Housing Affordability Report

December 31, 2019
This Report is prepared to comply with Wis. Stats. Section 66.10013 entitled “Housing Affordability Report”:  

(1) In this section, “municipality” means a city or village with a population of 10,000 or more.  

(2) Not later than January 1, 2020, a municipality shall prepare a report of the municipality's implementation of the housing element of the municipality's comprehensive plan under s. 66.1001. The municipality shall update the report annually, not later than January 31. The report shall contain all of the following:  

(a) The number of subdivision plats, certified survey maps, condominium plats, and building permit applications approved in the prior year.  

(b) The total number of new residential dwelling units proposed in all subdivision plats, certified survey maps, condominium plats, and building permit applications that were approved by the municipality in the prior year.  

(c) A list and map of undeveloped parcels in the municipality that are zoned for residential development.  

(d) A list of all undeveloped parcels in the municipality that are suitable for, but not zoned for, residential development, including vacant sites and sites that have potential for redevelopment, and a description of the zoning requirements and availability of public facilities and services for each property.  

(e) An analysis of the municipality's residential development regulations, such as land use controls, site improvement requirements, fees and land dedication requirements, and permit procedures. The analysis shall calculate the financial impact that each regulation has on the cost of each new subdivision. The analysis shall identify ways in which the municipality can modify its construction and development regulations, lot sizes, approval processes, and related fees to do each of the following:  

1. Meet existing and forecasted housing demand.  

2. Reduce the time and cost necessary to approve and develop a new residential subdivision in the municipality by 20 percent.  

(3) A municipality shall post the report under sub. (2) on the municipality's Internet site on a web page dedicated solely to the report and titled “Housing Affordability Analysis.”
### 2019 Residential Development

In 2019, the Village has reviewed and approved/platted the following new residential developments by the following types of platting options.

#### Subdivision Plats
- none

#### Certified Survey Maps
- CSM 2898: The Vista at Creekside (7-20 unit apartment bldgs)
- CSM 2923: 1 new single family lot created
- CSM 2924 1 new single family lot created

#### Condominium Plats
- First Addendum to the Cottages At Village Green Condominium (29-1 unit bldgs and 6-2 unit buildings)
- Green Bay Trail Condominium (14-2 unit bldgs and 6-3 unit bldgs)

Permits have been issued for all of the apartment buildings and the developers continue to obtain permits for the condominium developments based on their sales absorption rates.

Although no single family subdivisions were platted in 2019, the Village is working with two developers for single family subdivisions that will likely plat 60 new single family lots in 2020. These developments include the Ashbury East Subdivision is anticipated to create 19 single family lots and the Creekside Terrace Subdivision is anticipated to create 41 single family lots. In addition, the Village is working with a developer on another project, Keystone Condominiums that is proposed to create 18-2 unit condominium units, which will also likely obtain final approval in 2020.
2019 Residential Permits

In 2019, the Village issued residential permits for 262 new housing units and issued permits to raze 10 housing units for a net gain of 251 housing units. The single family units included single family detached homes and manufactured/mobile homes. The two family units included attached two unit condominium units and the multi-family apartment units included units in buildings with 3 or more units per building.

- **Single Family**
  - 90 units

- **Two Family**
  - 12 units

- **Multi Family**
  - 159 units

**Green Bay Trail Condominiums**

**Arbor Ridge Subdivision**

**Breeze Terrace Apartments**
Existing Vacant Residential Lots

The following is the required list and map of lots in Pleasant Prairie that are not developed and are in a residential zoning district. The list provides the Tax Parcel Number, Lot Area and Zoning District designations. **Exhibit A** provides a copy of the Village basic Residential Zoning District regulations, which specify the allowed uses, design standards and building setback requirements, a copy of the C-1, Lowland Resource Conservancy District, the C-2, Upland Resource Conservancy District, the FPO, Floodplain Overlay District, UHO, Urban Land Holding Overlay District and LUSA, Limited Urban Service Area Overlay District. Any lot within a PUD, Planned Unit Development Overlay District designation may have other zoning requirements which shall be verified. The entire Village Ordinance can be found on the Village’s website [www.pleasantprairiewi.gov](http://www.pleasantprairiewi.gov).

In addition to the Village Zoning Ordinance, several developers and/or property owners have recorded deed restrictions and covenants that may be more restrictive than the Village zoning requirements and there may be easements on the properties that further restrict the development or use of the parcels. Any restrictions or easements affecting properties are recorded at the Kenosha County Register of Deeds and would need to be independently verified as well.

Each lot shall be reviewed independently for the availability of public sewer and water and other utilities or if an on-site sanitary permit and/or well is allowed or will be required. The Village has not verified whether these lots have suitable soils for construction. Each lot shall be evaluated to determine if a wetland delineation is required or if there is 100-year floodplain on the property that would limit the development of the property.

Lots adjacent to Lake Michigan shall be reviewed independently to verify that there is adequate land area to build and that adequate shore protection is provided. It is also important to note that while these lots listed are vacant and zoned residential, the property owners may not be interested in selling the lot for development. Furthermore, the lots may be utilized as part of their current yard area and may have accessory buildings or structures on them as well.
### EXISTING VACANT RESIDENTIAL LOTS

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Existing Vacant Residential Lots*  
(Northwest portion of Pleasant Prairie)

Map Created by Village of Pleasant Prairie, WI staff, December 2019.  
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 existing vacant residential lots*  
(northeast portion of pleasant prairie)

map created by village of pleasant prairie, wi staff, december 2019.

in addition to zoning district requirements, each lot shall be reviewed independently for any deed restrictions or easements, availability of public sewer and water and other utilities, suitability of soils for construction, and wetland or 100-year floodplain. lots adjacent to lake michigan shall be evaluated as to whether there is adequate land area and that shore protection is provided. although these lots are vacant and zoned residential, the property owners may not be interested in selling the lot for development.
Map Created by Village of Pleasant Prairie, WI staff, December 2019.
In addition to Zoning District requirements, each lot shall be reviewed independently for any deed restrictions or easements, availability of public sewer and water and other utilities, suitability of soils for construction, and wetland or 100-year floodplain. Lots adjacent to Lake Michigan shall be evaluated as to whether there is adequate land area and that shore protection is provided. Although these lots are vacant and zoned residential, the property owners may not be interested in selling the lot for development.
Future Residential Development Areas

Pursuant to the Village of Pleasant Prairie Comprehensive Land Use Plan, there are several areas in the Village intended for future residential development. The Comprehensive Plan sets forth neighborhood areas and residential densities for each neighborhood. This allows for neighborhoods to developed with various types and sizes of housing units.

The list below indicates parcels which are, in whole or in part, intended for future residential development including lands that could be redeveloped as residential pursuant to the Comprehensive Plan. Although this list indicates parcels for future residential development, all new residential development and lots created in the Village are required to be serviced by municipal sanitary sewer and municipal water. Although these parcels are located within the sanitary sewer service area, the actual utility infrastructure may not available for all areas at this time. Prior to development, utilities are required to be extended by the Developer, at the Developer’s cost, as part of the Village Ordinance requirements.

All land development shall be in compliance with the Village Comprehensive Plan and subdivided pursuant to the Land Division and Development Control Ordinance with public improvements being installed, by the Developer at the Developers cost, pursuant to the Village Design Standards and Construction Specifications. Lots created shall meet the minimum lot area and frontage requirements and other minimum building design standards as specified in the Village Zoning Ordinance.

The following list of parcels in the Village identified for future possible residential development or redevelopment shall be evaluated to determine how public infrastructure and utility services could be provided, and how environmental features such as wetlands, 100-year floodplain, environmental corridors, navigable waterways may limit the development area and its development potential.

<table>
<thead>
<tr>
<th>Parcel Numbers</th>
<th>Parcel Numbers</th>
<th>Parcel Numbers</th>
<th>Parcel Numbers</th>
<th>Parcel Numbers</th>
</tr>
</thead>
<tbody>
<tr>
<td>91-4-122-023-0570</td>
<td>91-4-122-071-0285</td>
<td>91-4-122-071-0330</td>
<td>91-4-122-071-0670</td>
<td>91-4-122-071-0715</td>
</tr>
<tr>
<td>91-4-122-023-0623</td>
<td>91-4-122-071-0290</td>
<td>91-4-122-071-0335</td>
<td>91-4-122-071-0675</td>
<td>91-4-122-071-0720</td>
</tr>
<tr>
<td>91-4-122-043-0048</td>
<td>91-4-122-071-0295</td>
<td>91-4-122-071-0340</td>
<td>91-4-122-071-0680</td>
<td>91-4-122-071-0725</td>
</tr>
<tr>
<td>91-4-122-043-0052</td>
<td>91-4-122-071-0300</td>
<td>91-4-122-071-0345</td>
<td>91-4-122-071-0685</td>
<td>91-4-122-071-0730</td>
</tr>
<tr>
<td>91-4-122-043-0220</td>
<td>91-4-122-071-0305</td>
<td>91-4-122-071-0350</td>
<td>91-4-122-071-0690</td>
<td>91-4-122-071-0735</td>
</tr>
<tr>
<td>91-4-122-054-0024</td>
<td>91-4-122-071-0310</td>
<td>91-4-122-071-0355</td>
<td>91-4-122-071-0695</td>
<td>91-4-122-071-0740</td>
</tr>
<tr>
<td>91-4-122-054-0060</td>
<td>91-4-122-071-0315</td>
<td>91-4-122-071-0655</td>
<td>91-4-122-071-0700</td>
<td>91-4-122-071-0745</td>
</tr>
<tr>
<td>91-4-122-054-0071</td>
<td>91-4-122-071-0320</td>
<td>91-4-122-071-0660</td>
<td>91-4-122-071-0705</td>
<td>91-4-122-071-0750</td>
</tr>
<tr>
<td>91-4-122-054-0102</td>
<td>91-4-122-071-0325</td>
<td>91-4-122-071-0665</td>
<td>91-4-122-071-0710</td>
<td>91-4-122-071-0755</td>
</tr>
</tbody>
</table>
Population and Household Projections

The Village has evaluated several data sources to provide the following information related to the existing housing in the Village and housing and population projections. Sources include the Village’s Comprehensive Plan, Village Assessor data, Building Permit data, Wisconsin Department of Administration (DOA) data, U.S. Census data and Esri data.

The following chart illustrates the population and household projections for the Village. The housing and population projections and analysis in the Village Comprehensive Plan was completed prior to the Great Recession and over the last 10 years the Wisconsin Department of Administration (DOA) has updated its projections as shown below. Based on the current DOA projections for 2020, the Village population is projected to be 22,730 with 8,875 housing units.

The Village Assessment records indicate that as of January 1, 2019 the Village had 8,800 housing units (this includes units that were permitted and under construction prior to January 1, 2019.) As noted earlier the Village has issued permits to add an additional 262 housing units in 2019 and has issued permits to raze 10 housing units. Therefore as of January 1, 2020 there were 9,050 housing units in the Village.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Projections per Village Comprehensive Plan</th>
<th>Projections per DOA Estimate</th>
<th># of Households to be added every 5 years to meet projections</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Population*</td>
<td># of Households*</td>
<td>Population**</td>
</tr>
<tr>
<td>2000</td>
<td>16,136</td>
<td>5,819</td>
<td></td>
</tr>
<tr>
<td>2005</td>
<td>18,701</td>
<td>6,842</td>
<td></td>
</tr>
<tr>
<td>2010</td>
<td>20,628</td>
<td>7,697</td>
<td>19,719</td>
</tr>
<tr>
<td>2015</td>
<td>22,721</td>
<td>8,612</td>
<td>20,370</td>
</tr>
<tr>
<td>2020</td>
<td>24,870</td>
<td>9,552</td>
<td>22,730</td>
</tr>
<tr>
<td>2025</td>
<td>26,952</td>
<td>10,431</td>
<td>24,560</td>
</tr>
<tr>
<td>2030</td>
<td>28,911</td>
<td>11,285</td>
<td>26,330</td>
</tr>
<tr>
<td>2035</td>
<td>31,205</td>
<td>11,889</td>
<td>27,690</td>
</tr>
</tbody>
</table>

The number of housing units in the Village exceeds the current DOA projections for 2020 by 175 housing units and is 502 short of the housing units originally projected in Comprehensive Plan prior to the 2008 Great Recession.
Existing Housing Analysis

Based on Village Assessment data and Building Permit data as of January 1, 2019 there were 7,301 housing units in the Village (single family homes, manufactured homes, or single condominium units) that were being assessed (8 single living units that were permitted and just began construction that had no value on January 1, 2019 were excluded from this data).

*The average market value* of the single family living unit in the Village is $249,275.

*The market value includes all improvements on the property including the living unit and any accessory dwellings on the property and the land from the Village Assessment data.

This information does not include apartment buildings and residential units on lots where other commercial development is located on the property or properties with more than one living unit (typically rental units) which accounted for an additional 746 living units in the Village as of January 1, 2019.
Pursuant to 2019 Esri data for the Village, the population is 21,219 with a median household income of $86,655. The median value of owner occupied housing units in the Village is $251,336.

To afford the median value of an owner occupies housing unit of $251,336, a household would need to have an annual household income of $83,779 (30% of household income). This is $2,876 less than the Village median household income of $86,655.

### Renter-Occupied Housing Units by Gross Rents

<table>
<thead>
<tr>
<th>Gross Rent Ranges</th>
<th>2013-2017 ACS Estimate</th>
<th>Pleasant Prairie</th>
<th>Kenosha County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $100</td>
<td>0</td>
<td>0.0%</td>
<td>89</td>
</tr>
<tr>
<td>$100-$199</td>
<td>31</td>
<td>2.2%</td>
<td>102</td>
</tr>
<tr>
<td>$200-$299</td>
<td>0</td>
<td>0.0%</td>
<td>622</td>
</tr>
<tr>
<td>$300-$399</td>
<td>0</td>
<td>0.0%</td>
<td>530</td>
</tr>
<tr>
<td>$400-$499</td>
<td>0</td>
<td>0.0%</td>
<td>706</td>
</tr>
<tr>
<td>$500-$599</td>
<td>15</td>
<td>1.1%</td>
<td>1084</td>
</tr>
<tr>
<td>$600-$699</td>
<td>88</td>
<td>6.2%</td>
<td>2059</td>
</tr>
<tr>
<td>$700-$799</td>
<td>254</td>
<td>18.0%</td>
<td>2875</td>
</tr>
<tr>
<td>$800-$899</td>
<td>113</td>
<td>8.0%</td>
<td>2897</td>
</tr>
<tr>
<td>$900-$999</td>
<td>156</td>
<td>11.0%</td>
<td>2401</td>
</tr>
<tr>
<td>$1000-$1249</td>
<td>407</td>
<td>28.8%</td>
<td>4184</td>
</tr>
<tr>
<td>$1250-$1499</td>
<td>222</td>
<td>15.7%</td>
<td>2322</td>
</tr>
<tr>
<td>$1500-$1999</td>
<td>129</td>
<td>9.1%</td>
<td>891</td>
</tr>
<tr>
<td>Over $2000</td>
<td>0</td>
<td>0.0%</td>
<td>242</td>
</tr>
</tbody>
</table>

**Average Gross Rent**

- **In the Village**: $1,046
- **In Kenosha County**: $922

Source: Esri Data based on US Census Bureau, 2013-2017 American Community Survey (ACS)


Esri has released the 2013-2017 ACS estimates, five year perior data colected monthly from January 1, 2011 through December 31, 2015.
Over the past five (5) years (2015-2019), since the Great Recession, the Village has experienced an increase in new housing units constructed and has issued permits for the construction of 1,029 new housing units. The table to the right indicates the number of housing units, average size, average cost and the average cost per square foot based on information reported at the time of building permits (excluding land costs).

Based on the past five (5) years, the average construction cost of a new single family home was $126.30 per square foot. The chart below illustrates the estimated construction costs, excluding land costs, of a single family home based on the size of the home proposed to be constructed.

**Single Family**

<table>
<thead>
<tr>
<th>Square Footage</th>
<th>Est. Construction Cost*</th>
</tr>
</thead>
<tbody>
<tr>
<td>700</td>
<td>$88,410.79</td>
</tr>
<tr>
<td>800</td>
<td>$101,040.91</td>
</tr>
<tr>
<td>900</td>
<td>$113,671.02</td>
</tr>
<tr>
<td>1000</td>
<td>$126,301.13</td>
</tr>
<tr>
<td>1200</td>
<td>$151,561.36</td>
</tr>
<tr>
<td>1400</td>
<td>$176,821.59</td>
</tr>
<tr>
<td>1600</td>
<td>$202,081.81</td>
</tr>
<tr>
<td>1800</td>
<td>$227,342.04</td>
</tr>
<tr>
<td>2000</td>
<td>$252,602.27</td>
</tr>
<tr>
<td>2500</td>
<td>$315,752.84</td>
</tr>
<tr>
<td>3000</td>
<td>$378,903.40</td>
</tr>
<tr>
<td>3500</td>
<td>$442,053.97</td>
</tr>
<tr>
<td>4000</td>
<td>$505,204.54</td>
</tr>
</tbody>
</table>

* Based on average cost/sf.
Zoning Analysis

Housing type, floor area, lot sizes, densities, and building setbacks are regulated by the Village Zoning Ordinance. The Village has 13 residential zoning districts to accommodate housing in the Village. The table below illustrates the maximum density; and the minimum lot size, lot frontage and floor area requirements for each Residential Zoning District. See Exhibit A for a copy of each Residential Zoning District requirements.

