

POSTED DATE: February 20, 2025
Board Members: all meeting attendance (or absence) must be confirmed with a response.
Please RSVP your attendance to this meeting ASAP to 920-846-4505 or dclerk@ci.ocontofalls.wi.us

**NOTICE OF HEARING
CITY OF OCONTO FALLS
ZONING BOARD OF APPEALS**

**Council Chambers - Municipal Building
500 N. Chestnut Avenue
Oconto Falls, WI 54154**

WEDNESDAY, MARCH 12, 2025 – 12:00 PM

PLEASE TAKE NOTICE that the City of Oconto Falls Zoning Board of Appeals will hold a hearing on the request of Rapids Housing LLC to be granted a variance from the Oconto Falls sideline setback zoning requirements. This relates to placing a trailer located at 249 Birch Avenue Oconto Falls, WI. Keaton Schultz, park owner wishes to place a trailer on Lot 25 19 ½ feet from the lot line. The zoning ordinance states that such structures are to be a minimum of 30 feet from the lot line.

The hearing will be held at the Oconto Falls City Council Chambers, 500 N. Chestnut Ave., Oconto Falls, WI 54154. The hearing is open to the public. The date of the hearing is Wednesday March 12, 2025, at 12:00 P.M.

Zoning Board of Appeals

By:



City Administrator Clerk-Treasurer Peter Wills

*A quorum of the Common Council may be in attendance of this meeting.

Notice was given to the public and adjoining property owners of this hearing at least 15 days prior to this open meeting - Notice was forwarded to newspapers and any news media who have requested the same – Notice was posted at City Hall, Oconto Falls Community Library, and on the City website at www.ci.ocontofalls.wi.us.
Any person wishing to attend the meeting who requires special accommodations because of a disability should contact the Clerk's office at 920-846-4505 with adequate notice so appropriate accommodations can be made.

§ 480-4. Zoning districts.

- A. Zoning districts are provided as follows:¹
- (1) Single-Family Residence (R-1).
 - (2) Multiple-Family Residence (R-2).
 - (3) General Commercial (C-1).
 - (4) Industrial (I-1).
 - (5) Industrial - Commercial (I-2).
 - (6) Special Purpose (SP).
 - (7) Conservancy (CON).
 - (8) Agricultural (A).
- B. The land uses and minimum standards set forth in the following sections of this article apply to the districts delineated on the Zoning District Map.

§ 480-5. Zoning district boundaries.

- A. Where the designation on the map indicates that the various districts are approximately bounded by a street, road or alley line, such street, road or alley line shall be construed to be the district boundary line, unless provisions to the contrary are expressly indicated. In general, the line so construed shall be the center line of the right-of-way of the street, road, or alley, unless some other provision is expressly indicated.
- B. Where the district boundaries are not otherwise indicated, and where the district boundaries approximately follow section lines, quarter section lines, or other logical subdivisions of sections, such section lines or other such lines shall be construed to be the district boundary line.
- C. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines, and where the designations on the map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.
- D. In unsubdivided property, the district boundary shown on the map shall be determined by use of the scale shown on such map.

§ 480-6. Single-Family Residence District (R-1). [Amended 11-16-1979; 7-11-2023 by Ord. No. 23-005]

- A. The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. The following uses of land are permitted in this district:
- (1) Single-family dwellings.
 - (2) Private garages for each residential parcel.
 - (3) Accessory buildings. (See § 480-83, Article XI).
 - (4) Unlighted signs of up to eight square feet for advertisements for the lease or sale of the premises, provided that all such signs must be located directly on the building involved or at least 15 feet from the nearest public sidewalk or street. Architecturally pleasing signs at entrances to distinctive residential areas may be permitted upon specific approval of the Planning Commission.
 - (5) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance.
 - (6) One unoccupied trailer or motor home vehicle located so as not to violate yard requirements, except that the occasional use by guests shall not be restricted.
- C. The following are permitted as conditional uses within this district:
- (1) Customary home occupations, including window signs advertising the occupation, provided that they are no larger than two square feet and placed inside.
 - (2) Such other uses as may be approved by the Planning Commission.
- D. Within the R-1 District the following standards shall apply:
- (1) Maximum building height: 35 feet.
 - (2) Minimum front yard setback: 30 feet.
 - (3) Minimum rear yard setback:
 - (a) Principal buildings: 25 feet.
 - (b) Accessory buildings: 7.5 feet.
 - (4) Minimum side yard setback, principal and accessory buildings: 7.5 feet each side.
 - (5) Minimum average lot width (this does not pertain to existing platted lots): 90 feet.
 - (6) Minimum lot area: 10,800 square feet.
 - (7) Minimum floor area, residential structure: 1,000 square feet.
 - (8) Off-street parking, residential minimum: one space.
 - (9) The minimum lot width for the construction of a duplex on an existing platted lot shall be 90 feet. The minimum lot width for the construction of a duplex on an unplatted lot shall be 100 feet.

Pd 610⁰⁰
#007191

CITY OF OCONTO FALLS

ZONING COMPLIANCE PERMIT APPLICATION

- SITE PLAN REVIEW REQUEST
- PLANNING COMMISSION REQUEST
- APPLICATION FOR ZONING VARIANCE
- APPLICATION FOR ZONING DISTRICT CHANGE
- APPLICATION FOR CONDITIONAL USE PERMIT

LEGIBLE PRINTING REQUIRED

APPLICATION NO:

25 - _____
(Year) (Number)

APPROVED

DENIED

Date: _____, 20__

APPLICANT: RAPIDS HOUSING LLC HOME TELEPHONE NO: _____

APPLICANT'S CONTACT PERSON: Keaton Schultz DAY TELEPHONE NO: 715-498-1297

APPLICANT'S ADDRESS: P.O. BOX 804, Stevens Point, WI 54481

Name of Property Owner (If different than Applicant): _____

Street Address: 249 Birch Avenue

Legal Description: SEE ATTACHED DEED.

Parcel (Tax) Number: 2660607314484

REASON FOR APPLICATION: (Attach copy of plot plan or provide sketch on reverse side of application)

A variance from the 30' Front Yard Setback is being requested to stay consistent with existing conditions, for bringing a new home into a location where a home once existed. See attached proposed map, and GIS Aerial Map which shows a home located at this location in 2004. Additionally, it does not appear the homes to the east meet this setback requirement, and feel this proposed home would stay consistent with existing conditions.

