



## **MANITOWOC COUNTY COUNTY BOARD OF SUPERVISORS MEETING NOTICE**

**DATE:** February 21, 2023

**TIME:** 5:30 P.M.

**PLACE:** The Heritage Center, County Board Meeting Room  
1701 Michigan Ave, Manitowoc, WI 54220

To live stream the meeting: <https://www.youtube.com/channel/UCcBZSVQYYfhgv5LHxT-fkwQ?reload=9>

The meeting is open to the public, but portions of the meeting may be closed if this notice indicates that the board may convene in closed session. The following matters may be considered at the meeting:

- I. Call to order by Chairperson Martell.
- II. Invocation by Supervisor Engelbrecht.
- III. Pledge of Allegiance.
- IV. Roll Call.
- V. Consideration and correction, if any, of the minutes of the January 17, 2023 meeting.
- VI. Additions or deletions to the agenda. Additions must be submitted to the County Clerk's Office no less than two hours before the close of the courthouse business day on the day of the official meeting. Items may be added only if, for a good cause, it was impossible or impractical to give earlier public notice.
- VII. REPORTS OF COUNTY SUPERVISORS, OFFICES, AND DEPARTMENT DIRECTORS
- VIII. PUBLIC COMMENT – OPPORTUNITY FOR CITIZENS TO PRESENT THEIR VIEWS
- IX. APPOINTMENTS BY COUNTY EXECUTIVE
  - A. Ethics Board  
Appoint one member to succeed Atty. Katherine Reynolds for a three-year term expiring February 28, 2026.
    1. Atty. Katherine Reynolds
  - B. Local Emergency Planning Committee  
Appoint one member to succeed Gary Shavlik for a two-year term expiring March 2025.
    1. Gary Shavlik
  - C. Traffic Safety Commission  
Appoint two members to succeed Brian Kohlmeier and David Funkhouser.
    1. Benjamin Meinnert
    2. Joseph Jeanty
- X. APPOINTMENTS BY COUNTY BOARD CHAIR  
Appoint members to the ad hoc Courthouse Restoration Advisory Committee for an indefinite term.
  1. Supervisor Jim Brey
  2. Supervisor Jim Baumann
  3. Supervisor Doug Klein
  4. Supervisor Leo Naidl
  5. Supervisor Ryan Phipps

6. Supervisor Ken Sitkiewitz
7. Circuit Court Judge Robert Dewane
8. Kaitlin Piazza, Citizen Member
9. John Delsman, Citizen Member

XI. COMMITTEE REPORTS, INCLUDING PETITIONS, RESOLUTIONS, AND ORDINANCES

A. Planning & Park Commission

1. Ordinance 2022/2023-51 Amending Zoning Map (Brad and Jennifer Kurtzweil)
2. Ordinance 2022/2023-52 Amending Zoning Map (Muench Irrevocable Family Trust)
3. Ordinance 2022/2023-53 Repealing and Recreating Manitowoc County Code Chapter 31 (Floodplain Zoning)

Petitions: 1) Dick & Sandra Halverson – Town of Cato  
2) Daniel & Jacqueline Downey – Town of Eaton  
3) Mary Tisler et al – Town of Maple Grove  
4) George & Angela Mueller – Town of Two Rivers

B. Aging & Disability Board

C. Board of Health

D. Criminal Justice Coordinating Council

E. Executive Committee

F. Expo-Ice Center Board

G. Finance Committee

4. Resolution 2022/2023-54 Denying Claim (Troy Bierman)

H. Highway Committee

I. Human Service Board

J. Land Conservation Committee/UW-Extension Education and Agriculture Committee

K. Personnel Committee

L. Public Safety Committee

M. Public Works Committee

N. Transportation Coordinating Committee

XII. ANNOUNCEMENTS

XIII. ADJOURNMENTS

Tyler Martell, Chairperson  
Prepared by Linda Herman, Deputy County Clerk

Any person wishing to attend the meeting who requires special accommodation because of a disability should contact the County Clerk's office at 920-683-4003 at least 24 hours before the meeting begins so that appropriate accommodations can be made.

**ORDINANCE AMENDING ZONING MAP**  
(Brad and Jennifer Kurtzweil)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held  
2 a public hearing on a petition for a zoning ordinance amendment on January 23, 2023; and  
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony  
5 and an examination of the facts, recommends that the petition be approved for the reasons stated  
6 in the attached report;  
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does  
9 ordain as follows:  
10

11 A parcel of land in part of the NW 1/4 of the NW 1/4 of Section 15, Town 19 North, Range  
12 23 East, Town of Manitowoc Rapids, Manitowoc County, Wisconsin, described as follows:  
13

14 Commencing at the W 1/4 Corner of said Section 15; Thence S 89°52'33" E,  
15 1303.35 feet coincident with the south line of said NW 1/4 to the east line of the W  
16 1/2 of said NW 1/4; Thence N 00°31'06" E, 1908.52 feet coincident with said east  
17 line to the point of beginning; Thence N 00°31'06" E, 412.00 feet to the south line  
18 of an existing parcel; Thence N 89°28'54" W, 374.85 feet coincident with said south  
19 line; Thence S 00°05'32" W, 412.00 feet; Thence S 89°28'47" E, 371.79 feet to the  
20 point of beginning, said parcel containing approximately 153,806 Square Feet  
21 (3.531 Acres) of land and is hereby rezoned from Exclusive Agriculture (EA)  
22 District to Rural Residential (RR) District.

Dated this 21st day of February 2023.

Respectfully submitted by the  
Planning and Park Commission

\_\_\_\_\_  
James Falkowski, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Finance Director. \_\_\_\_\_

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel \_\_\_\_\_

COUNTERSIGNED: \_\_\_\_\_  
Tyler Martell, County Board Chair Date

APPROVED: \_\_\_\_\_  
Bob Ziegelbauer, County Executive Date

This report, recommendation, Ordinance, proof of publication, attached map, and the fact sheet are hereby presented in accordance with Section 59.69(5)(e)4 Wisconsin Statutes.

Brad & Jennifer Kurtzweil, on December 29, 2022, petitioned the Manitowoc County Board of Supervisors to rezone approximately 3.0 acres of land located in the NW1/4, NW1/4, Section 15, T19N-R23E, Town of Manitowoc Rapids, from EA, Exclusive Agriculture to RR, Rural Residential.

The Town of Manitowoc Rapids adopted the Manitowoc County Zoning Ordinance on December 14, 2011. The uses permitted in the RR, Rural Residential zoning provides for mixed residential and low impact non-residential development on relatively small lots with a minimum lot size of one acre.

1. Action taken to date on this request includes:

- a. Brad & Jennifer Kurtzweil petitioned for a zoning map amendment on December 29, 2022.
- b. The petition was referred from the County Clerk to the County Planning and Park Commission for a hearing and recommendation.
- c. The public hearing notices were published in the Herald-Times-Reporter on January 9, 2023 and on January 16, 2023.
- d. The County Planning and Park Commission held a public hearing on this amendment request on January 23, 2023.
- e. The Commission at their January 23, 2023 meeting recommended approval of a modified request to rezone approximately 3.0 acres of land located in the NW1/4, NW1/4, Section 15, T19N-R23E, Town of Manitowoc Rapids, from EA, Exclusive Agriculture to RR, Rural Residential.