<table>
<thead>
<tr>
<th>Residential Zoning Districts</th>
<th>Minimum Lot Size (square feet)</th>
<th>Minimum Lot Frontage*</th>
<th>Maximum Net Density (dwelling units/net acre)</th>
<th>Units Allowed per Structure</th>
<th>Minimum Floor Area (square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>R-1 Rural Residential</td>
<td>217,800</td>
<td>300-150</td>
<td>0.2</td>
<td>1</td>
<td>2,000; 1,500 for first floor</td>
</tr>
<tr>
<td>R-2 Urban Single-Family Residential</td>
<td>40,000</td>
<td>150-75</td>
<td>1.1</td>
<td>1</td>
<td>2,000; 1,500 for first floor</td>
</tr>
<tr>
<td>R-3 Urban Single-Family Residential</td>
<td>20,000</td>
<td>100-50</td>
<td>2.2</td>
<td>1</td>
<td>1,400; 1,000 for first floor</td>
</tr>
<tr>
<td>R-4 Urban Single-Family Residential</td>
<td>15,000</td>
<td>90-45</td>
<td>2.9</td>
<td>1</td>
<td>1,400; 1,000 for first floor</td>
</tr>
<tr>
<td>R-4.5 Urban Single-Family Residential</td>
<td>12,500</td>
<td>80-45</td>
<td>3.5</td>
<td>1</td>
<td>1,400; 1,000 for first floor</td>
</tr>
<tr>
<td>R-5 Urban Single-Family Residential</td>
<td>10,000</td>
<td>75-40</td>
<td>4.4</td>
<td>1</td>
<td>1,200; 900 for first floor</td>
</tr>
<tr>
<td>R-6 Urban Single-Family Residential</td>
<td>6,000</td>
<td>60-30</td>
<td>7.3</td>
<td>1</td>
<td>1,200; 700 for first floor</td>
</tr>
<tr>
<td>R-7 Multiple-Family Residential</td>
<td>40,000</td>
<td>175-100</td>
<td>3.1</td>
<td>3</td>
<td>1,400 per unit; 1,000 for first floor per structure</td>
</tr>
<tr>
<td>R-8 Urban Two-Family Residential</td>
<td>20,000</td>
<td>100-50</td>
<td>4.4</td>
<td>2</td>
<td>2,000 per building or 1,000 per unit; 1,500 for first floor per structure</td>
</tr>
<tr>
<td>R-9 Multiple-Family Residential</td>
<td>43,560</td>
<td>200-100</td>
<td>4</td>
<td>4</td>
<td>700 for efficiency or 1 bedroom unit; 1,000 for two-bedroom unit; 1,200 for three or more bedroom unit</td>
</tr>
<tr>
<td>R-10 Multiple-Family Residential</td>
<td>65,340</td>
<td>200-100</td>
<td>5.3</td>
<td>8</td>
<td>700 for efficiency or 1 bedroom unit; 1,000 for two-bedroom unit; 1,200 for three or more bedroom unit</td>
</tr>
<tr>
<td>R-11 Multiple-Family Residential</td>
<td>108,900</td>
<td>200-100</td>
<td>9.6</td>
<td>24</td>
<td>700 for efficiency or 1 bedroom unit; 1,000 for two-bedroom unit; 1,200 for three or more bedroom unit</td>
</tr>
<tr>
<td>R-12 Mobile Home Park/ Manufactured Home/ Subdivision Residential</td>
<td>7,700</td>
<td>70-45</td>
<td>- -</td>
<td>1</td>
<td>600</td>
</tr>
</tbody>
</table>

* The minimum lot frontage can be reduced (as noted by the second number) if on a road curve or cul-de-sac.

** The number of units for a Community Living Arrangement with approval of a Conditional Use Permit.

*** The number of units allowed with approval of a Conditional Use Permit.
In addition to the Residential Zoning Districts, the Village Zoning Ordinance allows for housing development through more flexible zoning regulations including Planned Unit Developments and Planned Development Zoning Districts.

**Planned Unit Development (PUD) Overlay Zoning District.** The intent of PUD Zoning District is to allow developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, and diversified building types. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic, to provide attractive recreation and open spaces as integral parts of the developments, to enable economic design in the location of public and private utilities and community facilities, and to ensure adequate standards of construction and planning.

The PUD regulations limit the uses allowed in the PUD to the uses permitted in the underlying zoning district. The PUD regulations allow the minimum lot size, building setbacks, and other dimensional requirements of the underlying zoning district to be varied, subject to approval of the Village Board. PUDs would allow for conservation or cluster-type subdivisions to be established in the Village.

**Planned Development (PD) Zoning District.** The intent of the PD Zoning District is to develop a detailed set of zoning regulations specified to the proposed uses. PDs are unique, site specific and are time intensive to prepare and are generally reserved for uses and developments that cannot be accommodated under traditional zoning district conditions. PDs can be used to accommodate mixed or multiple use development as well as Traditional Neighborhood Developments pursuant to Section 66.1027 of the Wisconsin Statues. Due to their unique nature, extensive input from the community, planning staff, Plan Commission and Village Board is required.

These Districts are very effective tools that allow for mixed use and unique residential developments to be constructed. The Village has adopted nearly 25 residential PUD’s since its incorporation in 1989 and will be developing a PD Ordinance for the mixed-use development of the Village’s downtown, which will include mixed income residential and commercial development.
Areas zoned within a single-family residential district allow only one detached single-family home per lot. These homes are primarily owner-occupied, but may be rental units.

Areas zoned for two-family residential uses allow for duplexes that may be owner-occupied or rental units, or may include one unit occupied by the owner with the second unit rented.

Areas zoned as multi-family residential allow for structures with three or more units. Multi-family districts vary in the number of units and number of floors allowed per structure. Many housing units in these districts are rental units; however, some may be owner-occupied such as townhouses or other single-family attached housing units.

Over the past 20 years all new single family homes constructed within residential districts in the Village are located within the R-3, R-4, R-4.5 districts requiring a minimum home area of 1,400 square feet and the R-5 and R-6 districts requiring a minimum home area of 1,200 square feet.

The current zoning regulations do not place maximum housing sizes as it relates to square footage. The maximum size of a home is limited by other factors including the maximum height of 35 feet and required minimum building setbacks as specified in each zoning district. [These are minimum requirements pursuant to the Village Zoning Ordinance; however, it is important to note that developers have placed greater setback and building restrictions than required by the Village Zoning Ordinance in their recorded declarations.]

As discussed previously new single family homes being constructed in the past five years were an average of 2,780 square feet in size which is nearly twice the minimum size required by the Village Zoning Ordinance, thus resulting in higher housing construction costs.
Pursuant to an October 2019 Report from the Wisconsin Realtor Association entitled: “Falling Behind: Addressing Wisconsin’s Workforce Housing Shortages to Strengthen Families, Communities and our Economy” as prepared by Kurt Paulsen with the University of Wisconsin-Madison, he identified a significant workforce housing shortage in Wisconsin.

Pursuant to the Report, Workforce Housing is the supply of housing in a community (variety of types, sizes, locations, prices) that meets the need of the workforce in a community. Housing that is affordable to the workforce is:

- For renters up to 60% of area median income (AMI)
- For owners up to 120% of the area median income (AMI).

The Report indicated the following causes, results and goals related to the workforce housing shortage in Wisconsin:

**CAUSES**
- Wisconsin has not built enough homes to keep up with population and income growth.
- Construction costs are rising faster than inflation and incomes and construction firms are reporting a labor shortage in the construction trades.
- Outdated land use regulations drive up the cost of housing.

**RESULTS**
- Housing costs are rising (both ownership and rental) and rents have grown faster than incomes.
- Declining home ownership in Wisconsin, especially among younger households and African-American and Hispanic families.
- Declining affordability.

**GOALS**
- Build more housing.
- Increase housing choices with a more diverse housing stock.
- Rebuilding and strengthen home ownership.
- Reinvest in older housing stock and older neighborhoods.
- Make housing a priority.

Village AMI per household is $86,655*

Renters: 60% of AMI=$51,993 (about $25/hour per household with $1,300 monthly housing expense**)

Owners: 120% of AMI=$103,987 (about $50/hour per household with $2,600 monthly housing expenses**)

*Source Esri data
**30% of household income
Housing Costs and Village Housing Initiatives

Pursuant to the aforementioned Housing Analysis, the Village meets its housing unit projections and the Village provides a variety of housing options and a variety of price points with the average rent within the median workforce housing affordability standards. Owner occupied housing options are available in the Village however; these housing units may not be available for sale by the owners.

The Village agrees that housing costs are rising and the evaluation of housing options provided in the Village shall be evaluated for all populations in the Village-from people entering the workforce to the ageing population of the Village and everyone in between. However, the Village can only control a very small portion of these costs. The Village cannot control the cost of building construction materials, cost of labor or land sale prices. In addition, the Village cannot control people’s spending and saving habits, wages being paid by employers or banking lending practices to name a few.

The Village continues to examine ways to provide a variety of quality, sustainable and affordable housing options and housing projects. In 2019, the housing projects approved and under construction in the Village included 140 apartment units with WEDHA Workforce Housing Tax Credits; and two condominium projects, which provide for a mixture of one unit, two unit and three unit condominium buildings.

To achieve the aforementioned goals noted in the aforementioned Report several strategies were recommended. Below is a list of those strategies and current Village practices or recommendations to meet the specific strategy:

**Strategy #1: Expedite the permitting and development review process.**

- The Village provides checklists and applications for submittal requirements for new residential development.
- The Village has and continues to review permit applications submitted for new residential developments within 10 business days upon receipt of a complete application.
- In 2015, the Village implemented an electronic permit tracking, review and inspection software to allow for multiple reviewers from various Village Departments to review all permits concurrently after they are submitted.
- Development of a new housing project in the Village could take six months to two years depending on the extent of the entitlements for the property and the timeliness of the Developer to address the Village comments. Most developments in the Village after evaluation of a compliance with the Village Comprehensive Plan approval of a Conceptual Plan, require approval of a Plat which requires several public hearings, by State Statues. The Village has developed a checklist for developers that outlines the process.
**Strategy #2: Provide Tax Incentives to reduce costs for workforce housing.**

- The Village does not typically implement residential tax incentive programs and there are limited funding opportunities available for the Village to offer an incentive since the Village has a very low mill rate compared to similar sized communities and due to the State imposed levy limits placed on the Village.
- The Village has provided increased density as part of a PUD as an incentive to developers.
- The Village could investigate providing density bonuses to provide a certain percentage of units within an apartment development to be affordable in residential areas near jobs (rent control).

**Strategy #3: Allow “Missing Middle” housing types and Accessory Dwelling Units.**

- As noted previously, the Village provides 13 different zoning designations that allow for various housing sizes and various multi-family unit counts per building.
- In October of 2018 the Village initiated the process to evaluate and develop an ordinance amendment for consideration related to Accessory Dwelling Units within single family homes.
- In September of 2019 the Village initiated the process to evaluate and develop an ordinance amendment for consideration to allow for a zoning district that would allow twin homes, which is two single family attached homes on individually platted lots rather than platted as part of a condominium development.
- The Village is also preparing an ordinance amendment related to clarifying the development review approval process for two family and multi-family developments.

**Village mill rate is $4.28 per $1,000 of assessed value.**
Strategy #4: Require multi-family housing by right in at least one zoning district.

- The Village Zoning Ordinance has always allowed for multi-family units in the R-7, R-9, R-10 and R-11, Multi-Family Residential Districts as a permitted use pursuant to the regulations set forth in the underlying zoning district.

Strategy #5: Encourage or incentivize workforce housing near jobs and transit.

- Consideration of a regional transit program that could expand a fair and equitable public transit program throughout Kenosha County.

- Kenosha Area Transit provides bus service for areas of the City of Kenosha and there appears to be a lack of routes in the Village. Recently, however, bus service has been provided to LakeView Corporate Park in the Village.

- The Village could investigate providing density bonuses to provide a percentage of units within an apartment development to be affordable in residential areas near jobs (rent control).

- The Village supported a WEDHA Workforce Housing Tax Credit project with 140 apartments, which are under construction across the highway and adjacent to LakeView Corporate Park.
Strategy #6: Establish maximum/minimum-lot sizes in sewer service areas.

- The Village has minimum lot size requirements in the single family residential districts where a variety of lot sizes are allowed.
- The Village could evaluate a new residential zoning district with a minimum lot size and a maximum house size.

Strategy #7: Create Workforce Housing Tax Increment (TID) Districts.

- The State limits residential uses permitted in a mixed use TID to 35%.
- The Village has used TID's for industrial development and has recently approved three Developer funded TID’s for industrial and commercial development projects with no residential component. The Village has approved a Developer Redevelopment TID for site remediation of contaminated soils from an old dry cleaner facility. Since the remediation was complete, the site was re-developed and in 2019, a new residential development with 42 senior apartments and 8 family work force housing units was completed on the site.

Strategy #8: The State of Wisconsin could create and expand current housing programs such as:

- Create a first-time homebuyer saving account.
- Expand WHEDA’s housing programs.
- Provide a State tax credit for rehabilitation of older housing in older neighborhoods.
- Provide training and apprenticeship programs for the trades workforce.
- Create a revolving loan fund for non-profit groups and developers creating affordable housing for pre-development financing and land acquisition.

In addition to the strategies noted above the Village has an additional strategy related to rising land costs:

Strategy #9 The State of Wisconsin could create and examine ways to limit rising land costs.

- Given the increase of land costs, consider regulations that would limit excessive land speculation costs and commissions.
- Create a revolving loan fund for non-profit groups and developers to create affordable housing for pre-development financing and land acquisition.
- Evaluate the condemnation requirements for the purchase of land in areas designated for redevelopment.
Development Cost Savings

Roadway Requirements.

In 2014, the Village re-evaluated the Village road profile and construction standards, and due to the Village’s previous road failures with the existing road cross section, the limited road aid funding from the State, and the poor bearing capacity of the soils the Village revised its roadway standards. Some of the changes included:

- Reducing the urban road profile for new residential minor streets from 37 feet to 33 feet as measured from the back of curb.
- Providing more walkable subdivisions with the addition of public sidewalks.
- Requiring public roadways to be installed in one construction year rather than three or more years.

The reduction of the roadway construction time frame not only provides better marketability of the lots or units but also provides a cost savings to developers related to utility adjustment and repairs to the binder course prior to installing the final lift of pavement on public roadways.

Village of Pleasant Prairie Standard Residential Minor Street Section

![Village of Pleasant Prairie Standard Residential Minor Street Section Diagram](image-url)
Minimum Lot Size and Maximum Density Requirements.
The Village Zoning Ordinance provides for minimum lot size and frontage requirements, which provides maximum density requirements. Lot areas (lot width) and single family house size impacts the cost of development and home construction.

Prior to the Village’s incorporation in 1989, the Village was a rural township with several established large single family lot developments (1/2 acre to over an acre per lot) and smaller lots (6,000 to 10,000 square feet per lot) located adjacent to Lake Michigan and in proximity to the City of Kenosha. Between 1989 and 2007, new single family subdivision lots averaged 15,000 square feet.

Since 2009, however, the Village approved a subdivision with minimum lot sizes of 12,500 square feet and is working on two other single family subdivisions with a minimum lot area of 12,500 square feet (Creekside Terrace and Ashbury East).

The Village may also consider creating zoning district(s), which sets forth a minimum/maximum dwelling unit with other design requirements to ensure that the home is appropriate size for the lot. As illustrated earlier, new homes in the Village are being constructed by the consumer that are nearly twice the size of the minimum zoning ordinance requirements, which indicates that the property owners are choosing to build above the minimum ordinance requirements.

These two items could reduce the development costs and single family home construction costs by 35%.

If a new subdivision created single family lots with the lot width reduced from 90 to 80 feet, the public infrastructure costs* could be reduced by 10%.

* Estimate is for roads and public utilities only. Costs do not include street lighting, signs, private utilities, imported fill, site grading, storm water ponds or any work outside of the road right of way. All costs assume average unit prices, depths, sizes, and spacing.

If a new subdivision limited the maximum size of a single family house to 2,000 square feet this could provide a building construction cost savings of over 25%.
Chapter 420. Zoning Ordinance

Article XVI. District Regulations

§ 420-105. R-1 Rural Residential District.

A. Purpose and characteristics. The R-1 Rural Residential District is intended to provide for single-family residential development, in a predominantly rural setting, at densities not to exceed 0.2 dwelling unit per acre.

B. Permitted uses.

1. Principal uses.
   
   (a) Community-based residential facility (CBRF) having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.

   (b) Essential services.

   (c) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.

   (d) One single-family dwelling, which may include a private garage or carport attached to the dwelling.

   (e) Commercial communication structures (per § 420-89).

      [Added 4-7-2014 by Ord. No. 14-08]

2. Accessory uses.

   (a) No more than a total of three detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use (per § 420-86).

   (b) Home occupations (per Article VII).
C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses.

(a) Community-based residential facility (CBRF) having nine but not more than 15 persons which shall be in conformance with all state statutory requirements.

(b) Model single-family homes and related temporary real estate sales offices or marketing centers located within the model unit or as a separate structure [per § 420-148B(67)].

(c) (Reserved)[1]

[1] Editor’s Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses.

(a) No more than two household stables [per § 420-148B(44)].

(b) Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots located within common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(c) Guard houses and gate houses [per § 420-139B(1)(m)].
D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

   (1) Lots shall have a minimum area of five acres.

   (2) All lots shall have a frontage of not less than 300 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 150 feet of frontage, provided that there is at least 300 feet of width at the required building setback line.

F. Single-family dwelling standards.

   (1) No building or parts of a building shall exceed 35 feet in height, except as provided in § 420-139A(5).

   (2) The minimum floor area of a dwelling, excluding the garage, decks, porches and basement, shall be 2,000 square feet with a minimum first floor area of 1,500 square feet.

   (3) The dwelling shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

   (4) Placement of the dwelling unit shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

   (5) For all one-story dwellings, the length to width ratio of the dwelling unit (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet), as measured at the foundation, shall not be greater than two to one (i.e., the length shall not be more than twice the width). The length of the dwelling unit is that side of the dwelling that is the longest, and the width is that side of the dwelling which is the shortest, as shown in Illustration 5 in Appendix A.

   (6) The minimum width of the dwelling unit shall be 28 feet, as measured at the foundation (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet). The width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.

   (7) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.


   (8) Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.
(9) Permitted exterior materials (including accessory garages and carports) include brick, stone, wood, masonry, concrete, stucco, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(10) The front facade of the structure shall be placed parallel to the street property line, unless otherwise approved by the Zoning Administrator.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads, except as provided for in § 420-139B(2)(a).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways. [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 25 feet minimum.

(5) Rear setback: 50 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.


A. Purpose and characteristics. The R-2 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 1.1 dwelling units per net acre, served by public sanitary sewerage facilities.

B. Permitted uses.

(1) Principal uses.

(a) Community-based residential facility (CBRF) having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.

(b) Essential services.

(c) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.
(d) One single-family dwelling, which may include a private garage or carport attached to the dwelling.

(e) Commercial communication structures (per § 420-89).
    [Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses.

(a) No more than a total of three detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use (per § 420-86).