[Signature]
Applicant's Signature

12-6-2024
Date

Property Owner's Signature (If different than applicant)

Date

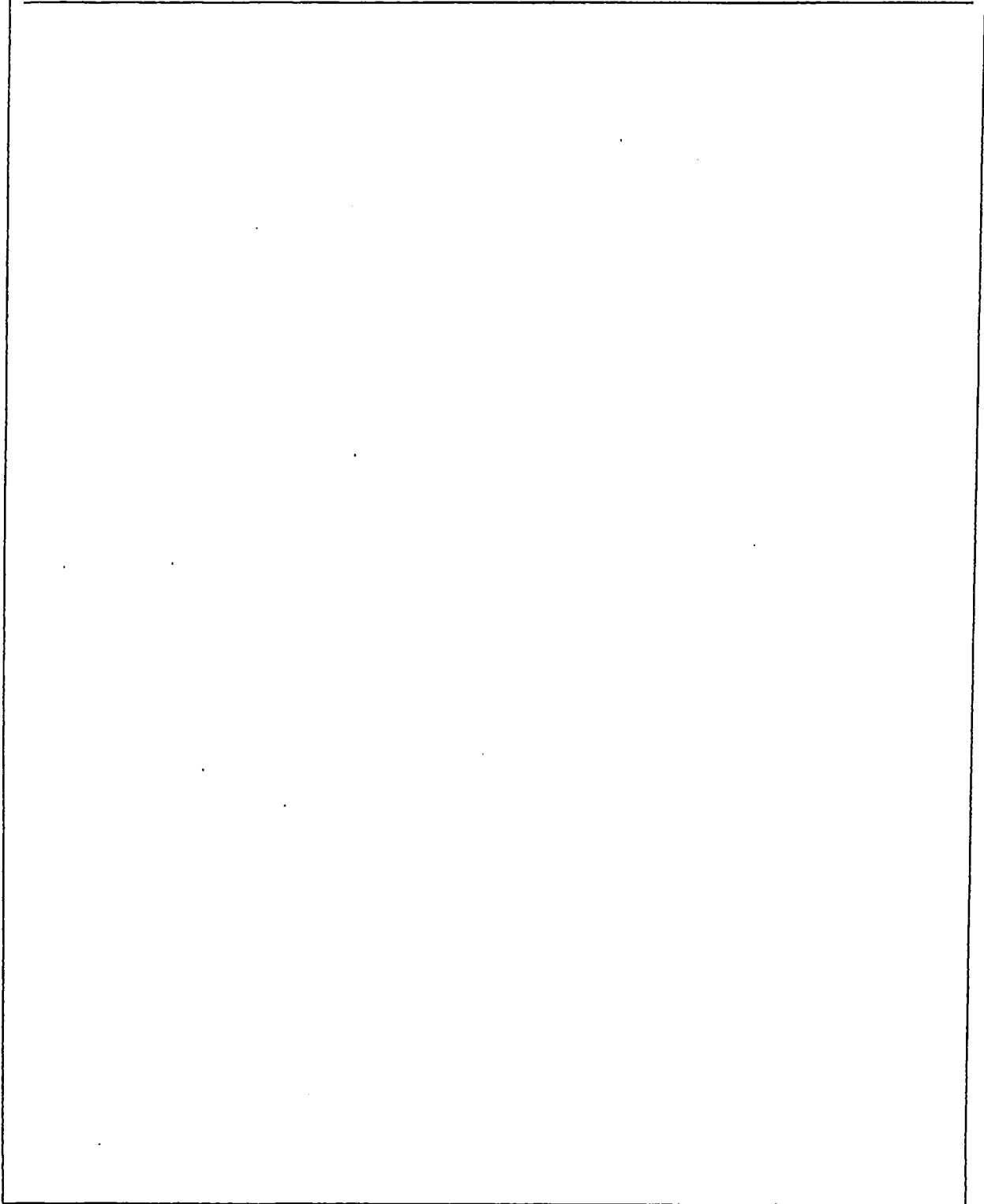
Application considered at the _____ meeting of the City Council.

APPLICATION APPROVED Action recorded in Volume _____ Page _____ of minutes.

APPLICATION DENIED _____
City Clerk Date

DIAGRAM OF PLOT PLAN

The City Zoning Ordinance states all applications for a Zoning Compliance Permit will submit a plot plan of the subject property.





Point of Beginning

4941 Kirschling Court, Stevens Point, WI 54481
1497 6th Street - Suite C, Green Bay, WI 54304
1261 W Main Street - Suite 102, Sun Prairie, WI 53590

TRANSMITTAL

DATE:	12/10/2024
PROJECT:	24.4032
ATTN:	Building Inspector
RE:	Variance Request

TO: City of Oconto Falls
Building Inspector
500 N Chestnut Ave
Oconto Falls, WI 54154

<input type="checkbox"/> Correspondence	<input type="checkbox"/> Drawings	<input type="checkbox"/> Project Information
<input type="checkbox"/> Project Manual / Specifications	<input type="checkbox"/> Agreement for Services	<input type="checkbox"/> Other: Request for Services
<input checked="" type="checkbox"/> Other: <i>Application Fee</i>	<input type="checkbox"/> Other: <i>(right-click>delete cells)</i>	<input type="checkbox"/> Other: Request for Services

<input type="checkbox"/> For Recording	<input type="checkbox"/> For Review and Comment	<input type="checkbox"/> Signed Contract
<input type="checkbox"/> For Your Records	<input type="checkbox"/> Please sign and return	<input checked="" type="checkbox"/> As Requested

No. of COPIES	DATED	DESCRIPTION OF ITEM
1	12/6/2024	Zoning Compliance Permit Application
1	12/6/2024	Layout Plan
1	12/10/2024	Check

COMMENTS

Please reach out to Jim Lundberg with any questions or concerns.
715-344-9999

SIGNED

CC

CITY OF OCONTO FALLS
500 N CHESTNUT AVENUE
PO BOX 70
OCONTO FALLS WI 54154

920-846-4505

Receipt No: 1.000032

Jan 8, 2025

Point of Beginning

BUILDING PERMITS - BDG PERMIT -249 BIRCH, VARIANCE	610.00
<hr/>	
Total:	610.00
<hr/>	
CHECKS Check No: 007191	610.00
Total Applied:	610.00
<hr/>	
Change Tendered:	.00
<hr/>	

Duplicate Copy

01/08/2025 11:17 AM

Chapter 335. Mobile Homes and Travel Trailers

§ 335-1. General provisions.

