

officers in enforcement of this Chapter. [See Article N of this Chapter for detail provisions].

Sec. 13-1-443 Zoning Permit; Certificate of Compliance.

(a) When Applications Required.

- (1) No building, structure, or any parts thereof, or any development except as provided in this Chapter, shall be built, enlarged, altered, repaired, demolished, placed, erected, structurally altered or within the areas subject to the provisions of this Chapter until the appropriate permit under this Section has been applied for and issued by the Zoning Administrator.
- (2) For the purposes of this Section, to alter or repair a building or structure shall be construed to mean to change the dimensions, square footage, cubic footage, or structural supports of a building or structure or to change the structure in such a way that the future use of the premises is inconsistent with the zoning district wherein the parcel is located.
- (3) All permits issued by the Zoning Administrator shall be issued only upon the condition that the Zoning Administrator, or designee, may inspect the premises for compliance during reasonable daylight hours.
- (4) Applications for permits under this Section shall fully comply with the requirements of the Wisconsin Statutes, Wisconsin Administrative Code, and the Kenosha County Sanitary Code and Privage Sewage System Ordinance, as amended, if the parcel is to be served by a private septage system.
- (5) No application shall be accepted or processed by the Zoning Administrator if the parcel for which a permit is being applied for is not in compliance with any provision of the Zoning Code or Floodplain Zoning Code.

(b) Applications. Applications for a permit under this Section shall include the following information, accompanied by all applicable fees:

- a. Names, addresses, telephone numbers and email addresses of the applicant, owner of the site, architect, professional engineer, contractor and authorized agent.
- b. Description of the subject site by lot, block, and recorded subdivision or certified survey map; addresses of the subject sites.
- c. Type(s) of structure(s); existing and proposed operation or use of the structure or sites; number of employees; anticipated patrons or maximum seating capacity; date of purchase.
- d. The zoning district within which the subject site is located; tax parcel number.
- e. Projected cost of the project.
- f. A plat of survey and/or site plan layout prepared by a land surveyor registered by the State of Wisconsin, or other map or sketch acceptable to the Zoning

Administrator, showing the location, boundaries, dimensions, uses and sizes of the following in relation to the subject site [all permit applications for new principal structures in any zoning district shall be accompanied by a plat of survey prepared by a Wisconsin-registered land surveyor]:

1. Existing and proposed structures.
2. Existing and proposed easements, streets, and other public ways, and utilities.
3. Off-street parking, loading areas, and driveways.
4. Existing highway access restrictions.
5. Ordinary high water mark, channel, floodway, floodplain, and shoreland boundaries.
6. Existing and proposed street, side(s), rear, and shore yard setbacks; dimensions for street, side(s), rear and shore yard setbacks shall be clearly shown.
7. When required by the Zoning Administrator, the type, slope, and boundaries of soils shown on the operational soil survey maps prepared by the U.S. Department of Agriculture Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission.
8. When required by the Zoning Administrator, any natural features such as waterways, woods, terrain, etc., which may limit the development of the parcel.
9. The location and size of any septic field, holding tank, well, utilities and roadways.
10. Any other information required by the Zoning Administrator.

(c) **Foundation Survey for Zoning Permits Requirement.**

- (1) Except as provided in Subsection (c)(2) below, any person erecting, moving, enlarging or reconstructing a structure, which, under this Chapter, requires a zoning permit shall upon completion of the construction of the footings, concrete slab or other foundation submit to the Zoning Administrator a survey prepared by a registered land surveyor showing the locations, boundaries, dimensions, elevations and size of the following: the boundaries of the lot, all existing structures (including foundations) and their relationship to the lot lines. The Zoning Administrator shall compare the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. No further construction may commence unless the Zoning Administrator shall find that the foundation location is consistent with the permit as issued and shall so certify. Failure to comply with the requirements of this Subsection shall be grounds for the issuance of a citation, and attendant penalties.
- (2) A foundation survey shall not be required for the construction of any structure located at least one hundred (100) feet from any property line or one hundred (100) feet from any navigable body of water.
- (3) In addition to the exceptions provided for in Subsection (c)(2) above, the foundation survey requirements may be waived, at the option of the permit applicant, for any

construction, except for construction of a principal structure and for the construction of a new foundation under an existing principal structure, provided that the permit applicant shall file and record with the Zoning Administrator and with the Kenosha County Register of Deeds an "Assumption of Liability" which shall be binding on the permit applicant and his/her estate and which shall provide notice to future owners of said parcel of the lack of a certified foundation survey verifying that structures located on the parcel are in conformity with this Chapter, and further, that if a zoning violation is later discovered, the applicant and his/her estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages. Structures illegally located on a parcel are in violation of this Zoning Code. Applicable statutes of limitations for prosecution of such violations shall not begin to run until such time as a certified survey map has been filed with the Zoning Administrator and the Kenosha County Register of Deeds indicating the location of the structures on the parcel.

- (d) **When an Application is Not Required.** Except for development and substantial improvements in the floodland zoning districts, permits will not be required for:
- (1) Farm buildings and structures which are not for human habitation and which are not permanently fixed to the ground and which are readily removable in their entirety, provided that street, side(s), rear and shore yard setback requirements for that zoning district are met. This exemption, however, shall not apply to roadside stands more than three hundred (300) square feet in area used for the sale of farm products or other goods and services produced solely on the parcel.
 - (2) Farm improvements such as drainage irrigation systems, grass waterways, terraces, and farm fences, except as outlined in this Chapter.
 - (3) Public utilities such as natural gas and oil pipelines, electric and telephone transmission and distribution lines, poles and other accessories which shall be permitted in all zoning districts except for those areas defined as shoreland areas, provided, however, that when a utility proposes a major inter-city transmission line or pipeline, it shall give notice to the Zoning Administrator of such intention and of the time and place of hearing before the Wisconsin Public Service Commission and provided further that at the request of the Village, the utility meet with it to discuss the routing of said transmission line or pipe line and before actual construction, file a mapped description of the route of such transmission line with the Zoning Administrator.
 - (4) Repairs and other alterations which do not change the cubic footage of a building or structure and do not constitute a change in use and meet all street, side(s), rear and shore yard setback requirements.
 - (5) Structures one hundred and fifty (150) square feet or less in area and not more than fifteen (15) feet in height. Such structures must, however, conform with the yard

requirements of the zoning district in which they are located, or if the structure is located in the rear yard, with the requirements set forth in Sec. 13-1-43.

- (6) Steps and stairs to a dwelling in conformance with Sec. 13-1-43.
- (e) **Certificate of Compliance.** Under the circumstances described below, no person, firm or corporation shall occupy, use or cause to be used any land or building as set forth below until the Zoning Administrator has issued a written certificate of compliance. A certificate of compliance shall be required in the following instances:
 - (1) No vacant land shall be occupied, used, developed or substantially improved; and no building hereafter erected, altered or moved shall be occupied; and no floodland shall be filled, excavated, or developed; and no nonconforming use shall be maintained, renewed or changed until a certificate of compliance has been issued by the Zoning Administrator. Such permit shall show that the building or premises, or part thereof, and the proposed use thereof are in conformity with the provisions of this Chapter. Such certificate of compliance shall be issued only when the building or premises and the proposed use thereof conform with all requirements of this Chapter.
 - (2) No land within the FPO Floodplain Overlay District shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a registered professional engineer or land surveyor that the floodland regulations set forth in this Code of Ordinances have been fully complied with. Such certification shall include the ground elevations of any site which has been filled; and the first floor and basement floor elevations of any structure permitted by Village zoning regulations and erected on the site.
 - (3) A certificate of compliance is required when a new business or industry is established in an existing structure. No new business or industry established in an existing structure shall be permitted to commence its operation until such time as a certificate of compliance has been issued by the Zoning Administrator certifying that the proposed use or operation is in compliance with the terms of this Chapter.
- (f) **Other Permits.** It is the responsibility of a permit applicant to secure all other necessary permits required by any federal, state and/or local agency. This includes, but is not limited to, a water use permit pursuant to Chapters 30 and 31, Wis. Stats., or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act, as amended, from the U.S. Army Corps of Engineers.
- (g) **Proper Applicants; In General.** The following shall be considered proper applicants for a zoning permit or certificate of compliance under the terms of these zoning regulations:
 - (1) Record title owner under properly recorded instrument of conveyance;
 - (2) Vendee under properly recorded land contract;
 - (3) Vendee under written contract of sale, agreement to sell, earnest money agreement, or similar real estate agreement;
 - (4) Duly authorized agent for any of the above.

- (h) **Identification.** The Zoning Administrator may request proper proof of the applicant showing that he/she is a proper applicant, under the terms of this Chapter. The application for a zoning permit or certificate of compliance shall not be considered filed until such time as the requested proof is filed with the Zoning Administrator office. The Zoning Administrator may revise the form of application for a zoning permit and/or certificate of compliance to conform with the terms of this Chapter. If the applicant is not the fee simple owner of the property involved, the name of the owner of any lienholder shall be included in the application.
- (i) **Time Limitations.**
- (1) All permits, except conditional use permits and stipulated shoreland permits, shall be granted or denied in writing within forty-five (45) days after application by the Zoning Administrator. All stipulated shoreland permits shall be granted or denied within sixty (60) days after application, unless the time is extended by mutual agreement.
 - (2) The applicant shall post any permit granted in a conspicuous place at the site.
 - (3) Any zoning permit granted under this Chapter shall become null and void within eighteen (18) months after it is issued if construction on the property for which the permit is granted has not been commenced within the eighteen (18) month period. In all such cases where a permit has become null and void, a new application must be filed for a new zoning permit before any construction can be commenced at such location. If a certificate of compliance has not been issued for the property by the expiration date of the zoning permit, application for a new zoning permit must be made in order to continue work on the premises involved.
- (j) **Conditions for Refusal; Appeals Procedure.** The Zoning Administrator shall not issue a zoning permit for any property, the improvement of which might tend to interfere with the exterior lines of planned new streets, highways, parkways, parks or playgrounds, or the exterior lines of planned widening or extending of existing streets, highways, parkways, parks or playgrounds. Any person who feels aggrieved by the decision of the Zoning Administrator or, when appropriate the Village Engineer, may appeal to the Zoning Board of Appeals, which has power in a specific case, by the vote of a majority of its members, to grant a zoning permit; the Zoning Board of Appeals may impose reasonable requirements as a condition of granting such permit, which requirements shall be designed to promote the health, convenience, safety or general welfare of the Village. Such appeals shall be pursuant to Article N.
- (k) **Fees.** Prior to issuing a permit the Zoning Administrator shall collect from the applicant to defray the cost to the Village of processing the application, a permit fee.

Sec. 13-1-444 Site Plan Requirement.

- (a) **Site Plan Approval Requirement.**
- (1) **Purpose.** For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall

commence any use or erect any structure without first obtaining the approval of a detailed site plan as set forth in this Section.

- (2) **Applicability.** The requirements of this Section shall be applicable to the development and redevelopment of all structures located on a lot or parcel in the A-3, R-9, R-10, R-11, R-12, B-1, B-2, B-3, B-4, B-5, VC, VHB, M-1, M-2, M-3, M-4, BP, I-1, PR-1, PUD and AO Districts.
 - (3) **Requirement Exception.** The Zoning Administrator shall review and approve the site plans, existing and proposed structures, architectural plans, building construction plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, lighting plans, type, size and location of signs, utilization of landscaping and open space, emergency vehicle accessibility, and the proposed operation for all development classified as a permitted/principal use or accessory use in any zoning district except the:
 - a. A-1, A-2 and A-4 agricultural districts.
 - b. R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 residential districts.
- (b) **Site Plan Required with Zoning Permit Application.**
- (1) **Submittal.** The applicant for a zoning permit pursuant to Sec. 13-1-443 above shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Zoning Administrator to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
 - (2) **Plan Commission to Conduct Site Plan Review.** The Plan Commission shall review the site, natural resource features of the site, site intensity of use, building location, density of dwelling units, floor area, impervious surface area, existing and proposed structures, architectural plans, neighboring uses, potential impacts upon neighboring uses, use of landscaping and open space, off-street parking and loading areas, driveway locations, loading and unloading for commercial and industrial uses, highway access, traffic generation and circulation, lighting, drainage, sewerage and water systems, the proposed operation, and emergency vehicle accessibility.
- (c) **Principles and Standards of Review.** The Plan Commission will approve said site plan(s) only after determining that:
- (1) **Conformity of Use to Zoning District.** The proposed use(s) conform(s) to the uses permitted as either a permitted use or conditional use, whichever is applicable, in the zoning district.
 - (2) **Dimensional Requirements.** The dimensional arrangement of buildings and structures conforms to the required area, yard, setback, and height restrictions of the Chapter.
 - (3) **Use and Design Provisions.** The proposed use conforms to all use and design provisions and requirements, if any, as found in this Zoning Code for the specified uses.
 - (4) **Relation to Existing and Proposed Streets and Highways.** There is a proper relationship between the existing and proposed streets and highways within the vicinity of the project to assure the safety and convenience of pedestrian and vehicular

traffic. For arterial streets and highways not under the jurisdiction of the Village of Bristol, that the applicable highway authority has been contacted and the needed permits have been obtained and submitted to the Village for review.

- (5) **Impacts on Surrounding Uses.** The proposed on-site buildings, structures, and entry ways are situated and designed to minimize adverse effects upon owners and occupants of adjacent and surrounding properties by providing for adequate design of ingress/egress and interior/exterior traffic flow, stormwater drainage, erosion, grading, lighting, and parking, as specified by this Zoning Code or any other applicable codes or laws.
- (6) **Natural Resources Features Protection.** Natural features of the landscape are retained to enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes, or where they assist in preserving the general safety, health, welfare, and appearance of the neighborhood.
- (7) **Required Landscaping and Landscape Bufferyards.** Adverse effects of the proposed development and activities upon adjoining residents or owners are minimized by design and installation of landscape bufferyards to provide for appropriate screening, fencing, or landscaping. Where required, a landscape plan meeting the requirements set forth in Article I of this Chapter has also been submitted for Plan Commission review and approval.
- (8) **Provision of Emergency Vehicle Accountability.** Land, buildings, and structures are readily accessible to emergency vehicles and the handicapped.
- (9) **Building Location.** No building shall be permitted to be sited in a way that would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the areas; or which would unnecessarily affect the beauty and general enjoyment of existing structures on adjoining properties.
- (10) **Building Separation.** The proposed structure(s) are located to allow for adequate light and air; ease of access and entry for vehicles, occupants, and pedestrians; and safety from fire, flood, and other safety hazards.
- (11) **Location and Design of Loading Facilities.** No loading facility shall be permitted to be designed or sited in a way that would unnecessarily destroy or substantially damage the beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily affect the beauty and general enjoyment of the existing structures on adjoining properties.
- (12) **Consistency With the Intent of the Village of Bristol Zoning Code.** The site plan is consistent with the intent and purposes of the Village of Bristol Zoning Code that are to:
 - a. Promote the public health, safety, and general welfare;
 - b. Encourage the use of lands according to their character and adaptability;

- c. Avoid the overcrowding of population;
 - d. Lessen congestion on the public roads and streets;
 - e. Reduce hazards to life and property;
 - f. Facilitate the implementation of the Village of Bristol Comprehensive Plan or component thereof; and
 - g. Those other purposes and intents of this Zoning Code.
- (13) **Consistency With the Intent of the Village of Bristol Comprehensive Plan.** The site plan is consistent with the public goals, objectives, principles, standards, policies, and design criteria set forth in the Village of Bristol Comprehensive Plan or component thereof.
- (d) **Applications for Site Plan Review.** The site plan(s) and related plans and data shall be submitted to the Zoning Administrator, or other authorized Village personnel, who shall transmit all site plan review applications and their accompanying site plan(s) and related plans and data to the Plan Commission for their review and approval. Four (4) full size copies of said site plan shall be submitted with eighteen (18) copies of the site plan review application. In addition to the full-sized drawings required above, eighteen (18) copies of each such drawing submitted shall also be submitted as 11" x 17" black and white reduction. Site plan(s) submitted with site plan review applications shall include the following:
- (1) **Scale and Name of Project.** Site plan drawn to a recognized engineering scale with the name of the project noted.
 - (2) **Owner's and/or Developer's Name and Address.** The owner's and/or developer's name and address noted on the site plan.
 - (3) **Architect and/or Engineer's Name and Address.** The architect and/or engineer's name and address noted on the site plan.
 - (4) **Date.** Date of site plan submittal with all dates of revision noted on the site plan.
 - (5) **Scale and Site Size.** The scale of drawing and the size of the site (in square feet or acres) noted on the site plan.
 - (6) **Existing and Proposed Topography; Site Grading Plan.** Existing and proposed topography shown at a contour interval of not more than two (2) feet at National Geodetic Vertical Datum of 1929 (mean sea level) noted on the site plan. A site grading plan may also be required by the Village Engineer, Village Administrator, Zoning Administrator, and/or Plan Commission.
 - (7) **Off-Street Parking Spaces, Loading, Ingress and Egress, and Driveway Locations of Adjoining Properties.** The total number of off-street parking spaces (and indicating the calculations used to arrive at the total), loading areas, drives, curb cuts, and vehicular ingress and egress locations to the site noted on the site plan. If the proposed development abuts an existing or planned collector or arterial street or highway, as identified in the Village of Bristol Comprehensive Plan or component thereof, all driveway locations of all adjoining properties within two hundred (200)

feet of the site shall be graphically indicated and dimensioned (with distances and widths noted) on the site plan.

- (8) **Type, Size and Location of All Structures and Signs.** The type, size, and location of all structures and signs with all building and sign dimensions noted on the site plan.
- (9) **Building Height.** Height of all building(s), including both principal and accessory, expressed in both feet and stories noted on the site plan.
- (10) **Existing and Proposed Street Names.** Existing and proposed street names noted on the site plan.
- (11) **Existing and Proposed Public Street Rights-of-Way or Reservations.** Existing and proposed public street rights-of-way or reservations and widths with existing or proposed centerline elevations, pavement type, fire lanes, walks, curbs, gutters, culverts, etc. noted on the site plan.
- (12) **Building and Yard Setbacks.** All building and yard setback lines shall be graphically noted on the site plan.
- (13) **North Arrow.** A north arrow noted on the site plan.
- (14) **Proposed Sanitary Sewers, Storm Sewers, and Water Mains.** Existing and general location of proposed sanitary sewers, storm sewers (including direction of flow), water mains, and fire hydrants noted on the site plan. All locations for the proposed connections to such utilities shall be noted on the site plan.
- (15) **Proposed Stormwater Management Facilities.** Location of any proposed stormwater management facilities, including detention/retention area(s). Stormwater calculations that justify the stormwater detention/retention area(s) shall be submitted. Said submission shall indicate how the planned stormwater drainage system meets the requirements of the Village's stormwater management plan or other Village stormwater drainage policies.
- (16) **Landscape Plan Required.** Where landscaping, as required in this Zoning Code, is to be installed on the site, a landscape plan meeting the requirements set forth in Section 13-1-445 shall be submitted with the Site Plan Review Application for Plan Commission review and approval.
- (17) **Residential Density.** Information on the density of residential uses (net density and gross density), the number of dwelling units by type, and land areas assigned for each density type noted on the site plan.
- (18) **Nonresidential Uses.** Information on the type and amount of ancillary and nonresidential uses in the development noted on the site plan.
- (19) **General Location and Purpose of Each Building.** The general location and purpose of each building proposed for the property shall be graphically noted on the site plan.
- (20) **Pedestrian Sidewalks and Walkways.** The location of pedestrian sidewalks and walkways noted on the site plan.
- (21) **Schedule.** A development schedule shall be submitted indicating the following:
 - a. *Project Phasing Plan Required.* A project phasing, or staging, plan is required indicating when various areas, open space, densities, uses, and public facilities are

planned to be developed with each phase or stage. The overall design of each stage shall be shown on the plan and through supporting graphic material.

