet and broadband data transmission. All registered wireless provider’s technology operates at various radio frequency bands allocated by the FCC as part of their license.

Wireless systems operate on a grid system where overlapping cells mesh together, forming a seamless network. No single site can function as a stand-alone entity as each site is interconnected, forming the network. The technical criteria for establishing cell sites are very exacting as to the location and height. The proposed site at 1898 Creek Rd., Mosinee, WI 54455 is within the geographic area deemed necessary by engineers for the anchor wireless telecommunications provider to provide uninterrupted services.

In accordance with the Village of Kronenwetter Zoning Ordinance Sections 520-26, Vertical Bridge has made application to install a new mobile service support facility. The proposed new mobile service support facility will consist of a 195’-0” tall monopole tower with a 4’-0” lightning rod for a total height of 199’-0” to be located within a 50’-0” x 50’-0” ground area.

On September 9, 2022, the Village of Kronenwetter approved a Conditional Use Permit for the proposed mobile service support structure which will consist of a 195’-0” tall monopole tower with a 4’-0” lightning rod for a total height of 199’-0”, to be located within a 50’-0” x 50’-0” ground area. Following the zoning approval, Building Permit #22-1026-223 was issued by the Village on November 14, 2022. Following this date, the Department of Natural Resources indicated they would not permit the approved tower in the location submitted as part of the Conditional Use Permit. The Department of Natural

Resources delineated the wetlands which essentially will require the tower to be relocated approximately 75' due north of the originally approved location.

After the initial construction, the proposed facility will be unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. Access will be provided via an easement with the proposed access entry point being an existing field entrance off of Creek Road. Utilities required to service the facility are power and fiber. The site is entirely self-monitored through a sophisticated alarm system which is connected to a main switch station. The system alerts personnel to any equipment malfunction or breach of security. Additionally, there is no impact on the Village of Kronenwetter's utilities such as water and sanitation, as they are not used at the site.

In accordance with FCC regulations, the mobile service facility will not interfere with any form of communications, including but not limited to, land-line phones, cable and satellite television and radio broadcasts. Wireless technology has become a vital part of emergency services, aiding local residents and motorists in a variety of situations, thus helping to protect the general public's health, safety and welfare. The proposed wireless telecommunications facility at this site will further enhance goals of providing the most reliable wireless coverage possible in this area.

The proposed mobile service facility will be designed and constructed to meet all applicable governmental and industry safety standards. Specifically, Vertical Bridge will comply with all FCC and FAA rules and regulations regarding construction requirements and technical standards. RF emissions are subject to the exclusive jurisdiction of the FCC. Any height, lighting or marking issues are subject to the exclusive jurisdiction of the FAA.

LCC Telecom Services, on behalf of Vertical Bridge, looks forward to working with the Village of Kronenwetter to bring the benefits of the proposed improved wireless services to the area. The addition of the facility will ensure the best uninterrupted wireless services for the Village of Kronenwetter. This application addresses all standards of the Village of Kronenwetter Zoning Ordinance and satisfies the requirements of Section 520-26.

Compliance with State Statute

The 2013 Biennial Budget Act (Act 20) modified the regulatory powers of local governments in regard to applications for mobile service facilities and support structures. The law was enacted to impose consistent statewide standards regarding the regulation of placement of mobile service facilities and support structures. In order to achieve this consistency, the state statute preempts local ordinances to the extent that they are inconsistent with the statute.

The proposed facility is governed by Wis. Stat. § 66.0404 of the Wisconsin Statutes, entitled “Mobile Tower Siting Regulations”. The submittal requirements of this statute have also been codified in the Kronenwetter Zoning Ordinance. The proposed facility meets the requirements of §66.0404.

Application Requirements- Wis. Stat. § 66.0404(2)(b)(1-6).

§66.0404(2)(b) of the state statute sets out specific requirements and timelines for an application to construct a new mobile service support structure. These requirements are defined by Wis. Stat. § 66.0404(2)(b)(1-6), and identify six categories of information that may be required to constitute a complete application for a substantial modification or a new site. In this case, five of the six categories are required based on the site type as a new mobile service facility and support structure and the other category is not required.

The following information is required under the statute in order for an application to be complete. The statute requirement is listed below in bold, with the compliant document or information identified or outlined below the requirement.

1. The name and business address of, and the contact individual for, the applicant. Wis. Stat. § 66.0404(2)(b)(1).

The applicant is VB BTS II, LLC. Michael Bieniek, AICP, of LCC Telecom Services is the agent of and contact individual for VB BTS II, LLC. His business address is 10700 W. Higgins Road, Suite 240 Rosemont, IL 60018.

2. The location of the proposed or affected support structure. Wis. Stat. § 66.0404(2)(b)(2).

A support structure is defined in Wis. Stat. §66.0404(1)(l) as “a freestanding structure that is designed to support a mobile service facility”. In this case, the proposed support structure is a 195’-0” tall monopole tower with a 4’-0” lightning rod for a total height of 199’-0”.

The support structure is proposed to be located at 1898 Creek Rd, Mosinee, WI 54455. The support structure will be located within an equipment compound as defined in Wis. Stat. §66.0404(1)(h). This fenced lease area is part of a larger parent parcel at the above address. The support structure location is depicted on the site plans that have been submitted as part of this application.

3. The location of the proposed mobile service facility. Wis. Stat. § 66.0404(2)(b)(3).

A mobile service facility is defined in Wis. Stat. §66.0404(1)(l) as “a set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discreet geographic

area.” In this case, the equipment consists of base station equipment, along with antennas, transmitters, receivers, power supplies, cabling and associated equipment. All the equipment is necessary to operate the facility.

The proposed mobile service facility is also to be located at 1898 Creek Rd, Mosinee, WI 54455. The mobile service facility will be located within an equipment compound as defined in Wis. Stat. §66.0404(1)(h). This fenced lease parcel is part of a larger parent parcel at the above address. The location of the mobile service facility is depicted on the site plans that have been submitted as part of this application.

4. If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications. Wis. Stat. § 66.0404(2)(b)(4).

Wis. Stat. §66.0404(2)(b)(4) applies only to substantial modification applications. Substantial modifications apply only to the modification of existing sites and not to the construction of a new site. Accordingly, this information is not required for this application.

5. A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure. Wis. Stat. § 66.0404(2)(b)(5).

The construction plan required for a new mobile service support structure and facility under Wis. Stat. §66.0404(2)(b)(4) has been submitted as part of this application. The construction plan includes all the elements required under the state statute.

6. An explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant’s search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. Wis. Stat. § 66.0404(2)(b)(6).

A sworn statement as described above from Cellcom (with whom Vertical Bridge has a commitment) has been attached to this application for the proposed mobile support structure to be located at 1898 Creek Rd, Mosinee, WI 54455.

Conditional Use Permit Standards

For each application for a Conditional Use, the Zoning Administrator shall report to the Plan Commission findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The proposed wireless telecommunications facility will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare. To the contrary, enhanced wireless telecommunications will be beneficial to the health, safety and welfare of the area. As people are eliminating their landline services and the demand for better service increases, the welfare of the area will be improved through enhanced wireless services.

- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

The uses, values and enjoyment of other property in the neighborhood for purposes already permitted will be in no foreseeable manner substantially impaired or diminished by the establishment of the proposed wireless telecommunications facility. The facility takes up a small footprint, meets the terms of the ordinance and is located in an agricultural field with existing tree coverage to the south that will remain. As more and more people rely on wireless technology, the enhanced coverage will be a benefit to residents in the area and will be compatible with the use of the adjacent land.

- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The establishment of the proposed wireless telecommunications facility will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The area is a mix of uses along the highway and larger agricultural lots to the east. The site is far removed from any sensitive uses and is naturally screened to the south. In the event of any development, the improved wireless telecommunications in the area will be a significant benefit to all current and future residents as the facility will bring improved telecommunications services to the area.

- (4) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided. The only required utilities for a wireless telecommunications facility are power and fiber which are both readily available at this location. No other municipal services will be necessary. The proposed access road is an existing field entrance located off of Creek Road.

- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

As stated above, the proposed access road is an existing field entrance located off of Creek Road. The proposed wireless telecommunications facility is unstaffed. After construction is complete, the location will only be visited approximately once per month by a technician in a van sized vehicle. There will be no traffic congestion in the public streets as a result of the installation at this property.

- (6) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

The proposed wireless telecommunications facility is allowable as a conditional use in the AR, Agriculture and Residential District and will conform to all of the applicable requirements of that district.

- (7) That the proposed use does not violate floodplain regulations governed by the county.

The proposed wireless telecommunications facility does not violate floodplain regulations governed by the county. There are no floodplains located in this area.