- A. In accordance with the authority granted by §§ 62.23 and 66.0435, Wis. Stats., and for the purposes listed in those sections, the City of Oconto Falls, Wisconsin, ordains these regulations for the placement and parking of mobile homes within the City. The provisions of this chapter shall be held to be the minimum licensing standards required for the establishment and operation of mobile home parks, mobile home subdivisions, travel trailer parks and campgrounds adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the City of Oconto Falls.
- B. This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes more severe restrictions.
- C. It is the intention of this chapter that it shall complement and be harmonious with Chapter 480, Zoning, of this Code. Any portion of this chapter which is in conflict with Chapter 480, Zoning, shall be null and void.

§ 335-2. Definitions.

The terms listed below, when used in this chapter, shall be defined as follows. Other terms shall be defined as set forth in Chapter 480, Zoning, of this Code if defined therein.

COMMON AREA

Any area or space designed for joint use of tenants occupying a mobile home park.

LICENSE

A written license issued by the City of Oconto Falls allowing a person to operate and maintain a mobile home park under the provisions of this chapter and regulations hereunder.

LICENSEE

Any person licensed to operate and maintained a mobile home park under this chapter.

MOBILE HOME

A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, contains of a body width exceeding eight feet, six inches and is designed, equipped, and used primarily for permanent, long-term sleeping, eating and living quarters, or is intended to be so used, and includes any attachments, additions, annexes, foundations and appurtenances.

MOBILE HOME STAND

That part of an individual lot that has been reserved for the placement of one mobile home unit. The mobile home stand is generally paved with concrete.

MOBILE HOME SUBDIVISION

A residential subdivision designed for the placement of one single-family mobile home on each lot; said lots are owned separately, and said subdivision shall consist entirely of mobile homes.

PERSON

Any individual, partnership, firm, company or corporation, whether tenant, owner, lessee, or licensee, or his or its agent, heir or assign.

TRAVEL TRAILER

Vehicular, portable, temporary living quarters used for travel, recreation and vacation which may take one of the following forms:^[1]

- A. A unit built on a chassis having a body width not exceeding eight feet and a body length not exceeding 32 feet;
- B. A unit designed to be mounted on a truck chassis;
- C. A unit constructed as an integral part of a self-propelled vehicle; or

TRAVEL TRAILER PARK

A parcel of land on which two or more spaces are occupied, or intended for occupancy, by travel trailers for transient dwelling purposes. A travel trailer park may also be considered a campground.

UNIT

A mobile home or travel trailer.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 335-3. Parking of mobile homes and travel trailers restricted.

- A. Parking restricted on public lands. Except as provided in this chapter, no person shall park within the City any mobile home or travel trailer on any street, alley, or highway or other publicly owned land.
 - (1) Emergency or temporary stopping or parking of a mobile home or travel trailer is permitted on any street, alley, or highway for not longer than 24 hours, subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, or highway.
 - (2) Special permission extending emergency or temporary stopping or parking of a mobile home or travel trailer may be granted by the Police Chief or his/her designee. This permission may be granted for a period of not to exceed five days, if the issuing official finds that such parking will not interfere with the orderly flow of traffic or be otherwise injurious to the safety or welfare of the City or its inhabitants. Such permission shall be in written form and shall state:
 - (a) The name of the applicant;
 - (b) The owner or lessee of the mobile home or travel trailer;
 - (c) The address and/or location of the temporary parking location of the mobile home or travel trailer;
 - (d) The reason the temporary extension was requested;
 - (e) The dates and hours of the temporary extension; and
 - (f) Such other information as may be appropriate.
- B. Parking restricted on private lands.
 - (1) It shall be unlawful to place, locate, or park any mobile home or travel trailer on any privately owned parcel of land within the City of Oconto Falls except as provided in this chapter. All the permitted uses listed hereunder shall be subject to the restrictions set forth in Chapter 480, Zoning, of this Code applying to conditional use, including those specifying consideration and recommendation by the Planning Commission of the City.

- (a) It shall be lawful to locate one mobile home on each parcel of land, or lot, within an area zoned as a mobile home subdivision in accordance with Chapter 480, Zoning.
 - (b) It shall be lawful to locate mobile homes on a parcel of land within a mobile home park licensed by the City, provided that the mobile home park lies within a properly zoned parcel in conformance with Chapter 480, Zoning.
 - (c) It shall be lawful to locate a travel trailer on a parcel of land within a travel trailer park or campground licensed by the City, provided that the travel trailer park or campground lies within a properly zoned parcel in conformance with Chapter 480, Zoning.
 - (d) It shall be lawful to locate only one travel trailer in an accessory private garage building, or in a rear yard in any residential district within the City of Oconto Falls, provided that said travel trailer shall not be occupied for living quarters and that no business shall be practiced within it while it is so parked or stored.
 - (e) It shall be lawful to locate mobile homes or travel trailers on the premises of appropriately zoned business establishments which are engaged in the sale, rental, leasing, manufacture, or repair of mobile homes or travel trailers.
- (2) The Common Council may issue a special written permit allowing the location and occupancy of a mobile home outside of a mobile home park or mobile home subdivision upon a showing of hardship and/or immediate necessity by the applicant. The permit shall not be issued for a period to exceed 90 days for one lot in any twelve-month period nor for more than one mobile home on any one lot.
- (a) Issuance of a special permit requires the consent of owner, legal agent of the owner, or the lessee of the location for which the special permit is issued.
 - (b) All mobile homes for which special permits are requested shall be inspected and approved for occupancy by the City's Health Officer prior to issuance of the permit. The Health Officer shall advise the Council on the issuance of the permit.
 - (c) Application for the special permit shall be made to the City Administrator - Clerk/Treasurer no later than seven working days prior to the meeting of the Common Council in which the issuance of the permit is to be considered. All applications for special permit shall be accompanied by an inspection fee established by the Common Council.
 - (d) The application shall contain the following information:
 - [1] Name and permanent address of the occupants;
 - [2] Address and location of the permit location;
 - [3] Serial number of the mobile home;
 - [4] Documentation of the owner's and/or occupant's permission to locate on the premises;
 - [5] Statement of the nature and location of sanitary facilities;
 - [6] A statement that all waste from mobile home occupancy shall be disposed of in accordance with the ordinances of the City of Oconto Falls; and
 - [7] If the location is a vacant lot or parcel of land, a statement indicating the nature and location of sanitary facilities and the source of water supply, that these facilities are within 200 feet of the mobile home, and that the owner has given permission for their use.
 - (e) Mobile homes parked in accordance with this Subsection B(2) shall be exempt from the monthly mobile home parking fee.