- b. *Project Phase Dates and Timing of Development.* The approximate dates for the beginning and completion of each development phase, or stage, shall be indicated.
 - c. *Land Use Schedule Required.* If different land use types are to be included, the schedule shall include the mix or uses to be built in each stage.
- (22) **Architectural Plans, Elevations, and Perspective Drawings and Sketches.** Architectural plans, elevations, and perspective drawings and sketches illustrating the design, character, materials (all labeled with the specific material clearly indicated with a written note), and dimensions of proposed structures indicated on the plans.
- (23) **Lighting Plan Required.** A lighting plan which meets the lighting regulations set forth in Section 13-1-446 of this Zoning Code and Title 15, Chapter 10 of this Code of Ordinances. Said lighting plan shall indicate the location, type, and illumination level (in footcandles) of all outdoor lighting proposed to illuminate the site.
- (24) **Easements.** The location of all existing and proposed easements on the site including natural resource protection and mitigation area easements, landscape easements, access easements, utility easements, and all other easements noted on the site plan.
- (25) **Highway Access.** Copies of any letters of review or permits granted by applicable federal, state or county regulatory agencies having jurisdiction over highway access, if applicable.
- (26) **Market Analysis.** For a commercial use on a parcel of land greater than thirty thousand (30,000) square feet in area, a market analysis, prepared and signed by an independent market analyst acceptable to the Plan Commission may be required, containing the following:
- a. Trade area.
 - b. Population of trade area, present and projected.
 - c. Effective buying power in the trade area, present and projected (for retail).
 - d. Residual buying power and how it may be expected to be expended in existing business areas serving the trade area.
- (27) **Financial Plan for Project Implementation to be Provided.** A financial plan for project implementation, acceptable to the Plan Commission may be required.
- (28) **Project Summary.** A written project summary including fiscal impact upon the Village of Bristol, operational information, building schedule, and estimate of project value and including all site improvements costs.
- (29) **Covenants and Deed Restrictions Required.** Written documentation of any proposed agreements, provisions, declarations, deed restrictions, or covenants that will govern the use, maintenance, and continued protection of the development and any of its common open space.
- (30) **Special Studies May be Required.** Fiscal, traffic, or environmental impact studies may be required when deemed appropriate by the Plan Commission or the Village Board.

- (31) **Engineering Requirements and Specifications.** Engineering requirements and specifications are to be in conformance with the standards set forth in the Village Land Division Ordinance (Title 14) and other accepted engineering standards as determined by the Village Engineer.
 - (32) **Additional Data May be Required by the Village.** Additional data as may be required by the Plan Commission, Building Inspector, Village Planner, or Village Engineer to review the site plan. Such other data may include the preparation and submittal of detailed traffic impact analyses studies performed by a transportation engineer or fiscal impact analysis studies.
- (e) **Site Plan Review and Findings.**
- (1) **Plan Commission Review of Site Plans.** The Plan Commission shall review the submitted plans within sixty (60) days following their submittal.
 - (2) **Plan Commission Approval of Site Plans.** The Plan Commission shall not recommend to the Village Board the approval of any site plan(s) or other required plans unless they find after reviewing the Site Plan Review Application and data that the structure or use, as planned, will not violate the intents and purposes of this Zoning Code. The Plan Commission shall recommend to the Village Board the approval of said site plan(s) only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety and provided such proposed development meets the various intent and purpose statements set forth in this Chapter.
 - (3) **Filing of Decision on Site Plan Review.** Said recommendation to the Village Board shall be filed with the Village Board in the form of Plan Commission meeting minutes. The development of the site shall be in substantial conformity with the Village Board's approved and filed site plan.
 - (4) **Standards for Site Plan Disapproval.** The Plan Commission shall not disapprove, or the Plan Commission shall not recommend disapproval of, a site plan submitted pursuant to this Chapter except when based on specific findings directed to one (1) or more of the following:
 - a. **Improper Application.** The application is incomplete in specified particulars or contains or reveals violations of this Chapter or other applicable regulations that the applicant has failed or refused to supply or correct.
 - b. **Failure of Condition Precedent.** The application is submitted in connection with another application, the approval of which is a condition precedent to the necessity for site plan review, and the applicant has filed to secure approval of that application.
 - c. **Adverse Impact.** The proposed use and development will have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general

welfare and substantially diminish and impair property values within the community or neighborhood and/or:

1. Failure to Meet Principles and Standards of Review – The site plan fails to adequately meet specified principles and standards required by this Chapter with respect to the proposed use or development, including conditional use permit standards where applicable.
2. Interference with Easements or Public Rights-of-Way – The proposed site plan interferes with easements or public rights-of-way.
3. Interference with Features – The proposed site plan unreasonably destroys, damages, detrimentally modifies, or interferes with the enjoyment of significant natural resource, topographical, or other physical features of the site.
4. Adverse Traffic Impacts – The proposed site plan creates undue traffic congestion or draws significant amount of traffic through residential streets, or creates hazards in the public streets, or the circulation elements of the proposed site plan unreasonably create hazards to safety on or off site or disjointed, inefficient pedestrian or vehicular circulation paths on or off site. Adequate measures would not be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
5. Inadequate Bufferyards or Screening – The bufferyards or screening of the site does not provide adequate shielding from or for nearby uses.
6. Lacking Amenity – The proposed structures or landscaping are unreasonably lacking amenities in relation to, or are incompatible with, nearby structures and uses.
7. Lack of Adequate Open Space or Landscape Surface Ratio – For site plans submitted in connection with an application for a conditional use permit, the proposed site plan makes inadequate provision for the creation or preservation of open space or for its continued maintenance.
8. Stormwater Drainage or Erosion Problems – The proposed site plan creates unreasonable stormwater drainage or erosion problems or fails to fully and satisfactorily integrate the site into the overall existing and planned stormwater drainage system serving the Village of Bristol.
9. Burdens on Utilities – The proposed site plan places unwarranted or unreasonable burdens on specified utility systems serving the site or area or fails to fully and satisfactorily integrate the site's utilities into the overall existing and planned utility systems serving the Village of Bristol.
10. Inadequate Public Facilities – The proposed use and development will not be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries,

schools, and other public facilities and utilities or the applicant will not provide adequately for such facilities.

11. Interference with Surrounding Development – The proposed use and development will be constructed, arranged, and operated so as to unreasonably interfere with the use and development of neighboring property.
 12. Destruction of Significant Features – The proposed use and development will result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
 13. Other Adverse Effects – The proposed site plan otherwise adversely affects the public health, safety, or general welfare.
- (5) **Effect of Site Plan Approval.** Approval of a site plan by the Village Board shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structures, but shall merely authorize the preparation, filing, and processing of applications for any permits or approvals that may be required by the codes and ordinances of the Village of Bristol including, but not limited to, a zoning permit, conditional use permit, building permit, or occupancy permit.
- (6) **Limitations on Site Plan Approval.** Except in the case of an extension of time that may be granted by the Village Board in six (6) month increments but for no longer than one (1) additional year, no site plan approval shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a zoning permit, conditional permit, or occupancy permit is issued and a use commences within that period.
- (7) **Substantial Conformity with Approved Site Plan Required.** The development of the site shall be considered as either minor adjustments or major adjustments based upon the following:
- a. *Altering Locations of Structures.* During the development of the site, the Village Administrator may authorize minor adjustments or major adjustments to a site plan approved by the Village Board when such adjustments appear necessary in light of technical or engineering considerations first discovered during actual development. Such minor adjustments shall be consistent with the intent and purpose of this Chapter and the site plan as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this Zoning Code. Such minor adjustments shall be limited to the following:
 1. Altering Locations of Structures – Altering the location of any one (1) structure or group of structures by not more than ten (10) feet or one-fourth (1/4) of the distance shown on the approved site plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the site plan, whichever is less.

2. Circulation – Altering the location of any circulation element by not more than ten (10) feet or one-fourth (1/4) of the distance shown on the approved site plan between such circulation elements and any structure, whichever is less.
 3. Open Space – Altering the location of any open space by not more than twenty (20) feet with no overall reduction in the open space area provided.
 4. Landscaping – Altering the location or type (but not size or number) of landscaping elements.
- b. *Major Adjustments.* Any adjustment to a site plan previously approved by the Village Board that is not specifically authorized by the preceding Subsection (e)(7)a above shall be considered a major adjustment and shall be granted only upon the approval of the Village Board after recommendation by the Plan Commission.
- (8) ***Amendments to the Site Plan Following Completion of Development.*** After a site is developed according to an approved site plan, the approved site plan may be amended, varied, or altered in the same manner and subject to the same limitations set forth in this Chapter as amended, and as provided for original approval of site plans.
- (9) ***Conditions May Be Placed on Site Plan Approval.***
- a. *Conditions May Be Required.* The Plan Commission or Village Board, as applicable, may impose such conditions and limitations concerning the principles and standards of site plan review set forth in this Section, as well as to other matters relating to the purposes and objectives of this Zoning Code upon the premises benefitted by a site plan approval as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and service; provided, however, that such conditions shall not be used as a device to grant a site plan approval for a use intended to be temporary in nature.
 - b. *Proper Recording of Conditions.* Such conditions and limitations imposed by the Plan Commission or Village Board, as applicable, shall be clearly and permanently set forth in the applicable minutes of the Plan Commission or Village Board, as applicable, may require that such conditions also be permanently marked on the approved site plan.
 - c. *Violations.* Violations of any such condition or limitation shall be a violation of this Chapter and shall constitute grounds for revocation of the site plan approval.
- (f) ***Appeals.*** Any person or persons aggrieved by any decisions of the Zoning Administrator related to site plan review may appeal the decision to the Zoning Board of Appeals pursuant to Article N.

Sec. 13-1-445 Landscape Plans.

- (a) **Applicability.** The requirements of this Section shall be applicable to the development and redevelopment of all structures and property located on a lot or parcel in the A-3, R-9, R-10, R-11, R-12, B-1, B-2, B-3, B-4, B-5, VC, VHB, M-1, M-2, M-3, M-4, Bp, I-1, PR-1, PUD, and AO Districts.
- (b) **General.** A landscape plan shall be prepared and related plans and data shall be submitted to the Zoning Administrator, or other Village authorized personnel, who shall transmit all landscape plan review applications and their accompanying landscape plan(s) and related plans and data to the Plan Commission for their review and Village Board approval. Four (4) full size copies of said landscape plan shall be submitted with eighteen (18) copies of the landscape plan review application. In addition to the full-size drawings required above, eighteen (18) copies of each such drawing submitted shall also be submitted as an 11" x 17" black and white reduction. Landscape plan(s) submitted with landscape plan review applications shall include and show the following:
 - (1) **Proposed Name.** The proposed name of the development.
 - (2) **Location.** The location of the proposed development.
 - (3) **Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessees and/or Developer.** The names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developer(s) of the property and of the registered landscape architect who prepared the landscaping plan.
 - (4) **Date.** Date of the landscape plan submittal and all applicable revision dates.
 - (5) **Site Boundary.** The boundary line of the site with dimensions and bearings, indicated by a solid line, and the total land area encompassed by the site.
 - (6) **Landscape Bufferyard Easements and Natural Resource Mitigation Areas.** All proposed landscape bufferyard easements and/or areas of natural resource mitigation clearly delineated and dimensioned and graphically shown in relation to all proposed lot lines and lots upon which said landscape bufferyard easements or mitigation areas are located.
 - (7) **Location, Extent, Type, and Size of Existing Trees and Natural Resource Features.**
 - a. Location, extent, type (common name and scientific name for plant materials), and size of all existing trees and natural resource features in all areas of the proposed development designated as a landscape bufferyard easement and/or mitigation area.
 - b. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be properly delineated and so noted on the landscape plan.
 - (8) **Location, Extent, Type, and Size of Proposed Landscape Materials and Plantings.**
 - a. Location, extent, type (common name and scientific name for plant materials), and size of proposed landscaping and landscape plantings in all areas of the

proposed development including areas designated as a landscape bufferyard easement and for areas that are to serve as landscaped entrances or other special landscaped features of the development.

- b. A summary table affixed to the landscape plan shall be submitted indicating all types, numbers, and sizes of all plant materials proposed to be used.
- (9) **Landscape Plant Material Specifications.**
- a. All new landscape plant materials shall be grown in a nursery located in a Plant Hardiness Zone 5a or 5b (as defined by the U.S. Department of Agriculture).
 - b. All new landscape plant material shall conform to the applicable requirements as specified in the current edition of *American Standard for Nursery Stock* as approved by the American National Standards Institute, Inc., and sponsored by the American Association of Nurserymen, Inc.
 - c. Botanical plant names of plant materials shall be according to the current edition of *Standardized Plant Names* prepared by the American Joint Committee on Horticultural Nomenclature.
- (10) **Natural Resource Features Mitigation Plan Required.** If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail, as required by the Plan Commission, shall be submitted with the Landscape Plan.
- (11) **Registered Landscape Architect to Prepare Landscape Plans Required.** All landscape plans shall be prepared by a Wisconsin registered landscape architect.
- (12) **Maintenance.** Areas of a development designated as landscape easement areas shall be maintained by the property owner and kept free of all debris, rubbish, weeds, and tall grass.
- (13) **Limitations on Landscape Plan Approval.** Except in the case of an extension of time that may be granted by the Village Board in six (6) month increments [but for no longer than one (1) additional year], no landscape plan approval shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion or unless a zoning permit, conditional use permit, or occupancy permit is issued and a use commences within that period.

Sec. 13-1-446 Lighting Plans.

- (a) **Applicability.** The requirements of this Section shall be applicable to the development and redevelopment of all structures and property located on a lot or parcel in the A-3, R-9, R-10, R-11, R-12, B-1, B-2, B-3, B-4, B-5, VC, VHB, M-1, M-2, M-3, M-4, BP, I-1, PR-1, PUD, and A0 Districts.
- (b) **General.** A lighting plan shall be prepared and related plans and data shall be submitted to the Zoning Administrator, or other Village authorized personnel, who shall transmit all

lighting plan review applications and their accompanying lighting plan(s) and related plans and data to the Plan Commission for their review and Village Board approval. Four (4) full size copies of said lighting plan shall be submitted with eighteen (18) copies of the lighting plan review application and all product specifications set forth in Subsections (b)(1) and (2) below. In addition to the full size drawings required above, eighteen (18) copies of each such drawing submitted set forth in Subsection (b)(3) below shall also be submitted as an 11" x 17" black and white reduction. Lighting plan(s) submitted with lighting plan review applications shall include and show the following elements:

- (1) A catalog page, cut sheet, or photograph of the luminaire, including the mounting method, a graphic depiction of the luminaire lamp (or bulb) concealment, and graphic depiction of light cutoff angles.
- (2) A photometric data test report of the proposed luminaire graphically showing the lighting distribution in all angles vertically and horizontally around the luminaire.
- (3) A plot plan, drawn to a recognized engineering or architectural scale, indicating the location of the luminaire(s) proposed, mounting and/or installation height in feet, the overall illumination levels (in footcandles) at the property boundary lines. This may be accomplished by means of an isolux curve or computers printout projecting the illumination levels.
- (4) Exterior lighting shall be limited to total cutoff-type luminaires (with angle greater than 90°). Such lighting shall comply with the standards below or those found in Title 15, Chapter 10 of the Village of Bristol Code of Ordinances, whichever is the most restrictive. The maximum permitted illumination, as measured at the property line, shall be:
 - a. One-half (0.5) footcandle, as measured from surrounding grade to the bottom of the luminaire, in single-family detached and two-family attached dwelling unit developments.
 - b. One (1) footcandle, as measured from surrounding grade to the bottom of the luminaire, in townhouse and multiple-family dwelling uses and developments. Higher footcandle levels may be allowed by the Village Board with Plan Commission recommendation at the property line to accommodate vehicular driveway entrances to the property.
 - c. Two (2) footcandles, as measured from surrounding grade to the bottom of the luminaire, for commercial (business) uses in business zoning districts. Higher footcandle levels may be allowed by the Village Board with Plan Commission recommendation at the property line to accommodate vehicular driveway entrances to the property.
 - d. Two (2) footcandles, as measured from surrounding grade to the bottom of the luminaire, for commercial office uses in nonresidential zoning districts. Higher footcandle levels may be allowed by the Village Board with Plan Commission recommendation at the property line to accommodate vehicular driveway entrances to the property.

- e. Two (2) footcandles, as measured from surrounding grade to the bottom of the luminaire, for institutional uses in nonresidential zoning districts. Higher footcandle levels may be allowed by the Village Board with Plan Commission recommendation at the property line to accommodate vehicular driveway entrances to the property.
- f. Two (2) footcandles, as measured from surrounding grade to the bottom of the luminaire, for industrial uses. Higher footcandle levels may be allowed by the Village Board with Plan Commission recommendation at the property line to accommodate vehicular driveway entrances to the property.

[**Note:** These standards do not address illumination levels which may be required by the Village of Bristol for the adequate lighting of public street rights-of-way or other public areas. It represents maximum illumination levels on private property].

Cross-Reference: Title 15, Chapter 10

Sec. 13-1-447 Architectural Design Standards for Buildings Constructed in the B-1, B-2, B-3, B-5, VHB, and I-1 Districts.

The following are the standards and requirements for the design of new commercial buildings and in new commercial buildings with residential dwelling units located on a non-ground level in the B-1, B-2, B-3, B-5, VHB, and I-1 Districts:

- (a) **Building Compatibility.** All buildings on lots and parcels shall be designed to be compatible with one another.
- (b) **Aesthetic Design of All Building Elevations Required.** All buildings on all lots shall be aesthetically designed on all sides of the building and on all building facade elevations which are visible by the general public either on-site or from the public street right-of-way or which are visible from abutting residential properties. All buildings facing public streets and public areas shall continue the major front elevation design elements to those other elevations facing the public streets or public areas. Building facades and elevations which appear as a "blank wall" with no architectural delineation, articulation, and/or architectural detail shall not be allowed.
- (c) **Building Scale, Mass, and Facade Articulation.**
 - (1) **Relative Proportion of a Building with Neighboring Existing Buildings.** The relative proportion of a building to its neighboring existing buildings to pedestrians or observers, or to other existing buildings in the area around the lot or parcel shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.

- (2) **Facade Protrusions/Recesses Requirement.** A minimum of twenty-five percent (25%) of the total length of each building facade elevation (excluding any attached garage) which is visible by the general public either on-site or from a public street right-of-way or which is visible from abutting residential properties shall have facade (building wall plane) protrusions or recesses (excluding any attached garage) which shall be a minimum of four (4) feet in depth.
 - (3) **Facade Protrusions/Recesses – Height.** Facade protrusions or recesses shall extend the full height of a one-story building elevation, at least one-half the height of a two-story building elevation, and two-thirds (2/3) the height of a three-story building elevation.
 - (4) **Facade Protrusions/Recesses – Depth.** Facade protrusions or recesses shall be a minimum of four (4) feet in depth.
- (d) **Building Story Distinctions.** The first story of the building should be distinguished from the second story by means of a horizontal lintel, second story overhang or setback, or similar detail.
- (e) **Building Entrances for the Public.**
 - (1) **Defined Entryways.** Public entryways to the building shall be clearly defined and highly visible.
 - (2) **Entryway Design Features.** Two (2) or more of the following design features shall be incorporated into all public entryways to the building:
 - a. Canopies or porticos.
 - b. Roof or canopy overhangs.
 - c. Projections.
 - d. Peaked roof forms.
 - e. Arches.
 - f. Outdoor patios.
 - g. Display windows.
 - h. Distinct architectural details.
 - (3) **Minimum Number of Public Entryways.** In order to encourage pedestrian use of the building and to maximize building access, all sides of the building that directly face or abut a public street or on-site, off-street parking area shall have at least one (1) public entrance to the building, except that it shall not be required that there be public entryways to the building on more than two (2) elevations of any building.
- (f) **Building Rooflines and Roof Shapes.**
 - (1) **Rooflines to Complement Existing Area Rooflines.** Building rooflines shall complement existing building rooflines in the surrounding area.
 - (2) **Facade Elevation Standards.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development, redevelopment, and building additions. However, no building facade elevations which are visible by the general public either on-site or from the public

street right-of-way or which are visible from abutting residential properties shall have less than three (3) independent major rooflines. A minimum of twenty percent (20%) of all of the total length of any building facade elevation which is visible by the general public either on-site or from the public street right-of-way or which is visible from abutting residential properties shall employ differences in roofline height with such differences being a minimum of six (6) feet of height as measured from eave to eave or parapet to parapet.

- (3) **Acceptable Roof Line Differences.** The following types of differences in the roof lines of a building may be deemed sufficient to meet these requirements:
 - a. Providing intersecting roof(s) with the main roof.
 - b. A building which has three (3) independent major roof areas with the changing of two (2) out of three (3) roof lines. Acknowledging certain design elements may prevent the changing of all three (3) roof lines, it is desired that the roofs with the greatest impact visual exposure to the public be changed.
- (4) **Unacceptable Roof Line Changes.** The following changes shall not be deemed sufficient to be a major roofline change:
 - a. Small gable or hip projections above windows or parapet walls.
 - b. Window dormers or window awnings.
 - c. Change in soffit or canopy overhangs, minor variations in eave heights, or minor variations in the top of parapet walls.
 - d. Skylights and cupolas.
 - e. The use of bay windows with a roof element.
- (g) **Ground Floor Building Facade Elevations Facing Public Streets.** Ground floor building facade elevations that face public streets shall have display windows, pedestrian walkways and covered pedestrian walkways, public entry areas to the building, canopies, awnings, or other such features along no less than forty percent (40%) of the total length of the building facade elevation facing said public street.
- (h) **Exterior Building Materials and Materials Compatibility.**
 - (1) **Full-Size Brick Masonry Units, Natural Stone, or Aluminum Composite Materials (ACM) Required for Building Facade Elevations Which Face a Public Street.** No less than seventy percent (70%) of any building facade elevation which faces a public street (excluding window glass areas and overhead door areas) shall be clad with full-size brick masonry units, natural stone, or aluminum composite materials (ACM), or combination thereof.
 - (2) **Material Compatibility.** All sides of the exterior of buildings shall be of compatible materials with equal design consideration and consistent architectural detailing of the building facades. No building shall be permitted where any exposed building facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties.