2. Existing conditions relating to land use, zoning, and natural resources are summarized on the accompanying zone change fact sheet.

3. Testimony at the hearing is summarized as follows:

- a. Mr. Tim Ryan, Director, reviewed the Commission Agenda Commentary.
- b. Mr. Brad Kurtzweil, owner, spoke in favor of the rezone.

The County Planning and Park Commission made the following findings from testimony at the hearing, the rezoning fact sheet, staff analysis, and discussions at the public hearing and meeting.

1. The area to be considered for rezoning meets past criteria set by the Commission for rezoning land from EA, Exclusive Agriculture District.
2. The Manitowoc Rapids Town Board & the Town Planning Commission supports the proposed zone change.
3. Rezoning will allow for a single family home to be built with a relatively

small impact on the area that is farmed.

4. Area to be rezoned is adjacent to a residential zoned parcel.

### **RECOMMENDATION**

The County Planning and Park Commission determined from testimony at the public hearing, from the zone change fact sheets and maps, and from the staff analysis, that the public health, safety and general welfare would be safeguarded and substantial justice done, if the request of Brad & Jennifer Kurtzweil to rezone approximately 3.0 acres of land from EA, Exclusive Agriculture to RR, Rural Residential were approved.

The Manitowoc County Planning and Park Commission, at its January 23, 2023 meeting, therefore by a unanimous vote recommended that the subject property (an approximately 3.0 acres of land located in the NW¼, NW¼, Section 15, T19N-R23E, Town of Manitowoc Rapids, more fully described in the accompanying proposed ordinance amendment) be recommended for rezoning from EA, Exclusive Agriculture to RR, Rural Residential.

# MANITOWOC COUNTY ZONING MAP AMENDMENT CHECKLIST

## GENERAL ZONING PRINCIPLES

- ☐ IS THE PROPOSED ZONING MAP AMENDMENT CONSISTENT WITH AND IN ACCORDANCE WITH THE COUNTY'S:
  - 1. LAND USE PLAN?
  - 2. FARMLAND PRESERVATION PLAN?
  - 3. OTHER LOCAL UNITS PLANS?
- ☐ HAS THERE BEEN A SUBSTANTIAL CHANGE IN CONDITIONS SINCE THE LAND WAS ORIGINALLY ZONED TO WARRANT THE PROPOSED AMENDMENT?
- ☐ WAS THE SUBJECT PROPERTY INCORRECTLY ZONED INITIALLY?
- ☐ DOES THE DECISION TO RECOMMEND APPROVAL OR DENIAL REPRESENT THE COMMISSION'S COMMISSIONER'S WILL OR DOES IT REPRESENT ITS JUDGMENT?
- ☐ IS THE PROPOSED AMENDMENT IN THE BEST INTEREST OF THE COMMUNITY PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE?
- ☐ WILL THE PROPOSED REZONING BE COMPATIBLE WITH NEIGHBORHOOD PROPERTIES AND WILL IT NOT ADVERSELY AFFECT THE VALUE OF SUCH ADJACENT LAND?
- ☐ IS THE SUBJECT PROPERTY ECONOMICALLY FEASIBLE TO DEVELOP OR USE UNDER THE CURRENT ZONING?
- ☐ ARE THERE ADEQUATE SITES ELSEWHERE THAT ARE ZONED APPROPRIATELY FOR THE PROPOSED USE?
- ☐ DOES THE PROPOSED ZONING MAP AMENDMENT CONSTITUTE SPOT ZONING?
- ☐ HAVE ALL USES THAT ARE PERMITTED UNDER THE PROPOSED ZONING DISTRICT BEEN CONSIDERED RATHER THAN JUST THE USE THAT IS BEING PROPOSED BY THE APPLICANT?
- ☐ DOES THE PROPOSED AMENDMENT (IF OUT OF A-3) MEET THE STATUTORY AND COMMISSION POLICY FINDINGS?
- ☐ OBJECTIONS FROM TOWN OR OTHER INTERESTED PARTIES?
- ☐ CITIZEN SUPPORT OBJECTION?

## SHORELAND FLOODPLAIN ZONING ORDINANCE PRINCIPLES

- ☐ IS THE PROPOSED LOCATION FOR THE PROPOSED USE WITHIN THE AREAS IDENTIFIED AS:
  - FLOODPLAIN
  - WETLAND
  - FLOODWAY
  - SHORELAND
- ☐ DOES THE PROPOSED CONSTRUCTION MEET THE STATE'S AND COUNTY'S STANDARDS:
  - PERMITTED ACCESSORY OR CONDITIONAL USE
  - SHORELINE VEGETATION REMOVAL
  - MINIMUM SETBACK FROM WATERWAY
  - MINIMUM LOT SIZE AND WIDTH
  - STANDARDS FOR FILLING, GRADING & EXCAVATION



# COUNTY OF MANITOWOC COUNTY CLERK

1010 South 8<sup>th</sup> St., Ste. 115  
Manitowoc, WI 54220

Jessica Backus  
Manitowoc County Clerk

Telephone: (920) 683-4004  
Email: [jessicabackus@manitowoccountywi.gov](mailto:jessicabackus@manitowoccountywi.gov)

January 9, 2023

Tim Ryan, Director  
Planning & Park Commission  
4319 Expo Dr., P.O. Box 935  
Manitowoc, WI 54220-0935

and

Manitowoc County Supervisor Rick L. Gerroll  
Supervisory District 21

ATTN: Tim Ryan and Supervisor Gerroll

We enclose a copy of the following petition for an amendment to Manitowoc County's Zoning Ordinance Use Regulations as filed in this office:

**Name of Owner:**

Brad and Jennifer Kurtzwell  
2432 Fox Chase Dr  
Manitowoc, WI 54220

**Township:**

Manitowoc Rapids

This notice is made in compliance with Section 59.69(5)(e)(1) of the Wisconsin Statutes.  
A report of the above petition will be made to the County Board at its next succeeding meeting.

Sincerely,

*Jessica Backus*

Jessica Backus  
Manitowoc County Clerk





**Manitowoc County  
Planning and Park Commission**

Fee (\$490) Received ☒  
Receipt # **40350**

**ZONING MAP AMENDMENT APPLICATION**

MANITOWOC COUNTY  
RECEIVED

DEC 29 2022

PLANNING & PARK  
COMMISSION

Date of Application: 12/28/22

OWNER / APPLICANT/ AGENT

Owner Brad and Jennifer Kurtzweil

Applicant/Agent N/A

Address (1) 2432 Fox Chase Dr

Address (1) \_\_\_\_\_

Address (2) \_\_\_\_\_

Address (2) \_\_\_\_\_

City/State/Zip Manitowoc, WI 54220

City/State/Zip \_\_\_\_\_

Phone 920-629-6733

Phone \_\_\_\_\_

**PROPERTY LEGAL DESCRIPTION**

NW 1/4, NW 1/4, S 15 T 19 N R 23 E Town of Manitowoc Rapids

House /Fire # \_\_\_\_\_

Tax Number

010-015-006-001.00

**PROPERTY INFORMATION**

Existing Zoning District EA

Proposed Zoning district RR

Please include an air photo identifying the proposed area with dimensions or a description of the area proposed for rezoning including acreage:

Official Legal Description and map will be submitted shortly.

Photo attached with size/location specified. Total acreage: 3.0

Proposed use: (Reason for change)

Would like to build a single family home and garage. Choose an area that is hilly and less desirable farmland.