§ 335-4. Monthly parking fees.

- A. Imposed. There is imposed on each owner of a nonexempt, occupied mobile home in the City a monthly parking fee determined in accordance with § 66.0435(3), Wis. Stats., which is adopted by reference and made part of this section as if fully set forth herein.
- B. City Administrator - Clerk/Treasurer and Assessor informed. Licensees of mobile home parks and owners of land on which are parked any occupied, nonexempt mobile homes shall furnish information to the City Administrator - Clerk/Treasurer and Assessor on such homes added to their park or land within five days after arrival of such homes, on forms furnished by the City Administrator - Clerk/Treasurer in accordance with § 66.0435(3)(c), Wis. Stats.
- C. Collection.
 - (1) Cash deposit. Upon receipt of notice from the City Administrator - Clerk/Treasurer of the liability for the monthly parking permit fee, the owner of a nonexempt, occupied mobile home shall remit to the City Administrator - Clerk/Treasurer a cash deposit of \$25 to guarantee payment of such fees when due to the City Administrator - Clerk/Treasurer. The licensee of each mobile home park shall collect such cash deposit for each occupied, nonexempt mobile home therein and remit such deposits to the City Administrator - Clerk/Treasurer. Upon receipt of a notice from the owner or licensee that such nonexempt, occupied mobile home has been or is about to be removed from the City, the City Administrator - Clerk/Treasurer shall apply such cash deposit to reduce any monthly parking permit fees for which the owner is liable and refund the balance, if any, to the owner.
 - (2) Monthly parking permit fees. The licensee of each mobile home park shall collect the proper monthly parking permit fee from the owner of each mobile home parked therein. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the City Administrator - Clerk/Treasurer such parking permit fees on or before the 10th of the month following the month for which such fees are due in accordance with the terms of this section and such regulations as the Administrator - Clerk/Treasurer shall reasonably promulgate.
- D. Delinquent fees. The collection of delinquent monthly parking fees shall be as provided in § 66.0435(3)(g), Wis. Stats.

§ 335-5. License for mobile home park, travel trailer park or campground.

- A. Required. No person shall establish, operate, or maintain or permit to be established, operated, or maintained upon property owned, leased, or controlled by said owner a mobile home park, travel trailer park, or campground within the City without first securing a license therefor from the Common Council pursuant to this chapter. Such license shall expire at 12:00 midnight on June 30 annually but may be renewed under the provisions of this chapter for additional one-year periods.
- B. Location restricted. An application for the construction of a mobile home park, travel trailer park, or campground shall be considered only when its proposed location is within a district zoned for such use and only after the required conditional use permit has been issued.
- C. Transfer restricted.
 - (1) Licenses for the construction and operation of a mobile home park, travel trailer park, or campground are not transferable.
 - (2) Any change in ownership of the property of said operations requires reapplication for the required license to the Common Council.

- (3) Every person holding a license shall give notice in writing to the City Administrator - Clerk/Treasurer within three days of any change in the management of the park. Such notice shall contain the name, address, and phone number of the new manager and/or management.
 - (4) Every person holding a license shall give notice in writing to the City Administrator - Clerk/Treasurer of any change in ownership of the park prior to the change. Such notice shall contain the name, address, and phone numbers of the new owner(s) and, if more than one, the percent ownership interest of each.
- D. Alteration. Any change in the layout, alteration, or expansion of a mobile home park, travel trailer park or campground shall not begin prior to the application and issuance of the required license modification by the Common Council.

§ 335-6. Application for license.

- A. The application for an original license or a renewal thereof shall be made on forms furnished by the City Administrator - Clerk/Treasurer and shall include:
- (1) Name, address, phone number of the applicant.
 - (2) If the applicant represents a business interest, the names, addresses, and phone numbers of all owners of the business and their respective percentage of ownership.
 - (3) Name, address, and phone number of owner in fee of the tract occupied or to be occupied by the park and, if different from the applicant, a duly verified statement by the owner that the applicant is authorized to construct or maintain the park and submit the application.
 - (4) The name, phone number and address of the on-site manager.
- B. The initial application for any existing, new, or revised mobile home park shall be accompanied by three copies of the complete engineering plans and specifications of the existing park, planned expansion, or proposed park showing but not limited to the following:
- (1) The total area of the tract, including outside dimensions.
 - (2) The number, location and size of all mobile home or travel trailer lots.
 - (3) The location and designation of dependent and independent mobile home spaces.
 - (4) The location of each mobile home stand within each mobile home lot.
 - (5) All property setback lines as well as setbacks for each mobile home lot.
 - (6) The location of all common areas, including the location and square footage, and dimensions and location of all recreational areas.
 - (7) The location and width of all roadways and walkways.
 - (8) The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries, and utility rooms to be used by the occupants of the mobile home park.
 - (9) The location of all fences.
 - (10) The location of all signs.
 - (11) Plans and specifications of all utilities, including sanitary sewage, water distribution, stormwater drainage, electrical, communications, and community antenna systems.
 - (12) Landscape plans for the entire park.
 - (13) Method and plan for solid waste removal and recycling compliance.

