

Tuesday, December 17, 2024

7:00 PM

McFarland Municipal Center
5915 Milwaukee St, McFarland
Community Room

AGENDA

The public may attend in-person or remotely through the Zoom webinar or telephone options listed below.

Please Note: Virtual attendance is offered as a convenience, but technical difficulties beyond the Village's control may prevent or limit its availability at any meeting. The public is encouraged to attend the meeting in person to assure full access to the proceedings.

PLEASE CLICK THE LINK BELOW TO JOIN THE ZOOM WEBINAR:

<https://us02web.zoom.us/j/84087260504>

Or by Telephone: +1 (312) 626-6799

Webinar ID: 840 8726 0504

Press *9 to raise/lower hand. Press *6 to mute/unmute.

1. CALL TO ORDER, ROLL CALL.

2. PUBLIC APPEARANCES.

- a. This is an opportunity for members of the public to address the Plan Commission for items that are not on the agenda. Please remember this is a hybrid meeting conducted in person and through the Zoom online meeting platform. Meeting attendees wishing to address the Commission about items not on the agenda may do so at this time. Zoom attendees should type their name and address in the Question and Answer feature within the Zoom online meeting platform at this time. Members of the public who are present in person and wish to address the Commission should fill out a public comment form and turn into the meeting chairperson. When you are called upon to speak, state your name, address, and provide your comments to the Commission for their consideration. Please adhere to the 3-minute time limit. Additionally, you may send your public comments to community.development@mcfarland.wi.us to be included as part of the meeting.

Members of the public may also speak during their selected agenda item as they designate on the public comment form or in the Question and Answer feature on Zoom.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the November 19, 2024 Plan Commission meeting.

4. PUBLIC HEARING.

- a. Public hearing on a Certified Survey Map for proposed Well #5 near the intersection of Prairie Wood Drive and Wiouwash Way.

5. BUSINESS.

- a. Discussion and action on a Site Design Review permit requested by Citgo for a proposed detached accessory canopy structure located at 4606 Terminal Drive.
- b. Discussion and action on a Certified Survey Map for proposed Well #5 near the intersection of Prairie Wood Drive and Wiouwash Way

- c. Discussion and action to make a recommendation to the Village Board regarding Resolution 2024-22, a resolution discontinuing a portion of Wiouwash Way abutting Lot 88 and Outlot 10, Park View Estates in the Village of McFarland as a public way.
 - d. Discussion regarding proposed amendments to Article 62-III Floodplain Zoning.
6. SCHEDULE NEXT MEETING DATE.
- a. Wednesday, January 8, 2025 at 7:00PM, Joint CDA Meeting
 - b. Tuesday, January 21, 2025 at 7:00 PM.
7. ADJOURNMENT.

Any person who has a qualifying disability as defined by the Americans with Disabilities Act that requires the meeting or materials at the meeting to be in an accessible location or format should contact the McFarland Municipal Center at (608)838-3153, 5915 Milwaukee Street, McFarland, Wisconsin, or village.clerk@mcfarland.wi.us by 2:00 p.m. at least 5 business days prior to the meeting so that any necessary arrangements can be made to accommodate each request. If the meeting or request is less than 5 business days from the meeting, requests for accommodations may still be made and reasonable efforts will be made to accommodate each request.

Plan Commission Minutes November 19, 2024, at 7:00 P.M.

Members Present: Carolyn Clow, Stephanie Brassington, Austen Conrad, Jill Halverson, Scott Peters

Members Absent: Chris Reynolds,

Staff Present: Andrew Bremer, Kong Thao

1. CALL TO ORDER, ROLL CALL

Chair Clow called the meeting to order at 7:00 P.M.

2. PUBLIC APPEARANCES.

There were no public appearances during this section.

3. APPROVAL OF MINUTES.

- a. Motion to approve the minutes of the October 9, 2024, Plan Commission meeting.

Clow moved to approve the minutes of the October 9, 2024, Plan Commission meeting. Conrad seconded the motion. Motion passes 5-0.

- b. Motion to approve the minutes of the October 15, 2024, Plan Commission meeting.

Clow moved to approve the minutes of the October 15, 2024, Plan Commission meeting. Peters seconded the motion. Motion passes 5-0.

4. PUBLIC HEARINGS.

- a. Public hearing regarding Ordinance 2024-24, Various Amendments to Chapter 62, Zoning Code Related to Changes and Amendments.

Bremer provided a summary on the agenda item highlighting actions taken by the State to prohibit zoning protest petitions, reasonings why the changes were being made, and when the new provision will go into effect.

Clow opened the public hearing at 7:07 PM. With no comments received, Clow closed the public hearing at 7:09 PM.

5. BUSINESS.

- a. Discussion and action to make a recommendation to the Village Board regarding Ordinance 2024-24, Various Amendments to Chapter 62, Zoning Code Related to Changes and Amendments.

The summary for this agenda item was covered in Bremer's summary in agenda item 4.a. No additional questions or concerns from the Commission or Staff.

Clow motioned to the Village Board approval of Ordinance 2024-24, Various Amendments to Chapter 62, Zoning Code Related to Changes and Amendments. Brassington seconded the motion. Motion passed 5-0.

- b. Discussion and action to make a recommendation to the Village Board regarding Ordinance 2024-25, An Ordinance to Amend Various Sections of Chapter 8, Buildings and Building Regulations.

Bremer provided summary on the agenda related to the timeline of the previous Ordinance 2024-21 and sections missed during that update. Bremer stated this ordinance would capture the remaining sections previously missed along with changes to provisions related to electrical service upgrades.

Clow motioned to recommend to the Village Board approval of Ordinance 2024-25 An Ordinance to Amend Various Sections of Chapter 8, Buildings and Building Regulations. Conrad seconded the motion. Motion passes 5-0.

- c. Discussion and action to make a recommendation to the Village Board regarding Resolution 2024-21, A Resolution Approving a Land Exchange and Development Agreement with Kevin Urso related to proposed Village Well #5.

Bremer provided a summary on the agenda item discussing the details of current land ownerships and their existing conditions. Bremer explained what lands were being exchanged, new ownership of lands, agreements of parties involved and utilities to be change on the sites. Bremer's summary also included future uses of the sites, cost estimates and the preliminary layout. The Commission discussed public utilities, right-of-way ownership, financials, and the function of Well #5.

Clow motioned to recommend to the Village Board approval of Resolution 2024-21, A Resolution Approving a Land Exchange and Development Agreement with Kevin Urso related to proposed Village Well #5. Conrad seconded the motion. Motion passed 5-0.

- d. Discussion and action to make a recommendation to the Village Board regarding updates to Community & Economic Development Department permit and park impact fees for 2025.

Bremer provided a summary on the agenda item, highlighting the various fees the department collects, providing past activities on related fees as needed.

Clow motioned to recommend to the Village Board updates to the following fees, contingent on final inflation adjustment by the Community & Economic Development Director based on the Department of Labor final annual index total for year-end 2024, per Sec. 8-464(e):

Park Improvement Fee

Single Family Dwelling Unit: \$3,137.20

Multi-Family Dwelling Unit: \$2,179.27

Group Quarters Dwelling Unit: \$1,197.40

Park Land Impact Fee

Single Family Dwelling Unit: \$4,775.24

Multi-Family Dwelling Unit: \$3,317.15

Group Quarters Dwelling Unit: \$1,822.61

Brassington seconded the motion. Motion passes 5-0.

- e. Discussion regarding proposed amendments to Article 62-III Floodplain Zoning.

Bremer provided a summary on the agenda item, highlighting deadlines for map adoption and properties impacted, assistance from the DNR and recommendations on code language changes by the DNR. The Commission discussed areas of impact and flood insurance. No action was taken on this item.

- f. Discussion and action to make a recommendation to the Village Board regarding issuing a Request for Proposals to update the Village's Zoning and Subdivision Codes.

Bremer provided a summary on the agenda item, summarizing the details of the Request for Proposals (RFP). Bremer highlighted the date when the last update was completed to the zoning code, limitations on interpretation of the codes, and example scenarios. Bremer went through the details of the RFP, providing details on an example timeline, project budget, scope of work and schedule of public meetings. The Commission discussed additional example scenarios of the code and impact on existing properties, example changes, and outcome of the RFP, announcement of RFP proceedings.

Clow motioned to recommend to the Village Board issuing a Request for Proposals to update the Village's Zoning and Subdivision Codes. Conrad seconded the motion. Motion passed 5-0.

6. SCHEDULE NEXT MEETING DATE.

- a. Tuesday, December 17, 2024 at 7:00PM

7. ADJOURNMENT.

Brassington motioned to adjourn; Conrad seconded the motion. Motion carried 5-0. Meeting adjourned at 8:16 P.M.

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, December 17, 2024

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Public hearing on a Certified Survey Map for proposed Well #5 near the intersection of Prairie Wood Drive and Wiouwash Way.

PREVIOUS ACTION:

July 9, 2024 - Joint McFarland School and Village Board Planning Committee reviewed this concept, and was supportive of the effort.

July 15, 2024 - McFarland School Board reviewed and approved this concept

July 22, 2024 - Public Works and Utilities Committee recommended the proposal at their regular scheduled meeting.

July 23, 2024 - Village Board reviewed and approved this concept.

November 19, 2024 - Plan Commission recommended approval of Resolution 2024-21, a resolution approving a Land Exchange Agreement with Kevin Urso.

November 21, 2024 - Lis Pendens recorded for discontinuance of a portion of Wiouwash Way ROW.

November 26, 2024 - Village Board approved Resolution 2024-21, a resolution approving a Land Exchange Agreement with Kevin Urso.

November 26, 2024 - Village Board introduces Resolution 2024-24, a resolution discontinuing a portion of Wiouwash Way ROW.

ISSUE SUMMARY:

Project Summary

The Village originally purchased Lots 87 & 88 in the Park View Estates subdivision on Prairie Wood Drive for the purpose of constructing a new Well #5 to serve the Village. This occurred prior to the McFarland School District's development of the adjacent ball diamonds (2018). The Park View Estates plat, recorded in 2002, assumed Wiouwash Way would continue north to serve future residential development which was established prior to the District's acquisition of the property to the north, which is not an uncommon practice. With the construction of the ball diamonds the need for the road to extend north into this property is no longer the case. The Village purchased Lots 87 & 88 because the WDNR requires the well hole to be a minimum of 50 feet from all property lines. Therefore, it was not possible to construct the well only on one of the lots.

In lieu of developing the well on Lots 87 & 88, the Village is proposing to acquire Outlot 10 from Kevin Urso and approximately 9,310 square feet from the School District in order to create a new lot to relocate Well #5, while meeting the required WDNR minimum setback requirements. Outlot 10 is not a buildable lot for a single family home and has no other land use



purpose. The Village would then sell Lots 87 & 88 to Urso for the purposes of developing two new single family homes. The Village also proposes vacating the Wiouwash Way right-of-way as the roadway no longer needs to extend to the north and would increase the buildable area of Lot 88 as it would no longer be considered a corner lot with two front yard setbacks. The ROW would be vacated evenly to Outlot 10 and Lot 88 per Wisconsin Statutes. After the vacation is completed, the Village would sell to Urso the western one-half of the vacated ROW to be combined with Lot 88 and 87 to expand the buildable area of these lots. Thereafter, the CSM would be recorded.

The Certified Survey Map will establish the new lot for the relocation of Well #5 through land exchange of School District land plus Outlot 10 and adjust property lines suitable for the construction of two new single family residential lots. The CSM includes the proposed area of the Wiouwash Way to be vacated by separate action of the Village Board. The existing sewer and water laterals specific to the planned Well #5 location on Lots 87 & 88 will be abandoned and installed to serve the new well location. The Village will remove the pavement stub on Wiouwash Way along with associated utilities and new curb and sidewalk connections. Half of these costs are proposed for reimbursed by Urso as the adjacent benefitting property owner. The Village will complete the legal descriptions/survey work to facilitate the various property ownership changes. The proposal allows for the reconfiguration of land that benefits the School District, Village and developer. All parcels are zoned R-1 Single Family Residence.

Department Head Comments

No concerns or questions from the Director of Public Works, Village Engineer, Fire Chief or Interim Police Chief.

Public Comments

Notification of the public hearing on the CSM was provided as a Class 2 Notice, as well as direct mailed notice to property owners within 300 feet. According to the Village Engineer, prior notification of the relocation of the well site to Outlot 10 was provided to adjacent property owners. Prior to publication of the meeting packet, the Department did not receive any written public comments in support or opposition to the proposed CSM.

FINANCIAL/BUDGET IMPACT:

Proposed acquisition price for the Village to acquire property from the District and Outlot 10 property owner is set at \$5/SF since these properties on their own are undevelopable for private purposes in their current state. The 9,310 SF owned by the District at a price of \$5/SF would total \$46,550 to the District. Outlot 10 at 6,733 SF would provide \$33,665 to the landowner using the same \$5/SF metric. Estimated costs to address utilities, pavement, road vacation, etc. is around \$80,000. Total expenses then are forecast at \$160,215.

Proposed sale price of Lots 87 & 88 that are owned by the Village is set at \$10/SF since the properties have more value as developable properties. Lot 87 is 10,025 SF which would generate revenue at \$100,250 using the \$10/SF while Lot 88 is sized at 10,419 SF yielding revenue of \$104,190. Total revenue is estimated at \$204,440.

Excess proceeds will remain within the water utility and can contribute to the new construction



of Well #5.

VILLAGE PLAN REFERENCE:

Village 2017 Comprehensive Plan - Lots 87, 88 and Outlot 10 are planned for Single Family Residential and the portion of the CSM currently owned by the School District is identified under the Public Lands, Recreation, and Environmental Corridor future land use classification.

The proposed uses facilitated by approval of the CSM are consistent with the Village's Comprehensive Plan.

ORDINANCE REFERENCE:

Sec. 56-39 Certified Survey Map

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This item is for public hearing only. The Business portion of the agenda includes discussion and potential action on the proposed CSM.

ATTACHMENTS:

1. Well 5 Certified Survey Map App_11.01.24



Plan Commission Application – 2024

~Application must be completed in full~

Applicant		Applicant's Agent	
Property Owner (if different)		Name	
Address		Address	
Email		Email	
Phone #		Phone #	

061002424981, 061002424871

Parcel No(s). _____ **Type of Proposal – Please check boxes below that apply**

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	\$500+AF	☐ Conditional Use	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +F	☐ Final Plat	\$500 +CF
☐ Condominium	\$300+EF	☐ USA/MMSD Annexation	At cost	☐ Final Plat (reapplication)	\$400 +DF
☐ Comprehensive Plan Amendment	\$500+F			☐ Site/Design Review	\$400 + F

+ = Plus publication and notification charges

A = Plus \$50.00 per lot

B = Any preliminary plat which has previously been reviewed/revised within the last 36 months

C = Plus \$50.00 for each lot within the final plat

D = Any final plat which has been previously reviewed or/ revised within the last 36 months

E = Plus \$40.00 for each unit shown

F = Plus actual legal, engineering and financial consulting costs incurred by the Village

G = Plus \$25.00 per lot for two or more lots.

Escrow Deposits
(covers costs for outside consultants;
e.g., engineers, attorneys, etc.)

☐ R-E, R-3 & PD (up to 50 acres)	\$5,000
☐ R-E, R-3 & PD (greater than 50 acres)	\$10,000
☐ Site/Design Review (less than 2,000 sq. ft.)	\$1,000
☐ Site/Design Review (2,000 sq. ft. or more)	\$2,000
☐ All Plats including condominiums	\$5,000

Nature of the development proposal: Must provide address of proposed development, legal description, current zoning and description of proposal/request. (Attach additional paper if needed)

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

Has this specific proposal been previously discussed or acted upon by the Plan Commission?