Return to:  
Manitowoc County  
Planning and Park Commission  
4319 Expo Drive, PO Box 935  
Manitowoc, WI 54220-0935  
(920) 683-4185

[Signature]  
Signature (applicant, owner, agent)

12/28/22  
Date

[Signature]  
Signature (applicant, owner, agent)

12/28/22  
Date



# MANITOWOC COUNTY

## ZONING MAP AMENDMENT FACT SHEET

(Manitowoc County, Town of Manitowoc Rapids from EA to RR)

### PETITIONER

**Name:** Brad & Jennifer Kurtzweil  
**Address:** 2432 Fox Chase Dr.  
Manitowoc WI 54220  
**Town:** Manitowoc Rapids

### PARCEL

**Location:** NW ¼, NW¼, Section 15, T19N-R23E  
**Tax#:** 010-015-006-001.00  
**Area:** 3 acres

### ACTION TO DATE

**Petition Submitted:** 12/29/2022  
**Town Action:** Approved December 7, 2022  
**Hearing Notice Published:** 1/9/2023 & 1/16/2023  
**Advisory:** 1/23/2023  
**Hearing:** 1/23/2023

### ADJACENT USES & ZONING

	Direction:	District:	Use:
North	EA		Farmland
South	EA		Farmland
East	EA		Farmland & Residential
West	EA		Farmland

### PARCEL USES & ZONING

**Existing Zoning District:** EA, Exclusive Agriculture  
**Existing Land Use:** Farmland  
**Proposed Zoning District:** RR, Rural Residential  
**Proposed Use:** Build Single Family Home & Garage

### MAP INFORMATION

**Farmland Preservation Designation:**  
Farmland Preservation  
**Soil Type:** Knb, KnC2  
**Air Photo Date:** 04/2020

### OTHER CONSIDERATIONS

**Drainage:** Well drained  
**Soil Limitations:** Moderate – Severe  
**Sewage Disposal:** Private Onsite Wastewater Treatment  
**Road Access:** Logwood Ln

**Soil Test:** N/A  
**Terrain:** 6 to 12 Percent Slopes  
**Vegetative Cover:** Crops

**Town Future Land Use Designation:** Agricultural

These areas are primarily agriculture-related, woodlands, and open space land uses. Proposed non-farm developments or low density growth proposals should not significantly impact agricultural lands, agricultural productivity, or cause fragmentation or large woodland and open spaces.

**County Future Land Use Designation:** Agricultural

The purpose of the Agricultural designation is to provide for the continued viability of farming and agricultural uses, the raising of livestock, the conservation of agricultural land, and to maintain and promote the rural character of the farmlands into the future.

# TOWN OF MANITOWOC RAPIDS

Jessica Backus, Clerk  
PO Box 123  
Manitowoc, WI 54221-0123  
(920) 901-6559

Josh Stradal, Chairperson  
3329 Branch River Rd  
Manitowoc, WI 54220  
(920) 323-0357

Manitowoc County Office Complex  
4319 Expo Drive  
P.O. Box 935  
Manitowoc, WI 54221-0935

December 10, 2022

Re: Kurtzweil Rezone Request

Dear Planning and Zoning Department,

The Town Board for the Town of Manitowoc Rapids has decided to approve Brad Kurtzweil's rezone request.

Enclosed you will find the Plan Commission's rezone review and the minutes from December 7, 2022 Town Meeting with a motion was made by Supervisor Wetenkamp to approve the rezone request, seconded by Supervisor Jost. The Town Board unanimously approved.

If there are any questions please contact me at (920) 901-6559.

Sincerely,

Jessica Backus, Clerk/Treasurer

## PLAN COMMISSION RECOMMENDATIONS

Name: Brad Kurtzweil

Date Request Received: 11/28/2022 Fee Received: \$150.00

Date Committee Met: 12/7/2022

Committee Findings: (List the reasons why it is being recommended for approval – i.e. rocky, marginal farmland, marsh land, steep topography, etc)

*Committee approved w/ Conditions*

*- needed Right to Farm signed. (Done)*

Recommendation to the Town Board:

*Approved as petitioned.*

Town Board Decision:

*Town Board approved the rezone request  
from EA to RR.*

**Town of Manitowoc Rapids Planning Commission  
Rezoning Review Criteria**

Applicant Brad Kurtzweil  
Address 2432 Fox Chase Dr, Manitowoc  
Location NW 1/4 NW 1/4  
Tax Parcel # 010-015-0016-001.00

Owner Brad Kurtzweil  
Address Same  
Section 15 Town 19 Range 23

**Background Information**

Is the Letter of Intent application complete for review purpose?

☒ Yes ☐ No

Was applicant/agent present for review?

☒ Yes ☐ No

Have all abutting property owners been properly notified?

☒ Yes ☐ No

Existing Land Use EA

Proposed Land Use \_\_\_\_\_

The proposed rezoning will occur in the following Preferred Land Use Management Area(s) as identified in the Town of Manitowoc Rapids Year 20-Year Comprehensive Plan:

- ☐ Agriculture/Natural Features
- ☒ Rural Residential
- ☐ Branch Rural Center
- ☐ Commercial

- ☐ Primary Residential
- ☐ Industrial
- ☐ Planned Unit Development
- ☐ Planned Commercial District

**Existing Zoning District**

- ☒ Agriculture (A-3)
- ☒ Agriculture (A-2)
- ☐ Agriculture (A-1)
- ☐ Residential (R-1)
- ☐ Residential (R-2)
- ☐ Residential (R-3)
- ☐ Business (B-1)
- ☐ Business (B-2)

- ☐ Industrial (I-1)
- ☐ Estate Residential (ES)
- ☐ Small Estate Residential (SE)
- ☐ Lake Residential (LR)
- ☐ Principal Agriculture (PA)
- ☐ General Agriculture (GA)
- ☐ Natural Area (NA)
- ☐ Conservancy (C1)

**Proposed Zoning District**

- ☒ Agriculture (A-3)
- ☒ Agriculture (A-2)
- ☐ Agriculture (A-1)
- ☐ Residential (R-1)
- ☐ Residential (R-2)
- ☐ Residential (R-3)
- ☐ Business (B-1)
- ☐ Business (B-2)

- ☐ Industrial (I-1)
- ☐ Estate Residential (ES)
- ☐ Small Estate Residential (SE)
- ☐ Lake Residential (LR)
- ☐ Principal Agriculture (PA)
- ☐ General Agriculture (GA)
- ☐ Natural Area (NA)
- ☐ Conservancy (C1)

*Rural Res*

**Review Questions**

1. Is the rezoning in compliance with the Zoning District Compliance Table? (Attached)

☒ Yes ☐ No

2. If the subject parcel is currently zoned A-3, will the A-3 (Exclusive Agriculture) Rezoning Criteria be met? (See Attached)

☐ Yes ☒ Yes with Conditions ☐ No ☐ N/A

If No, please list reasons: \_\_\_\_\_

3. If the rezoning is proposed to accommodate structures, do the subject parcels include an area with one or fewer criteria as identified by Map-8-8 within the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*?

☒ Yes ☐ No

4. Does the proposed use for the rezone meet the intent of the impacted Land Use Management Area objectives as identified in the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*?

