



Village of Hobart  
Village Office 2990 S. Pine Tree Rd, Hobart, WI  
[www.hobart-wi.org](http://www.hobart-wi.org) - [www.buildinhobart.com](http://www.buildinhobart.com)

Notice is hereby given according to State Statutes that the **PLANNING AND ZONING COMMISSION** of the Village of Hobart will meet on Wednesday April 12<sup>th</sup> 2023 at 5:30 PM in the Village Office. **NOTICE OF POSTING:** Posted this 5<sup>th</sup> day of April, 2023 at the Hobart Village Office, 2990 S. Pine Tree Rd and on the village's website.

## MEETING NOTICE – PLANNING AND ZONING COMMISSION

**Date/Time:** Wednesday April 12<sup>th</sup> 2023 (5:30 P.M.)

**Location:** Village Office, 2990 South Pine Tree Road

### ROUTINE ITEMS TO BE ACTED UPON:

1. Call to order/Roll Call.
2. Certification of the open meeting law agenda requirements and approval of the agenda
4. Approval of Minutes of the March 8<sup>th</sup> 2023 (Page 3)
4. Public Comment on Non-Agenda Items

### ACTION ITEMS

#### **5. DISCUSSION AND ACTION – Consider a two lot CSM dividing one parcel into two separate parcels of 3.00 acres and 2.00 acres (4313 Hillcrest Dr., HB-583-2) (Page 5)**

The property owner currently has one parcel of 5.00 acres and is proposing a two lot Certified Survey Map (CSM) that would create one additional new lot. This proposed CSM will establish two separate parcels of 3.00 acres and 2.00 acres respectively. The property is currently developed with a dwelling on proposed Lot 1 and has a property zoning of R-1: Residential District. This existing 5-acre parcel is currently zoned R-1 which requires a minimum lot size of 12,000 square feet per parcel and minimum lot frontage of 100 feet. Both proposed lots meet or exceed these minimum requirements as proposed. This item will be on the April 18<sup>th</sup> Village Board agenda.

#### **6. DISCUSSION AND ACTION - Rezoning of Parcels HB-579-3 & HB-579-6 (4482 Forest Road) from R-2: Residential District to R-2-R: Rural Residential District (Page 14)**

The property owner of parcels HB-579-3 and HB-579-6 located at 4482 Forest Rd. is requesting to rezone these two parcels from R-2: Residential District to R-2-R: Rural Residential District. The existing parcels are 3.277 and 2.858 areas respectively and both comply with all zoning requirements for lot area, lot width, and setbacks for the proposed zoning district. The Village Board will hold a Public Hearing on this item at its May 16<sup>th</sup> meeting.

#### **7. DISCUSSION AND ACTION - Rezoning of Parcels HB-2484, HB-2485, HB-2486, HB-2487, HB-2488, HB-2492, & HB-2493 (Fonda Fields and Centennial Centre Blvd.) from R-1: Residential District and B-1: Community Business District to R-6: Multi-Family Residential District with a R-7: Planned Unit Development Overlay District (Page 21)**

The Applicant is requesting that the seven parcels located along Fonda Fields Ct. and Centennial Centre Blvd. (parcels HB-2484, HB-2485, HB-2486, HB-2487, HB-2488, HB-2492, & HB-2493) be rezoned from R-1: Residential District and B-1: Community Business District to R-6: Multi-Family Residential District with a R-7: Planned Unit Development Overlay District to allow for the construction of four multi-family buildings of approximately 200 dwelling units. Six of the parcels are currently undeveloped and one parcel has an existing single family residential dwelling that would be remodeled and incorporated in the function of the proposed development.

#### **8. DISCUSSION AND ACTION - Consider an ordinance amending Chapter 295-143 (Legal Description) of the PDD #2 - Zoning District of the Village Municipal Code (Page 30)**

Village Staff is proposing an amendment to Chapter 295-143 of the PDD #2: Orlando/Packerland Planned Unit Development zoning district relating to the "Legal Description" of said zoning district. The proposed amendments are necessary to reflect lands that were part of an annexation of lands several years past and lands that are part of the Southwind Estates Subdivision. Additionally, multiple parcels along Orlando Dr. will be removed to properly reflect the zoning classification identified on the current Official Zoning Map of the Village of Hobart. The Village Board will hold a Public Hearing on this item at its May 16<sup>th</sup> meeting.

#### **9. DISCUSSION AND ACTION - Consider an ordinance to replace Chapter 290 – Floodplain Zoning of the Village Municipal Code to make it compliant with FEMA regulations and state statutes (Page 37)**

Village Staff has been working with WDNR to modify and update Chapter 290 – Floodplain Zoning ordinance of the Village of Hobart to be compliant with federal mandates. FEMA occasionally updates or establishes new requirements relating to floodplains, which in turn requires each municipality to make the required amendments in their Floodplain Zoning ordinance. The Floodplain Zoning ordinance was last amended back in 2021 and FEMA has again required some new modifications to the requirements for areas located within floodplain areas. The majority of the changes happen to be centered around campgrounds and camping units with some minor tweaking to the definitions section. Other than these two areas, there is some minor alterations to the formatting of various ordinance sections. Overall, upwards of 95% of the existing floodplain zoning ordinance remained the same. The Village Board will hold a Public Hearing on this item at its April 18<sup>th</sup> meeting.

## 10. ADJOURN

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Aaron Kramer, Village Administrator

COMMISSION MEMBERS: Rich Heidel (Chairperson), Dave Dillenburg (Vice-Chairperson), Jeff Ambrosius, Tom Dennee, David Johnson, Bob Ross, John Rather

**NOTE:** Page numbers refer to the meeting packet. All agenda and minutes of Village meetings are online: [www.hobart-wi.org](http://www.hobart-wi.org). Any person wishing to attend, who, because of disability requires special accommodations, should contact the Village Clerk-Treasurer at 920-869-1011 with as much advanced notice as possible. Notice is hereby given that action by the Board may be considered and taken on any of the items described or listed in this agenda. There may be Board members attending this meeting by telephone if necessary.



**Village of Hobart Planning & Zoning Committee Minutes**  
**Hobart Village Office; 2990 S. Pine Tree Rd, Hobart, WI**  
**Wednesday, March 8, 2023 – 5:30 pm**

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**1. Call to Order, Roll Call:**

The meeting was called to order by Rich Heidel at 5:30pm. Roll call: Rich Heidel, aye; Dave Dillenburg, aye; Tom Dennee, aye; Bob Ross, aye; David Johnson, excused; Jeff Ambrosius, aye; John Rather, aye.

**2. Verify/Modify/Approve Agenda:**

Motion by Rich Heidel, seconded by Bob Ross, to approve the agenda as presented.  
 All in favor. Motion carried.

**3. Approval of Planning & Zoning Minutes:**

Motion by Tom Dennee, seconded by Jeff Ambrosius, to approve the January 11, 2023 minutes as presented.  
 All in favor. Motion carried.

**4. Public Comment on Non-Agenda Items:**

None.

**5. Consider a request to rezone parcel HB-314-3 (formerly parcels HB-314-3, HB-314-6, & HB-314-7) from R-2: Residential District and ER: Estate Residential District to A-1: Agricultural District:**

Director of Planning & Code Compliance, Todd Gerbers, presented the rezoning application.

The commission members discussed the application.

Motion by Bob Ross, seconded by Rich Heidel to recommend approval to the Village Board to rezone parcel HB-314-3 (formerly parcels HB-314-3, HB-314-6, & HB-314-7) from R-2: Residential District and ER: Estate Residential District to A-1: Agricultural District.

All in favor. Motion carried.

**6. Consider a request to rezone parcel HB-307 (formerly parcels HB-293, HB-293-2 & HB-307) from ER: Estate Residential District and A-1: Agricultural District to A-1: Agricultural District:**

Director of Planning & Code Compliance, Todd Gerbers, presented the rezoning application.

The commission members discussed the application.

Motion by Tom Dennee, seconded by John Raether to recommend approval to the Village Board to rezone parcel HB-307 (formerly parcels HB-293, HB-293-2 & HB-307) from ER: Estate Residential District and A-1: Agricultural District to A-1: Agricultural District.

All in favor. Motion carried.

**7. Consider Preliminary Plat for Gateway Estates Subdivision, Parcels HB-350 & HB-357, S. Pine Tree Rd. & Orlando Dr.:**

Director of Planning & Code Compliance, Todd Gerbers, presented the committee with the Preliminary Plat for Gateway Estates Subdivision.

Public comments made by:

Troy Hewitt with Robert E. Lee & Associates, Inc. – 1250 Centennial Centre Blvd in Hobart

The commission members discussed the application.

Motion by Rich Heidel, seconded by Bob Ross to recommend approval to the Village Board to consider Preliminary Plat for Gateway Estates Subdivision, Parcels HB-350 & HB-357, S. Pine Tree Rd. & Orlando Dr.

All in favor. Motion carried.

**8. Consider an ordinance creating the PI: Public Institutional District zoning district for lands that are intended more for public structures and uses:**

Motion by Dave Dillenburg, seconded by Jeff Ambrosius to recommend approval of the proposed ordinance creating the new PI: Public Institutional District and directing staff to review lot area and lot frontage.

All in favor. Motion carried.

**9. Adjournment:**

Motion by Jeff Ambrosius, seconded by Bob Ross to adjourn at 6:38pm.

All in favor. Motion carried.





**TO: Planning & Zoning Commission**

**RE: CSM, 4313 Hillcrest Dr., HB-583-2**

**FROM: Todd Gerbers, Director of Planning & Code Compliance**

**DATE: April 12, 2023**

**ISSUE:** Consider a two lot CSM dividing one parcel into two separate parcels of 3.00 acres and 2.00 acres

**RECOMMENDATION:** Staff recommends conditional approval

### **GENERAL INFORMATION**

1. Applicants/Agent: Mau & Associates, LLP
2. Owner: Steven Boyer & Holly Halron.
3. Parcel: HB-583-2
4. Zoning: R-1: Residential District

### **ZONING REQUIREMENTS**

The property owner currently has one parcel of 5.00 acres and is proposing a two lot Certified Survey Map (CSM) that would create one additional new lot. This proposed CSM will establish two separate parcels of 3.00 acres and 2.00 acres respectively. The property is currently developed with a dwelling on proposed Lot 1 and has a property zoning of R-1: Residential District.

This existing 5-acre parcel is currently zoned R-1 which requires a minimum lot size of 12,000 square feet per parcel and minimum lot frontage of 100 feet. Both proposed lots meet or exceed these minimum requirements as proposed.

### **RECOMMENDATION/CONDITIONS**

Staff recommends conditional approval as submitted noting that this would be approval for both the preliminary and final CSM should there be no adjustments to the final CSM subject to the following condition(s):

1. Payment of the required Park Fee of \$300.00 (one new lot)




<input type="checkbox"/>	Rezoning Review
<input type="checkbox"/>	Conditional Use Permit Review
<input type="checkbox"/>	Planned Development Review
<input checked="" type="checkbox"/>	CSM/Plat Review

Village of Hobart  
 Dept of Neighborhood Services  
 2990 S Pine Tree Rd  
 Hobart WI 54155  
 Phone: (920) 869-3809  
 Fax (920) 869-2048

**APPLICANT INFORMATION**

Petitioner: Steve Bieda Date: 2/10/2023  
 Petitioner's Address: 400 Security Blvd. City: Green Bay State: WI Zip: 54313  
 Telephone #: (920) 434-9670 Fax: ( ) \_\_\_\_\_ Other Contact # or Email: sbieda@mau-associates.com  
 Status of Petitioner (Please Check):  Owner  Representative  Tenant  Prospective Buyer

Petitioner's Signature (required):  Date: 2/14/23

**OWNER INFORMATION**

Owner(s): Steven Boyer and Holly Halron Date: 2/10/2023  
 Owner(s) Address: 4313 Hillcrest Drive City: Hobart State: WI Zip: 54155  
 Telephone #: (920) 624-8618 Fax: ( ) \_\_\_\_\_ Other Contact # or Email: holly1116@aol.com  
 Ownership Status (Please Check):  Individual  Trust  Partnership  Corporation

**Property Owner Consent: (required)**

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Neighborhood Services Department for incomplete submissions or other administrative reasons.

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**SITE INFORMATION**

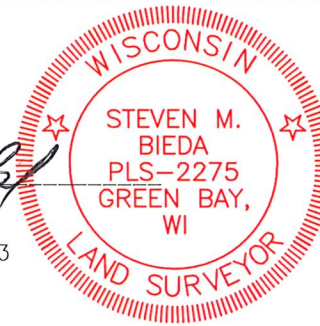
Address/Location of Proposed Project: 4313 Hillcrest Drive Parcel No. HB-583-2  
 Proposed Project Type: Certified Survey Map  
 Current Use of Property: Residential Zoning: R-1  
 Land Uses Surrounding Site: North: Residential  
 South: Residential  
 East: Agricultural  
 West: Residential

**\*\*Please note that a meeting notice will be mailed to all abutting property owners regarding your request prior to any Public Hearing.**

- Application fees are due at time of submittal. Make check payable to Village of Hobart.
- Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE

# Certified Survey Map

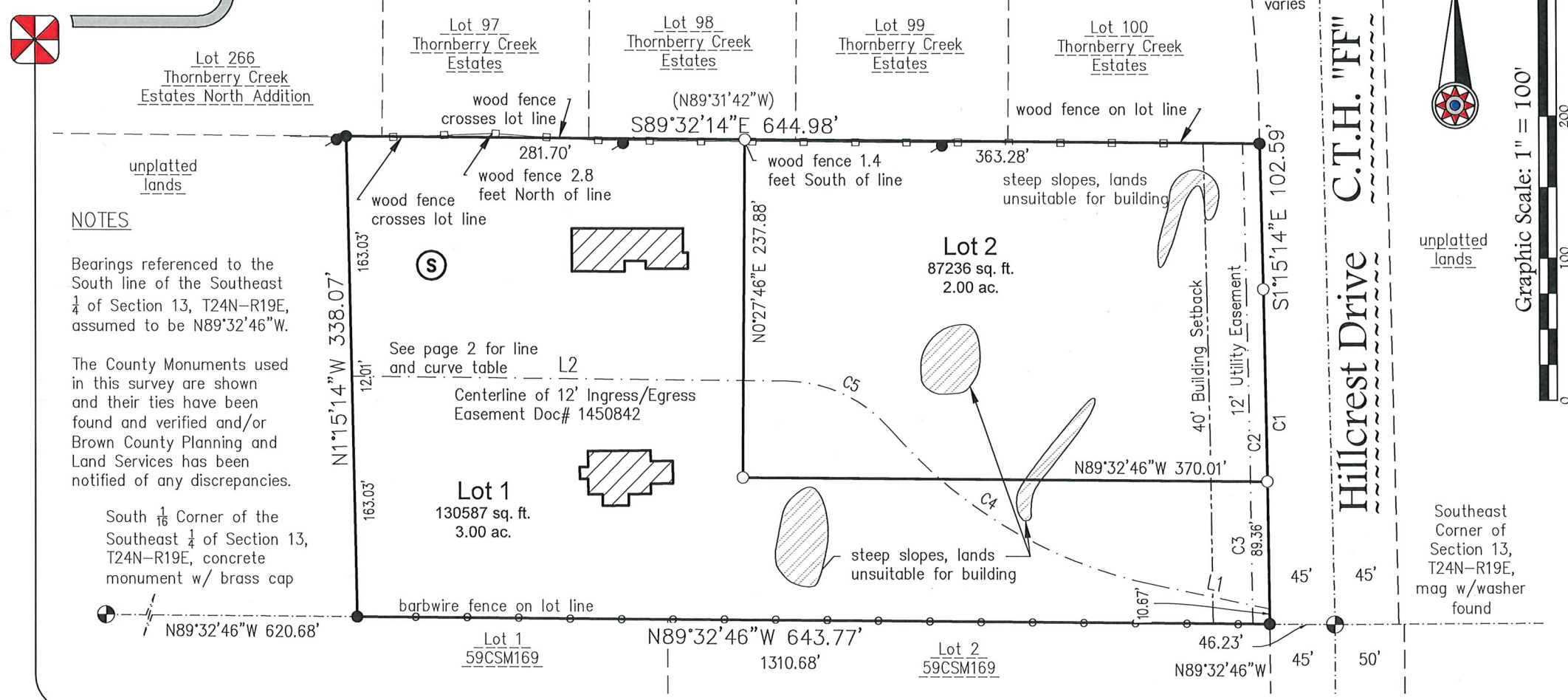
Part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 13,  
T24N-R19E, Village of Hobart, Brown County, Wisconsin



Steven M. Bieda  
PLS-2275  
February 14th, 2023

## Legend

- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs/lin ft set
- 1" iron pipe found
- ⊙ 2" iron pipe found
- ⊕ Brown County monument - type noted
- ( ) recorded as bearing
- ▨ existing building
- Ⓢ septic
- ⚡ power pole



### NOTES

Bearings referenced to the South line of the Southeast  $\frac{1}{4}$  of Section 13, T24N-R19E, assumed to be N89°32'46"W.