- (8) That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff, approved by the appropriate jurisdictional authority.

Adequate measures will be taken to prevent and control water pollution, including sedimentation, erosion and runoff, the location of the proposed wireless telecommunications facility is in an agricultural field with existing tree coverage to the south that will remain. The 12' wide access easement and 50' x 50' lease parcel will be graveled so as to provide a semi-impervious surface.

- (9) That such use will comply with the regulations and conditions specified in this article for such use.

The proposed use will comply with the appropriate regulations and conditions of the Village of Kronenwetter's Zoning Ordinance and Section 66.0404 of the Wisconsin State Statutes. Compliance with specific standards applicable to wireless communications facilities are outlined below.

Section 520-26 (C)(1-2)(a-n) Telecommunications antennas and tower Standards

(c) *Conditional use permit requirement.* Telecommunications facilities, telecommunications support facilities, and telecommunications towers are permitted as a conditional use in the following districts:

- (1) Agriculture and Residential.
- (2) Agricultural.
- (3) Commercial.
- (4) Industrial.

The proposed wireless telecommunications facility is located in the AR, Agriculture and Residential District and such facilities are an allowable conditional use in this district.

(b) *Conditional use – Communications towers.*

Each application for a conditional use permit, site plan approval, and/or building permit under this subsection shall include the following information:

[1]

The name and business address of, and the contact individual for, the applicant.

The applicant is VB BTS II, LLC. Michael Bieniek, AICP, of LCC Telecom Services is the agent of and contact individual for VB BTS II, LLC. His business address is 10700 W. Higgins Road, Suite 240 Rosemont, IL 60018.

[2]

The location of the proposed or affected communications tower or other support structure.

A support structure is defined in Wis. Stat. §66.0404(1)(l) as “a freestanding structure that is designed to support a mobile service facility”. In this case, the proposed support structure is a 195’-0” tall monopole tower with a 4’-0” lightning rod for a total height of 199’-0”.

The support structure is proposed to be located at 1898 Creed Rd., Mosinee, WI 54455. The support structure will be located within an equipment compound as defined in Wis. Stat. §66.0404(1)(h). The support structure location is depicted on the site plans that have been submitted as part of this application.

[3]

The location of the proposed equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment.

A mobile service facility is defined in Wis. Stat. §66.0404(1)(l) as “a set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discreet geographic area.” In this case, the equipment consists of base station equipment, along with antennas, transmitters, receivers, power supplies, cabling and associated equipment. All the equipment is necessary to operate the facility.

The proposed mobile service facility is also to be located at 1898 Creed Rd., Mosinee, WI 54455. The mobile service facility will be located within an equipment compound as defined in Wis. Stat. §66.0404(1)(h). The location of the mobile service facility and all powersupplies, cabling, and associated equipment are depicted on the site plans that have been submitted as part of this application.

[4]

If the application is for a substantial modification to an existing communications tower or other support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications. For purposes of this Subsection C, "substantial modification" means the modification of a communications tower, including the mounting of an antenna on such a structure, that does any of the following:

[a]

For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

[b]

For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.

[c]

Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.

[d]

Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

Wis. Stat. §66.0404(2)(b)(4) and Section 66-220 (e)(2) apply only to substantial modification applications. Substantial modifications apply only to the modification of existing sites and not to the construction of a new site. Accordingly, this information is not required for this application.

[5]

If the application is to construct a new communications tower, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

The construction plan required for a new mobile service support structure and facility under Wis. Stat. §66.0404(2)(b)(4) and Section 66-220 (e)(1)(n) of the Village of Kronenwetter Zoning Ordinance has been submitted as part of this application. The construction plan includes all the elements required under the state statute.

[6]

If an application is to construct a new communications tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same

mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

A sworn statement as described above from Cellcom (with whom Vertical Bridge has a commitment) has been attached to this application for the proposed mobile support structure to be located at 1898 Creek Rd., Mosinee, WI 54455.

[7]

Evidence and information to indicate compliance or intent to obtain compliance with other applicable provisions of this subsection and chapter.

Please see the answers to all of the criteria listed as evidence of compliance with the provisions of this subsection and chapter.

(b)

Each communications tower and modification thereto shall be erected and installed in accordance with the State Electrical Code adopted by reference in the National Electrical Code, Federal Communications Commission and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern.

The proposed communications tower will be erected in compliance with all local, state and federal requirements.

(c)

If an application is to construct a new communications tower, the Village may consult with a third party to verify that co-location on an existing communication tower or other support structure within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider. All costs and expenses associated with such consultation shall be borne by the applicant, except for travel expenses. Failure to pay such costs and expenses or provide related information to the third-party consultant shall be grounds for denial of the conditional use permit.

In the event a third party consultant is required, Vertical Bridge agrees to pay all reasonable costs associated with that review.

(d)

Each communications tower shall be placed or constructed so it can be utilized for the co-location of additional antenna arrays to the extent technologically and economically feasible. The Village shall, unless it is shown to be unreasonable, condition the granting of each conditional use permit upon the applicant placing or constructing the communications tower to accommodate, at a minimum height of 150 feet, the co-location of two additional antenna arrays similar in size and function to that placed on the tower by the applicant. Co-location sites need not be available on the tower as initially placed or constructed, provided that the tower will support the later addition of the required number of co-location sites at the specified minimum height. The holder of each conditional use permit under this Subsection C and the predecessor chapter shall make the co-location sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing the co-location sites and a fair return on investment.

Co-location will be available on the proposed tower. Vertical Bridge is proposing a 195'-0" monopole tower which is designed to accommodate at least two additional wireless providers. Vertical Bridge

is in the industry to provide carriers with space on their towers. Once the tower is erected, Vertical Bridge notifies as many potential co-locators as possible.

(e)

Each communications tower and associated equipment shall, to the extent determined possible by the Village Board, be installed in a fashion to lessen the visual impacts of such installation.

[Amended 2-23-2021 by Ord. No. 21-04]

The proposed tower will have minimal visual impact due to the location chosen. The site is in an agricultural field with existing tree coverage to the south that will remain.

(f)

For communications towers erected after the effective date of this chapter, and in conjunction with the installation of new ground-mounted buildings or equipment totaling 300 square feet or greater, the applicant shall provide a buffer yard meeting the requirements of § 520-79C(4) along all property borders abutting residentially zoned property. Other landscaping requirements of Article XI shall also apply.

The proposed wireless telecommunications site does not abut residentially zoned property, the entire area is zoned AR District. No landscaping is proposed because as mentioned above existing mature vegetation will serve as a buffer.

(g)

A new or amended conditional use permit and site plan shall be required for a substantial modification to an existing communications tower. Neither a conditional use permit nor site plan approval shall be required for any modification, including co-location, that is not defined as a "substantial modification," but a building permit shall be required.

The application is not for a substantial modification, therefore this provision does not apply.

(h)

Prior to the issuance of a building permit for a communications tower erected after the effective date of this chapter, the applicant shall provide a written agreement stating that if the communications tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower, antennas, or transmitters upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request. If such listed items are not removed within 60 days of such notification, the Village may remove the items at the expense of the holder of the conditional use permit. Within 30 days of the date on which the tower use ceases, the permit holder shall provide the Village with written notice of the cessation of use. A performance bond or deposit of \$20,000 shall be required to ensure compliance with all applicable requirements for removal of the communications tower and equipment.

Vertical Bridge will comply with the terms of this section, including removal of the tower at their expense, in the event it is no longer used for a period exceeding 12 months. If required as a condition of approval, Vertical Bridge agrees to provide a removal bond in the amount required by the Village, not to exceed \$20,000.00.

(i)

The owner of any communications tower shall maintain insurance against liability for personal injury, death, or property damage caused by the maintenance and/or operation of the communications tower and accessory structures with a single combined limit of not less than \$1,000,000 per occurrence. The

policy shall contain a provision that it may not be canceled or materially modified without the approval of the Village. The owner shall provide the Village with a certificate of such insurance before issuance of a building permit and upon each policy renewal thereafter.

Vertical Bridge will maintain liability insurance throughout the life of the tower and will provide the Village a copy of such prior to issuance of the building permit.

(j)

Upon written inquiry from the Village, the recipient of a conditional use permit under this Subsection C shall have the burden of presenting credible evidence establishing the continued compliance with the approved plans and all conditions placed upon the conditional use permit. Failure to establish compliance with the approved plans and all conditions placed upon the conditional use permit shall be grounds for revocation of the permit. If the Village determines that it is necessary to consult with a third party to ascertain compliance with conditions on a conditional use permit, all costs and expenses associated with such consultation shall be borne by the holder of subject conditional use permit, except for travel expenses. Failure to pay such costs and expenses or provide information requested by the Village shall be grounds for revocation of the conditional use permit.