(b) Home occupations (per Article VII).

(c) Driveways (per § 420-46).

(d) Swimming pools/hot tubs (per Article XII).

(e) Fences (per Article XI).

(f) Decks (per § 420-87).

(g) Sport courts (per § 420-88).

(h) Residential communication structures (per § 420-90).

(i) Bus shelters [per § 420-139B(1)(e)].

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses.

(a) Community-based residential facility (CBRF) having nine but not more than 15 persons which shall be in conformance with all state statutory requirements.

(b) Model single-family homes and related temporary real estate sales offices or marketing centers located within the model unit or as a separate structure [per § 420-148B(67)].

(c) [Reserved][1]

[1] Editor's Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.
(2) Accessory uses.

(a) Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots located within common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses [per § 420-139B(1)(m)].

D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

(1) Lots shall have a minimum area of 40,000 square feet.

(2) All lots shall be not less than 150 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 75 feet of frontage, provided that there is at least 150 feet of width at the required building setback line.

F. Single-family dwelling standards.

(1) No building or parts of a building shall exceed 35 feet in height, except as provided in § 420-139A(5).

(2) The minimum floor area of a dwelling, excluding the garage, decks, porches and basement, shall be 2,000 square feet with a minimum first floor area of 1,500 square feet.

(3) The dwelling shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

(4) Placement of the dwelling unit shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(5) For all one-story dwellings, the length to width ratio of the dwelling unit (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet), as measured at the foundation, shall not be greater than two to one (i.e., the length shall not be more than twice the width). The length of the dwelling unit is that side of the dwelling that is the longest, and the width is that side of the dwelling which is the shortest, as shown in Illustration 5 in Appendix A.

(6) The minimum width of the short side of a dwelling unit shall be 28 feet, as measured at the foundation (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet). The width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.
(7) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.

(8) Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(9) Permitted exterior materials (including accessory garages and carports) include brick, stone, wood, masonry, concrete, stucco, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(10) The front facade of the structure shall be placed parallel to the street property line, unless otherwise approved by the Zoning Administrator.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads, except as provided for in § 420-139B(2)(a).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
   [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 25 feet minimum.

(5) Rear setback: 50 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.


A. Purpose and characteristics. The R-3 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not to exceed 2.2 dwelling units per net acre, served only by public sanitary sewage facilities.

B. Permitted uses.

(1) Principal uses.
(a) Community-based residential facility (CBRF) having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.

(b) Essential services.

(c) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.

(d) One single-family dwelling, which may include a private garage or carport attached to the dwelling.

(e) Commercial communication structures (per § 420-89).
   [Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses.

   (a) No more than a total of three detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use (per § 420-86).

   (b) Home occupations (per Article VII).

   (c) Driveways (per § 420-46).

   (d) Swimming pools/hot tubs (per Article XII).

   (e) Fences (per Article XI).

   (f) Decks (per § 420-87).

   (g) Sport courts (per § 420-88).

   (h) Residential communication structures (per § 420-90).

   (i) Bus shelters [per § 420-139B(1)(e)].

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

   (1) Principal uses.

      (a) Community-based residential facility (CBRF) having nine but not more than 15 persons which shall be in conformance with all state statutory requirements.
(b) Model single-family homes and related temporary real estate sales offices or marketing centers located within the model unit or as a separate structure [per § 420-148B(67)].

(c) (Reserved)\[1\]

\[1\] Editor's Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses.

(a) Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots located within common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses [per § 420-139B(1)(m)].

D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

(1) Lots shall have a minimum area of 20,000 square feet.

(2) All lots shall be not less than 100 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 50 feet of frontage, provided that there is at least 100 feet of width at the required building setback line.

F. Single-family dwelling standards.

(1) No building or parts of a building shall exceed 35 feet in height, except as provided in § 420-139A(5).

(2) The minimum floor area of a dwelling, excluding the garage, decks, porches and basement, shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.

(3) The dwelling shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

(4) Placement of the dwelling unit shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(5) For all one-story dwellings, the length to width ratio of the dwelling unit (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet), as measured at the foundation, shall not be greater than two to one (i.e., the length shall not be more
than twice the width). The length of the dwelling unit is that side of the dwelling that is the longest, and the width is that side of the dwelling which is the shortest, as shown in Illustration 5 in Appendix A.

(6) The minimum width of the short side of a dwelling unit shall be 28 feet, as measured at the foundation (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet). The width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.

(7) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator. [Amended 10-1-2007 by Ord. No. 07-40; 11-19-2007 by Ord. No. 07-50]

(8) Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(9) Permitted exterior materials (including accessory garages and carports) include brick, stone, wood, masonry, concrete, stucco, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(10) The front facade of the structure shall be placed parallel to the street property line, unless otherwise approved by the Zoning Administrator.

G. Setbacks

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads, except as provided for in § 420-139B(2(a).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways. [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 10 feet minimum, except that if an attached garage is not constructed at the same time that the single-family dwelling is constructed, then a fifteen-foot side setback shall be required on at least one side.

(5) Rear setback: 25 feet minimum.

H. Authorized sanitary sewer system: See § 420-32 of this chapter.

I. Authorized water supply system: See § 420-33 of this chapter.

A. Purpose and characteristics. The R-4 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not exceeding 2.9 dwelling units per net acre, served by public sanitary sewage facilities.

B. Permitted uses.

(1) Principal uses.

   (a) Community-based residential facility (CBRF) having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.

   (b) Essential services.

   (c) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.

   (d) One single-family dwelling, which may include a private garage or carport attached to the dwelling.

   (e) Commercial communication structures (per § 420-89).

       [Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses.

   (a) No more than a total of three detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use (per § 420-86).

   (b) Home occupations (per Article VII).

   (c) Driveways (per § 420-46).

   (d) Swimming pools/hot tubs (per Article XII).

   (e) Fences (per Article XI).

   (f) Decks (per § 420-87).

   (g) Sport courts (per § 420-88).

   (h) Residential communication structures (per § 420-90).
(i) Bus shelters [per § 420-139B(1)(e)].

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses.

(a) Community-based residential facility (CBRF) having nine but not more than 15 persons which shall be in conformance with all state statutory requirements.

(b) Model single-family homes and related temporary real estate sales offices or marketing centers located within the model unit or as a separate structure [per § 420-148B(67)].

(c) (Reserved)[1]

[1] Editor's Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses.

(a) Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots located within common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses [per § 420-139B(1)(m)].

D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

(1) Lots shall have a minimum of 15,000 square feet.

(2) All lots shall be not less than 90 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 45 feet of frontage, provided that there is at least 90 feet of width at the required building setback line.

F. Single-family dwelling standards.

(1) No building or parts of a building shall exceed 35 feet in height, except as provided in § 420-139A(5).

(2) The minimum floor area of a dwelling, excluding the garage, decks, porches and basement, shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.
(3) The dwelling shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

(4) Placement of the dwelling unit shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(5) For all one-story dwellings, the length to width ratio of the dwelling unit (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet), as measured at the foundation, shall not be greater than two to one (i.e., the length shall not be more than twice the width). The length of the dwelling unit is that side of the dwelling that is the longest, and the width is that side of the dwelling which is the shortest, as shown in Illustration 5 in Appendix A.

(6) The minimum width of the short side of a dwelling unit shall be 28 feet, as measured at the foundation (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet). The width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.

(7) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.


(8) Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(9) Permitted exterior materials (including accessory garages and carports) include brick, stone, wood, masonry, concrete, stucco, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(10) The front facade of the structure shall be placed parallel to the street property line, unless otherwise approved by the Zoning Administrator.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads, except as provided for in § 420-139B(2)(a).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.

[Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 10 feet minimum, except that if an attached garage is not constructed at the same time that the single-family dwelling is constructed, then a fifteen-foot side setback shall be required on at least one side.
(5) Rear setback: 25 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.


A. Purpose and characteristics. The R-4.5 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not exceeding 3.5 dwelling units per net acre, served only by public sanitary sewage facilities.

B. Permitted uses.

(1) Principal uses.

(a) Community-based residential facility (CBRF) having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.

(b) Essential services.

(c) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.

(d) One single-family dwelling, which may include a private garage or carport attached to the dwelling.

(e) Commercial communication structures (per § 420-89).

[Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses.

(a) No more than a total of three detached structures: private garages, gardening, tool, and storage sheds; or gazebos incidental to the residential use (per § 420-86).

(b) Home occupations (per Article VII).

(c) Driveways (per § 420-46).

(d) Swimming pools/hot tubs (per Article XII).

(e) Fences (per Article XI).
C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses.

(a) Community-based residential facility (CBRF) having nine but not more than 15 persons which shall be in conformance with all state statutory requirements.

(b) Model single-family homes and related temporary real estate sales offices or marketing centers located within the model unit or as a separate structure [per § 420-148B(67)].

(c) (Reserved)[1]

[1] Editor's Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses.

(3) Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots located within common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(4) Guard houses and gate houses [per § 420-139B(1)(m)].

D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

(1) Lots shall have a minimum of 12,500 square feet.
(2) All lots shall be not less than 80 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 45 feet of frontage, provided that there is at least 80 feet of width at the required building setback line.

F. Single-family dwelling standards.

(1) No building or parts of a building shall exceed 35 feet in height, except as provided in § 420-139A(5).

(2) The minimum floor area of a dwelling, excluding the garage, decks, porches and basement, shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.

(3) The dwelling shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

(4) Placement of the dwelling unit shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(5) For all one-story dwellings, the length to width ratio of the dwelling unit (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet), as measured at the foundation, shall not be greater than two to one (i.e., the length shall not be more than twice the width). The length of the dwelling unit is that side of the dwelling that is the longest, and the width is that side of the dwelling which is the shortest, as shown in Illustration 5 in Appendix A.

(6) The minimum width of the short side of a dwelling unit shall be 26 feet, as measured at the foundation (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet). The width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.

(7) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator. [Amended 10-1-2007 by Ord. No. 07-4011-19-2007 by Ord. No. 07-50]

(8) Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(9) Permitted exterior materials (including accessory garages and carports) include brick, stone, wood, masonry, concrete, stucco, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(10) The front facade of the structure shall be placed parallel to the street property line, unless otherwise approved by the Zoning Administrator.

G. Setbacks.
(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads, except as provided for in § 420-139B(2)(a).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
   [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 10 feet minimum, except that if an attached garage is not constructed at the same time that the single-family dwelling is constructed, then a fifteen-foot side setback shall be required on at least one side

(5) Rear setback: 25 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.


A. Purpose and characteristics. The R-5 Urban Single-Family Residential District is intended to provide for single-family residential development, at densities not exceeding 4.4 dwelling units per net acre, served by public sanitary sewage facilities.

B. Permitted uses.

(1) Principal uses.
   (a) Community-based residential facility (CBRF) having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.

   (b) Essential services.

   (c) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.

   (d) One single-family dwelling, which may include a private garage or carport attached to the dwelling.

   (e) Commercial communication structures (per § 420-89).
   [Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses.
(a) No more than a total of three detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use (per § 420-86).

(b) Home occupations (per Article VII).

(c) Driveways (per § 420-46).

(d) Swimming pools/hot tubs (per Article XII).

(e) Fences (per Article XI).

(f) Decks (per § 420-87).

(g) Sport courts (per § 420-88).

(h) Residential communication structures (per § 420-90).

(i) Boathouses [per § 420-139B(1)(d)].

(j) Davits [per § 420-139B(1)(h)].

(k) Bus shelters [per § 420-139B(1)(e)].

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses.

(a) Community-based residential facility (CBRF) having nine but not more than 15 persons which shall be in conformance with all state statutory requirements.

(b) Model single-family homes and related temporary real estate sales offices or marketing centers located within the model unit or as a separate structure [per § 420-148B(67)].

(c) (Reserved)[1]

[1] Editor's Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses.

(a)
Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots located within common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses [per § 420-139B(1)(m)].

D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

1. Lots shall have a minimum of 10,000 square feet.

2. All lots shall be not less than 75 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 40 feet of frontage, provided that there is at least 75 feet of width at the required building setback line.

F. Single-family dwelling standards.

1. No building or parts of a building shall exceed 35 feet in height, except as provided in § 420-139A(5).

2. The minimum floor area of a dwelling, excluding the garage, decks, porches and basement, shall be 1,200 square feet with a minimum first floor area of 900 square feet.

3. The dwelling shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

4. Placement of the dwelling unit shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

5. For all one-story dwellings, the length to width ratio of the dwelling unit (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet), as measured at the foundation, shall not be greater than two to one (i.e., the length shall not be more than twice the width). The length of the dwelling unit is that side of the dwelling that is the longest, and the width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.

6. The minimum width of the short side of a dwelling unit shall be 24 feet, as measured at the foundation (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet). The width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.

(7)
The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator. [Amended 10-1-2007 by Ord. No. 07-4011-19-2007 by Ord. No. 07-50]

(8) Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(9) Permitted exterior materials (including accessory garages and carports) include brick, stone, wood, masonry, concrete, stucco, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(10) The front facade of the structure shall be placed parallel to the street property line, unless otherwise approved by the Zoning Administrator.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads, except as provided for in §420-139B(2)(a).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways. [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 10 feet minimum, except that if an attached garage is not constructed at the same time that the single-family dwelling is constructed, then a fifteen-foot side setback shall be required on at least one side.

(5) Rear setback: 25 feet minimum.

H. Authorized sanitary sewer system. See §420-32 of this chapter.

I. Authorized water supply system. See §420-33 of this chapter.

§ 420-111. R-6 Urban Single-Family Residential District.

A. Purpose and characteristics. The R-6 Urban Single-Family Residential District is intended to accommodate existing single-family development where densities may reach 7.3 dwelling units per net acre in order that residences in these districts shall not be rendered nonconforming uses. The district further provides for new development to fill in voids in existing small lot subdivisions. All R-6 residential development should preferably be served by public sanitary sewage systems. Any additional lands or new subdivisions shall be considered for rezoning into this district only if the
parcel in question abuts a city of the second class and furthermore abuts a residential subdivision located within the city of the second class and only if the individual parcels in the aforementioned subdivision are 6,000 square feet per unit or less and served by public sanitary sewer.

B. Permitted uses.

(1) Principal uses.

(a) Community-based residential facility (CBRF) having a capacity of eight or fewer persons and which shall be in conformance with all state statutory requirements.

(b) Essential services.

(c) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.

(d) One single-family dwelling, which may include a private garage or carport attached to the dwelling.

(e) Commercial communication structures (per § 420-89).
   [Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses.

(a) No more than a total of two detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use (per § 420-86).

(b) Home occupations (per Article VII).

(c) Driveways (per § 420-46).

(d) Swimming pools/hot tubs (per Article XII).

(e) Fences (per Article XI).

(f) Decks (per Section 420-87).

(g) Sport courts (per § 420-88).

(h) Residential communication structures (per § 420-90).

(i) Bus shelters [per § 420-139B(1)(e)].
C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see also Article XVIII).

(1) Principal uses.

(a) Community-based residential facility (CBRF) having nine but not more than 15 persons which shall be in conformance with all state statutory requirements.

(b) Model single-family homes and related temporary real estate sales offices or marketing centers located within the model unit or as a separate structure [per § 420-148B(67)].

(c) (Reserved)[1]

[1] Editor’s Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses.

(a) Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots located within common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses [per § 420-139B(1)(m)].

D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

(1) Lots shall have a minimum area of 6000 square feet.

(2) All lots shall be not less than 60 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 30 feet of frontage, provided that there is at least 60 feet of width at the required building setback line.

F. Single-family dwelling standards.

(1) No building or parts of a building shall exceed 35 feet in height, except as provided in § 420-139A(5).

(2) The minimum floor area of a dwelling, excluding the garage, decks, porches and basement, shall be 1,200 square feet with a minimum first floor area of 700 square feet.
The dwelling shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

(4) Placement of the dwelling unit shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(5) For all one-story dwellings, the length to width ratio of the dwelling unit (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet), as measured at the foundation, shall not be greater than two to one (i.e., the length shall not be more than twice the width). The length of the dwelling unit is that side of the dwelling that is the longest, and the width is that side of the dwelling which is the shortest, as shown in Illustration 5 in Appendix A.

(6) The minimum width of the short side of a dwelling unit shall be 24 feet, as measured at the foundation (excluded are decks, porches, bay windows, chimneys and any projections less than 25 square feet). The width is that side of the dwelling which is the shortest as shown in Illustration 5 in Appendix A.

(7) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.


(8) Permitted roof surface materials (including accessory garages and carports) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(9) Permitted exterior materials (including accessory garages and carports) include brick, stone, wood, masonry, concrete, stucco, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(10) The front facade of the structure shall be placed parallel to the street property line, unless otherwise approved by the Zoning Administrator.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads, except as provided for in § 420-139B(2)(a).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.

[Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: eight feet minimum, except that if an attached garage is not constructed at the same time that the single-family dwelling is constructed, then a fifteen-foot side setback shall be required on at least one side.
(5) Rear setback: 25 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.

§ 420-112. R-7 Multiple-Family Residential District.

A. Primary purpose and characteristics. The R-7 Multiple-Family Residential District is intended to provide for three-family residential development wherein the net density shall not exceed 3.1 dwelling units per acre.

B. Permitted uses/structures.

(1) Principal uses/structures.

(a) One three-family structure (three attached units), which may include private garages attached to the structure.

(b) Commercial communication structures (per § 420-89).
   [Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses/structures, including but not limited to:

(a) No more than a total of two of the following detached accessory buildings: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use per § 420-86.

(b) Home occupations per Article VII.

(c) Driveways per § 420-47.

(d) Fences per Article XI.

(e) Decks and porches per § 420-87.

(f) Residential communication structures per § 420-90.

(g) Bus shelters per § 420-139B(1)(e).

(h) Signs per Article X.