The County Monuments used in this survey are shown and their ties have been found and verified and/or Brown County Planning and Land Services has been notified of any discrepancies.

South  $\frac{1}{16}$  Corner of the Southeast  $\frac{1}{4}$  of Section 13, T24N-R19E, concrete monument w/ brass cap

Client: Steve Boyer  
Tax Parcel: HB-583-2  
Drafted By: NDK  
File: B-14522CSM 092022.dwg  
Data File: B-14522.txt

Sheet One of Five  
Project No.: B-14522  
Drawing No.: L-11897  
Fieldwork Completed: 01/23/23

**Mau & Associates, LLP**  
LAND SURVEYING & PLANNING  
CIVIL & WATER RESOURCE ENGINEERING  
Phone: 920-434-9670 Website: www.mau-associates.com  
400 Security Blvd Ste 1, Green Bay, WI 54313-9712





# Certified Survey Map


Part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 13,  
T24N-R19E, Village of Hobart, Brown County, Wisconsin

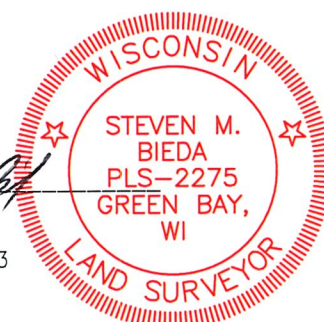
## Curve Data

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING
C1	235.35'	22873.31	235.35'	S0°57'33"E	0°35'22"	S0°39'52"E & S1°15'14"E
C2	135.32'	22873.31	135.32'	S1°05'04"E	0°20'20"	-
C3	100.03'	22873.31	100.03'	S0°47'23"E	0°15'02"	-
C4	219.06'	336.00	215.20'	N59°36'53"W	37°21'20"	N78°17'32"W & N40°56'13"W
C5	84.57'	100.00	82.07'	N65°09'51"W	48°27'17"	N40°56'13"W & N89°23'30"W

## Line Data

LINE #	ARC LENGTH	DIRECTION
L1	305.89'	N89°23'30"W
L2	83.05'	N78°17'32"W

  
 Steven M. Bieda  
 PLS-2275  
 February 14th, 2023



Client: Steve Boyer  
 Tax Parcel: HB-583-2  
 Drafted By: NDK  
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Sheet Two of Five  
 Project No.: B-14522  
 Drawing No.: L-11897  
 Fieldwork Completed: 01/23/23



# Certified Survey Map

Part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 13,  
T24N-R19E, Village of Hobart, Brown County, Wisconsin


## SURVEYOR'S CERTIFICATE

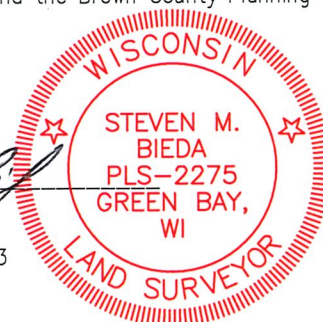
I, Steven M. Bieda, Professional Land Surveyor, PLS-2275, do hereby certify that I have surveyed, divided and mapped part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 13, T24N-R19E, Village of Hobart, Brown County, Wisconsin, more fully described as follows:

Commencing at Southeast corner of Section 13, T24N-R19E; thence N89°32'46"W, 46.23 feet along the South line of the Southeast  $\frac{1}{4}$  of said Section 13 to the Point of Beginning; thence N89°32'46"W, 643.77 feet along the North line of Lots 1 and 2, Volume 59, Certified Survey Maps, Page 169, Map No. 8425, Document No. 2665992, Brown County Records; thence N1°15'14"E, 338.07 feet to the South line of Lot 266, "Thornberry Creek Estates North Addition", (Volume 22, Plats, Page 37, Document No. 1999021, Brown County Records); thence S89°32'14"E, 644.98 feet along the South line of recorded plats "Thornberry Creek Estates", (Volume 20, Plats, Page 13, Document No. 1450529, Brown County Records); thence S1°15'14"E, 102.59 feet along the West of right of way of C.T.H. "FF", also known as Hillcrest Drive; thence 235.35 feet along said West right of way being the arc of a 22873.31 foot radius curve to the Right whose long chord bears S0°57'33"E, 235.35 feet to the Point of Beginning.

Parcel contains 217,824 square feet / 5.00 acres more or less.  
Parcel subject to easement and restrictions of record.

That such plat is a correct representation of all the exterior boundaries of the land survey and the division thereof. That I have made such a survey, land division and plat by the direction of the owners listed hereon. That I have fully complied with the provisions of Chapter 236, section 236.34 of the Wisconsin Statutes, the Village of Hobart, and the Brown County Planning Commission code in surveying, dividing and mapping the same.

  
Steven M. Bieda  
PLS-2275  
February 14th, 2023



## CERTIFICATE OF THE BROWN COUNTY PLANNING COMMISSION

Approved for the Brown County Planning Commission this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Karl Mueller  
Senior Planner

## CERTIFICATE OF THE BROWN COUNTY TREASURER

As duly elected Brown County Treasurer, I hereby certify that the records in our office show no unredeemed taxes and no unpaid or special assessments affecting any of the lands included in this Certified Survey Map as of the dates listed below.

\_\_\_\_\_  
Paul D. Zeller                      Date  
Brown County Treasurer

## CERTIFICATE OF THE VILLAGE OF HOBART

Approved for the Village of Hobart this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Katrina Bruecker  
Village Clerk

Client: Steve Boyer  
Tax Parcel: HB-583-2  
Drafted By: NDK  
File: B-14522CSM 092022.dwg  
Data File: B-14522.txt

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Sheet Three of Five  
Project No.: B-14522  
Drawing No.: L-11897  
Fieldwork Completed: 01/23/23





# Certified Survey Map

Part of the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 13,  
T24N-R19E, Village of Hobart, Brown County, Wisconsin

## NOTES

Lots 1 and 2 contains steep slopes that are unsuitable for building. No development shall occur in areas labeled 'Steep Slope—Lands Unsuitable for Building' unless a geotechnical study is submitted to and approved by Brown County Planning Commission.

A Brown County Highway Department access permit must be obtained prior to any construction of a new street / road connection or driveway to a County Trunk Highway.

The property owners, at the time of construction, shall implement the appropriate soil erosion control methods outlined in the Wisconsin Construction Site Erosion and Sediment Control Technical Standards (available from the Wisconsin Department of Natural Resources) to prevent soil erosion. However, if at the time of construction the Village has adopted a soil erosion control ordinance, it shall govern over this requirement. This provision applies to any grading, construction, or installation—related activities.

Development on Lot 1 requires public sewer and water be available OR acquisition of all state, county, and/or municipal permits concerning onsite sewage disposal systems for sanitary waste disposal.

## RESTRICTIVE COVENANTS

The land on all side and rear lot lines of all lots shall be graded by the lot owner and maintained by the abutting property owners to provide for adequate drainage of surface water.

Each lot owner shall grade the property to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.


## UTILITY EASEMENT PROVISIONS

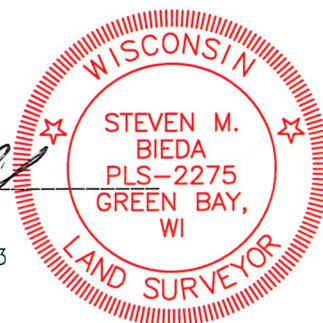
An easement for electric, natural gas, and communications service is hereby granted by

Steven Boyer and Holly Halron, Grantor, to WISCONSIN PUBLIC SERVICE CORPORATION, a Wisconsin corporation, Grantee,

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across, within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, natural gas facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than six inches without written consent of grantees. This Utility Easement Provision does not prevent or prohibit others from utilizing or crossing the Utility Easement as the Utility easement(s) are non-exclusive.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

  
Steven M. Bieda  
PLS-2275  
February 14th, 2023



Client: Steve Boyer  
Tax Parcel: HB-583-2  
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
Sheet Four of Five  
Project No.: B-14522  
Drawing No.: L-11897  
Fieldwork Completed: 01/23/23





Part of Brown County WI

LEGEND / KEY

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
-  "hooks" indicate parcel ownership crosses a line
-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

A complete map legend (map key) is available at: [tinyurl.com/BrownDogLegend](http://tinyurl.com/BrownDogLegend)

Map printed 4/4/2023



1:2,400

1 inch = 200 feet\*

1 inch = 0.0379 miles\*

\*original page size is 8.5" x 11"  
Appropriate format depends on zoom level

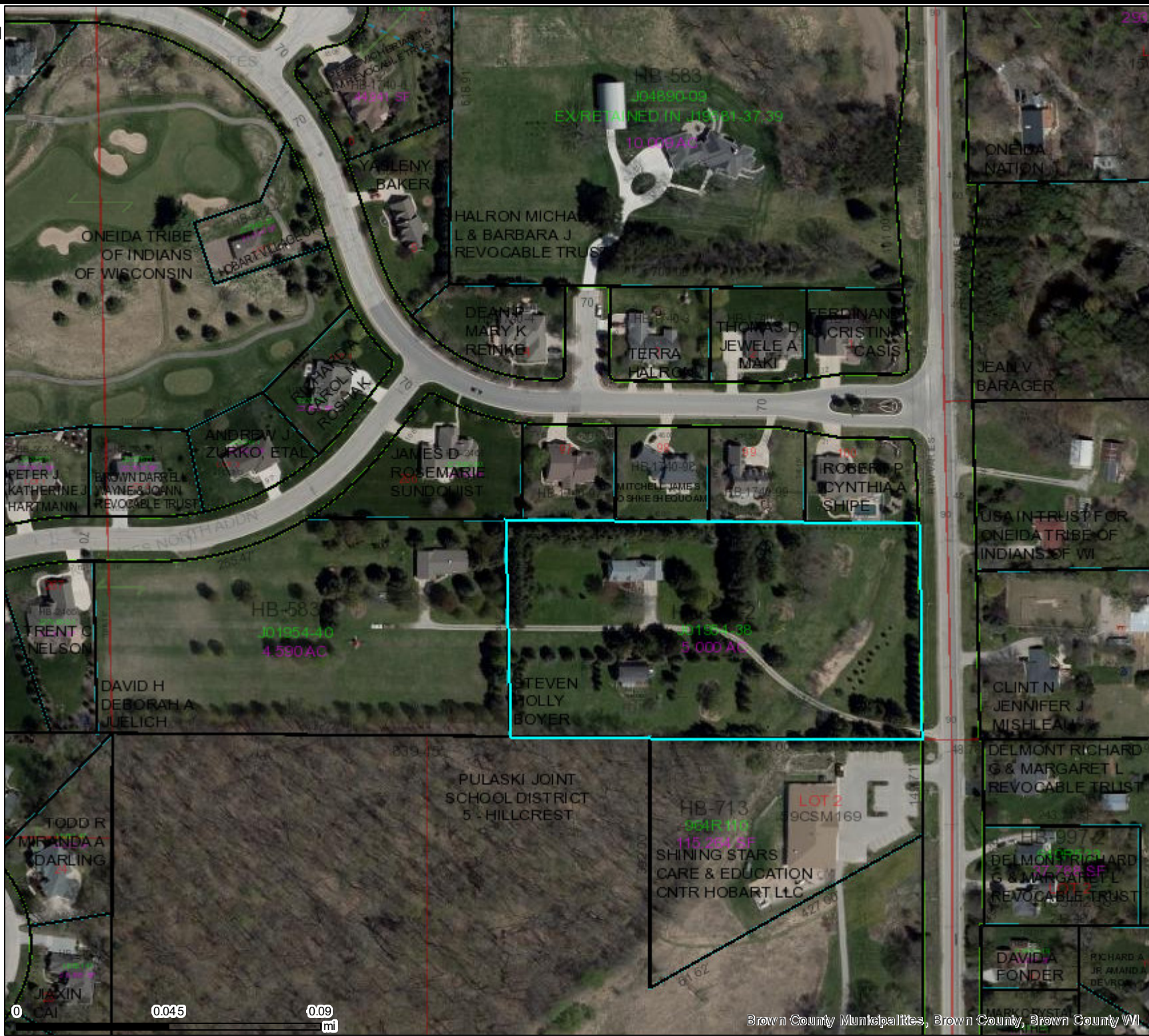
This is a custom web map created by an online user of the GIS map services provided by the

**Brown County Wisconsin Planning & Land Services Department**



(920) 448-6480

[www.browncountywi.gov](http://www.browncountywi.gov)








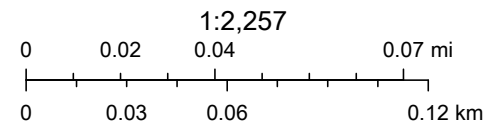
# Village of Hobart Zoning - 4313 Hillcrest Dr.



4/4/2023, 12:55:12 PM

Zoning

 R-1: Residential District	 A-1: Agricultural District	 ER: Estate Residential District
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Brown County, Robert E. Lee & Associates, Inc.



**TO: Planning & Zoning Commission**

**RE: Rezoning of Parcels HB-579-3 & HB-579-6,  
4482 Forest Rd. from R-2: Residential District to R-  
2-R: Rural Residential District**

**FROM: Todd Gerbers, Director of Planning & Code Compliance**

**DATE: April 12, 2023**

**ISSUE:** Consider a request to rezone parcels HB-579-3 and HB-579-6 from R-2: Residential District to R-2-R: Rural Residential District

**RECOMMENDATION:** Staff recommends approval

### **GENERAL INFORMATION**

1. Applicants/Agent: Judith Knilans
2. Owner: Judith Knilans
3. Parcel(s): HB-579-3 & HB-579-6
4. Current Zoning: R-2: Residential District
5. Proposed Zoning: R-2-R: Rural Residential District

### **BACKGROUND**

The property owner of parcels HB-579-3 and HB-579-6 located at 4482 Forest Rd. is requesting to rezone these two parcels from R-2: Residential District to R-2-R: Rural Residential District. The existing parcels are 3.277 and 2.858 areas respectively and both comply with all zoning requirements for lot area, lot width, and setbacks for the proposed zoning district.

### **ZONING REQUIREMENTS**

This area is primarily residential use based with a mix of zoning districts that include R-2: Residential District, R-1: Residential District, ER: Estate Residential, and A-1: Agricultural District, all of which permit residential uses. There are a few R-2-R: Rural Residential District zoned parcels to the north that are closer to Interstate 29. Most existing parcels in this general area are 2 acres or larger with a few that are slightly under the 2 acre lot size. The request before the Commission at this time is to rezone the two existing parcels from R-2 to R-2-R of which both current parcels are compliant with the zoning requirements for lot area, lot width, and setbacks for the proposed zoning district.

The Village Comprehensive Plan does have this area listed as being residential use.

### **RECOMMENDATION/CONDITIONS**

Staff recommends approval as submitted to rezone parcels HB-579-3 and HB-579-6 from R-2: Residential District to R-2-R: Rural Residential District.



<input checked="" type="checkbox"/>	Rezoning Review
<input type="checkbox"/>	Conditional Use Permit Review
<input type="checkbox"/>	Planned Development Review
<input checked="" type="checkbox"/>	CSM/Plat Review

Village of Hobart  
 Dept of Planning & Code  
 Compliance  
 2990 S Pine Tree Rd  
 Hobart WI 54155  
 Phone: (920) 869-3809  
 Fax: (920) 869-2048

**APPLICANT INFORMATION**

Petitioner: JUDITH L. KNILANS Date: 3/10/23

Petitioner's Address: 3148 FAIRVIEW Rd City: SUAMICO State: WI Zip: 54313

Telephone #: 920/388-4800 Email: JUDITH KNILANS@Yahoo.COM

Status of Petitioner (Please Check):  Owner  Representative  Tenant  Prospective Buyer

Petitioner's Signature (required): Judith Knilans Date: 3/10/23

**OWNER INFORMATION**

Owner(s): JUDITH KNILANS Date: 3/10/23

Owner(s) Address: 3148 FAIRVIEW Rd City: SUAMICO State: WI Zip: 54313

Telephone #: 920/388-4800 Email: JUDITH KNILANS@Yahoo.COM

Ownership Status (Please Check):  Individual  Trust  Partnership  Corporation

**Property Owner Consent: (required)**

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Neighborhood Services Department for incomplete submissions or other administrative reasons.