- (3) ***Building Elevations Clad With a Singular Exterior Surface Material.*** Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable end wall treatments, siding design and accent panels, protruding pilasters, or other architectural design treatments consistent with the principal building design.
- (4) ***Compatibility With Other Building Facades in Area.*** No building shall be permitted where any exposed facade is constructed or faced with a finished material that is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties as determined by the Village.
- (5) ***Elevations of Buildings Facing Public Streets and Public Areas.*** All buildings facing public streets and public areas shall continue the major front elevation design elements to those other elevations facing the public streets or public areas.
- (i) ***Prohibited Exterior Building Materials.*** The use of the following building materials is prohibited on the exterior facades of buildings:
 - (1) Plain concrete.
 - (2) Plain concrete block.
 - (3) Vinyl siding, aluminum siding, or metal siding. However, aluminum composite material (ACM) may be used which are coated with PVDF paints (paints that have extremely good gloss and color retention or polyester paint).
 - (4) Corrugated metal building skins.
 - (5) Plywood and wood panel composite siding.
 - (6) Reflective glass which may pose a safety hazard or nuisance due to glare.
 - (7) More than thirty percent (30%) of any building facade (excluding window areas) clad with exterior insulation and finish system (EIFS) materials. No EIFS is permitted to be used on areas of building facades which are at or near areas of heavy use or in areas below seven (7) feet in height, as measured from surrounding grade.
 - (8) Asbestos shingles.
 - (9) Imitation brick, imitation stone, or imitation wood (such as vinyl brick, vinyl stone, vinyl wood, or like materials as determined by the Plan Commission).
- (j) ***Building Colors.***
 - (1) ***Color Harmony.*** Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the other colors used on the building as well as the existing area or neighborhood buildings.
 - (2) ***Maximum Number of Colors Per Structure.*** Principal and accessory structures shall not use more than three (3) colors excluding the roof color.
 - (3) ***Colors.*** All buildings shall have building facade and roof colors of earth tone color types including white, creams, beiges, blues, yellows, reds, grays, greens, and browns.

The use of high intensity colors, metallic colors, or fluorescent colors on building facade elevations shall be prohibited. Building trim and architectural accent features may be brighter colors, but such colors shall not be metallic or fluorescent, and shall not be specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and sign copy areas only.

(k) **Garages Required for All Residential Dwellings in the B-1, B-2, B-3, B-5, VHB, and I-1 Districts.**

(1) **One (1) Car Attached Garage Required.** A minimum one (1) car attached garage if required for each dwelling unit. A garage, as used in this Section, is a completely enclosed structure for the purpose of automobile storage. No carports shall be permitted.

(2) **Attached Garages to Be Compatible With Principal Structure.** Attached garages shall be compatible with the principal structure in style as well as principal structure materials and color.

(3) **Side-Loaded or Rear-Loaded Garage Requirement.** No garage doors shall face a public street unless the bottom of said garage doors are a minimum of four (4) feet below the surrounding grade.

(l) **Gutters and Related Building Elements.** Gutters, down spouts, roof ladders, and related elements shall be designed to be compatible with building architecture and shall function to avoid staining the building facades. These various elements shall be painted in order to blend with the building's architecture and complement the color scheme of the building's trim and detail.

(m) **Metal Building Ornaments.** Buildings shall not be use treated or bare metal ornamental features that protrude from the building or use metal materials that will cause rust stains or other discoloration on any exterior building surface areas.

(n) **Awnings.** Buildings shall not use fiberglass awnings. Buildings with installed awnings shall use colorfast materials which shall be properly maintained and replaced when worn and discolored.

(o) **Rear Service Doors.** Rear service doors shall complement the architecture of the building and contribute to its overall visual appearance.

(p) **Meters and Valves.** All utility meters, gas valves, etc. are to be painted in a color which blends with the architecture and color of the building.

(q) **Building Rooftop Equipment.** All rooftop equipment, antennas, and similar protrusions shall not be visible to a person standing on the ground in an area the public frequents. Parapet walls, individual screens, or building elements shall be used to completely screen these elements from view. Individual screens shall relate to the building's style of architecture and, when located on the ground, be landscaped. Additional screening of building rooftop equipment may be required due to the proximity of multi-story buildings.

(r) **Mechanical Penthouses or Accessory Buildings.**

(1) **Visual and Height Standards.** When mechanical penthouses are installed, they shall be designed to blend into the building's architecture and shall not cause the building's total height to exceed the maximum height allowed.

- (2) **Exceptions.** A penthouse shall not be counted as a story, provided that:
 - a. The penthouse is less than ten (10) feet in height; and
 - b. The penthouse floor area covers less than twenty-five percent (25%) of the roof area.
- (3) **Ground-Located Mechanical Accessory Building.** In the event that a ground-located mechanical accessory building is used, it shall be fully screened from view by either earthen berms, masonry walls which match the masonry used on the principal building which it is servicing, and/or evergreen trees or shrubs.
- (s) **Outdoor Display or Storage of Merchandise.** The outdoor display or storage of merchandise for sale including vending machines, ice machines, or propane tanks or other flammable material shall not be allowed.
- (t) **Building Plans to Be Prepared By a Wisconsin Registered Architect.** All buildings shall be designed by a State of Wisconsin registered architect.

Sec. 13-1-448 Architectural Design Standards for Buildings Constructed in the BP Business Park District.

The following are the standards and requirements for the design of new commercial, office, manufacturing and warehousing buildings in BP Business Park District:

- (a) **Building Compatibility.** All buildings on lots and parcels shall be designed to be compatible with one another.
- (b) **Aesthetic Design of All Building Elevations Required.** All buildings on all lots shall be aesthetically designed on all sides of the building and on all building facade elevations which are visible by the general public either on-site or from the public street right-of-way or which are visible from abutting residential properties. All buildings facing public streets and public areas shall continue the major front elevation design elements to those other elevations facing the public streets or public areas. Building facades and elevations which appear as a "blank wall" with no architectural delineation, articulation, and/or architectural detail shall not be allowed.
- (c) **Building Scale, Mass, and Facade Articulation.**
 - (1) **Relative Proportion of a Building with Neighboring Existing Buildings.** The relative proportion (scale, mass, height, width, and/or length) of a building to its neighboring existing buildings to pedestrians or observers, or to other existing buildings in the area around the lot or parcel shall be maintained or enhanced when new buildings are built or when existing buildings are remodeled or altered.
 - (2) **Facade Protrusions/Recesses Requirement.** A minimum of twenty percent (20%) of the total length of each building facade elevation which is visible by the general public either on-site or from a public street right-of-way or which is visible from abutting residential properties shall have facade (building wall plane) protrusions or recesses which shall be a minimum of three (3) feet in depth.

(d) **Building Entrances for the Public.**

- (1) **Defined Entryways.** Public entryways to the building shall be clearly defined and highly visible.
- (2) **Entryway Design Features.** Two (2) or more of the following design features shall be incorporated into all public entryways to the building:
 - a. Canopies or porticos.
 - b. Roof or canopy overhangs.
 - c. Projections.
 - d. Peaked roof forms.
 - e. Arches.
 - f. Outdoor patios.
 - g. Display windows.
 - h. Distinct architectural details.
- (3) **Minimum Number of Public Entryways.** In order to encourage pedestrian use of the building and to maximize building access, all sides of the building that directly face or abut a public street or on-site, off-street parking area shall have at least one (1) public entrance to the building, except that the Village shall not require public entryways to the building on more than two (2) elevations of any building.

(e) **Building Rooflines and Roof Shapes.**

- (1) **Rooflines to Compliment Existing Area Rooflines.** Building rooflines shall complement existing building rooflines in the surrounding area.
- (2) **Facade Elevation Standards.** The visual continuity of roofs and their contributing elements (parapet walls, coping, cornices, etc.) shall be maintained in building development, redevelopment, and building additions. However, no building facade elevations which are visible by the general public either on-site or from the public street right-of-way or which are visible from abutting residential properties shall have less than three (3) independent major rooflines. A minimum of twenty percent (20%) of all of the total length of any building facade elevation which is visible by the general public either on-site or from the public street right-of-way or which is visible from abutting residential properties shall employ differences in roofline height with such differences being a minimum of six (6) feet of height as measured from eave to eave or parapet to parapet.
- (3) **Acceptable Roof Line Differences.** The following types of differences in the roof lines of a building may be deemed sufficient to meet these requirements:
 - a. Providing intersecting roof(s) with the main roof.
 - b. A building which has three (3) independent major roof areas with the changing of two (2) out of three (3) roof lines. Acknowledging certain design elements may prevent the changing of all three (3) roof lines, it is desired that the roofs with the greatest impact visual exposure to the public be changed.
- (4) **Unacceptable Roof Line Changes.** The following changes shall not be deemed sufficient to be a major roofline change:

- a. Small gable or hip projections above windows or parapet walls.
 - b. Window dormers or window awnings.
 - c. Change in soffit or canopy overhangs, minor variations in eave heights, or minor variations in the top of parapet walls.
 - d. Skylights and cupolas.
- (f) **Exterior Building Materials and Materials Compatibility.**
- (1) ***Full-Size Brick Masonry Units, Natural Stone, or Aluminum Composite Materials (ACM) Required for Building Facade Elevations Which Face a Public Street.*** No less than seventy percent (70%) of any building facade elevation which faces a public street (excluding window glass areas and overhead door areas) shall be clad with full-size brick masonry units, natural stone, or aluminum composite materials (ACM), or combination thereof.
 - (2) ***Material Compatibility.*** All sides of the exterior of buildings shall be of compatible materials with equal design consideration and consistent architectural detailing of the building facades. No building shall be permitted where any exposed building facade is constructed or faced with a finished material which is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties.
 - (3) ***Building Elevations Clad With a Singular Exterior Surface Material.*** Building elevations clad with a singular exterior surface material shall provide some additional architectural design element(s) to break up the plane of the wall. This may be done by the addition of window(s), gable end wall treatments, siding design and accent panels, protruding pilasters, or other architectural design treatments consistent with the principal building design.
 - (4) ***Compatibility With Other Building Facades in Area.*** No building shall be permitted where any exposed facade is constructed or faced with a finished material that is aesthetically incompatible with other building facades in the area or which presents an unattractive appearance to the public and surrounding properties as determined by the Village.
 - (5) ***Elevations of Buildings Facing Public Streets and Public Areas.*** All buildings facing public streets and public areas shall continue the major front elevation design elements to those other elevations facing the public streets or public areas.
- (g) **Prohibited Exterior Building Materials.** The use of the following building materials is prohibited on the exterior facades of buildings:
- (1) Plain concrete.
 - (2) Plain concrete block. However, plain concrete and plain concrete block may be allowed by the Village of Bristol to be used as an accent and decorative materials only for uses such as sills, coping, decorative bands, etc.
 - (3) Vinyl siding, aluminum siding, or metal siding. However, aluminum composite material (ACM) may be used which are coated with PVDF paints (paints that have extremely good gloss and color retention or polyester paint).

- (4) Corrugated metal building skins.
 - (5) Plywood and wood panel composite siding.
 - (6) Reflective glass which may pose a safety hazard or nuisance due to glare.
 - (7) More than thirty percent (30%) of any building facade (excluding window areas) clad with exterior insulation and finish system (EIFS) materials. No EIFS is permitted to be used on areas of building facades which are at or near areas of heavy use or in areas below seven (7) feet in height, as measured from surrounding grade.
 - (8) Asbestos shingles.
 - (9) Imitation brick, imitation stone, or imitation wood (such as vinyl brick, vinyl stone, vinyl wood, or like materials as determined by the Plan Commission).
- (h) **Building Colors.**
- (1) **Color Harmony.** Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, color shall be selected in general harmony with the other colors used on the building as well as the existing area or neighborhood buildings.
 - (2) **Colors.** Building colors shall be nonreflective, neutral, or earth tones. The use of high intensity colors, metallic colors, or fluorescent colors on building facade elevations shall be prohibited. Building trim and architectural accent features may be brighter colors, but such colors shall not be metallic or fluorescent, and shall not be specific to particular uses or tenants. Standard corporate and trademark colors shall be permitted only on sign face and sign copy areas only.
- (i) **Related Building Elements.** Down spouts, roof ladders, and related elements shall be designed to be compatible with building architecture and shall function to avoid staining the building facades. These various elements shall be painted in order to blend with the building's architecture and complement the color scheme of the building's trim and detail.
- (j) **Meters and Valves.** All utility meters, gas valves, etc. are to be painted in a color which blends with the architecture and color of the building.
- (k) **Building Rooftop Equipment.** All rooftop equipment, antennas, and similar protrusions shall not be visible to a person standing on the ground in an area the public frequents. Parapet walls, individual screens, or building elements shall be used to completely screen these elements from view. Individual screens shall relate to the building's style of architecture and, when located on the ground, shall be landscaped appropriately as determined by the Plan Commission. Solar collectors shall only be permitted at locations on structures as are approved by the Plan Commission. Additional screening of building rooftop equipment may be required by the Plan Commission due to the proximity of multi-story buildings.
- (l) **Mechanical Penthouses or Accessory Buildings.**
- (1) **Visual and Height Standards.** When mechanical penthouses are installed, they shall be designed to blend into the building's architecture and shall not cause the building's total height to exceed the maximum height allowed.

- (2) **Exceptions.** A penthouse shall not be counted as a story, provided that:
 - a. The penthouse is less than ten (10) feet in height; and
 - b. The penthouse floor area covers less than twenty-five percent (25%) of the roof area.
- (3) **Ground-Located Mechanical Accessory Building.** In the event that a ground-located mechanical accessory building is used, it shall be fully screened from view by a combination of earthen berms and evergreen trees or shrubs.
- (m) **Building Plans to Be Prepared By a Wisconsin Registered Architect.** All buildings shall be designed by a State of Wisconsin registered architect.

Sec. 13-1-449 Violations and Penalties.

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

Sec. 13-1-450 Fees.

The following fees shall be applicable for this Chapter:

- (a) **Rezoning Application.** A fee per application (including repetitions of previous applications) is required, as prescribed by the fee schedule in Section 1-3-1.

- (b) **Conditional Use Permit Application.** All conditional use applications shall be filed with the Village Clerk-Treasurer or Zoning Administrator along with a filing fee prescribed in Section 1-3-1.
- (c) **Variance and Appeals Applications.** All applications for variances and appeals shall be filed with the Village Clerk-Treasurer or Zoning Administrator along with a filing fee prescribed in Section 1-3-1.
- (d) **Zoning Permit or Certificate of Compliance Application.** All applications for a zoning permit or a certificate of compliance shall be filed with the Village Clerk-Treasurer or Zoning Administrator along with a filing fee prescribed in Section 1-3-1.
- (e) **Disclaimer.** All permits issued by the Zoning Administrator under this Chapter shall note the following disclaimer therein: "Each applicant for a zoning permit or certificate of compliance is charged with knowledge of the zoning regulations and shoreland/floodplain zoning regulations of the Village of Bristol. Any statement made, assurance given or permit erroneously issued contrary to this Chapter is null and void."
- (f) **Refunds.** No refunds of fees paid under this Section shall be made after any costs have been incurred by the Village of Bristol in processing applications or permits.

Sec. 13-1-451 through Sec. 13-1-479 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-480 Authority.

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

Sec. 13-1-481 Initiation of Changes or Amendments.

The Village Board, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

Sec. 13-1-482 Procedure for Changes or Amendments.

(a) Petition.

- (1) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Village Clerk-Treasurer. The person requesting such action shall provide all information requested on the petition including:
 - a. Name and street address of the petitioner.
 - b. The lot number of any real estate owned by the petitioner adjacent to the area proposed to be changed.
 - c. Legal description of the property to be altered.
 - d. The existing use of all buildings on such land.
 - e. The principal use of all properties within three hundred (300) feet of such land.
 - f. Purpose for which such property is to be used.
 - g. Reciting of facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this Chapter.
 - h. Names and addresses of all abutting and opposite property owners within three (300) feet of the property to be altered.

- i. Plot plan or survey plat, drawn to scale, showing the property to be rezoned, location of structures, and property lines within three hundred (300) feet of the parcel.
 - j. Any further information requested to the petition or which may be required by the Plan Commission to facilitate the making of a comprehensive report to the Village Board.
- (2) Failure to supply such information shall be grounds for dismissal of the petition.
- (3) A petition for change or amendment submitted by a private property owner shall be prepared and twenty (20) copies filed with the Village Clerk-Treasurer and shall be accompanied by the appropriate fee to defray the cost of giving notice, investigation and other administrative processing.
- (b) **Plan Commission Recommendation.** The Village Board or the Village Clerk-Treasurer shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
- (c) **Public Hearing.**
 - (1) The Village Board, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
 - (2) The Village Board may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.
- (d) **Village Board Action.** Following such hearing and after consideration of the Plan Commission's recommendations, the Village Board shall vote on the proposed ordinance effecting the proposed change or amendment. A majority vote of the full Village Board membership is required to override the Plan Commission's recommendation.

Sec. 13-1-483 Protest.

- (a) In the event of a protest against a district change amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly

opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

- (b) No application for a zoning amendment pertaining to specific lands which describes the property to be subject to such proposed zoning amendment so as to create a "buffer zone", which buffer zone is found by the Village Board to have been created to avoid the effect of a protest petition and which buffer zone proposal is not supported by a substantial land use reason or a reasonable zoning practice purpose, shall be approved. The burden of proof with regard to the findings to be made by the Village Board hereunder shall be upon the applicant.

Sec. 13-1-484 through Sec. 13-1-519 Reserved for Future Use.

Sec. 13-1-520 Appeals to the Zoning Board of Appeals.

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

- (6) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses; the Plan Commission may make a recommendation but is not mandatory. The permit shall be temporary, revocable, subject to any condition required by the Zoning Board of Appeals and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.
- (7) **Permits.** The Zoning Board of Appeals may reverse, affirm wholly or partly, modify the requirements appealed from and may issue or direct the issue of a permit.

Sec. 13-1-521 Hearing on Appeals.

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

Sec. 13-1-522 Decisions of Zoning Board of Appeals.

- (a) **Timeframe.** The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- (b) **Conditions.** Conditions may be placed upon any zoning permit ordered or authorized by the Zoning Board of Appeals.
- (c) **Validity.** Variances, substitutions or use permits granted by the Board shall expire within eighteen (18) months unless substantial work has commenced pursuant to such grant.

Sec. 13-1-523 Variances.

- (a) **Purpose.**
 - (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause him/her undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings it more into compliance with the district and zoning requirements.

- (2) The Zoning Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the Zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
 - (3) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.
- (b) **Application for Variances.** The application for variation shall be filed with the Village Clerk-Treasurer. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:
- (1) Name and address of applicant and all abutting and opposite property owners of record.
 - (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
 - (3) Address and description of the property.
 - (4) A site plan showing an accurate depiction of the property.
 - (5) Additional information required by the Village Administrator, Village Clerk-Treasurer, Building Inspector, Village Engineer, Zoning Board of Appeals and/or Zoning Administrator.
- (c) **Public Hearing of Application.**
- (1) The Zoning Board of Appeals shall conduct at least one (1) public hearing on the proposed variation. Notice of such hearing shall be given not more than thirty (30) days and not less than seven (7) days before the hearing in one (1) or more of the newspapers in general circulation in the Village, and shall give due notice to the parties in interest, the Zoning Administrator and the Village Board. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Zoning Board of Appeals shall thereafter reach its decision within thirty (30) days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Village Administrator, Zoning Administrator and Village Board.
- (d) **Action of the Zoning Board of Appeals.** For the Zoning Board of Appeals to grant a variance, it must find that:
- (1) Denial of variation may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended

use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.

- (2) The conditions upon which a petition for a variation is based are unique to the property for which variation is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (3) The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variation will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variation will not undermine the spirit and general and specific purposes of the Zoning Code.
- (e) **Conditions.** The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.
- (f) **Standards for Qualifying For A Variance.** To qualify for a variance, the applicant must demonstrate that their property meets the following three (3) requirements:
- (1) **Unique Property Limitations.**
 - a. The applicant must show that the property has conditions that are unique or special to that property, that such unique physical characteristics prevent compliance with the regulations of this Zoning Code. Examples, but not limited to, of such conditions are physical limitations unique to the property such as wetlands or exceptionally unique steep slopes.
 - b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unique property limitation" test:
 1. Financial considerations of the applicant.
 2. The personal circumstances of the applicant (i.e. need for an expanded garage, a growing family, an unemployed family member returning home, etc.).
 3. The existence of nearby Zoning Code violations.
 4. Lack of objections from neighbors.
 - (2) **No Harm To Public Interests.** To qualify for a variance, the applicant must demonstrate that the proposed variance is not contrary to the public interest. In applying this test, the Zoning Board of Appeals must consider the impacts of the variance proposal, and, if setting a precedent, the cumulative impacts of similar projects on the interests of the neighbors, the overall Village of Bristol and the general public. Such factors are generally identified in Section 13-1-4.