- (14) A copy of all park rules and description of method of enforcement.
- (15) Such other plans and specifications and information has may be reasonably required by the governing body.
- C. Any renewal application will contain:
- (1) Copy of the conditional use permit under which the park is operating.
 - (2) Copies of any and all hardship exemptions issued by the Common Council.
 - (3) All changes that have occurred in management of the park since the issuance of the previous license.
 - (4) A copy of all revised park rules and enforcement methods.
- D. All applications shall be submitted to the City Administrator - Clerk/Treasurer for appropriate review a minimum of:
- (1) Thirty days prior to the Council meeting in which review of the license application is expected for initial applications or proposed expansion of existing parks.
 - (2) Forty-five days prior to the expiration of an existing license for renewals of existing licenses.
- E. The application for such license or renewal thereof shall be reviewed by the City Administrator - Clerk/Treasurer for completeness, by the City Administrator - Clerk/Treasurer, Police Chief, and Health Officer for compliance with ordinances and by the City Engineer for construction standards and codes. Upon the completion of the review by municipal officials, the license application or renewal shall be reviewed by the City Planning Commission for recommendation to the Common Council. Upon satisfaction of the Common Council that the operation of the park conforms to municipal ordinances, the Council shall order the license issued.
- F. No application will be reviewed or approved without payment of the following fees:
- (1) Initial application. Nonrefundable construction review fee as set by the Common Council.
 - (2) Annual license fee (in addition to the initial application fee). As set by the Common Council.
 - (3) Late application fee. If an application for renewal of a license is submitted to the City, or postmarked, less than 45 days prior to the expiration of the existing license, a late fee as set by the Common Council will be assessed. If a renewal application is submitted after the expiration of an existing license, the initial application process and fee schedule will apply.^[1]
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (4) Proration. Operation in any fiscal year requires a license. License fees shall not be prorated for a portion of the fiscal year.
 - (5) Other fees. The above-noted fee schedule is separate from zoning compliance permit fees, conditional use fees, and building permit fees that may be imposed.
- G. Any person whose application for a permit under this chapter has been denied may request and shall be granted a hearing on the matter before the Common Council as provided by § 335-8 of this chapter.

§ 335-7. Inspections.

- A. The Common Council is hereby authorized and directed to make such inspection as are necessary to determine satisfactory compliance with this chapter.
- B. The Common Council and its authorized agents shall have the power to enter at reasonable times upon the property of the licensee for the purpose of inspection and investigating conditions related

to enforcement of municipal ordinances.

- C. The Common Council, and its authorized agents, shall have the power to inspect the register containing a record of all residents of each park governed by this chapter.
- D. It shall be the duty of park management to give the Common Council and its authorized agents free access to all areas of the park at reasonable times for purpose of inspection.
- E. It shall be the duty of every park occupant to give the owner thereof, or its agent, access to any part of said park at reasonable times for the purpose of maintenance, repairs, or alterations as are necessary to effect compliance with municipal ordinances.

§ 335-8. Notices and orders; hearings.

- A. Notices and orders. Whenever the Common Council determines that there are reasonable grounds to believe that there has been a violation of municipal ordinances, the Common Council may order the discontinuance of such violation and shall give notice of such alleged violation to the person to whom the permit or license was issued.

(1) Such notice shall:

- (a) Be in writing.
- (b) Include a statement for the reasons of its issuance.
- (c) Allow a reasonable time for the performance of the act it requires.
- (d) Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter.

(2) Such notice and order shall have been properly served when:

- (a) A copy thereof has been sent by certified United States mail to the last known post office address of the licensee as registered with the City Administrator - Clerk/Treasurer;
- (b) The same has been personally served upon the attorney-in-fact of such licensee; or
- (c) The same shall have been served in any other manner as provided by Wisconsin Statutes for the service of process.

B. Hearings.

- (1) Time limit. Any person affected by any notice which has been issued in connection with the enforcement of any provisions of this chapter may request and shall be granted a hearing on the matter before the Common Council, provided that such person shall file in the office of the City Administrator - Clerk/Treasurer a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within 10 days after the date of issue of such notice or order.
- (2) Stay of notice. The filing of the request for a hearing shall operate as a stay of the notice and the order except in the case of an order issued under Subsection C. Upon receipt of such petition, the Common Council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice and order should be modified or withdrawn. The hearing shall commence no later than 10 days after the day on which the petition was filed, provided that, upon application of the petitioner, the Common Council may postpone the date of the hearing for a reasonable time beyond such ten-day period when, in the judgment of the Council, the petitioner has submitted good and sufficient reasons for such postponement.
- (3) Order. Upon the expiration of the time required in such notice or order or after such hearing, as the case may be, the Common Council shall make findings as to compliance with the

provisions of this chapter and shall issue an order in writing sustaining, modifying or withdrawing the notice and order which shall be served as provided in Subsection A. Upon failure to comply with such order, either as sustained or modified, the license of the mobile home park affected by the order may be suspended or revoked.

- C. Emergency order. Whenever the Common Council finds that an emergency exists which requires immediate action to protect the public health, it may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as it may deem necessary to meet the emergency. Notwithstanding any other provisions of this chapter, the person to whom such order is directed shall comply therewith immediately, but upon petition to the Common Council shall be afforded a hearing as soon as possible.^[1]

[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 335-9. Park specifications.

- A. Mobile home parks and travel trailer parks shall be designed to the specifications provided for within Chapter 480, Zoning, of this Code, the Wisconsin Administrative Code and Wisconsin Statutes.
- B. In addition to Subsection A above, the following specifications shall apply:
 - (1) Mobile homes and travel trailers shall only be parked within designated spaces.
 - (2) All mobile home park sidewalks and roadways shall be well lit and unobstructed.
 - (3) All mobile homes shall be skirted within 15 days of placement.
 - (4) The hitch used for pulling the mobile home may protrude into the front yard setback.
 - (5) Mobile home parks shall be served by a private main sanitary sewer connected to the municipal sanitary sewer system.
 - (6) The size of the water service for a mobile home park shall be determined by the number of units served and shall conform to the requirements of Wisconsin Administrative Code and the recommendations of the City Engineer.
 - (7) All mobile homes units, whether parked in mobile home subdivisions or mobile home parks, are required to be secured to the ground via tie-downs. A minimum of two tie-downs shall be provided for each unit. Mobile home units parked in accordance with § 335-3B(2) shall be exempt from the tie-down requirement.

§ 335-10. Management responsibilities.

- A. Park office. In every mobile home park there shall be located the office of the on-site manager or agent in charge of such park. A copy of the park license shall be posted therein. A copy of the current mobile home ordinance, park rules, and park register shall be kept at all times within the park office.
- B. Duties of manager and licensee. The manager, agent in charge and licensee shall together:
 - (1) Keep a register of all occupants which shall be open to inspection by federal, state, and local officials.
 - (a) Said register shall contain:
 - [1] Names of all park occupants.
 - [2] Mobile home serial number and license number.