Property Owner's Signature: Judith Knilans Date: 3/10/23

**SITE INFORMATION**

Address/Location of Proposed Project: 4482 FOREST Rd, HOBART WI Parcel #: HB-579-3

Proposed Project Type: Rezone from R-2 to R-2-R and " " 579-6

Current Use of Property: 579-3 is dwelling + 579-6 non use Zoning: R-2

Land Uses Surrounding Site: North: Residential

South: Residential

East: Residential

West: Residential

**\*\*Please note that a meeting notice will be mailed to all abutting property owners regarding your request prior to any Public Hearing.**

- Application fees are due at time of submittal. Make check payable to Village of Hobart.
- Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE

**To:** Zoning and Planning Committee of Village of Hobart and Brown County WI

**From:** Judith Knilans, owner, 3148 Fairview Rd., Suamico, WI. 54313  
cell #(920) 388-4800. Email: judithknilans@yahoo.com.

**Regarding:** Rezoning of two lots (HB-579-6 & HB-579-3) from R-2 to R-2-R located at 4482 Forest Rd. in the Village of Hobart, WI

The attached documents are regarding present lots HB-579-6 and HB-579-3 both zoned R-2 presently, consisting of a little over 6 acres. HB-579-3 has a residence on it which I own and have recently remodeled. There is an attached copy of the present lots GIS map from Brown County website.

Robert E. Lee Inc. Surveyors prepared the attached site plan (and will provide the future CSM if no changes are required) showing what I hope to accomplish once the rezoning has been approved. As shown in plan, there would be a one acre wooded lot on Hill Rd, the existing home (4482 Forest Rd) would have 1.1 acres included with it and then to the north of that three lots ranging in size from 1.2 to 1.5 acres. All have 150'+ of road frontage, all are a minimum size of 1 acre meeting the requirements of the R-2-R zoning specifications.

There is an old pole building on HB-579-6 which will be removed as soon as snow is gone and we can get to it with truck and vehicles needed for demolition.

As I write this I have soil tester, John Schroeder, preparing information regarding septic approval for the lots. The present house has a good working mound system and I anticipate that is what will be recommended on all the lots, along with individual wells.

I feel that this rezoning is appropriate for the area and is the best possible use for this beautifully located real estate. According to Hobart Zoning Administrator, Todd Gerber, there are both R-2 and R-2-R zoning in the area so this fits well into the present real estate zoning plans already in existence. Former owners had horses at one time so it was zoned R-2 previously but I feel it is now better suited to become 5 beautiful homes increasing the tax revenue for the Village and Brown County while using the property to its best possible use.

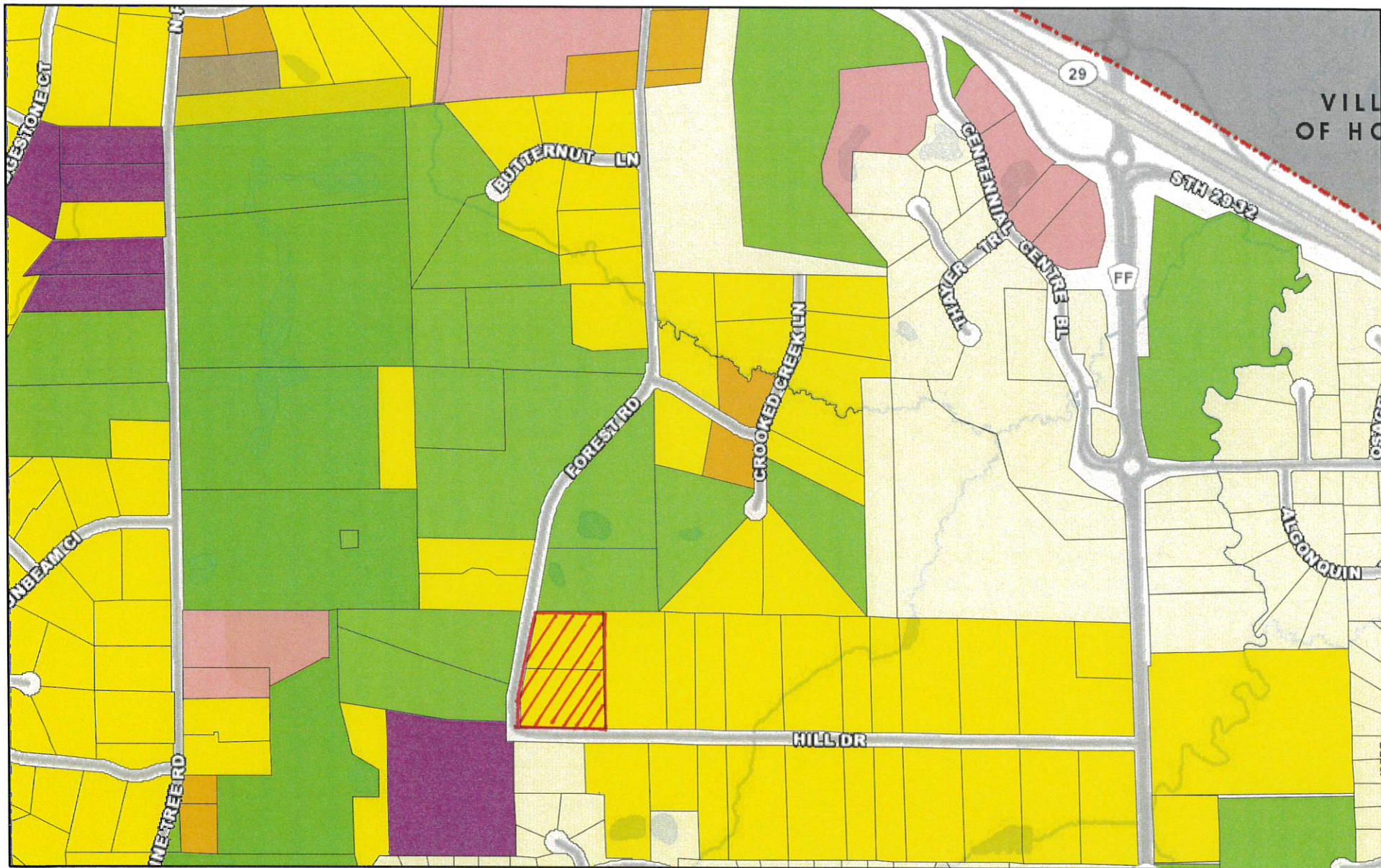
Thank you for your time and consideration in this matter and I hope you allow me to proceed as soon as possible.

Regards, Judith Knilans

*Update: Soil tests completed 3/15/23 all approved for mounds.  
I gave Robert E. Lee - Jim Westerman - approval to do CSM work  
which will match the attached preliminary plat, 2 - CSM's  
will be done showing 5 parcels, work to begin next week.*

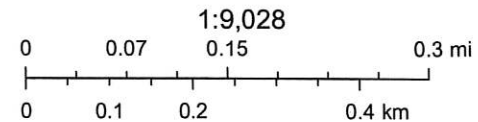


# Village of Hobart Zoning - 4482 Forest Rd.



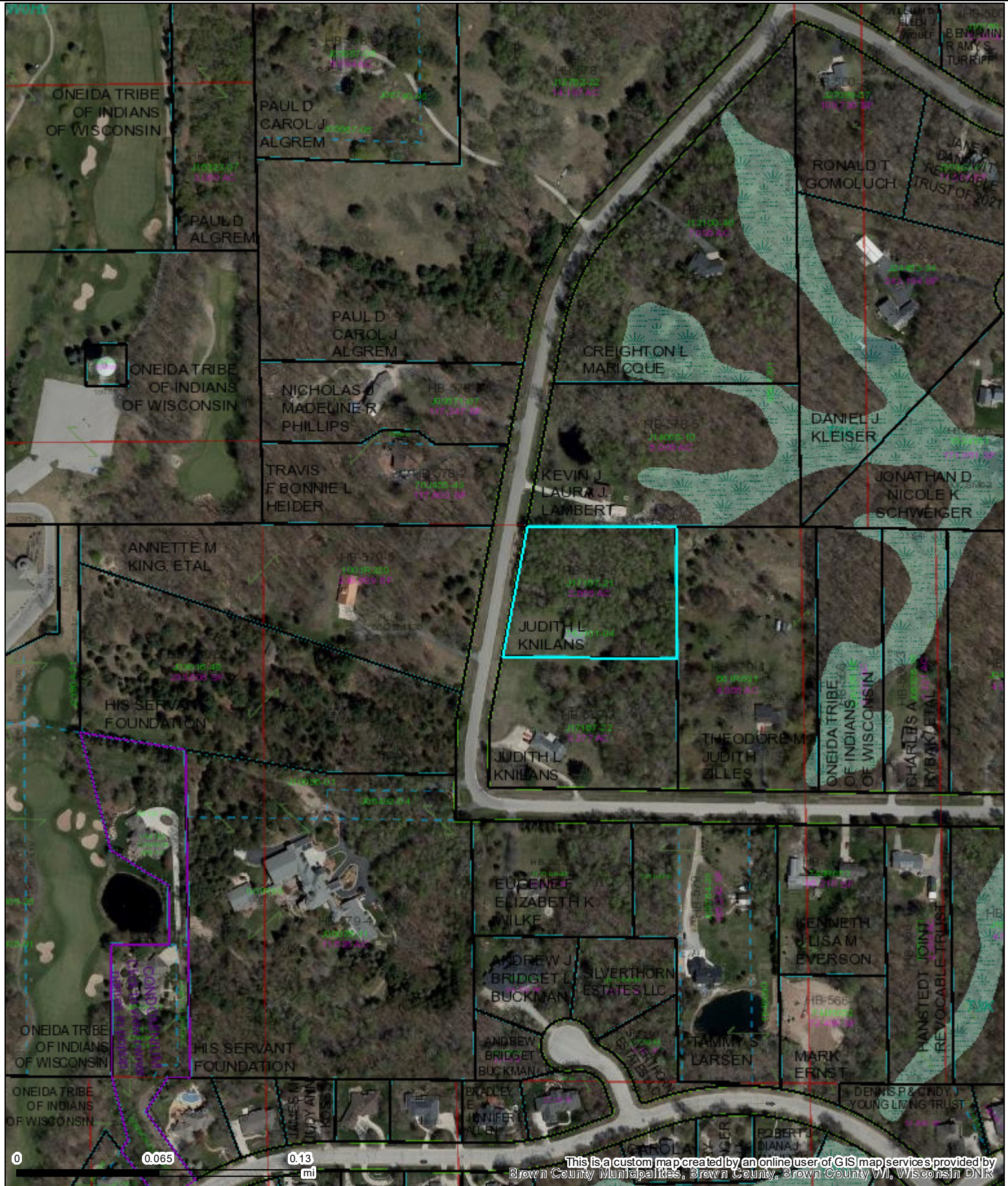
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- Zoning
- R-1: Residential District
  - R-2: Residential District
  - R-4: Single and Two-Family Residential District
  - ER: Estate Residential District
  - R-2-R: Rural Residential District



Brown County, Robert E. Lee & Associates, Inc.





This is a custom map created by an online user of GIS map services provided by Brown County Municipalities, Brown County, Brown County WI, Wisconsin DNR

# Part of Brown County WI

Map printed on 4/5/2023

**1:3,600**  
 1 inch = 300 feet\*  
 1 inch = 0.0568 miles\*  
 \*original page size: 8.5"x11"  
 Appropriate format depends on zoom level

**Parcel ownership key**

- Parcel Boundary
- Condominium
- Gap or Overlap
- "hooks" indicate parcel ownership crosses a line

- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

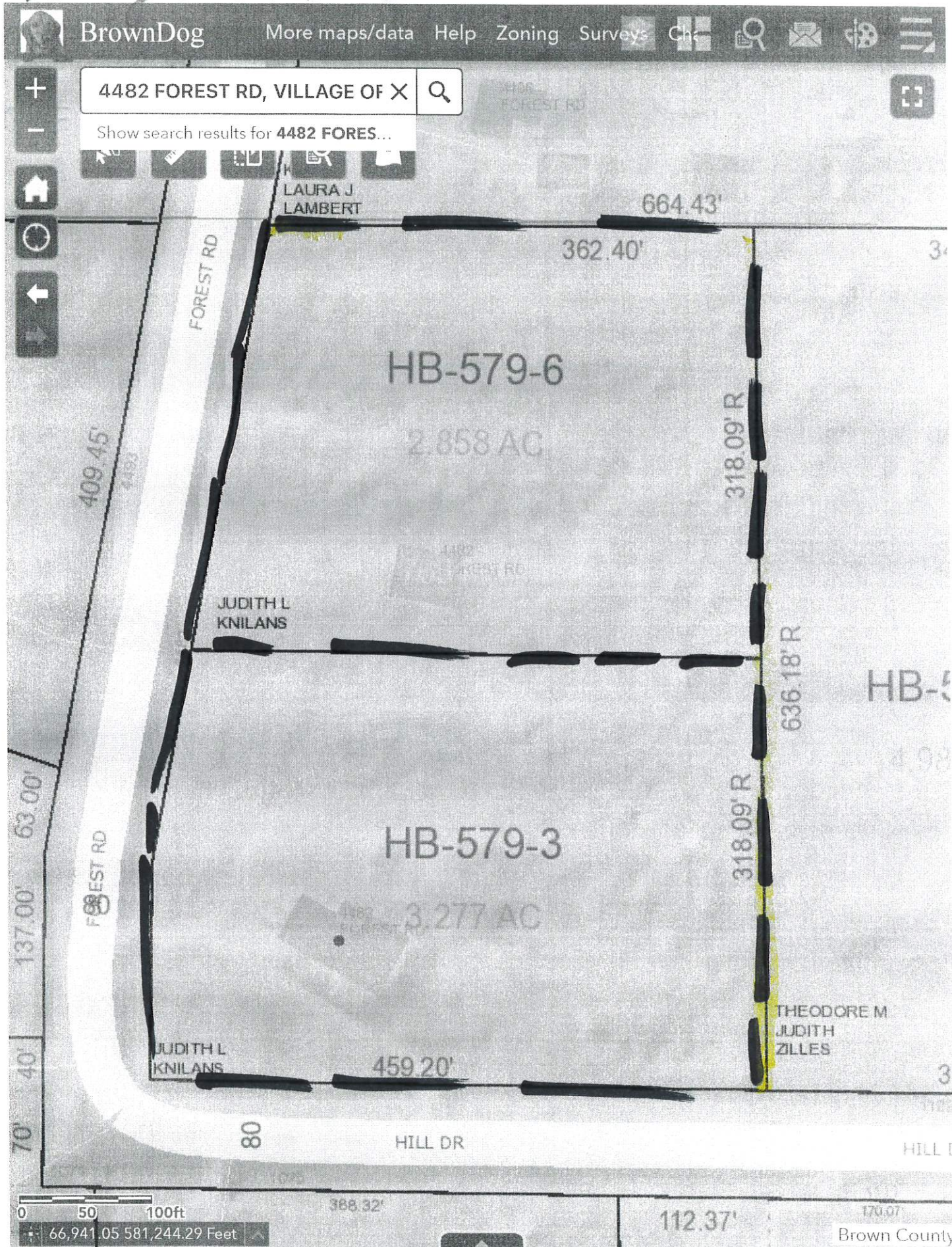
A complete key (legend) is available at:  
[tinyurl.com/BrownDogLegend](http://tinyurl.com/BrownDogLegend)



(920) 448-6480  
[www.browncountywi.gov](http://www.browncountywi.gov)