Vertical Bridge will establish and maintain compliance with the approved plans.

(k)

Upon written inquiry from the Village, any owner or operator of a communications tower shall provide information on the tower, including but not limited to available sites on the tower for potential co-locators; evidence that such co-location sites are in fact available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the tower owner to recoup the cost of providing the co-location sites and a fair return on investment; contact information for future co-location inquiries that the Village may receive; and number and placement of antenna arrays and ground-mounted equipment, type of service provided (e.g., 4G LTE, etc.), contact information, and expiration dates of user agreements or leases associated with all current users of the tower.

In the event a wireless company submits an inquiry to the Village regarding availability on the proposed tower, Vertical Bridge will provide any reasonable pertinent information.

(l)

In its evaluation of any permit or plan approval for a communications tower, the applicable limitations under §§ 66.0404(4) and 66.0406(2), Wis. Stats., shall apply.

The support materials submitted as part of the application are in accordance with Section 66.0404 of the Wisconsin State Statutes for a new mobile service support structure.

(m)

Minimum required off-street parking: one space per each employee vehicle needed for ongoing maintenance.

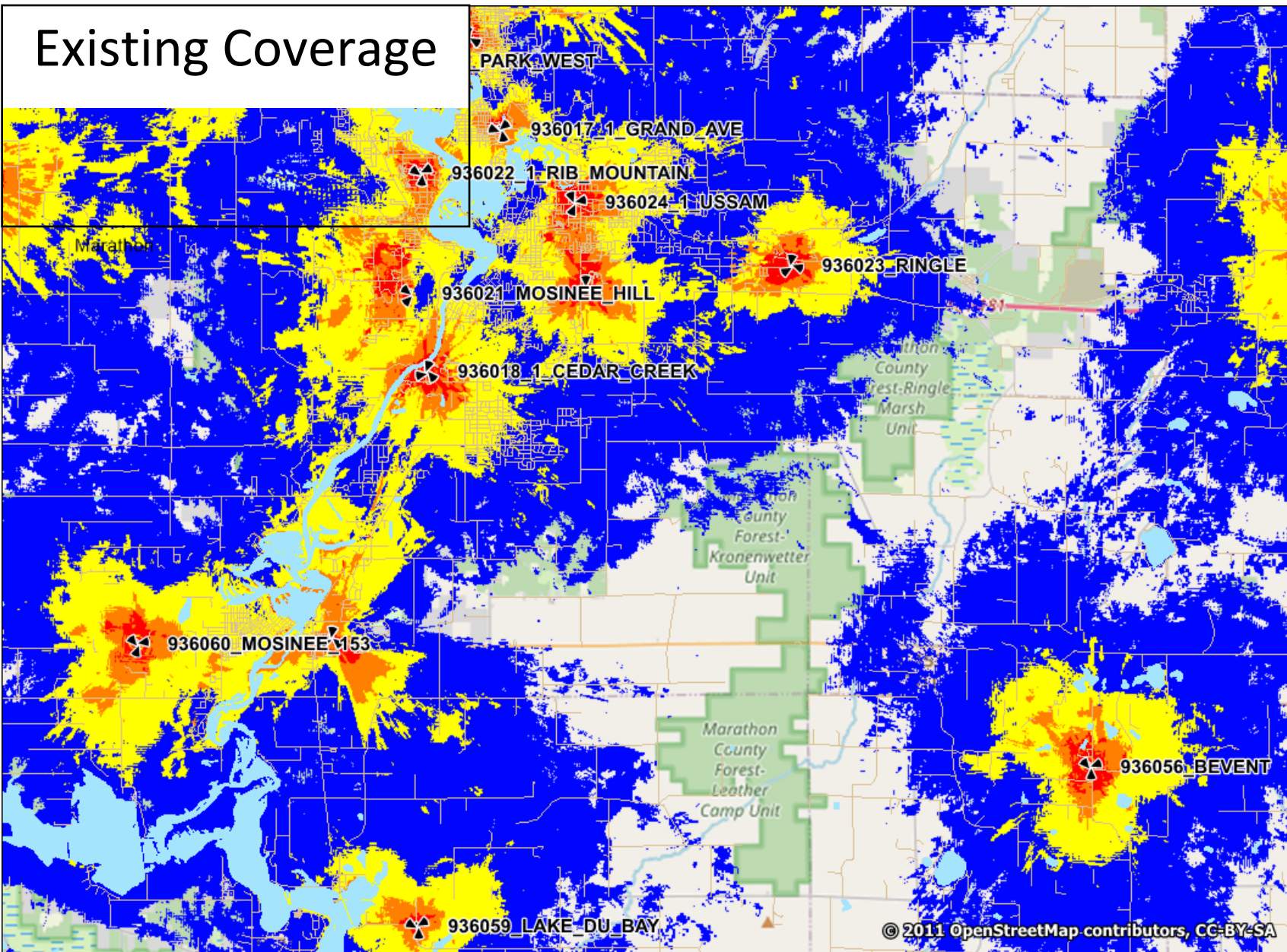
The proposed facility will not have any regular employees, after the initial construction, the proposed facility will be unstaffed and will only require service technicians, in a pick-up/van sized vehicle, to visit the site approximately once per month. The facility is designed with a turn-around in front of the gate which serves as the necessary short term parking space for the technician.

(n)

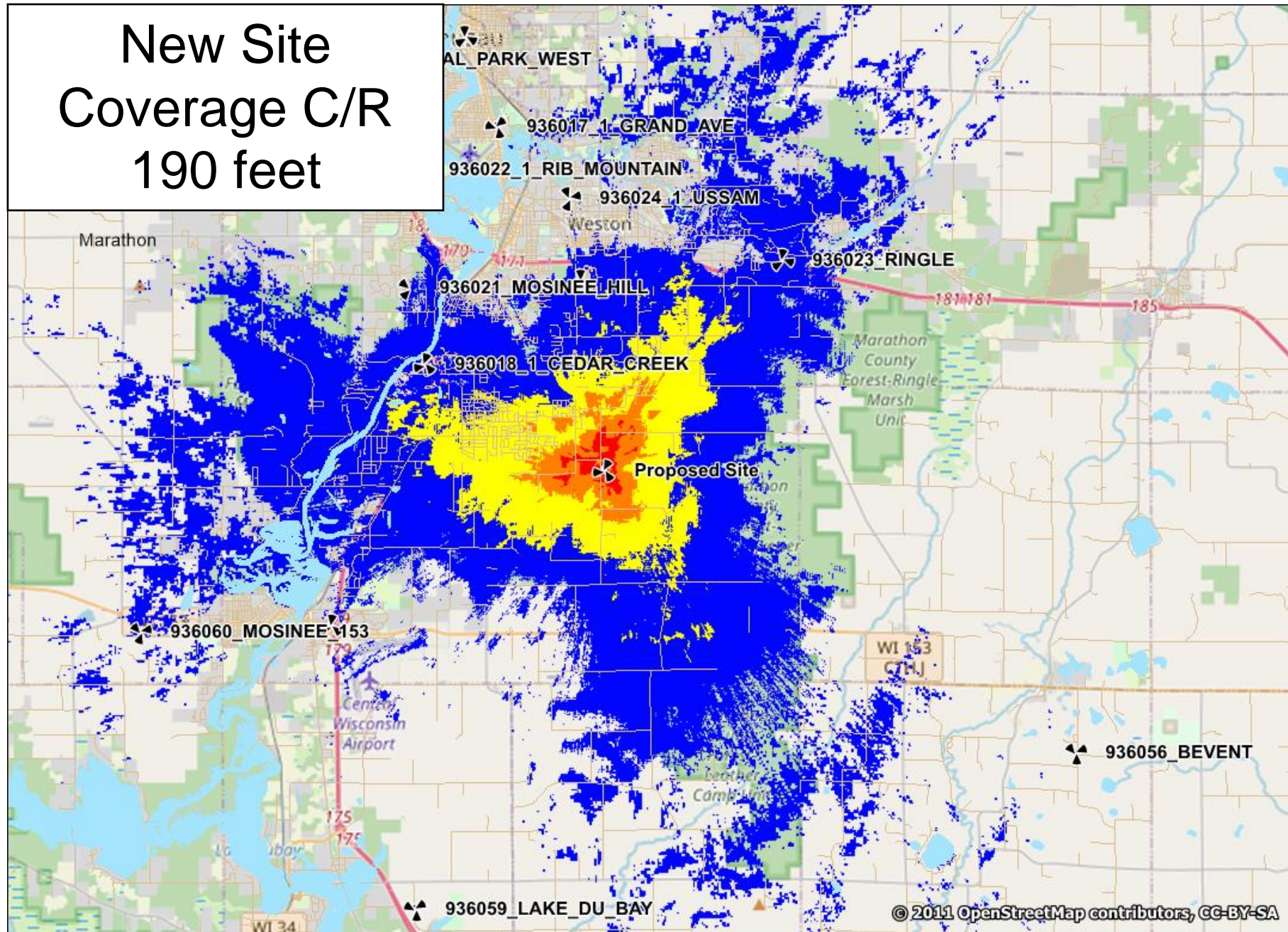
A minimum setback equal to the total height of the tower shall be required for any communications tower that is adjacent to a parcel that has single-family detached residences as a permitted use. See § 520-17 (Chapter 520 Attachment 1) and § 520-18 (Chapter 520 Attachment 2) for zoning districts that have single-family detached residences as a permitted land use.