(3) **Unnecessary Hardship.**

- a. To qualify for a variance, the applicant must demonstrate that the special condition(s) of the property creates an unnecessary hardship. When determining whether an unnecessary hardship exists, the property as a whole shall be considered rather than a portion of the property.
- b. The following are non-exclusive examples of items Wisconsin courts have decided cannot be a basis for granting a variance under the "unnecessary hardship" test:
 1. Conditions which are self-imposed or created by a prior owner (i.e. owner expands home and then argues there is no suitable location for a proposed new garage).
 2. Economic or financial hardship to the applicant (i.e. construction of a new garage in a complying location would cost more than placing the garage in a location requiring a variance).
 3. Lack of objections from neighbors.
- c. Due to Wisconsin court decisions, the "unnecessary hardship" determination requires that the Zoning Board of Appeals apply different tests for use variances and area variances:
 1. For a use variance, unnecessary hardship can be determined to exist only if the property owner can show that he/she would have *no reasonable use of the property* without a variance. A use variance would permit a property owner to put property to an otherwise prohibited use.
 2. For an area variance, unnecessary hardship can be determined to exist only if the property owner can show that compliance with the requirements of the Zoning Code would *unreasonably prevent the property owner from using the land for a permitted purpose* (leaving the property owner without any use that is permitted for the property under the Zoning Code) or would render *conformity with such zoning restrictions unnecessarily burdensome*. Area variances are intended to provide an increment of relief (usually small) from a physical dimensional requirement of the Zoning Code such as building height or setback requirements. In applying the test for an area variance, the Zoning Board of Appeals shall consider the purpose of the Zoning Code, the Zoning Code's restrictions on the applicant's property, and the cumulative effects granting of a variance would have on the neighborhood, community and on the public interests.
 3. Unless the Zoning Board of Appeals finds that a property cannot be used for any permitted purpose, area variances shall not be granted for greater than a forty percent (40%) deviation in the area, setback, height or density requirements specified in this Chapter.

(Note: The above standards reflect the Wisconsin Supreme Court's decisions in *State ex rel. Ziervogel v. Washington County Board of Adjustment*, 2004 WI 23, 269 Wis. 2d 549, 676

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N.W.2d 401 and *State v. Waushara County Board of Adjustment*, 2004 WI 56, __ Wis. 2d ___, 679 N.W.2d 514).

Sec. 13-1-524 Review by Court of Record.

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

Sec. 13-1-525 through Sec. 13-1-559 Reserved for Future Use.

Article O: Definitions

Sec. 13-1-560 Definitions.

- (a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided for a section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive. The word "person" includes individuals, all partnerships, associations, and bodies political and corporate. The word "lot" includes the word "plot" or "parcel" or "tract". The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".
- (1) **A Zones.** Areas of potential flooding shown on the Village's "Official Floodplain Zoning Map" which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) **AH Zone.** See "Area of Shallow Flooding".
 - (3) **AO Zone.** See "Area of Shallow Flooding."
 - (4) **Abandonment.** With respect to quarrying and nonmetallic mining operations, means the cessation of operations for more than two hundred forty (240) consecutive days, except when the cessation is specifically provided for in the permits and/or operations plan approved by the village. Abandonment does not include any period of cessation of operations due to labor strikes, natural disasters or similar extraordinary causes beyond the control of the operator (but this exception does not include business reversals, competitive forces, market conditions, cash flow matters, or other similar reasons).
 - (5) **Abutting.** Have a common property line or district line, or are separated only by a river, stream, or transportation or utility right-of-way.
 - (6) **Accessory Apartment.** A separate complete housekeeping unit that is substantially contained within the structure of a single-family dwelling, but can be isolated from it.
 - (7) **Accessory Building.** A subordinate building or a building detached from the main building, the use of which is incidental to the permitted use of the main building and which is or will be located on the same zoning lot as the principal building. An accessory building is considered to be an "accessory structure".
 - (8) **Accessory Structure.** A subordinate detached structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages and carports, sheds, barns, gazebos, swimming pools, hot

tubs, fences, greenhouses (private use), firewood protection structures, retaining walls and detached stairways and lifts. For purposes of this Chapter, no regulatory distinction is made between permanent, temporary, prefabricated or moveable accessory buildings or structures. An accessory structure may consist of just a roof and may have one (1) or more open sides.

- (9) **Accessory Use.** See "Use, Accessory".
- (10) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within forty-three thousand five hundred sixty (43,560) square feet.
- (11) **Adjacent Property Owner.** The owner of property located within three hundred (300) feet of a subject property under this Code.
- (12) **Adult Bath House.** An establishment or business which provides the services of baths of any kind, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin, and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to observe employees or independent contractors exhibiting "specified sexual activities" or "specified anatomical areas."
- (13) **Adult Body Painting Studio.** An establishment or business wherein patrons are afforded an opportunity to paint images on the body of a person who is exhibiting "specified anatomical areas." For purposes of this Section, the adult body painting studio shall not be deemed to include a tattoo parlor.
- (14) **Adult Cabaret.** An establishment or business which regularly or on a frequently recurring basis features live entertainment that is distinguished or characterized by an emphasis on the exhibiting of "specified anatomical areas" or "specified sexual activities" for observation by patrons therein, or which holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an establishment where such live entertainment is regularly or on a frequently recurring basis available, including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "strippers," "showgirls," "exotic dancers," "gentleman's club," or similar terms.
- (15) **Adult Entertainment Establishment.** Includes adult cabarets, adult modeling studios, and adult motion picture theaters.
- (16) **Adult Establishments.** Includes adult entertainment establishments and adult retail establishments as defined herein.
- (17) **Adult Massage Parlor.** An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including, without limitation, exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State

of Wisconsin and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to engage in any method of rubbing, pressing, striking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, or the opportunity to observe employees or independent contractors exhibiting "specified sexual activities" or "specified anatomical areas."

- (18) **Adult Media.** Books, magazines, videotapes, movies, DVDs, slides, CD-ROMs, posters, or other devices or means to display images that are distinguished or characterized by the emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."
- (19) **Adult Media Store.** An establishment or business that rents and/or sells adult media and that meets any of the following three (3) tests:
 - a. Twenty percent (20%) or more of the gross public floor area is devoted to adult media.
 - b. Twenty percent (20%) or more of the stock-in-trade consists of adult media.
 - c. The store advertises or holds itself out in any forum as a sexually-oriented business.
- (20) **Adult Modeling Studio.** An establishment or business which provides the services of live models modeling lingerie or transparent apparel to patrons or a business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in structure:
 - a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - b. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
 - c. Where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.
- (21) **Adult Motion Picture Theater.** An establishment or business located in an enclosed building and emphasizing or predominantly showing movies distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- (22) **Adult Motion Picture Theater (Outdoor).** An establishment located on a parcel of land and emphasizing or predominantly showing movies distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."
- (23) **Adult Novelty Shop.** An establishment or business offering goods for sale or rent and that meets any of the following tests:

- a. The establishment offer for sale items from any two (2) of the following categories:
 1. Adult media;
 2. Lingerie; or
 3. Leather goods, marketed or presented in a context to suggest their use for flagellation or torture of a person clothed or naked, or the binding or other physical restraint of a person clothed or naked.
 - b. More than five percent (5%) of its stock in trade consists of instruments, devices, or paraphernalia either designed as representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
 - c. More than five percent (5%) of its gross public floor area is devoted to the display of instruments, devices, or paraphernalia either designed as representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
- (24) **Adult-Oriented Establishment.** Any premises including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.
- (25) **Adult Retail Establishments.** Includes adult media stores, limited adult media stores, and adult novelty shops.
- (26) **Agriculture, Animal.** The use of land for animal feeding operations, including areas for the storage, treatment and disposal of manure and other related waste products.
- (27) **Agriculture, Crop.** The use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, fur-bearing mammals, and fish farming.
- (28) **Agriculturally-Related Residence.** A residence which is occupied by:
 - a. A person who, or a family at least one (1) member of which earns a substantial part of his/her livelihood from farm operations on the land; or
 - b. A parent or child of the owner of the farm.
- (29) **Agricultural Processing and Packaging.** An establishment primarily engaged in refining, processing or otherwise adding value to raw agricultural goods, including, but not limited to, washing, sorting, cutting, bagging, freezing, canning, packing, bottling or butchering.

- (30) **Agricultural Research and Development.** The use of land or buildings for agriculture research and the cultivation of new agricultural products.
- (31) **Agricultural Sales and Service.** An establishment primarily engaged in:
 - a. The sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm supplies and the like; or
 - b. Performing agricultural or horticultural services on a fee or contract basis, including, but not limited to, crop dusting and spraying services, harvesting and plowing services, agricultural land grading services, farm equipment service and repair, and large animal veterinary services.
- (32) **Agricultural Storage.** Grain elevators and other facilities for the warehousing and storage of agricultural products.
- (33) **Agricultural Use.** Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; wholesale plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least thirty-five (35) acres of which are enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.
- (34) **Aircraft Landing Strip.** A site maintained for occasional use by manned aircraft for landing or take off.
- (35) **Airport, Public.** Any airport which complies with the definition contained in Sec. 114.013(3), Wis. Stats., or any airport which serves or offers to serve common carriers engaged in air transport.
- (36) **Alley.** A public or private way which affords only secondary vehicular access to abutting property.
- (37) **Alteration.** An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- (38) **Aluminum Composite Material (ACM).** A widely used term describing flat panels that consist of a non-aluminum core bonded between two (2) aluminum sheets. The aluminum panels can be coated with PVDF paints (paints that have extremely good gloss and color retention and are in use on many prominent buildings around the world) or polyester paint. ACM panels are frequently used for external cladding of buildings, for building insulation, and for signage. Despite its light weight, ACM panels are very rigid and strong. The core of ACM panels is commonly low-density polyethylene insulating material.
- (39) **Amenity.** Aesthetic or other characteristics of a development that increase its desirability to a community or its marketability to the public. It may include such things as a unified building design, recreational facilities, such as swimming pools or

tennis courts, security systems, views, landscaping or tree preservation, or attractive site design.

- (40) **Animal Hospital/Veterinary Services.** A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.
- (41) **Animal Unit.** As defined in Ch. NR 243.03(3), Wis. Adm. Code, or as follows, whichever is more restrictive:
 - a. One (1) one thousand (1,000) pound steer;
 - b. One (1) dairy cow;
 - c. Four (4) swine;
 - d. Ten (10) sheep;
 - e. One hundred (100) laying hens;
 - f. One hundred (100) broilers;
 - g. One (1) horse; or
 - h. One hundred (100) turkeys.
- (42) **Animal Waste.** Manure, milking center waste and other organic waste generated by livestock, farm animals, or any number combination of animal units or portion thereof. It includes animal bedding, water, soil, hair, feathers, and other debris that becomes intermingled with animal excreta in normal waste handling operations.
- (43) **Animal Waste Storage Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. Does not include equipment used to apply waste to land. For purposes of ATCP 51.12(2) and 51.14, Wis. Adm. Code, does not include any of the following:
 - a. A structure used to collect and store waste under a livestock housing facility.
 - b. A waste digester consisting of a sealed structure in which animal waste is subject to managed biological decomposition.
- (44) **Animal Waste Utilization.** The application of animal waste on suitable land in a manner which will achieve compliance with livestock performance standards and prohibitions established in Ch. NR 151, Wis. Adm. Code, NRCS Conservation Practice Standard Code 590 and meet other designated water quality objectives. Land suitable for animal waste utilization excludes wetlands or lands below the OHWM, closed depressions, slopes in excess of twenty-five percent (25%) and other areas that may be determined as sensitive and adversely affecting surface water or groundwater quality.
- (45) **Antenna.** Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omni-directional antenna (rod), a directional antenna (panel) or a parabolic antenna (dish).
- (46) **Apartment.** A suite of rooms or a room in a multiple dwelling, which suite or room is arranged, intended or designed to be occupied as a residence of a single family,

- individual or group of individuals, with separate facilities and utilities which are used or intended to be used for living, sleeping, cooking and eating. Access is from a shared entrance or hallway.
- (47) **Apartment, Efficiency.** A dwelling unit of not more than one (1) room in addition to kitchen and bath and intended primarily as a residence for a single person.
- (48) **Architectural Style.** The characteristic form and detail of a building design based on a particular historic period.
- (49) **Area.** Synonymous with the term "tract", which is a piece of land capable of being described with such definiteness that its location may be established and boundaries definitely ascertained.
- (50) **Area Net Developable.** Those lands within a development parcel remaining after the deletion of floodlands, wetlands, land densely covered with trees and shrub growth on slopes twelve percent (12%) or greater, all lands having slopes of twenty percent (20%) or greater, and all lands proposed for commercial or business land uses.
- (51) **Area of Shallow Flooding.** A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one (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.
- (52) **Arterial Street.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
- (53) **Authority.** A person, committee, or board to whom the power to issue a permit, or make a determination, decision, or judgment has been delegated.
- (54) **Automobile Wrecking/Salvage Yard.** Any premises on which is kept or stored more than one (1) vehicle, not in running order or operating condition, or in a general state of disrepair, which is not completely enclosed within a building.
- (55) **Awning.** A self-supporting roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.
- (56) **Back Lot Development.** The practice whereby a lot, outlot, or common open space is used for waterfront access by a large number of parcels built away from the water body. In many cases, a common road or drive leads to a pier or beach. This practice is sometimes viewed as crowding more development onto a body of water than would otherwise occur with individual waterfront lots, thus altering the appearance and quality of development on a body of water.
- (57) **Balcony.** The platform extending from a wall at a non-ground floor level without ground supports.
- (58) **Base Flood.** The flood having a one percent (1%) chance of being equalled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

- (59) **Basement.** A story partly or wholly underground. The height of a basement shall be the vertical distance between the surface of the basement floor and the surface of the floor next above it. A basement shall be counted as a story for the purposes of height measurements if the vertical distance between the ceiling and the main level of the adjoining ground is more than five (5) feet, or if used for business purposes, or if used for living purposes by other than the owner and his immediate family, and a janitor or servants of the owner.
- (60) **Basic Zoning Regulations/Districts.** Such zoning regulations as are applicable to the basic use district.
- (61) **Bay/Box/Bow Window.** A window structure projecting from the wall of a building which does not add floor space to the building and which does not have a foundation.
- (62) **Bed and Breakfast Establishment Building.** A building that provides four (4) or fewer sleeping rooms for temporary occupancy for compensation by transient guests who are traveling for business or pleasure and is the owner's personal residence and occupied by the owner at the time of rental. The partnership form of ownership shall be allowed under this definition.
- (63) **Best Management Practices (BMPs).** Practices and industry standards designed to minimize environmental damage.
- (64) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (65) **Bluffline.** A line along the top of a slope preservation zone. There can be more than one bluffline.
- (66) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for three (3) or more persons not members of a family, but not exceeding ten (10) persons and not open to transient customers.
- (67) **Boathouse.** A building or portion thereof used for the housing or care of boats and other associated marine equipment for noncommercial purposes and not permitted to be used for human habitation.
- (68) **Building.** Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels. When any portion thereof is completely separated from every other portion thereof by a division wall without openings then each such portion shall be deemed to be a separate building.
- (69) **Bufferyard (Buffer Zone).** A designated neutral area designed to separate conflicting land uses, typically a natural vegetative screening of trees, shrubs or other plantings is usually employed in such a designated area. It is a combination of a setback and a visual buffer or barrier, and is a yard or area together with the planting and/or landscape structure required thereon.
- (70) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.

- (71) **Building, Accessory.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. An automobile trailer or other vehicle or part thereof or other building shall not be used as a dwelling or lodging place and shall not be considered an accessory building or use.
- (72) **Building, Alterations of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
- (73) **Building Area.** The total area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.
- (74) **Building Coverage Area.** The total horizontal area of an accessory building or accessory buildings as measured on a horizontal plane at mean grade level from the exterior surface of the walls excluding eaves.
- (75) **Building, Detached.** A building surrounded by open space on the same lot.
- (76) **Building, Front Line of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
- (77) **Building, Front Of.** That side of a building which faces the principal road, street, highway or way serving the same; typically the street address side.
- (78) **Building, Height of.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitch roof.
- (79) **Building, Principal or Main.** The building on a lot in which is conducted the principal use as permitted on such lot by the regulations of the district in which it is located.
- (80) **Building Setback Line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Zoning Code. A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.
- (81) **Building Site.** A tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes and which will not be so subdivided, or where the tract of land, if so divided, is in single ownership or is owned by a condominium group. The site must be located on a public street or have direct access over a private right-of-way.
- (82) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (83) **Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by Village ordinance and approved by the Wisconsin Department of Natural Resources pursuant to Sec. 30.11, Wis. Stats., and which allows limited filling

- between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of the Floodplain Zoning Code.
- (84) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (85) **Camouflage Design.** A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
- (86) **Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
- (87) **Camping Unit.** Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping or travel trailer, motor home, bus, van, pickup truck or tent that is fully licensed, if required, and ready for highway use.
- (88) **Canopy.** A rigid structure attached to and extending outward from a building, designed to protect the building and/or people under the canopy from the sun, rain or snow.
- (89) **Carport.** A carport is a covered structure used to offer limited protection to vehicles, primarily cars, from the elements. The structure can either be free standing or attached to a wall. Unlike most structures a carport does not have four (4) walls, and usually has one or more sides open. (See "Accessory Structure".)
- (90) **Cellar.** That portion of a building having more than half of the floor-to-ceiling height below the average grade of the adjoining ground. This portion is not a completed structure and serves as a substructure or foundation for a building.
- (91) **Cemetery.** Land used for the burial of the dead, and dedicated for cemetery purposes, including columbaria, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- (92) **Centerline.** A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.
- (93) **Certificate of Compliance.** A certification that the construction and the use of land or building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
- (94) **Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- (95) **Child Care Center.** Any establishment which provides shelter, care, activity and supervision (with or without academic instruction) for five (5) or more unrelated children or children who are not the legal wards or foster children of the attendant adult between the hours of 7:00 a.m. and 7:00 p.m.
- (96) **Church.** A building, together with its accessory uses and buildings, where persons regularly assemble for religious worship, and which the building together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

- (97) **Clinic, Medical or Dental.** A group of medical or dental offices organized as a unified facility to provide outpatient medical or dental treatment as contrasted with an unrelated group of such offices, but not including bed-patient care.
- (98) **Club or Lodge.** A building or portion thereof or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as business.
- (99) **Cluster.** The grouping together of a number of structures which have similar use or intended purpose.
- (100) **Cluster Group.** A group of single-family detached dwellings within a cluster subdivision/development, surrounded by common open space. The outer boundary of a cluster group is defined by the lot lines or the lots within the group, including the street fronting on and providing access to those lots.
- (101) **Cluster Subdivision/Development.** A form of residential development that concentrates buildings or lots in one (1) or more parts of the site to allow the remaining lands to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by a reduction in individual lot size below those normally required in a zoning district, in return for permanent preservation of some undeveloped land. A cluster development will consist of one (1) or more cluster groups surrounded by common space. subdivision.
- (102) **Common Facilities.** All the real property and improvements set aside for the common use of and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, trails, recreation areas, drainage easements, and any utilities that service more than one (1) unit, such as sewerage and water supply facilities, and which are designated in the master deed as common elements.
- (103) **Common Open Space.** Undeveloped land within a cluster development that has been designated, dedicated, reserved, or restricted in perpetuity from further development. Common open space shall not be part of individual residential lots, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.
- (104) **Communication Tower.** Any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one (1) or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.
- (105) **Community Living Arrangements.** Any facility falling within the definition of Section 46.03(22), Wis. Stats.
- (106) **Complete Application for Local Approval – Livestock Facilities Conditional Use.** An application that contains everything required under ATCP 51.30(1)-(4), Wis. Adm. Code.