(i) Essential services, which may be constructed on the lot prior to construction of the permitted principal structure.
C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

1. Principal uses/structures.
   a. Community living arrangements within a permitted principal structure [see also § 420-148B(21)].
   b. Model three-family structure or unit and related temporary real estate sales offices or marketing center located within the model unit or as a separate structure [see also § 420-148B(65)].
   c. Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.
   d. (Reserved)[1]

[1] Editor's Note: Former Subsection C(1)(d), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

2. Accessory uses/structures.
   a. Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.
   b. Guard houses and gate houses.
   c. (Reserved)[2]

[2] Editor's Note: Former Subsection C(2)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

3. Unclassified uses and structures. It is recognized that it is neither possible nor practical to list all of the permitted accessory uses and structures that are compatible with those listed above in Subsection B, and therefore it is intended that said list of accessory uses and structures be only illustrative. Any individual aggrieved by a failure to list a permitted accessory use or structure in said subsection shall have the right to file a petition with the Village Zoning Administrator for determination. The Village Zoning Administrator, in making the determination, shall find that an accessory use or structure is subordinate to the permitted principal use of a structure, land or water, is located on the same lot or parcel and serves a purpose customarily incidental to the permitted principal use in said district.

D. Lot area and width.
(1) Lots shall have a minimum area of 40,000 square feet.

(2) All lots shall have a minimum frontage of 175 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 100 feet of frontage, provided that there is at least 175 feet of width at the required building setback line.

E. Design standards.

(1) No building or parts of a building shall exceed 35 feet in height.

(2) The floor area of each dwelling unit, excluding garages, decks, porches and basements, shall be a minimum of 1,400 square feet with a minimum first floor area of 1,000 square feet.

(3) Placement of each structure shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(4) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.


(5) Permitted roof surface materials (including garages) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(6) Permitted exterior materials (including garages) include brick, stone, masonry, concrete, stucco, wood, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. At a minimum, 50% of each wall surface, excluding windows, doors and garage doors, shall be constructed of brick, stone, masonry or concrete. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(7) The front facade of the structure shall be placed parallel to the street property line, unless it is determined by the Zoning Administrator that aesthetics, lot configuration, layout of the neighboring structures, curve of the road or environmental features on the lot prohibit the structure from being placed parallel to the street property line.

(8) No more than three overhead garage doors shall face directly toward a public right-of-way; this includes three single overhead garage doors or one double and one single overhead garage door.

(9) All exterior additions or alterations shall be constructed of the same or complementary colors and materials and in the same architectural style as the principal structure.

(10) A minimum of 50% of the lot shall remain as open space.

F. Setbacks.
(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
   [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 20 feet minimum.

(5) Rear setback: 40 feet minimum.

G. Authorized sanitary sewer system: See § 420-32 of this chapter.

H. Authorized water supply system: See § 420-33 of this chapter.

§ 420-113. R-8 Urban Two-Family Residential District.

A. Primary purpose and characteristics. The R-8 Urban Two-Family Residential District is intended to provide for two-family residential development wherein the net density shall not exceed 4.4 dwelling units per acre.

B. Permitted uses/structures

   (1) Principal uses/structures.

      (a) One two-family structure (two attached units) which may include private garages attached to the dwellings.

      (b) Commercial communication structures (per § 420-89).
         [Added 4-7-2014 by Ord. No. 14-08]

   (2) Accessory uses/structures, including but not limited to:

      (a) No more than a total of two of the following detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use per § 420-86.

      (b) Home occupations per Article VII.

      (c) Driveways per § 420-46.

      (d) Swimming pools per Article XII.
(e) Fences per Article XI.

(f) Decks and porches per § 420-87.

(g) Residential communication structures per § 420-90.

(h) Bus shelters per § 420-139B(1)(e).

(i) Signs per Article X.

(j) Recreational equipment.

(k) Essential services, which may be constructed on the lot prior to construction of the permitted principal structure.

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses/structures.

(a) Community living arrangements within a permitted principal structure [see also § 420-148B(21)].

(b) Model two-family structure/unit and related temporary real estate sales offices or marketing center located within the model unit or as a separate structure [see also § 420-148B(65)].

(c) Common recreational facilities accessory to a two-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(d) (Reserved)[1]

[1] Editor's Note: Former Subsection C(1)(d), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses/structures.

(a) Common recreational facilities accessory to a two-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses.
D. Unclassified uses. It is recognized that it is neither possible nor practical to list all of the permitted accessory uses and structures that are compatible with those listed above in Subsection B, and therefore it is intended that said list of accessory uses and structures be only illustrative. Any individual aggrieved by a failure to list a permitted accessory use or structure in said subsection shall have the right to file a petition with the Village Zoning Administrator for determination. The Village Zoning Administrator, in making the determination, shall find that an accessory use or structure is subordinate to the permitted principal use of a structure, land or water, is located on the same lot or parcel and serves a purpose customarily incidental to the permitted principal use in said district.

E. Lot area and width.

(1) Lots shall have a minimum area of 20,000 square feet.

(2) All lots shall have a minimum frontage of 100 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 50 feet of frontage, provided that there is at least 100 feet of width at the required building setback line.

F. Design standards.

(1) No building or parts of a building shall exceed 35 feet in height.

(2) The minimum floor area of each two-family structure (excluding garages, decks and porches) shall be 2,000 square feet or 1,000 square feet per unit, with the minimum first floor area of the structure being 1,500 square feet.

(3) The structure shall be set on an enclosed permanent foundation unless the soil-bearing capacity, as determined by a structural engineer, prohibits such foundation.

(4) Placement of each structure shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(5) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.


(6) Permitted roof surface materials (including garages) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(7) Permitted exterior materials (including garages) include brick, stone, masonry, concrete, stucco, wood, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator.
(8) The front facade of the structure shall be placed parallel to the street property line, unless it is determined by the Zoning Administrator that aesthetics, lot configuration, layout of the neighboring structures, curve of the road or environmental features on the lot prohibit the structure from being placed parallel to the street property line.

(9) No more than four overhead garage doors per structure shall face directly toward a public right-of-way; this includes four single overhead garage doors or one double and two single overhead garage doors or two double garage doors.

(10) All exterior additions or alterations shall be constructed of the same or complementary colors and materials and in the same architectural style as the principal structure.

(11) A minimum of 50% of the lot shall remain as open space.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads.

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
   [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 10 feet minimum.

(5) Rear setback: 30 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.

§ 420-114. R-9 Multiple-Family Residential District.

A. Primary purpose and characteristics. The R-9 Multiple-Family Residential District is intended to provide for multiple-family residential development wherein the net density shall not exceed four dwelling units per acre.

B. Permitted uses/structures.

(1) Principal uses/structures.

   (a) One multiple-family structure not to exceed four dwelling units per structure, which may include private garages attached to the structure.
(b) Commercial communication structures (per § 420-89).

[Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses/structures, including but not limited to:

(a) No more than a total of two of the following detached structures: private garages; gardening, tool, and storage sheds; or gazebos incidental to the residential use per § 420-86.

(b) Home occupations per Article VII.

(c) Driveways per Section 420-47.

(d) Fences per Article XI.

(e) Decks and porches per § 420-87.

(f) Residential communication structures per § 420-90.

(g) Bus shelters per § 420-139B(1)(e).

(h) Signs per Article X.

(i) Essential services, which may be constructed on the lot prior to construction of the permitted principal structure.

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses/structures.

(a) Community living arrangements within a permitted principal structure [see also § 420-148B(21)].

(b) Model units and related temporary real estate sales offices or marketing center located within the model unit or as a separate structure [see also § 420-148B(65)].

(c) Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(d) (Reserved)[1]
(2) Accessory uses/structures.

(a) Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses.

(c) (Reserved)  

D. Unclassified uses. It is recognized that it is neither possible nor practical to list all of the permitted accessory uses and structures that are compatible with those listed above in Subsection B, and therefore it is intended that said list of accessory uses and structures be only illustrative. Any individual aggrieved by a failure to list a permitted accessory use or structure in said subsection shall have the right to file a petition with the Village Zoning Administrator for determination. The Village Zoning Administrator, in making the determination, shall find that an accessory use or structure is subordinate to the permitted principal use of a structure, land or water, is located on the same lot or parcel and serves a purpose customarily incidental to the permitted principal use in said district.

E. Lot area and width.

(1) Lots shall have a minimum area of 43,560 square feet (one acre).

(2) All lots shall have a minimum frontage of 200 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 100 feet of frontage, provided that there is at least 200 feet of width at the required building setback line.

F. Design standards.

(1) No building or parts of a building shall exceed 35 feet in height.

(2) The units in each structure shall meet the following requirements:

(a) Efficiency or one-bedroom units shall have a minimum floor area of 700 square feet;

(b) Two-bedroom units shall have a minimum floor area of 1,000 square feet; and

(c) Three- or more bedroom units shall have a minimum floor area of 1,200 square feet.

[1] Editor's Note: Former Subsection C(1)(d), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

[2] Editor's Note: Former Subsection C(2)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.
Placement of each structure shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the
existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(4) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical
wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.

(5) Permitted roof surface materials (including garages) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles,
concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(6) Permitted exterior materials (including garages) include brick, stone, masonry, concrete, stucco, wood, aluminum or vinyl siding or other
appropriate siding material as approved by the Village Zoning Administrator. At a minimum, 50% of each wall surface, excluding windows,
doors and garage doors, shall be constructed of brick, stone, masonry or concrete. The exterior siding shall extend to the top of the foundation
and be within six inches above the final grade.

(7) The front facade of the structure shall be placed parallel to the street property line, unless it is determined by the Zoning Administrator that
aesthetics, lot configuration, layout of the neighboring structures, curve of the road or environmental features on the lot prohibit the structure
from being placed parallel to the street property line.

(8) No overhead garage doors shall face directly toward any public right-of-way.

(9) All exterior additions or alterations shall be constructed of the same or complementary colors and materials and in the same architectural style
as the principal structure.

(10) A minimum of 25% of the lot shall remain as open space.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
[Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 20 feet minimum.

(5) Rear setback: 30 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.
§ 420-115. R-10 Multiple-Family Residential District.

A. Primary purpose and characteristics. The R-10 Multiple-Family Residential District is intended to provide for multiple-family residential development wherein the net density shall not exceed 5.3 dwelling units per acre.

B. Permitted uses/structures.

(1) Principal uses/structures.

(a) One multiple-family structure not to exceed eight units per structure, which may include private garages attached to the structure.

(b) Commercial communication structures (per § 420-89).

[Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses/structures, including but not limited to:

(a) No more than one of the following detached structures: private garages per § 420-86.

(b) No more than two of the following detached structures: gardening, tool, and storage sheds or gazebos incidental to the residential use per § 420-86.

(c) Home occupations per Article VII.

(d) Driveways per § 420-47.

(e) Fences per Article XI.

(f) Decks and porches per § 420-87.

(g) Residential communication structures per § 420-90.

(h) Bus shelters per § 420-139B(1)(e).

(i) Signs per Article X.

(j) Essential services, which may be constructed on the lot prior to construction of the permitted principal structure.

C.
Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses/structures.
   (a) Community living arrangements within a permitted principal structure [see also § 420-148B(21)].
   (b) Model units and related temporary real estate sales offices or marketing center located within the model unit or as a separate structure.
   (c) Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.
   (d) Reserved[1]
[1] Editor's Note: Former Subsection C(1)(d), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses/structures.
   (a) Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.
   (b) Guard houses and gate houses.
   (c) Reserved[2]
[2] Editor's Note: Former Subsection C(2)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

D. Unclassified uses. It is recognized that it is neither possible nor practical to list all of the permitted accessory uses and structures that are compatible with those listed above in Subsection B, and therefore it is intended that said list of accessory uses and structures be only illustrative. Any individual aggrieved by a failure to list a permitted accessory use or structure in said subsection shall have the right to file a petition with the Village Zoning Administrator for determination. The Village Zoning Administrator, in making the determination, shall find that an accessory use or structure is subordinate to the permitted principal use of a structure, land or water, is located on the same lot or parcel and serves a purpose customarily incidental to the permitted principal use in said district.

E. Lot area and width.
   (1) Lots shall have a minimum area of 65,340 square feet (1.5 acres).
(2) All lots shall have a minimum frontage of 200 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be reduced to 100 feet of frontage, provided that there is at least 200 feet of width at the required building setback line.

F. Design standards.

(1) No building or parts of a building shall exceed 35 feet in height.

(2) The units in each structure shall meet the following requirements:

   (a) Efficiency or one-bedroom units shall have a minimum floor area of 700 square feet;

   (b) Two-bedroom units shall have a minimum floor area of 1,000 square feet; and

   (c) Three- or more bedroom units shall have a minimum floor area of 1,200 square feet.

(3) Placement of each structure shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(4) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.


(5) Permitted roof surface materials (including garages) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(6) Permitted exterior materials (including garages) include brick, stone, masonry, concrete, stucco, wood, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. At a minimum, 50% of each wall surface, excluding windows, doors and garage doors, shall be constructed of brick, stone, masonry or concrete. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(7) The front facade of the structure shall be placed parallel to the street property line, unless it is determined by the Zoning Administrator that aesthetics, lot configuration, layout of the neighboring structures, curve of the road or environmental features on the lot prohibit the structure from being placed parallel to the street property line.

(8) No overhead garage doors shall face directly toward a public right-of-way.

(9) All exterior additions or alterations shall be constructed of the same or complementary colors and materials and in the same architectural style as the principal structure.

(10) A minimum of 25% of the lot shall remain as open space.
G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
   [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 25 feet minimum.

(5) Rear setback: 50 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.

§ 420-116. R-11 Multiple-Family Residential District.

A. Primary purpose and characteristics. The R-11 Multiple-Family Residential District is intended to provide for multiple-family residential development wherein the net density shall not exceed 9.6 dwelling units per acre.

B. Permitted uses/structures.

(1) Principal uses/structures.

   (a) One multifamily structure not to exceed 24 units per structure, which shall include private garages attached to the structure.

   (b) Commercial communication structures (per § 420-89).
      [Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses/structures, including but not limited to:

   (a) No more than a total of three of the following detached structures: private garages per § 420-86.

   (b) No more than a total of two of the following detached structures: gardening, tool, and storage sheds or gazebos incidental to the residential use per § 420-86.

   (c) Home occupations per Article VII.
(d) Driveways per § 420-47.

(e) Fences per Article XI.

(f) Decks and porches per § 420-87.

(g) Residential communication structures per § 420-90.

(h) Bus shelters per § 420-139B(1)(e).

(i) Signs per Article X.

(j) Essential services, which may be constructed on the lot prior to construction of the permitted principal structure.

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses/structures.

(a) One multiple-family structure not to exceed 36 units per structure, which shall include private garages attached to the structure [see also § 420-148B(69)].

(b) Community living arrangements within a permitted principal structure [see also § 420-148B(22)].

(c) Model units and related temporary real estate sales offices or marketing center located within the model unit or as a separate structure [see also § 420-148B(65)].

(d) Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(e) (Reserved)[1]

[1] Editor’s Note: Former Subsection C(1)(e), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses/structures.

(a) Common recreational facilities accessory to a multiple-family complex which is planned and developed as a coordinated whole and is unified by covenants running with the land and not open to the general public, such as but not limited to in-ground swimming pools, hot
tubs, sport courts, clubhouses, recreational trails, walking trails and tot lots located within the common areas of the development, provided
that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(b) Guard houses and gate houses.

(c) Reserved

[2] Editor's Note: Former Subsection C(2)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

D. Unclassified uses. It is recognized that it is neither possible nor practical to list all of the permitted accessory uses and structures that are
compatible with those listed above in Subsection B, and therefore it is intended that said list of accessory uses and structures be only illustrative.
Any individual aggrieved by a failure to list a permitted accessory use or structure in said subsection shall have the right to file a petition with the
Village Zoning Administrator for determination. The Village Zoning Administrator, in making the determination, shall find that an accessory use or
structure is subordinate to the permitted principal use of a structure, land or water, is located on the same lot or parcel and serves a purpose
customarily incidental to the permitted principal use in said district.

E. Lot area and width.

(1) Lots shall have a minimum area of 108,900 square feet (2.5 acres).

(2) All lots shall have a minimum frontage of 200 feet in width unless located on a cul-de-sac or curve, in which case the lot frontage may be
reduced to 100 feet of frontage, provided that there is at least 200 feet of width at the required building setback line.

F. Design standards.

(1) No building or parts of a building shall exceed 35 feet in height.

(2) The units in each structure shall meet the following requirements:

(a) Efficiency or one-bedroom units shall have a minimum floor area of 700 square feet;

(b) Two-bedroom units shall have a minimum floor area of 1,000 square feet; and

(c) Three- or more bedroom units shall have a minimum floor area of 1,200 square feet.

(3) Placement of each structure shall provide for proper drainage away from the foundation and shall accommodate drainage on and through the
existing property by not negatively affecting the existing drainage patterns or the capabilities of draining the abutting properties.

(4) The main roof of the dwelling shall have a minimum roof pitch of 4:12, and the eaves on the main roof shall extend beyond the nearest vertical
wall a minimum of one foot, or the roof pitch and/or eave length may be reduced as approved by the Village Zoning Administrator.
(5) Permitted roof surface materials (including garages) include wood shakes, asphalt, fiberglass, composition or wood shingles, clay tiles, concrete tiles, slate or other appropriate roofing material as approved by the Village Zoning Administrator.

(6) Permitted exterior materials (including garages) include brick, stone, masonry, concrete, stucco, wood, aluminum or vinyl siding or other appropriate siding material as approved by the Village Zoning Administrator. At a minimum, 50% of each wall surface, excluding windows, doors and garage doors, shall be constructed of brick, stone, masonry or concrete. The exterior siding shall extend to the top of the foundation and be within six inches above the final grade.

(7) The front facade of the structure shall be placed parallel to the street property line, unless it is determined by the Zoning Administrator that aesthetics, lot configuration, layout of the neighboring structures, curve of the road or environmental features on the lot prohibit the structure from being placed parallel to the street property line.

(8) No overhead garage doors shall face directly toward a public right-of-way.

(9) All exterior additions or alterations shall be constructed of the same or complementary colors and materials and in the same architectural style as the principal structure.

(10) A minimum of 25% of the lot shall remain as open space.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.

[Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 30 feet minimum.

(5) Rear setback: 50 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.

§ 420-117. R-12 Manufactured Home/Mobile Home Park Subdivision Residential District.

A.
Purpose and characteristics. The R-12 Manufactured Home/Mobile Home Park Subdivision Residential District is intended to provide for the location of manufactured/mobile home parks and manufactured/mobile home subdivisions in a residential setting that is compatible with adjacent land uses.

B. Permitted uses.

(1) Principal uses.

(a) Foster family homes having fewer than four foster children and not exceeding eight total occupants and which are in conformance with all state statutory requirements.