☐ YES ☐ NO (If "yes" state the nature and the date(s) of the previous application.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2024 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below at 7:00 p.m. at the McFarland Municipal Center in the Community Room. To ensure adequate time for staff review, and publication of legal notices; potential agenda item materials are required to be submitted per the schedule listed below.

***Submittal Deadline Noon on:**

For Scheduled 2024 Meeting date of:

December 5 (2023) -----	January 16
January 9 -----	February 20
February 6 -----	March 19
March 5 -----	April 16
April 9 -----	May 21
May 7 -----	June 18
June 4 -----	July 16
July 9 -----	August 20
August 6 -----	September 17
September 3 -----	October 15
October 8 -----	November 19
November 5 -----	December 17 (Pending)
December 10 -----	January 21, 2025 (Pending)

Applications requiring a public hearing will be scheduled for a hearing according to the schedule above. If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application at the same meeting as the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

Acknowledgements:

- I understand failure to provide required materials/information/fees by the submittal deadline can result in this application being withdrawn for consideration by the Plan Commission. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.
- I understand any fees not paid for (i.e. legal notices, mailings, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing may not be acted on the same night as the Public Hearing.

X *Brian Berquist*

Signature of Applicant/Agent

Date

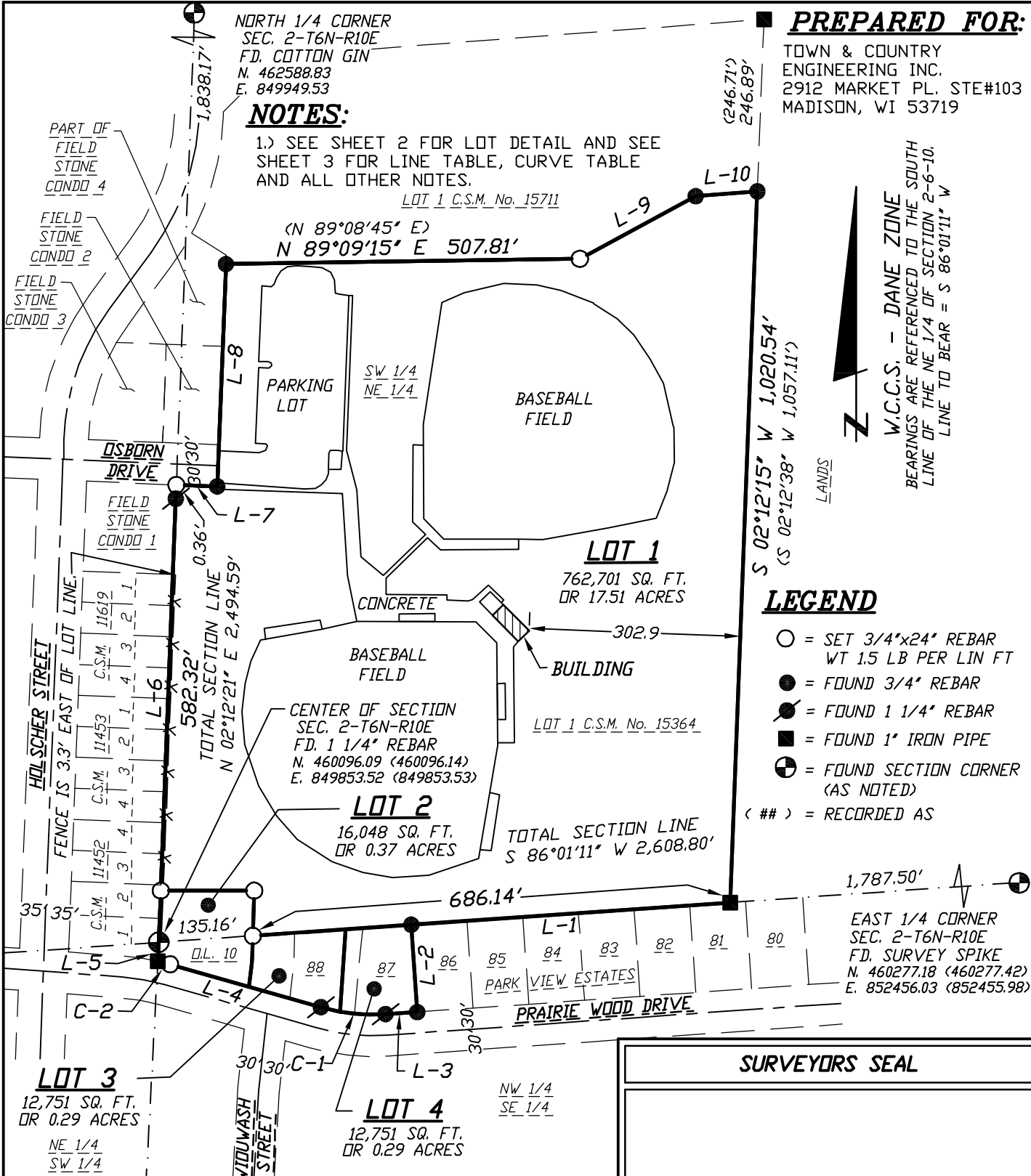


CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Lot 1 Certified Survey Map No. 15364, located in the SW 1/4 of the NE 1/4 and also Lots 87, 88, Outlot 10 and vacated Wiouwash Road, Park View Estates, located in the NW 1/4 of the SE 1/4, all in Section 2, T6N, R10E Village of McFarland, Dane County, Wisconsin.





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NOTES CONTINUED:

- 2.) THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT FOR THE SUBJECT TRACT OR ADJOINERS AND IS THEREFORE SUBJECT TO ANY EASEMENTS, AGREEMENTS, RESTRICTIONS AND STATEMENT OF FACTS REVEALED BY EXAMINATION OF SUCH DOCUMENTS.
- 3.) WETLANDS AND FLOOD PLAIN, IF PRESENT, HAVE NOT BEEN DELINEATED OR SHOWN.
- 4.) SECTION CORNER TIES HAVE BEEN CHECKED AND VERIFIED PER THE LATEST TIE SHEET ON RECORD FOR THE EAST 1/4 CORNER, CENTER OF SECTION AND NORTH 1/4 CORNER OF SECTION 2, T6N, R10E.

CURVE TABLE:

C-#	RADIUS	CHORD BEARING AND DIST	ARC	DELTA
C-1	270.00'	(N 84°26'00" W 93.46')	(93.93')	(19°56'00")
		N 83°58'12" W 93.50'	93.97'	19°56'30"
C-2	330.00'	(N 76°03'20" W)		
		N 75°39'59" W 18.30'	18.30'	03°10'40"
C-3	120.00'	(S 03°43'00" W 9.70')	(9.70')	(04°38'00")
		S 04°04'00" W 9.73'	9.74'	04°38'57"
C-4	270.00'	N 86°57'43" W 65.61'	65.78'	13°57'29"
C-5	270.00'	N 76°59'28" W 28.18'	28.20'	05°59'01"

LINE TABLE:

L-#	BEARING	DIST.
L-1	(S 85°36'44" W)	
	S 86°01'11" W	458.21'
L-2	(S 04°24'00" E)	(125.36')
	S 03°58'13" E	125.46'
L-3	(S 85°36'00" W)	(45.60')
	S 86°00'21" W	45.55'
L-4	(N 74°28'00" W)	(224.57')
	N 74°04'17" W	224.62'
L-5	(N 02°38'00" E)	(27.14')
	N 02°37'53" E	27.16'
L-6	(N 01°47'16" E)	(656.49')
	N 02°12'21" E	656.42'
L-7	(S 88°12'00" E)	(58.76')
	(S 87°43'10" E)	(58.92')
L-8	S 87°39'02" E	58.88'
L-9	(N 01°47'16" E)	
	(N 02°11'51" E)	(353.38')
L-10	N 02°12'11" E	319.33'
L-11	(N 61°36'58" E)	
	N 61°35'34" E	188.74'
L-12	(N 85°25'56" E)	(88.72')
	N 85°32'28" E	88.70'
L-13	(S 06°02'00" W)	(32.53')
	S 06°24'11" W	32.49'

SURVEYORS SEAL



CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NOA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

Lot 1 Certified Survey Map No. 15364, located in the SW 1/4 of the NE 1/4 and also Lots 87, 88, Outlot 10 and vacated Wiouwash Road, Park View Estates, located in the NW 1/4 of the SE 1/4, all in Section 2, T6N, R10E Village of McFarland, Dane County, Wisconsin.

SURVEYOR'S CERTIFICATE

I, Noa T. Prieve, Professional Land Surveyor hereby certify that this survey is correct to the best of the professional surveyor's knowledge and belief and is in full compliance with the provisions of Chapter A-E 7 and Chapter 236.34 Wisconsin Statutes, the subdivision regulations of the Village of McFarland, and by the direction of the owners listed below, I have surveyed, divided, and mapped a correct representation of the exterior boundaries of the land surveyed and the division of that land, being Lot 1 Certified Survey Map No. 15364, recorded in the Dane County Register of Deeds Office in Volume 110 of Certified Surveys, Pages 64 through 68, as Document No. 5566718. Located in the Southwest 1/4 of the Northeast 1/4 and also Lots 87, 87, Outlot 10 and vacated Wiouwash Road, Park View Estates, recorded in the Dane County Register of Deeds Office in Volume 57-188A of Plats, Pages 782 through 785, as Document No. 3459436. Located in the Northwest 1/4 of the Southeast 1/4, all in Section 2, T6N, R10E Village of McFarland, Dane County, Wisconsin, being more particularly described as follows:

Commencing at the East 1/4 Corner of said Section 2; thence S 86°01'11" W along the north line of said Southeast 1/4, 1,787.50 feet to the Southeast Corner of said Lot 1 Certified Survey Map No. 15364 and to the point of beginning.

Thence continue S 86°01'11" W along said north line also being the south line of said Lot 1 Certified Survey Map No. 15364, 458.21 feet to the Northeast Corner of said Lot 87, Park View Estates; thence S 03°58'13" E along the east line of said Lot 87, 125.46 feet to the north right of way of Prairie Wood Drive; thence along said north right of way for the next 4 course S 86°00'21" W, 45.55 feet; thence along an arc of a curve concaved northeasterly having a radius of 270.00 feet and a long chord bearing and distance of N 83°58'12" W, 93.50 feet; thence N 74°04'17" W, 224.62 feet; thence along an arc of a curve concaved southwesterly a radius of 330.00 feet and a long chord bearing and distance of N 75°39'59" W, 18.30 feet to the Southwest Corner of said Outlot 10; thence N 02°37'53" E along the west line of said Outlot 10, 27.16 feet to the Center of Section 2 also being the Southwest Corner of said Lot 1 Certified Survey Map No. 15364; thence along said Lot 1 for the next 7 courses N 02°12'21" E, 656.42 feet; thence S 87°39'02" E, 58.88 feet; thence N 02°12'11" E, 319.33 feet; thence N 89°09'15" E, 507.81 feet; thence N 61°35'34" E, 188.74 feet; thence N 85°32'28" E, 88.70 feet; thence S 02°12'15" W, 1,020.54 feet to the point of beginning. This parcel contains 804,252 sq. ft. or 18.46 acres.

Williamson Surveying and Associates, LLC
by Noa T. Prieve

Date _____

Noa T. Prieve S-2499
Professional Land Surveyor

SURVEYORS SEAL

Sheet 4 of 6

24W-319



CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

NDA T. PRIEVE // CHRIS W. ADAMS // NEIL F. BORTZ, PROFESSIONAL LAND SURVEYORS
104 A WEST MAIN STREET, WAUNAKEE, WISCONSIN, 53597 PHONE: 608-255-5705

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CORPORATE OWNERS' CERTIFICATE:

The Village of McFarland, a duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certify that said corporation caused the land decied on this map to by surveyed and mapped as represented on this map in accordance with the Land Division Ordinance of the Village of McFarland.

The Village of McFarland, does further certify that this map is required by sec. 236.10 or 236.12 to be submitted to the the Village of McFarland for approval or objection.

IN WITNESS WHEREOF, the said Village of McFarland, has caused these presents to be signed by its corporate officer listed below and its corporate seal hereunto affixed on this ___ day of _____, 20__.

Carolyn Clow
Village President

Cassandra Suettinger
Village Clerk

STATE OF WISCONSIN)
DANE COUNTY)

Personally came before me this ___ day of _____, 20__, _____ its _____ of the above named Carolyn Clow and Cassandra Suettinger, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said company, and acknowledge that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

_____County, Wisconsin.

My commission expires_____

Notary Public

Print Name

SURVEYORS SEAL



CERTIFIED SURVEY MAP

WILLIAMSON SURVEYING AND ASSOCIATES, LLC

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Lot 1 Certified Survey Map No. 15364, located in the SW 1/4 of the NE 1/4 and also Lots 87, 88, Outlot 10 and vacated Wiouwash Road, Park View Estates, located in the NW 1/4 of the SE 1/4, all in Section 2, T6N, R10E Village of McFarland, Dane County, Wisconsin.

OWNERS' CERTIFICATE:

As owner, I hereby certify that I caused the land described on this certified survey map to be surveyed, divided and mapped as represented on the certified survey map. I also certify that this certified survey map is be submitted to the Village of McFarland for approval.

WITNESS the hand seal of said owners this _____day of _____, 20____.

STATE OF WISCONSIN)
DANE COUNTY)

Kevin J. Urso

Personally came before me this _____ day of _____, 20____ the above named Kevin J. Urso to me known to be the person who executed the foregoing instrument and acknowledge the same.

_____County, Wisconsin.

My commission expires _____

Notary Public

Print Name

VILLAGE OF McFARLAND PLAN COMMISSION APPROVAL

Resolved that this certified survey map is hereby acknowledged and approved by the Village of McFarland Plan Commission on this _____day of _____, 20____.

Cassandra Suettinger
Village Clerk

VILLAGE OF McFARLAND APPROVAL

Resolved that this certified survey map is hereby acknowledged and approved by the Village of McFarland on this _____day of _____, 20____.

Cassandra Suettinger
Village Clerk

REGISTER OF DEEDS:

Received for recording this ___ day of _____, 20____ at ___ o'clock ___M. and recorded in Volume _____ of Dane County Certified Surveys on pages _____ through _____.

Kristi Chlebowski
Register of Deeds

DOCUMENT NO. _____

CERTIFIED SURVEY MAP NO. _____

Sheet 6 of 6

SURVEYORS SEAL

24W-319

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, December 17, 2024

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Site Design Review permit requested by Citgo for a proposed detached accessory canopy structure located at 4606 Terminal Drive.

PREVIOUS ACTION:

ISSUE SUMMARY:

Citgo is requesting a site design review permit for a proposed 8' x 43' metal detached accessory canopy structure on the property. The property's current use is fuel storage and distribution.

The proposed canopy structure will be placed over an existing concrete water catch basin to shelter the basin from weather related elements. The concrete basin is 6 feet deep and is used to offload water from trucks and vehicles. The proposed canopy structure is 8 feet tall, open-ended with partial covered sides. The proposed structure does not include electrical or new impervious surface. The purpose of an open-air structure is to avoid trapping of exhaust fumes within the structure. There will be no cars parked under the proposed structure. The staff on site regularly schedule the basin to be emptied with a separate vac truck when it reaches capacity. The basin operates similarly to a stormwater retention, containing site runoff, but does not drain or slowly release runoff back. By reducing the amount of rainwater that enters the basin the facility can reduce the frequency of the clean out.