- (107) **Compliant Building Location.** An area on a lot where a building could be located in compliance with all applicable ordinance requirements.
- (108) **Comprehensive Plan.** The official guide for the physical, social, and economic growth of the Village properly enacted or adopted according to Section 66.1001, Wis. Stats., which is now or may hereafter be in effect. May also be referred to as a "Master Plan" or "Smart Growth Plan".
- (109) **Conditional Use.** The occupations, vocations, skills, arts, businesses, professions or uses specifically designated in each zoning district, which for their respective conduct, exercise or performance in such designated districts may require reasonable, but special, peculiar, unusual or extraordinary limitations, facilities, plans, structures, thoroughfares, condition modification, or regulations in such district for the promotion or preservation of the general public welfare, health, convenience or safety therein and in the Village and, therefore, may be permitted in such district only by a conditional use permit.
- (110) **Community Living Arrangement.** Places where five (5) or more adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than three (3) hours of nursing care per week per resident. The following facilities licensed or operated or permitted under the authority of the Wisconsin Statutes: Child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m) and community-based residential facilities under Section 50.01, but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin Statutes, including Sections 46.03(22), 69.97(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code. Community living arrangement uses specifically include all facilities provided by Section 46.03(22), Wis. Stats., including child welfare agencies, group homes for children, foster homes, treatment foster homes, adult family homes, and community-based residential facilities. Community living arrangement facilities are regulated depending upon their capacity as provided for in Section 62.23(7)(i), Wis. Stats., provided any such regulations do not violate federal or state housing or anti-discrimination laws.
- (111) **Condominium.** Property subject to a condominium declaration established in accordance with the requirements of the Condominium Ownership Act of Chapter 703, Wis. Stats. Condominium is a legal form of ownership of real estate and not a specific building type or style.
- (112) **Condominium Association.** A community association, incorporated or unincorporated, whose membership consists of owners of dwelling units in a condominium, which combines individual unit ownership with shared use and ownership of common

- property or facilities. The association is responsible for maintaining the common facilities and delivering services, but does not own the common facilities.
- (113) **Conforming Use.** Any lawful use of a building or lot which complies with the provisions of this Chapter.
- (114) **Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (115) **Conversion.** Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or room units.
- (116) **Corner Lot.** On corner lots, the setback shall be measured from the street line on which the lot fronts. The setback from the side street shall be equal to seventy-five percent (75%) of the setback required on residences fronting on the side street — but the side yard setback shall in no case restrict the buildable width to less than thirty (30) feet. Said corner lots shall be consisting of a parcel of property abutting on two (2) or more streets at their intersection providing that the interior angle of such intersection is less than one hundred thirty-five degrees (135°).
- (117) **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the *Technical Guide*, prepared by the USDA Soil Conservation Service for Kenosha County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation.
- (118) **Court.** An open, unoccupied space other than a yard, on the same lot with a building, and which is bounded on two (2) sides by the building.
- (119) **Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for access to plumbing and electrical utilities.
- (120) **Curb Break.** Any interruption or break in the line of a street curb in order to connect a driveway to a street or otherwise to provide vehicular access to abutting property.
- (121) **Curb Level.** The level of the established curb in the front of the building measured at the center of such front.
- (122) **Day Care Center, Family.** A place or home which provides care for eight (8) or more children under the age of seven (7) years for less than twenty-four (24) hours a day and is licensed as provided for in Sec. 48.65, Wis. Stats.
- (123) **Day Care Center, Group.** A dwelling or center that provides care and supervision for nine (9) or more children and is licensed by the Wisconsin Department of Health and Social Services.
- (124) **Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.

- (125) **Deed Restriction.** A legal restriction upon the use of a property set forth in the deed.
- (126) **Density (Gross).** The number of dwelling units per acre resulting from taking the number of dwelling units to be built upon a tract of land and dividing it by the total number of acres. Gross density makes no allowance or accounting for infrastructure, such as streets, parks and other non-residential uses, upland primary environmental corridors, or unbuildable lands, such as floodlands, wetlands, and lands having slopes twenty percent (20%) or greater.
- (127) **Density (Net).** The number of dwelling units per acre resulting from taking the number of dwelling units to be built upon a tract of land and dividing it by the total number of acres excluding street rights-of-way, non-residential uses, upland primary environmental corridors, isolated natural areas and all lands having slopes of twenty percent (20%) or greater.
- (128) **Department.** The Wisconsin Department of Natural Resources.
- (129) **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.
- (130) **Development Plan, General.** The proposal for development of a PUD Planned Unit Development Overlay District, consisting of a general concept plan for the entire area.
- (131) **Directly Opposite.** Those tracts of land on opposite sides of a street with only the street intervening.
- (132) **Disabled.** Having a physical or mental impairment that substantially limits one or more major life activities.
- (133) **District, Basic.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (134) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (135) **Double Wide Mobile Home.** A double wide mobile home is a mobile home consisting of two (2) mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.
- (136) **Division Wall.** A wall intended to create major portions or subdivisions within a building.

- (137) **Drain Tile.** A surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.
- (138) **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.
- (139) **Duplex.** A building designed and/or used exclusively for residential purposes and containing two (2) dwelling units separated by a common party wall or otherwise structurally attached.
- (140) **Dwelling.** A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins or mobile homes.
- (141) **Dwelling, Attached.** A dwelling with two (2) or more party walls, or one (1) party wall in the case of a dwelling at the end of a group of attached dwellings.
- (142) **Dwelling, Detached.** A dwelling which is designed to be and is substantially separate from any other structure or structures except accessory buildings.
- (143) **Dwelling, Efficiency.** A dwelling unit consisting of one (1) principal room with no separate sleeping rooms.
- (144) **Dwelling, Residential.** A building or portion thereof, used exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels, motels, lodging houses, boardinghouses or tourist homes.
- (145) **Dwelling, Single-Family.** A detached building designed for or occupied by one (1) family. For purposes of this Chapter, a single-family dwelling shall include conventional site built, modular and manufactured homes (not located in a Mobile Home Park District) and shall comply with the building, height, area and design standards delineated in the single-family residential districts. For the purposes of this Chapter, a single-family dwelling does not include a mobile home or a manufactured home (located in a Mobile Home Park District).
- (146) **Dwelling, Semi-Detached.** A dwelling having a party wall in common with another dwelling but which otherwise is designed to be and is substantially separate from any other structure or structures except accessory buildings.
- (147) **Dwelling, Two-Family.** A detached building containing two (2) separate dwelling (or living) units, designed for occupancy by not more than two (2) families.
- (148) **Dwelling, Multiple-Family.** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (149) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (150) **Easement.** A right given by the owner of land to another party for a specific limited use of that land.

- (151) **Easement, Conservation.** The grant of a property right or interest from one (1) property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.
- (152) **Easement of Record.** An access easement for ingress and egress to a parcel recorded in the County Register of Deeds office.
- (153) **Eave.** The projecting lower edges of a roof, not including the roof gutter, overhanging the vertical wall of a building.
- (154) **E.I.F.S.** Exterior insulation and finish systems for buildings which are multi-layered exterior wall systems that are used on both commercial buildings and residential buildings.
- (155) **Elderly Day Care Home.** Locations which provide day care and food service for adults who are unable to be left alone while other family members are at work or otherwise not at home during the day. Overnight lodging is not to be provided at a day care center.
- (156) **Emergency Shelters.** Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare; fire; flood; windstorm; riots; or invasions.
- (157) **Encroachment.** Any fill, structure, equipment, use or development in the floodway.
- (158) **Enlargement of a Quarry/Nonmetallic Mining Operation.** Any vertical or horizontal increase in the mined area or the area occupied by or utilized in connection with any of the operations or related activities.
- (159) **Equal Degree of Hydraulic Encroachment.** The effect of any encroachment into the floodway is to be computed by assuming an equal degree of hydraulic encroachment on the opposite side of a river or stream for a significant hydraulic reach, in order to compute the effect of the encroachment upon hydraulic conveyance. This computation assures that the property owners up, down or across the river or stream will have the same rights of hydraulic encroachment.
- (160) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (161) **Expanded Livestock Facility.** The entire livestock facility that is created by the expansion after May 1, 2006, and includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.
- (162) **Expansion.** An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.

- (163) **Expansion of Livestock Facility.** An increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve (12) month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities for at least ninety (90) days in any twelve (12) month period.
- (164) **Family.** One (1) or more persons immediately related by blood, marriage or adoption and living as a single housekeeping unit in one (1) dwelling unit shall constitute a family. A family may include in addition thereto two (2) but not more than two (2) persons not related by blood, marriage or adoption. A person shall be considered to be related for the purpose of this Section if he is dwelling for the purpose of adoption or for a foster care program.
- Exceptions:* Nothing in this Chapter shall prohibit, under the definition of "Family," priests, laybrothers, nurses or such other collective body of persons living together in one (1) house under the same management and care, subsisting in common, and directing their attention to a common object or the promotion of their mutual interest and social happiness as set forth by the Wisconsin Supreme Court in *Missionaries of Our Lady of LaSalette vs. Village of Whitefish Bay Board of Zoning Appeals*, 267 Wis. 609, which is hereby incorporated by reference.
- (165) **Family Day Care Home.** A dwelling also licensed as a day care center by the State Department of Health and Social Services where, for compensation of consideration, a resident of the dwelling provides group care for at least four (4), but not more than eight (8), children between the ages of infancy and seven (7) years of age at a location other than the child's own home or the home of relatives or guardians.
- (166) **Farm.** Land zoned for agricultural purposes and consisting of ten (10) acres or more on which produce, crops, livestock or flowers are grown primarily for off-premise consumption, use or sale.
- (167) **Farm Animals.** See "Livestock".
- (168) **Farming — General.** General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (169) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (170) **Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.
- (171) **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 (FEMA).

- (172) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
 - a. The overflow or rise of inland waters;
 - b. The rapid accumulation or runoff of surface waters from any source;
 - c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - d. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (173) **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.
- (174) **Flood Hazard Boundary Map.** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superceded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (175) **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.
- (176) **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.
- (177) **Flood Protection Elevation.** An elevation of two (2) feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see "Freeboard".)
- (178) **Flood Stage.** The elevation of the floodwater surface above an officially established datum plane, which is Mean Sea Level, 1929 Adjustment, on the Supplementary Floodland Zoning Map.
- (179) **Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- (180) **Floodlands.** For the purpose of this Code, the floodlands are all lands contained in the "regional flood" or 100-year recurrence interval flood. For the purpose of zoning

- regulation, the floodlands are divided into the floodway district, the floodplain conservancy district and the floodplain fringe overlay district.
- (181) **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.
- (182) **Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (183) **Floodplain Management.** Policies and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (184) **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.
- (185) **Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (186) **Floor Area — Dwelling Units.** The square feet of floor space of the several floors of a dwelling unit within the outside line of walls and includes the total of all space on all floors of a building, but not including porches, balconies, garages or space in a basement or cellar when the same is used for storage or incidental uses. Residential floor area is measured from the exterior faces of the exterior walls or from the center lines of walls or portions separating dwelling units.
- (187) **Floor Area, Gross.** The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The gross floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or closed, located on a roof or in a basement), penthouses, attic space having a head room of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.
- (188) **Floor Area — Manufacturing or Business Buildings.** For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses. For the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of the floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include elevators and stairways, accessory storage areas located within selling or working space occupied by counters, racks or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street

parking spaces, shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

- (189) **Footprint.** The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.
- (190) **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62, Wis. Stats., and amendments thereto.
- (191) **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.
- (192) **Freight Forwarding Service.** Establishments primarily engaged in undertaking the transportation of goods from shippers to receivers for a charge covering the entire route, which may involve the use of multiple carriers and transportation establishments in effecting delivery. A freight forwarding service may provide for temporary storage of goods in a delivery vehicle while such vehicle awaits pick-up by another carrier.
- (193) **Frontage.** All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
- (194) **Frontage, Reversed.** Where the rear lot line of a corner lot coincides with all or part of the side lot line of an adjoining lot in the same block.
- (195) **Garage, Attached.** A private garage which has a roof or wall, or a major portion of a roof or wall, in common with a dwelling. Where the garage is attached to a dwelling in this manner, it shall be subject to all yard requirements of the principal building.
- (196) **Garage, Private.** An accessory building or space for the storage only of not more than four (4) wheeled, licensed motor vehicles.
- (197) **Garage — Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (198) **Garage, Storage.** Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements, not to transients, where no equipment, parts, fuel, grease or oil are sold and vehicles are not equipped, serviced, repaired, hired or sold.
- (199) **Garden Center.** A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products

- and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.
- (200) **Garden, Community.** An area for cultivation and related activities divided into one (1) or more plots to be cultivated by more than one (1) operator or member. These areas may be on public or private lands.
- (201) **Garden, Market.** An area for cultivation and related activities divided into one (1) or more plots to be cultivated by more than one (1) operator or member. These areas may be on public or private lands, with on-site sales of crops grown on-site.
- (202) **Gasoline Station.** Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil and other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning or servicing such vehicles.
- (203) **Gift Stores.** Retail stores where items such as art, antiques, jewelry, books and notions are sold.
- (204) **Grade.** When used as a reference point in measuring the height of a building, the "grade" shall be the average elevation of the finished ground at the exterior walls of the main building.
- (205) **Gravel Pit.** An open land area where sand, gravel, and rock fragment are mined or excavated including such on-site processing that are related to the mining or excavation of the sand, gravel, and rock fragment such as stockpiling of materials, blending mineral material aggregates or non metallic minerals, crushing, screening, scalping and dewatering.
- (206) **Greenhouse, Private Use.** A structure enclosed in glass or plastic used for the propagation, cultivation or protection of tender plants. Private use greenhouses shall be for the personal use of the residents of the parcel, with no on-site sale of plants. For parcels five (5) acres and under, such greenhouse shall not exceed one hundred forty-four (144) square feet or be illuminated for growing purposes between 9:00 p.m. and 7:00 a.m. if located on a residentially zoned parcel.
- (207) **Greenhouse, Commercial.** Retail businesses whose principal activity is the selling of flowers, shrubbery, vegetables, and trees grown on-site and having outside storage and display.
- (208) **Gross Public Floor Area.** The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.
- (209) **Green Roof (Living Roof).** A roof of a building that is partially or completely covered with living vegetation and a vegetation growing medium, planted over a waterproofing membrane and may also include additional roof layers such as a root

barrier, drainage system, and irrigation system. The word "green" refers to living plant material and not the color green, as with green-colored roof tiles, green-colored roof shingles, green-colored built-up bituminous or rubber roofs (or similar green-colored materials which are not living vegetation). Container gardens on roofs, where plants are maintained in pots, are not considered to be a green roof. Rooftop ponds are not considered to be a green roof. Property owners seeking to utilize a green roof shall submit a landscaping and maintenance plan to the Zoning Administrator for approval.

- (210) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Section 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (211) **Habitable Structure.** Any structure or portion thereof used or designed for human habitation.
- (212) **Hardware Stores.** Retail stores where items such as plumbing, heating and electrical supplies, sporting goods and paints are sold.
- (213) **Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class I notice, published once at least one (1) week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class II notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (214) **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.
- (215) **Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (216) **Historic Area.** A designated area or areas containing one (1) or more landmarks as well as those abutting improvement parcels which have been determined to fall under the provisions of this Section to assure that their appearance and development is harmonious with such landmarks.
- (217) **Historic Structure.** Any structure that is either:
 - a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.
- (218) **Home Occupation.** Any business or profession carried on primarily by a member of the immediate family residing on the premises, carried on primarily within the principal building thereto and meeting the specific home occupation standards of this Chapter.
- (219) **Homeowners Association.** A community association, incorporated or unincorporated, combining individual home ownership with shared use or ownership of common property or facilities. The association is responsible for maintaining the common facilities and delivering services, but may or may not own the common facilities.
- (220) **Hospital.** An institution intended primarily for the medical diagnosis, treatment and care of patients being given medical treatment. A hospital shall be distinguished from a clinic by virtue of providing for bed-patient care.
- (221) **Hotel.** A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.
- (222) **House Trailer.** A vehicular portable dwelling unit designed especially for short term occupancy, such as: travel trailers, campers, and other similar units whether propelled, pulled or hauled and are designed primarily for highway travel.
- (223) **Household Stable.** An accessory building and/or use that is designed, arranged, used, or intended to be used for the keeping of not more than two (2) equines for the private use of the occupants of a principal dwelling and their guests but in no event for hire. Boarding is prohibited.
- (224) **Improvement.** Any building, structure, place, work of art, or other object constituting a physical betterment of real property or any part of such betterment.
- (225) **Improvement Parcel.** The unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes, provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.
- (226) **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.
- (227) **Institution.** A building occupied by a nonprofit corporation or a nonprofit establishment for public use.
- (228) **Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other

use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

- (229) **Junkyard.** Any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including but not limited to used or salvaged or new scrapped base metal or metals, their compounds or combinations, used for salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter; and used motor vehicles, machinery or equipment which are used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.
- (230) **Kennel.** Any facility where dogs or cats are kept for twenty-four (24) hours or more for boarding, training, or similar purposes for compensation, except that "kennel" does not include any of the following:
- a. An animal shelter.
 - b. A facility owned or operated by a veterinarian licensed under Ch. 453, Wis. Stats., where animals are boarded only in conjunction with the provision of veterinary care.
- (231) **Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see "Development".)
- (232) **Landmark.** Any improvement, parcel of land, or area designated as such pursuant to this Section and which:
- a. Has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Nation, State, Kenosha County, or the Village of Bristol or reflects the broad political, economic or social history of these entities; or
 - b. Has substantial value in tracing the history of aboriginal man; or
 - c. Is the site of an historic event which has occurred or is identified with historic personages or with important events in national, state or local histories; or
 - d. Embodies the distinguishing characteristics of an architectural type specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
 - e. Is representative of a notable work of a master builder, designer or architect whose individual genius influences or well-represents his/her age or era.
- (233) **Landscape Surface Area.** Surface area of land not covered by any building or impervious surface; pervious surface that is maintained as a natural area and left undisturbed or to support plant life. On-site stormwater detention and/or retention ponds, natural ponds, streams, and green roof areas (located on the roofs of buildings) are considered part of the landscape surface area.
- (234) **Landscape Surface Ratio (LSR).** The ratio derived by dividing the landscape surface area by the total lot or parcel area (excluding any existing dedicated public rights-of-way).

- (235) **Landscaping.** The improvement of a lot, parcel or tract of land with living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving. Landscaping may include flowerbeds, ornamental objects such as fountains, statuary, and other similar objects designed and arranged to produce an aesthetically pleasing effect.
- (236) **Limited Adult Media Store.** An establishment that rents and/or sells adult media but is not an "adult media store" as defined in this Subsection, and that meets either of the following tests:
- a. More than two percent (2%) but less than twenty percent (20%) of the gross public floor area is devoted to adult media.
 - b. More than two percent (2%) but less than twenty percent (20%) of the stock-in-trade consists of adult media.
- (237) **Livestock.** Domestic animals traditionally used in Wisconsin in the production of food, fiber or other animal products, and includes cattle, swine, poultry, sheep and goats. The term "livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (238) **Livestock Facility.** A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of forty-five (45) days or more in any twelve (12) month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this Chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility".
- (239) **Livestock Structure.** A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or animal waste storage structure. Livestock structure does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (240) **Living Quarters.** One (1) or more rooms in a building designed for occupancy by one (1) or more persons for living and/or sleeping.
- (241) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (242) **Lodging House.** A building where lodging only is provided for compensation for not more than three (3) persons not members of the family.
- (243) **Lot.** A parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use

and sufficient in size to meet the lot width, lot frontage, lot area and other open space provisions of this Code as pertaining to the district wherein located.