(b) Essential services.

(c) One individual manufactured/mobile home on a lot in a manufactured/mobile home park or subdivision, which may include a private garage or carport attached to the home.

(d) Commercial communication structures (per § 420-89).

[Added 4-7-2014 by Ord. No. 14-08]

(2) Accessory uses.

(a) No more than one detached gardening, tool or storage shed or gazebo incidental to the residential use on a manufactured/mobile home lot, provided that the storage building does not exceed 150 square feet and subject to the requirements in § 420-86 of this chapter.

(b) Driveways (per § 420-46).

(c) Swimming pools (per Article XII).

(d) Decks (per § 420-87).

(e) Fences (per Article XI).

(f) Residential communication structures (per § 420-90).

(g) Bus shelters [per § 420-139B(1)(e)].

C. Conditional uses. Conditional uses are those uses that require a special review and approval process because of their potential impact upon adjacent properties (see Article XVIII).

(1) Principal uses.
(a) Manufactured/mobile home parks [per § 420-148B(64)].

(b) Manufactured/model mobile home and related temporary real estate sales office located within the model unit [per § 420-148B(66)].

(c) (Reserved) [Reserved]

[1] Editor's Note: Former Subsection C(1)(c), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

(2) Accessory uses.

(a) Recreational facilities accessory to a development, such as pools, clubhouses, recreational trails, walking trails and tot lots, provided that they are compatible with the surrounding neighborhood and serve the needs of the residents.

(3) Guard houses and gate houses [per § 420-139B(1)(m)].

D. Unclassified uses. Any use not specifically listed as a permitted use or conditional use shall be considered to be prohibited except as may be otherwise provided elsewhere in this chapter. In case of question as to the classification of use, the question shall be submitted to the Village Board for determination.

E. Lot area and width.

(1) Lots in a manufactured/mobile home park or subdivision shall have a minimum of 7,700 square feet in area.

(2) If the short side of the manufactured home/mobile home is parallel to the roadway, then the lot shall not be less than 70 feet in frontage width unless located on a cul-de-sac or curve, in which case the lot frontage width may be reduced to 45 feet of frontage width, provided that there is at least 70 feet of width at the required building setback line and provided that the lot is at least 110 feet deep.

(3) If the long side of the manufactured home/mobile home is parallel to the roadway, the lot shall not be less than 95 feet in frontage width unless located on a cul-de-sac or curve, in which case the lot frontage width may be reduced to 60 feet of frontage width, provided that there is at least 95 feet of width at the required building setback line and provided that the lot is at least 85 feet deep.

F. Manufactured/mobile home standards.

(1) No building or parts of a building shall exceed 25 feet in height.

(2) The minimum floor area shall be 600 square feet, excluding the garage, decks, and porches.

(3) The unit shall be set on a temporary foundation.
Vented skirting of flame-resistant material for a manufactured/mobile home is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. The skirting material shall be of the same material and style as the exterior siding and shall extend to the ground.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 30 feet from nonarterial streets or private roads, except as provided for in § 420-139B(2)(b).

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.
   [Amended 7-17-2017 by Ord. No. 17-32]

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: not less than eight feet to the side lot line of the manufactured/mobile home, except that if an attached garage or carport is not constructed at the same time that the manufactured/mobile home is constructed, then a fifteen-foot side setback shall be required on at least one side; also except as provided for in § 420-139B(7).

(5) Rear setback: 20 feet minimum from the manufactured/mobile home lot line.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.

§ 420-128. C-1 Lowland Resource Conservancy District.

A. Primary purpose and characteristics. The C-1 Lowland Resource Conservancy District is intended to be used to prevent destruction of valuable natural or man-made resources and to protect watercourses and wetlands, including the shorelands of navigable waters, and areas that are not naturally drained, or which are subject to periodic flooding, where development would result in hazards to health or safety and or would deplete or destroy natural resources or be otherwise incompatible with public welfare. Wetlands are unique and valuable natural resources that are becoming rare in Wisconsin and have many benefits. Wetlands filter nutrients and sediments out of water, keeping our lakes and streams clean; wetlands reduce flood damage by storing runoff from heavy rains or snow melt; wetlands are spawning and nursery areas for fish such as northern pike; wetlands are home to waterfowl, songbirds, pheasants, fur-bearers, and a number of rare or endangered animal and plant species; wetlands buffer adjacent uplands against wave and current erosion; and wetlands are scenic.

B. Designation of lowland conservancy areas. Lands mapped as wetlands have soils formed under wet conditions and have water at or near the surface often enough to be able to support plants adapted to wet conditions. For the purpose of determining which areas are to be located in the C-1 Lowland Resource Conservancy District, the Village Community Development Department has established wetland map resources which
reflect the best data available to the Village. The district delineation process shall make use of the 2005 Wisconsin Department of Natural Resources Final Wetland Inventory Maps, as may be amended from time to time, in delineating wetlands.

[Amended 10-6-2008 by Ord. No. 08-51]

C. Mapping disputes. Whenever there is a discrepancy between the Official Zoning Map and actual field conditions, the discrepancy shall be resolved by the property owner or his/her agent by completing a wetland staking by a qualified biologist by any manner specified below:

[Amended 3-7-2016 by Ord. No. 16-03]

(1) Wisconsin Department of Natural Resources (WI DNR) assured biologist. The WI DNR offers a program for wetland consultants to have WI DNR assess their accuracy in determining wetland boundaries. Individuals are assured for purposes of State of Wisconsin permits and state-mandated local programs. By using an assured biologist, concurrence from WI DNR is not needed and wetland delineation issues are unlikely to cause delays in state permit decisions for sites at which these individuals are the lead field delineator and report author. Using this method allows for early planning and the permit application process to proceed more quickly. This approval, however, may not satisfy wetland requirements for the U.S. Army Corp of Engineers (ACOE) for any required permits necessary from the ACOE. A list of WI DNR assured biologists can be found on the WI DNR website.

(a) The property owner or his/her agent contracts with a WI DNR assured biologist to complete a site investigation and wetland report and stake the location of the wetlands on the property, referred to as a "wetland staking."

(b) Upon completion of the wetland staking, the following shall be submitted to the Village:

[1] A letter from WI DNR verifying the biologist is a WI DNR assured biologist.


[3] A plat of survey prepared by a Wisconsin registered surveyor that includes, at a minimum, the property boundaries and location of any structures on the property; location and legal description of the field-delineated wetlands; a note indicating the name of the biologist that completed the wetland staking and the date(s) the wetlands were staked; clear notations as to which areas are wetlands and which areas are uplands; and the square footage or acreage of each.

[4] A complete application and application fee to amend the Village Comprehensive Land Use Map and the Village Zoning Map pursuant to Village requirements for said amendments.

(2) Non-WI DNR assured biologist. The property owner or his/her agent contracts with a qualified biologist to complete a site investigation and wetland report and stake the location of the wetlands on the property, referred to as a "wetland staking." Upon completion of the wetland staking and written approval from the WI DNR, the following shall be submitted to the Village:

(a) A letter from WI DNR approving the wetland staking.

(b) A wetland report prepared by the biologist.
(c) A plat of survey prepared by a Wisconsin registered surveyor that includes, at a minimum, the property boundaries and location of any structures on the property; location and legal description of the field-delineated wetlands; a note indicating the name of the biologist that completed the wetland staking and the date(s) the wetlands were staked; clear notations as to which areas are wetlands and which areas are uplands; and the square footage or acreage of each.

(d) A complete application and application fee to amend the Village Comprehensive Land Use Map and the Village Zoning Map pursuant to Village requirements for said amendments.

(3) Southeastern Wisconsin Regional Plan Commission (SEWRPC) staff biologist. The Village will, upon receipt of a complete application, coordinate with the staff biologist from the SEWRPC, based on their availability, a site investigation and wetland report and stake the location of the wetlands on the property, referred to as a "wetland staking." The following procedure will be used:

(a) The property owner or his/her agent shall submit a completed wetland staking application form to the Community Development Department. In addition, the property owner/agent shall submit an application fee pursuant to Article V of this chapter.

(b) The property owner or his/her agent shall have the property boundaries clearly delineated and staked on the site by a Wisconsin registered land surveyor so that the field biologist can clearly identify the site boundaries.

(c) Upon receipt of the completed application, the Community Development Department staff shall forward a written request letter to SEWRPC to schedule the services of its field biologist.

(d) A representative from SEWRPC will contact the Village staff with the date and time of the field staking appointment. The staking appointment may be scheduled more than 90 days after the receipt of a completed application by the Village. The Community Development Department or SEWRPC will notify the owner or his/her agent of the appointment date and approximate time so that the owner/agent can notify the Wisconsin registered land surveyor.

(e) The SEWRPC field biologist will field-stake the wetlands by flagging the limits of the wetlands on the subject property.

(f) The property owner/agent shall contact his/her Wisconsin registered land surveyor to prepare a plat of survey of the wetlands within five days from the date of the biologist's field staking. The owner/agent shall submit the plat of survey to the Community Development Department within 30 days from the date of the biologist's staking.

(g) The plat of survey, as certified by a Wisconsin registered land surveyor, shall include, at a minimum, the following information: the property boundaries and all structures on the property; the location of the wetlands as staked in the field by the biologist, including a legal description of the wetland area(s); a notation of the date when the wetlands were field-staked and which agency, that is, "Wetland boundary as marked by (agency) SEWRPC on (date) August 5, 1996"; clear notations as to which areas are wetlands and which areas are uplands; and the square footage or acreage of each.

(h)
If the plat of survey is not completed and received by the Community Development Department within the required 30 days from the date of the field staking, the Village will, after providing notice, have the plat of survey completed, and all associated costs will be invoiced to the property owner pursuant to application requirements (pre-development agreement) specified in Article V of this chapter.

(i) Upon receipt of the plat of survey, the Village will forward a copy of the plat of survey to the SEWRPC for final review and approval.

(j) Within 30 days of receipt of the final written approval from SEWRPC, the Village will initiate an application to amend the Village Comprehensive Land Use Map and the Village Zoning Map pursuant to Village requirements for said amendments. All associated costs will be invoiced to the property owner pursuant to application requirements (pre-development agreement) specified in Article V of this chapter.

D. Principal uses.

(1) Hiking, fishing, trapping, hunting, swimming, and boating, unless otherwise prohibited by law, provided that the activity does not involve filling, flooding, draining, dredging, ditching, tilling or excavation.

(2) The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This may include minimum filling necessary for disposal of dredged spoil adjacent to the drainage system, provided that dredged spoils are placed on existing spoil banks where possible.

(3) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance on property being farmed as of the date of this chapter and where the remaining property is zoned agricultural.

(4) Stormwater detention, retention, and/or water quality ponds or basins and related improvements, including the maintenance and repair of such facilities so far as the stormwater facilities and related improvements are located outside of staked/delineated wetland boundaries or whereby such stormwater facilities and related improvements are located within staked/delineated wetland boundaries as permitted by the Wisconsin Department of Natural Resources.

[Added 5-7-2007 by Ord. No. 07-18]

(5) Commercial communication structures (per § 420-89) unless otherwise prohibited by law, provided that the activity does not involve filling, flooding, draining, dredging, ditching, tilling or excavation.

[Added 4-7-2014 by Ord. No. 14-08]

E. Stipulated conservancy permit:

(1) A stipulated conservancy permit may be issued by the Community Development Department only after a completed application is reviewed and approved by the Village for the following uses within the C-1 District:

(a) Removing of non-native wetland or prairie plants;
(b) Mowing or cutting of any non-native plants, bushes or trees;
(c) Planting of native plants and plant materials; or
(d) Burning, debrushing or any other form of wetland maintenance.

(2) The procedures for the review of a stipulated conservancy permit shall be followed.

(a) An owner/agent shall submit a complete application, related materials and fee for the stipulated conservancy permit to the Community Development Department.

(b) The owner/agent is required to obtain any and all necessary permits from the ACOE and the DNR. These permits, if required, shall be obtained prior to the Village issuing the stipulated conservancy permit.

(c) Copies of the application and related materials will be sent to all abutting property owners within 200 feet, the DNR, the SEWRPC, and the ACOE for a twenty-day review period of the application.

(d) After the twenty-day review period is complete, the Village shall approve or deny the permit. If the permit is approved the owner must agree to the stipulations prior to the issuance of the permit.

(e) The stipulated conservancy permit application, site plan, stipulations and legal description page shall be recorded and filed with the Kenosha County Register of Deeds office by the Village staff. The applicant must submit the filing and recording fee to the Village.

(f) An individual, group, or agency may submit a conservancy management plan and/or a restoration plan for review and approval for the above-listed activities.

(g) A stipulated conservancy permit may be for valid for up to two years with a renewal of said permit only if the management/restoration plan has not been changed or altered in any manner.

(h) Fee for a stipulated conservancy permit: See § 420-29F of this chapter.

F. Conditional uses (see also Article XVIII). No conditional uses shall be permitted in the C-1 District except:

(1) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

(2) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance;

(3)
The maintenance, repair, replacement or reconstruction of existing Village, county, state or federal highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction;

(4) Wildlife management structures needed to support open space or wetland preservation uses, provided that impacts on the wetlands are minimal;

(5) The construction or maintenance of duck blinds;

(6) (Reserved)[1]
  
   [1] Editor's Note: Former Subsection F(6), regarding retention, detention or stormwater facilities, was repealed 5-7-2007 by Ord. No. 07-18.

(7) Park and recreation areas; and

(8) Railroad lines; and

(9) Transmission lines (electric power or natural gas).

[Added 3-19-2012 by Ord. No. 12-14]

[Amended 5-7-2007 by Ord. No. 07-18]

[Added 3-16-2009 by Ord. No. 09-17]

G. Lot area.

(1) Where a property is proposed to be further subdivided and the lot is located partially within a C-1 District and partially within an adjoining use district, that area of the lot or parcel in the C-1 District shall not be used to meet the lot area requirements of the adjoining district.

(2) The platting of new lots within a C-1 District and partially within an adjoining use district shall be discouraged by the Village. Where new platted areas are proposed, building lot areas should be located entirely outside of the C-1 District and as a separate lot or outlot.

(3) Where an existing platted lot is located partially within a C-1 District and partially within an adjoining use district, that area of the lot or parcel in the C-1 District may be used to meet the lot area requirements of the adjoining district, provided that at least 50% of the minimum lot area requirements is provided outside the C-1 District where public sanitary sewerage facilities are available and sufficient land area per the Kenosha County Sanitary Ordinance is provided outside the C-1 District where public sanitary sewerage facilities are not available.

H. Structures.

(1) No building or structure shall be permitted, except those permitted by conditional use permits of this C-1 District section or as allowed under Subsection D(4) of this C-1 District section. Furthermore, no on-site soil absorption sanitary sewerage system, holding tank, or private well shall be constructed in the C-1 District.

   [Amended 5-7-2007 by Ord. No. 07-18]

(2) No building or part of a building permitted by a conditional use permit shall exceed 35 feet in height.
(3) No maximum or minimum building area shall be required in the C-1 District.

I. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.  
   [Amended 7-17-2017 by Ord. No. 17-32]

(3) Side setback: 40 feet minimum.

(4) Rear setback: 40 feet minimum.

(5) Setback between structures: 40 feet minimum.

J. Authorized sanitary sewer system. See § 420-32 of this chapter.

K. Authorized water supply system. See § 420-33 of this chapter.

L. Signs shall be allowed pursuant to and in accordance with Article X of this chapter.

§ 420-129. C-2 Upland Resource Conservancy District.

A. Primary purpose and characteristics. The C-2 Upland Resource Conservancy District is intended to preserve, protect, enhance and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Village of Pleasant Prairie.

B. Principal uses.

(1) Agricultural uses.

(2) Hunting and fishing.

(3) Preservation of scenic, historic and scientific areas.

(4) Forest and game management.

(5) Park and recreation areas.

(6) One single-family dwelling.
C. Accessory uses.

1. Gardening, tool and storage sheds incidental to the residential use.

2. General farm buildings, including barns, silos, stables, sheds, and storage bins.

3. Home occupations.

4. Private garages and carports.

D. Conditional uses (see also Article XVIII).

1. (Reserved)\[1\]

   \[1\] Editor's Note: Former Subsection D(1), which listed utility substations as a conditional use, was repealed 7-20-2009 by Ord. No. 09-44.

2. Wind energy conversion system.

E. Lot size and width.

   [Amended 7-17-2006 by Ord. No. 06-34]

1. Lot size: five acres minimum, except as provided below in Subsection E(2).

2. If a tree survey which has identified and surveyed all trees eight inches or larger in diameter shows that the tree area is less than five acres, then the Village Board may allow for a new lot to be created in the C-2 District to be reduced to the size of the tree area; however, the lot size shall not be less than 20,000 square feet.

3. Lot frontage on a public street: 300 feet minimum; provided, however, that on a curve or a cul-de-sac the public street frontage may be reduced as necessary to an absolute minimum of 150 feet if all other requirements are satisfied, except as provided below in Subsection E(4).

4. If a tree survey which has identified and surveyed all trees eight inches or larger in diameter shows that the tree area is less than five acres, then the Village Board may allow for the lot frontage to be reduced to the amount of the tree frontage; however, the frontage shall not be less than 100 feet; provided, however, that on a curve or a cul-de-sac, the public street frontage may be reduced as necessary to an absolute minimum of 50 feet if all other requirements are satisfied.

5. If the lot size and lot frontage are reduced pursuant to Subsection E(2) and (4) above, then the only permitted uses allowed in the district shall include:

   (a) Preservation of scenic, historic and scientific areas.
(b) Park and recreation areas.

(c) One single-family dwelling.

(6) If the lot size and lot frontage are reduced pursuant to Subsection E(2) and (4) above, then the only accessory uses allowed in the district shall include:

(a) Gardening, tool and storage sheds incidental to the residential use.

(b) Home occupations.

(c) Private garages and carports.

F. Building height and area.

(1) No building or part of a building shall exceed 35 feet in height.

(2) The total minimum floor area of a dwelling shall be 1,400 square feet with a minimum first floor area of 1,000 square feet.

G. Setbacks.

(1) Street setback: minimum of 65 feet from arterial streets or highways and a minimum of 40 feet from nonarterial streets or private roads.

(2) Shore setback: 50 feet minimum adjacent to Lake Michigan, 35 feet minimum adjacent to all other navigable waterways.