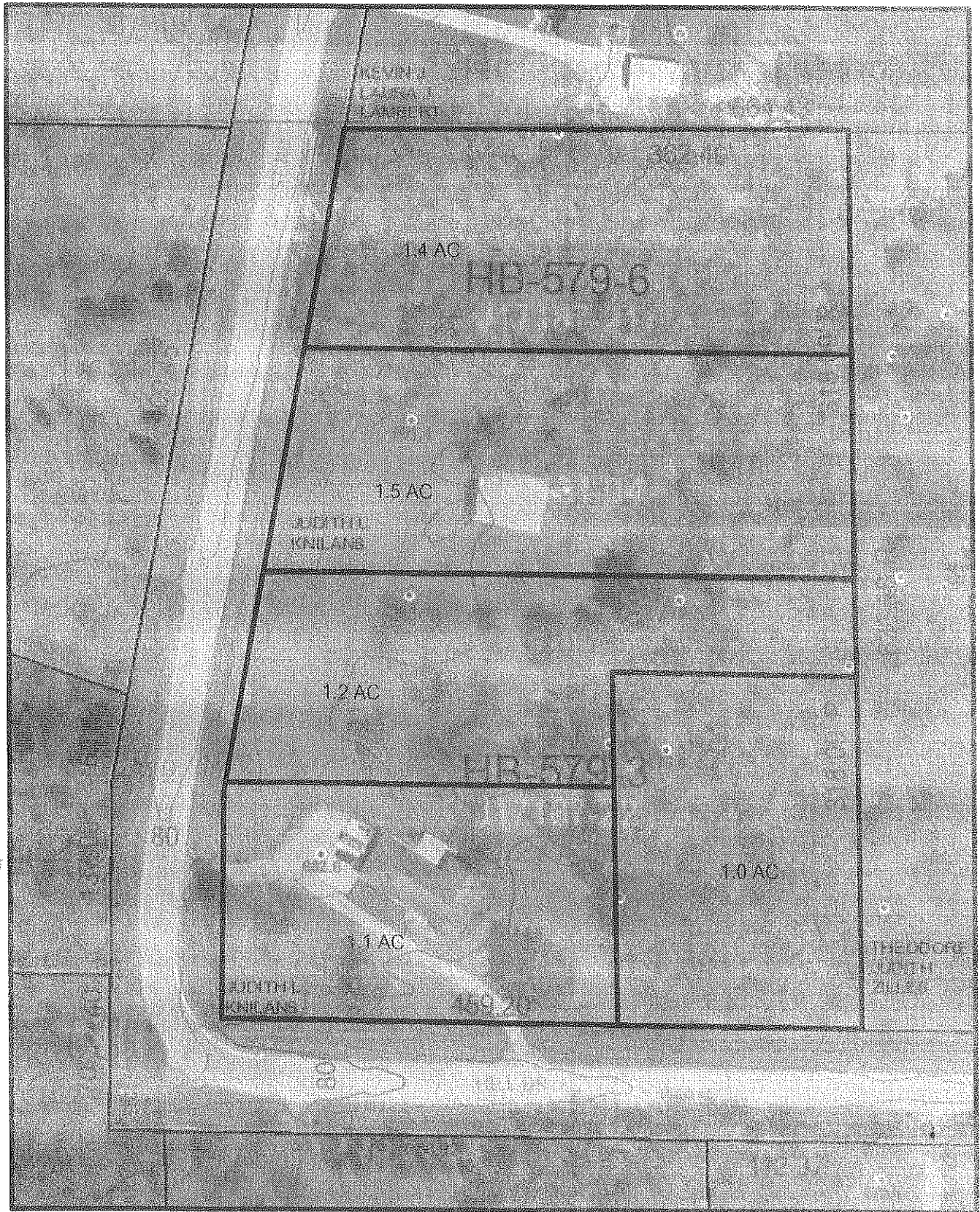


# Existing Lots zoned R-2





Prepared by Robert E Lee Assoc - Jim Websterman  
PROPOSED LOTS ONCE ZONED R-2-R



1.4 AC

1.5 AC

1.2 AC

1.0 AC

DID BARN TO BE REMOVED SAND

Existing home 1.1 AC





**TO: Planning & Zoning Commission**

**RE: Rezoning of Parcels HB-2484, HB-2485, HB-2486, HB-2487, HB-2488, HB-2492, & HB-2493, Fonda Fields and Centennial Centre Blvd. from R-1: Residential District and B-1: Community Business District to R-6: Multi-Family Residential District with a R-7: Planned Unit Development Overlay District**

**FROM: Todd Gerbers, Director of Planning & Code Compliance**

**DATE: April 12, 2023**

**ISSUE:** Rezoning of Parcels HB-2484, HB-2485, HB-2486, HB-2487, HB-2488, HB-2492, & HB-2493, Fonda Fields and Centennial Centre Blvd. from R-1: Residential District and B-1: Community Business District to R-6: Multi-Family Residential District with a R-7: Planned Unit Development Overlay District

**RECOMMENDATION:** Staff recommends reviewing as a preliminary review of this project and postponing action to a following meeting so the developer can gather the necessary information required by Village Staff and the that of the P&Z Commission.

## **GENERAL INFORMATION**

1. Applicants/Agent: Golden Pond Development, LLC (Gary De Caster)
2. Owner: Golden Pond Development, LLC
3. Parcels: HB-2484, HB-2485, HB-2486, HB-2487, HB-2488, HB-2492, & HB-2493
4. Current Zoning: R-1: Residential District and B-1: Community Business District
5. Proposed Zoning: R-6: Multi-Family Residential District with a R-7: Planned Unit Development Overlay District

## **BACKGROUND**

The Applicant is requesting that the seven parcels located along Fonda Fields Ct. and Centennial Centre Blvd. (parcels HB-2484, HB-2485, HB-2486, HB-2487, HB-2488, HB-2492, & HB-2493) be rezoned from R-1: Residential District and B-1: Community Business District to R-6: Multi-Family Residential District with a R-7: Planned Unit Development Overlay District to allow for the construction of four multi-family buildings of approximately 200 dwelling units. Six of the parcels are currently undeveloped and one parcel has an existing single family residential dwelling that would be remodeled and incorporated in the function of the proposed development.

## **ZONING REQUIREMENTS**

As you will notice in the attached narrative, these properties, including the residential dwelling, has been actively listed for sale over the past several years, however, nothing has materialized. Therefore, the property owner is proposing to combine the seven parcels and develop a 55 and older residential complex, The plan identifies four multi-story residential structures that would have underground parking and 50 dwelling units per building. The existing single-family dwelling would be refurbished redesigned for such amenities that could include offices (for occupant individual uses), gather space for larger events, fitness area, etc.

The site plan calls for two separate ingress/egress from Centennial Centre Blvd. and a circular drive around the perimeter of the complex. There are other amenities being discussed for the site which could include a tennis court, dog walk areas,

and other walking trails with rest areas. Additionally, the developer is proposing to have Fonda Fields vacated to reduce the traffic driving through the adjacent residential neighborhood.

With the proposed use as a multi-family residential development, the zoning of these parcels would need to be rezoned to R-6- Multi-Family Residential District and to allow for more than 12 dwelling units, this would require the R-7 Overlay which by ordinance allows the overlay as a Conditional Use.

Village Staff is working with the applicant on a number of issues (including but not limited to, ingress/egress points (as those points are on a curve in the public roadway), wetland concerns, anticipated uses that may be included for service to the residents, and a few other items), but in order to provide the applicant with greater detail in directions, this is before the Commission for preliminary review so the applicant may proceed with gathering the additional information and more detailed plans.

### **RECOMMENDATION/CONDITIONS**

Staff recommends postponing action to rezone parcels HB-2484, HB-2485, HB-2486, HB-2487, HB-2488, HB-2492, & HB-2493, Fonda Fields and Centennial Centre Blvd. from R-1: Residential District and B-1: Community Business District to R-6: Multi-Family Residential District with a R-7: Planned Unit Development Overlay District and providing direction to the applicant to submit additional information and greater detailed plans of the proposed site plan, architectural plans, and additional proposed uses.



- Rezoning Review
- Conditional Use Permit Review
- Planned Development Review
- CSM/Plat Review

Village of Hobart  
 Dept of Planning & Code Compliance  
 2990 S Pine Tree Rd  
 Hobart WI 54155  
 Phone: (920) 869-3809  
 Fax: (920) 869-2048

**APPLICANT INFORMATION**

Petitioner: Golden Pond Development LLC Date: 2-27-2023

Petitioner's Address: 205 Doty St. Ste 203 City: Green Bay State: WI Zip: 54301

Telephone #: 920 371-2923 Email: gdecaster sr@yahoo.com

Status of Petitioner (Please Check):  Owner  Representative  Tenant  Prospective Buyer

Petitioner's Signature (required): [Signature] Date: 2-27-2023

**OWNER INFORMATION**

Owner(s): Golden Pond Development LLC Date: 2-27-2023

Owner(s) Address: 205 Doty St. ste 203 City: Green Bay State: WI Zip: 54301

Telephone #: 920 371-2923 Email: gdecaster sr@yahoo.com

Ownership Status (Please Check):  Individual  Trust  Partnership  Corporation

**Property Owner Consent: (required)**

By signature hereon, I/We acknowledge that Village officials and/or employees may, in the performance of their functions, enter upon the property to inspect or gather other information necessary to process this application. I also understand that all meeting dates are tentative and may be postponed by the Neighborhood Services Department for incomplete submissions or other administrative reasons.

Property Owner's Signature: [Signature] Date: 2-27-2023

**SITE INFORMATION**

Address/Location of Proposed Project: 4735 Fonda Fields

HB 2488 HB 2492  
 HB 2484 HB 2487  
 HB 2485 HB 2493  
 Parcel #: HB-2486

Proposed Project Type: R6 with conditional use

Current Use of Property: residential home and vacant land Zoning: residential and commercial

Land Uses Surrounding Site: North: commercial

South: residential

East: commercial/residential

West: commercial

**\*\*Please note that a meeting notice will be mailed to all abutting property owners regarding your request prior to any Public Hearing.**

- Application fees are due at time of submittal. Make check payable to Village of Hobart.
- Please refer to the fee schedule for appropriate fee. FEE IS NON-REFUNDABLE

**SUBMITTAL REQUIREMENTS** – Must accompany the application to be complete.

- A **NARRATIVE** of the proposed conditional use/Development Plan including:
  - ❑ Existing and proposed use of the property
  - ❑ Identification of all structures (including paving, signage, etc.) on the property and discussion of their relation to the project
  - ❑ Projected number of residents, employees, and/or daily customers
  - ❑ Proposed amount of dwelling units, floor area, landscape area, and parking area expressed in square feet and acreage to the nearest one-hundredth of an acre
  - ❑ Effects on adjoining properties to include: noise, hours of operation, glare, odor, fumes, vibration, etc.
  - ❑ Compatibility of the proposed use with adjacent and other properties in the area.
  - ❑ Traffic generation (anticipated number of customers, deliveries, employee shift changes, etc.)
  - ❑ Any other pertinent information to properly understand the intended use/plan and its relation to nearby properties and the community as a whole
  
- A complete **SITE PLAN** and **BUILDING ELEVATIONS** must include the following information where applicable:
  - ❑ Two (2) full size (minimum 24" x 36") scaled and dimensioned prints of site plan and building elevations
  - ❑ Two (2) 8 ½" x 11 (minimum) to 11" x 17" (maximum) reduction of the site plan and building elevations
  - ❑ The date of the original plan and revision dates, if applicable
  - ❑ A north arrow and graphic scale.
  - ❑ All property lines and existing and proposed right-of-way lines with dimensions clearly labeled
  - ❑ All required setback and offset lines
  - ❑ All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, signs, decks, patios, fences, walls, etc.
  - ❑ Location of all outdoor storage and refuse disposal areas and the design and materials used for screening
  - ❑ Location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided.
  - ❑ Location and dimension of all loading and service areas
  - ❑ Location, height, design, illumination power and orientation of all exterior lighting on the property including a photometrics plan.
  - ❑ Location of all exterior mechanical equipment and utilities and elevations of proposed screening devices where applicable (i.e. visible from a public street or residential use or district). Mechanical equipment includes, but is not limited to; HVAC equipment, electrical transformers and boxes, exhaust flues, plumbing vents, gas regulators, generators, etc.

**REZONING APPLICATIONS**

**Submittal Requirements** – Must accompany the application to be complete.

- ☑ Map of the immediate area showing property involved. Area to be rezoned must be outlined in color
- ☑ A site plan drawn to readable scale showing present status of property and proposed development
- ☑ Street address, adjacent streets, intersections and any other information or landmarks to help identify the property
- ❑ Location of existing uses, structures, fences and signs and location of proposed uses, structures, fences and signs
- ❑ A narrative statement explaining the zone change and discussion of the project

**SUMMARY OF PROCESS**

The Village of Hobart Planning & Zoning Commission and Village Board act on all zone changes, conditional use permits and planned developments. The petitioner or owner should be present at both the Planning & Zoning Commission and Village Board meetings to discuss and answer questions regarding the request.

Neighborhood opinion is an important factor in the decision-making process. For complex or controversial proposals, it is recommended that the petitioner conduct a neighborhood meeting to solicit public input prior to action by the

**Rezoning Rational Summary**

Village of Hobart

In re: 4735 Fonda Fields Ct. (HB-2485), HB-2484, HB-2486, HB-2487, HB-2488, HB-2492 & HB-2493

The enclosed rezoning application package outlines our request to rezone the existing site located at 4735 Fonda Fields Court along with its adjacent parcels HB-2484, HB-2486, HB-2487, HB-2488, HB-2492 and HB-2493 to B-1 to permit a 55 and older living complex to be constructed, see the attached drawing. The new construction would consist of Four (4) - 50 unit buildings for a total of 200 units. The existing structure would be redesigned as the offices and amenities building for the complex. The budget for this build is \$45,000,000 - \$50,000,000.

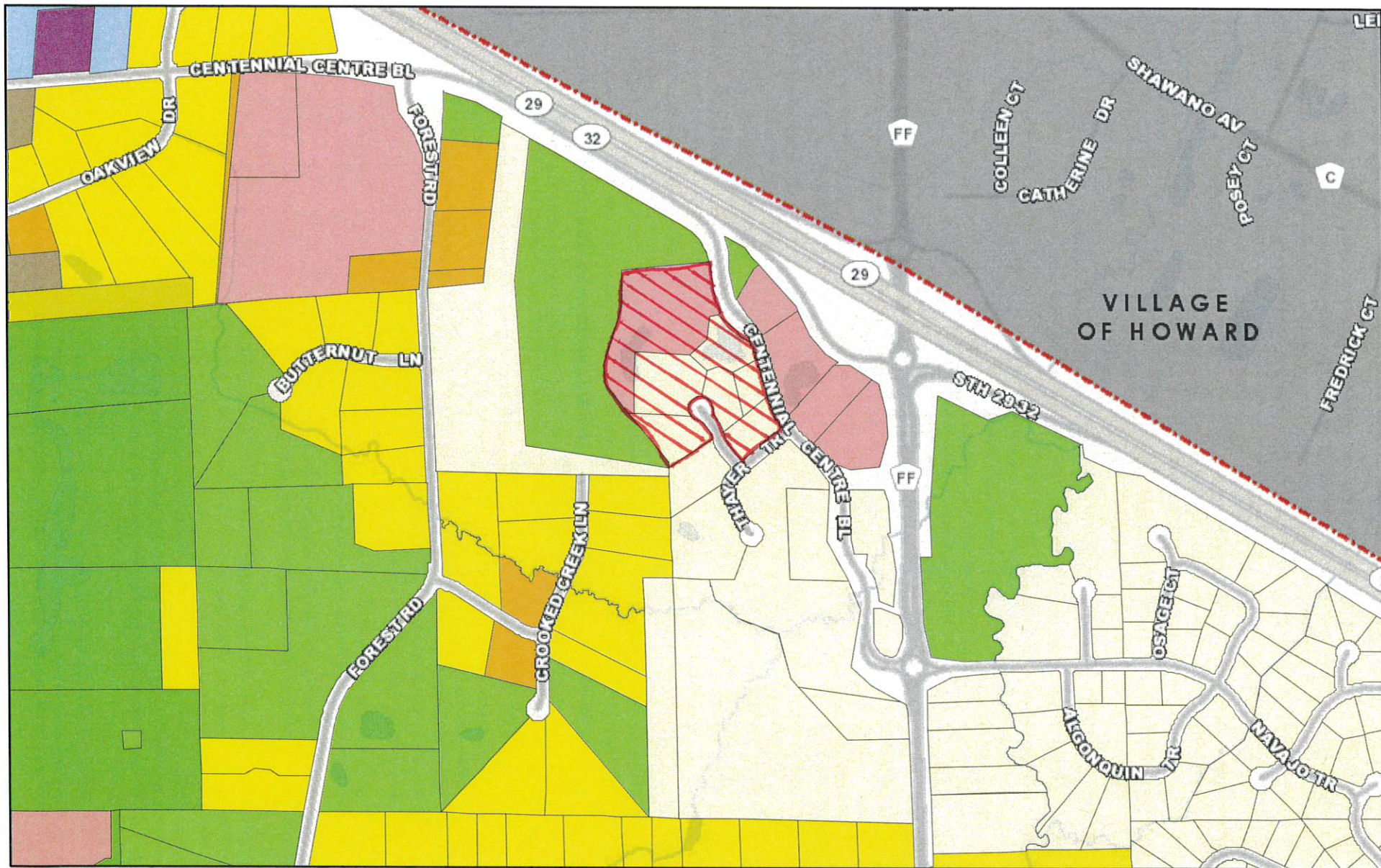
This property has been for sale for several years. We have taken many measures to find buyers for this property. From strategic marketing in several national magazines to social media / online marketing to a world-wide auction. With all of our efforts, no viable purchasers presented themselves until now. This current narrative requires the zoning change.