- (244) **Lot Area.** The area of contiguous land bounded by lot lines, exclusive of land designated for public thoroughfares.
- (245) **Lot Area – Buildable.** The portion of a lot remaining after required yards have been provided.
- (246) **Lot, Corner.** A lot situated at the intersection of two (2) streets.
- (247) **Lot Coverage (residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (248) **Lot Coverage (except residential).** The area of a lot occupied by the principal building or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (249) **Lot, Interior.** A lot with frontage on only one (1) street.
- (250) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (251) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other officially approved access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking area, or other open space provisions of this Chapter.
- (252) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- (253) **Lot Depth.** The shortest horizontal distance between the front lot line and the rear lot line measured at a ninety (90) degree angle from the road right-of-way.
- (254) **Lot Line.** Legally established lines dividing one (1) lot, plot of land or parcel of land from an adjoining lot or plot of land or parcel of land as defined herein.
- (255) **Lot Line, Front.** A line separating the lot from the street or approved private road.
- (256) **Lot Line, Rear.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular-shaped lot, a line ten (10) feet in the length within the lot, parallel to and at the maximum distance from the front lot line.
- (257) **Lot Line, Side.** Any lot boundary line not a front line or a rear lot line.
- (258) **Lot of Record.** A lot which has been recorded in the Office of the Register of Deeds prior to the effective date of this Chapter.
- (259) **Lot Width.** The horizontal distance between the side lot lines at the building setback line.
- (260) **Lowest Adjacent Grade.** Elevation of the lowest ground surface that touches any of the exterior walls of a building.
- (261) **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,

building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

- (262) **Machine Shops.** Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing; heating and electrical repair and overhaul shops.
- (263) **Maintenance.** The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
- (264) **Manufactured Dwelling.** A dwelling structure or component thereof as is defined in Sec. 20.07(52), Wis. Adm. Code, One- and Two-Family Uniform Dwelling insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
- (265) **Manufactured Home.**
 - a. A dwelling structure or component transportable in one or more sections thereof fabricated in an off-site manufacturing facility for installation at the building site and certified and labeled as a manufactured home under 42 USC Secs. 5401-5426, which, when placed on the site:
 - 1. Is set on an enclosed foundation in accordance with Sec. 70.43(1), Wis. Stats., and SPS 321, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
 - 2. Is installed in accordance with the manufacturer's instructions;
 - 3. Is properly connected to utilities;
 - 4. Has an area of at least eight hundred (800) square feet of living space, with a minimum of twenty-four (24) square feet in width in its smallest horizontal dimension, exclusive of attached garage, carport or open deck, and is used exclusively as a single-family residence; and
 - 5. Meets other applicable standards of this Chapter.
 - b. A manufactured home shall be considered a single-family dwelling for the purposes of this Chapter only where it meets the building, height, area and design standards delineated in the single-family residential districts and is so located. When located in a single-family residential district, all wheels, axles, transportation lights, and other related towing apparatuses shall be removed. For purposes of this Chapter, a manufactured home shall be considered a dwelling unit when located in a Mobile Home Park.
- (266) **Manufacturing.** The processing and converting of raw, unfinished, or finished materials or products, or any of these into an article or substance of different

character, or for use for a different character, or for use for a different purpose; also includes industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles.

- (267) **Manure Pit.** A structure or earthen pond located outside of a barn or shelter and used for containment of manure and other wastes from livestock and poultry.
- (268) **Marquee or Canopy.** A roof-like structure of a permanent nature which projects from the wall of a building.
- (269) **Mini-Storage/Warehouse Structure.** A structure where self-contained sections thereof are rented for storage purposes, typically serving residential and small business clients.
- (270) **Minor Structures.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.
- (271) **Mobile Home.** A transportable factory built structure as defined in Sec. 101.91(2)(a), Wis. Stats., designed for long-term occupancy by one (1) family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. For purposes of this Chapter, a mobile home is considered to be a dwelling unit and is not considered to be a type of single-family dwelling, two-family dwelling, three-family dwelling, or mutli-family dwelling. All mobile homes shall be located in a Mobile Home Park Residential District. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. The definition includes any additions, attachments, annexes, foundations and appurtenances. A mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed fifty percent (50%) of the assessable value of the mobile home. Excluded from this definition are "manufactured homes" as defined above.

Note: Mobile Homes vs. Modular Homes

"Mobile homes" have been required to follow construction standards, including heating, electrical and plumbing, since 1976 through a Federal Housing and Urban Development (HUD) program. In Wisconsin this is administered under contract by the Division of Safety and Buildings, Wisconsin Department of Commerce. The current proper and legal term for mobile homes is "manufactured homes". While the manufactured home itself is not covered by the Wisconsin

Uniform Dwelling Code (UDC), any site-built addition to that home, such as a basement, crawl space or room addition attached to the home, does have to be constructed to meet the requirements of the UDC if the manufactured home was built after June 1, 1980.

While manufactured homes are constructed to the HUD construction standards, "manufactured dwellings" must meet the UDC standards. Such non-HUD factory-built homes are referred to as "manufactured dwellings". However, double-wide manufactured mobile homes often are similar in appearance to modular homes. For purposes of identification, a manufactured (mobile) home is identified with a red metal rectangular label affixed to the rear of each full or half unit. This indicates the home has been constructed in accordance with the HUD manufactured home standards. In contrast, a modular home or manufactured dwelling will be identified with a red plastic sticker, called a "Wisconsin Insignia", imprinted with the outline of the State of Wisconsin. It will usually be affixed to the electrical panel, vanity base cabinet or kitchen cabinet. Inspectors must first identify what they are looking at before applying the applicable code regulations.

- (272) **Mobile Home Lot.** A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.
- (273) **Mobile Home Park.** A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation, and where individual lots are rented to individual mobile home users. A mobile home park is also any lot on which two (2) or more mobile homes are parked for the purpose of permanent habitation and including any associated service, storage, recreations and other community service facilities designed for the exclusive use of park occupants.
- (274) **Mobile/Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land, divided into two (2) or more manufactured home lots for rent or sale, being a land subdivision, as defined by Ch. 236, Wis. Stats., and the Village Land Division Ordinance, with lots intended for the placement of individual mobile home units. Individual homesites are in separate ownership as opposed to the rental arrangements in mobile home parks.
- (275) **Mobile/Manufactured Home Park or Subdivision, Existing.** A parcel of land, divided into two (2) or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Chapter. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

- (276) **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.
- (277) **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.
- (278) **Model, Duplication Effective.** A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- (279) **Model, Effective.** The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (280) **Model, Existing (Pre-Project).** A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any manmade 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.
- (281) **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.
- (282) **Modular Home.** A structure transported in one (1) or more sections, which is built on a permanent foundation and meets the minimum requirements of the Wisconsin Uniform Dwelling Code.
- (283) **Motel.** A building containing lodging rooms having adjoining individual bathrooms, and where each lodging has a doorway opening directly to the outdoors, and more than fifty percent (50%) of the lodging rooms are for rent to transient tourists for a continuous period of less than thirty (30) days.
- (284) **Motor Freight Terminal.** A building or area in which freight brought by motor truck is assembled and/or stored for routing in intrastate and interstate shipment by motor truck.
- (285) **Motor Home.** A vehicular unit built on a self-propelled motor vehicle chassis, initially designed to provide temporary living quarters for recreational, camping and travel use.
- (286) **Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this Chapter (Village of Bristol, Kenosha County, Wisconsin).
- (287) **NAVD or North American Vertical Datum.** Elevations referenced to mean sea level datum, 1988 adjustment.
- (288) **Navigable Waters.** Has the meaning in Section 30.01(4m), Wis. Stats.

- (289) **New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (290) **New Livestock Facility.** A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years.
- (291) **NGVD or National Geodetic Vertical Datum.** Elevations referenced to mean sea level datum, 1929 adjustment.
- (292) **Nonconforming Lot.** A lot of record existing on the date of passage of this Chapter which does not have the minimum width or contain the minimum area for the zone in which it is located.
- (293) **Nonconforming Structure or Use.** Any structure, use of land, use of land and structure in combination or characteristic of use (such as yard requirement or lot size) which was existing at the time of the effective date of this Code or amendments thereto and which is not in conformance with this Code. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall not be considered a nonconforming use, but shall be considered nonconforming with respect to those characteristics.
- (294) **Nonconforming Structure (Floodplain).** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Article 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.)
- (295) **Nonconforming Use (Floodplain).** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Article for the area of the floodplain which it occupies (such as a residence in the floodway).
- (296) **Nonmetallic Mining.** Operations or activities for the extraction from the earth for the sale or use by the operator of mineral aggregates or nonmetallic minerals such as stone, sand, gravel, asbestos, beryl, clay, feldspar, peat, talc, topsoil, including such operations or activities such as excavation, grading, and dredging.
- (297) **Nuisance.** An injurious effect on the safety, health, or morals of the public, or use of property which works some substantial annoyance, inconvenience, or injury to the public and which causes hurt, inconvenience or damage.

- (298) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
- (299) **Nursery School.** Any building used routinely for the daytime care and education of three (3) or more preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
- (300) **Nursing Home.** Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.
- (301) **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.
- (302) **Official Floodplain Zoning Map.** That map, adopted and made part of this Chapter, as described in Section 13-2-5(b), which has been approved by the Department and FEMA.
- (303) **Official Letter of Map Amendment.** Official notification from the Federal Emergency Management Agency (FEMA) that a Flood Hazard Boundary Map or Flood Insurance Rate Map has been amended.
- (304) **Open Space (PUD).** A parcel or parcels of land or an area of water or a combination thereof with the site designated for a PUD Planned Unit Development Overlay District, and designated and intended for the use or enjoyment of residents of the planned development.
- (305) **Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.
- (306) **Operator, Livestock.** A person who applies for or holds a local approval for a livestock facility.
- (307) **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.
- (308) **Ordinary Maintenance and Repair.** Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.
- (309) **Other Official Approved Access.** A private road or easement extending from a private property to a component of the public street system which the Village Board has approved as a primary means of access.
- (310) **Outdoor Public Recreation – Active.** All outdoor recreational uses located on public property (including school district property) which involves active recreational activities. Such land uses include play courts (i.e. tennis courts and basketball courts), playfields (i.e. ball diamonds, football fields, soccer fields, etc.), tot lots, outdoor

swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

- (311) **Outdoor Public Recreation – Passive.** All recreational uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use, picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.
- (312) **Outlot.** A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. Outlots may also be used for public utility purposes, such as, but not limited to, lift stations, pump stations, sanitary sewers and/or groundwater wells. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.
- (313) **Parking Area, Semi-Public.** An open area other than a street, alley or place used for temporary parking of more than four (4) self-propelled vehicles and available for public uses, whether free, for compensation, or as an accommodation for clients or customers.
- (314) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- (315) **Parties in Interest.** Includes all abutting property owners, all property owners within three hundred (300) feet, and all property owners of opposite frontages.
- (316) **Patio.** A level surface consisting of concrete, paving brick, or stone constructed for recreational purposes without footings extending not more than six (6) inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.
- (317) **Party Wall.** A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.
- (318) **Pedestrian Way.** A right-of-way designed for the purpose of providing pedestrian access.
- (319) **Person.** An individual, corporation, partnership, cooperative, limited liability company, trust, joint venture, receiver, syndicate, association, municipality, state agency, or other legal entity.
- (320) **Places of Assembly.** Places where people gather or congregate for amusement, worship, learning, etc. This includes schools, churches, theaters, playgrounds, etc.
- (321) **Planned Unit Development (PUD).** A lot or tract of land containing two (2) or more principal buildings of uses developed as a unit where such buildings or uses may be located in relation to each other rather than to a lot line or zoning district

boundaries. A PUD is typically an area of land controlled by a single owner or legal entity which is to be developed as a single unit.

- (322) **Populate (Animals).** To add animal units for which a permit or other local approval is required.
- (323) **Porch, Open/Enclosed.** A roof partially or wholly supported by columns and/or wall sections including sunrooms, three-season porches, screen porches, etc.
- (324) **Precise/Specific Implementation Plan.** The proposal for development of a part of or the whole of the General Development Plan used with a planned unit development.
- (325) **Principal Use.** The primary purpose or function that a lot serves or is intended to serve.
- (326) **Private Sewage Treatment System.** A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. This term includes state-approved alternative sewage systems, substitutes for the septic tank or soil absorption field, a holding tank, a mound system, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (327) **Private Water System.** A system supplying water for human consumption with a well and pump serving a single structure located on the same lot as the structure. This term includes alternative water supply systems, substitutes for the well or pump, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (328) **Professional Home Offices.** Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, tradesmen, authors, musicians or other recognized professions used to conduct their professions. Tradesmen shall be defined as a person or persons who hold themselves out with a particular skill including, but not limited to, carpenters, masons, plumbers, electricians, roofers and others involved in the building trade. Shall comply with the standards in Sec. 13-1-174.
- (329) **Property Line.** A line that separates parcels of land owned by different persons.
- (330) **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.
- (331) **PVDF Paint.** Polyvinylidene fluoride or polyvinylidene difluoride (PVDF) paint is a highly non-reactive and pure thermoplastic fluoropolymer-type paint typically used for the coating of metal building panels. PVDF paints have extremely good gloss and color retention.
- (332) **Qualified Nutrient Management Planner.** A person qualified under ATCP 50.48, Wis. Adm. Code.
- (333) **Quarrying.** The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.

- (334) **Quarry or Other Nonmetallic Mining Operation.** All of the activities undertaken for the purpose of extracting from the earth, for sale or use by the operator or any person affiliated or related to the operator, or any person with whom the operator has a business or contractual relationship, mineral aggregates such as stone, sand and gravel, and other nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc, and topsoil, and all related activities and processes on the site, including, without limitation, stripping, drilling, shooting, excavating, dredging, grading, scalping, dewatering, crushing, screening, washing, blending, loading, hauling, stockpiling, and selling.
- (335) **Quarry or Other Nonmetallic Mining Refuse.** Waste soil, rock, mineral, liquid, vegetation, and other waste material resulting from a quarry or other nonmetallic mining operation. This term does not include merchantable by-products resulting directly from or displaced by the quarry or other nonmetallic mining operation, provided that the operator intends to market such by-products and the operation is active.
- (336) **Racetrack.** A facility or track operated where vehicles of any type competitively race, whether for compensation or not.
- (337) **Railroad Right-of-Way.** A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.
- (338) **Rear Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one (1) of the street yards on a corner lot.
- (339) **Reasonable Accommodation.** Allowing a disabled person to deviate from the strict requirements of the Village's zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.
- (340) **Reasonably Safe from Flooding.** Means base floodwaters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (341) **Reclamation.** With respect to quarrying and nonmetallic mining operations means the rehabilitation of a quarry or other nonmetallic mining site, including, but not necessarily including, and not limited to, removal of quarry or other nonmetallic mining refuse, grading of the site, modification of sheer rock walls for purposes of safety and utility, replacement of topsoil, stabilization of soil and rock conditions, establishment of vegetative cover, landscaping, control of surface water and groundwater, prevention and remediation of environmental pollution, construction of fences, returning the site to a safe, useful, and aesthetically pleasing condition, and, if practical, restoration of plant, fish and wildlife habitat.

- (342) **Recreational Vehicle.** A vehicle which is built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles".

Examples: Examples of such vehicles include van campers, tent camping trailers, self-contained travel trailers, pickup campers, camping buses, and self-contained, self-propelled truck chassis mounted vehicles providing living accommodations. 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 "recreational vehicle" or "mobile recreational vehicle".

- (343) **Recreational Vehicle Camp.** A part, court, campsite, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying the location or accommodations for any recreational vehicles as defined herein, and upon which said recreational vehicles are parked.
- (344) **Recycling Center.** A facility designed to be a collection point where only recyclable materials are sorted and temporarily stored prior to shipment to others who will use those materials for reuse and/or processing into new products. This shall not include junk yards.
- (345) **Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (346) **Related Livestock Facilities.** Livestock facilities that are owned or managed by the same person, and related to each other in at least one (1) of the following ways:
- a. They are located on the same tax parcel or adjacent tax parcels of land. (Note: A mere acquisition of a neighboring livestock facility does not constitute an "expansion" unless more animal units are added to the combined facilities).
 - b. They use one (1) or more of the same livestock structures to collect or store manure.
 - c. At least a portion of their manure is applied to the same landscaping acreage.
- (347) **Restaurant.** A business establishment consisting of a kitchen and dining room, whose primary purpose is to prepare and serve food to be eaten by customers seated in the dining room.
- (348) **Restaurant, Drive-in.** A business establishment consisting of a kitchen, with or without a dining room, where food is prepared and packaged to be eaten either off the premises or within automobiles parked on the premises.

- (349) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (350) **Riding Stable.** A building or premises used for the rent or lease of horses or animals for riding.
- (351) **Riding Stable, Private.** A principal agricultural building and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their boarders and/or guests. Breeding, boarding, or training of equines may also be conducted. These facilities are not open to the general public.
- (352) **Riding Stable, Public.** A principal building and/or land use in or on which equines are kept for sale or hire to the public. Breeding, livery, boarding, riding lessons, or training of equines may also be conducted.
- (353) **Roadside Stand.** A building or part of a building no more than five hundred (500) square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located. There shall be no more than one (1) such stand on any one premises.
- (354) **Row House.** One of a group of three (3) or more houses sharing a common or party wall on one (1) or both side lot lines.
- (355) **Sanitary Landfill.** A land disposal facility where solid waste is disposed on land by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to its smallest practical volume, and to cover it with a layer of earth or other approved material as required.
- (356) **School, Private.** An elementary or intermediate school other than a parochial school giving regular instruction capable of meeting the requirements of state compulsory education laws and approved as such and operating at least five (5) days a week for a normal school year and supported by other than public funds, but not including a school for the mentally handicapped or a college or other institution of higher learning.
- (357) **School, Commercial.** A school limited to special instruction such as business, art, music trades, handicraft, dancing or riding.
- (358) **Sensitive Land Use.** Includes any of the following:
- a. Property zoned or used for residential purposes.
 - b. Property zoned or used for religious institutional purposes.
 - c. An educational institution for students in twelfth grade or below.
 - d. A library or museum.
 - e. A public or private park, recreation area, or playground.
 - f. A day care center.
 - g. A historic district.
 - h. A facility predominantly serving individuals with a "developmental disability", as that term is defined in Sec. 51.01(5)(a) and (b), Wis. Stats., and subsequent amendments thereto.

- i. A private youth development organization such, as but not limited to, YMCA, YWCA, Junior Achievement, 4-H, Junior Achievement, Boys Club of America, Campfire Girls, Boy/Girl Scouts, etc.
- (359) **Separate Species Facility.** A livestock facility that meets all of the following criteria:
- a. It has only one (1) of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related. (Note: See also definition for "related livestock facility"):
 - 1. Cattle.
 - 2. Swine.
 - 3. Poultry.
 - 4. Sheep.
 - 5. Goats.
 - b. It has no more than five hundred (500) animal units.
 - c. Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
 - d. It meets one (1) of the following criteria:
 - 1. Its livestock housing and manure storage structures, if any, are located at least seven hundred and fifty (750) feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 - 2. It and the other livestock facilities to which it is related have a combined total of fewer than one thousand (1,000) animal units.
- (360) **Setback.** The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (361) **Sex Toy.** An instrument, device, or paraphernalia either designed as a representation of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs.
- (362) **Signs.** Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (363) **Sign, Electronic Message Board.** A sign with a fixed or changing display/message composed of a series of lights, or other type light emitting electronic devices, that may be changed through electronic means.

- (364) **Single-Family Residence – Detached.** A single-family dwelling unit designed to be occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a large or group development. The dwelling unit must be a site-built structure built in compliance with the State of Wisconsin Safety and Professional Services Code (SPS) or may be a manufactured dwelling (modular home) as permitted by the SPS or a manufactured home as permitted by the HUD Code.
- (365) **Site Plan.** Includes but is not limited to a drawing to scale of not less than one (1) inch equals fifty (50) feet, showing all physical aspects such as buildings, setback dimensions, sidewalks, driveways, playgrounds, above- and below-ground utilities, parking, and so forth which pertain to the proposed development and its relation to the surrounding area in conformance to the zoning of the area in which the development will exist.
- (366) **Specified Anatomical Areas.** Defined as:
- a. Less than completely and opaquely covered:
 1. Human genitals, pubic region;
 2. Buttock, anus, anal cleft;
 3. Female breast below a point immediately above the top of the areola; and
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- (367) **Specified Sexual Activities.** Defined as actual or simulated:
- a. Exhibition of genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio, or cunnilingus;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- (368) **Stable, Commercial.** A building or land where horses are kept for remuneration, hire, sale, boarding, riding or show.
- (369) **Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of 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.

- (370) **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (371) **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (372) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (373) **Street Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (374) **Street Yard, Secondary.** A yard normally not including the driveway access extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have one (1) primary street yard and one (1) secondary street yard.
- (375) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (376) **Structural Component.** Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and doorsills and headers. A structural component may be non-loadbearing, such as the framework of a wall at the gable end of a one-story house. Wall coverings, such as siding on the exterior and dry wall on the interior, are not included in the definition of structural component.
- (377) **Structural Erosion Control Measure.** A retaining wall or other man-made structure whose primary function is to control erosion.
- (378) **Structure.** Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks,

- bridges, dams and culverts. Structure includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.
- (379) **Subdivision.** Has the meaning given in Sec. 236.02(12), Wis. Stats.
- (380) **Subdivision, Conventional.** A residential subdivision and/or certified survey map which is not zoned in the RC Rural Cluster Development Overlay District.
- (381) **Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty percent (50%) of the equalized assessed value of the structure before the damage occurred.
- (382) **Substantial Improvement.** Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the 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.
- (383) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (384) **Tent or Hoop-Supported Structure.** Any structure, building, enclosure, canopy, or tent top, with or without full sidewalls, temporary or permanent, primarily constructed of a frame of any material covered by a fabric of natural or synthetic material, whether opaque, translucent, or transparent, but does not include:
- a. Family or individual camping tents used by the resident of the lot and the resident's non-paying guests for camping activities.
 - b. Party tents or canopies erected for a party or event.
 - c. Screen tents or picnic canopies of the type usually used to shelter a family picnic table or outdoor furniture.
- (385) **Townhouse Residence.** A single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall.
- (386) **Tourist Camp.** A tract or parcel of land on which one (1) or more automobile trailers, tents or camp cabins are located, open to the public free or for a fee.
- (387) **Transmission Services.** Electric power lines, telephone and telegraph lines, communication towers, cables, sewage lift stations, sewer and water pipes, and other

pipes, conduits and accessory structures that are used to transport power, convey information or transport material between two (2) points, other than wireless communication service facilities.