EXISTING PROPERTY CONDITIONS

- Property Size: 17.6 acres
- Current Use: Petro storage and distribution
- Current Zoning: M-IC Manufactured Intensive Commercial
- Adjacent Uses:
 - North (1) - 4508 Terminal Dr., Petro storage and distribution terminal, zoned M-IC
 - North (2) - 4414 Terminal Dr., A commercial equipment supply contractor, zoned M-IC
 - West - Conservancy lands, zoned CO Conservancy
 - East - 4405 Terminal Dr., A petro storage and distribution terminal, zoned M-IC
 - South - 4704 Terminal Dr., A cold storage warehousing, zoned M-IC
- Other features: The property includes two parcels owned by Citgo. The site includes a security fence along the perimeter of the parcel adjacent to the right-of-way. There are designated entry and exit point for trucks to access a canopy refueling station. In the



rear, there are five cylindrical fuel containers. An existing railroad bisects the property north and south. The property includes one primary building adjacent to the existing canopy structure.

Sec. 62-310(e) - Site Design Standards

- **Grading.** The proposed canopy structure does not change the existing grading plan. The detached canopy will be permanently mounted over the water catch basin.
- **Landscaping.** The proposed canopy structure does not trigger the addition for new landscaping as there is no significant addition of impervious surface added nor does this substantially alter or modify existing buildings on the property. The proposed location and canopy structure does not disturb, relocate or take away any existing vegetation on the property. There is an existing row of trees along the street facing side of the existing canopy, along with a metal wall that provides screening for the property.
- **Building Relationship.** The proposed location of the canopy structure will be placed over an existing water catch basin, occupying near the exact footprint of the basin. The basin is setback 176 feet from Terminal Drive, 70 feet from the main building, 97.5 feet from the south lot line, and over 600 feet from the rear lot line. There are existing supporting mechanical equipment surrounding the base of the proposed location.
- **Lighting.** The proposed development does not alter the existing lighting plan on the property. The proposed canopy structure does not include new electrical or new lighting.
- **Utility Service.** The proposed development does not require connection to water or sewer services.
- **Building Design.** The proposed canopy structure is an 8-foot tall metal partially enclosed structure with metal siding. The structure's front, rear, and lower half are open. The structure will have a red roof and the original gray metal siding color. The decision to have a mostly open structure is to avoid the collection of fumes from nearby trucks. A lower standing fully enclosed structure may trap the toxic fumes. From the modeled drawings, the structure's siding appears to cover less than half of its side. In Staff's opinion, this design choice would be an acceptable alternative as the priority for the design is safety. The proposed color of the structure is acceptable, harmonious with existing buildings. The structure's pitched roof diverts weather-related downfall away from the designated basin compared to the existing flat roofs. Within Sec. 310(e)(6)(e), the height of the structure is 8 feet and is not tall enough to trigger the need to meet the minimum 15 vertical feet for a nonmetallic or wood material finish.

Sec. 62-73 - Terminal and Triangle Design Overlay District

The property is located within the Industrial Center of the Terminal and Triangle Design Overlay District. The related uses for this district include Manufacturing, Distribution, Office, and Compatible commercial. The subdistrict's design standards are mostly not applicable as the proposed structure does not include new principal building development, use of the structure for outdoor storage, and the proposed structure does not significantly alter the site's use and function. The proposed project also does not include new lighting, utilities, landscaping, parking, and signage. The design of the building utilizes similar metal siding material to the



existing buildings with similar colors to the existing buildings on the property. The orientation of the building is consistent with existing structures and does not create disruptive facades parallel to the primary abutting street.

Sec. 62-277(f) - Accessory Structures

The proposed detached accessory canopy structure also requires review of Sec. 62-277(f) Accessory buildings in Commercial and Manufacturing Districts of the Zoning Code. This section of the code establishes additional standards related to maximum size, maximum height, location, and materials of accessory structures in commercial districts. The proposed accessory structure meets the requirements for maximum size, not adding to the cumulative total lot coverage. The proposed accessory structure is 8 feet tall and does not exceed the maximum height for accessory structures of the M-IC district. The proposed location of the accessory structure meets the standards for yard setback requirements.

DEPARTMENT STAFF COMMENTS

No concerns from the Village Engineer, Director of Public Works, Fire Chief or Interim Police Chief.

PUBLIC COMMENTS

The Department did not receive any written comments or concerns prior to the publication of this packet.

FINANCIAL/BUDGET IMPACT:

The applicant will incur all costs associated with the proposed improvements.

VILLAGE PLAN REFERENCE:

Terminal and Triangle District Plan, 2005. The property is located within the Industrial Center subdistrict of Map 2: Planned Land Use. The preferred uses within this subdistrict includes manufacturing, distribution, office, and compatible commercial. The request does not include changing the current use of the property.

Comprehensive Plan, 2017. The property is identified as Industrial in Map 6: Future Land Use Map. The current use of the property is consistent with the Map 6 classification. The request does not alter or change the current use of the property.

ORDINANCE REFERENCE:

Sec. 62.73 Terminal and Triangle Design Overlay District
Sec. 62-227 Accessory Uses, Buildings or Structures
Sec. 62-310 Site Design Review

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to approve the Site Design Review permit requested by Citgo for a proposed detached accessory canopy structure located at 4606 Terminal Drive.

ATTACHMENTS:



1. 4606 Terminal Drive - Site Design Review App_11.5.24

VILLAGE OF **McFarland** *Community & Economic Development*

Plan Commission Application – 2024

~Application must be completed in full~

Applicant	Joe Slipper - Terminal Manager	Applicant's Agent	Andy Frankenfield
Property Owner (if different)	Citgo	Name	Mechanical Systems, Inc
Address	4606 Terminal Dr, Mcfarland, WI 53558	Address	820 Progress Way, Sun Prairie, WI 53590
Email	MSLIPER@citgo.com	Email	andyf@mechsystemsinc.com
Phone #	608-838-1158	Phone #	608-219-4913

Parcel No(s). 071034286500 **Type of Proposal – Please check boxes below that apply**

Requires Public Hearing (Class One)	FEES	Requires Public Hearing (Class Two)	FEES	Public Hearing Not required	FEES
☐ Preliminary Plat	\$500+AF	☐ Conditional Use	\$425+F	☐ Annexation	At cost
☐ Preliminary Plat (reapplication)	\$500+BF	☐ Rezoning (map)	\$475+F	☐ Dev. Agreement Including Addendums	\$400 F
☐ Certified Survey Map	\$300+FG	☐ Zoning Amendment (text)	\$475 +F	☐ Final Plat	\$500 +CF
☐ Condominium	\$300+EF	☐ USA/MMSD Annexation	At cost	☐ Final Plat (reapplication)	\$400 +DF
☐ Comprehensive Plan Amendment	\$500+F			☒ Site/Design Review	\$400 + F
+ = Plus publication and notification charges A = Plus \$50.00 per lot B = Any preliminary plat which has previously been reviewed/revised within the last 36 months C = Plus \$50.00 for each lot within the final plat D = Any final plat which has been previously reviewed or/ revised within the last 36 months E = Plus \$40.00 for each unit shown F = Plus actual legal, engineering and financial consulting costs incurred by the Village G = Plus \$25.00 per lot for two or more lots.				Escrow Deposits (covers costs for outside consultants; e.g., engineers, attorneys, etc.)	
				☐ R-E, R-3 & PD (up to 50 acres)	\$5,000
				☐ R-E, R-3 & PD (greater than 50 acres)	\$10,000
				☐ Site/Design Review (less than 2,000 sq. ft.)	\$1,000
				☐ Site/Design Review (2,000 sq. ft. or more)	\$2,000
				☐ All Plats including condominiums	\$5,000

Nature of the development proposal: Must provide address of proposed development, legal description, current zoning and description of proposal/request. (Attach additional paper if needed)

Installing a 8' x 43' metal Car Port on top of exstisting concrete. Car Port will be covering an exstisting Water Catch Basin.

Please see picture attached. Car port will be fastned to the exstisting concrete with concrete anchor bolts. Car Port is being installed to protect pit from rain water.

PLEASE READ AND SIGN AT THE BOTTOM ON THE REVERSE SIDE

Has this specific proposal been previously discussed or acted upon by the Plan Commission?

☐ YES ☒ NO (If "yes" state the nature and the date(s) of the previous application.)

Submittal Requirements: One (1) hard copy 8 ½ x 11, except site plan sheets which should be 11 x 17, and one (1) electronic (pdf) copy. A completed in full application can be submitted to the Community Development Department (5915 Milwaukee Street, McFarland, WI 53558, community.development@mcfarland.wi.us), with fees included with submittal **by *NOON of the deadline day**, according to the schedule below.

Village of McFarland Plan Commission 2024 Schedule

The Village of McFarland Plan Commission normally conducts meetings on the third Tuesday of each month, unless otherwise noted below at 7:00 p.m. at the McFarland Municipal Center in the Community Room. To ensure adequate time for staff review, and publication of legal notices; potential agenda item materials are required to be submitted per the schedule listed below.

***Submittal Deadline Noon on:**

For Scheduled 2024 Meeting date of:

December 5 (2023)-----	January 16
January 9-----	February 20
February 6-----	March 19
March 5-----	April 16
April 9-----	May 21
May 7-----	June 18
June 4-----	July 16
July 9-----	August 20
August 6-----	September 17
September 3-----	October 15
October 8-----	November 19
November 5-----	December 17 (Pending)
December 10-----	January 21, 2025 (Pending)

Applications requiring a public hearing will be scheduled for a hearing according to the schedule above. If there is written or verbal public opposition submitted as part of the public hearing the Plan Commission will postpone action on the application to a subsequent meeting so that concerns can be analyzed. If there is no public opposition and no unresolved issues by Village Staff or Plan Commission members, the Plan Commission may take action on the application at the same meeting as the public hearing. Applicants are encouraged to contact the Community & Economic Development Director for a pre-application meeting to review the project and submittal requirements prior to submitting an official application.

Acknowledgements:

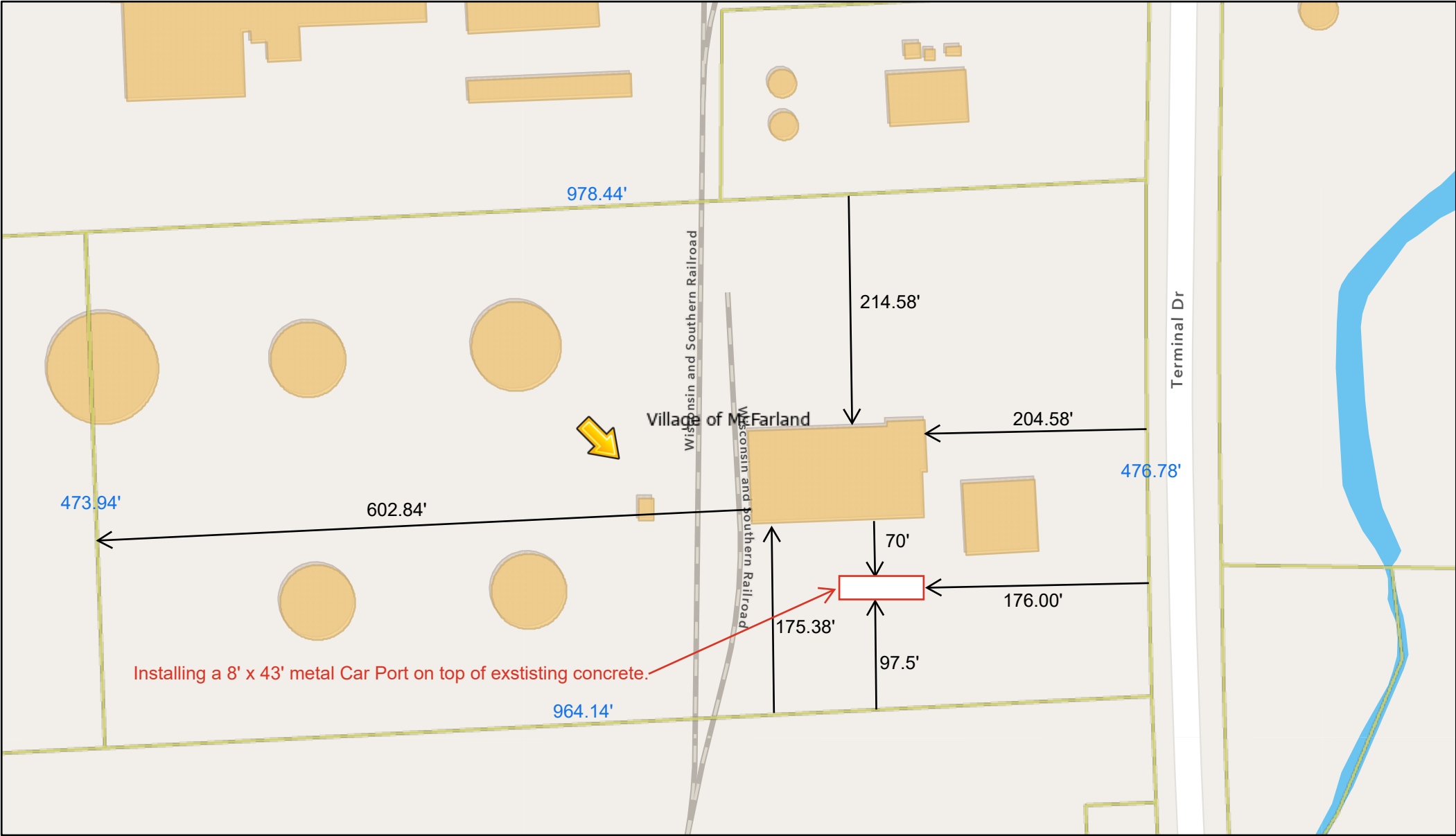
- I understand failure to provide required materials/information/fees by the submittal deadline can result in this application being withdrawn for consideration by the Plan Commission. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.
- I understand any fees not paid for (i.e. legal notices, mailings, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing may not be acted on the same night as the Public Hearing.