☐ Yes ☒ Yes with Conditions ☐ No ☐ N/A

If No, please list reasons: \_\_\_\_\_

5. Is the rezoning consistent with the General Land Use Policies identified in the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*? (See attached.)

☐ Yes ☒ Yes with Conditions ☐ No ☐ N/A

If No, please list reasons: \_\_\_\_\_

6. Is the proposed use compatible with the *Town of Manitowoc Rapids Year 20-Year Comprehensive Plan*?

☐ Yes ☒ Yes with Conditions ☐ No ☐ N/A

If No, please list reasons: \_\_\_\_\_

**Other Conditions (When Applicable)**

- ☐ Farm Consolidation
- ☐ Non-Conforming Lot(s)
- ☐ Non-Conforming Use
- ☐ Family Transfer or Sale of Property

- ☐ Requires "Drainage" Statement
- ☐ Requires Road Dedication
- ☐ Requires Utility or Service Easements

Planning Committee Recommendation – Approve ☐ Approve with Conditions ☒ Deny ☐ Table ☐

Justification/Comments: \_\_\_\_\_

Preferred Land Use Management Area  
Zoning District Compliance

Preferred Land Use Management Area	Potential Zoning Districts (Relative Order of Priority)
Agriculture/Natural Areas Features	A-3, PA, NA, GA, C1 *(A-2 & A-1 – prior to plan adoption)
Planned Unit Development	A-3, PA, NA, GA, A-2, Create New PUD District
Rural Residential	A-3, PA, NA, GA, A-2, ES, SE *Land zoned LR, A-1, R-1 (<2.5 acre lot size) will require the use of conservation design principals.
Primary Residential	A-3, PA, NA, GA *Lands zoned A-1, R-1, R-2, R-3 will be subject to a utility policy that allows for the potential accommodations of public water and sewer.
Branch Rural Center	A-3, PA, NA, GA, A-2, ES, SE, A-1, R-1, B-1, B-2
Industrial	I-1, A-3, PA, NA, GA, A-2, B-2, B-1
Commercial	B-1, B-2, A-3, PA, NA, GA, A-2, I-1
Planned Commercial District	A-3, PA, NA, GA, A-2, Create New PCD District

### A-3 (Exclusive Agriculture) Rezoning Criteria

The following standards should apply to all land proposed for rezoning out of Exclusive Agriculture (A-3).

#### Manitowoc County Standards

The following standards are contained in Section 91.77 of the Wisconsin Statutes and must be found to exist before land can be rezoned out of the Exclusive Agriculture District (A-3).

1. A county, city, village or town may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:
  - a. Adequate public facilities to accommodate development either exists or will be provided within a reasonable time.  
☒ True ☐ False  
Comments: \_\_\_\_\_
  - b. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.  
☒ True ☐ False  
Comments: \_\_\_\_\_
  - c. The land proposed for rezoning is suitable for development and the development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.  
☒ True ☐ False  
Comments: \_\_\_\_\_

The following "standards" are applied when considering areas that may be excluded from agricultural preservation area in the county plan. It follows that these same types of conditions should exist when a consideration is being given to removing land from the protection of the exclusive agricultural zoning district. Therefore, the following findings should be made for land that is proposed to be rezoned out of an exclusive agricultural zoning district.

1. Existing or planned activities adjacent to the identified parcel to be rezoned are compatible with an agricultural use.  
☒ True ☐ False  
Comments: \_\_\_\_\_
2. The area to be rezoned is ~~not~~ economically viable for agricultural use.  
☐ True ☒ False  
Comments: \_\_\_\_\_
3. Substantial urban growth in the area to be rezoned or planned urban expansion has created a public need to convert agricultural land use to other uses.  
☐ True ☒ False  
Comments: \_\_\_\_\_
4. Maintenance of the area in agricultural use is not consistent with the goals and objectives of a county agricultural preservation plan. (To be determined by Manitowoc County.)

Finally, a proposed rezoning out of an Exclusive Agricultural District (A-3) may be approved if it can be determined that such a use would not conflict with agricultural use and is found to be necessary in light of alternative locations available for such uses. The "mistake" and/or "change of conditions" rules should apply also.



### ***Town Standards***

The following are local town standards which shall apply to all Exclusive Agriculture (A-3) rezones. These standards are in addition to the previously listed Manitowoc County standards. These standards are intended to fulfill the objectives of the Agriculture/Natural Features Management Area as identified within Map 8-9 of the *Manitowoc Rapids Year 20-Year Comprehensive Plan*.

1. The property owner is not an active participant in the Manitowoc County Farmland Preservation Program (i.e. receiving tax credit).

☒ True ☐ False

Comments: \_\_\_\_\_

2. A majority of the farmland included in the rezoning is not classified as "Best" for agricultural production as classified by Manitowoc County using the Land Evaluation and Site Assessment (LESA) system (see Map 8-6).

☒ True ☐ False

Comments: \_\_\_\_\_

3. A majority of the land proposed for rezoning contains one or fewer criteria as identified by Map 8-8 of the *Manitowoc Rapids 20-Year Comprehensive Plan*.

☒ True ☐ False

Comments: \_\_\_\_\_

4. The land proposed for rezoning is not within 1,000 feet of any active farming operation (see Map 8-7).

☒ True ☐ False

Comments: \_\_\_\_\_

5. The land proposed for rezoning does not fragment a useable farm field.

☒ True ☐ False

Comments: \_\_\_\_\_

6. The land owner for which the rezone is proposed is willing to sign appropriate documentation which would hold harmless area farmers/land owners and their farming operations and practices from normal nuisances which occur as part of farming procedures (nuisances include but are not limited to noise from farm equipment, hours of operation, inconvenience of farm equipment travel on public roads, occasional smell and dust).

☒ True ☐ False

Comments: \_\_\_\_\_

### ***Other Considerations***

7. The land is being rezoned to accommodate a use (i.e. housing unit or business) which will support commercial agricultural production (i.e. farm employee residence, equipment repair, etc.).

☐ True ☒ False

Comments: \_\_\_\_\_

8. Farmland contained within the rezoned area is of unique proportion which limits the ability of farm equipment to work efficiently.

☐ True ☒ False

Comments: \_\_\_\_\_

A-3 to A-2, PA, NA, and GA rezones should only be reviewed if the proposed rezoning includes proposed uses of agricultural nature or contains a conservation easement which restricts further fragmentation of the parcel. Limits of Disturbances (area accommodating buildings and accessory features) within the allowed rezone districts shall be limited to 2 acres in size.

**TOWN OF MANITOWOC RAPIDS  
MINUTES FROM THE DECEMBER 7, 2022**

The December 7, 2022 meeting of the Town of Manitowoc Rapids meeting was called to order by Chairperson Stradal at 7:00 pm at the Town Hall, 8624 CTH JJ, Manitowoc, WI.

**ROLL CALL**

The roll was called, and members present were: Josh Stradal-Chairperson, Tom Wetenkamp-Supervisor 1, John Jost-Supervisor 2, Jeremy Stradal-Road Foreman, Jessica Backus-Clerk/Treasurer, and Jim Wiesner-Constable. Scott Tennessen-Assessor was excused.