[3] Automobile license numbers.

- (b) Said register shall identify the lot or address in which each occupant resides.
- (c) A copy of such register, listing all required information and all monthly changes, shall be mailed to the City Administrator - Clerk/Treasurer by park management on or before the 10th day of each month.

- (2) Ensure that the provisions of this chapter are complied with and enforced.
- (3) Provide adequate supervision of the park at all times.
- (4) Maintain and operate the park in conformance with all municipal codes and ordinances and park rules.
- (5) Maintain the park in a well-maintained, clean, orderly, and sanitary condition at all times.
- (6) Distribute a copy of the park rules to all occupants of the park as well as copies of all revisions of park rules and inform occupants of their duties and responsibilities under this chapter.
- (7) Supervise the placement of each mobile home on its mobile home stand, which includes securing its stability and installing all utility connections.
- (8) Collect the monthly parking fee provided for in § 335-4 of this chapter. An account shall be kept showing the names of persons paying said fee and the amount paid.
- (9) Erect and maintain lot number signs on each lot providing the lot number visible from the park access roads containing numerals of a minimum two inches in height.

C. Duties of park occupants.

- (1) Park occupants shall comply with all applicable requirements of this chapter and shall maintain their mobile home lots, their facilities, and equipment in good repair and in a clean and sanitary condition.
- (2) Park occupants shall obey all rules established by park management.
- (3) The park occupant shall be responsible for the proper placement of the mobile home on its mobile home stand and the proper installation and connection of all utilities in accordance with instructions from park management.
- (4) Pets, if permitted in the park, shall be prevented from running at large or committing any nuisance within the limits of any mobile home lot.
- (5) Porches, awnings, and other additions shall be installed subject to the uniform standards established by park management. When installed, they shall be maintained in good repair.
- (6) Fire extinguishers for Class B and C fires shall be kept at the premises and maintained in working condition.

§ 335-11. Exemptions.

- A. Where the Common Council finds that compliance with licensing provisions of this chapter would result in undue hardship, an exemption may be granted at the discretion of the Council, without impairing the intent and purpose of this chapter.
 - (1) Exemptions from any licensing requirement involving design or construction standards shall not be granted without first acquiring a variance from the standard found in Chapter 480, Zoning.
 - (2) Deviations from design, construction and installation provisions shall be brought into compliance with this chapter and requirements of Chapter 480, Zoning, within a reasonable

period of time based on economic feasibility of the required improvement, nature, significance, and extent of deviation, depreciation of material improvement, layout in use or other similar factors.

- B. The time period granted for such an exemption shall begin after the Common Council has given notice of the exemption from this chapter to the person to whom the license or certification was issued.
- C. Gradual improvement to a higher degree of conformity may be permitted at the discretion of the Common Council, provided that there shall be complete conformity at the end of a period prescribed by the Common Council.

§ 335-12. Conflicts with other laws.

In any case where a standard is specified in this chapter which is not in agreement with a corresponding standard in another code or ordinance of the City of Oconto Falls, or in a statute of the State of Wisconsin, the more restrictive standard shall apply.

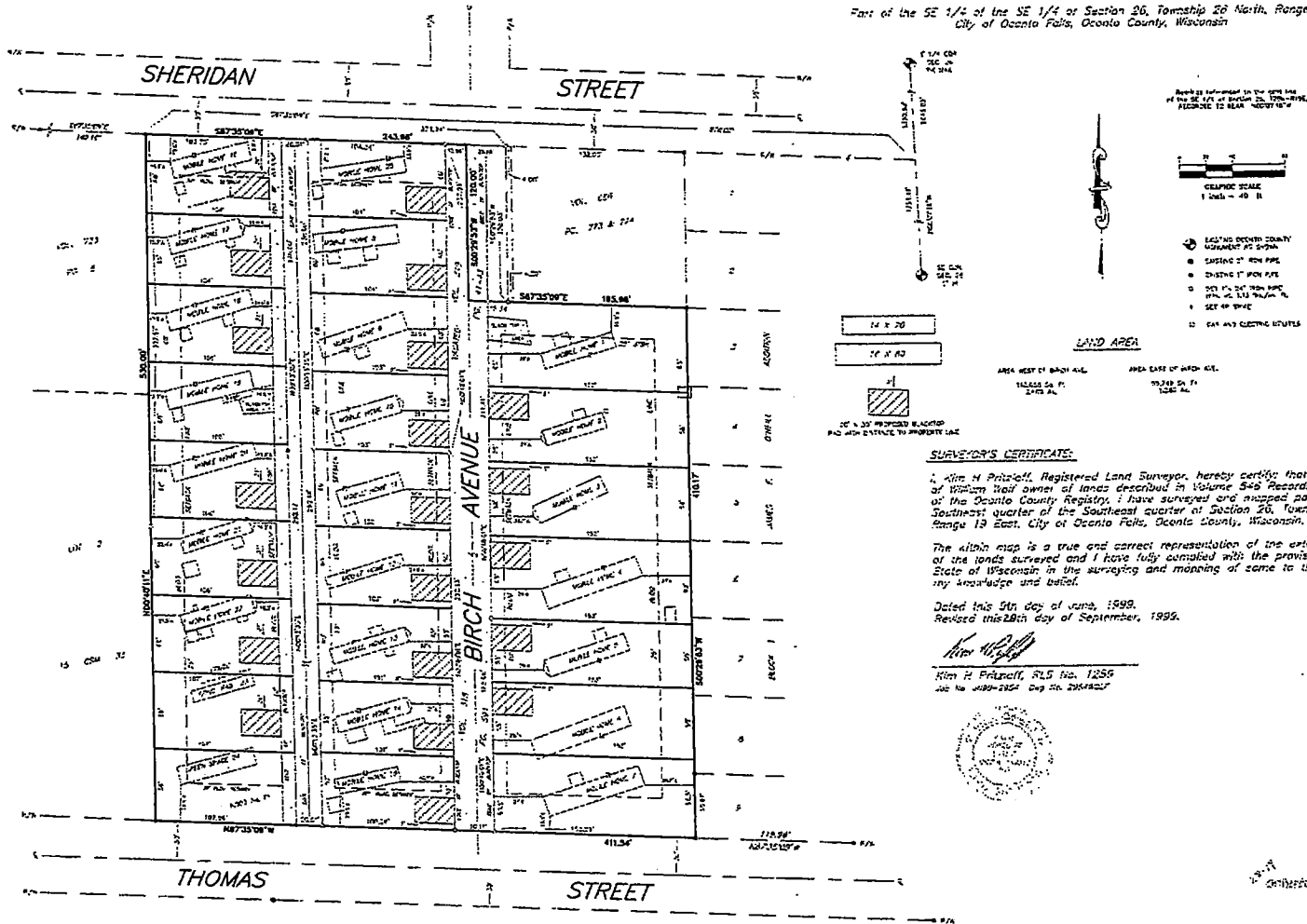
§ 335-13. Violations and penalties.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be subject to a penalty as provided in § 1-9 of this Code. Each day's failure of compliance with any such provision shall constitute a separate violation.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