The proposed tower is approximately 200' from the nearest property lines which is in accordance with Section 66.0404 and this provision.

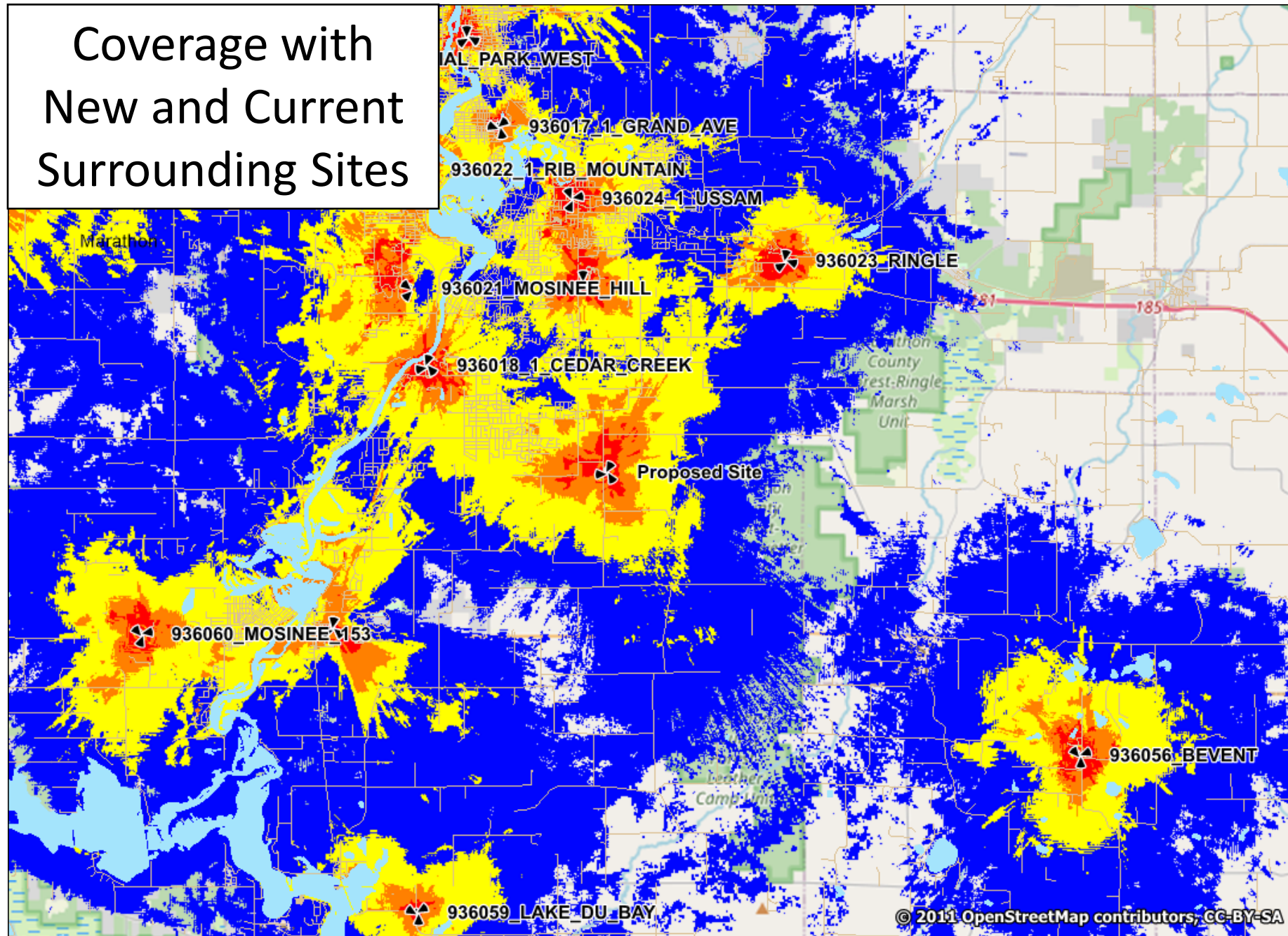
Carrier RF Propagation Maps



New Site Coverage C/R 190 feet



Coverage with New and Current Surrounding Sites



Carrier Affidavit – Sworn Statement of Need

AFFIDAVIT

SWORN STATEMENT OF NEED FOR A NEW MOBILE SERVICE SUPPORT STRUCTURE

IN SUPPORT OF NEW TOWER CONSTRUCTION PURSUANT TO WIS. STAT. §66.0404

STATE OF WISCONSIN)

)

COUNTY OF BROWN)

The undersigned, Arthur Hall, being first duly sworn on oath, deposes and states as follows:

1. My name is Arthur Hall and I am employed by Nsighttel Wireless, LLC (hereinafter referred as “Cellcom”) as its Director of RF Engineering. My Cellcom job duties include, among other things, responsibility and oversight of Cellcom’s wireless network. This includes responsibility over the placement of the newly proposed mobile service support structure and facilities at address of 1898 Creek Rd, Mosinee, WI 54455 in the Village of Kronenwetter, Marathon County, with a property parcel ID number of 14527080930998, and Lat/Long coordinates of 44.834500, -89.571422 (the “New Tower Location”).

2. This Sworn Statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.


3. I make and submit this Sworn Statement in support of the accompanying application and supplement documents for the request of zoning approval submitted by applicant VB BTS, LLC (“Vertical Bridge”), and pursuant to which Vertical Bridge proposes to develop and construct a 195-foot monopole tower (overall structure height 199’ with lightning rod attachment) and related telecommunications equipment at the New Tower Location described in Section 1 above and depicted on the site plans submitted along with the application.

4. Vertical Bridge is in the business of, among other things, developing, constructing and operating mobile service support structures and facilities (a/k/a telecommunications towers or cell towers) and leasing space on those structures and facilities to wireless carriers such as Cellcom. Relevant to the present application, Cellcom and Vertical Bridge desire that Vertical Bridge develop and build the referenced tower and lease space thereupon to Cellcom as part of improving Cellcom’s wireless telecommunications network in the surrounding area of the New Tower Location.

5. Cellcom is improving and upgrading its network’s wireless coverage and capacity in the area of the New Tower Location to provide needed improvement to signal strength, in-building penetration, and reliable, high-speed wireless data capability. In order to accomplish these objectives, Cellcom and Vertical Bridge are proposing the new mobile support structure tower and related telecommunications site at the New Tower Location described in Section 1 above.

6. The proposed mobile service support structure and facilities at the New Tower Location is a necessary infrastructure addition and will become an integral part of Cellcom’s wireless network. The primary functions of the proposed site are to provide enhanced, reliable wireless coverage and additional capacity which will help ensure seamless wireless data capabilities and connectivity to Cellcom’s customers in the area. Without this site, the signal strength and data capacity in the area will not be adequate for a reliable network. As consumption of data services surge, the importance of this site also surges. Cellcom has evaluated the existing structure locations in the search ring. There are no existing towers or other tall structures within the search ring that could accommodate Cellcom’s equipment to achieve these network improvements, including the same mobile service functionality, coverage, and capacity, so collocation is technically infeasible. Consequently, because collocation on existing structures would not provide the required wireless coverage, signal strength, or data speeds to the coverage objective and intended areas, the proposed new mobile service support structure is necessary to provide the coverage and capacity required for a fully functioning wireless network.

Dated this 29th day of June, 2022.



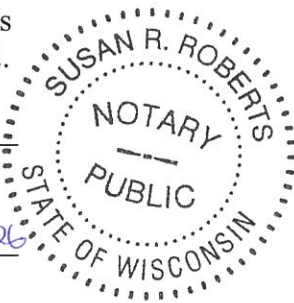
Arthur Hall
Director of RF Engineering
Nsighttel Wireless, LLC d/b/a Cellcom

Subscribed and sworn before me this
29 day of June, 2022.