**APPROVAL OF MINUTES – APPROVAL OF AGENDA**

Chairperson Stradal presented the minutes from the November 9, 2022 meeting. Supervisor Wetenkamp moved to approve the meeting minutes, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

Chairperson Stradal presented the December 7, 2022 agenda. Supervisor Jost moved to approve the agenda, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

**TREASURER'S REPORT**

Clerk Backus presented the cash flow report. Supervisor Wetenkamp moved to approve the cash flow report, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

**PUBLIC COMMENT**

Chairperson Stradal opened public comment at 7:06 p.m.

No one present wished to speak, subsequently Chairperson Stradal closed public input at 7:06 p.m.

**REPORTS**

*Constable* – Constable Wiesner reported he received one dog call and a complaint about mud on the road.

*Highway* – Road Foreman Stradal presented the two quotes for furnace in the back storage garage-Schaus Quote \$5070.00 and Lakeshore \$6,975.00. Supervisor Jost moved to accept the quote from Schaus, seconded by Supervisor Wetenkamp. Upon vote, unanimously approved.

He reported there are cedar trees that need to be trimmed on Cedar Lane. Clerk Backus will send a letter to notify property owners that the trees will be trimmed soon.

*Assessor* – Nothing to report.

**NEW BUSINESS**

*Discussion and possible action to adopt the 2023 Proposed Budget and 2022 Tax Levy*

Supervisor Wetenkamp moved to adopt the 2023 Proposed Budget and 2022 Tax Levy; seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action regarding Fire Department Contracts*

Supervisor Wetenkamp moved to approve the Fire Department Contracts for Branch, Rockwood, and Silver Creek, seconded by Supervisor Jost. Upon vote, the motion carried with Supervisor Wetenkamp and Supervisor Jost voting aye, Chairperson Stradal abstained.

*Discussion and possible action regarding First Responder Contracts*

Supervisor Jost moved to approve the First Responder Contracts for Branch and Silver Creek, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action regarding Ambulance Agreement*

Supervisor Wetenkamp moved to approve the City of Manitowoc Ambulance Agreement, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Clerk/Treasurer Contract*

Chairperson Stradal moved to approve the Clerk/Treasurer contract for 2023, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Fuel Contract*

Supervisor Jost moved to approve the fuel contract with Maribel Grain Company, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Sand Contract*

Supervisor Wetenkamp moved to approve the sand contract with Jim's Excavating, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action on MOU between Wisconsin Election Commission and the Town*

Clerk Backus informed the board that the Wisconsin Election Commission was providing a security grant which would cover the cost of our IT support, anti-virus software, and security seals for the tabulator. Chairperson Stradal moved to approve the MOU with WEC, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and action on the Rezone Request for Brad Kurtzweil*

Randy Drumm reported on the rezone request and recommended approval of the rezone request. Supervisor Wetenkamp moved to approve the rezone request for Brad Kurtzweil from Exclusive Agriculture to Rural Residential, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and action on the Rezone Request for Soaring Eagle Dairy (Scott Mertens-Agent)*

Randy Drumm reported on the rezone request and recommended approval of the rezone request. Supervisor Jost moved to approve the rezone request for Soaring Eagle Dairy (Scott Mertens-Agent) from Exclusive Agriculture to Rural Residential, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Resolution 2022-3 to Amend the 2022 Budget*

Supervisor Wetenkamp moved to approve Resolution 2022-3 to Amend the 2022 Budget, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Resolution 2022-4 Adopting Posting Legal Notices*

Chairperson Stradal moved to approve Resolution 2022-4 Adopting Posting Legal Notices, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Pay Schedule Policy*

Clerk Backus explained the current pay schedule for the elected officials and clerk/treasurer and how it affects the new budget year with the year-end carryover. She requested the pay schedule for the elected officials be changed to the payroll checks being issued on the last day of the quarter serves were performed, along with the clerk/treasurer's payroll check being issued the last day of the month for the monthly services performed effect immediately. Chairperson Stradal moved to approve the new pay schedule policy, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

*Discussion and possible action on Recycling Center Items*

Supervisor Jost recommended increasing the garbage bags/stickers from \$1.00 to \$2.00 to subsidize the increase of garbage pickup as of the first of 2023. Chairperson Stradal moved to approve an increase in garbage bag/stickers fees, seconded by Supervisor Jost. Upon vote, the motion was carried unanimously.

*Presentation on Rural Mutual Insurance Review*

Insurance Agent Randy Pingel provided the presentation.

**UNFINISHED BUSINESS**

*Update on N Union Rd/Branch River Bridge*

Chairperson Stradal informed everyone the bridge was now open, but there is a list of small items that will be reviewed in the spring.

## **OTHER BUSINESS**

### *Items for Next Month's Agenda*

Reduced Speed Limit on Hwy H

### *Vouchers*

Clerk Backus presented the December vouchers. Chairperson Stradal moved to approve the vouchers as presented for the month of November, seconded by Supervisor Wetenkamp. Upon vote, the motion was carried unanimously.

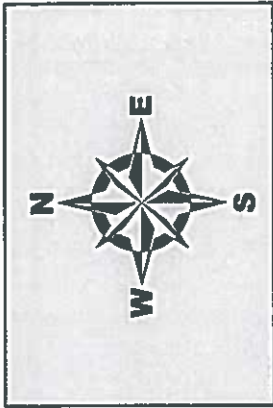
## **NEXT MEETING DATES**

Monthly Meeting – January 11, 2023 at 7:00 p.m.

There being no further discussion, Supervisor Wetenkamp moved to adjourn; seconded by Supervisor Jost, and the motion was adopted by acclamation. The meeting was adjourned at 7:49 p.m.

Respectfully submitted,  
Jessica Backus, Clerk/Treasurer





Brad & Jennifer Kurtzweil  
 NW 1/4, NW 1/4  
 Section 15, T19N-R23E  
 Town of Manitowoc Rapids  
 From: EA To: RR  
 Approximately 3 acre(s)  
 -87.737, 44.122