X

Signature of Applicant/Agent

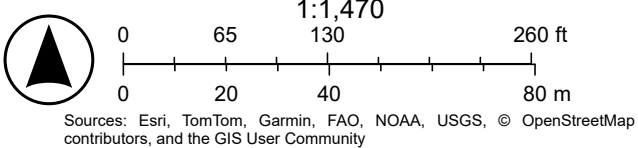
Date

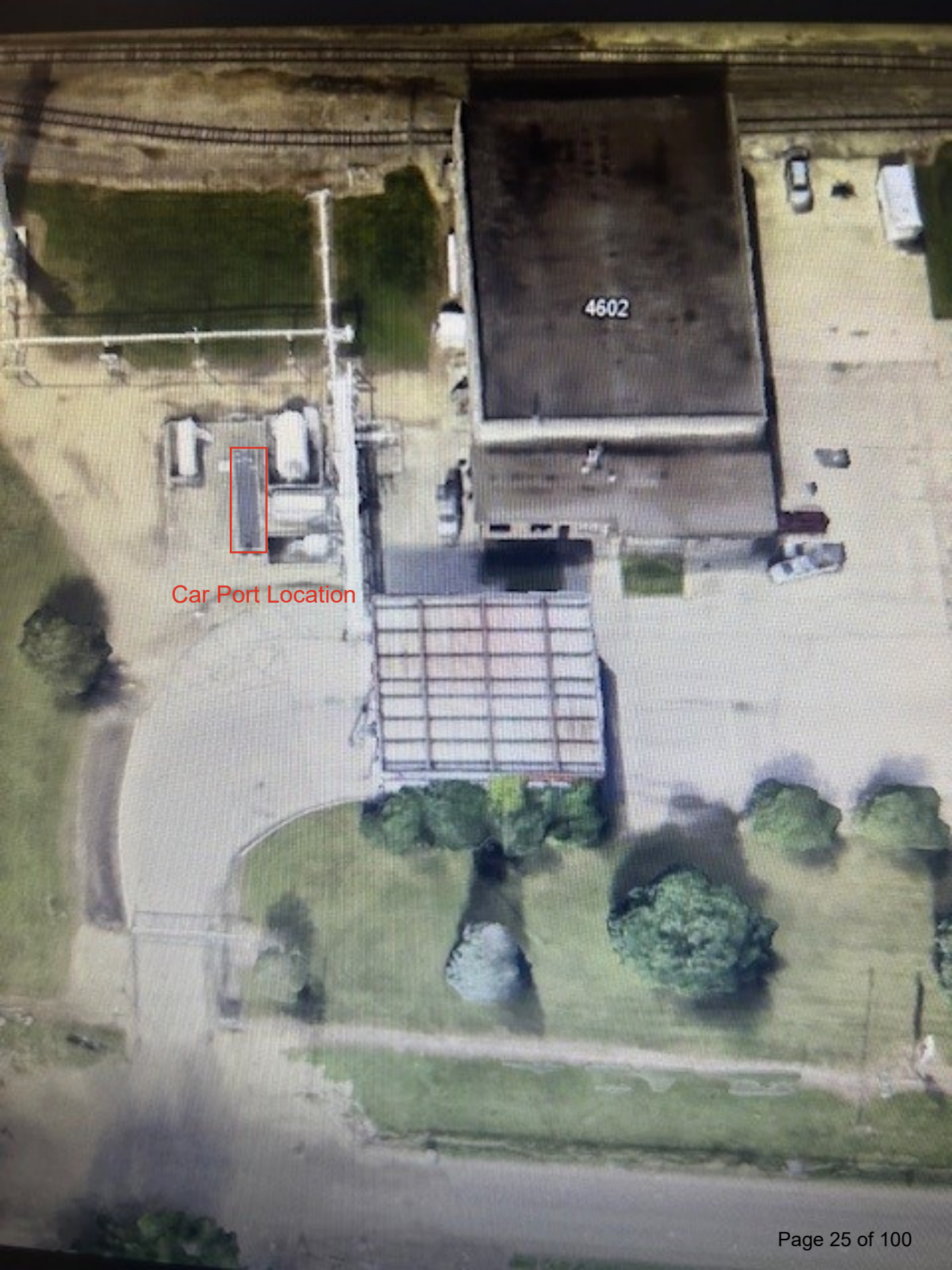
Citgo Petroleum - 4606 Terminal Dr, McFarland, WI



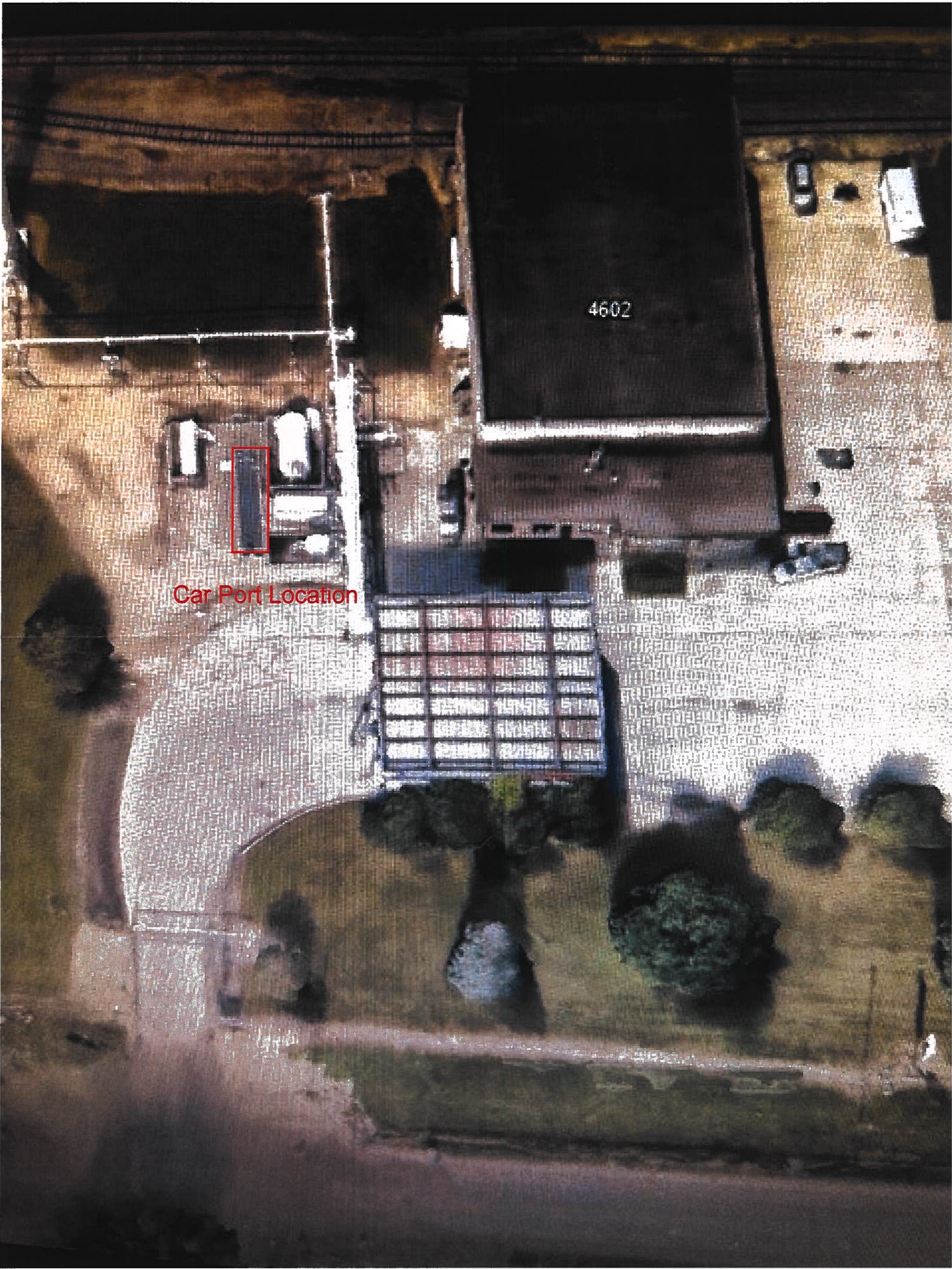
11/12/2024, 1:33:41 PM

- Municipal Boundaries
- Parcels
- Building Footprint





Car Port Location



8' x 43' Car Port Location



**Carport Central**

1018 Rockford Street, Mount Airy
North Carolina 27030

info@carportcentral.com

(980) 321-9898

SALES - Seth Moore

1018 Rockford Street, Mount Airy
North Carolina 27030

seth@carportcentral.com

Quote QTE-157483

Total \$8,215.00

CUSTOMER - Andy Frankenfield**Billing Address**

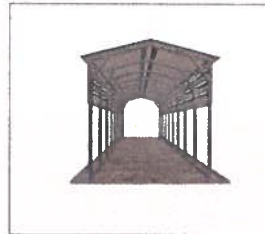
Madison, Wisconsin

Shipping Address

Madison, Wisconsin

andy@mechsystemsinc.com

(608) 219-4913

**Standard Carports - 8 x 43 x 8**

Roof Color: **Barn Red**

Trim Color: **Galvalume**

Sides/Ends Color: **Galvalume**

Door Color: **NA**

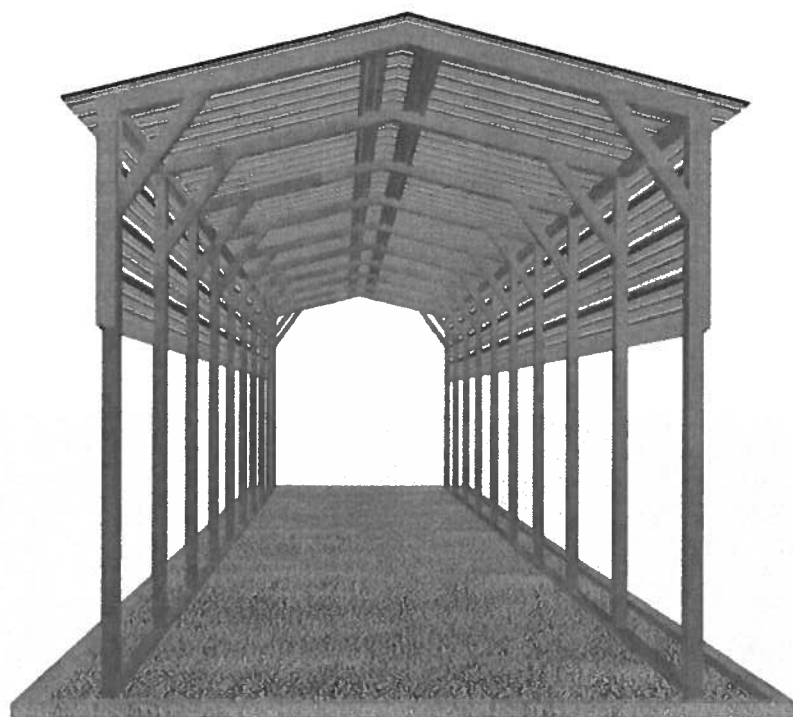
Wainscot Color: **NA**

SPECIFICATION	QTY
8X43' A-Frame Vertical Roof	1
8' Height	1
Gauge : 12	1
Not Certified	1
3/12' Roof Pitch	1
Left 1 Panel Horizontal	1
Right 1 Panel Horizontal	1
Mobile Home Anchor	25
Side J Trim	1
Permit Required : Yes	

PRICE DETAILS	
SUB TOTAL	\$8,215.00
Additional Charges	\$0.00
GRAND TOTAL	\$8,215.00
PAY NOW	
Deposit/Amount	\$1,478.70
BALANCE DUE	\$6,736.30

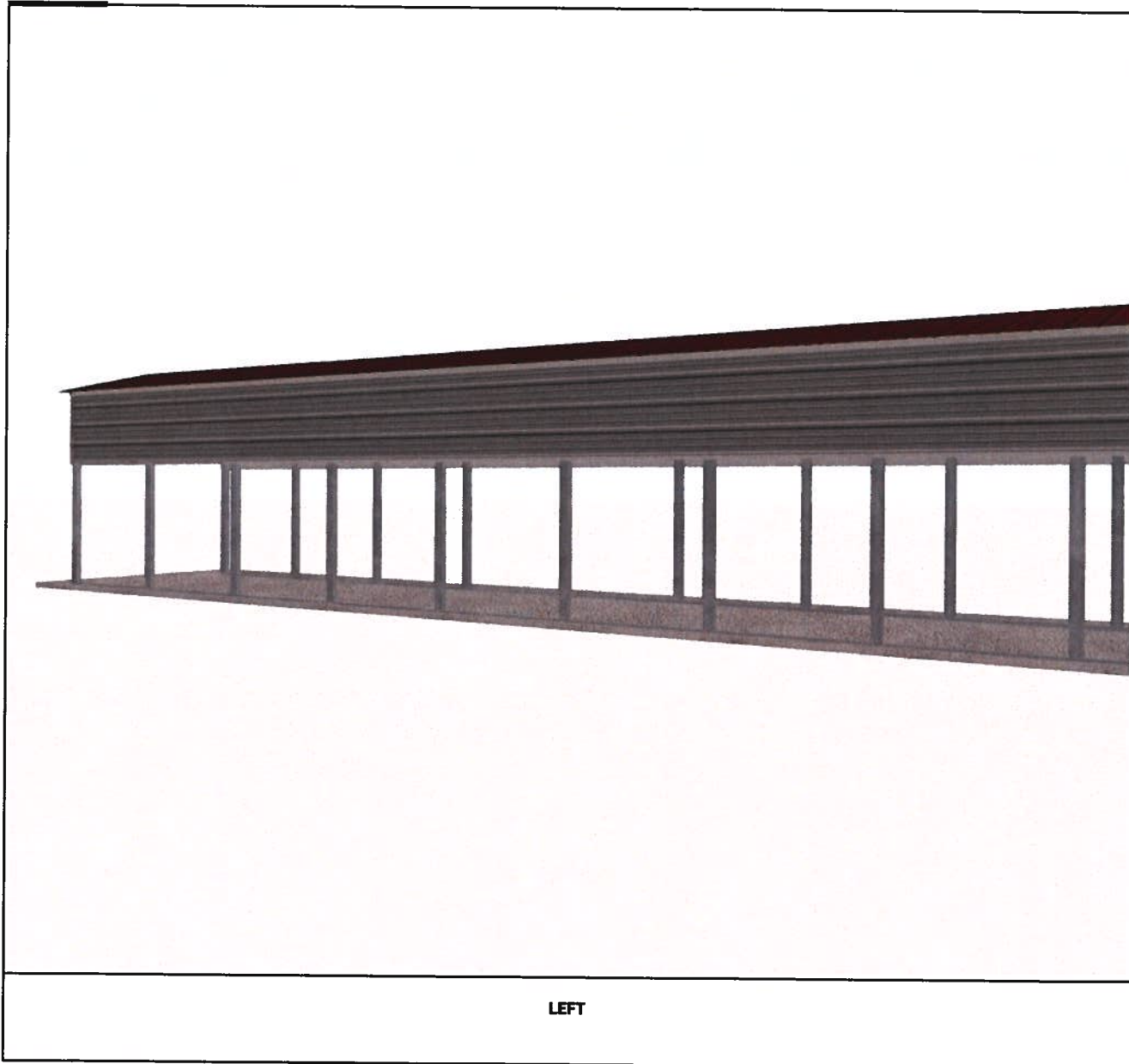
BUILDING SPECIFICATION
☐ Ready for Installation? ☐ Jobsite Level? ☒ Permit Required? ☐ Inside City Limit? ☐ Electricity Available? Installation Surface? Concrete
Building Dimension: 8'W x 43'L x 8'H
Roof Style: A-Frame Vertical
Gauge: 12 Gauge
Wind/Snow Rating: Not Certified
Distance on Center: 5 Feet