- (388) **Travel Trailer.** A vehicular unit, mounted on wheels, of such size or weight as not to require special highway movement permits when drawn by a motorized vehicle, initially designed and constructed to provide temporary living quarters for recreational, camping or travel use, and a body length of no more than thirty-five (35) feet and a body width of no more than 8'6" when factory-equipped for the road.
- (389) **Truck Camper.** A portable unit, designed to be loaded onto or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreational, camping or travel use.
- (390) **Two-Family Residence.** This dwelling unit type consists of a single structure with two (2) separate residences, each having a private individual access, and no shared internal access. Two-family units can be constructed as attached side-by-side units (duplex or twin home) each with a ground floor and roof, or as a two-story structure (two-flat) with one (1) unit above the other.
- (391) **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 zoning regulations.
- (392) **Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (393) **Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (394) **Use, Permitted.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and performance standards, if any, of such districts.
- (395) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.
- (396) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, water and sewage lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (397) **Utility Building or Structure.** An accessory building used for storage of gardening or home-related supplies of limited size not exceeding ten by fourteen (10 x 14) feet and no greater than nine (9) feet in height.

- (398) **Utility Room.** A room or area in the home used for the mechanicals of the home (furnace, water heater, water softener).
- (399) **Value Added Agriculture.** A small commercial, manufacturing or service operation, which is accessory to an agricultural use. Examples of value added agriculture include, but are not limited to, small scale food processing, handcrafting, agriculture-related product packaging and marketing, and agricultural tourism. These farm-based activities cannot exceed a certain size and scale, but may involve new structures. Additional permits and licenses may be required to carry on these activities.
- (400) **Variance.** An authorization by the Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the zoning ordinance.
- (401) **Vehicle, Motor.** Every device in, upon or by which any person or property is or may be transported.
- (402) **Vending Machine.** A retail business device, electrically or manually operated, used by the general public to obtain dairy products, cigarettes, foodstuffs or other merchandise without entering a public shop, store, market or other such building.
- (403) **Video-viewing Booth.** Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seal patrons and is used for presenting adult media for observation by patrons therein. A video viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains six hundred (600) square feet or more.
- (404) **Violation.** The failure of a structure or other development to be fully compliant with the floodplain or other zoning ordinance. With floodplain zoning situations, 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.
- (405) **Vision Setback Area.** An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from this intersection as specified in this Chapter.
- (406) **Wall, Retaining.** A structure designed to resist the lateral displacement of soil or other materials.
- (407) **Waste, Animal.** Manure, milking center waste, and other organic waste generated by a livestock facility.
- (408) **Waste Storage Facility.** One (1) or more waste storage structures, and includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the

facility. "Waste storage facility" does not include equipment used to apply waste to land.

- (409) **Waste Storage (Animal) Structure.** A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. Pursuant to the purposes of ATCP 51.12(2) and 51.14, Wis. Adm. Code, "waste storage facility" does not include any of the following:
- a. A structure used to collect and store waste under a livestock housing facility.
 - b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.
- (410) **Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.
- (411) **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.
- (412) **Well.** An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.
- (413) **Winter Grazing Area.** Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:
- a. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
 - b. An area which at any time has an average of more than four (4) livestock animal units per acre.
 - c. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
 - d. An area in which manure deposited by livestock causes nutrient levels to exceed the standards in ATCP 51.16, Wis. Adm. Code.
- (414) **Wireless Telecommunication Services, Commercial.** Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radion (ESMR), paging, and similar services that are marketed to the general public.
- (415) **WPDES Permit.** A Wisconsin pollutant discharge elimination permit issued by the Wisconsin Department of Natural Resources under NR 243, Wis. Adm. Code.
- (416) **Yard.** An open space on the same lot with a building, unobstructed by structures except as otherwise provided herein.
- (417) **Yard, Front.** A yard extending the full width of the lot between the front lot line and the nearest part of the principal building excluding uncovered steps. On corner lots,

the front yard shall be considered as parallel to the street upon which the lot has its least dimensions.

- (418) **Yard, Rear.** A yard extending the full width of the lot between the rear lot line to the nearest part of the principal building.
- (419) **Yard, Side.** A yard on each side of the principal building extending from the building to the lot line and from the front yard line to the rear yard line.
- (420) **Yard, Street.** Yard abutting a street.
- (421) **Yard, Transitional.** That yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residential District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residential or Business District.
- (422) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (423) **Zoning Permit.** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.

Title 13 ► Chapter 2

Floodplain Zoning

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Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

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

Sec. 13-2-2 Finding of Fact.

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

Sec. 13-2-3 Statement of Purpose.

This Chapter is intended to regulate floodplain development to:

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

Sec. 13-2-4 Title.

This Chapter shall be known as the Floodplain Zoning Ordinance for the Village of Bristol, Kenosha County, Wisconsin.

Sec. 13-2-5 General Provisions.

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

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

(b) **Official Maps and Revisions.**

(1) The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village of Bristol Clerk-Treasurer. If more than one (1) map or revision is referenced, the most restrictive information shall apply.

(2) The pertinent floodplain zoning maps and flood insurance studies for the incorporated area of the Village of Bristol shall be (approved by FEMA and the DNR):

a. Flood Insurance Rate Map (FIRM), panel numbers 55059C0154D, 55059C0158D, 55059C0159D, 55059C0166D, 55059C0162D, 55059C0164D, 55059C0166D, 55059C0167D, 55059C0168D, 55059C0169D, 55059C0178D, 55059C0179D, 55059C0186D, 55059C0187D, 55059C0188D, 55059C0189D, 55059C0227D, 55059C0281D, and 55059C0282D, effective June 19, 2012; with corresponding profiles that are based on the Flood Insurance Studies (FIS), effective date June 19, 2012, FIS Volumes 55059CV001A and 55059CV002A.

b. Lake Shangrila Dam Failure Floodplain Map (Des Plaines River Watershed - February 2011).

(c) **Establishment of Districts.** The General Floodplain District (GFP) is that area that has been or may be covered by floodwater during the regional flood.

(d) **Locating Floodplain Boundaries.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in Subsections (d)(1) and (2) below. If a significant difference exists, the map shall be amended according to Sections 13-2-60 and 13-2-61. The Zoning Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Zoning Administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district's boundary line shall be settled according to Section 13-2-52(c) and the criteria in Subsection (d)(1) and (2) below:

(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

- (e) **Removal of Lands From Floodplain.** Compliance with the provisions of this Chapter shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Sections 13-2-60 and 13-2-61.
[Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
- (f) **Compliance.** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state and federal regulations.
- (g) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stats., applies.
- (h) **Abrogation and Greater Restrictions.**
 - (1) This Chapter supercedes all the provisions of any zoning ordinance enacted under Section 61.35, Wis. Stats., for villages and Sec. 62.23, Wis. Stats., for cities, or Sec. 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this Chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
 - (2) This Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (i) **Interpretation.** In their interpretation and application, the provisions of this Chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Chapter, required by NR 116, Wis. Adm. Code, is unclear, the provisions shall be interpreted in light of the standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.
- (j) **Warning and Disclaimer of Liability.** The flood protection standards in this Chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Chapter create liability on the part of, or a cause of action against, the Village of Bristol or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.
- (k) **Severability.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

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

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

Article B: General Provisions Applicable to All Floodplain Districts

Sec. 13-2-20 General Development Standards.

- (a) The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed to minimize flood damages; and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (b) Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodplain data for any development which meets the subdivision definition of the Chapter and other requirements of Sec. 13-2-50(c). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages.

Sec. 13-2-21 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 F are met.

Sec. 13-2-22 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 Sec. 13-2-21 shall 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 (6) months after the date of the watercourse alteration or relocation and pursuant to Article F, the Village shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alteration must be reviewed and approved by FEMA and the DNR through the LOMC process.

Sec. 13-2-23 Chapter 30, 31, Wis. Stats., Development.

Development which requires a permit from the Department, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Article F.

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

- (h) All camping units that remain on site for more than thirty (30) days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred and eighty (180) days and shall ensure compliance with all the provisions of this Section.
- (i) The Village of Bristol shall monitor the limited authorization issued by the campground operator to assure compliance with the terms of this Section.
- (j) All camping units that remain in place for more than one hundred and eighty (180) consecutive days must meet the applicable requirements of Article C of this Chapter.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Sec. 13-2-25 through Sec. 13-2-29 Reserved for Future Use.

Article C: Floodplain District (GFP)

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

This Article/District applies to all floodplain areas on the floodplain zoning maps.

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

The following open space uses are allowed in the Floodplain District, if:

- They are not prohibited by any other ordinance;
 - They meet the standards in Sections 13-2-32 and 13-2-33;
 - All permits or certificates have been issued according to Section 13-2-70; and
 - A conditional use permit is first obtained pursuant to the Bristol Zoning Code.
- (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 13-2-32(d).
 - (d) Open space uses or historic structures that comply with Sections 13-2-32 and 13-2-33.
 - (e) Extraction of sand, gravel or other materials that comply with Section 13-2-32(d).
 - (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wis. Stats.
 - (g) Public utilities, streets and bridges that comply with Section 13-2-32(c).

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

(a) General Standards.

- (1) Any development in floodplain areas shall comply with Article B and have a low flood damage potential.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to Section 13-2-21:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.

- (3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream, based on the data submitted for Subsection (a)(2) above.
- (b) **Structures.** Structures functionally dependent on a waterfront location or historic structures may be allowed by permit if the structures comply with the following criteria:
 - (1) Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;
 - (2) Shall have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than two (2) foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (3) Must be anchored to resist flotation, collapse, and lateral movement;
 - (4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (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 13-2-21.
- (d) **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of Section 13-2-21 are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Article are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous waste material.

Sec. 13-2-33 Prohibited Uses in the Floodplain District.

All uses not listed as permitted uses in Section 13-2-31 are prohibited, including the following uses:

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and 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 NR 811 and NR 812, Wis. Adm. Code;
- (f) Any solid or hazardous waste disposal sites;
- (g) Any wastewater treatment ponds or facilities, except those permitted under NR 110.15(3)(b), Wis. Adm. Code;
- (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

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

Article D: Nonconforming Uses

Sec. 13-2-40 General Applicability of Nonconforming Use Status.

- (a) **Applicability.** If these standards in this Article conform with Sec. 62.23(7)(h), Wis. Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Chapter or any amendment thereto.
- (b) **Existing Lawful Use of a Structure.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Chapter may continue subject to the following conditions:
 - (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. 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 two hundred (200) sq. ft. 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 twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Chapter;
 - (3) The Village of Bristol 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 fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses. The costs of elevating the lowest floor of a nonconforming building or a building with a

nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this Subsection;

- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (50%) of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses.
- (6) If on a per event basis the total value of the work being done under Subsections (b)(4)-(5) above equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses.
- (7) Except as provided in Subsection (b)(8) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet this Chapter's requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it to the size and use in effect prior to the damage event, provided the minimum federal code requirements below 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 Sec. 13-2-54(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 elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 4. Review and utilize any flood data available from a federal, state or other source.
 - b. Nonresidential structures:
 1. Shall meet the requirements of Subsection (b)(h)a1-2 above.

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 Sec. 13-2-54(a) or (b).
3. A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Sec. 13-2-32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 13-2-54 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Subsection (b)(8)a above 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.

Sec. 13-2-41 Floodplain District—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a Floodplain District, unless such modification/addition:
 - (1) Has been granted a permit or variance which meets all Chapter requirements;
 - (2) Meets the requirements of Section 13-2-40;
 - (3) Shall not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-54, by means other than the use of fill, to the flood protection elevation;
 - (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 (2) openings must be provided with a minimum net area of at least one square inch for every one square foot (1sq. in.: 1 sq. ft.) of the enclosed area. The lowest part of the opening can be no more than twelve (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 Floodplain District. Any replacement,

repair or maintenance of an existing on-site sewage disposal system in a floodplain area shall meet the applicable requirements of all municipal ordinance, Sec. 13-2-52(c) and 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 Floodplain District. Any replacement, repair or maintenance of an existing well in the Floodplain District shall meet the applicable requirements of all Village of Bristol ordinances, specifically but not limited to Sec. 13-2-52(c), and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-42 Floodfringe District—Nonconforming Uses.

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modifications or addition has been granted a permit or variance by the municipality, and meets the requirements of Sec. 13-2-32, except where the provisions of Subsection (b) below are applicable..
- (b) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Section 13-2-52, may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be 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 (2) feet;
 - (5) Flood velocities shall not exceed two (2) feet per second; and
 - (6) The structure will not be used for storage of materials as described in Section 13-2-33(b).
- (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, specifically but not limited to Sec. 13-2-52(c), and 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 Chapter, specifically but not limited to Sec. 13-2-52(c), and NR 811 and NR 812, Wis. Adm. Code.

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

Article E: Administration

Sec. 13-2-50 Zoning Administrator; Permits.

- (a) **Administration Responsibilities.** Where a Zoning Administrator, planning agency or a Zoning Board of Appeals has already been appointed to administer a zoning ordinance adopted under Sec. 62.23(7), Wis. Stats., these officials shall also administer this Chapter.
- (b) **Zoning Administrator.** The Zoning Administrator is authorized to administer this Chapter and shall have the following duties and powers:
 - (1) Advise applicants of the provisions of this Chapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this Chapter and issue certificates of compliance where appropriate.
 - (3) Inspect 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 for floodplain development;
 - c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - d. All substantial damage assessment reports for floodplain structures.
 - e. Floodproofing certificates.
 - (5) Submit copies of the following items to the Department's regional office:
 - a. Within ten (10) days of the decision, a copy of any decision on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning assessments. [Note: Information on conducting substantial damage assessments is available on the DNR website at:
<http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>].
 - (6) Investigate, prepare reports, and report violations of this Chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department's regional office.
 - (7) Submit copies of text and map amendments and biennial reports to the FEMA regional office.

- (c) **Land Use Permit.** A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

(1) **General Information.**

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

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

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain 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 Article C 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 13-2-21. This may include any of the information noted in Section 13-2-32(a).

(3) **Data Requirements to Analyze Developments.**

- a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in Ch. 236, Wis. Stats., and other proposed developments. The applicant shall provide:
 1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
 2. A map showing location and details of vehicular access to lands outside the floodplain; and
 3. A surface drainage plan showing how flood damage will be minimized.

[**Note:** The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.]

- (4) **Expiration.** All permits issued under the authority of this Chapter shall expire no more than one hundred and eighty (180) days after issuance. The permit may be extended for a maximum of one hundred and eighty (180) days for good and sufficient cause.
- (d) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
 - (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer, architect, or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Section 13-2-54.
- (e) **Other Permits.** The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 13-2-51 Zoning Agency.

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

Sec. 13-2-52 Board of Appeals.

The Zoning Board of Appeals, created under Sec. 62.23(7)(e), Wis. Stats., for village and cities is hereby authorized to act, or shall be appointed to act, for the purposes of this Chapter. The Zoning Board of Appeals shall exercise the powers conferred by the Wisconsin Statutes and

adopt rules for the conduct of business. The Zoning Administrator may not be the secretary of the Zoning Board of Appeals:

(a) **Powers and Duties.**

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

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

- (1) **Eligible Parties.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village of Bristol affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Zoning Board of Appeals, by filing with the official whose decision is in question, and with the Zoning Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Zoning Board of Appeals all records regarding the matter appealed.
- (2) **Notice and Hearing for Appeals Including Variances.**
 - a. **Notice.** The Zoning Board of Appeals shall:
 1. Fix a reasonable time for the hearing;
 2. Publish adequate notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 3. Assure that notice shall be mailed to the parties in interest and the Department's regional office at least ten (10) days in advance of the hearing.
 - b. **Hearing.** Any party may appear in person or by agent or attorney. The Zoning Board of Appeals shall:
 1. Resolve boundary disputes according to Subsection (c) below.
 2. Decide variance applications according to Subsection (d) below.
 3. Decide appeals of permit denials according to Section 13-2-53.
- (3) **Decision.** The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department's regional office within ten (10) days of the decision;
 - c. Be a written determination signed by the chairperson or secretary of the Zoning Board of Appeals;
 - d. State the specific facts which are the basis for the Zoning Board of Appeals' decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;

- f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the records of the Zoning Board of Appeals' proceedings.
- (c) **Boundary Disputes.** The following procedure shall be used by the Zoning Board of Appeals in hearing disputes concerning floodplain district boundaries:
 - (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
 - (3) If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Sections 13-2-60 and 13-2-61.
- (d) **Variances.**
 - (1) The Zoning Board of Appeals may, upon appeal, grant a variance from the standards of this Chapter if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the Chapter's provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions not common to adjacent lots or premises. In such cases this Chapter or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this Chapter in Section 13-2-3.
 - (2) In addition to the criteria in Subsection (d)(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
 - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Chapter.
 - (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the amendments to this Chapter or map(s) required in Section 13-2-60.
 - 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 Zoning Board of Appeals shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

Sec. 13-2-53 Board of Appeals to Review Appeals of Permit Denials.

- (a) **Data Subject to Review.** The Zoning Board of Appeals shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Section 13-2-50(c).
 - (2) Data listed in Section 13-2-32(a)(2)b where the applicant has not submitted this information to the Zoning Administrator.
 - (3) Other data submitted with the application, or submitted to the Zoning Board of Appeals with the appeal.[Note: No physical structures are permitted by appeal, except per Section 13-2-21.]
- (b) **Denied Permits Appeals Considerations.** For appeals of all denied permits the Zoning Board of Appeals shall:
 - (1) Follow the procedures of Section 13-2-52;
 - (2) Consider the Zoning Administrator's recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) **Increases in Regional Flood Elevation Appeals.** For appeals concerning increases in regional flood elevation, the Zoning Board of Appeals shall:
 - (1) Uphold the denial where the Zoning Board of 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.
 - (2) Grant the appeal where the Zoning Board of Appeals agrees that the data properly demonstrates that the project does not cause any increase provided no other reasons for denial exist.

Sec. 13-2-54 Floodproofing.

- (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 the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (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) Meets or exceeds the following standards:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement;
 - (4) Minimize or eliminate infiltration of flood waters;
 - (5) Minimize or eliminate discharges into flood waters.

Sec. 13-2-55 Public Information.

The Village of Bristol may do the following:

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

Sec. 13-2-56 through Sec. 13-2-59 Reserved for Future Use

Article F: Amendments

Sec. 13-2-60 General Amendments.

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

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

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

Sec. 13-2-61 Procedures for Amendments.

- (a) Ordinance amendments to this Chapter may be made upon petition of any interested party according to the provisions of Sec. 62.23, Wis. Stats.
- (b) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stats.
- (c) No amendments shall become effective until reviewed and approved by the Department.
- (d) All persons petitioning for a map amendment that obstructs flow, causing an 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.
- (e) For amendments in areas with no water surface profiles, the Plan Commission shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information [See Section 13-2-5(d)].

Sec. 13-2-62 through Sec. 13-2-69 Reserved for Future Use

Article G: Enforcement and Penalties; Definitions

Sec. 13-2-70 Enforcement and Penalties.

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

Sec. 13-2-71 Definitions.

Definitions for terms used in this Floodplain Zoning Chapter are found in Section 13-1-560 of the Village of Bristol Zoning Code.

Cross-Reference: Section 13-1-560, Definitions.

Ordinance No. 2013-1

**An Ordinance Adopting A New Village of Bristol
Floodplain Zoning Ordinance**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Title 13, Chapter 2 Floodplain Zoning Code of the Village of Bristol Code of Ordinances is created and adopted to read as follows:

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this ____ day of _____, 20____.

VILLAGE OF BRISTOL, WISCONSIN

Village President

Village Clerk-Treasurer

Published and Legally Posted: _____

Title 13 ► Chapter 2

Floodplain Zoning

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Article G Enforcement and Penalties; Definitions

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Article A: Introduction

Sec. 13-2-1 Statutory Authorization.

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

Sec. 13-2-2 Finding of Fact.

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

Sec. 13-2-3 Statement of Purpose.

This Chapter is intended to regulate floodplain development to:

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

Sec. 13-2-4 Title.

This Chapter shall be known as the Floodplain Zoning Ordinance for the Village of Bristol, Kenosha County, Wisconsin.

Sec. 13-2-5 General Provisions.

- (a) **Areas To Be Regulated.** This Chapter regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other

maps approved by the DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one (1) map or revision is referenced, the most restrictive information shall apply.