Susan R. Roberts

Notary Public, State of Wisconsin

My commission: expires 3/17/26



FAA Determination Letter



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study
2022-AGL-4544

Section 6, Item G.

Issued Date: 04/12/2022

Richard Hickey
VB BTS, LLC
750 Park of Commerce Dr.
Suite 200
Boca Raton, FL 33487

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Tower US-WI-5446 Kronenwetter
Location:	Mosinee, WI
Latitude:	44-50-04.20N NAD 83
Longitude:	89-34-17.12W
Heights:	1213 feet site elevation (SE) 199 feet above ground level (AGL) 1412 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 M.

This determination expires on 10/12/2023 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

Section 6, ItemG.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (816) 329-2508, or vee.stewart@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2022-AGL-4544-OE.

Signature Control No: 512309269-523402265

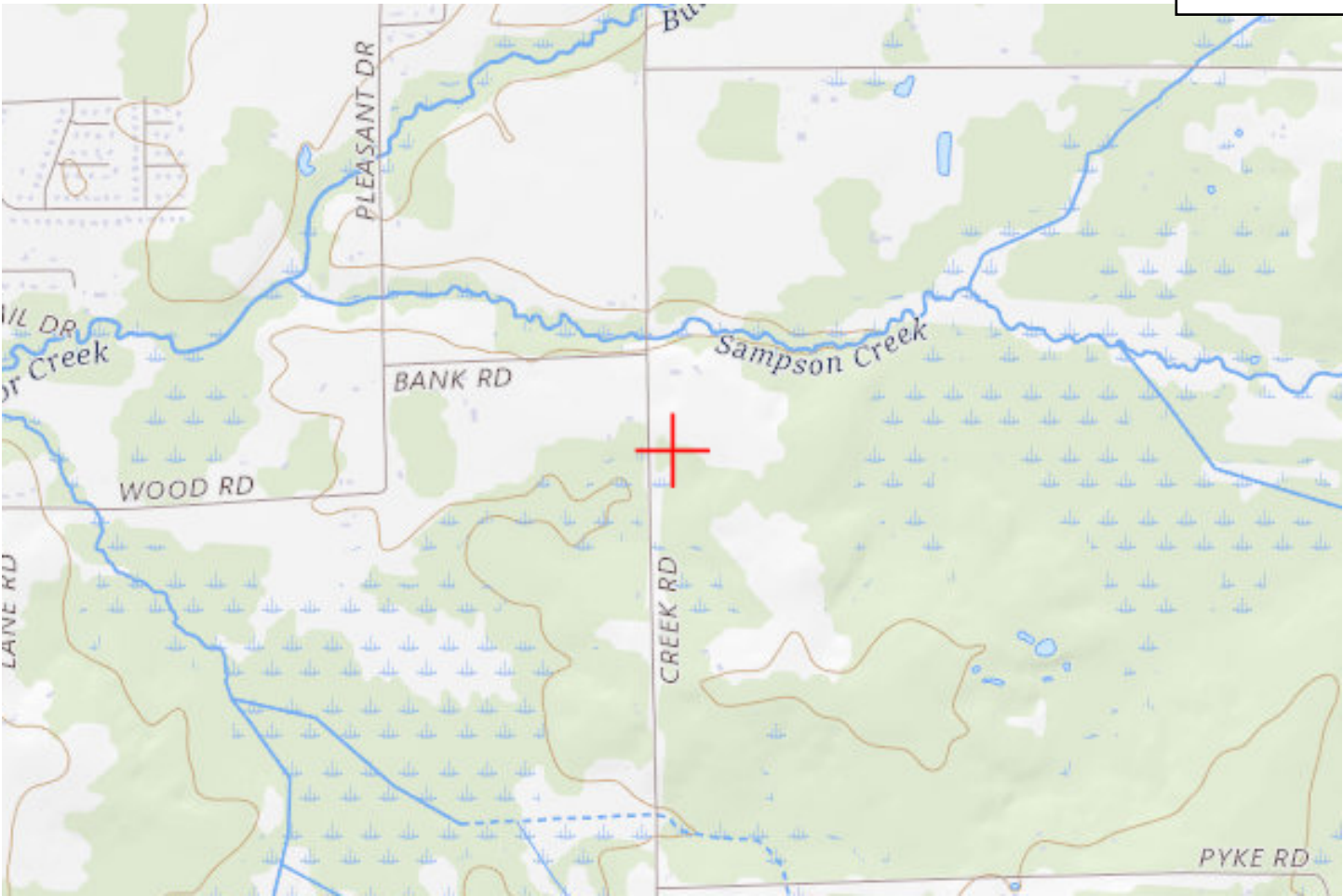
(DNE)

Vee Stewart
Specialist

Attachment(s)
Frequency Data
Map(s)

cc: FCC

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
6	7	GHz	55	dBW
6	7	GHz	42	dBW
10	11.7	GHz	55	dBW
10	11.7	GHz	42	dBW
17.7	19.7	GHz	55	dBW
17.7	19.7	GHz	42	dBW
21.2	23.6	GHz	55	dBW
21.2	23.6	GHz	42	dBW
614	698	MHz	1000	W
614	698	MHz	2000	W
698	806	MHz	1000	W
806	901	MHz	500	W
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
929	932	MHz	3500	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1670	1675	MHz	500	W
1710	1755	MHz	500	W
1850	1910	MHz	1640	W
1850	1990	MHz	1640	W
1930	1990	MHz	1640	W
1990	2025	MHz	500	W
2110	2200	MHz	500	W
2305	2360	MHz	2000	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W
2496	2690	MHz	500	W





Site Plan

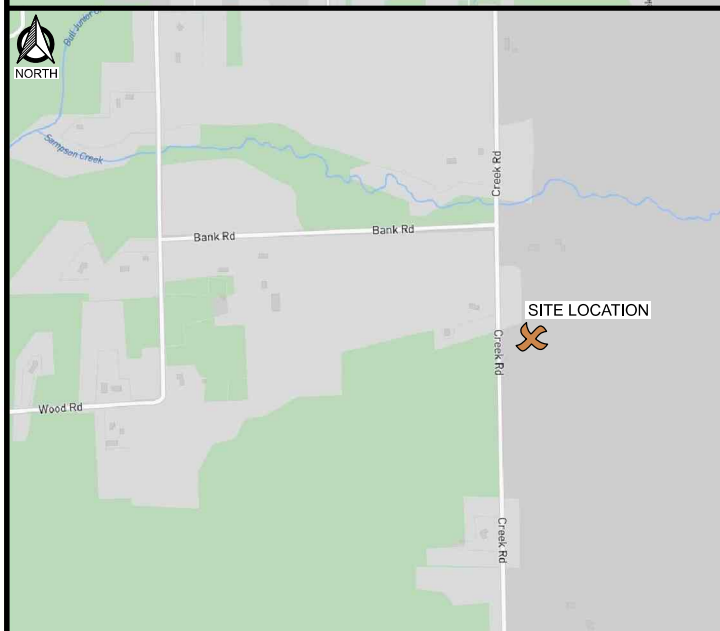


Edge
Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
608.644.1549 FAX
www.edgeconsult.com

VB BTS II, LLC
50 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

TITLE SHEET

PROJECT INFO



CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS/CONDITIONS ON SITE. IMMEDIATELY NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO PERFORMING ANY WORK OR BE RESPONSIBLE FOR THE SAME.

WI STATUTE 182.0175 (1974) REQUIRES MIN. OF
3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

**PRELIMINARY -
NOT FOR CONSTRUCTION**

DATE: _____

SHEET 11111111

NT.	DATE:	DESCRIPTION:
DP	3/15/2022	REV. A
DP	7/15/2022	REV. B
DP	2/22/2023	REV. C

SHEET
NUMBER



NORTH

CREEK ROAD

RIGHT OF WAY

PROPERTY LINE

PROPOSED 18" DIA., 30' LONG CMP
CULVERT @ 1% MIN. SLOPE; LENGTH
INCLUDES APRON ENDWALLS

EXTENTS OF PROPOSED 30' WIDE VB BTS II
ACCESS AND UTILITY EASEMENT

PROPOSED 12'-0" WIDE
GRAVEL ACCESS DRIVE

PROPOSED 100' x 100'
VB BTS II LEASE AREA

PROPOSED 50' x 50'
FENCED COMPOUND

PROPOSED UNDERGROUND
UTILITY CONDUIT ROUTING

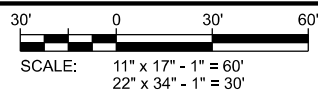
75' WETLAND SETBACK

PROPOSED MONOPOLE
DESIGNED BY OTHERS;
SEE T-201 FOR DETAILS

WETLAND BOUNDARY PER DELINEATION
COMPLETED ON 6/6/2022 BY STEIGERWALDT
LAND SERVICES, INC.