(Amended 7-17-2017 by Ord. No. 17-32)

(3) Wetland setback: 25 feet minimum from the wetlands on the same property and 10 feet minimum from the wetlands on adjacent properties.

(4) Side setback: 25 feet minimum.

(5) Rear setback: 50 feet minimum.

(6) Setback between structures: 25 feet minimum.

H. Authorized sanitary sewer system. See § 420-32 of this chapter.

I. Authorized water supply system. See § 420-33 of this chapter.

§ 420-131. FPO Floodplain Overlay District.
A. Authorization. The Floodplain Overlay District (or FPO), which includes both the floodway and flood-fringe areas, is hereby created, and the regulations set out in this section are hereby adopted, pursuant to the authorization and mandate of §§ 61.35, 62.23 and 87.30, Wis. Stats.

B. Finding of fact. Uncontrolled development and use of the floodplains, rivers and streams of the Village of Pleasant Prairie would adversely affect the public health, safety, convenience and general welfare and impair the tax base of the Village.

C. Purpose. The purpose of this section is to regulate land use, development and development-related activities in flood hazard areas in order to:

1. Protect life, health and property;
2. Minimize expenditures of public moneys for costly flood-control projects;
3. Minimize rescue and relief efforts which are generally undertaken at the expense of the taxpaying public;
4. Minimize business interruptions which usually result in the loss of local incomes;
5. Minimize damage to public facilities, such as water mains, sewer lines, streets and bridges, which are located within floodplain areas;
6. Minimize the occurrence of future flood blight areas;
7. Discourage the victimization of unwary land and home buyers;
8. Prevent increases in regional flood heights that could increase flood damage and result in conflicts or litigation between property owners; and
9. Prohibit development in the floodplain that is not expressly allowed as a conditional use pursuant to this section.

D. Title. This section shall be known as the "Floodplain Zoning Ordinance of the Village of Pleasant Prairie."

E. Areas regulated. Areas regulated by this section include all areas within the limits of the Village of Pleasant Prairie (Village) that would be covered by water in the event of a regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) or other maps approved by the Wisconsin Department of Natural Resources (DNR), FEMA, and described in Subsection I below or that would become a floodplain island surrounded by water in the event of a regional flood. Regional flood elevations (RFE) may be derived from other studies as referenced in this section. If more than one map or revision is referenced, the most restrictive information shall apply.

F. Establishment of FPO District. The FPO Floodplain Overlay District established by this section consists of the floodplain or A Zone (as defined in Subsection CC below) and includes both the floodway and the flood-fringe (as defined in Subsection CC below). The floodplain or A Zone may contain lands within the A, AE, AH and AO Zones on the Flood Insurance Rate Maps.
G. Annexed areas. This section shall automatically apply to any floodplain area within land annexed by the Village from and after the time the annexation takes effect. The Kenosha County floodplain zoning provisions and mapping in effect with respect to any annexed land at the time the annexation takes effect shall remain in effect and be enforced by the Village to the extent provided by law, and in any event the county floodplain mapping shall remain effective until such time as a Village floodplain map amendment takes effect. The ordinance amendment shall meet the requirements of Ch. NR 116, Wis. Adm. Code, and 44CFR59-72, National Flood Insurance Program (NFIP).

H. Relationship of FPO regulations to regulations imposed by underlying basic zoning ordinance and other Village ordinances. Any land use, development or development-related activity within the Floodplain Overlay District shall satisfy all requirements imposed by this chapter (including, without limitation, general requirements, requirements relating to specific conditional uses, and requirements relating to basic underlying zoning districts) and all requirements imposed by all other applicable Village ordinances, as well as all requirements imposed by this section with respect to floodplain areas. In the event of any conflict between any such requirements, the most restrictive shall be controlling.

I. Official floodplain maps and studies.

(1) Subject to the provisions of Subsections O, R and S below, the boundaries of the floodplain areas, including both the floodway and the flood-fringe areas, and the boundaries of the floodway areas (all as defined in Subsection CC below), and the water surface elevations of the regional flood profile, are as designated on the official floodplain maps or as stated in or determinable from other official DNR- and FEMA-approved technical studies, listed below, which are hereby adopted and incorporated by reference. These official floodplain maps and studies are on file in the office of the Village of Pleasant Prairie Zoning Administrator. In the event of a conflict between any of the maps or studies referred to in this Subsection I, the most restrictive information shall apply.

[Amended 2-20-2017 by Ord. No. 17-07]

(a) Flood Insurance Rate Maps (FIRMs) prepared by FEMA for the Kenosha County and Incorporated Areas, Map Number 55059CIND0B, effective date March 7, 2017, Panels 55059C0179D, 55059C0183D, 55059C0187D, 55059C0188D, 55059C0189D, 55059C0191D, 55059C0193D, 55059C0194D, 55059C0203D, 55059C0211D, 55059C0212D, 55059C0213D, 55059C0214D, 55059C0216D, 55059C0218D, 55059C0302D, 55059C0306D, 55059C0307D, 55059C0326D, 55059C0327D and 55059C0331D, prepared by FEMA, effective June 19, 2012. The following amendments included:


[5]
FIRM MAP Numbers 55059C0191D and 55059C0193D and Date of Effective Flood Insurance Study; June 19, 2012, Profile: 105P and Floodway data Table: 9 amended pursuant to FEMA-LOMR-APP Case No.: 17-05-1426P effective September 12, 2017.
[Added 8-28-2017 by Ord. No. 17-41]

(b) Map A-2 titled "Floodplains in the Chiwaukee Prairie - Carol Beach Study Area Under Existing and Future Development Conditions" and Table A-3 titled "One-Hundred-Year Recurrence Interval Flood Stages for the Chiwaukee Prairie - Carol Beach Study Area Under Existing and Future Development Conditions," pages 189 and 188, respectively, of SEWRPC Community Assistance Planning Report No. 88, titled "A Land Use Management Plan for the Chiwaukee Prairie - Carol Beach Area of the Town of Pleasant Prairie, Kenosha County, Wisconsin," prepared by the Southeastern Regional Planning Commission, February 1985.

(2) Public information.

(a) Marks should be placed on structures, where and when appropriate, by local or state agencies to show the depth of inundation during the regional flood.

(b) All maps, engineering data and regulations as specified in this § 420-131 are available for viewing during regular Village business hours and can be purchased.

(c) Real estate transfers shall show the floodplain district that any real property is located in.

(3) Development is restricted within the floodplain, and all permit applications shall be reviewed by the Village to determine whether the proposed building site will reasonably be safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant material; be constructed to minimize flood damages; and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding. A land division shall be reviewed for compliance with the above standards. All proposed land divisions shall include regional flood elevation and floodway data for any development that meets the land division definition of this section and all other requirements in Subsection M below. Adequate drainage shall be provided to reduce exposure to flood hazards, and all public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages.

(4) Amendments.

(a) Obstructions or increases may only be permitted if amendments are made to this section, the official floodplain zoning maps, floodway lines and water surface profiles in accordance with this § 420-131.

(b) In AE Zones within a mapped floodway or unmapped 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 section, the official floodplain zoning maps, floodways lines and water surface profiles in accordance with this section. Any such alterations must be reviewed and approved by FEMA and the DNR.
(c) In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this section, the official floodplain maps, floodway lines, and water surface profiles, in accordance with Subsection T.

J. General standards applicable to all floodplain districts.

(1) Village review.

(a) The Village shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

(b) Land divisions shall be reviewed for compliance with the above standards. 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 section and all other requirements in Subsection M(2)(c). Adequate drainage shall be provided to reduce exposure to flood hazards, and all public utilities and facilities, such as sewer, gas, electrical, and water systems, are located and constructed to minimize or eliminate flood damages.

(2) Hydraulic and hydrologic analyses.

(a) No land use, development or development-related activity, except as provided below, shall be permitted in floodplain areas which will:

[1] Cause any obstruction to flow, defined as development which blocks the conveyance of floodwaters by itself or with other development causing any increase in the regional flood height; or

[2] Cause an increase in regional flood height due to floodplain storage area lost.

(b) Any proposed land use, development or development-related activity which will obstruct flow or result in an increase in the regional flood height may be permitted only if appropriate amendments are made to the applicable official floodplain map(s), including floodplain and/or floodway boundary lines and water surface profiles of the regional flood, as applicable, in accordance with Subsection T below.

(c) The Village Zoning Administrator and other appropriate Village officials and bodies shall deny any application for an administrative permit or approval when it is determined that the proposed land use, development or development-related activity will obstruct flow or cause any increase in the upstream or downstream regional flood height, based on the available data, or when the applicant fails to satisfy the applicant's burden of proof relating to such issues.

K. Floodplain issues and discrepancies.

(1) Whenever an issue relating to floodplain-related matters arises, it shall be administratively determined in the first instance by the Village Zoning Administrator.
Where an apparent discrepancy exists between the location of the floodplain boundary [as shown on the applicable official floodplain map(s)] and actual field conditions, the location of such boundary shall be initially determined by the Village Zoning Administrator or other appropriate Village officials or bodies, depending upon the nature of the permit, approval or issue involved, using the following criteria:

(a) Where flood profiles of the regional flood exist, the location of the floodplain boundary line shall be determined using both the scale and contours appearing on the official floodplain map (or on a more accurate topographic map if available) and the water surface elevations shown on the flood profile of the regional flood. Where a discrepancy exists between the official floodplain map and actual field conditions, the regional flood elevations shall govern.

(b) Where the base flood elevation has been determined pursuant to the official floodplain map (Zone A of the FIRM) or any designated navigable waterway where a floodplain study has not been completed, a detailed study to determine the base flood elevation shall be completed and approved by the DNR and FEMA and this section shall be amended.

(c) Where flood profiles of the regional flood do not exist, the location of the floodplain boundary line shall be determined using the scale and contours appearing on the official floodplain map (or on a more accurate topographic map if available) and any other credible information which is available.

(3) A floodplain map amendment is required whenever an administrative determination is made that a significant discrepancy exists between the official floodplain map and actual field conditions. The Village Zoning Administrator shall be responsible for initiating any such map amendments within a reasonable period of time.

(4) Notwithstanding any language in any Village ordinance apparently to the contrary, the Village Zoning Administrator and other Village officials and bodies, as appropriate to the type of permit or approval in question, shall have the authority to deny or condition a building, zoning or land disturbance permit, or a land division approval, or any other land use or development-related permit or approval, to ensure compliance with this section. Such permits or approvals may be denied or conditioned upon the basis of an administrative determination, such as the location of a floodplain boundary or the location of a floodway boundary, whether or not an amendment of the official floodplain map is required.

(5) Disputes regarding the administrative determination of the location of a floodplain boundary line or other administrative floodplain-related determinations, decisions or orders made under this section shall be resolved in the first instance by an appeal to the Village Zoning Board of Appeals in accordance with Subsection R below.

L. Burden of proof. In the event of any issue regarding the location of the boundary of any floodplain or floodway, or whether any proposed or existing land use or development or development-related activity is subject to this section, or whether or the extent to which a proposed land use or development will obstruct flow or raise the height of the regional flood elevation, or the flow rate to which a proposed land use or development will be subjected, or whether the flood-carrying capacity of a watercourse will be maintained, or any other issue arising under or in connection with this section, the applicant, or the owner, developer or user who is the proponent of the land use or development or development-related activity in question, shall have the burden of proof, by a preponderance of the evidence, demonstrating that the land use or development or development-related activity in question is in compliance with and satisfies all applicable provisions of this section.

M. Administration.
(1) Duties and powers. The Zoning Administrator or his/her designee is authorized to administer this section, and in addition to the duties and powers specified in § 420-17, the Zoning Administrator 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 or base flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this section and issue certificates of compliance where appropriate.

(c) Inspect and assess all damaged floodplain structures and perform a substantial damage assessment 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;


(e) Submit copies of the following items to the DNR:

[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 any case-by-case analyses and any other required information required by the DNR, including an annual summary of the number and types of floodplain zoning actions taken.

[3] Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, report violations and enforce this section pursuant to Subsection AA. Provide copies of the reports to the DNR.

(g) Submit copies of amendments and biennial reports to the FEMA regional office.
(2) Application submission requirements. Any applicant for any Village permit or approval for or in connection with any land use, development or development-related activity (as defined in Subsection CC below) within or potentially within the floodplain shall submit to the Village Zoning Administrator or other appropriate Village officials or bodies, depending upon the nature of the permit or approval in question, the following documents or information at the time such application is filed, in addition to any other documents or information required to be submitted by any other section of this chapter or any other applicable Village ordinance. The Village may transmit to the DNR a copy of the information submitted with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data.

(a) Site development plan. Twelve copies (plus one copy reduced to 8 1/2 inches by 11 inches or 11 inches by 17 inches) of a site development plan, drawn to scale (or superimposed on a scaled aerial photograph), which accurately locates the proposed land use, development or development-related activity with respect to real property boundaries, floodplain boundaries, floodway boundaries, or channel of stream if the floodway boundaries do not appear on the applicable official floodplain map(s) and which shows the following:

[1] Name and address of the application, property owner and contractor;

[2] Legal description, proposed use and whether it is new construction or modification;

[3] Location, dimensions and area of the lot or parcel and its elevation(s) using the vertical datum from the adopted study, either National Geodetic Vertical Datum 1929 (NGVD29) or North American Vertical Datum 1988 (NAVD88);

[4] Location of the ordinary high-water mark of any abutting navigable waterways;

[5] Location, type, dimensions and spatial arrangement of any existing or proposed structures with distances measured from the lot or parcel boundary lines;

[6] Location of any existing or proposed private sewage systems or private water supply systems;

[7] Location and elevation of existing or proposed access roads using the vertical datum from the adopted study, either NGVD29 or NAVD88;

[8] Location of floodplain and floodway limits on the property as determined from the official floodplain maps;

[9] The elevation of the lowest floor of any proposed buildings using the vertical datum from the adopted study, either NGVD29 or NAVD88;

[10] The location, dimensions, volume and resulting elevation(s), using the vertical datum from the adopted study, either NGVD29 or NAVD88, of any proposed fill or other deposition or storage of materials, or of any proposed cut or excavation of materials;

[11] The location, dimensions and elevations, using the vertical datum from the adopted study, either NGVD29 or NAVD88, of all existing or proposed streets, bridges and public utilities; and
[12] The vertical datum, either NGVD29 or NAVD88, shall be clearly shown on the plans and calculations.

(b) The Village Zoning Administrator, his or her designee, or other appropriate Village officials or bodies, depending upon the nature of the permit or approval in question, shall have authority to waive in writing any of the foregoing requirements in Subsection M(2)(a) to the extent the information is not necessary to determine compliance with this section.

(c) Such additional documents and information as deemed necessary by the Village or the DNR to determine compliance of the proposed land use, development or development-related activity with all of the requirements of this section, including the following, without limitation:

[1] Data and computations sufficient to determine the regional flood elevation, using the vertical datum from the adopted study, either NGVD29 or NAVD88, at the location of the proposed land use, development or development-related activity and to determine whether or not the requirements of this section are satisfied.

[2] Data and computations sufficient to determine if the proposed land use, development or development-related activity will cause either an obstruction to flow or an increase in regional flood height or the regional flood discharge and to quantify any such obstruction or increase.


[4] Typical valley cross section(s) (elevation view) showing the channel of the stream, the floodplain adjoining each side of the channel, and the cross-sectional area to be occupied by the proposed land use, development or development-related activity (perpendicular to the watercourse) and indicating whether the proposed use, development or development-related activity will obstruct the regional flood flow.

[5] Specifications for all proposed buildings and structures, floodproofing, filling, dredging, channel improvement, storage of materials, streets, bridges, public utilities, and all related materials.

[6] An analysis of the effect of the proposed land use, development or development-related activity on the velocity of flow or the floodplain storage capacity.

[7] A surface drainage plan with adequate details showing how flood damage will be minimized.

[8] The estimated cost of the proposed development or development-related activity.

(d) Hydraulic and hydrologic studies to analyze development as required in Subsection J(2).

[1] All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer licensed and registered in the state. The licensed and registered professional engineer shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by DNR.
Zone A floodplains.


[b] Hydraulic modeling. The regional flood elevation shall be based on the standards in Ch. NR 116.07(4), Wis. Adm. 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 water surface elevation 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.


[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. Adm. 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. Adm. 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 DNR review.

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

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

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

[vi] Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the Effective Model and result in water surface elevations and top widths computed by the Revised Models matching those in the Effective Models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

[c] Mapping. Maps and associated engineering data shall be submitted to the DNR 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.

[iii] 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 one-percent- and 0.2-percent-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 center line or profile baseline used to measure stream distances in the model shall be visible on the map.

(e) Expiration. All permits issued under the authority of this section shall expire in 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

N. Conditional uses. The following land uses or development activities are conditional uses in the Floodplain Overlay District, provided that they are either permitted or conditional uses in the underlying basic zoning district or that they satisfy the requirements of Subsection S below, and further provided that they have a low flood damage potential and comply with all other requirements of this section:

(1) Nonstructural agricultural uses, such as general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, forestry, sod farming and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, as defined in Subsection CC, such as loading areas and parking areas, provided that in addition to all other requirements such uses are not subject to inundation depths exceeding two feet or flood velocities exceeding two feet per second upon the occurrence of a regional flood.

(3) Nonstructural private or public recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.
(4) Uses or structures accessory to permanent open space uses, or those classified as historic structures, shall comply with the following requirements:

(a) The structures are not designed for human habitation or associated with high flood damage potential and are constructed to minimize flood damage;

(b) The structures are constructed and placed on the building site with the longitudinal axis parallel to the direction of flow of floodwaters, insofar as the structure does not cause any increase in flood levels during the occurrence of the regional flood and offer minimum obstruction to the flow of floodwaters;

(c) The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other constricted sections of the stream or river;

(d) The structures shall have all electrical and heating service facilities and equipment at or above the flood-protection elevation for the particular area; and

(e) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(5) Functionally water-dependent uses, such as docks, piers or wharves, including those used as part of a marina, and other water-related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines and pipelines, in accordance with Chs. 30 and 31, Wis. Stats.