A 55 and older living facility would make a wonderful use of this beautiful property. There is residential and commercial properties that surround. We would abandon the current entrance cul-de-sac and have the entrance come off the main road, Centennial Blvd.

We look forward to working with the Village of Hobart to bring this project to fruition.

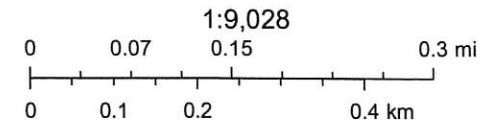


# Village of Hobart Zoning - Fonda Fields Ct.



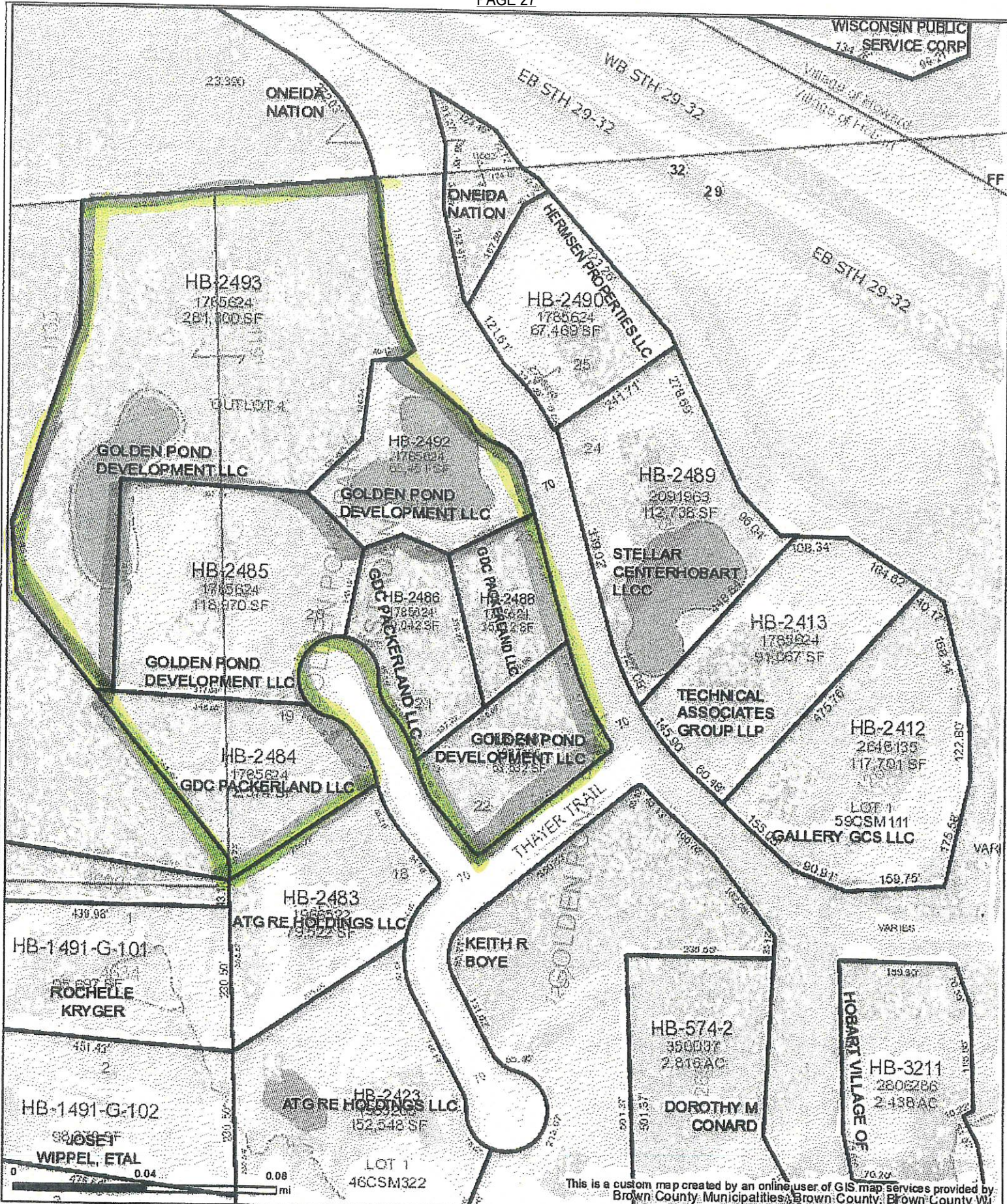
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- |   |                                   |
|---|-----------------------------------|
| R-4: Single and Two-Family Residential District | R-2-R: Rural Residential District |
| R-1: Residential District                       | A-1: Agricultural District        |
| R-2: Residential District                       | ER: Estate Residential District   |
| PDD #1: Centennial Centre at Hobart District    | B-1: Community Business District  |



Brown County, Robert E. Lee & Associates, Inc.





This is a custom map created by an online user of GIS map services provided by Brown County Municipalities, Brown County, Brown County WI

**Part of Brown County WI**

Map printed on 3/19/2021  
 1:2,400  
 1 inch = 200 feet\*  
 1 inch = 0.0379 miles\*  
 \*original page size: 8.5"x11"  
 Appropriate format depends on zoom level



**Parcel ownership key**

- Parcel Boundary
- Condominium
- Gap or Overlap

- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

\*hooks\* indicate parcel ownership crosses a line

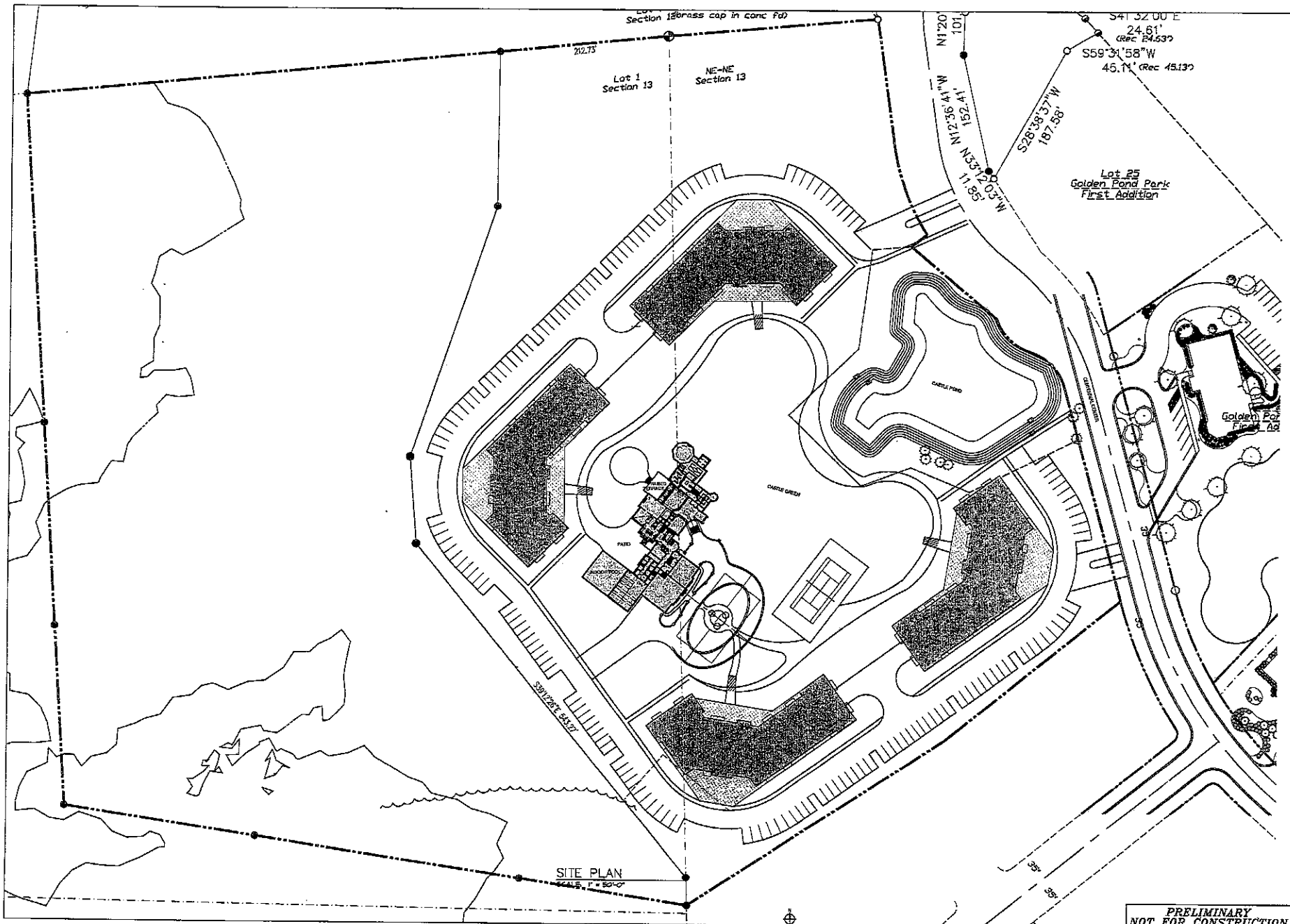
- SC-190-2 Parcel ID Number
- 288025 Document Number
- 0.814 AC Area of parcel
- 279.8 Line Distance
- 39.47 Address



A complete key (legend) is available at: <https://manual.com/BrownCounty>

(920) 448-6480





SITE PLAN  
SCALE: 1" = 50'-0"

PRELIMINARY  
NOT FOR CONSTRUCTION

**LaPlant**  
Architecture, LLC

EMAIL: [la@laarchitecture.com](mailto:la@laarchitecture.com)

OFFICE: 928 WILLARD DR.  
GREEN BAY, WISCONSIN  
MAILING: 1892 BUSTIC WAY  
GREEN BAY, WISCONSIN 54303  
Telephone: (920) 737-9760

**GDC Properties**

NEW CASTLE - © 2010 These Plans are the property of GDC Properties, LLC & GDC Architecture, LLC. No reproduction without written permission. Date: 04/05

**New Castle**  
Centennial Centre Blvd  
Village OF Hobart, WI

REVISION	DATE











DATE: 2/10/2010  
PROJECT NO.: 107110  
SHEET NO.: 1

**1.1**



Part of Brown County WI

LEGEND / KEY

-  Parcel Boundary
-  Condominium
-  Gap or Overlap
-  "hooks" indicate parcel ownership crosses a line
-  Parcel line
-  Right of Way line
-  Meander line
-  Lines between deeds or lots
-  Historic Parcel Line
-  Vacated Right of Way

A complete map legend (map key) is available at: [tinyurl.com/BrownDogLegend](http://tinyurl.com/BrownDogLegend)

Map printed 4/5/2023



1:2,400

1 inch = 200 feet\*

1 inch = 0.0379 miles\*

\*original page size is 8.5" x 11"

*Appropriate format depends on zoom level*

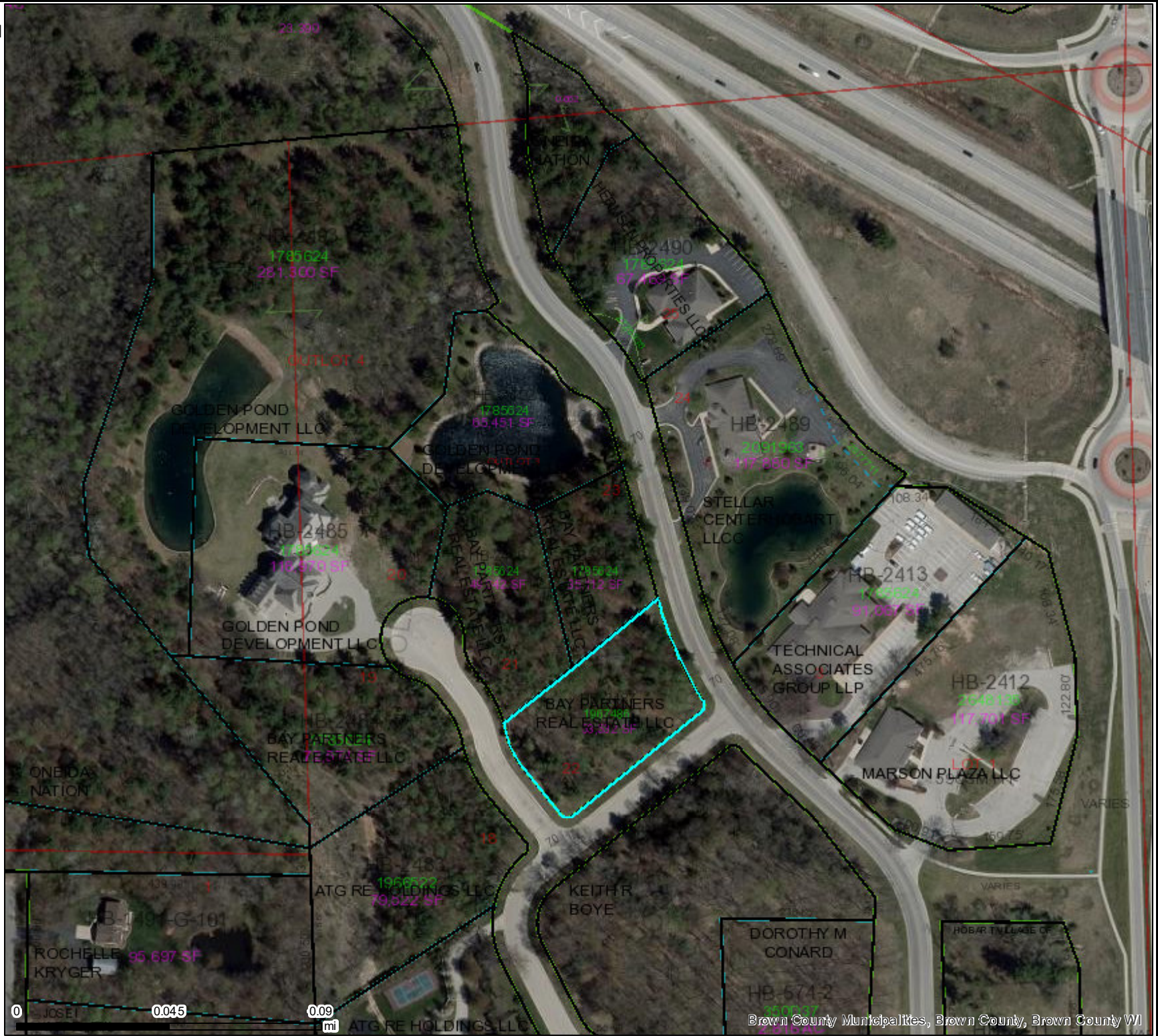
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**Brown County Wisconsin Planning & Land Services Department**



(920) 448-6480

[www.browncountywi.gov](http://www.browncountywi.gov)





**TO: Planning & Zoning Commission**

**RE: Ordinance amending Chapter 295-143 (Legal Description) of the PDD #2 - Zoning District of the Village Municipal Code**

**FROM: Todd Gerbers, Director of Planning and Code Compliance**

**DATE: April 12, 2023**

**ISSUE:** Consider an ordinance amending Chapter 295-143 (Legal Description) of the PDD #2 - Zoning District of the Village Municipal Code

**RECOMMENDATION:** Staff recommends approval

### **GENERAL INFORMATION**

Village Staff is proposing an amendment to Chapter 295-143 of the PDD #2: Orlando/Packerland Planned Unit Development zoning district relating to the “Legal Description” of said zoning district. The proposed amendments are necessary to reflect lands that were part of an annexation of lands several years past and lands that are part of the Southwind Estates Subdivision. Additionally, multiple parcels along Orlando Dr. will be removed to properly reflect the zoning classification identified on the current Official Zoning Map of the Village of Hobart.