Map Overview

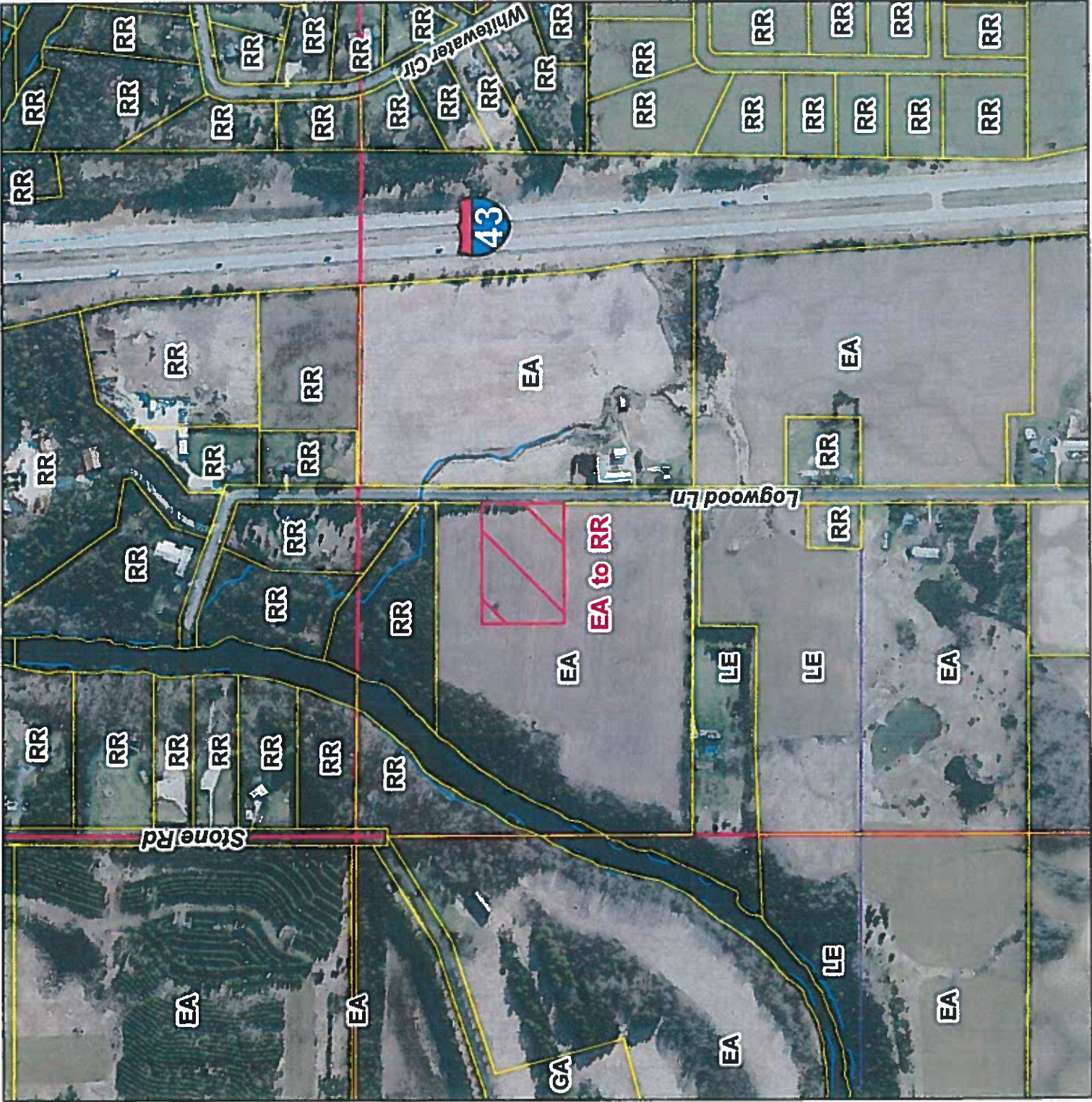
Manitowoc Rapids

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

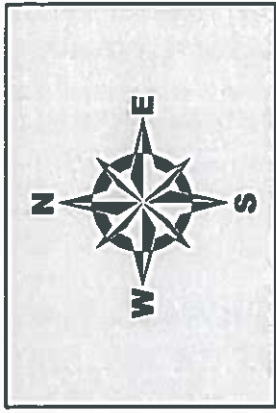


**Legend**

- Section Line (Red outline)
- Zoning Line (Blue line)
- Parcel Line (Yellow line)
- Streams (Blue line)







Brad & Jennifer Kurtzweil  
 NW 1/4, NW 1/4  
 Section 15, T19N-R23E  
 Town of Manitowoc Rapids

From: EA To: RR  
 Approximately 3 acre(s)  
**Amended and  
 Approved Request**

Map Overview

Manitowoc Rapids

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

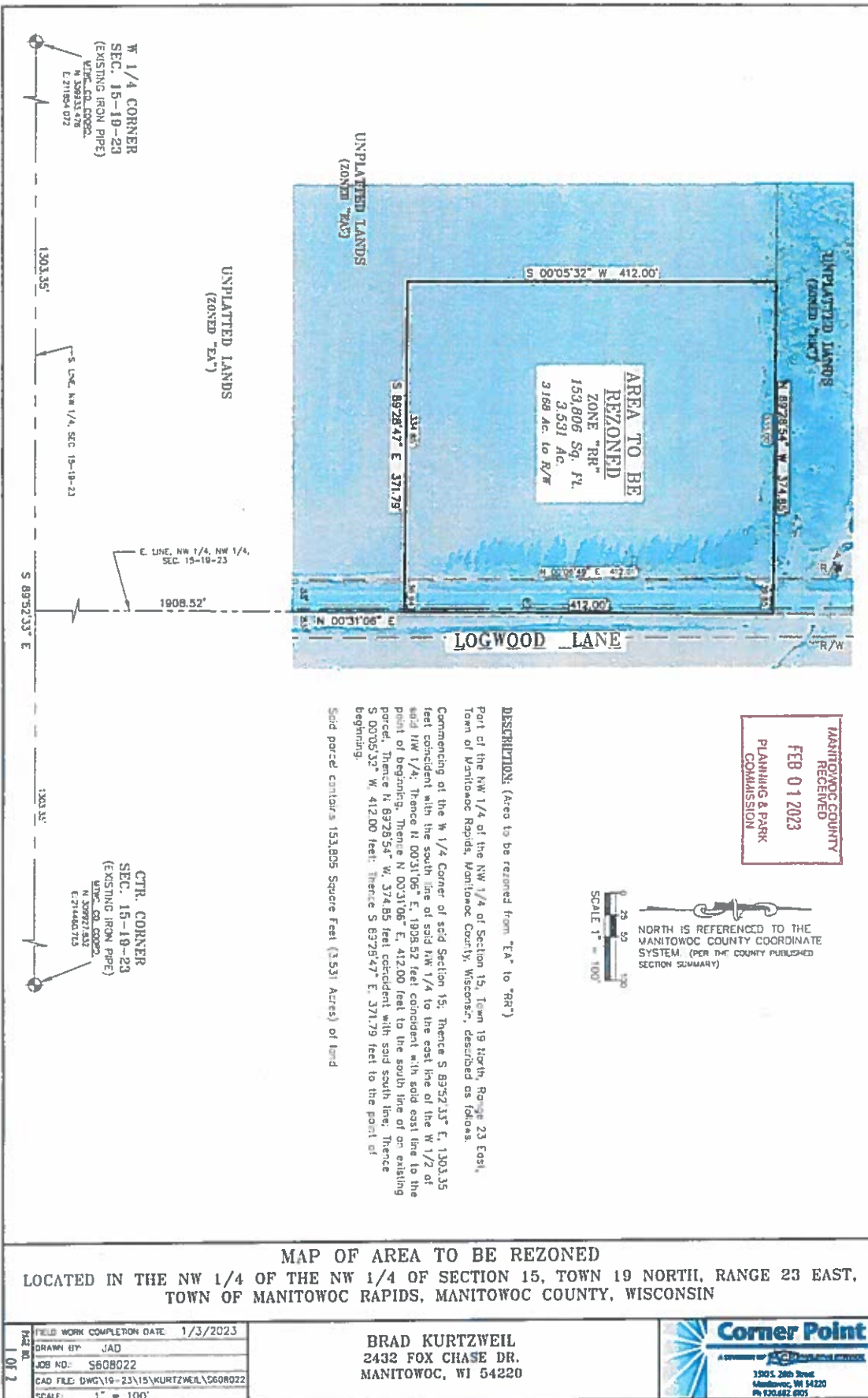


**Legend**

- Section Line (Red outline)
- Zoning Line (Blue line)
- Parcel Line (Yellow line)
- Streams (Blue line)







MANITOWOC COUNTY  
RECEIVED  
FEB 01 2023  
PLANNING & PARK  
COMMISSION

NORTH IS REFERENCED TO THE  
MANITOWOC COUNTY COORDINATE  
SYSTEM (PER THE COUNTY PUBLISHED  
SECTION SUMMARY)

0 25 50 100  
SCALE 1" = 100'

DESCRIPTION: (Area to be rezoned from "EA" to "RR")

Port of the NW 1/4 of the NW 1/4 of Section 15, Town 19 North, Range 23 East,  
Town of Manitowoc Rapids, Manitowoc County, Wisconsin, described as follows:

Commencing at the W 1/4 Corner of said Section 15; Thence S 83°52'33" E, 1303.35  
feet coincident with the south line of said NW 1/4 to the east line of the W 1/2 of  
said NW 1/4; Thence N 00°31'06" E, 1908.52 feet coincident with said east line to the  
point of beginning; Thence N 00°31'06" E, 412.00 feet to the south line of an existing  
parcel; Thence N 83°28'54" W, 374.85 feet coincident with said south line; Thence  
S 00°05'32" W, 412.00 feet; Thence S 83°28'47" E, 371.79 feet to the point of  
beginning.