BUILDING VIEW

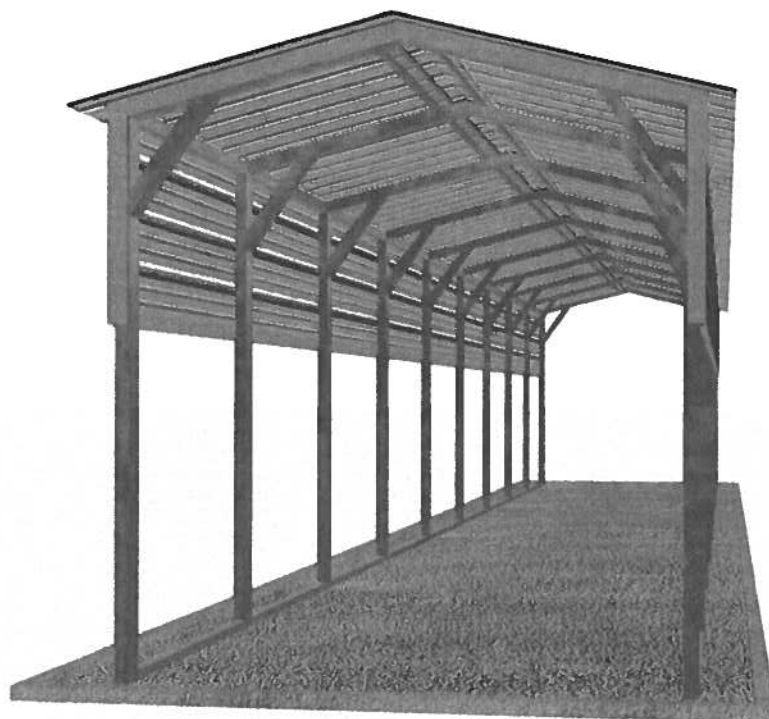


FRONT

BUILDING VIEW

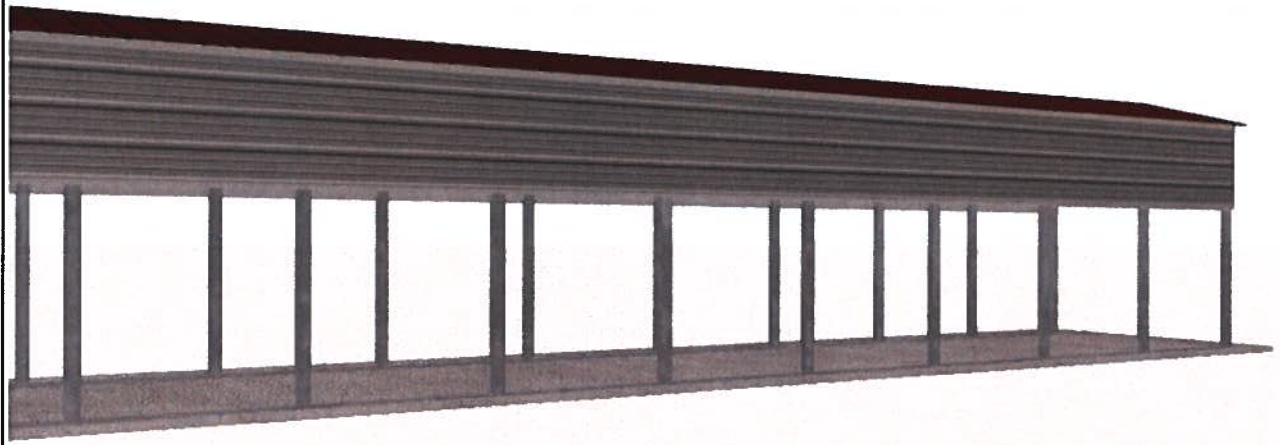


BUILDING VIEW



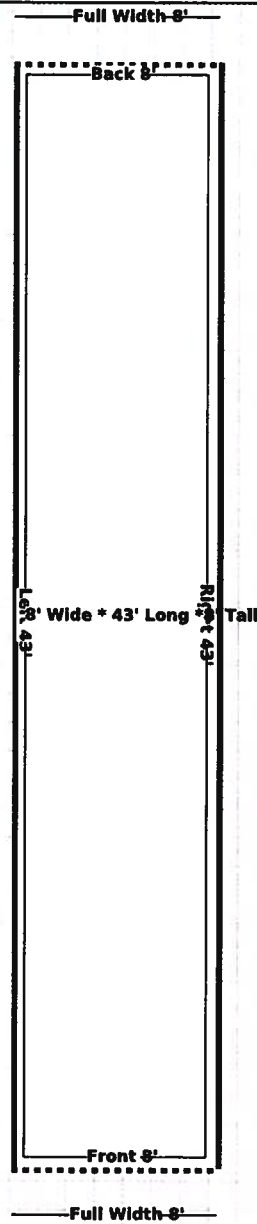
BACK

BUILDING VIEW



RIGHT

2D DRAWING-1



LEGENDS

- | | | | | | | |
|-------------|----------------------|--------------------------|-----------------------|---------|------------------|-----------|
| Garage Door | Garage Door Frameout | Walk in Door | Walk in Door Frameout | Windows | Windows Frameout | Open Wall |
| Close Wall | Distance | Storage Length (Utility) | Cupola | | | |

VILLAGE OF
McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, December 17, 2024

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action on a Certified Survey Map for proposed Well #5 near the intersection of Prairie Wood Drive and Wiouwash Way

PREVIOUS ACTION:

ISSUE SUMMARY:

Background regarding this agenda item is provided under Agenda Item 4a.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to approve a Certified Survey Map for proposed Well #5 near the intersection of Prairie Wood Drive and Wiouwash Way, conditioned on the following:

- 1. Approval by the Village Board of Resolution 2024-22, a resolution discontinuing a portion of Wiouwash Way abutting Lot 88 and Outlot 10, Park View Estates.*
- 2. Completion of the associated land sales with the McFarland School District and Kevin Urso.*

ATTACHMENTS:

None

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, December 17, 2024

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion and action to make a recommendation to the Village Board regarding Resolution 2024-22, a resolution discontinuing a portion of Wiouwash Way abutting Lot 88 and Outlot 10, Park View Estates in the Village of McFarland as a public way.

PREVIOUS ACTION:

July 9, 2024 - Joint McFarland School and Village Board Planning Committee reviewed this concept, and was supportive of the effort.

July 15, 2024 - McFarland School Board reviewed and approved this concept

July 22, 2024 - Public Works and Utilities Committee recommended the proposal at their regular scheduled meeting.

July 23, 2024 - Village Board reviewed and approved this concept.

November 19, 2024 - Plan Commission recommended approval of Resolution 2024-21, a resolution approving a Land Exchange Agreement with Kevin Urso.

November 21, 2024 - Lis Pendens recorded for discontinuance of a portion of Wiouwash Way ROW.

November 26, 2024 - Village Board approved Resolution 2024-21, a resolution approving a Land Exchange Agreement with Kevin Urso.

November 26, 2024 - Village Board introduces Resolution 2024-22, a resolution discontinuing a portion of Wiouwash Way ROW.

ISSUE SUMMARY:

The Village Board will hold a public hearing regarding the proposed right-of-way vacation at their January 14th meeting.

Project Summary

The Village originally purchased Lots 87 & 88 in the Park View Estates subdivision on Prairie Wood Drive for the purpose of constructing a new Well #5 to serve the Village. This occurred prior to the McFarland School District's development of the adjacent ball diamonds (2018). The Park View Estates plat, recorded in 2002, assumed Wiouwash Way would continue north to serve future residential development which was established prior to the District's acquisition of the property to the north, which is not an uncommon practice. With the construction of the ball diamonds the need for the road to extend north into this property is no longer the case. The Village purchased Lots 87 & 88 because the WDNR requires the well hole to be a minimum of 50 feet from all property lines. Therefore, it was not possible to construct the well only on one of the lots.



In lieu of developing the well on Lots 87 & 88, the Village is proposing to acquire Outlot 10 from Kevin Urso and approximately 9,310 square feet from the School District in order to create a new lot to relocate Well #5, while meeting the required WDNR minimum setback requirements. Outlot 10 is not a buildable lot for a single family home and has no other land use purpose. The Village would then sell Lots 87 & 88 to Urso for the purposes of developing two new single family homes. The Village also proposes vacating the Wiouwash Way right-of-way as the roadway no longer needs to extend to the north and would increase the buildable area of Lot 88 as it would no longer be considered a corner lot with two front yard setbacks. The ROW would be vacated evenly to Outlot 10 and Lot 88 per Wisconsin Statutes. After the vacation is completed, the Village would sell to Urso the western one-half of the vacated ROW to be combined with Lot 88 and 87 to expand the buildable area of these lots. Thereafter, the CSM would be recorded.

The Certified Survey Map will establish the new lot for the relocation of Well #5 through land exchange of School District land plus Outlot 10 and adjust property lines suitable for the construction of two new single family residential lots. The CSM includes the proposed area of the Wiouwash Way to be vacated by separate action of the Village Board. The existing sewer and water laterals specific to the planned Well #5 location on Lots 87 & 88 will be abandoned and installed to serve the new well location. The Village will remove the pavement stub on Wiouwash Way along with associated utilities and new curb and sidewalk connections. Half of these costs are proposed for reimbursed by Urso as the adjacent benefitting property owner. The Village will complete the legal descriptions/survey work to facilitate the various property ownership changes. The proposal allows for the reconfiguration of land that benefits the School District, Village and developer. All parcels are zoned R-1 Single Family Residence.

FINANCIAL/BUDGET IMPACT:

Proposed acquisition price for the Village to acquire property from the District and Outlot 10 property owner is set at \$5/SF since these properties on their own are undevelopable for private purposes in their current state. The 9,310 SF owned by the District at a price of \$5/SF would total \$46,550 to the District. Outlot 10 at 6,733 SF would provide \$33,665 to the landowner using the same \$5/SF metric. Estimated costs to address utilities, pavement, road vacation, etc. is around \$80,000. Total expenses then are forecast at \$160,215.

Proposed sale price of Lots 87 & 88 that are owned by the Village is set at \$10/SF since the properties have more value as developable properties. Lot 87 is 10,025 SF which would generate revenue at \$100,250 using the \$10/SF while Lot 88 is sized at 10,419 SF yielding revenue of \$104,190. Total revenue is estimated at \$204,440.

Excess proceeds will remain within the water utility and can contribute to the new construction of Well #5.

VILLAGE PLAN REFERENCE:

Village 2017 Comprehensive Plan - Lots 87, 88 and Outlot 10 are planned for Single Family Residential and the portion of the CSM currently owned by the School District is identified under the Public Lands, Recreation, and Environmental Corridor future land use classification.



The proposed uses facilitated by approval of the CSM are consistent with the Village's Comprehensive Plan.

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Recommended motion:

Motion, second, to make a recommendation to the Village Board to approve Resolution 2024-22, a resolution discontinuing a portion of Wiouwash Way abutting Lot 88 and Outlot 10, Park View Estates in the Village of McFarland as a public way.

ATTACHMENTS:

1. 2024-22 Discontinue Portion of Wiouwash Way

RESOLUTION 2024-22

RESOLUTION DISCONTINUING A PORTION OF WIOUWASH WAY ABUTTING LOT 88 AND OUTLOT 10, PARK VIEW ESTATES IN THE VILLAGE OF MCFARLAND AS A PUBLIC WAY.

WHEREAS, the plat of Park View Estates dedicated Wiouwash Way, including a segment thereof extending north from Prairie Wood Drive abutting Lot 88 and Outlot 10 of the subdivision; and

WHEREAS, the land immediately north of the above-described road segment has been acquired by the McFarland School District and developed for use as athletic fields, making the future extension of Wiouwash Way north of Prairie Wood Drive unnecessary; and

WHEREAS, the Village Board has determined that it is in the public interest that said portion of Wiouwash Way, which is legally described in Exhibit A hereto, be discontinued as a public way pursuant to §66.1003, Wis. Stats.;

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of McFarland, that the public interest requires that the portion of Wiouwash Way legally described in Exhibit A and depicted in Exhibit B be, and it hereby is, vacated and discontinued as a public way, pursuant to §66.1003, Wis. Stats.

BE IT FURTHER RESOVLED, that the Deputy Administrator/Clerk shall record a certified copy of this Resolution and its Exhibits with the Dane County Register of Deeds.

BE IT FURTHER RESOLVED, that intent of this discontinuance is that title to all of the public way discontinued hereby revert to the adjoining private lands on each side thereof pursuant to §§66.1003 and 66.1005, Wis. Stats. and the Village releases any utility easements it has in the portion of Wiouwash Way discontinued hereby.

The above and foregoing Resolution was duly adopted at a regular meeting of the McFarland Village Board on the ____ day of _____, 2024.

ADOPTED:

Carolyn A. Clow, Village President

ATTEST:

Cassandra Suettinger
Deputy Administrator/Clerk

RESOLUTION # 2024-22	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Brandt	Leamy
Brassington	Peña
Clow	Prill
Fessler	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	

McFarland
SUMMARY SHEET

MEETING DATE: Tuesday, December 17, 2024

SECTION: Business

DEPARTMENT: Community Development

CONTACT: Andrew Bremer, Comm & Eco Dev Director

AGENDA ITEM: Discussion regarding proposed amendments to Article 62-III
Floodplain Zoning.

PREVIOUS ACTION:

August 29, 2023. WDNR held an open house regarding the draft floodplain map revisions at the Municipal Center.

November 19, 2024. Plan Commission discussion regarding project purpose and need.

ISSUE SUMMARY:

The Wisconsin DNR and FEMA have completed an update to the floodplain boundaries surrounding Pennito Creek. This includes land within the Village's northwest and northeast municipal boundary. The floodplain changes within McFarland are minimal mostly impacting the boundary of the 500-year floodplain. Included in the packet is a simplified map showing the changes for portion of McFarland within the Pennito Creek watershed. Proposed map changes can be viewed online at <https://msc.fema.gov/fmcv>.

On October 9, 2024 the Village received official notification of the new Flood Insurance Rate Map (FIRM). This is the start of the required 6-month adoption phase for affected communities. The current Flood Insurance Rate Map (FIRM) panels and Flood Insurance Study (FIS) will be superseded by these updated FIRMs and FIS and the references to these will need to be updated in the Village's Floodplain Ordinance. The Village's Floodplain Ordinance was last updated in 2008. Given the length of time, and the Village's planned Zoning Code update project, the DNR and Village staff recommend completing a full repeal and recreate so that the ordinance meets state and federal minimum standards. The DNR provides a model ordinance that communities can tailor to suit their particular needs. The DNR also recommends that communities separate the floodplain ordinance as a separate chapter within municipal code of ordinances rather than as a subchapter within the Zoning Code. This can reduce potential issues with conflicts between terms and regulations within the Zoning Code and Floodplain Ordinance, while also eliminating the potential need to notify the DNR and FEMA regarding non-floodplain ordinance amendments.

The new floodplain ordinance must be adopted by the Village Board and approved by the DNR and FEMA no later than April 9, 2025 to avoid the Village and property owners from being suspended from the National Flood Insurance Program (NFIP). Attached is a draft of the new Floodplain Ordinance for review and discussion using the state model ordinance template. A public hearing will be required to be held by the Plan Commission prior to making a



recommendation on the new ordinance to the Village Board. Staff is targeting the Plan Commission's January 21, 2025 meeting for the public hearing, subject to change.

Within the packet is a draft of the proposed Chapter 63 Floodplain Zoning. As noted above, the draft ordinance:

1. Utilizes the most current model ordinance from the WDNR, adjusted by staff to fit the Municipal Code's numbering system.
2. Incorporates the new Flood Insurance Study maps to be effective April 9, 2025.
3. Would become a new chapter within the Municipal Code separate from the Zoning Code (Chapter 62).