(6) Public utilities, streets and bridges, provided that in addition to all other requirements:

(a) Adequate floodproofing measures are provided to the flood-protection elevation (minor or auxiliary roads or nonessential utilities may be constructed in the flood-fringe at lower elevations, provided that they withstand flood forces to the regional flood elevation);

(b) Construction meets the standards set forth in Subsection J(2); and

(c) When failure of public utilities, streets and bridges within the flood-fringe 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 Subsection S.

(7) Private on-site sewage disposal systems only in the flood-fringe area (prohibited in the floodway area), provided that in addition to all other requirements they shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to Subsection S(2), to the flood-protection elevation and shall satisfy the applicable provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

(8)
Public or private wells only in the flood-fringe area (prohibited in the floodway area), provided that in addition to all other requirements they shall be designed to minimize or eliminate infiltration of floodwaters into the system, pursuant to Subsection S(2), to the flood-protection elevation and shall satisfy the applicable provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

(9) Filling, or other deposition or storage of materials, provided that in addition to all other requirements:

(a) The requirements of Subsections J and M above are satisfied;

(b) No material is deposited in navigable waters unless a permit is issued by the DNR pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Section 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 of this section are satisfied;

(c) The fill or other material will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion;

(d) Such filling or other deposition of material is not associated with private or public waste disposal;

(e) The storage of materials, only in the flood-fringe area (prohibited in the floodway area), that are buoyant, flammable or explosive or which in times of flooding could be injurious to property, water quality or human, animal, plant, fish or aquatic life shall be at or above the flood-protection elevation for the particular area or floodproofed in compliance with Subsection S below, and adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding;

(f) Excavation below the ordinary high-water mark shall not be considered as providing any equal volume of storage capacity for compensation purposes, unless Ch. NR 116 is more restrictive. Any area of such compensating flood storage capacity shall drain freely to the receiving stream, unless Ch. NR 116 is more restrictive. The Village may impose slope, safety shelf or other requirements to ensure that such areas of compensating flood storage capacity are reasonably safe under the circumstances, unless Ch. NR 116 is more restrictive; and

(g) The fill is not classified as a solid waste or hazardous waste material.

(10) Levees or flood walls, provided that in addition to all other requirements the requirements of § NR 116.17, Wis. Adm. Code, and FEMA standards, are satisfied, the requirements of Subsections J and N(9) above are satisfied, adequate arrangements are made by the applicant to ensure that the levee or flood wall will be properly maintained without cost to the Village, unless the Village Board determines that such maintenance should be undertaken by the Village, and all necessary permits and approvals are obtained. The Village may impose requirements to ensure that such improvements are reasonably safe under the circumstances.

(11) Channel improvements, provided that in addition to all other requirements the applicable requirements of § NR 116.17, Wis. Adm. Code, are satisfied, the requirements of Subsections T and U below are satisfied, adequate arrangements are made by the applicant to ensure that the channel improvements will be properly maintained without cost to the Village, unless the Village Board determines that such maintenance
should be undertaken by the Village, and all necessary permits and approvals are obtained. The Village may impose requirements to ensure that such improvements are reasonably safe under the circumstances.

(12) Open space land uses or development improvements or activities listed above in Subsection N(1) to (11) which are not specifically allowed as permitted, conditional or accessory uses in the underlying basic zoning district may nonetheless be approved as conditional uses in the Floodplain Overlay District, provided that in addition to all other requirements the body with authority to grant conditional use permits finds, in writing, that such uses are compatible with the land uses allowed in the underlying basic zoning district, are not adverse to the public health, safety or welfare, and do not unreasonably interfere with the use and enjoyment of other properties in the vicinity.

(13) Stormwater detention or retention facilities only in the flood-fringe area (prohibited in the floodway area), provided that in addition to all other requirements the requirements of Subsection N(9) above are satisfied. Further, with respect to any stormwater detention or retention facility designed to exclude the regional flood, the requirements of Subsection N(10) above shall be satisfied. With respect to any stormwater detention or retention facility designed to allow the regional flood to flow into the facility, the facility shall be designed so that all of the required detention or retention capacity shall be above the water surface elevation of the regional flood at the particular location in question.

(14) Any addition or modification to a nonconforming structure or nonconforming building allowed pursuant to Subsection Q below.

O. Conditional use procedures. Except as is specifically provided to the contrary in this section, the conditional use permit procedures set out in Article XVIII of this chapter shall apply to applications for conditional use permits for any land use or development allowed by Subsection N above. In addition to any requirements of Article XVIII, the following conditions shall be imposed on all conditional use permits issued under this section:

(1) Any land use or development so permitted shall be located, constructed, installed, conducted and maintained in compliance with this section.

(2) No development shall be used or occupied until it is completed and inspected by the Village and until a certificate of compliance has been issued by the Village Zoning Administrator or other appropriate Village official or body.

(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 section;

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

(c) The applicant shall submit a certification signed and sealed by a Wisconsin-licensed and 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 Wisconsin-licensed and registered professional engineer or architect that floodproofing measures meet the requirements of Subsection S; and

(d) If all requirements are met, the certificate of compliance shall be issued within 10 days after the owner submits written notification that the permitted work is completed.

(3)
The applicant shall obtain all other necessary federal, state and local permits and approvals, including, without limitation, those required from the DNR under Ch. 30, Wis. Stats., and those from the United States Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

P. Prohibited uses. All land uses and development not listed as conditional uses in Subsection N above are prohibited within the Floodplain Overlay District, including, without limitation, the following:

1. Structures in, on or over floodplain areas which are designed for human habitation or associated with high flood damage potential or not associated with permanent open space uses.

2. The storage of any materials that are capable of floating, flammable, explosive, or injurious to property, water quality, or human, animal, plant, fish or other aquatic life.

3. Any land uses or development which is not in harmony with, or which may be detrimental to, the uses permitted in the underlying basic use zoning districts.

4. Any private sewage systems in the floodway area, except portable latrines that are removed prior to flooding, and systems associated with recreational areas and DNR-approved campgrounds, that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.

5. Any public or private wells in the floodway area which are used to obtain water for ultimate human consumption, except those wells in 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, whether public or private.


8. Any sanitary sewer or water supply mains in the floodway area, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

9. Any camping units within a public or private campground.

10. Any residential structure or use, including a manufactured or mobile home.

11. Any accessory structures not specifically allowed with a conditional use permit pursuant to Subsection N above.

12. Any industrial or commercial structures or uses not specifically allowed with a conditional use permit pursuant to Subsection N above.

Q. Nonconforming uses.
(1) General.

(a) Applicability. These regulations apply to the modification of, or addition to, any structure, and to the use of any structure or premises, which was lawful before the passage of this section or any amendment thereto, including, without limitation, any text amendment or any amendment to the official floodplain map or to the regional flood profiles.

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

(a) No modifications or additions to a nonconforming use or nonconforming structure shall be permitted unless they are made in conformity with the provisions of this section for the area of the floodplain occupied and the other applicable provisions of this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use or structure or accessory structure or use. Maintenance is not considered a modification. Maintenance activities include such items as internal and external painting, decorating, paneling and the replacement of doors, windows 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.

(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 of any structure or building thereon, shall conform to the applicable requirements of this section.

(c) As requests are received by the Village for modifications or additions to nonconforming uses or nonconforming structures, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of those additions or modifications which have been permitted, and the percentage of the structure's total current value such additions or 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 exceeds 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 section. Contiguous dry land access must be provided for residential and commercial uses in compliance with Ch. NR 116, Wis. Adm. Code. The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood-protection elevation are excluded from the fifty-percent provisions of this subsection.

(e) If any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure satisfy the requirements of this section. For the purpose of this subsection, restoration is deemed impractical where the total cost of such restoration would equal or exceeds 50% of the present equalized assessed value of the structure. 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 minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

[a] Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of Subsection S(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 one of the following conditions below, whichever is higher:

[i] At or above the flood-protection elevation; or

[ii] Two feet above the highest adjacent grade around the structure; or

[iii] The depth as shown on the FIRM.

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


[a] Shall meet the requirements of Subsection Q(2)(e).

[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 Subsection S(1) and (2).

[c] In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet one of the following conditions below, whichever is higher:

[i] At or above the flood-protection elevation; or

[ii] Two feet above the highest adjacent grade around the structure; or

[iii] The depth as shown on the FIRM.
(f) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with § 420-131J, M, N and O; flood-resistant materials are used; and construction practices and floodproofing methods that comply with § 420-131S are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of Subsection Q(2)[e][1] if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(g) No modification or addition 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 section. Contiguous dry land access shall be provided for residential and commercial uses in compliance with Subsection S(4).

(h) If, on a per-event basis, the total value of the work being done under Subsection Q(2)[d] and (g) equals or exceeds 50% of the present equalized assessed value, the work shall 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 section. Contiguous dry land access shall be provided for residential and commercial uses in compliance with Subsection S(4).

(3) Floodway areas.

(a) Modification or addition.

[1] No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area unless such modification or addition:

[a] Has been granted a permit or variance which satisfies the requirements of this section;

[b] Satisfies the requirements of Subsection Q(1) above; and

[c] Shall not increase the obstruction to flood flows or increase the regional flood height.

[2] An addition to the existing structure shall be floodproofed, pursuant to Subsection S, by means other than the use of fill, to the flood-protection elevation.

[3] If any part of the foundation below the flood-protection elevation is enclosed, the following standards shall apply:

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

[b] The parts of the foundation located below the flood-protection elevation must be constructed of flood-resistant materials;
[c] Mechanical and utility equipment must be elevated or floodproofed to or above the flood-protection elevation; and

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

(b) No new private sewage disposal system, or addition to an existing private 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 a floodway area. Any replacement, repair or maintenance of an existing private sewage disposal system in a floodway area shall satisfy the applicable requirements of all applicable Village or other local ordinances and Ch. SPS 383, Wis. Adm. Code.

(c) No new well or modification to an existing well used to obtain water for ultimate human consumption shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall satisfy the applicable requirements of all applicable Village or other local ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.

(4) Flood-fringe areas.

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the Village. In addition, the modification or addition shall be placed on fill or floodproofed to the flood-protection elevation in compliance with the standards in Subsection S, except where Subsection Q(4)(b) below is applicable.

(b) Where compliance with the provisions of Subsection Q(4)(a) above would result in unnecessary hardship, and only where the structure will not be used for human habituation or be associated with a high flood damage potential, the Zoning Board of Appeals, using the procedures established in Subsection R, may grant a variance from those provisions 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, provided that:

[1] No floor (excluding the basement or crawlway) is allowed below the regional flood elevation for residential or commercial structures;

[2] Human lives are not endangered;

[3] Public facilities, such as water or sewer, shall not be installed;

[4] Flood depths shall not exceed two feet;

[5] Flood velocities shall not exceed two feet per second; and

[6] The structure shall not be used for storage of materials described in Subsection P(2) above.

(c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
(d) All new wells, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this section and Chs. NR 811 and NR 812, Wis. Adm. Code.

(5) It is the intent of this section that in the event a building permit is validly granted or issued on the basis of the best currently available information relating to the floodplain, floodway or regional flood profiles but a subsequently conducted floodplain study demonstrates that such information was not accurate and that the permit would not be granted or issued in light of the newer information, such permit shall not be deemed to have been granted or issued in error so as to prevent the vesting of rights based upon reasonable detrimental reliance on such permit or approval. In the event of reasonable detrimental reliance upon a Village building permit under these circumstances, the status of the land use, development or development-related activity in question shall be that of a valid nonconforming use or valid nonconforming structure, provided that the requirements for such status, in addition to being lawful in its inception, are satisfied.

R. Zoning Board of Appeals.

(1) The Village Zoning Board of Appeals, created under § 62.23(7)(e), Wis. Stats., is hereby authorized to hear and decide, pursuant to the specific requirements of this section and in accordance with the procedures and requirements specified in Article V of Chapter 18 of the Village Municipal Code:

(a) Appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the enforcement or administration of this section;

(b) Disputes concerning the location of the floodplain or floodway boundaries; and

(c) Variances from the dimensional standards of this section.

(2) Boundary disputes. The following procedure shall be used by the Zoning Board of Appeals in hearing disputes concerning the location of floodplain or floodway boundaries:

(a) Whether a floodplain boundary is established by approximate or detailed floodplain studies, the regional flood elevations or profiles for the location in question shall be the governing factor in locating the floodplain boundary. If no regional flood elevations or profiles are available to the Board, other available evidence may be examined.

(b) The person contesting the location of the floodplain or floodway boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.

(c) If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the person contesting the boundary location to petition the Village for a map amendment according to Subsection T.

(3) Variance.

(a) The Zoning Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this section where an applicant convincingly demonstrates that:
Literal enforcement of the provisions of this section will result in practical difficulty or unnecessary hardship to the applicant;

The hardship is due to adoption of this section and to special conditions unique to the property and not common to a group of adjacent lots or premises (in such case, the section or map must be amended);

Such variance is not contrary to the public interest; and

Such variance is consistent with the purpose of this section.

(b) In addition to the criteria specified above, to qualify for a variance under FEMA regulations, the following criteria must be met:

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

Variances can only be granted for lots that are less than 1/2 acre and are contiguous to existing structures constructed below the regional flood elevation; and

Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.

(c) A variance shall not:

Grant, extend or increase any land use or development prohibited in the floodplain (or in the floodway, if applicable).

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

Be granted for a hardship which is self-created.

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

Permit a lower degree of flood protection in the floodplain than the flood-protection elevation.

Allow any floor of a basement or crawl space below the regional flood elevation for residential, commercial or industrial structures.

Allow any land use or development which requires an amendment to this section, the official floodplain maps or the regional flood profiles.

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

(d) When a variance is granted in a floodplain area, the Board shall notify the applicant in writing that increased flood insurance premiums and risks to life and property may result. A copy of this notification shall be maintained with the variance appeal record.
Appeals. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer or department of the Village affected by any decision of the Zoning Administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the Board, by filing with the official whose decision is in question, and with the Board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the Board all records regarding the matter appealed.

(a) The Zoning Board of Appeals shall review all data related to the appeal. This may include:

1. Permit application data listed in Subsection L;
2. Floodway/flood-fringe discrepancy, Subsection K;
3. Data listed in Subsection M where the applicant has not submitted this information to the Zoning Administrator; and
4. Other data submitted with the application or submitted to the Board with the appeal.

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

1. Follow the procedures of Subsection R;
2. Consider the recommendations of the Zoning Administrator, or his/her designee or other appropriate Village officials or bodies, depending upon the nature of the permit; and
3. Either uphold the denial or grant the appeal.

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

1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot 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 Subsections I and T; and
2. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase, provided that no other reasons for denial exist.

S. Floodproofing for nonconforming structures.

(1) No conditional use permit or variance shall be granted or issued for a nonresidential structure designed to be watertight below the regional flood elevation until the applicant submits a plan or document certified by a Wisconsin licensed and registered professional engineer or architect that any required floodproofing measures are adequately designed to protect the structure or development to the flood-protection elevation and submits a FEMA floodproofing certificate.
(2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan that is certified by a Wisconsin licensed and registered professional engineer or architect that the design meets or exceeds the following standards:

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

(b) The bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

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

(a) Withstand the flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the regional flood.

(b) Assure protection to the flood-protection elevation.

(c) Provide anchorage of structures to foundations to resist flotation and lateral movement.

(d) Ensure that the structural walls and floors are watertight to the flood-protection elevation and the interior remains completely dry during flooding, without human intervention.

(e) Minimize or eliminate infiltration of floodwaters.

(4) Floodproofing measures may include, without limitation, the following:

(a) Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.

(b) Addition of mass or weight to structures to prevent flotation.

(c) Placement of essential utilities above the flood-protection elevation.

(d) Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures.

(e) Construction of water supply wells and waste treatment systems to prevent the entrance of floodwaters into the systems.

(f) Cutoff valves on sewer mains or elimination of gravity flow basement drains.

(5) Dry land access. All residential or commercial uses or any habitable structure shall provide dry land access from the public road to said structure.
T. Removal of lands from floodplain; amendments. Compliance with the provisions of this section shall not be grounds for removing lands from the floodplain, unless they are removed by filling to a height of at least two feet above the regional flood elevation, the fill is contiguous to land lying outside the floodplain, the official floodplain map is amended, and FEMA revises the Flood Insurance Rate Map or issues a letter of map amendment or revision.

(1) Official floodplain map amendments are required for any changes in the official regional floodwater surface profiles or the delineation of the floodplain or floodway. Examples of actions requiring floodplain map amendments are listed below:

(a) Any change to the boundary of the floodplain and/or watercourse alterations on the FIRM;

(b) Correction of discrepancies between the water surface profiles of the regional flood and the official floodplain maps;

(c) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood-protection elevation and is contiguous to land lying outside the floodplain;

(d) Any fill, deposition of materials, storage of materials or encroachment into the floodplain that will obstruct flow or causing any increase in the regional flood height;

(e) Any upgrading of this section; or

(f) Any correction to an existing mapped floodplain.

(g) All channel relocations and changes to the official floodplain maps to alter floodway lines or to remove an area from the floodplain that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(2) Criteria for amending the floodplain boundary. The Village shall not permit amendments to the floodplain boundary that are inconsistent with the purposes of this section or in conflict with the applicable rules of the DNR and FEMA. In addition:

(a) Amendments to the floodplain boundaries shall not be permitted where the change will increase the regional flood stage elevation unless the applicant has made appropriate legal arrangements with the Village, any other affected governmental units, and any other property owners affected by the flood stage increase.

(b) The floodplain boundary shall not be amended without first:

[1] Providing the Village with updated engineering data and computations necessary to correctly determine the floodplain boundary and submitting detailed engineering plans for redelineating the floodplain boundary;

[2] Amending this section;

[3] Obtaining approval from the DNR; and
[4] Obtaining approval from FEMA in the form of a letter of map change approved by FEMA.

(c) Petitions for the floodplain amendments shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevations.

(d) Any area removed from the floodplain shall be contiguous to land lying outside the floodplain.

(e) Whenever any volume of flood storage capacity is removed from the floodplain, as defined by the ground surface and the regional flood elevation, an equal volume of flood storage capacity shall be created within the existing or newly created floodplain boundary, in the vicinity of the removal, to compensate for the lost flood storage capacity. Excavation below the ordinary high-water mark shall not be considered as providing any equal volume of storage capacity for compensation purposes. Any such area of compensating flood storage capacity shall drain freely to the receiving stream.