PLAT OF SURVEY

Part of the SE 1/4 of the SE 1/4 of Section 26, Township 28 North, Range 19 East,
 City of Oconto Falls, Oconto County, Wisconsin



SURVEYOR'S CERTIFICATE:

I, Jim H. Praloff, Registered Land Surveyor, hereby certify that by the order of William Reid owner of lands described in Volume 548 Records, Page 299 of the Oconto County Registry, I have surveyed and mapped part of the Southeast quarter of the Southeast quarter of Section 26, Township 28 North, Range 19 East, City of Oconto Falls, Oconto County, Wisconsin.

The within map is a true and correct representation of the exterior boundaries of the lands surveyed and I have fully complied with the provisions of the State of Wisconsin in the surveying and mapping of same to the best of my knowledge and belief.

Dated this 5th day of June, 1999.
 Revised this 28th day of September, 1999.

Jim H. Praloff
Jim H. Praloff, RLS No. 1256
 Exp. No. 4689-2854 Exp. On 2014-12-31



*City of Oconto Falls, WI
Monday, February 17, 2025*

Chapter 480. Zoning

Article V. Board of Appeals

§ 480-24. Appointment and powers.

- A. A Board of Appeals shall be appointed as specified in § 62.23, Wis. Stats. The members shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. The Board of Appeals shall make and file in the office of the City of Oconto Falls its own rules of procedure consistent with the statutes. It shall have the following powers:
- (1) To hear and decide appeals where it is alleged that the Building Inspector has made an erroneous finding or order.
 - (2) To grant specific variances from the terms of this chapter where it is shown that unique physical circumstances applying to a lot cause hardship to the owner under this chapter and that the variance still will be in fundamental harmony with surrounding uses. The Board may reverse or affirm wholly or in part or may modify any order, requirement, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the Building Inspector. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect a variance. The grounds for every such determination shall be stated and recorded.
- B. No action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district by this chapter.
- C. The minutes of proceedings and hearings before the Board and all variances and special exceptions granted by it shall be filed promptly at the office of the City Administrator - Clerk/Treasurer and shall be open for public inspection during office hours.

City of Oconto Falls, WI
Monday, February 17, 2025

Chapter 260. Floodplain Zoning

§ 260-6.0. Nonconforming uses.

§ 260-6.1. General.

A. Applicability.

- (1) 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 § 87.30, Wis. 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 chapter 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.
- (2) 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.

B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:

- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. 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.
 - (a) 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.
- (2) 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 chapter.
- (3) 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.

- (4) 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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § **260-4.3A**. 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 subsection.
- (5) 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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § **260-4.3A**. 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.
- (6) If on a per-event basis the total value of the work being done under Subsection **B(4)** and **(5)** 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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § **260-4.3A**.
- (7) Except as provided in Subsection **B(8)**, 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.
- (8) 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:
 - (a) Residential structures.
 - [1] 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 § **260-7.5B**.
 - [2] 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.
 - [3] 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.
 - [4] In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 - [5] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § **260-5.1D**.

[6] In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

(b) Nonresidential structures.

[1] Shall meet the requirements of § **260-6.1B(8)(a)[1]** through [6].

[2] 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 § **260-7.5A** or **B**.

[3] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 260-51D.

C. 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 § **260-3.3A**, flood-resistant materials are used, and construction practices and floodproofing methods that comply with § **260-7.5** are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § **260-6.1B(8)(a)** 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.

D. Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:

(1) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;

(2) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;

(3) The nonconforming building is permanently changed to conform to the applicable requirements of § **260-2.0**;

(4) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of §§ **260-3.3A**, **B(2)**, **C**, **D**, and **260-6.2**. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with § **260-5.1E**. If the encroachment is in the floodway, it must meet the standards in § **260-3.3D**;

(5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of §§ **260-4.3** and **260-6.3**;

(6) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in Zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;

(7) Repair or reconstruction of nonconforming structures and substantial improvements of nonresidential buildings in Zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:

(a) Where a nonresidential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of § **260-6.1D(7)** above.

- (b) The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;
- (8) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in Zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
- (a) A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
- (b) The bottom of all openings must be no higher than one foot above the adjacent grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters.
- (9) Manufactured homes that are placed or substantially improved within Zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- (10) Manufactured homes that are placed or substantially improved within Zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;
- (11) Recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:
- (a) Be on site for fewer than 180 consecutive days; or
- (b) Be fully licensed and ready for highway use (a 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 type utilities and security devices, and has no permanently attached additions); or
- (c) Meet the elevation and anchoring requirements for manufactured homes in § **260-6.1D(9)** above;
- (12) In a regulatory floodway that has been delineated on the FIRM in Zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (13) In Zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other

development to meet § **260-6.1D(6)** through **(12)** (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with § 260-5.15. If the encroachment is in the floodway it must meet the standards in § **260-3.3D**. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

- (14) In Zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with § **260-5.1E**. If the encroachment is in the floodway it must meet the standards in § **260-3.3D**. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;
- (15) In Zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or
- (16) In Zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in § **260-6.1D(7)** above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

§ 260-7.3. Board of Appeals.

The Board of Appeals, created by § 62.23(7)(e), Wis. Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this chapter. 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.

A. Powers and duties. The Board of Appeals shall:

- (1) 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 chapter;
- (2) Boundary disputes: Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map; and
- (3) Variances: Hear and decide, upon appeal, variances from the ordinance standards.

B. Appeals to the Board.

- (1) 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.
- (2) Notice and hearing for appeals including variances.