- (b) **Official Maps and Revisions.** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A-1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article F) before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village of Bristol Clerk-Treasurer. If more than one (1) map or revision is referenced, the most restrictive information shall apply.

- (1) **Official Maps — Based on the FIS.** The pertinent floodplain zoning maps and flood insurance studies for the incorporated area of the Village of Bristol shall be (approved by FEMA and the DNR):

- a. Flood Insurance Rate Map (FIRM), panel numbers 55059C0154D, 55059C0158D, 55059C0159D, 55059C0162D, 55059C0164D, 55059C0166D, 55059C0167D, 55059C0168D, 55059C0169D, 55059C0178D, 55059C0179D, 55059C0186D, 55059C0187D, 55059C0188D, 55059C0189D, 55059C0227D, 55059C0281D, and 55059C0282D, effective June 19, 2012; with corresponding profiles that are based on the Flood Insurance Studies (FIS), effective date June 19, 2012, FIS Volumes 55059CV001A and 55059CV002A.

- (2) **Official Maps – Based on Other Studies.** Any maps referenced in this Subsection must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development:

- a. Lake ShangriLa Dam (100-Year) Dam Failure Floodplain Map, dated February, 2011. Map prepared by the Southeastern Wisconsin Regional Planning Commission. Dam Failure Analysis (DFA) prepared by Graef Anhalt Schloemer & Associates, Inc., dated 1992. DNR approval of DFA dated August 24, 1993.

- (c) **Establishment of Floodplain Zoning Districts.** The regional floodplain areas are divided into three (3) districts as follows:

- (1) **Floodway District (FW).** 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 and are contained within AE Zones as shown on the FIRM.
- (2) **Floodfringe District (FF).** The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and is displayed as AE Zones on the FIRM.
- (3) **General Floodplain District (GF).** The General Floodplain District (GFP) is those areas that may be covered by the floodwater during the regional flood and does not

have a BFE or floodway boundary determined, including A, AH and AO Zones on the FIRM.

- (d) **Locating Floodplain Boundaries.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in Subsections (d)(1) and (2) below. If a significant difference exists, the map shall be amended according to Article F 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 and for initiating any map amendments required under this Section. Disputes between the Zoning Administrator and an applicant over the district boundary line shall be settled according to Section 13-2-52(c) and the criteria in Subsection (d)(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 F 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, the location of the boundary shall be determined by the map scale.
- (e) **Removal of Lands From Floodplain.** Compliance with the provisions of this Chapter shall not be grounds for removing land from the floodplain unless it is filled at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article F Amendments.

[**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).
- (f) **Compliance.** Any development or use within the areas regulated by this Chapter shall be in compliance with the terms of this Chapter, and other applicable local, state and federal regulations.
- (g) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Chapter and obtain necessary permits. State agencies are required to comply if Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Sec. 30.2022, Wis. Stats., applies.
- (h) **Abrogation and Greater Restrictions.**
 - (1) This Chapter supercedes all the provisions of any zoning ordinance enacted under Section 61.35, Wis. Stats., for villages and Sec. 62.23, Wis. Stats., for cities, or Sec. 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 Chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.
- (i) **Interpretation.** In their interpretation and application, the provisions of this Chapter are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Chapter, required by NR 116, Wis. Adm. Code, is unclear, the provisions shall be interpreted in light of the standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.
- (j) **Warning and Disclaimer of Liability.** The flood protection standards in this Chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this Chapter create liability on the part of, or a cause of action against, the Village of Bristol or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.
- (k) **Severability.** Should any portion of this Chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.
- (l) **Annexed Areas for Cities and Villages.** The Kenosha County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the Village of Bristol adopts and enforces an ordinance which meets the requirements of NR 116, Wis. Adm. Code, the National Flood Insurance Program (NFIP), NFIP 44 CFR 59-72, and the National Flood Insurance Program (NFIP). These annexed lands are described on the Village of Bristol'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.

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

Article B: General Provisions Applicable to All Floodplain Districts

Sec. 13-2-20 General Development Standards.

- (a) The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed to minimize flood damages; and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (b) Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodplain data for any development which meets the subdivision definition of the Chapter and other requirements of Sec. 13-2-50(c). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages.

Sec. 13-2-21 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 F Amendments are met.

Sec. 13-2-22 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 Sec. 13-2-21 shall 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 (6) months after the date of the watercourse alteration or relocation and pursuant to Article F Amendments, the Village 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.

Sec. 13-2-23 Chapter 30, 31, Wis. Stats., Development.

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

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

at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed one hundred and eighty (180) days and shall ensure compliance with all the provisions of this Section.

- (i) The Village of Bristol shall monitor the limited authorization issued by the campground operator to assure compliance with the terms of this Section.
- (j) All camping units that remain in place for more than one hundred and eighty (180) consecutive days must meet the applicable requirements of Article C of this Chapter.
- (k) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (l) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

Sec. 13-2-25 through Sec. 13-2-29 Reserved for Future Use.

Article C: Floodplain District (FD)

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

This Article/District applies to all floodplain areas on the floodplain zoning maps.

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

The following open space uses are allowed in the Floodplain District, if:

- They are not prohibited by any other ordinance;
 - They meet the standards in Sections 13-2-32 and 13-2-33;
 - All permits or certificates have been issued according to Section 13-2-70; and
 - A conditional use permit is first obtained pursuant to the Bristol Zoning Code.
- (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 13-2-32(d).
 - (d) Open space uses or historic structures that comply with Sections 13-2-32 and 13-2-33.
 - (e) Extraction of sand, gravel or other materials that comply with Section 13-2-32(d).
 - (f) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wis. Stats.
 - (g) Public utilities, streets and bridges that comply with Section 13-2-32(c).

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

(a) General Standards.

- (1) Any development in floodplain areas shall comply with Article B, have a low flood damage potential and comply with the requirements of Section 13-2-50(c)(3) regarding hydraulic and hydrologic studies necessary to analyze development.
- (2) Applicants shall provide the following data to determine the effects of the proposal according to Section 13-2-21:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.

- (3) The Zoning Administrator shall deny the permit application if the project will increase flood elevations upstream or downstream, based on the data submitted for Subsection (a)(2) above.
- (b) **Structures.** Structures functionally dependent on a waterfront location or historic structures may be allowed by permit if the structures comply with the following criteria:
 - (1) Not designed for human habitation, does not have a high flood damage potential, and is constructed to minimize flood damage;
 - (2) Shall have a minimum of two (2) openings on different walls having a total net area not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than two (2) foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - (3) Must be anchored to resist flotation, collapse, and lateral movement;
 - (4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - (5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (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 13-2-21.
- (d) **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
 - (1) The requirements of Section 13-2-21 are met;
 - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this Article are met;
 - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - (4) The fill is not classified as a solid or hazardous waste material.

Sec. 13-2-33 Prohibited Uses in the Floodplain District.

All uses not listed as permitted uses in Section 13-2-31 are prohibited, including the following uses:

- (a) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (b) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

- (c) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (d) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and 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 NR 811 and NR 812, Wis. Adm. Code;
- (f) Any solid or hazardous waste disposal sites;
- (g) Any wastewater treatment ponds or facilities, except those permitted under NR 110.15(3)(b), Wis. Adm. Code;
- (h) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

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

Article D: Nonconforming Uses

Sec. 13-2-40 General Applicability of Nonconforming Use Status.

- (a) **Applicability.** If these standards in this Article conform with Sec. 62.23(7)(h), Wis. Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Chapter or any amendment thereto.
- (b) **Existing Lawful Use of a Structure.** The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Chapter may continue subject to the following conditions:
 - (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this Chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. 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 two hundred (200) sq. ft. 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 twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Chapter;
 - (3) The Village of Bristol 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 fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses. The costs of elevating the lowest floor of a nonconforming building or a building with a

nonconforming use to the flood protection elevation are excluded from the fifty percent (50%) provisions of this Subsection;

- (5) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed fifty percent (50%) of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses.
- (6) If on a per event basis the total value of the work being done under Subsections (b)(4)-(5) above equals or exceeds fifty percent (50%) of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses.
- (7) Except as provided in Subsection (b)(8) below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet this Chapter's requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds fifty percent (50%) of the structure's present equalized assessed value.
- (8) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it to the size and use in effect prior to the damage event, provided the minimum federal code requirements below 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 Sec. 13-2-54(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 elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 4. Review and utilize any flood data available from a federal, state or other source.
 - b. Nonresidential structures:
 1. Shall meet the requirements of Subsection (b)(8)a1-4 above.

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 Sec. 13-2-54(a) or (b).
- (c) **Historic Structures.** A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Sec. 13-2-32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 13-2-54 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Subsection (b)(8)a above 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.

Sec. 13-2-41 Floodplain District—Nonconforming Uses.

- (a) **Prohibition on Modifications/Additions; Exceptions.** No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a Floodplain District, unless such modification/addition:
- (1) Has been granted a permit or variance which meets all Chapter requirements;
 - (2) Meets the requirements of Section 13-2-40;
 - (3) Shall not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-54, by means other than the use of fill, to the flood protection elevation;
 - (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 (2) openings must be provided with a minimum net area of at least one square inch for every one square foot (1sq. in.: 1 sq. ft.) of the enclosed area. The lowest part of the opening can be no more than twelve (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) **New On-Site Sewage Disposal Systems.** 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 Floodplain District. Any replacement, repair or maintenance of an existing on-site

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 Sec. 13-2-54(a) or (b).
- (c) **Historic Structures.** A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Sec. 13-2-32(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Sec. 13-2-54 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Subsection (b)(8)a above 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.

Sec. 13-2-41 Floodplain District—Nonconforming Uses.

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- (1) Has been granted a permit or variance which meets all Chapter requirements;
 - (2) Meets the requirements of Section 13-2-40;
 - (3) Shall not increase the obstruction to flood flows or regional flood height; and
 - (4) Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-54, by means other than the use of fill, to the flood protection elevation;
 - (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 (2) openings must be provided with a minimum net area of at least one square inch for every one square foot (1sq. in.: 1 sq. ft.) of the enclosed area. The lowest part of the opening can be no more than twelve (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) **New On-Site Sewage Disposal Systems.** 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 Floodplain District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodplain area shall meet the applicable requirements of all municipal ordinance, Sec. 13-2-52(c) and SPS 383, Wis. Adm. Code.
- (c) **New Wells or Modifications.** No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodplain District. Any replacement, repair

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or maintenance of an existing well in the Floodplain District shall meet the applicable requirements of all Village of Bristol ordinances, specifically but not limited to Sec. 13-2-52(c), and NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-42 through Sec. 13-2-49 Reserved for Future Use.

Article E: Administration

Sec. 13-2-50 Zoning Administrator; Permits.

- (a) **Administration Responsibilities.** Where a Zoning Administrator, planning agency or a Zoning Board of Appeals has already been appointed to administer a zoning ordinance adopted under Sec. 62.23(7), Wis. Stats., these officials shall also administer this Chapter.
- (b) **Zoning Administrator.** The Zoning Administrator is authorized to administer this Chapter and shall have the following duties and powers:
 - (1) Advise applicants of the provisions of this Chapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
 - (2) Issue permits and inspect properties for compliance with provisions of this Chapter and issue certificates of compliance where appropriate.
 - (3) Inspect 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 for floodplain development;
 - c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - d. All substantial damage assessment reports for floodplain structures.
 - e. Floodproofing certificates.
 - (5) Submit copies of the following items to the Department's regional office:
 - a. Within ten (10) days of the decision, a copy of any decision on variances, appeals for map or text interpretations, and map or text amendments;
 - b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
 - c. Copies of substantial damage assessments performed and all related correspondence concerning assessments.
 - (6) Investigate, prepare reports, and report violations of this Chapter to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department's regional office.
 - (7) Submit copies of text and map amendments to the FEMA regional office.

- (c) **Land Use Permit.** A land use permit shall be obtained before any new development or any repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Zoning Administrator shall include:

(1) **General Information.**

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

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

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain 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 Article C 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 13-2-21. This may include any of the information noted in Section 13-2-32(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 of Wisconsin. 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.**

1. *Hydrology.* The appropriate method shall be based on the standards in NR 116.07(3), Wis. Adm. Code, "Hydrologic Analysis: Determination of Regional Flood Discharge".
2. *Hydraulic Modeling.* The regional flood elevation shall be based on the standards in NR 116.07(4), Wis. Adm. Code, "Hydrologic 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 (4) foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
 - iv. A maximum distance of five hundred (500) feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
 - v. The most current version of the HEC-RAS shall be used.
 - vi. A survey of bridge and culvert openings and the top of the 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 five hundred (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 NR 116.07(3), Wis. Adm. Code, "Hydrologic Analysis: Determination of Regional Flood Discharge".

2. *Hydraulic Model.* The regional flood elevation shall be based on the standards in NR 116.07(4), Wis. Adm. Code, "Hydraulic Analysis: Determination of Regional Flood Elevation" and the following:
 - i. 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 1.0 foot.
 - ii. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.
 - iii. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - iv. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths 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, and bridge plans.
 - ii. Certified topographic map of suitable scale, contour interval, and planmetric 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 one percent (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 Plan 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 Chapter shall expire no more than one hundred and eighty (180) days after issuance. The permit may be extended for a maximum of one hundred and eighty (180) days for good and sufficient cause.
- (d) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, except where no permit is required, subject to the following provisions:
- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Chapter;
 - (2) Application for such certificate shall be concurrent with the application for a permit;
 - (3) If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification that the permitted work is completed;
 - (4) The applicant shall submit a certification signed by a registered professional engineer, architect, or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of Section 13-2-54.
- (e) **Other Permits.** Prior to obtaining a floodplain development permit, the applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

Sec. 13-2-51 Zoning Agency.

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

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

Sec. 13-2-52 Board of Appeals.

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

(a) **Powers and Duties.**

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

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

- (1) **Eligible Parties.** Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village of Bristol affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Zoning Board of Appeals, by filing with the official whose decision is in question, and with the Zoning Board of Appeals, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Zoning Board of Appeals all records regarding the matter appealed.
- (2) **Notice and Hearing for Appeals Including Variances.**
 - a. **Notice.** The Zoning Board of Appeals shall:
 - 1. Fix a reasonable time for the hearing;
 - 2. Publish adequate notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
 - 3. Assure that notice shall be mailed to the parties in interest and the Department's regional office at least ten (10) days in advance of the hearing.
 - b. **Hearing.** Any party may appear in person or by agent or attorney. The Zoning Board of Appeals shall:

1. Resolve boundary disputes according to Subsection (c) below.
 2. Decide variance applications according to Subsection (d) below.
 3. Decide appeals of permit denials according to Section 13-2-53.
- (3) **Decision.** The final decision regarding the appeal or variance application shall:
- a. Be made within a reasonable time;
 - b. Be sent to the Department's regional office within ten (10) days of the decision;
 - c. Be a written determination signed by the chairperson or secretary of the Zoning Board of Appeals;
 - d. State the specific facts which are the basis for the Zoning Board of Appeals' decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the records of the Zoning Board of Appeals' proceedings.
- (c) **Boundary Disputes.** The following procedure shall be used by the Zoning Board of Appeals in hearing disputes concerning floodplain district boundaries:
- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
 - (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
 - (3) If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the Plan Commission or the person contesting the boundary location to petition the governing body for a map amendment according to Sections 13-2-60 and 13-2-61.
- (d) **Variances.**
- (1) The Zoning Board of Appeals may, upon appeal, grant a variance from the standards of this Chapter if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the Chapter's provisions will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions not common to adjacent lots or premises. In such cases this Chapter or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this Chapter in Section 13-2-3.
 - (2) In addition to the criteria in Subsection (d)(1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;

- c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Chapter.
- (3) A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the amendments to this Chapter or map(s) required in Section 13-2-60.
 - 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 Zoning Board of Appeals shall notify the applicant in writing that it may increase risks to life and property, and flood insurance premiums could increase up to Twenty-five Dollars (\$25.00) per One Hundred Dollars (\$100.00) of coverage. A copy shall be maintained with the variance record.

Sec. 13-2-53 Board of Appeals to Review Appeals of Permit Denials.

- (a) **Data Subject to Review.** The Zoning Board of Appeals shall review all data related to the appeal. This may include:
 - (1) Permit application data listed in Section 13-2-50(c).
 - (2) Data listed in Section 13-2-32(a)(2)b where the applicant has not submitted this information to the Zoning Administrator.
 - (3) Other data submitted with the application, or submitted to the Zoning Board of Appeals with the appeal.

[Note: No physical structures are permitted by appeal, except per Section 13-2-21.]
- (b) **Denied Permits Appeals Considerations.** For appeals of all denied permits the Zoning Board of Appeals shall:
 - (1) Follow the procedures of Section 13-2-52;
 - (2) Consider the Zoning Administrator's recommendations; and
 - (3) Either uphold the denial or grant the appeal.
- (c) **Increases in Regional Flood Elevation Appeals.** For appeals concerning increases in regional flood elevation, the Zoning Board of Appeals shall:
 - (1) Uphold the denial where the Zoning Board of 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.

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

Sec. 13-2-54 Floodproofing.

- (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 the flood protection elevation and submits a FEMA Floodproofing Certificate.
- (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) Meets or exceeds the following standards:
 - a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one (1) foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (c) Floodproofing measures shall be designed to:
 - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
 - (2) Protect structures to the flood protection elevation;
 - (3) Anchor structures to foundations to resist flotation and lateral movement;
 - (4) Minimize or eliminate infiltration of flood waters;
 - (5) Minimize or eliminate discharges into flood waters.

Sec. 13-2-55 Public Information.

The Village of Bristol may do the following:

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

Sec. 13-2-56 through Sec. 13-2-59 Reserved for Future Use

Article F: Amendments

Sec. 13-2-60 Amendments.

- (a) Obstructions or increases may only be permitted if amendments are made to this Chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 13-2-61.
- (b) 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 Chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 13-2-61. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (c) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this Chapter, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Section 13-2-61.

Sec. 13-2-61 General Amendments.

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

- (a) Any 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 13-1-25(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 NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the Village of Bristol; 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.

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

Sec. 13-2-62 Procedures for Amendments.

- (a) Ordinance amendments may be made upon petition of any party according to the provisions of Sec. 62.23, Wis. Stats. The petitions shall include all data required by Section

- 13-2-50(c). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
- (b) The proposed amendment shall be referred to the Plan Commission for a public hearing and recommendation to the Village Board. The amendment and notice of public hearing shall be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stats.
 - (c) No amendments shall become effective until reviewed and approved by the Department.
 - (d) All persons petitioning for a map amendment that obstructs flow, causing an 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.

Sec. 13-2-62 through Sec. 13-2-69 Reserved for Future Use

Article G: Enforcement and Penalties; Definitions

Sec. 13-2-70 Enforcement and Penalties.

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

Sec. 13-2-71 Definitions.

Definitions for terms used in this Floodplain Zoning Chapter are found in Section 13-1-560 of the Village of Bristol Zoning Code.

Cross-Reference: Section 13-1-560, Definitions.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

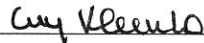
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28 day of January, 2013.

VILLAGE OF BRISTOL, WISCONSIN



Village President



Village Clerk-Treasurer

Published and Legally Posted: 2/4/13

INTRODUCED: 1/28/13

PASSED: 1/28/13

PUBLISHED: 2/4/13
(POSTED)

State of Wisconsin:

County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct, and complete copy of an ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 28th day of January, 2013, and that said ordinance has not been repealed or amended and is now in full force and effect.

Dated this 28th day of January, 2013.

Amy Klemko
Amy Klemko, Clerk-Treasurer

ORDINANCE NO. 2013-2

**AN ORDINANCE AMENDING THE
ZONING DEFINITION OF PRIVATE SEWAGE SYSTEM**

The Village Board of the Village of Bristol, Kenosha County, Wisconsin, do ordain as follows:

SECTION I. AMENDMENT OF PROVISIONS.

Section 13-1-560(a) of the Village of Bristol Code of Ordinances is amended modifying the following definition in its appropriate alphabetical/numerical location:

- (326) ***Private Sewage System.*** A sewage treatment and disposal system serving one (1) structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Wisconsin Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION III. EFFECTIVE DATE.

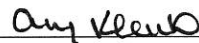
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 28th day of January, 2013.

VILLAGE OF BRISTOL, WISCONSIN



President



Clerk-Treasurer

INTRODUCED: 1/28/13

PASSED: 1/28/13

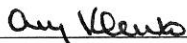
PUBLISHED: 2/4/13
(POSTED)

State of Wisconsin :

County of Kenosha:

I hereby certify that the foregoing ordinance is a true, correct and complete copy of an ordinance duly and regularly adopted by the Village Board of the Village of Bristol on the 28th day of January, 2013, and that said resolution has not been repealed or amended and is now in full force and effect.

Dated this 28th day of January, 2013



Amy Klemko, Clerk-Treasurer