Said parcel contains 153,806 Square Feet (3.531 Acres) of land

MAP OF AREA TO BE REZONED

LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 15, TOWN 19 NORTH, RANGE 23 EAST,  
TOWN OF MANITOWOC RAPIDS, MANITOWOC COUNTY, WISCONSIN

FIELD WORK COMPLETION DATE	1/3/2023
DRAWN BY	JAD
JOB NO.	S608022
CAD FILE	DWG\19-23\15\KURTZWEIL\S608022
SCALE	1" = 100'

BRAD KURTZWEIL  
2432 FOX CHASE DR.  
MANITOWOC, WI 54220

**Corner Point**  
A DIVISION OF  
3901 S. 28th Street  
Manitowoc, WI 54220  
PH 920.662.6001



**ORDINANCE AMENDING ZONING MAP**  
(Muench Irrevocable Family Trust)

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Planning and Park Commission, after providing the required notice, held  
2 a public hearing on a petition for a zoning ordinance amendment on January 23, 2023; and  
3

4 WHEREAS, the Planning and Park Commission, after a careful consideration of testimony  
5 and an examination of the facts, recommends that the petition be approved for the reasons stated  
6 in the attached report;  
7

8 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does  
9 ordain as follows:  
10

11 A tract of land in part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4)  
12 of Section 36, Township 18 North, Range 22 East, Town of Liberty, Manitowoc County,  
13 Wisconsin being described as follows:  
14

15 Commencing at the Southeast Corner of said Section 36; thence S89°-49'-56"W  
16 along the South line of the SE1/4 of said Section 36 a distance of 455.90 feet to the  
17 point of beginning; thence continuing S89°-49'-56"W along said South line 223.51  
18 feet to the Southeast Corner of Lot 1 of Certified Survey Map recorded in Volume  
19 31 of Certified Survey Maps, on Pages 197-198, as Document No. 1148560; thence  
20 N00°-29'-40"W 157.80 feet to a corner of said Lot 1; thence S89°-50'-06"W 22.19  
21 feet to a corner of said Lot 1; thence N36°-19'-18"W 21.65 feet to a corner of said  
22 Lot 1; thence N00°-29'-40"E 19.51 feet to the North line of said Lot 1; thence S89°-  
23 50'-06"W along said North line 272.41 feet; thence N00°-29'-40"E 131.36 feet;  
24 thence N89°-49'-56"E 531.08 feet; thence S00°-29'-40"W 326.21 feet to the point  
25 of beginning, said parcel containing approximately 114,492 square feet (2.63 acres)  
26 of land and is hereby rezoned from Exclusive Agriculture (EA) District to Rural  
27 Residential (RR) District;  
28

29 and  
30

31 A tract of land in part of Lot 1 of Certified Survey Map recorded in Volume 31, on Pages  
32 197-198, as Document No. 1148560; being a part of the Southeast Quarter (SE1/4) of the Southeast  
33 Quarter (SE1/4) of Section 36, Township 18 North, Range 22 East, Town of Liberty, Manitowoc  
34 County, Wisconsin being described as follows:  
35

36 Commencing at the Southeast Corner of said Section 36; thence S89°-49'-56"W  
37 along the South line of the SE1/4 of said Section 36, a distance of 986.98 feet to  
38 the point of beginning; thence continuing S89°-49'-56"W along said South line  
39 124.00 feet to the West line of Lot 1 of said Certified Survey Map; thence N00°-

40 29'-40"E along said West line 194.85 feet to the North line of Lot 1 of said Certified  
41 Survey Map; thence N89°-50'-06"E along said North line 124.00 feet; thence S00°-  
42 29'-40"W 194.85 feet to the point of beginning, said parcel containing  
43 approximately 24,162 square feet (0.55 acres) of land and is hereby rezoned from  
44 Rural Residential (RR) District to Exclusive Agriculture (EA) District.

Dated this 21st day of February 2023.

Respectfully submitted by the  
Planning and Park Commission

\_\_\_\_\_  
James Falkowski, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Finance Director. \_\_\_\_\_

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. 

COUNTERSIGNED: \_\_\_\_\_  
Tyler Martell, County Board Chair Date

APPROVED: \_\_\_\_\_  
Bob Ziegelbauer, County Executive Date

This report, recommendation, Ordinance, proof of publication, attached map, and the fact sheet are hereby presented in accordance with Section 59.69(5)(e)4 Wisconsin Statutes.

The Muench Irrevocable Family Trust, on December 1, 2022, petitioned the Manitowoc County Board of Supervisors to rezone approximately 2.63 acres of land located in the SE1/4, SE1/4, Section 36, T18N-R22E, Town of Liberty, from EA, Exclusive Agriculture to RR, Rural Residential and approximately 0.55 acres of land located in the SE1/4, SE1/4 Section 36, T18N-R22E, Town of Liberty, from RR, Rural Residential to EA, Exclusive Agriculture.

The Town of Liberty adopted the Manitowoc County Zoning Ordinance on November 14, 2011. The uses permitted in the RR, Rural Residential zoning provides for mixed residential and low impact non-residential development on relatively small lots with a minimum lot size of one acre while EA, Exclusive Agriculture zoning provides areas for agricultural development and to prevent scattered nonagricultural development that could displace agricultural uses

1. Action taken to date on this request includes:

- a. The Muench Irrevocable Family Trust petitioned for a zoning map amendment on December 1, 2022.
- b. The petition was referred from the County Clerk to the County Planning and Park Commission for a hearing and recommendation.
- c. The public hearing notices were published in the Herald-Times-Reporter on January 9, 2023 and on January 16, 2023.
- d. The County Planning and Park Commission held a public hearing on this amendment request on January 23, 2023.
- e. The Commission at their January 23, 2023 meeting recommended approval of the requested rezoning of approximately 2.63 acres of land located in the SE1/4, SE1/4, Section 36, T18N-R22E, Town of Liberty, from EA, Exclusive Agriculture to RR, Rural Residential and approximately 0.55 acres of land located in the SE1/4, SE1/4 Section 36, T18N-R22E, Town of Liberty, from RR, Rural Residential to EA, Exclusive Agriculture.

2. Existing conditions relating to land use, zoning, and natural resources are summarized on the accompanying zone change fact sheet.