There are two areas of the model ordinance where the Village can choose to adopt new regulations not within the existing floodplain ordinance:

1. **Act 175 (Grey Text)**. This language is currently in the ordinance, but staff is recommending its removal. Information regarding Act 175 (adopted in 2019) is included in the packet. Act 175 addresses the "50% rule" for nonconforming structures and uses. The state's "50% rule" says 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 the local floodplain ordinance. In a floodplain zoning ordinance that has incorporated Act 175, if a nonconforming structure is altered to meet the federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the Village is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., "50% Rule"). Essentially, adoption of Act 175 language would provide greater flexibility to modify a nonconforming structure than currently allowed. Since ultimately it is the goal to not have structures located in the floodplain, staff recommends not incorporating the Act 175 language. Staff also notes that Dane County has not adopted the Act 175 language within its floodplain ordinance. Noting also, that the Village is not precluded from revising the floodplain ordinance in the future to add this language if so desired.
2. **Community Rating System (brown text/comment boxes)**. The Community Rating System (CRS) is a voluntary federal program created in 1990 as a voluntary program for recognizing and encouraging community floodplain management activities that exceed minimum National Flood Insurance Protection standards. The packet includes a summary sheet on the CRS program from the WDNR. There is no fee to participate in the program; however, the Village would have to adopt standards in excess of our current standards and those of Dane County. In addition, the Village would have to participate in up to 19 different activities in order to earn points toward our CRS Class rating. The CRS uses a Class rating system that is similar to fire insurance rating to determine flood insurance premium reductions for residents. CRS Classes are rated from 9 to 1. Today, most communities enter the program at a CRS Class 9 or Class 8 rating,



which entitles residents in Special Flood Hazard Areas (SFHAs) to a 5% discount on their flood insurance premiums for a Class 9 or a 10% discount for Class 8. As a community engages in additional mitigation activities, its residents become eligible for increased NFIP policy premium discounts. Each CRS Class improvement produces a 5% greater discount on flood insurance premiums for properties in the SFHA. According to the WDNR, within the Village there are 10 active NFIP policies covering \$3M of property. Dane County does not participate in the CRS program and the Village of Mazomanie is the only participating municipality in the County. Given there are only 10 properties that might benefit, staff recommends not including the CRS language. Noting also, that the Village is not precluded from revising the floodplain ordinance in the future to add this language if so desired.

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

Chapter 62, Article III - Floodplain Zoning

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This item is presented for discussion only. Staff is seeking Plan Commission input on inclusion of the Act 175 and CRS language. Following the meeting, staff will revise the ordinance per the Plan Commission's direction and prepare for the January 21st public hearing.

ATTACHMENTS:

1. McFarland Chapter 63 Floodplain Zoning_clean
2. ACT 175 guidance Final
3. Floodplain-CRS_011223
4. 2024McFarlandFPOrdAdoptionNoticeFIRM_FIS
5. FEMA Notice of FIRM Update Ltr_10.09.24
6. Pennito Creek FEMA Map Changes in McFarland

CHAPTER 63
FLOODPLAIN ZONING ORDINANCE FOR
The Village of McFarland

Effective **February 25, 2025** (enter date of adoption here)

Key for editing:

- Yellow highlights are places where the ordinance needs to be filled in with community specific information
- Grey highlights are ordinance additions for communities that choose to implement Act 175
- Comment bubbles indicate Community Rating System (CRS)-required higher standards. CRS is a voluntary federal program. If you received this ordinance document as a pdf, the comment bubbles containing the CRS language will not show. For more information on CRS go to <https://www.fema.gov/floodplain-management/community-rating-system>. To obtain an editable version of the ordinance that shows the comment bubbles, or to obtain more information about CRS, please reach out to DNRFloodplain@wisconsin.gov

Adoption schedule tracking

1. **Date of Public Hearing:** January 21, 2025
 - a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. **Date of Adoption:** February 25, 2025
3. **Dates of Publication or Posting:** January 2 and January 9, 2025
 - a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. **Date of Publication or Posting of Notice of Enacted Ordinance:**
 - a. March 6, 2025

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ARTICLE 63-1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

63-1 Statutory Authorization

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

63-2 Finding Of Fact

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

63-3 Statement Of Purpose

This ordinance is intended to regulate floodplain development to:

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

63-4 Title

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

63-5 General Provisions

- (a) *Areas to be regulated.* This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, or 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.
- (b) *Official Maps & revisions.* Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, or 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. (1) below. These maps and revisions are on file in the office of the Office of the Community & Economic Development Department.
 - (1) Official Maps based on Flood Insurance Study's (FIS) approved by the DNR and FEMA:
 - a. Flood Insurance Rate Map (FIRM), panel number 55025C0439G dated January 02, 2009;
 - b. Flood Insurance Rate Map (FIRM), panel numbers 55025C0439G and 55025C0463H dated September 17, 2014;
 - c. Flood Insurance Rate Map (FIRM), panel numbers 55025C0437H, 55025C0441H, 55025C0442H and 55025C0443J dated April 09, 2025;
 - d. Flood Insurance Study (FIS) for Dane County, volumes 55025V001E, 55025V002E, 55025V003E, and 55025V004E, dated April 09, 2025.

- (2) 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.
- a. Flood Storage Maps, Dane County and Incorporated Areas Flood Storage Districts, Panel (s), 9, 20, 26 and 27 effective April 09, 2025, approved by the DNR.
- (c) *Establishment of Floodplain Zoning Districts.* The flood hazard areas regulated by this ordinance are divided into districts as follows:
- (1) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to Wis. Stats. 5.1(5).
 - (2) 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 Wis. Stats. 5.1(5), within A Zones shown on the FIRM.
 - (3) 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.
 - (4) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.
- (d) *Locating Floodplain boundaries.* 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 (1) or (2) below. If a significant difference exists, the map shall be amended according to Article 63-VIII 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 Section 63-72(d) and the criteria in (1) and (2) 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 Article 63-VIII Amendments.
- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - (2) Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale.
- (e) *Removal of lands from Floodplain.*
- (1) 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 Article 63-VIII Amendments.

(2) The delineation of any of the Floodplain Districts may be revised by the Village 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:

- a. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation; and,
- b. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.

(3) 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.

(f) *Compliance.*

- (1) 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.
- (2) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Article 63-IX.
- (3) 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 Article 63-IX.

(g) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Wis. 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 Wis. Stats. 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 Wis. Stats. 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.

(h) *Abrogation and greater restrictions.*

- (1) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 for villages; or s. 87.30, Wis. 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.
- (2) 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.
- (i) *Interpretation.* In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the Village 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.
- (j) *Warning and disclaimer of liability.* The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the Village or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.
- (k) *Severability.* Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- (l) *Annexed areas for cities and villages.* The Dane County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the Village for all annexed areas until the Village 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 Village's Official Zoning Map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

ARTICLE 63-II GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

63-20 General Development Standards

- (a) *General development standards.* The Zoning Administrator 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.
- (3) 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 Section 63-70(b).

63-21 Hydraulic And Hydrologic Analyses

- (a) No floodplain development shall:
- (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
 - (2) Cause any increase in the regional flood height due to floodplain storage area lost.
- (b) 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 Article 63-VIII Amendments are met.

63-22 Watercourse Alterations

- (a) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of Section 63-21 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
- (b) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to Article 63-VIII 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.

63-23 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 Article 63-VIII Amendments.

63-24 Public Or Private Campgrounds

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

- (a) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;
- (b) A land use permit for the campground is issued by the Zoning Administrator;
- (c) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;
- (d) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain Plan Commission 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;
- (e) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (d) - 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;
- (f) All mobile recreational vehicles placed on site must meet one of the following:
 - (1) Be fully licensed, if required, and ready for highway use; or
 - (2) 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
 - (3) Meet the requirements in either Article 63-III, 63-IV, or Section 63-50 for the floodplain district in which the structure is located;

- (4) 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.
- (g) 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 Section 63-24(f) and shall ensure compliance with all the provisions of this section;
- (h) The Village shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;
- (i) 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
- (j) 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
- (k) *Standards for structures in a campground:*
 - (1) All structures must comply with Section 63-24 or meet the applicable requirements in Article 63-III, 63-VI, or Section 63-50 for the floodplain district in which the structure is located;
 - (2) 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 Village compliant with Section 63-24(d). 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.
 - (3) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
 - (4) 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 Village compliant with Section 63-24(d).

- (5) 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 Village compliant with Section 63-24(d).
- (l) A land use permit shall be obtained as provided under Section 63-70(b)(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.

ARTICLE 63-III FLOODWAY DISTRICT (FW)

63-30 Applicability

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to Section 63-50(e)(5).

63-31 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 Section 63-32 and 63-33; and all permits or certificates have been issued according to Section 63-70.

- (a) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- (b) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (c) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of Section 63-32(d).
- (d) Uses or structures accessory to open space uses or classified as historic structures that comply with Section 63-32 and 63-33.
- (e) Extraction of sand, gravel or other materials that comply with Section 63-32(d).
- (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (g) Public utilities, streets and bridges that comply with Section 63-32(c).
- (h) 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.

- (i) 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.
- (j) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- (k) 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.

63-32 Standards For Development In The Floodway

(a) *General.*

- (1) Any development in the floodway shall comply with Article 63-II and have a low flood damage potential.
- (2) 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 Section 63-21 and 63-70(b)(3). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- (3) Any encroachment in the regulatory floodway is prohibited unless the data submitted for Section 63-32(a)(2) 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 Section 63-5(e).

(b) *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:

- (1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (2) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 - a. 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;
 - b. Have structural components capable of meeting all provisions of Section 63-32(b)(7) and;
 - c. 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 63-32(b)(7).

- (3) Must be anchored to resist flotation, collapse, and lateral movement;
- (4) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- (5) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (6) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets Section 63-32(b)(1) through 62-32(b)(5) and meets or exceeds the following standards:
 - a. The lowest floor must be elevated to or above the regional flood elevation;
 - b. 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;
 - c. 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.
 - d. The use must be limited to parking, building access or limited storage.
- (7) 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:
 - a. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
 - b. 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 63-33(d) and (e);
 - c. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
 - d. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 - e. Placement of utilities to or above the flood protection elevation.
- (c) *Public utilities, streets and bridges.* Public utilities, streets and bridges may be allowed by permit, if:
 - (1) Adequate floodproofing measures are provided to the flood protection elevation; and
 - (2) Construction meets the development standards of Section 63-21.

(d) *Fills or deposition of materials.* Fills or deposition of materials may be allowed by permit, if:

- (1) The requirements of Section 63-21 are met;
- (2) 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;
- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (4) The fill is not classified as a solid or hazardous material.

63-33 Prohibited Uses

All uses not listed as permitted uses in Section 63-31 are prohibited, including the following uses:

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

ARTICLE 63-IV FLOODFRINGE DISTRICT (FF)

63-40 Applicability

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to Section 63-50(e).

63-41 Permitted Uses

Any structure, land use, or development is allowed in the Floodfringe District if the standards in Section 63-42 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in Section 63-70 have been issued.

63-42 Standards For Development In The Floodfringe

Article 63-II shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article 63-VI *Nonconforming Uses*.

- (a) *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;
 - (1) 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 Section 63-5(e).
 - (2) Notwithstanding Section 63-42(a)(1), 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;
 - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (4).
 - (4) In developments where existing street or sewer line elevations make compliance with subd. (3) impractical, the Village may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 - a. The Village has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - b. The Village has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.
- (b) *Accessory structures or uses.* In addition to Article 63-II, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (c) *Commercial uses.* In addition to Article 63-II, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of Section 63-42(a). Subject to the requirements of Section 63-42(e), 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.

Commented [MV1]: CRS Requirement: replace with, "1 foot above", with the option to use 2 feet for more CRS points.

- (d) *Manufacturing and industrial uses.* In addition to Article 63-II, 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 Section 63.74. Subject to the requirements of Section 63-42(e), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (e) *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 Section 63-74. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.
- (f) *Public utilities, streets and bridges.* All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and
 - (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with Section 63-74.
 - (2) 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.
- (g) *Sewage systems.* All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to Section 63-74(c), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
- (h) *Wells.* All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to Section 63-74(c), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (i) *Solid waste disposal sites.* Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- (j) *Deposition of materials.* Any deposited material must meet all the provisions of this ordinance.
- (k) *Manufactured homes.*
 - (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
 - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse, or move laterally during a flood;
 - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in Section 63-42(a).

- (l) *Mobile recreational vehicles.* All mobile recreational vehicles must be on site for less than 180 consecutive days and be either:

- (1) Fully licensed and ready for highway use; or
- (2) Shall meet the elevation and anchoring requirements in Section 63-42(k)(2) and (3).

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.

ARTICLE 63-V OTHER FLOODPLAIN DISTRICTS

63-50 General Floodplain District (GFP)

- (a) *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 Section 63-5(b)(1).
- (b) *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 Section 63-5(b)(1), the boundaries of the regulatory floodway shall be determined pursuant to Section 63-50(e). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Article 63-III. If the development is located entirely within the floodfringe, the development is subject to the standards of Article 63-IV.
- (c) *Permitted uses.* Pursuant to Section 63-50(e) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (Section 63-31) and Floodfringe (Section 63-41) Districts are allowed within the General Floodplain District, according to the standards of Section 63-50(d) provided that all permits or certificates required under Section 63-70 have been issued.
- (d) *Standards for development in the General Floodplain District.* Article 63-III applies to floodway areas, determined to pursuant to Section 63-50(e); Article 63-IV applies to floodfringe areas, determined to pursuant to Section 63-50(e).
- (1) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - a. To or above the depth, in feet, as shown on the FIRM above the **highest adjacent natural grade;** or
 - b. If the depth is not specified on the FIRM, **two feet (2) above the highest adjacent natural grade or higher.**
 - (2) 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.
 - (3) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

Commented [MV2]: Add: "plus 1 (one) additional foot of freeboard;" with the option to use 2 (two) feet for additional CRS points.

The CRS prerequisite applies to AO zones as well as AE zones. All zones where a specific elevation is required by NFIP minimum standards.

Commented [VHMAD(3): Change to " 3 (three) feet above" with the option to use 4 (four) feet for additional CRS points.

The CRS prerequisite applies to AO zones as well as AE zones. All zones where a specific elevation is required by NFIP minimum standards.

- (4) All development in zones AO and zone AH shall meet the requirements of Article 63-IV applicable to flood fringe areas.
- (e) *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:
 - (1) 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.
 - (2) 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.
 - a. A Hydrologic and Hydraulic Study as specified in Section 63-70(b)(3).
 - b. 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.
 - c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

63-51 Flood Storage District

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

- (a) *Applicability.* The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.
- (b) *Permitted uses.* Any use or development which occurs in a flood storage district must meet the applicable requirements in Section 63-42.
- (c) *Standards for development in Flood Storage Districts.*
 - (1) 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.
 - (2) 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.
 - (3) 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 Article 63-VIII Amendments of this ordinance.

- (4) 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.

ARTICLE 63-VI NONCONFORMING USES

63-60 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 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.
 - (2) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, the Village 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 ordinance 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 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.
 - (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 ordinance;
 - (3) The Village 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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 63-42(a). 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;
- (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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 63-42(a). 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 (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 ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 63-42(a).
- (7) Except as provided in subd. (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 base flood elevation** using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of Section 63-74(b).
 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

Commented [MV4]: CRS Requirement: replace with, "1 (one) foot above", with the option to use 2 (two) feet for more CRS points.

elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

Commented [MV5]: CRS Requirement: replace with "elevated to 1 (one) foot above the base flood elevation", with the option to use 2 (two) feet for more CRS points.

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 Section 63-50(d).
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 Section 63-60(b)(8)a1-6.
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 Section 63-74(a) or (b).
3. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in Section 63-50(d).

Commented [MV6]: CRS Requirement: Change to, " 1 (one) foot" (optional to raise to 2 (two) feet for more CRS points)

(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 Section 63.32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 63-74 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Section 63-60(b)(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:

Commented [VHMAD(7)]: OPTIONAL - Reserve for Communities who want to implement Act 175. This section is optional. If the Community is removing this language, please update the Table of Contents page references.