### **BACKGROUND**

With the recent developments of Southwind Estates Subdivision, the Arvada Apartment Complex, and potential residential development along Orlando Dr., Village Staff and Rober E. Lee & Associates have noticed discrepancies between the current legal description of the PDD #2 zoning district and the actual zoning map for the village. The lands located along Packerland Dr. that were annexed several years back and the recently developed Southwind Estates Subdivision were zoned PDD #2, however, are not listed as such in the existing legal description (295-143). On the other side, there are four parcels along Orlando Dr. that are listed in the existing legal description, however, are identified as a different zoning district on the existing Village Zoning Map.

This proposed amendment to Section 295-143 of the Zoning Code is more of a “house cleaning” item to bring the Zoning Ordinance in to compliance with the Official Zoning Map. There are no zoning changes proposed to any parcels as part of this ordinance amendment.

### **RECOMMENDATION/CONDITIONS**

Staff recommends approval of the proposed ordinance amending Section 295-143 (Legal Description) of Chapter 295 Zoning Code as submitted.



All of Lots 1, 6, 7, 8, 11, 12 and 13, part of Lots 2, 3, 4, 5 and 9, and part of Government Lots 1 and 2, all in Section 25, T23N, R19E, Village of Hobart, Brown County, Wisconsin more fully described as follows:

Commencing at the Northwest corner of said Section 25;

Thence S00°13'28"W, 453.05 feet along the west line of said Section 25 to the westerly extension of the south line of Lot 1, Volume 13 of Certified Survey Maps, Page 187 (13CSM187), the **POINT OF BEGINNING**;

Thence S00°13'28"W, 864.87 feet along the west line of said Section 25;

Thence S00°13'30"W, 598.30 feet along the west line of said Section 25 to south line of said Lot 8;

Thence N85°01'07"E, 685.00 feet along said south line to a west line of lands described in Document Number 1643596;

Thence S00°13'30"W, 53.27 feet along said west line to the south line of said lands;

Thence S86°05'31"E, 584.56 feet along said south line to the west line of said Lot 11;

Thence S00°31'53"W, 575.92 feet along said west line to the southwest corner of said Lot 11;

Thence S00°14'09"W, 1315.27 feet along the west line of said Lot 13 to the southwest corner thereof;

Thence N84°56'23"E, 481.51 feet along the south line of said Lot 13 to the southeast corner thereof;

Thence N30°26'27"E, 1760.82 feet along the east line of said Lot 13 and continuing on the east line of said Lot 12 to the south line of said Government Lot 2;

Thence N89°52'43"E, 1059.19 feet on said south line to the west right of way of Packerland Drive (aka CTH 'EB');

Thence 7.90 feet on the arc of a 2914.79 foot radius curve to the right, having a long chord which bears N06°28'32"E, 7.90 feet on said west right of way to the south line of Lot 1, Volume 12 of Certified Survey Maps, Page 31 (12CSM31);

Thence N89°49'28"W, 402.87 feet on said south line to the west line of said Lot 1, 12CSM31;

Thence N00°10'32"E, 208.71 feet on said west line to the north line of said Lot 1, 12CSM31;

Thence S89°49'21"E, 433.88 feet on said north line to said west right of way;

Thence 611.63 feet on the arc of a 2914.79 foot radius curve to the right, having a long chord which bears N16°42'46"E, 610.51 feet on said west right of way;

Thence N22°43'27"E, 16.81 feet on said west right of way;

Thence N17°39'58"E, 1665.36 feet on said west right of way;

Thence S72°20'02"E, 8.25 feet on said west right of way;

Thence N17°39'58"E, 178.66 feet on said west right of way;

Thence N25°23'11"W, 47.28 feet on said west right of way to the south right of way of Orlando Drive (aka CTH 'EE');

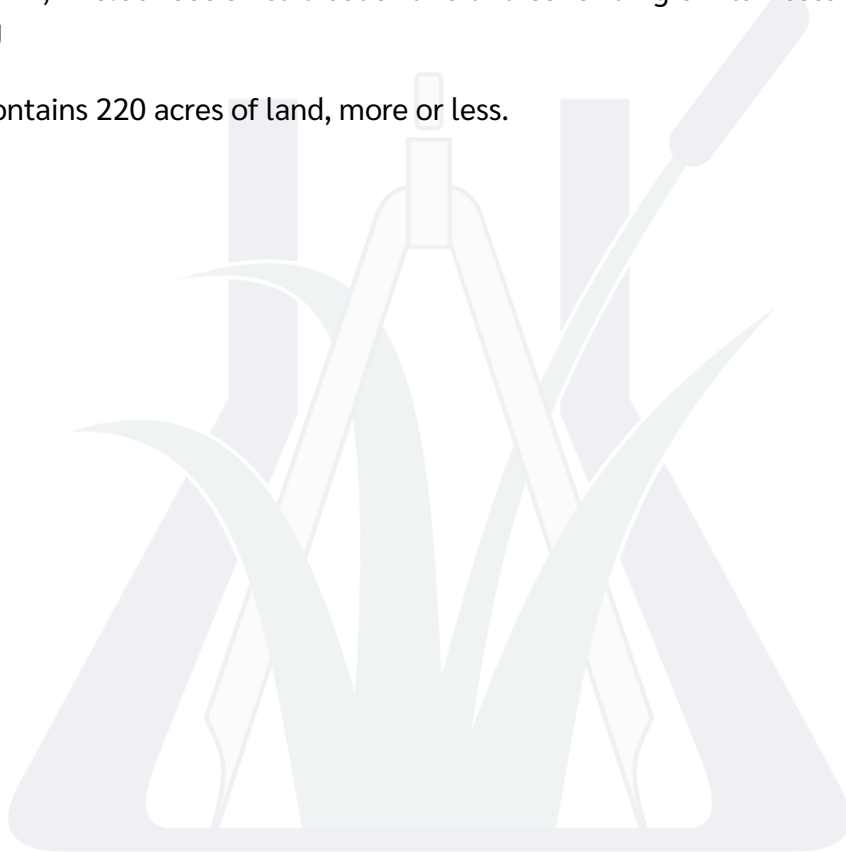
Thence 291.88 feet on the arc of a 3779.71 foot radius curve to the left, having a long chord which bears S87°19'58"W, 291.81 feet on said south right of way to the east line of Lot 1 of said Section 25;

Thence N30°26'27"E, 49.09 feet along said east line to the north line of said Section 25;

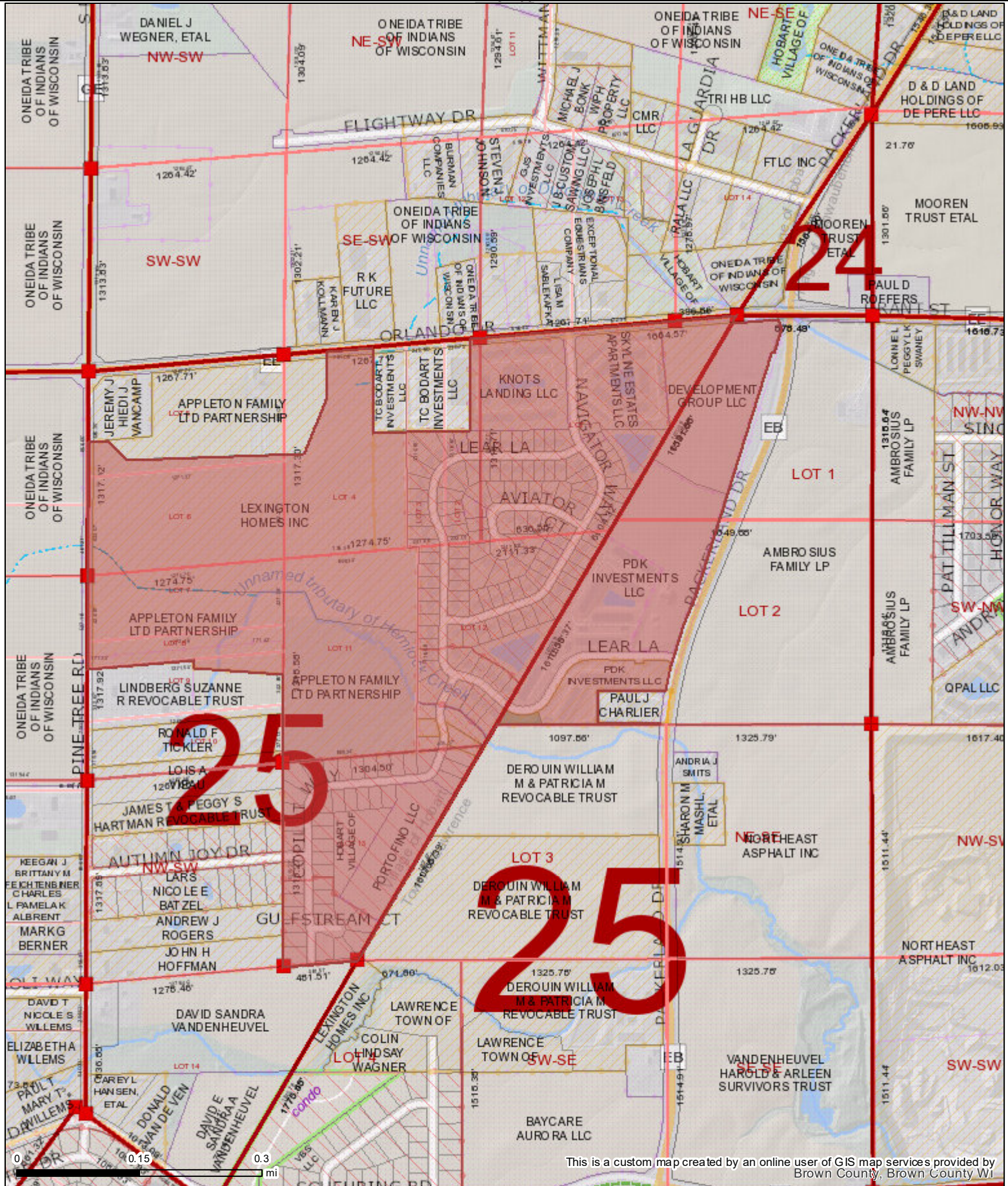
Thence S85°01'07"W, 1729.82 feet along said north line to the northerly extension of the east line of Lot 1, Volume 53 of Certified Survey Maps, Page 243 (53CSM243);

Thence S00°16'17"E, 593.26 feet on said northerly extension and continuing on said east line to the southeast corner of said Lot 1, 53CSM243;  
Thence S89°43'43"W, 410.00 feet on the south line of said Lot 1, 53CSM243 to the southwest corner thereof;  
Thence S86°38'31"W, 214.59 feet on the south line of lands described in Document Number 2987507 to the west line of Lot 1, Volume 54 of Certified Survey Maps, Page 12 (54CSM12);  
Thence N00°16'17"W, 553.38 feet on said west line and continuing on its northerly extension to said north line of said Section 25;  
Thence S85°01'07"W, 300.10 feet on said north line of Section 25;  
Thence S00°16'17"E, 289.70 feet;  
Thence S22°00'00"W, 400.00 feet;  
Thence S88°00'00"W, 1144.09 feet;  
Thence N46°00'00"W, 178.26 feet to the south line of said Lot 1, 13CSM187;  
Thence S85°01'14"W, 120.00 feet on said south line and continuing on its westerly extension to the Point of Beginning

Said description contains 220 acres of land, more or less.







This is a custom map created by an online user of GIS map services provided by Brown County, Brown County WI

**PDD #2**

Map printed on 3/14/2023

**1:9,600**  
 1 inch = 800 feet\*  
 1 inch = 0.152 miles\*  
 \*original page size: 8.5"x11"  
 Appropriate format depends on zoom level

**Parcel ownership key**

- Parcel Boundary
- Condominium
- Gap or Overlap
- "hooks" indicate parcel ownership crosses a line

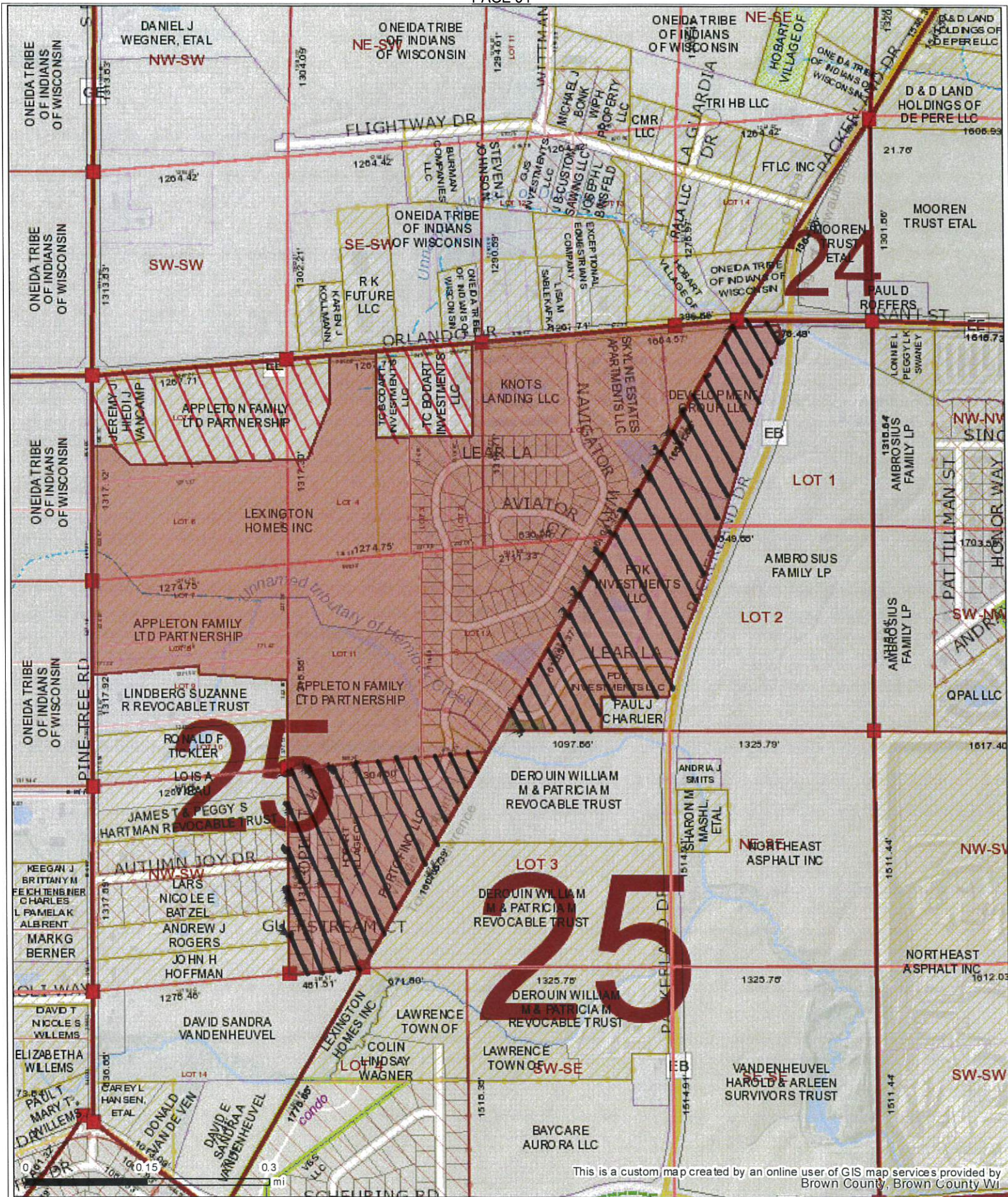
- Parcel line
- Right of Way line
- Meander line
- Lines between deeds or lots
- Historic Parcel Line
- Vacated Right of Way

A complete key (legend) is available at:  
[tinyurl.com/BrownDogLegend](http://tinyurl.com/BrownDogLegend)



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Map printed on 3/14/2023

1:9,600

1 inch = 800 feet\*

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- Historic Parcel Line
- Vacated Right of Way