(a) Notice. The Board shall:

- [1] Fix a reasonable time for the hearing;
- [2] Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
- [3] 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.

(b) Hearing. Any party may appear in person or by agent. The Board shall:

- [1] Resolve boundary disputes according to § **260-7.3C**;
- [2] Decide variance applications according to § **260-7.3D**; and
- [3] Decide appeals of permit denials according to § **260-7.4**.

(3) Decision: The final decision regarding the appeal or variance application shall:

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

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

- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
- (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
- (3) 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 § **260-8.0**, Amendments.

D. Variance.

- (1) The Board may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
 - (a) Literal enforcement of the ordinance will cause unnecessary hardship;
 - (b) The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - (c) The variance is not contrary to the public interest; and
 - (d) The variance is consistent with the purpose of this chapter in § **260-1.3**.

- (2) In addition to the criteria in Subsection **A**, to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
- (a) The variance shall not cause any increase in the regional flood elevation;
 - (b) The applicant has shown good and sufficient cause for issuance of the variance;
 - (c) Failure to grant the variance would result in exceptional hardship;
 - (d) 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;
 - (e) The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- (3) A variance shall not:
- (a) Grant, extend or increase any use prohibited in the zoning district;
 - (b) Be granted for a hardship based solely on an economic gain or loss;
 - (c) Be granted for a hardship which is self-created.
 - (d) Damage the rights or property values of other persons in the area;
 - (e) Allow actions without the amendments to this chapter or map(s) required in § **260-8.0**, Amendments; and
 - (f) Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25 per \$100 of coverage. A copy shall be maintained with the variance record.

§ 260-7.4. To review appeals of permit denials.

- A. The zoning agency (§ **260-7.2**) or Board shall review all data related to the appeal. This may include:
- (1) Permit application data listed in § **260-7.1B**;
 - (2) Floodway/floodfringe determination data in § **260-5.1E**;
 - (3) Data listed in § **260-3.3A(2)** where the applicant has not submitted this information to the zoning administrator; and
 - (4) Other data submitted with the application or submitted to the Board with the appeal.
- B. For appeals of all denied permits the Board shall:
- (1) Follow the procedures of § **260-7.3**;
 - (2) Consider zoning agency recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- C. For appeals concerning increases in regional flood elevation the Board shall:
- (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all

appropriate legal arrangements are made with all adversely affected property owners as per the requirements of § 260-8.0, Amendments; and

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

§ 260-9.0. Enforcement; violations and penalties.

Any violation of the provisions of this chapter 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, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

§ 260-10.0. Definitions.

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

A ZONES

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

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.

AH ZONE

See "area of shallow flooding."

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.

AO ZONE

See "area of shallow flooding."

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 one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD

The flood having a one-percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT

Any enclosed area of a building having its floor subgrade on all sides.

BREAKAWAY WALL

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

BUILDING

See "structure."

BULKHEAD LINE

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

CAMPGROUND

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

CAMPING UNIT

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

CERTIFICATE OF COMPLIANCE

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

CHANNEL

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

CRAWLWAYS or CRAWL SPACE

An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

DECK

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

DEPARTMENT

The Wisconsin Department of Natural Resources.

DEVELOPMENT

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

DRYLAND ACCESS

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

ENCROACHMENT

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

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the National Flood Insurance Program.

FLOOD 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.

FLOOD HAZARD BOUNDARY MAP

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

FLOOD INSURANCE RATE MAP (FIRM)

A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD 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.

FLOOD or FLOODING

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

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

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.

FLOOD PROTECTION ELEVATION

An elevation of two feet of freeboard above the regional flood elevation. (Also see "freeboard.")

FLOOD STORAGE

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

FLOODFRINGE

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

FLOODPLAIN

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

FLOODPLAIN ISLAND

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

FLOODPLAIN MANAGEMENT

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

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.

FLOODWAY

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

FREEBOARD

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

HABITABLE STRUCTURE

Any structure or portion thereof used or designed for human habitation.

HEARING NOTICE

Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven 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 (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

HIGH FLOOD DAMAGE POTENTIAL

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

HIGHEST ADJACENT GRADE

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

HISTORIC STRUCTURE

Any structure that is either:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of 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;

- C. 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
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

INCREASE IN REGIONAL FLOOD HEIGHT

A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

LAND USE

Any nonstructural use made of unimproved or improved real estate. (Also see "development.")

LOWEST ADJACENT GRADE

Elevation of the lowest ground surface that touches any of the exterior walls of a building.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement).

MAINTENANCE

The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

MANUFACTURED HOME

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

MOBILE 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."

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING

A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

MODEL, CORRECTED EFFECTIVE

A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

MODEL, DUPLICATE EFFECTIVE

A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

MODEL, EFFECTIVE

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

MODEL, EXISTING (PRE-PROJECT)

A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

MODEL, REVISED (POST-PROJECT)

A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

MUNICIPALITY or MUNICIPAL

The county, city or village governmental units enacting, administering and enforcing this chapter.

NAVD or NORTH AMERICAN VERTICAL DATUM

Elevations referenced to mean sea level datum, 1988 adjustment.

NEW CONSTRUCTION

Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.

NGVD or NATIONAL GEODETIC VERTICAL DATUM

Elevations referenced to mean sea level datum, 1929 adjustment.

NON-FLOOD DISASTER

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

NONCONFORMING STRUCTURE

An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

NONCONFORMING USE

An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies (such as a residence in the floodway.)

OBSTRUCTION TO FLOW

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

OFFICIAL FLOODPLAIN ZONING MAP

That map, adopted and made part of this chapter, as described in § 260-1.5B, which has been approved by the Department and FEMA.

OPEN SPACE USE

Those uses having a relatively low flood damage potential and not involving structures.

ORDINARY HIGH-WATER MARK

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

PERSON

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

PRIVATE SEWAGE SYSTEM

A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

PUBLIC UTILITIES

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

REASONABLY SAFE FROM FLOODING

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

REGIONAL FLOOD

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

START OF CONSTRUCTION

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

STRUCTURE

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

SUBDIVISION

Has the meaning given in § 236.02(12), Wis. Stats.

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% of the equalized assessed value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% 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.

UNNECESSARY HARDSHIP

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

VARIANCE

An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

VIOLATION

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

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.

WATERSHED

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

WELL

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