See guidance language

- (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 Article 63-II;
- (4) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of Section 63-32(a), 63-32(b)(2) through (5), 63-32(c), Section 63-32(d), and Article 63-II. 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 Section 63-50(e). If the encroachment is in the floodway, it must meet the standards in Section 63-32(d);

Commented [MV8]: CRS Requirement: Change to, " 1 (one) foot" (optional to raise to 2 (two) feet for more CRS points)

- (5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of Section 63-42 and 63-62;
- (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 non-residential 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 non-residential 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 Section 63-60(d)7 above.
 - b. The Village 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;

Commented [MV9]: CRS Requirement: Change to, " 1 (one) foot" (optional to raise to 2 (two) feet for more CRS points)

Commented [MV10]: CRS Requirement: Change to, " 1 (one) foot" (optional to raise to 2 (two) feet for more CRS points)

Commented [MV11]: CRS Requirement: Change to, " 1 (one) foot above" (optional to raise to 2 (two) feet for more CRS points)

Commented [MV12]: CRS Requirement: Change to, " 1 (one) foot" (optional to raise to 2 (two) feet for more CRS points)

(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;

Commented [MV13]: CRS Requirement: Change to, " 1 (one) foot" (optional to raise to 2 (two) feet for more CRS points)

Commented [MV14]: CRS requirement: remove this language.

(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 Section 63-60(d)(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 repaired 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 Sections 63-60(d)(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 Section 63-50(e). If the encroachment is in the floodway, it must meet the standards in Section 63-32(d). 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 Section 63-50(e). If the encroachment is in the floodway, it must meet the standards in Section 63-32(d). 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 Section 63-60(d)(7) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

Commented [MV15]: CRS Requirement: Change to "...1 (one) foot more than the depth number specified in feet on the FIRM (at least 3 (three) feet if no depth number is specified)," with the option to receive more CRS points by changing it to: "...2 (two) feet more than the depth number specified in feet on the FIRM (at least 4 (four) feet if no depth number is specified)."

63-61 Floodway District

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
- (1) Has been granted a permit or variance which meets all ordinance requirements;
 - (2) Meets the requirements of Section 63-60;
 - (3) Shall not increase the obstruction to flood flows or regional flood height;
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 63-74, by means other than the use of fill, to the flood protection elevation; and,
 - (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. 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;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or

maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, Section 63-74(c) and Ch. SPS 383, Wis. Adm. Code.

- (c) 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, Section 63-74(c) and chs. NR 811 and NR 812, Wis. Adm. Code.

63-62 Floodfringe District

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village and meets the requirements of Section 63--42 except where Section 63-32(b) is applicable.
- (b) Where compliance with the provisions of subd. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning Appeals, using the procedures established in Section 63-72, may grant a variance from those provisions of subd. (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (2) Human lives are not endangered;
 - (3) Public facilities, such as water or sewer, shall not be installed;
 - (4) Flood depths shall not exceed two feet;
 - (5) Flood velocities shall not exceed two feet per second; and
 - (6) The structure shall not be used for storage of materials as described in Section 63-42(e).
- (c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, Section 63-74(c) and ch. SPS 383, Wis. Adm. Code.
- (d) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, Section 63-74(c) and ch. NR 811 and NR 812, Wis. Adm. Code.

Commented [MV16]: CRS requirement: add, "1 (one) foot above" with the option to use 2 (two) feet for more CRS points.

63-63 Flood Storage Districts

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in Section 63-51(c) are met.

ARTICLE 63-VII ADMINISTRATION

Where a Zoning Administrator, Planning Commission or a Board of Zoning 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.

63-70 Zoning Administrator

(a) *Duties and powers.* The Zoning Administrator is authorized to administer this ordinance and shall have the following duties and powers:

- (1) 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.
- (2) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations;
 - c. Floodproofing certificates.
 - d. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - e. All substantial damage assessment reports for floodplain structures.
 - f. List of nonconforming structures and uses.

(5) Submit copies of the following items to the Department Regional office:

- a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
- b. Copies of case-by-case analyses and other required information.
- c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(6) Investigate, prepare reports, and report violations of this ordinance to the municipal Plan Commission and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(7) Submit copies of amendments to the FEMA Regional office.

(b) *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:

(1) *General information.*

- a. Name and address of the applicant, property owner and contractor;
- b. Legal description, proposed use, and whether it is new construction or a modification;

(2) *Site development plan.* A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of Articles 63-III or 63-IV are met; and
- i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to Section 63-21. This may include any of the information noted in Section 63-32(a).

(3) *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.

- a. Zone A floodplains and in AE zones within which a floodway is not delineated:
 - 1. *Hydrology.* The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.
 - 2. *Hydraulic modeling.* The regional flood elevation shall be based on the standards 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.
3. *Mapping.* A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- 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.
- b. *Zone AE Floodplains.*
- 1. *Hydrology.* If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

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

- iii. 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.
- iv. 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.
- v. 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.
- vi. 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.
- vii. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- viii. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

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

- 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.
- (4) *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.
- (c) *Certificate of compliance.* No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
 - (4) 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 Section 63-74 are met.
 - (5) Where applicable pursuant to Section 63-50(d), 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.
 - (6) Where applicable pursuant to Section 63-50(d), 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 Section 63-50(d).
- (d) *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.

63-71 Plan Commission

- (a) The Plan Commission shall:
 - (1) Oversee the functions of the office of the Zoning Administrator; and
 - (2) Review and advise the Village Board on all proposed amendments to this ordinance, maps, and text.
 - (3) Publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- (b) The Plan Commission shall not:
 - (1) Grant variances to the terms of the ordinance in place of action by the Board of Zoning Appeals; or
 - (2) Amend the text or zoning maps in place of official action by the Village Board.

63-72 Board Of Zoning Appeals

The Board of Zoning Appeals, created under s. 62.23(7)(e), Wis. Stats., for cities or villages, 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.

- (a) *Powers and duties.* The Board of Zoning 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 ordinance;
 - (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 of Zoning Appeals.* Appeals to the Board may be taken by any person aggrieved, or by any officer or department of the Village 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.
- (c) *Notice and hearing for appeals including variances.*
 - (1) *Notice.* The Board of Zoning Appeals 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 of Zoning Appeals shall:
 - a. Resolve boundary disputes according to Section 63-72(c);
 - b. Decide variance applications according to Section 63-72(d); and
 - c. Decide appeals of permit denials according to Section 63-73.
- (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 of Zoning Appeals;
 - d. State the specific facts which are the basis for the Board of Zoning Appeal'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 of Zoning Appeals proceedings.
- (d) *Boundary disputes.* The following procedure shall be used by the Board of Zoning Appeals in hearing disputes concerning floodplain district boundaries:
 - (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
 - (2) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Zoning Appeals; and
 - (3) If the boundary is incorrectly mapped, the Board of Zoning Appeals should inform the zoning committee or the person contesting the boundary location to petition the Village Board for a map amendment according to Article 63-VIII Amendments.
- (e) *Variance.*
 - (1) The Board of Zoning Appeals may, upon appeal, grant a variance from the standards of this ordinance 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 ordinance in Section 63-3.
 - (2) In addition to the criteria in subd. (1), to qualify for a variance under FEMA regulations, the Board of Zoning Appeals 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 ordinance or map(s) required in Article 63-VIII 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 of Zoning Appeals shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase. A copy shall be maintained with the variance record.

Commented [AB17]: How would the Village know this and couldn't these values change over time. Can we delete?

63-73 To Review Appeals Of Permit Denials

(a) The Plan Commission (Section 63-71) or Board of Zoning Appeals shall review all data related to the appeal. This may include:

- (1) Permit application data listed in Section 63-70(b);
- (2) Floodway/floodfringe determination data in Section 63-50(e);
- (3) Data listed in Section 63-32(a)(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 of Zoning Appeals with the appeal.

(b) For appeals of all denied permits the Board of Zoning Appeals shall:

- (1) Follow the procedures of Section 63-72;
- (2) Consider Plan Commission recommendations; and
- (3) Either uphold the denial or grant the appeal.

(c) For appeals concerning increases in regional flood elevation the Board of Zoning Appeals shall:

- (1) Uphold the denial where the Board of Zoning Appeals 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 Article 63-VIII Amendments; and
- (2) Grant the appeal where the Board of Zoning Appeals agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

63-74 Floodproofing Standards

- (a) 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 Articles 63-II, 63-III, 63-IV, or Section 63-50.
- (b) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 - (1) certified by a registered professional engineer or architect; or
 - (2) meeting or exceeding the following standards:
 - a. 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;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Floodproofing measures shall be designed, as appropriate, to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement;
 - (4) Minimize or eliminate infiltration of flood waters;
 - (5) Minimize or eliminate discharges into flood waters;
 - (6) Placement of essential utilities to or above the flood protection elevation; and
 - (7) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. 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;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.

63-75 Public Information

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

ARTICLE 63-VIII AMENDMENTS

63-80 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 Section 63-81.

- (a) 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 Section 63-81. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (b) In A Zones increases equal to or greater than 1.0 (one) 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 Section 63-81.

63-81 General

The Village Board shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in Section 63-82 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (a) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (b) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (c) Any changes to any other officially adopted floodplain maps listed in Section 63-5(b)(2);
- (d) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
- (e) Correction of discrepancies between the water surface profiles and floodplain maps;
- (f) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village; and
- (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

63-82 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 Section 63-50(e) and Section 63-70(b). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for

the proposed changes.

- (a) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department 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.
- (b) No amendments shall become effective until reviewed and approved by the Department.
- (c) 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 Village Board.

ARTICLE 63-IX 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 Village a penalty of not less than \$50.00 and not more than \$100.00, 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 Village, the state, or any citizen thereof pursuant to s. 87.30, Stats.

Commented [AB18]: Reflects our current ordinance

ARTICLE 63-X 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.

- (d) 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.
- (e) AH ZONE – See "AREA OF SHALLOW FLOODING".
- (f) AO ZONE – See "AREA OF SHALLOW FLOODING".
- (g) 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.
- (h) 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.

- (i) 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.
- (j) 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.
- (k) BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.
- (l) BUILDING – See STRUCTURE.
- (m) 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.
- (n) 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.
- (o) 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.
- (p) 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.
- (q) CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (r) 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.
- (s) DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
- (t) DEPARTMENT – The Wisconsin Department of Natural Resources.
- (u) 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.

- (v) 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.
- (w) ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
- (x) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
- (y) 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.
- (z) 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:
 - (1) The overflow or rise of inland waters;
 - (2) The rapid accumulation or runoff of surface waters from any source;
 - (3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - (4) 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.
- (aa) 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.
- (bb) 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.
- (cc) 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.
- (dd) 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.

- (ee) 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.
- (ff) FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (gg) FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (hh) 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.
- (ii) 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.
- (jj) FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
- (kk) FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (ll) FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (mm) 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.
- (nn) HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
- (oo) 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.

(pp)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.

(qq)HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(rr) HISTORIC STRUCTURE – Any structure that is either:

- (1) 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;
- (2) 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;
- (3) 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
- (4) 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.

(ss)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.

(tt) LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

(uu)LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

(vv)LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement).

(ww) 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.

(xx)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."

(yy)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.

- (zz) 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.
- (aaa) 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.
- (bbb) 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."
- (ccc) 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.
- (ddd) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- (eee) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (fff) 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.
- (ggg) 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.
- (hhh) NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

- (iii) NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
- (jjj) 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.
- (kkk) NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
- (III) 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.)
- (mmm) 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.)
- (nnn) 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.
- (ooo) 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.
- (ppp) OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
- (qqq) 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.
- (rrr) PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency.
- (sss) 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.

(ttt) **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.

(uuu) **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.

(vvv) **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.

(www) **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.

(xxx) **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.

(yyy) **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.

(zzz) **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.

(aaaa) **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.

(bbbb) 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.

(cccc) VARIANCE – An authorization by the Board of Zoning 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.

(dddd) 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.

(eeee) WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

(ffff) 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.

(gggg) 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.

ACT 175 (s. 87.30 (1d)(d) Stats.) Guidance

The WDNR floodplain model ordinance includes the acceptable regulatory standards required in Ch. NR116, Wis. Admin. Code with supplemental wording intended to ensure that the minimum requirements for participation in the National Flood Insurance Program (44 C.F.R. §§59-72) are met or exceeded in all circumstances. The floodplain model ordinance now includes language for communities choosing to adopt changes consistent with 2019 Act 175.

Act 175 was enacted March 2020 and created § 87.30 (1d) (d), Wis. Stats. This Act changes how Ch. NR116, Wis. Admin. Code may require local governments to regulate nonconforming structures in the floodplain. To participate in the National Flood Insurance Program, however, communities must still adopt and enforce regulations that meet the NFIP's minimum standards, which are unchanged. § 87.30 (1d) (d) creates an exception to the state's "50% rule" for structures in the floodplain. The state's "50% rule" says 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 the local floodplain ordinance.

Essentially, in a floodplain zoning ordinance that has incorporated Act 175, if a nonconforming structure is altered to meet the federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the Department is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., "50% Rule"). It is important to note that structures modified to meet the requirements of § 87.30 (1d) (d) are not transformed into conforming structures. They are still considered nonconforming structures and are subject to all other non-cost-based regulations and restrictions applicable to nonconforming structures.

The NFIP minimum standards require a participating community to regulate all development, including all improvements to all structures in special flood hazard areas. The appropriate minimum standards must be applied to substantial improvements, modifications, additions, and repair or other improvement of substantially damaged buildings, without regard for whether such buildings are "nonconforming" with regard to ordinances adopted to meet Ch. NR116 regulations or other state or local zoning regulations.

Act 175 did not change any city, village, or county floodplain ordinance authority and communities are able to maintain their current ordinance and incorporate higher standards into their floodplain zoning ordinance.

Communities should decide whether to incorporate Act 175 into the floodplain ordinance or maintain their current framework for regulating nonconforming structures based on an assessment of local flood risks. Once the local flood risks are identified and an appropriate zoning approach is determined, some communities may choose to maintain existing floodplain zoning and implement higher standards, while others may modify their ordinances to adopt this new minimum standard. (see [WDNR floodplain model ordinance.](#))

1. When Act 175 is incorporated into an ordinance there is a potential for the community to allow modifications, additions, substantial improvements, maintenance and repairs to existing nonconforming structures in excess of the State's 50% Rule once the minimum requirements of **Appendix A** are met. This creates two classifications of nonconforming structures:
 - a. Class 1: Nonconforming structures that do not meet Appendix A minimum requirements and continued to be subject to the State's 50% Rule.
 - b. Class 2: Nonconforming structures meeting Appendix A minimum requirements and no longer subject to the State's 50% Rule.
2. For ordinances without Act 175 – repair/maintenance/modification/substantial improvement of structures in the floodplain is limited by the 50% rule as expressed in NR116.
 - a. No modification, addition, maintenance, or repair can be made on a structure in the floodway if the cost exceeds 50% of the present equalized assessed value of the structure;
 - b. If a structure in the floodway is substantially damaged by a flood, it must be removed from the floodway;
 - c. No modification, addition, maintenance, or repair can be made on a structure in the floodfringe if the cost exceeds 50% of the present equalized assessed value of the structure unless the structure is modified to conform to the floodplain ordinance;
 - d. In addition all standards for nonconforming structures in the floodplain, listed in Nonconforming Uses in Section 6.0 of the state model, must be followed.