- REMOVED

- ADDED

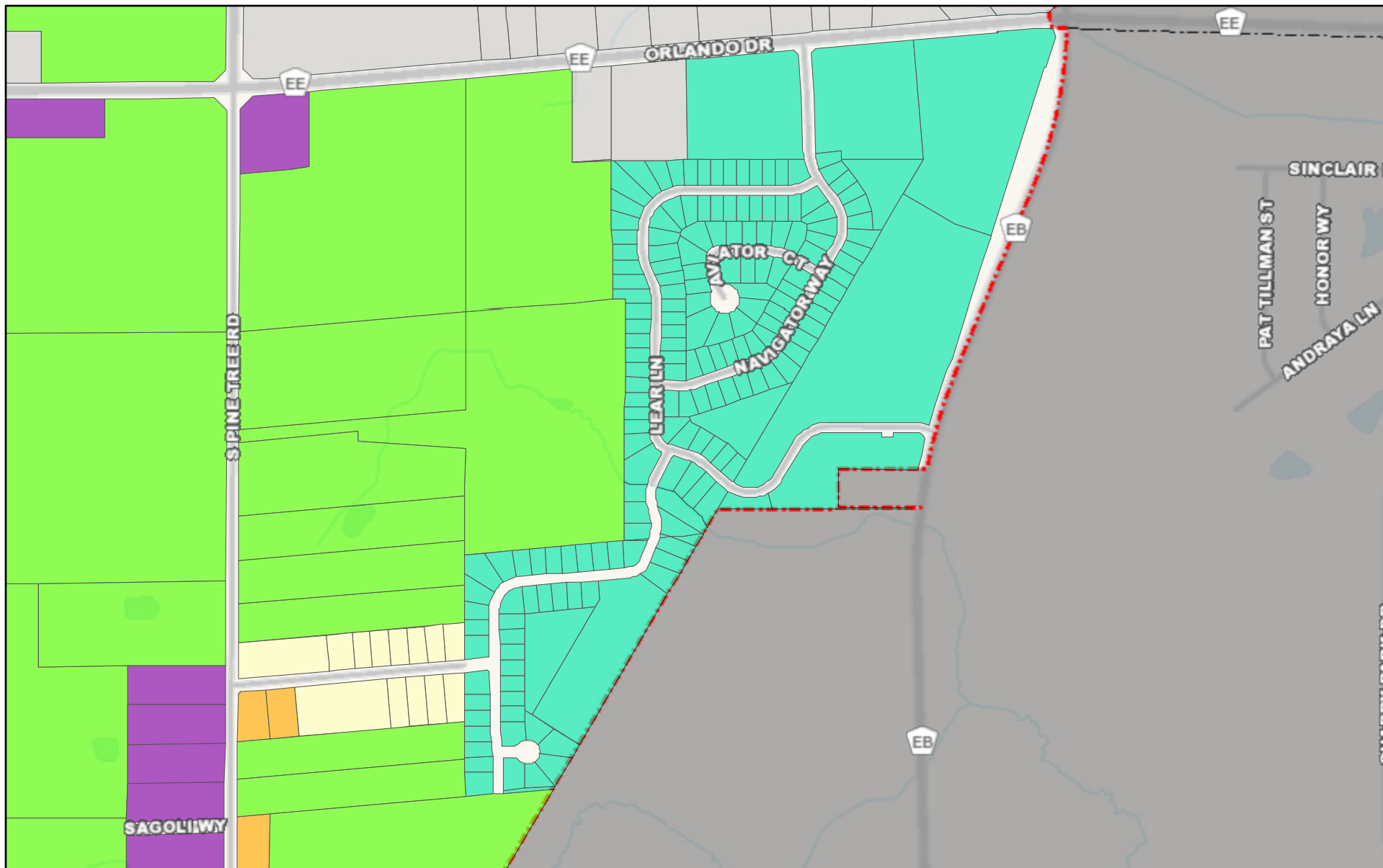
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# Village of Hobart Zoning



3/30/2023, 3:04:27 PM

Zoning

R-1: Residential District

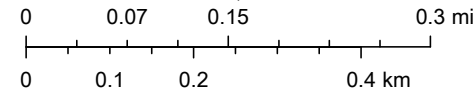
PDD #2: Orlando/Packerland Planned Development District

ER: Estate Residential District

R-2-R: Rural Residential District

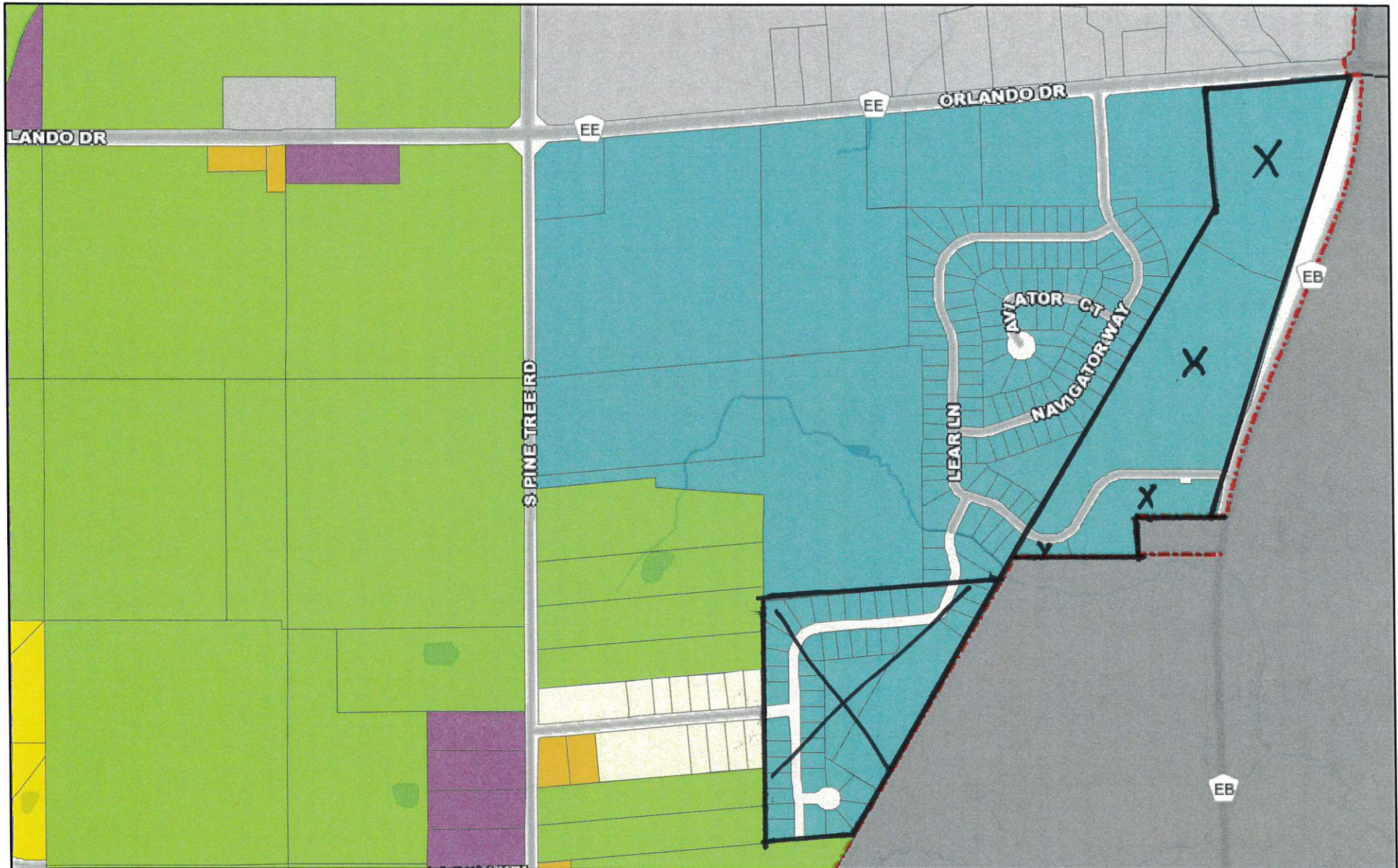
A-1: Agricultural District

1:9,028



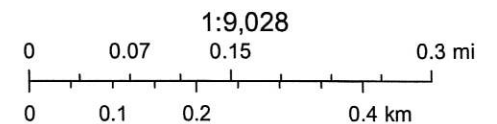
Brown County, Robert E. Lee & Associates, Inc.

PAGE 36  
 - EXISTING LEGAL DESCRIPTION -  
 Village of Hobart Zoning



3/30/2023, 3:10:24 PM

- |   |   |
|---|---|
| Zoning  | <span style="display: inline-block; width: 15px; height: 15px; background-color: #00A0C0; border: 1px solid black;"></span> PDD #2: Orlando/Packerland Planned Development District |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #E0F0E0; border: 1px solid black;"></span> R-1: Residential District | <span style="display: inline-block; width: 15px; height: 15px; background-color: #804080; border: 1px solid black;"></span> ER: Estate Residential District                         |
| <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFFF00; border: 1px solid black;"></span> R-2: Residential District | <span style="display: inline-block; width: 15px; height: 15px; background-color: #FFA500; border: 1px solid black;"></span> R-2-R: Rural Residential District                       |



Brown County, Robert E. Lee & Associates, Inc.





**TO: Planning & Zoning Commission**

**RE: Ordinance replacing Chapter 290 (Floodplain Zoning) of the Village Municipal Code**

**FROM: Todd Gerbers, Director of Planning and Code Compliance**

**DATE: April 12, 2023**

**ISSUE:** Consider an ordinance to replace Chapter 290 – Floodplain Zoning of the Village Municipal Code to make it compliant with FEMA regulations and state statutes.

**RECOMMENDATION:** Staff recommends approval

### **GENERAL INFORMATION**

Village Staff has been working with WDNR to modify and update Chapter 290 – Floodplain Zoning ordinance of the Village of Hobart to be compliant with federal mandates. FEMA occasionally updates or establishes new requirements relating to floodplains, which in turn requires each municipality to make the required amendments in their Floodplain Zoning ordinance.

### **BACKGROUND**

The Floodplain Zoning ordinance was last amended back in 2021 and FEMA has again required some new modifications to the requirements for areas located within floodplain areas. The majority of the changes happen to be centered around campgrounds and camping units with some minor tweaking to the definitions section. Other than these two areas, there is some minor alterations to the formatting of various ordinance sections. Overall, upwards of 95% of the existing floodplain zoning ordinance remained the same.

Being that this ordinance amendment is on a tight timeframe, must be approved and adopted by the Village Board and submitted to WDNR for their review and approval prior to May 9<sup>th</sup>, this same ordinance is scheduled to go before the Village Board at a public hearing on April 18, 2023, for action. Since this ordinance is mandated by FEMA, and proposed changes will need WDNR approval to be included in the new ordinance.

Attached is the proposed ordinance with the exact verbiage proposed.

### **RECOMMENDATION/CONDITIONS**

Staff recommends approval of the proposed ordinance amending Chapter 290 – Floodplain Zoning and inserting it into the Village Zoning Code as submitted.



## ORDINANCE 2023-07

### AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 290 (FLOODPLAIN ZONING) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

**Purpose:** The purpose of this ordinance is to replace Chapter 290 to make it compliant with Wisconsin Department of Natural Resources regulations and state statutes.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

**Section 1:** That Chapter 290 (Floodplain Zoning) of the Municipal Code shall be repealed and recreated to read as follows:

§ 290-1. Statutory authorization; finding of fact; purpose; title and general provisions.

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

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

C. Statement of Purpose. This ordinance is intended to regulate floodplain development to:

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

D. Title. This ordinance shall be known as the "Floodplain Zoning Ordinance for the Village of Hobart, Wisconsin."



## E. General Provisions.

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

(2) Official Maps and Revisions. Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd. (b) below. These maps and revisions are on file in the office of the Village of Hobart Planning and Code Compliance Officer, Village of Hobart.

### (a) Official Maps: Based on the Flood Insurance Study (FIS):

1. Flood Insurance Rate Map (FIRM), panel numbers 55009C0130F, 55009C0135G, 55009C0140F, 55009C0141G, 55009C0142G, 55009C0143G, 55009C0144G, 55009C0161F, 55009C0227F, 55009C0231F, 55009C0233F, 55009C0234F, 55009C0239F, 55009C0242F, 55009C0243F, 55009C0251F, and 55009C0253F, dated 08/18/2009;

2. Flood Insurance Study (FIS) for Village of Hobart (Brown County) 55009CV001C, 55009CV002C, 55009CV003C, and 55009CV004C, dated 05/09/2023.

3. Letter of Map Revision:

a. 21-05-0115P-550626 (effective date 09/06/2021)

b. 22-05-0903P-550626 (effective date 12/19/2022)

Approved by: The DNR and FEMA

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

(3) Establishment of floodplain zoning districts. The flood hazard areas regulated by this ordinance are divided into districts as follows:

(a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 290-5 E.

(b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 290-5 E, within A Zones shown on the FIRM.

(c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

(4) Locating floodplain boundaries. Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to

§ 290-8 Amendments. The Village of Hobart Planning and Code Compliance Officer 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 Village of Hobart Planning and Code Compliance Officer shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the Village of Hobart Planning and Code Compliance Officer and an applicant over the district boundary line shall be settled according to § 290-7 C. (3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to § 290-8 Amendments.

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

(b) Where flood profiles do not exist for projects, including any boundary of zone A or AO, the location of the boundary shall be determined by the map scale.

(5) Removal of lands from floodplain.

(a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to § 290-8 Amendments.

(b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:

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

(c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) Compliance.

(a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.

(b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with § 290-9 Enforcement and Penalties.



(c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with § 290-9 Enforcement and Penalties.

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

(8) Abrogation and greater restrictions.

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under s. 61.35 for villages or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

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

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

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

(12) Annexed areas for cities and villages. The Brown County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR

116, Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Village of Hobart Planning and Code Compliance Officer. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

§ 290-2. General standards applicable to all floodplain districts.

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

(1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall:

- (a) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) be constructed with flood-resistant materials;
- (c) be constructed by methods and practices that minimize flood damages; and
- (d) Mechanical and utility equipment must be elevated to or above the flood protection elevation.

(2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that:

- (a) such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area;
- (b) public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
- (c) adequate drainage is provided to reduce exposure to flood hazards

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in § 290-7 A (2).

A. Hydraulic and hydrologic analyses.

(1) No floodplain development shall:

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

(2) The Village of Hobart Planning and Code Compliance Officer 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 § 290-8 Amendments are met.

B. Watercourse Alterations.

(1) 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 § 290-2 (A) must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.



(2) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 290-8 Amendments, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

C. Chapters 30, 31, Wis. Stats., development. Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to § 290-8 Amendments.

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

(1) The campground is approved by the Department of Agriculture, Trade and Consumer Protection;

(2) A land use permit for the campground is issued by the Village of Hobart Planning and Code Compliance Officer;

(3) The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants;

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in Subsection 4 above - to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations;

(6) All mobile recreational vehicles placed on the site must meet one of the following:

(a) Only Be fully licensed, if required, and ready for highway use; or

(b) Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or

(c) Meet the requirements in either s. 290-3, 290-4 or 290-5 A for the floodplain district in which the structure is located;

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

(7) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(8) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(9) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and;

(10) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and

(11) Standards for structures in a campground:

(a) All structures must comply with section 290-2 D. or meet the applicable requirements in ss. 290-3, 290-4 or 290-5 for the floodplain district in which the structure is located.

(b) Deck / landing-a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 290-2 D.(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(c) Decks/patios that are constructed completely at grade may be allowed, but must also comply with applicable shoreland zoning standards.

(d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 290-2 D.(4).

(e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 290-2 D.(4).

(12) A land use permit shall be obtained as provided under 290-7 A.(2) before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

### § 290-3. Floodway District (FW)

A. Applicability. This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to § 290-5 (E).

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

- they are not prohibited by any other ordinance;
- they meet the standards in § 290-3 (C) and § 290-3 (D);
- and all permits or certificates have been issued according to § 290-7 A.

(1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.



- (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of § 290-3 (C) (4).
- (4) Uses or structures accessory to open space uses or classified as historic structures that comply with § 290-3 (C) and § 290-3 (D).
- (5) Extraction of sand, gravel or other materials that comply with § 290-3 (D).
- (6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.
- (7) Public utilities, streets and bridges that comply with § 290-3 (C) (3).
- (8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.
- (9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
- (10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- (11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

C. Standards for developments in the floodway.

(1) General.