EXCEPTION NO. 11
APPROXIMATE LOCATION OF A
20' WIDE ACCESS EASEMENT PER
DOCUMENT NO. 1673165 & NO. 1779691

APPROX. TOWER LOCATION



CONS: **Section 6, Item G.**

Edge
Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
608.644.1549 FAX
www.edgeconsult.com

CLIENT:

verticalbridge
VB BTS II, LLC
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

SITE PLAN
US-WI-5446 KRONENWETTER
KRONENWETTER, WISCONSIN

SHEET TITLE:

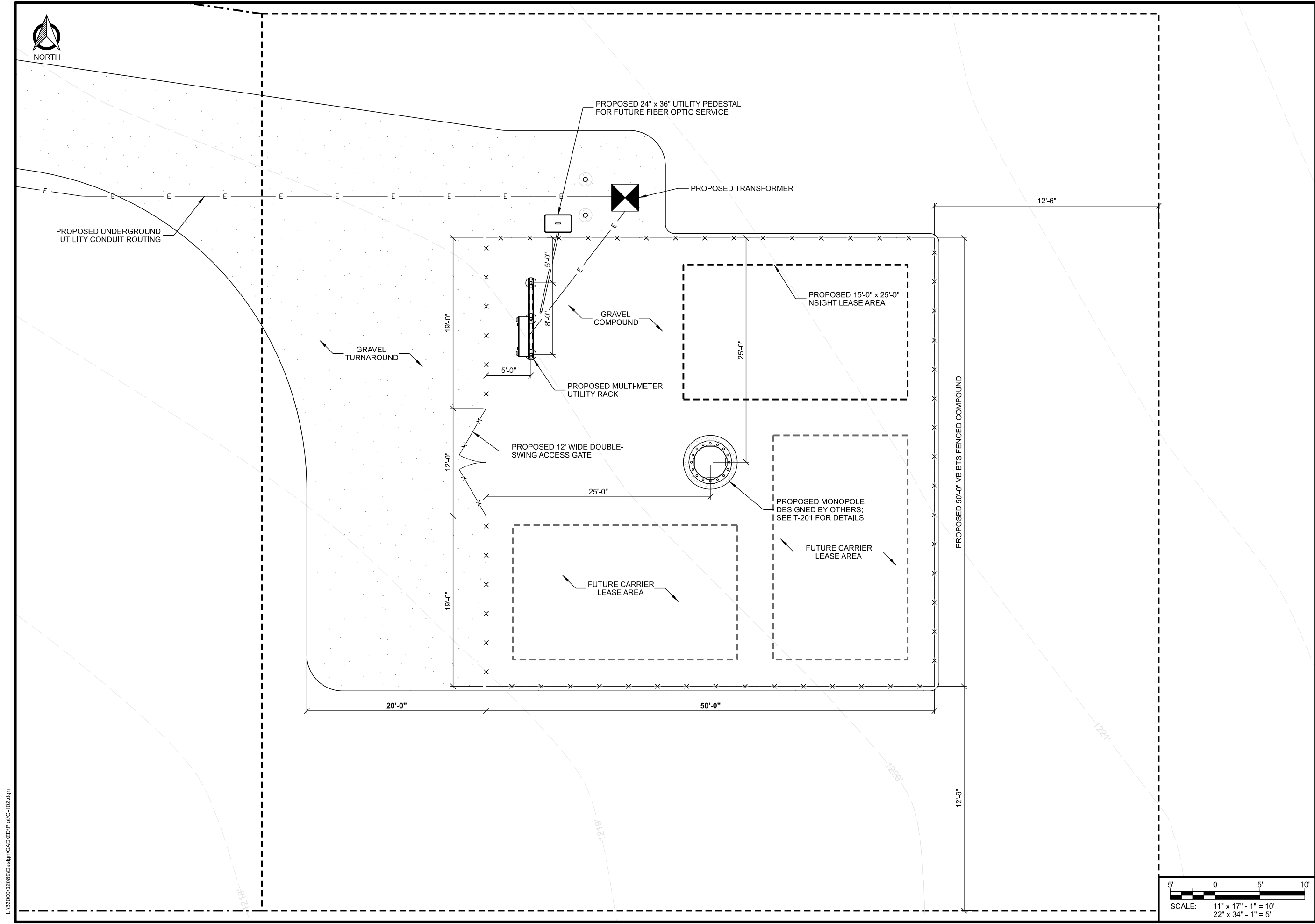
SUBMITTAL:		
INT.	DATE:	DESCRIPTION:
ADP	3/15/2022	REV. A
ADP	7/15/2022	REV. B
ADP	2/22/2023	REV. C

CHECKED BY:	KCB
PLOT DATE:	2/22/2023
PROJECT NUMBER:	32089
SET TYPE:	PRELIM. DWGS.

SHEET NUMBER:	C-10
	46



NORTH



L:\32000\32089\Design\CAD\2D\Plot\C-102.dgn

CONS

Section 6, Item G.

Edge Consulting Engineers, Inc.
624 WATER STREET
PRAIRIE DU SAC, WI 53578
608.644.1449 VOICE
608.644.1549 FAX
www.edgeconsult.com

CLIENT:

VB BTS II, LLC
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

SHEET TITLE:

ENLARGED SITE PLAN
US-WI-5446 KRONENWETTER
KRONENWETTER, WISCONSIN

SUBMITTAL:

INT.	DATE:	DESCRIPTION:
ADP	3/15/2022	REV. A
ADP	7/15/2022	REV. B
ADP	2/22/2023	REV. C

CHECKED BY:

KCB

PLOT DATE:

2/22/2023

PROJECT NUMBER:

32089

SET TYPE:

PRELIM. DWGS.

SHEET NUMBER:

C-1047

SCALE:

11" x 17" - 1" = 10'
22" x 34" - 1" = 5'

5' 0 5' 10'

© EDGE CONSULTING ENGINEERS, INC.

CLIENT:



VB BTS II, LLC
750 PARK OF COMMERCE DRIVE
SUITE 200
BOCA RATON, FL 33487

SITE ELEVATION

US-WI-5446 KRONENWETTER KRONENWETTER, WISCONSIN

SHEET TITLE:

SUBMITTAL:

INT.	DATE:	DESCRIPTION:
ADP	3/15/2022	REV. A
ADP	7/15/2022	REV. B
ADP	2/22/2023	REV. C

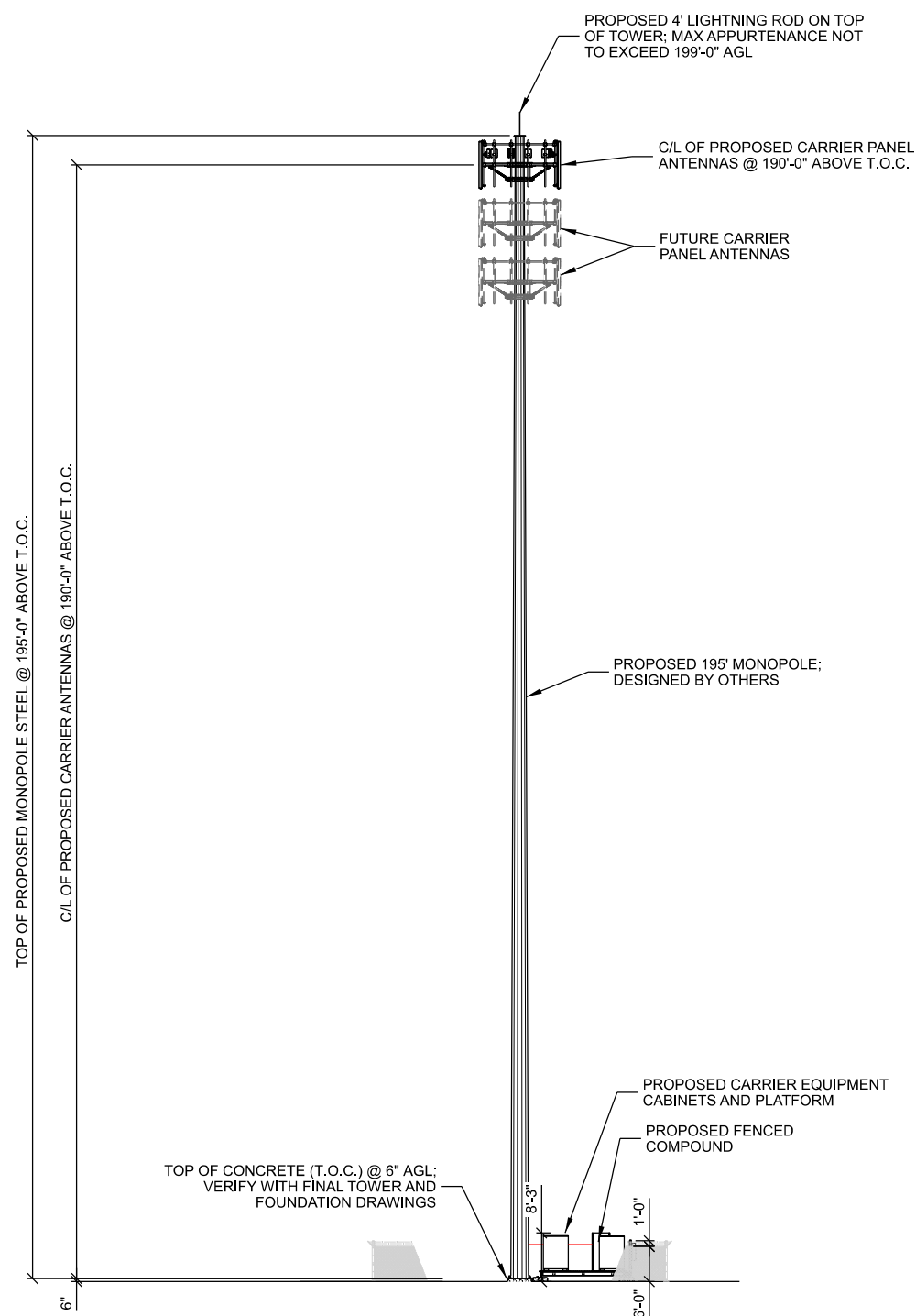
CHECKED BY	KCB
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PLOT DATE	2/22/2023
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PROJECT NUMBER	32089
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SET TYPE	PRELIM. DWGS.
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SHEET NUMBER	T-20	48
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NOTES:

1. ANCHOR BOLTS AND NUTS TO BE MARKED WITH INDELIBLE INK, 1/8" LINE.

A

SITE ELEVATION

SCALE: 11" x 17" - 1" = 30'-0"
22" x 34" - 1" = 15'-0"

CONFIRMATION



435 E. Walnut
Green Bay, WI 54301
(888)774-7744

KRONENWETTER VILLAGE OF
1582 KRONENWETTER DR
KRONENWETTER WI 54455-7268

Account	AD#	Net Amount	Tax Amount	Total Amount	Payment Method	Payment Amount	Amount Due
GWM-KRO255	0005684358	\$55.63	\$0.00	\$55.63	Credit Card	\$0.00	\$55.63

Sales Rep: tmondloch

Order Taker: cscheidern

Order Created 04/27/2023

Product	# Ins	Start Date	End Date
GWM-WDH-Wausau Daily Herald	2	05/01/2023	05/07/2023
GWM-WDHW-Wausau Daily Herald Digital	2	05/01/2023	05/07/2023

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 04/27/2023

PUBLIC HEARING
VILLAGE OF KRONENWETTER PLAN
COMMISSION

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, May 15 at 6:00 P.M., at the Kronenwetter Municipal Center, 1582 Kronenwetter Drive, Kronenwetter, WI 54455, to hear and consider the following:

**CONDITIONAL USE PERMIT
REQUEST (BIENIEK)**

VB BTS, LLC – Mike Bieniek, ACIP - Agent, 10700 W. Higgins Road, Suite 240, Rosemont, IL request a conditional use permit for a Communication Tower to be built on the property of 1898 Creek Road, Mosinee WI, 54455 with a AR Zoning district. Legal description of this property: SEC 09-27-08 NW ¼, SW ¼, SECTION 9, T27N, R8E, Parcel 145-2708-0930-998 VILLAGE OF KRONENWETTER, MARATHON COUNTY, WISCONSIN.

Written testimony may be forwarded to the Village of Kronenwetter Plan Commission, William Gau, 1582 Kronenwetter Drive, Kronenwetter, WI 54455 or emailed to wgau@kronenwetter.org before the time of the hearing. All interested persons will be given an opportunity to be heard at the hearing. For questions and more information, please contact the Village prior to the meeting.

William Gau
Dated this May 1, 2023
Run: May 01, 07, 2023 WNAXLP



REPORT TO PC

ITEM NAME: Article VII.
Floodplain Overlay Zoning
Districts Chapter 520
(Section 1.0 -10.0)
MEETING DATE: May 15,
2023
PRESENTING COMMITTEE:
Planning Commission
COMMITTEE CONTACT:
STAFF CONTACT: Peter S.
Wegner CDPZD
PREPARED BY: Peter S.
Wegner CDPZD

ISSUE: Discussion and Recommendation: The Flood Insurance Study Report and Flood Insurance Rate Map for the Village of Kronenwetter has been revised by a Letter of Map Revision (LOMR). Effective January 13, 2023. As a result, for floodplain management purposes the Village is required to adopt the LOMR and update their current ordinance language.

OBJECTIVES: Review/approve draft 5/15/2023 and direct staff to schedule a public hearing.

ISSUE BACKGROUND/PREVIOUS ACTIONS: The Committee reviewed/approved proposed changes on 2/20/2013 and 3/13/2023. Staff sent revisions to the DNR for their review on 3/1/2023, 3/8/2023 and 3/16/2023. The DNR submitted a response with required changes on 3/22/2023. The majority of their comments/concerns related to format of model sections vs. local sections of the ordinance. As a result, to achieve compliance/approval from DNR and FEMA staff revised the ordinance to match the Model Floodplain Ordinance. A draft (the one being reviewed today) reflecting these changes was sent to the DNR on 4/24/2023 and was approved by the DNR on 5/5/2023.

See the attached draft 5/15/2023

RECOMMENDED ACTION: Committee approval to forward Floodplain Ordinance revisions to a public hearing.

OTHER OPTIONS CONSIDERED: N/A

TIMING REQUIREMENTS/CONSTRAINTS: N/A

ATTACHMENTS (describe briefly): Draft 5/15/2023 Repeal and recreate Chapter(s) 520-40 through 520-49 and Replace with Chapter 520 Sections 1.0 through 10.0.

5/15/2023 Draft

Article VII. Floodplain Overlay Zoning Districts

Chapter 520 Zoning

Repeal and recreate Chapter(s) 520-40 through 520-49 and Replace with Chapter 520 Sections 1.0 through 10.0

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

1.1 STATUTORY AUTHORIZATION

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

1.2 FINDING OF FACT

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

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to:

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

1.4 TITLE

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

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

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

(2) OFFICIAL MAPS & REVISIONS

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

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

1. Flood Insurance Rate Map (FIRM), panel numbers: 55073C0629F, 55073C0631F, 55073C0632F, 55073C0633F, 55073C0634F, 55073C0641F, 55073C0642F, 55073C0645F, 55073C0651F, 55073C0652F, 55073C0653F, 55073C0654F, 55073C0660F, 55073C0661F, 55073C0662F, 55073C0663F, 55073C0664F, 55073C0670F, and 55073C0700F, dated July 22, 2010.
2. Flood Insurance Study (FIS) for Marathon County, Wisconsin, and Incorporated Areas, Volume 55073CV000B, dated September 28, 2018.

3. Letter of Map Revision (LOMR) Case #21-05-4158P, issued August 31, 2022, effective January 13, 2023.

Approved by: The DNR and FEMA

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

1. Flood Storage Maps: Areas labeled "Flood Storage District Reservoir 0", "Flood Storage District Reservoir 1", "Flood Storage District Reservoir 2", "Flood Storage District Reservoir 3", "Flood Storage District Reservoir 4", "Flood Storage District Reservoir 5", and "Flood Storage District Reservoir 6" on the maps accompanying LOMR #21-05-4158P shall be regulated as Flood Storage District (FSD) as established by this ordinance.

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

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

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

(4) LOCATING FLOODPLAIN BOUNDARIES

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

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

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.
- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - 1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation;
 - 2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F;
- c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

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

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

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

source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

- a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 for villages; or s. 87.30, Stats which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

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

(10) WARNING AND DISCLAIMER OF LIABILITY

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

(11) SEVERABILITY

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

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

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

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

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

- 1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:
 - a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- b. be constructed with flood-resistant materials;
 - c. be constructed by methods and practices that minimize flood damages; and
 - d. Mechanical and utility equipment must be elevated to or above the flood protection elevation.
- 2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:
- a. such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
 - b. public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. adequate drainage is provided to reduce exposure to flood hazards.