Appendix A

For communities incorporating Act 175 into its ordinance, non-conforming structures not subject to the State 50% Rule must meet the following minimum standards:

- (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 the general standards applicable to all floodplain districts;
- (4) The building is permanently changed to conform to all applicable requirements in the community's floodplain zoning ordinance such as Hydraulic and Hydrologic Analyses (H & H), lowest floor elevations, anchoring, mechanical and utility equipment elevations, floodproofing standards, and must not obstruct flow of floodwater or cause any increase in flood levels.

NOTE: Incorporating Act 175 into the local ordinance still requires the zoning administrator to carefully review and apply applicable portions of Nonconforming Uses in section 6.0 of the model ordinance because the structure is still a nonconforming structure.

- (5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of the floodfringe district.
- (6) New construction 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) New construction and substantial improvements of non-residential 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 non-residential 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 paragraph vii 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 new construction 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. 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 paragraph ix above.
 - 12) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including new construction, 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.
 - 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 new construction, substantial improvement, and other development to meet paragraphs (6) through

(12) (inclusive) above. If floodway data are available, the community must select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

- 14) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, no new construction, substantial improvement, or other development (including fill) may be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- 15) Notwithstanding the requirements of paragraphs (12) and (14) above, the community may permit certain development in zones A1-30 and AE where a floodway has not been delineated, which will increase the water surface elevation of the base flood by more than one foot, or in a regulatory floodway, which will result in an increase in base flood elevations, if the community first obtains a Conditional Letter of Map Revision (CLOMR) from FEMA and fulfills the requirements of Section 65.12 of Title 44, Code of Federal Regulations.
- 16) In zone AO, new construction 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).
- 17) In zone AO, new construction 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 paragraph vii above.

Community Rating System At-A-Glance



The **Community Rating System (CRS)** is a voluntary Federal Emergency Management Agency program that recognizes and rewards communities that go above and beyond the bare minimum requirements of the National Flood Insurance Program. There is no monetary cost to join; the only real “cost” is the time and effort of the staff person assigned as the CRS Coordinator.

Communities select activities to do voluntarily that earn that community points. The more points you have, the better rate class your community is in, which gets your community members a corresponding discount on federal flood insurance premiums. To be eligible to join, you must be in good standing with the National Flood Insurance Program.

What are the activities? There are 19 different possible activities you can participate in for CRS points that fall into four categories: Public information, Mapping and Regulations, Flood Damage Reduction and Flood Preparedness. More information on the specific activities can be found at the links below. Your community, when reviewing the creditable activities, will likely be pleasantly surprised to see that you’re already doing some of them.

To join, two items are needed to request a CRS classification: a letter of interest to the FEMA regional office, and a “CRS Quick Check” that shows the community is implementing some CRS activities. Please feel free to engage with the DNR’s floodplain program for assistance or if you have any questions by emailing dnrfloodplain@wisconsin.gov. Please note that as part of the process of joining, an audit will be necessary (a Community Assistance Visit). [A link to the template letter of interest and the quick check form can be found here.](#)

For More Information:

[FEMA Fact sheet on CRS \(2021\)](#)

[FEMA Local Official’s Guide \(2018\)](#)

BENEFITS:

- Discounted flood insurance premiums for community members, up to 45% off.
- Higher standards serve to enhance public safety, reduce damage to property and public infrastructure and avoid economic disruption and loss.
- Communities can evaluate their flood programs against a nationally recognized benchmark.
- Technical assistance in carrying out some activities is available to community officials at no charge.
- Citizens and property owners in CRS communities have enhanced opportunities to learn about their risk, evaluate their individual vulnerabilities and take action to protect themselves, as well as their home and businesses.

COSTS:

- There is no monetary cost to join.
- Time and effort on the part of staff:
 - ☐ A Community Assistance Visit;
 - ☐ Rectify any violations found;
 - ☐ Show that the community has a good permitting system, an organized system for recordkeeping;
 - ☐ And a community may need to update the ordinance, on a case-by-case basis
- It may take a while to complete the process to join.



Wednesday, October 9, 2024

Ms. Carolyn Clow, Village President
Village of McFarland
5915 MILWAUKEE ST
MC FARLAND WI 53558-8962

Electronic delivery via email: carolyn.clow@mcfarland.wi.gov

Subject: Ordinance adoption notice for Village of McFarland. FEMA Community ID: 550086.

Dear Ms. Carolyn Clow,

Recently, the Village of McFarland received a Letter of Final Determination (LFD) date of April 09, 2025, from the Federal Emergency Management Agency (FEMA) notifying the Village that updated Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS) for Dane County must be adopted into the local floodplain ordinance within six months. The Village ordinance must be updated and approved by DNR and FEMA no later than **April 09, 2025, or your community will be suspended from the National Flood Insurance Program (NFIP).**

This letter, and the information listed below explain how to set up the ordinance and the ordinance adoption process. This information was provided as attachments to the same email that contained this letter.

- FIRM and FIS Information – lists out the FIRM panels, FIS numbers and the effective dates needed for the official maps section of the local floodplain ordinance.
- [Flood Storage district maps for communities in Dane County](#) -The cities of Edgerton, Fitchburg, Madison, Middleton, Monona, Stoughton and Sun Prairie, villages of Cambridge, Cottage Grove, Deerfield, Maple Bluff, Marshall, McFarland, Oregon and Shorewood Hills and Dane County all have updated flood storage maps to add to their ordinance. DNR staff can assist with the wording in the ordinance. Local floodplain zoning staff from the affected communities are encouraged to download copies of the updated flood storage map panels to have on file for regulatory purposes.

From the [DNR Risk Map Web Page](#), scroll to and select the Pennito Creek -Dane County (PMR) Watershed Project. Then scroll to the maps section and select the flood storage panels for your area of jurisdiction.

- Checklist for standard model ordinance – used to match local sections to state model sections, to ensure all applicable text is included. Completing this document is required if the local ordinance has language that varies from the state model. An editable version in Word format is attached.
- WDNR current standard model ordinance – to be used for the update of your community ordinance. The state standard model meets the minimum requirements of the NFIP and Chapter NR116, Wisconsin Administrative Code. An editable version in Word format is attached.
- [Adopting an ordinance](#)- a step-by-step guide quick guide outlining the adoption process.
- [Checklist for ordinance updates](#)– a checklist describing what is needed for the ordinance adoption process and to receive the DNR approval.
- Ordinance adoption timeline – an outline of steps, with timeframe for each, to receive the DNR approval before the FEMA deadline.

DNR staff are prepared to assist you in the ordinance review and adoption process, provide example public notices and explain state and federal regulatory requirements. Communities are encouraged to have DNR staff review the draft local

floodplain ordinance well before the ordinance is presented to the local governing body for adoption in order to ensure compliance with the NFIP and Chapter NR116, Wisconsin Administrative Code. We advise you to start on this process as soon as possible to allow for the time necessary to complete the adoption process and to allow for any unintentional delays. FEMA will not permit extensions beyond the April 09, 2025, deadline. **If the ordinance is not legally adopted by the community and approved by the DNR and FEMA, the community will be immediately suspended from the NFIP.**

The federal consequences of being suspended from the NFIP are:

1. No resident will be able to purchase a federal flood insurance policy. Those that may have had policies will no longer have coverage after the current policy renewal date, however no flood claims would be paid out until the community rejoins the program.
2. Federal officers and agencies are prohibited from approving any financial assistance for acquisition, construction, repair, or maintenance purposes in an area of special flood hazard in the community.
3. Public facilities and citizen owned structures, during a federally declared flood disaster, are not eligible for the full assistance that normally would be available to communities that are members of the NFIP.
4. Development potential may be affected in your community. FEMA will not approve a Letter of Map Revision based on Fill (LOMR-F) because the community acknowledgement form cannot be signed if the community is not a participant in the NFIP.

The process for amending a local floodplain ordinance is:

- **Ordinance amendment draft (recommended)**- submit draft ordinance to your DNR Floodplain Management contact for review 2-4 weeks prior to the public hearing to ensure it is compliant with the minimum standards of the NFIP and Chapter NR116, Wisconsin Administrative Code before adoption. We advise the Community to adopt the DNR model as it does meet current minimum standards for the NFIP and Chapter NR116. However, the community may be more restrictive than the minimum standards, if desired.
- **Notice of public hearing (Class2)** - the publication or posting of a public hearing notice for two consecutive weeks with the final notice being published or posted **no less than seven (7) days** prior to the public hearing. It is critical that the notice is published/posted correctly because if it is not, it may not be valid, and the community would be required to go through the adoption process again.
- **Decision of governing body**- once an amended floodplain ordinance has been adopted, please submit the following information in electronic format PDF to your DNR Floodplain Management contact within ten (10) days after adoption:
 1. A certified copy of the adopted ordinance.
 2. An affidavit of publication of the notice of public hearing from the newspaper with the notice. If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on the municipality internet site per s. 985.02(2)(a).
 3. An affidavit of publication of the notice of the enacted ordinance from the newspaper with the notice. If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on a municipality internet site per s. 985.02(2)(a).
- Upon receipt DNR staff will review the documents to issue the approval and coordinate the FEMA approval for the community.

If you have any questions concerning this letter or need further information on the ordinance adoption process or the Wisconsin model ordinance, please reach out to the Floodplain Management Program contact identified in the email sent to you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mia A. Van Horn', with a stylized, cursive script.

Mia A. Van Horn
Floodplain Zoning Ordinance Coordinator
Wisconsin Department of Natural Resources
Madison office

Copy to: Mr. Andrew Bremer - Village of McFarland, via andrew.bremer@mcfarland.wi.gov
 William T Disser - Wisconsin DNR, via william.disser@wisconsin.gov



Federal Emergency Management Agency

Washington, D.C. 20472

October 9, 2024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Carolyn Clow
Village President, Village of McFarland
P.O. Box 110
McFarland, WI 53558

Community Name: Village of McFarland,
Dane County,
Wisconsin
Community No.: 550086
Map Panels Affected: See FIRM Index

Dear Village President Clow:

This is to notify you of the final flood hazard determination for Dane County, Wisconsin and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on April 9, 2025. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations

apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d);
2. Adopting all the standards of 44 CFR Part 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These

files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Sarah Rafajko, NFIP State Coordinator for Wisconsin by telephone at (608) 893-8710. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region V at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis V. Rodriguez, P.E.
Director, Engineering and Modeling Division
Risk Management Directorate | Resilience

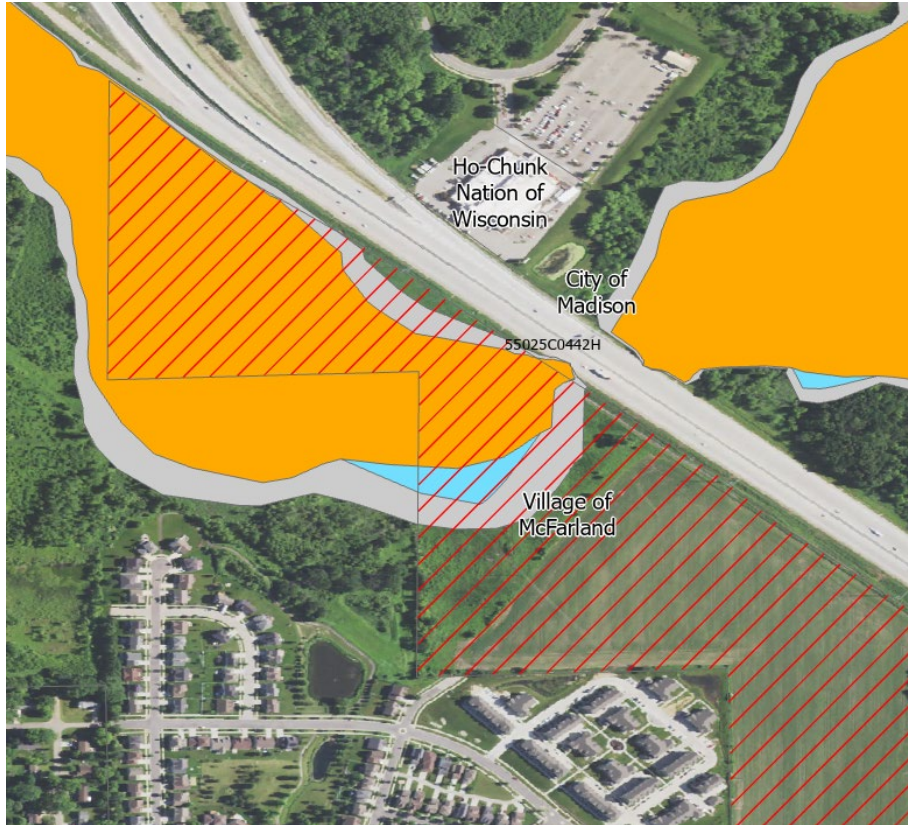
Enclosure:
Final SOMA

cc: Community Map Repository
Andrew Bremer, Community & Economic Development Director, Village of McFarland

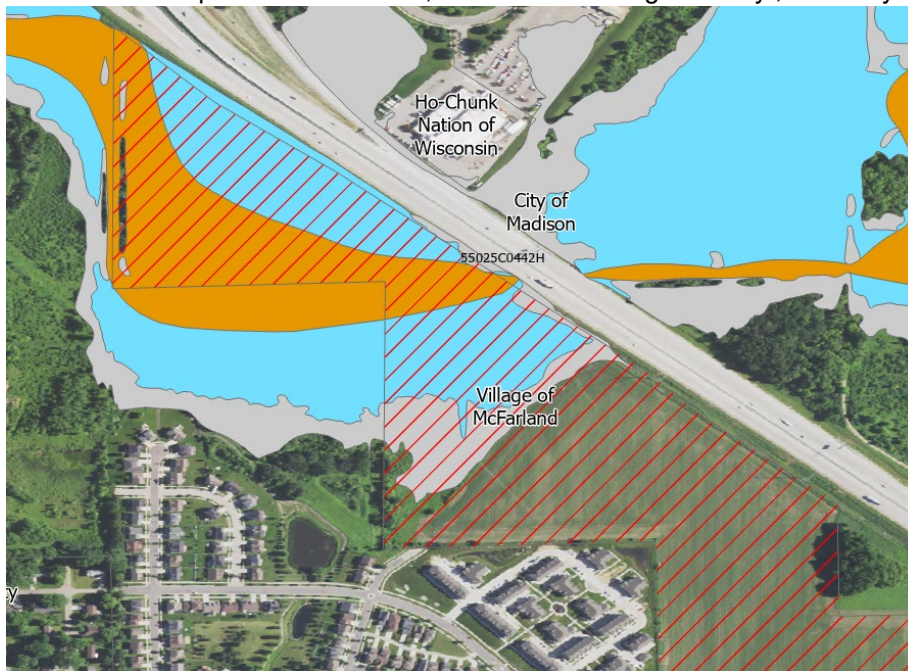
Pennito Creek FEMA Map Changes in McFarland

Orange = floodway, blue = AE (100-year floodplain), gray = 500 year floodplain.

Current effective - SFHA consists mainly of floodway with 500yr surrounding.



Revised – Floodplains more refined, some minor change in 500yr, floodway narrower and more AE.



Revised – Within the Village of McFarland (red line), there is some increase in the Non-Special Flood Hazard Area (yellow/black checkered area). A Non-Special Flood Hazard Area (NSFHA) is an area that is in a moderate-to-low risk flood zone (Zones B, C, X Pre- and Post-FIRM).