[Amended 3-17-2014 by Ord. No. 14-04]

(f) Removal of land from the floodplain shall not be permitted unless the land has been filled to an elevation at least two feet above the elevation of the floodplain.

(g) Amendments to the boundaries of the floodplain or the unnumbered A Zones shall not be permitted unless the petitioner provides the Village with all necessary data and computations to justify and determine the effects of the proposed amendment. The Village may require the applicant to submit any or all of the information that is required pursuant to Subsection M above in connection with applications for a conditional use permit. The effects of any change in the floodplain boundary shall not increase the regional flood elevation unless appropriate legal arrangements have been made to protect the rights of the Village and all affected governmental entities and landowners. If the affected area of the floodplain or the unnumbered A Zone is less than five acres in area and the cost of the proposed development is less than $125,000, the DNR may assist the petitioner in determining the required flood elevations.

(h) No river or stream or watercourse shall be altered or relocated until a floodplain map amendment has been conditionally approved, and in no case shall the flood-carrying capacity within the altered or relocated portion of the watercourse be less.

(3) Procedures. Amendments to this section, including text amendments, floodplain map amendments relating to the boundary of the floodplain or floodway, or amendments to the regional flood profiles, may be made upon petition of any interested party in accordance with the provisions of § 420-13 of this chapter. Additionally, the following requirements shall apply, and in the event of any conflict between the provisions of this Subsection T and § 420-13, the requirements of this subsection shall be controlling:

(a) Any amendment proposed shall be submitted to the Village with the completed application, all required information and materials and the required fee.

(b) Upon receipt of a completed application, the Village will set a date for the public hearing a minimum of 30 days from the date such completed application was received. Copies of the proposed amendment and notice of the public hearing shall be submitted to the DNR for review prior to the hearing, and a Class 2 notice shall be published.
(c) The Village Plan Commission shall hold a public hearing and make a recommendation to the Village Board.

(d) Upon receiving Village Board approval for the floodplain boundary amendment, DNR approval, a FEMA conditional approval (if applicable), and an erosion control permit, the petitioner may proceed with any cut and fill project.

(e) Upon completion of the work, an as-built grading plan and supporting documentation certified and stamped by a Wisconsin registered and licensed profession engineer shall be submitted to the Village to verify compliance will all approvals.

(f) In the case of floodplain boundary corrections based on actual field surveys, a certified plat of survey or site plan providing detailed data which precisely delineates the actual floodplain limits compared to the existing floodplain lines as identified on the corresponding official floodplain overlay maps shall be provided.

(g) No amendment to the maps or text of this section shall become effective until reviewed and approved by state and federal agencies as required by law.

(h) 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 provide copies of said legal arrangements before the amendment can be approved by the Village.

U. Watercourse alterations. Prior to any alteration or relocation of a watercourse, and prior to the issuance of any zoning, building, land disturbance or other Village permit or approval which may be required for the alteration or relocation of a watercourse, the Village Zoning Administrator shall notify, in writing, any adjacent municipality, the appropriate district office of the DNR and the appropriate office of FEMA within six months and shall require the applicant to obtain all necessary state and federal permits and approvals. Without respect to any other restrictions that may be imposed, the flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained and standards specified in Subsection J above are required.

V. Development or development-related activity requiring a DNR permit. Any development or development-related activity which requires a permit from the DNR under Ch. 30 or 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams, navigational aids or channel improvements, may be allowed, provided that such DNR permits and all necessary local permits or approvals are obtained and that all necessary amendments to this section, including amendments of the official floodplain map, the boundaries of the floodplain and floodway, and the water surface elevations of the regional flood, as applicable, are made in accordance with Subsection T above.

W. Compliance. Any land use development or development-related activity within the areas regulated by this section shall be in full compliance with the terms of this section and all other applicable local, state, and federal statutes, ordinances, regulations and permits. Unless specifically exempted by law, the Village is required to comply with this section and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies.

X. Abrogation and greater restrictions.
This section supersedes all of the provisions of any municipal zoning ordinance relating to the floodplain areas or enacted under § 61.35 or 87.30, Wis. Stats., which relate to floodplains, except that where any other such municipal zoning provision is more restrictive than the provisions contained in this section, such other provision shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

This section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this section imposes greater restrictions, the provisions of this section shall prevail.

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

Warning and disclaimer of liability. The degree of flood protection provided by this section is considered reasonable for regulatory purposes and is based on engineering experience and methods of study. Larger floods may occur or the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. Therefore, this section does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages, nor does this section 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 section.

Enforcement and penalties. Any violation of the provisions of this section by any person shall be unlawful and shall be referred to the Village Attorney for expeditious prosecution of all such violations. A violator shall, upon conviction, forfeit to the Village a penalty of not less than $5 and not more than $50, together with the current cost and processing fees of such action. Each day of continued violation shall constitute a separate offense. Every violation of this section is a public nuisance, and the creation of such nuisance may be enjoined and its maintenance may be abated by action or suit of the Village, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.

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

Definitions. For purposes of this section, words and phrases defined in this Subsection CC shall have the meaning stated below. Words and phrases not defined below in this subsection shall have the common, ordinary meaning which results in the most reasonable interpretation and application of this section in light of the stated purposes of this section. Words used in the present tense include the future, and vice versa. Words indicating the singular number include the plural, and vice versa. The word "may" is permissive; the word "shall" is mandatory and not discretionary.

ACCESSORY STRUCTURE or ACCESSORY USE
A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.

AH ZONE
See "area of shallow flooding."

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

**AO ZONE**
See "area of shallow flooding."

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

**A ZONES**
Those areas shown on the official floodplain maps which would be inundated by the regional flood, as defined below. 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 particular area.

**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 Flood Insurance Study (FIS) and depicted on a FIRM.

**BASEMENT**
Any enclosed area of a building having its floor below ground level on at least three sides.

**BUILDING**
A roofed and walled structure.

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

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

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

CERTIFICATE OF COMPLIANCE
A certification issued by the Village Zoning Administrator stating that the use of land, or the construction, installation, placement or relocation of a building, structure, facility or site improvement, or the making of an addition or a substantial improvement to a building, structure, facility or site improvement, or the extent and elevation of fill, or the lowest floor of a structure, or any other development activity or improvement regulated by this section, is in compliance with all of the provisions thereof and the provisions of any authorizing conditional use permit.

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

COMMERCIAL USE
A use involving commerce or manufacturing, without regard to the type of zoning district in which the use is located, including but not limited to commercial, industrial, institutional, governmental or park and recreational uses.

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

DEVELOPMENT or DEVELOPMENT-RELATED ACTIVITY
Any man-made or nonnatural change to improved or unimproved real estate, including but not limited to the construction, installation, placement or relocation of buildings, structures, facilities or site improvements; the construction or installation of additions or substantial improvements to buildings, structures, facilities or site improvements; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials; the repair of any damaged structure; or the construction or installation of public or private streets or roads or public or private facilities for sewage treatment or disposal, water supply or stormwater drainage or control. The phrase "development-related activity" specifically includes any land division (and any neighborhood sketch plan, conceptual plan, preliminary plat, final plat, certified survey map or development agreement leading up to, constituting or relating to a proposed land division) which contemplates or may influence development or other development-related activities.

DNR
The Wisconsin Department of Natural Resources or any successor state agency having authority with respect to matters relating to floodplains.

DRY LAND ACCESS
A vehicular access route, the elevation of which is above the one-hundred-year flood elevation, which is wide enough for wheeled rescue and relief vehicles and which connects land located in the floodplain to land outside the floodplain.

ENCROACHMENT
Any fill, structure, building, land use or other development improvement or activity in the floodway.
FEMA
The Federal Emergency Management Agency or any successor federal agency that administers the National Flood Insurance Program.

FLOOD FREQUENCY
The probability of a flood occurrence which is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

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

FLOOD INSURANCE RATE MAP (FIRM)
A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

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

FLOOD or FLOODING
A general and temporary condition of partial or complete inundation of normally dry land areas caused by:

(1) The overflow or rise of inland waters;
(2) The rapid accumulation or runoff of surface waters from any source;
(3) The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan; and/or
(4) The sudden increase in surface water elevation 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.

FLOODPLAIN
That land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood-fringe and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND
A natural geologic land formation that is surrounded, but not covered, by floodwater during the regional flood.
FLOODPLAIN MANAGEMENT
Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOODPLAIN OVERLAY DISTRICT (FPO)
The zoning designation that includes both the floodway and flood-fringe areas that are regulated by this section.

FLOOD PROFILE
A graph or a longitudinal profile line showing the relationship at particular locations along a watercourse of the water surface elevations of a flood event to surface elevations of the land.

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 two feet above the regional flood elevation.

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 flood-protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for the effects of any factors that contribute to flood heights greater than those calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development, and sedimentation of the river or stream bed.

HABITABLE BUILDING
Any building or portion thereof used or designed for human habitation.

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

HIGH FLOOD DAMAGE POTENTIAL
The land use or development so described carries with it a significant risk of danger to life or health or of substantial economic loss to a structure or building and its contents.
HISTORIC STRUCTURE
Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or directly 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, resulting from a comparison of existing conditions and proposed conditions which are 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 DIVISION
Any division or conveyance of land or of an interest in land that results in the creation of one or more additional lots or parcels, including, without limitation, any subdivision, large lot subdivision or minor land division (all as defined in § 395-101 of Chapter 395, Land Division and Development Control, of the Village Code) or the creation of any condominium other than a conversion condominium or a condominium involving a maximum of one principal building per lot or parcel. A land division can be legally created or accomplished only by means of a preliminary and final plat approved by the Village Board, or a certified survey map approved by the Village Board, or, in the case of a condominium, by means of condominium instruments approved by the Village Board.

LAND USE
Any use made of unimproved or improved real estate.

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 unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of 44 CFR 60.3.
MAINTENANCE
The act or process of restoring to original soundness, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

MANUFACTURED HOME
A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. § 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and fitted with wheels, is intended to be hauled to a site and is registered and titled with the Wisconsin Department of Transportation.

MOBILE HOME
A transportable, factory-built home designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

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.

NAVD88 or NORTH AMERICAN VERTICAL DATUM 1988
Elevations referenced to mean sea level datum, 1988 adjustment. The data conversion factor from NGVD29 to NAVD88 in Kenosha County is -0.3 feet (0.0 feet NGVD29 = -0.3 feet NAVD88).

NEW CONSTRUCTION
For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures.
the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

NGVD29 or NATIONAL GEODETIC VERTICAL DATUM 1929
Elevations referenced to mean sea level datum, 1929 adjustment, to which elevations are referenced. The data conversion factor from NGVD29 to NAVD88 in Kenosha County is -0.3 feet (0.0 feet NGVD29 = -0.3 feet NAVD88)

NONCONFORMING STRUCTURE
An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this section for the area of the floodplain which it occupies.

NONCONFORMING USE
An existing lawful use of unimproved or improved real estate which is not in conformity with the provisions of this section for the area of the floodplain which it occupies.

OBSTRUCTION TO FLOW
Any development which physically blocks the conveyance of floodwaters such that this development, by itself or in conjunction with any future development, will cause an increase in regional flood height.

OPEN SPACE USE
Those land uses having a relatively low flood damage potential and not involving structures.

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

PERSON
An individual or group of individuals, corporation, partnership, association, municipality, state agency or any other legal entity.

PRIVATE SEWAGE SYSTEM
A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Wisconsin Department of Commerce (or any successor state agency), 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, or using distribution and collection systems, such as water, sanitary sewer and storm sewer.

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

REGIONAL FLOOD
The one-hundred-year recurrence interval flood on the particular stream, river or lake in question.

START OF CONSTRUCTION
The date the building permit was issued, provided that 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 or mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the "actual start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

SUBSTANTIAL IMPROVEMENT
Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50% of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include 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 an 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 this section.

VARIANCE
An authorization by the Village Zoning Board of Appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this section.

VILLAGE
The Village of Pleasant Prairie, Kenosha County, Wisconsin.

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 or area contributing runoff or surface water to a particular 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
An excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

[1] Editor’s Note: This ordinance was included with the codification 4-18-2005 by Ord. No. 05-13.

§ 420-135. UHO Urban Land Holding Overlay District.

A. Primary purpose and characteristics.

(1) This district is intended to be used where land is expected to experience further urban or suburban development in accordance with underlying zoning but where such development cannot be permitted at the present time due to the existence of one or more deficiencies, including lack of essential services, such as municipal sanitary sewers, water or stormwater management facilities and proper drainage, or the need to provide for access to landlocked lands, or the establishment of street grades that are coordinated, or similar neighborhood development matters.

(2) Accordingly, existing uses are permitted to continue as they are, but any expansions or additions thereof are only allowable with approval of site plans as noted under Subsection I below.

(3) New uses requiring the issuance of building or zoning permits shall not be permitted until this overlay district is first removed by the Village of Pleasant Prairie by a Zoning Map amendment, and the petition to remove such overlay shall address the neighborhood development matters requiring consideration, unless neighborhood plans or other actions, such as municipal utility extensions, have already been made.
B. Principal uses. Any existing principal use as permitted in the underlying basic use district, except that any expansions thereof shall be subject to review of site plans under Subsection I below.

C. Accessory uses. Any existing accessory use as permitted in the underlying basic use district, except that any expansions thereof shall be subject to review of site plans under Subsection I below.

D. Conditional uses. Any existing conditional use, or existing uses entitled to conditional use status which apply for such status, except that any expansion thereof shall, in addition to meeting the requirements for conditional uses of this chapter, in the process of having its conditions set, be subjected to the criteria established under Subsection I below.

E. Lot area and width.

   (1) Lots shall have a lot area as required in the underlying basic use district.

   (2) All lots shall have a lot width as required in the underlying basic use district.

F. Building height and area.

   (1) No building or part of a building shall exceed 35 feet in height.

   (2) The total floor area of any use shall not be less than that which is required in the underlying basic use district.

G. Setbacks.

   (1) Street setback: as required in the underlying basic use district.

   (2) Shore setback: as required in the underlying basic use district.

   (3) Side setback: as required in the underlying basic use district.

   (4) Rear setback: as required in the underlying basic use district.

H. Authorized sanitary sewer system and water supply system. As permitted in the underlying basic use district.

I. Review of site plans.

   (1) Where existing uses wish to expand prior to removal of this district, before building and zoning permits are issued the applicant shall first obtain site plan approval from the Village Plan Commission. The purpose of such review is to establish that the expansion will not worsen an existing deficiency of the property or neighborhood nor prevent the eventual solution of such deficiencies. As experience with this problem is gained, the Village may from time to time issue checklists or guidelines for the applicant's use which outline information or analyses required to answer...
the issues often posed in such reviews. An applicant under this provision shall be entitled to an acceptance, rejection, or suggested modification of the submitted site plan or related information within 45 days from the date of submittal to the Community Development Department. The aforesaid review may be waived by the Zoning Administrator of the Community Development Department if it is determined that the proposed expansion or addition of the existing use does not interfere with future expansion of streets or stormwater drainage or adversely affect future development or platting of the remainder of the site.

(2) New uses may only be permitted by the staff of the Zoning Administrator of the Community Development Department when it is determined that adequate neighborhood plans for future development exist or where such actions as extension of utilities have already been completed and a Zoning Map amendment has been adopted.

§ 420-136. LUSA Limited Urban Service Area Overlay District.

A. Primary purpose and characteristics. This district is intended to be placed on existing platted land where urban development could legally occur but where typical urban municipal services, such as municipal sanitary sewer, municipal water and effective stormwater management improvements, are not available and will not be available in the foreseeable future.

B. Limited urban services available.

(1) Properties within this district are not located within the Village of Pleasant Prairie Master Sanitary Sewer System Master Plan, which means that the Village has no plans in the foreseeable future to extend municipal sanitary sewer to service these properties and that these properties, if developed, will require a private on-site sewage disposal system or holding tank. In addition, the State of Wisconsin Department of Natural Resources has not included the properties within this district in the Sanitary Sewer Service Area, which means that the Village cannot extend sanitary sewers within this area.

(2) Properties within this district are not located within the Village of Pleasant Prairie Master Water Utility System Master Plan, which means that the Village has no plans in the foreseeable future to extend municipal water to service these properties and that if developed these properties will required a private well to be installed for potable water. In addition, since there is no municipal water service, no municipal fire hydrants are located in the area, and water for fire protection must be hauled by tanker.

(3) Properties within this district are known to have high groundwater levels, which are influenced both by Lake Michigan water levels and weather conditions.

(4) Properties in this district are frequently subject to standing surface water, in part because this area is not served by urban stormwater systems that can effectively and efficiently convey stormwater, and this situation may be exacerbated by further development. Such stormwater improvements would be very difficult or impossible to provide due to the high groundwater table, the generally level topography which precludes efficient drainage, the fact that any improvements would require a permit under Ch. 30, Wis. Stats., from the Wisconsin Department of Natural Resources, and the fact that the DNR has expressed serious concern that any such improvements would dewater the wetlands in the area.
(5) Properties within this district may be located adjacent to a dedicated public road right-of-way that is not improved, and the Village has no plans in the foreseeable future to make such improvements on roads in the area which have not already been improved.

C. Principal uses. Any principal use permitted in the underlying basic use zoning district.

D. Accessory uses. Any accessory use permitted in the underlying basic use zoning district.

E. Conditional uses. Any conditional use permitted in the underlying basic use zoning district.

F. Lot area and width.

   (1) All lots shall have the minimum lot area required in the underlying basic use zoning district.

   (2) All lots shall have the minimum lot width required in the underlying basic use zoning district.

G. Building height and area.

   (1) Building height shall not exceed the height limitation in the underlying basic use zoning district.

   (2) The total floor area of any use shall not be less than that which is required in the underlying basic use zoning district.

H. Setbacks.

   (1) Street setback: as required in the underlying basic use zoning district.

   (2) Shore setback: as required in the underlying basic use zoning district.

   (3) Side setback: as required in the underlying basic use zoning district.

   (4) Rear setback: as required in the underlying basic use zoning district.

I. Authorized sanitary sewer system. As permitted in the underlying basic use district.

J. A property owner who develops property located in the LUSA Overlay District, notwithstanding the nonavailability of typical urban municipal services within the foreseeable future, necessarily accept the risks of doing so and needs to design any such development to take account of the nonavailability of such services. The Village disclaims any responsibility for any loss or damage arising out of or resulting from the nonavailability or inadequacy of municipal services in the LUSA District.