- (a) Any development in the floodway shall comply with § 290-2 and have a low flood damage potential.
- (b) Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to § 290-2 (A) and § 290-37 (A) (2) (c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- (c) Any encroachment in the regulatory floodway is prohibited unless the data submitted for § 290-3 (C) (1) (b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in § 290-1 (E) (5).

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

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

(b) Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:

1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding;

2. Have structural components capable of meeting all provisions of § 290-3 (C) (2) (g) and;

3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with § 290-3 (C) (2) (g).

(c) Must be anchored to resist flotation, collapse, and lateral movement;

(d) Mechanical and utility equipment must be elevated to or above the flood protection elevation; and

(e) Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(f) For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets § 290-3 (C) (2) (a) through § 290-3 (C) (2) (e) and meets or exceeds the following standards:

1. The lowest floor must be elevated to or above the regional flood elevation;

2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.

4. The use must be limited to parking, building access or limited storage.

(g) Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:

1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;

2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in § 290-3 (D) (4) and § 290-3 (D) (5);



3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors;
4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
5. Placement of utilities to or above the flood protection elevation.

(3) Public utilities, streets and bridges. Public utilities, streets and bridges may be allowed by permit, if:

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of § 290-2 (A).

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

- (a) The requirements of § 290-2 (A) are met;
- (b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;
- (c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (d) The fill is not classified as a solid or hazardous material.

D. Prohibited Uses. All uses not listed as permitted uses in § 290-3 (B) are prohibited, including the following uses:

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

§ 290-4. Floodfringe District (FF)

A. Applicability. This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to § 290-5 (A) (5).

B. Permitted Uses. Any structure, land use, or development is allowed in the Floodfringe District if the standards in § 290-4 (C) are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in § 290-7 A. have been issued.

C. Standards for development in the flood-fringe. § 290-2 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of § 290-6 Nonconforming Uses;

(1) Residential Uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of § 290-6 Nonconforming Uses;

(a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet § 290-1 (E) (5).

(b) Notwithstanding § 290-4 (C)(1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection (d) below.

(d) In developments where existing street or sewer line elevations make compliance with Subsection (c) above impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) Accessory structures or uses. In addition to § 290-2, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) Commercial Uses. In addition to § 290-2, any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of § 290-4 (C)(1). Subject to the requirements of § 290-4 (C)(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) Manufacturing and industrial uses. In addition to § 290-2, any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in § 290-7 E. Subject to the



requirements of § 290-4 (C)(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with § 290-7 E. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with § 290-7 E.

(b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to § 290-7 E.(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to § 290-7 E.(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) Deposition of materials. Any deposited material must meet all the provisions of this ordinance.

(11) Manufactured homes.

(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and
2. be anchored so they do not float, collapse or move laterally during a flood.

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in § 290-4 (E)(1).

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

(a) fully licensed and ready for highway use; or

(b) shall meet the elevation and anchoring requirements in § 290-4 (E)(11)(b) and § 290-4 (E)(11)(c).

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

§ 290-5. Other Floodplain Districts.

A. General Floodplain District (GFP)

B. Applicability. The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in § 290-1 (E)(2)(a).

C. Floodway Boundaries. For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in § 290-1 (E)(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to § 290-5 (A)(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of § 290-3. If the development is located entirely within the floodfringe, the development is subject to the standards of § 290-4.

D. Permitted Uses. Pursuant to § 290-5 (A)(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (§ 290-3 (B)) and Floodfringe (§ 290-4 (B)) Districts are allowed within the General Floodplain District, according to the standards of § 290-5 (A)(5) provided that all permits or certificates required under § 290-7 A. have been issued.

E. Standards for development in the General Floodplain District. § 290-3 applies to floodway areas, determined to pursuant to § 290-5 (A)(5); § 290-4 applies to floodfringe areas, determined to pursuant to § 290-5 (A)(5).

(a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
2. If the depth is not specified on the FIRM, to or above two (2) feet above the highest adjacent natural grade.

(b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

(c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

(d) All development in zones AO and zone AH shall meet the requirements of § 290-4 applicable to flood fringe areas.

F. Determining floodway and flood-fringe limits. Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the Village of Hobart Planning and Code Compliance Officer shall:

(a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.



(b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.

1. A Hydrologic and Hydraulic Study as specified in § 290-7 A.(2)(c).

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

§ 290-6. Nonconforming Uses.

A. General.

(1) Applicability.

(a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

(b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value and a list of the costs of those activities associated with changes to those buildings.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 290-4 (C) (1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 290-4 (C) (1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 290-4 (C) (1).

(g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met and all required permits have been granted prior to the start of construction:

#### 1. Residential Structures

a. Shall have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of § 290-7 E.(2).

b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 290-5 (A) (4).

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

## 2. Nonresidential Structures

a. Shall meet the requirements of § 290-6 A.(2) (h) 1a-f.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in § 290-7 E.(1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in § 290-5 (A) (4).

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with § 290-3 (C) (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with § 290-7 E. are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of § 290-6 (A) (2) (h) (1) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

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

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

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

(c) The nonconforming building is permanently changed to conform to the applicable requirements of § 290-2; and

(d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of § 290-3 (C) (1), § 290-3 (C) (2) (b) through (e), § 290-3 (C) (3), § 290-3 (C) (4), and § 290-6 (B). Any development that adds additional fill or



creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 290-5 E. If the encroachment is in the floodway it must meet the standards in section 290-3 C.(4);

(e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of § 290-4 (C) and § 290-6 (C).

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

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

i. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 290-6 A. (4)(g) above.

ii. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;

(h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:

i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.

ii. The bottom of all openings must be no higher than one foot above the adjacent grade.

iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;

(i) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;

(j) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;

(k) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either:

i. Be on site for fewer than 180 consecutive days; or

ii. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or

iii. Meet the elevation and anchoring requirements for manufactured homes in s. 290-6 A.(4)(i) above;

(l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

(m) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet ss. 290-6 A. (4)(f) through (i) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 290-5 E. If the encroachment is in the floodway, it must meet the standards in section 290-3 C.(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

(n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 290-5 E. If the encroachment is in the floodway, it must meet the standards in section 290-3 C.(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

(o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or

(p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. 290-6 A. (4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

#### B. Floodway District.

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

- (a) Has been granted a permit or variance which meets all ordinance requirements;
- (b) Meets the requirements of § 290-6 (A);
- (c) Shall not increase the obstruction to flood flows or regional flood height;
- (d) Any addition to the existing structure shall be floodproofed, pursuant to § 290-7 E., by means other than the use of fill, to the flood protection elevation; and
- (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access or limited storage.

(2) No new on site sewage disposal system, or addition to an existing on site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, § 290-7 E. (3) and ch. SPS 383, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, § 290-7 E. (3) and chs. NR 811 and NR 812, Wis. Adm. Code.

#### C. Floodfringe District



(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of § 290-4 (C) except where § 290-6 (C) (2) is applicable.

(2) Where compliance with the provisions of subsection (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in § 290-7 C., may grant a variance from those provisions of subsection (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
- (b) Human lives are not endangered;
- (c) Public facilities, such as water or sewer, shall not be installed;
- (d) Flood depths shall not exceed two feet;
- (e) Flood velocities shall not exceed two feet per second; and
- (f) The structure shall not be used for storage of materials as described in § 290-4 (C) (5).

(3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, § 290-7 E. (3) and ch. SPS 383, Wis. Adm. Code.

(4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, § 290-7 E. (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

#### § 290-7. Administration.

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

##### A. Director of Planning and Code Compliance.

(1) Duties and Powers. The Director of Planning and Code Compliance is authorized to administer this ordinance and shall have the following duties and powers:

- (a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- (c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- (d) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations;
3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses.

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

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

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

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

(2) Land Use Permit. A land use permit shall be obtained before any development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Director of Planning and Code Compliance shall include:

(a) General information.

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

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

1. Location, dimensions, area and elevation of the lot;
2. Location of the ordinary highwater mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines;
4. Location of any existing or proposed on site sewage systems or private water supply systems;

5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of § 290-3 and § 290-4 are met; and

9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 290-2 (A). This may include any of the information noted in § 290-3 (C) (1).

(c) Hydraulic and hydrologic studies to analyze development. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

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

(a) Hydrology

1. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

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

i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

ii. channel sections must be surveyed.

iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

v. the most current version of HEC-RAS shall be used.

vi. a survey of bridge and culvert openings and the top of road is required at each structure.



vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

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

i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

## 2. Zone AE Floodplains

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

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

i. Duplicate Effective Model. The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated

that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model. The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model. The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and 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.

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

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

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

(3) Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Village of Hobart Planning and Code Compliance Officer, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of § 290-7 E. are met.

(e) Where applicable pursuant to § 290-5 (A) (4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.

(f) Where applicable pursuant to § 290-5 (A) (4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by § 290-5 (A) (4).

(4) Other Permits. Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.



B. Zoning agency.

(1) The Planning and Zoning Commission shall:

- (a) oversee the functions of the office of the Village of Hobart Planning and Code Compliance Officer; and
- (b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.
- (c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place and subject of the public hearing.

(2) The Planning and Zoning Commission shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (b) amend the text or zoning maps in place of official action by the governing body.

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

(1) Powers and Duties. The Board of Appeals shall:

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

(2) Appeals to the Board.

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

(b) Notice and hearing for appeals, including variances.

1. Notice - The board shall:

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

c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

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

a. Resolve boundary disputes according to § 290-7 C. (3);

b. Decide variance applications according to § 290-7 C. (4); and

c. Decide appeals of permit denials according to § 290-7 D.

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

1. Be made within a reasonable time;

2. Be sent to the Department Regional office within 10 days of the decision;

3. Be a written determination signed by the chairman or secretary of the Board;

4. State the specific facts which are the basis for the Board's decision;

5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) Boundary Disputes. The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.

(b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

(c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to § 290-8 Amendments.

(4) Variance.

(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance will cause unnecessary hardship;

2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

3. The variance is not contrary to the public interest; and

4. The variance is consistent with the purpose of this ordinance in § 290-1 (C).

(b) In addition to the criteria in subsection (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:

1. The variance shall not cause any increase in the regional flood elevation;

2. The applicant has shown good and sufficient cause for issuance of the variance;

3. Failure to grant the variance would result in exceptional hardship;

4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;

2. Be granted for a hardship based solely on an economic gain or loss;

3. Be granted for a hardship which is self created.

4. Damage the rights or property values of other persons in the area;

5. Allow actions without the amendments to this ordinance or map(s) required in s. § 290-8 Amendments; and

6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

D. To review appeals of permit denials.

(1) The Zoning Agency (§ 290-7 B. or Board shall review all data related to the appeal. This may include:

(a) Permit application data listed in § 290-7 A. (2);

(b) Floodway/floodfringe determination data in § 290-5 A. (5);

(c) Data listed in § 290-3 (C) (1) (b) where the applicant has not submitted this information to the Village of Hobart Planning and Code Compliance Officer; and

(d) Other data submitted with the application or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:



- (a) Follow the procedures of § 290-7 C.;
- (b) Consider zoning agency recommendations; and
- (c) Either uphold the denial or grant the appeal.

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

- (a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of § 290-8 Amendments; and
- (b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

#### E. Floodproofing standards.

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in § 290-2, § 290-3, § 290-4 or § 290-5 (A).

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

- (a) certified by a registered professional engineer or architect; or
- (b) meeting or exceeding the following standards:

1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
2. the bottom of all openings shall be no higher than one-foot above grade; and
3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Floodproofing measures shall be designed, as appropriate, to:

- (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
- (b) Protect structures to the flood protection elevation;
- (c) Anchor structures to foundations to resist flotation and lateral movement;
- (d) Minimize or eliminate infiltration of flood waters;
- (e) Minimize or eliminate discharges into flood waters;
- (f) Placement of essential utilities to or above the flood protection elevation; and

(g) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
4. The use must be limited to parking, building access or limited storage.

F. Public Information.

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

§ 290-8. Amendments.

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with § 290-8 (A).

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with § 290-8 (A). Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with § 290-8 (A)

A. General. The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in § 290-8 (B) below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
- (3) Any changes to any other officially adopted floodplain maps listed in § 290-1 (E) (2) (b);
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

- (5) Correction of discrepancies between the water surface profiles and floodplain maps;
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

B. Procedures. Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages. The petitions shall include all data required by § 290-5 (A) (5) and § 290-7 A. (2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

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

#### § 290-9. Enforcement and Penalties.

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

#### § 290-10. Definitions.

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

#### A ZONES

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

#### AH ZONE

See "AREA OF SHALLOW FLOODING".

#### AO ZONE

See "AREA OF SHALLOW FLOODING".

#### ACCESSORY STRUCTURE OR USE



A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.

**ALTERATION**

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

**AREA OF SHALLOW FLOODING**

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

**BASE FLOOD**

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

**BASEMENT**

Any enclosed area of a building having its floor sub-grade on all sides.

**BREAKAWAY WALL**

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

**BUILDING**

See STRUCTURE.

**BULKHEAD LINE**

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

**CAMPGROUND**

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

**CAMPING UNIT**

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

**CERTIFICATE OF COMPLIANCE**

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

**CHANNEL**

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

**CRAWLWAYS or CRAWL SPACE**

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

#### DECK

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

#### DEPARTMENT

The Wisconsin Department of Natural Resources.

#### DEVELOPMENT

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

#### DRYLAND ACCESS

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

#### ENCROACHMENT

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

#### FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that administers the National Flood Insurance Program.

#### FLOOD INSURANCE RATE MAP (FIRM)

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

#### FLOOD or FLOODING

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

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

#### 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.

#### FLOODFRINGE

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

#### FLOOD HAZARD BOUNDARY MAP

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

#### FLOOD INSURANCE 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.

#### 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.

#### FLOODPLAIN ISLAND

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

#### FLOODPLAIN MANAGEMENT

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

#### 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.

#### 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.

#### FLOOD PROTECTION ELEVATION

An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)

#### FLOOD STORAGE

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

#### FLOODWAY

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

#### FREEBOARD

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



#### HABITABLE STRUCTURE

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

#### HEARING NOTICE

Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

#### HIGH FLOOD DAMAGE POTENTIAL

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

#### HIGHEST ADJACENT GRADE

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

#### HISTORIC STRUCTURE

Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

#### INCREASE IN REGIONAL FLOOD HEIGHT

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

#### LAND USE

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

#### LOWEST ADJACENT GRADE

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

#### LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in § 290-5 (C) (2) (f), is not considered the building's lowest floor;

#### MAINTENANCE

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

MANUFACTURED HOME

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

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION

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

MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING

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

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.

MOBILE RECREATIONAL VEHICLE

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

MODEL, CORRECTED EFFECTIVE

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

MODEL, DUPLICATE EFFECTIVE

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

MODEL, EFFECTIVE

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

MODEL, EXISTING (PRE-PROJECT)

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

MODEL, REVISED (POST-PROJECT)

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

MUNICIPALITY or MUNICIPAL

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

NAVD or NORTH AMERICAN VERTICAL DATUM

Elevations referenced to mean sea level datum, 1988 adjustment.

NGVD or NATIONAL GEODETIC VERTICAL DATUM

Elevations referenced to mean sea level datum, 1929 adjustment.

NEW CONSTRUCTION

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

NON-FLOOD DISASTER

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

NONCONFORMING STRUCTURE

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

NONCONFORMING USE

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

OBSTRUCTION TO FLOW

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

OFFICIAL FLOODPLAIN ZONING MAP

That map, adopted and made part of this ordinance, as described in § 290-1 (5) (2), which has been approved by the Department and FEMA.

OPEN SPACE USE

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

ORDINARY 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.

PERSON

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

PRIVATE SEWAGE SYSTEM

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

PUBLIC UTILITIES

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

#### REASONABLY SAFE FROM FLOODING

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

#### REGIONAL FLOOD

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

#### START OF CONSTRUCTION

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

#### STRUCTURE

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

#### SUBDIVISION

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

#### SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

#### SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

#### UNNECESSARY HARDSHIP

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



VARIANCE

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

VIOLATION

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

WATERSHED

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

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.

WELL

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

**Section 2:** Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

**Section 3.** This Ordinance shall be published as required by law after passage by the Village Board.

Passed and approved this 18<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Richard Heidel, Village President

Attest:

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Aaron Kramer, Village Administrator

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I, Katrina Bruecker, am the duly qualified and acting Village Clerk of the Village of Hobart, Brown County, Wisconsin. I hereby certify that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on April 18<sup>th</sup> 2023.

(Seal)

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Katrina Bruecker, Village Clerk-Treasurer