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

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

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

2.2 WATERCOURSE ALTERATIONS

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

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

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

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

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

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

- 1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- 2) A land use permit for the campground is issued by the zoning administrator;
- 3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- 4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;
- 5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;
- 6) All mobile recreational vehicles placed on site must meet one of the following:
 - a. Be fully licensed, if required, and ready for highway use; or
 - b. Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or
 - c. Meet the requirements in either s. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;

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

- 7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section;
- 8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- 9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and
- 10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and

11) Standards for structures in a campground:

- a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, 5.1, or 5.3 for the floodplain district in which the structure is located;
- b. Deck/landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
- d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).
- e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).

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

1.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

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

3.2 PERMITTED USES

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

- they are not prohibited by any other ordinance;
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport

landing strips.

- 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
- 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- 7) Public utilities, streets and bridges that comply with s. 3.3(3).
- 8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- 10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1) GENERAL

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

2) STRUCTURES

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

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;
 - 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and;
 - 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement;
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 - 1. The lowest floor must be elevated to or above the regional flood elevation;
 - 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 - 4. The use must be limited to parking, building access or limited storage.
- g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 - 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - 2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5);
 - 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and

5. Placement of utilities to or above the flood protection elevation.

3) **PUBLIC UTILITIES, STREETS AND BRIDGES**

Public utilities, streets and bridges may be allowed by permit, if:

- a. Adequate floodproofing measures are provided to the flood protection elevation; and
- b. Construction meets the development standards of s. 2.1.

4) **FILLS OR DEPOSITION OF MATERIALS**

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

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

3.4 PROHIBITED USES

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

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

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

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

4.2 PERMITTED USES

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

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

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

(1) RESIDENTIAL USES

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

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

(2) ACCESSORY STRUCTURES OR USES

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

(3) COMMERCIAL USES

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

(4) MANUFACTURING AND INDUSTRIAL USES

In addition to s. 2.0, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

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

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

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

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

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

(10) DEPOSITION OF MATERIALS

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

(11) MANUFACTURED HOMES

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

(12) MOBILE RECREATIONAL VEHICLES

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

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

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

5.0 OTHER FLOODPLAIN DISTRICTS**5.1 GENERAL FLOODPLAIN DISTRICT (GFP)****1) APPLICABILITY**

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

2) FLOODWAY BOUNDARIES

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

3) PERMITTED USES

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

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

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

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

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

5) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

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

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

5.2 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.

(1) APPLICABILITY

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(2) PERMITTED USES

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 4.3.

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

- a. 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.
- b. 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.
- c. 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 s. 8.0 *Amendments* of this ordinance.
- d. 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.

3.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
 - b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:
- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of

any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the

following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

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

2. Nonresidential Structures

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

6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements;
 - b) Meets the requirements of s. 6.1;

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

6.3 FLOODFRINGE DISTRICT

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

- e) Flood velocities shall not exceed two feet per second; and
 - f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.
 - 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE DISTRICTS

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2(3) are met.

7.0 ADMINISTRATION

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

1.1 ZONING ADMINISTRATOR

1) DUTIES AND POWERS

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

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d) Keep records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations;
 - 3. Floodproofing certificates.
 - 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 5. All substantial damage assessment reports for floodplain structures.
 - 6. List of nonconforming structures and uses.
- e) Submit copies of the following items to the Department Regional office:
 - 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 - 2. Copies of case-by-case analyses and other required information.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
 - f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
 - g) Submit copies of amendments to the FEMA Regional office.
- 2) LAND USE PERMIT
- A land use permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:
- a) GENERAL INFORMATION
 1. Name and address of the applicant, property owner and contractor;
 2. Legal description, proposed use, and whether it is new construction or a modification;
 - b) SITE DEVELOPMENT PLAN

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

 1. Location, dimensions, area and elevation of the lot;
 2. Location of the ordinary highwater mark of any abutting navigable waterways;
 3. Location of any structures with distances measured from the lot lines and street center lines;
 4. Location of any existing or proposed on-site sewage systems or private water supply systems;
 5. Location and elevation of existing or future access roads;
 6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
 7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
 9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).
 - c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

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

the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

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

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

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

 - i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
 - ii. channel sections must be surveyed.
 - iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - v. the most current version of HEC-RAS shall be used.
 - vi. a survey of bridge and culvert openings and the top of road is required at each structure.
 - vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
 - viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
 - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
- c. Mapping

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

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

2. Zone AE Floodplains

a. Hydrology

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

b. Hydraulic model

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

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

c. Mapping

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

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

d) EXPIRATION

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

3) CERTIFICATE OF COMPLIANCE

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

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.
 - e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
 - f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).
- 4) **OTHER PERMITS**
Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

- 1) The Village of Kronenwetter Planning Commission shall:
 - a) oversee the functions of the office of the zoning administrator; and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.
 - c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- 2) The Village of Kronenwetter Planning Commission shall not:
 - a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
 - b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF APPEALS

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

1) POWERS AND DUTIES

The Board of Appeals shall:

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

2) APPEALS TO THE BOARD

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

b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

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

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

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

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

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

3) BOUNDARY DISPUTES

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

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

4) VARIANCE

- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - 1. Literal enforcement of the ordinance will cause unnecessary hardship;
 - 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - 3. The variance is not contrary to the public interest; and
 - 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
 - 1. The variance shall not cause any increase in the regional flood elevation;
 - 2. The applicant has shown good and sufficient cause for issuance of the variance;
 - 3. Failure to grant the variance would result in exceptional hardship;
 - 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
 - 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- c) A variance shall not:
 - 1. Grant, extend or increase any use prohibited in the zoning district;
 - 2. Be granted for a hardship based solely on an economic gain or loss;
 - 3. Be granted for a hardship which is self-created.
 - 4. Damage the rights or property values of other persons in the area;
 - 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.0 *Amendments*; and
 - 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

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

7.5 FLOODPROOFING STANDARDS

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, 4.0, 5.1, or 5.3.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
- a. certified by a registered professional engineer or architect; or
 - b. meeting or exceeding the following standards:
 - 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2. the bottom of all openings shall be no higher than one foot above grade; and
 - 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
- a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - b. Protect structures to the flood protection elevation;

- c. Anchor structures to foundations to resist flotation and lateral movement;
- d. Minimize or eliminate infiltration of flood waters;
- e. Minimize or eliminate discharges into flood waters;
- f. Placement of essential utilities to or above the flood protection elevation; and
- g. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access or limited storage.

7.6 PUBLIC INFORMATION

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

8.0 AMENDMENTS

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

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

8.1 GENERAL

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

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

8.2 PROCEDURES

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

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

9.0 ENFORCEMENT AND PENALTIES

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

10.0 DEFINITIONS

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

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
9. BREAKAWAY WALL – A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.
10. BUILDING – See STRUCTURE.
11. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
12. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
13. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
14. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
15. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
16. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building,

generally less than five feet in height, used for access to plumbing and electrical utilities.

17. **DECK** – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
18. **DEPARTMENT** – The Wisconsin Department of Natural Resources.
19. **DEVELOPMENT** – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
20. **DRYLAND ACCESS** – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
21. **ENCROACHMENT** – Any fill, structure, equipment, use or development in the floodway.
22. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** – The federal agency that administers the National Flood Insurance Program.
23. **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.
24. **FLOOD or FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - The overflow or rise of inland waters;
 - The rapid accumulation or runoff of surface waters from any source;
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
25. **FLOOD FREQUENCY** – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
26. **FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
27. **FLOOD HAZARD BOUNDARY MAP** – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
28. **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and

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

29. **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
30. **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
31. **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
32. **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.
33. **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
34. **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
35. **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
36. **FLOODWAY** – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
37. **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
38. **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human habitation.
39. **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
40. **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
41. **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
42. **HISTORIC STRUCTURE** – Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
43. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
44. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
45. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
46. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).
47. MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
48. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
50. 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.
51. 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.
52. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as

temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

53. **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.
54. **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
55. **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
56. **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.
57. **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.
58. **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
59. **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1988 adjustment.
60. **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean sea level datum, 1929 adjustment.
61. **NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
62. **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
63. **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
64. **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
65. **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in

regional flood height.

66. **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this ordinance, as described in s. 1.5(2), which has been approved by the Department and FEMA.
67. **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not involving structures.
68. **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.
69. **PERSON** – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
70. **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
71. **PUBLIC UTILITIES** – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
72. **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.
73. **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.
74. **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
75. **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

76. **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
77. **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
78. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
79. **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.
80. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
81. **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
82. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
83. **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
84. **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.