3. Testimony at the hearing is summarized as follows:

- a. Mr. Tim Ryan, Director, reviewed the Commission Agenda Commentary.

The County Planning and Park Commission made the following findings from testimony at the hearing, the rezoning fact sheet, staff analysis, and discussions at the public hearing and meeting.

1. The area to be considered for rezoning meets past criteria set by the Commission for rezoning land from EA, Exclusive Agriculture District and RR, Rural Residential District.
2. The Liberty Town Board & the Town Planning Commission supports the proposed zone change.
3. The rezone will allow for the house and buildings to be combined on one parcel and segregated from the crop land.
4. Both proposed zoning districts are currently adjacent to said parcels.

### **RECOMMENDATION**

The County Planning and Park Commission determined from testimony at the public hearing, from the zone change fact sheet and maps, and from the staff analysis, that the public health, safety and general welfare would be safeguarded and substantial justice done, if the request of the Muench Irrevocable Family Trust to rezone approximately 2.63 acres of land from EA, Exclusive Agriculture to RR, Rural Residential and approximately 0.55 acres of land from RR, Rural Residential to EA, Exclusive Agriculture were approved.

The Manitowoc County Planning and Park Commission, at its January 23, 2023 meeting, therefore by a unanimous vote recommended that the subject property (an approximately 2.63 acres of land located in the SE¼, SE¼, Section 36, T18N-R22E, Town of Liberty and approximately 0.55 acres of land located in the SE¼, SE¼, Section 36, T18N-R22E, Town of Liberty, more fully described in the accompanying proposed ordinance amendment) be recommended for rezoning from EA, Exclusive Agriculture to RR, Rural Residential and RR, Rural Residential to EA, Exclusive Agriculture.

# **MANITOWOC COUNTY ZONING MAP AMENDMENT CHECKLIST**

## **GENERAL ZONING PRINCIPLES**

- ☐ IS THE PROPOSED ZONING MAP AMENDMENT CONSISTENT WITH AND IN ACCORDANCE WITH THE COUNTY'S:
  - 1. LAND USE PLAN?
  - 2. FARMLAND PRESERVATION PLAN?
  - 3. OTHER LOCAL UNITS PLANS?
- ☐ HAS THERE BEEN A SUBSTANTIAL CHANGE IN CONDITIONS SINCE THE LAND WAS ORIGINALLY ZONED TO WARRANT THE PROPOSED AMENDMENT?
- ☐ WAS THE SUBJECT PROPERTY INCORRECTLY ZONED INITIALLY?
- ☐ DOES THE DECISION TO RECOMMEND APPROVAL OR DENIAL REPRESENT THE COMMISSION'S COMMISSIONER'S WILL OR DOES IT REPRESENT ITS JUDGMENT?
- ☐ IS THE PROPOSED AMENDMENT IN THE BEST INTEREST OF THE COMMUNITY PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE?
- ☐ WILL THE PROPOSED REZONING BE COMPATIBLE WITH NEIGHBORHOOD PROPERTIES AND WILL IT NOT ADVERSELY AFFECT THE VALUE OF SUCH ADJACENT LAND?
- ☐ IS THE SUBJECT PROPERTY ECONOMICALLY FEASIBLE TO DEVELOP OR USE UNDER THE CURRENT ZONING?
- ☐ ARE THERE ADEQUATE SITES ELSEWHERE THAT ARE ZONED APPROPRIATELY FOR THE PROPOSED USE?
- ☐ DOES THE PROPOSED ZONING MAP AMENDMENT CONSTITUTE SPOT ZONING?
- ☐ HAVE ALL USES THAT ARE PERMITTED UNDER THE PROPOSED ZONING DISTRICT BEEN CONSIDERED RATHER THAN JUST THE USE THAT IS BEING PROPOSED BY THE APPLICANT?
- ☐ DOES THE PROPOSED AMENDMENT (IF OUT OF A-3) MEET THE STATUTORY AND COMMISSION POLICY FINDINGS?
- ☐ OBJECTIONS FROM TOWN OR OTHER INTERESTED PARTIES?
- ☐ CITIZEN SUPPORT OBJECTION?

## **SHORELAND FLOODPLAIN ZONING ORDINANCE PRINCIPLES**

- ☐ IS THE PROPOSED LOCATION FOR THE PROPOSED USE WITHIN THE AREAS IDENTIFIED AS:
  - FLOODPLAIN
  - WETLAND
  - FLOODWAY
  - SHORELAND
- ☐ DOES THE PROPOSED CONSTRUCTION MEET THE STATE'S AND COUNTY'S STANDARDS:
  - PERMITTED ACCESSORY OR CONDITIONAL USE
  - SHORELINE VEGETATION REMOVAL
  - MINIMUM SETBACK FROM WATERWAY
  - MINIMUM LOT SIZE AND WIDTH
  - STANDARDS FOR FILLING, GRADING & EXCAVATION



# COUNTY OF MANITOWOC

## COUNTY CLERK

1010 South 8<sup>th</sup> St., Ste. 115  
Manitowoc, WI 54220

**Jessica Backus**  
Manitowoc County Clerk

Telephone: (920) 683-4004  
Email: [jessicabackus@manitowoccountywi.gov](mailto:jessicabackus@manitowoccountywi.gov)

January 9, 2023

Tim Ryan, Director  
Planning & Park Commission  
4319 Expo Dr., P.O. Box 935  
Manitowoc, WI 54220-0935

and

Manitowoc County Supervisor Ryan W. Phipps  
Supervisory District 11

ATTN: Tim Ryan and Supervisor Phipps

We enclose a copy of the following petition for an amendment to Manitowoc County's Zoning Ordinance Use Regulations as filed in this office:

**Name of Owner:**

Muench Irrevocable Family Trust  
Keith Muench & Brenda Sunby  
23041 Fish & Game Road  
Kiel, WI 53042

**Township:**

Liberty

**Applicant/Agent:**

Anthony P. Lulloff  
AP Lulloff Land Survey LLC  
17625 Matznick Road  
Kiel, WI 53042

This notice is made in compliance with Section 59.69(5)(e)(1) of the Wisconsin Statutes.  
A report of the above petition will be made to the County Board at its next succeeding meeting.

Sincerely,

*Jessica Backus*

Jessica Backus  
Manitowoc County Clerk



**Manitowoc County  
Planning and Park Commission**

Fee (\$490) Received ☒

Receipt # **40319**

**ZONING MAP AMENDMENT APPLICATION**



✓ Date of Application: 11/30/22

OWNER / APPLICANT / AGENT

Owner Muench Irrevocable Family Tru

Applicant/Agent Anthony P Lulloff

Address (1) Keith Muench & Brenda Sunby

Address (1) AP Lulloff Land Survey LLC

Address (2) 23041 Fish & Game Road

Address (2) 17625 Matznick Road

City/State/Zip Kiel, WI 53042

City/State/Zip Kiel, WI 53042

Phone 920.374.1153 (Keith)

Phone 920.894.2151

✓ **PROPERTY LEGAL DESCRIPTION**

SE 1/4, SE 1/4, S 36 T 18 N R 22 E Town of Liberty 

House / Fire # 10308 CTH F

Tax Number 00803601600100

**\* 008-036-016-003.00**

**\* RR PROPERTY INFORMATION**

Existing Zoning District

EA 

Proposed Zoning district

RR 

Please include an air photo identifying the proposed area with dimensions or a description of the area proposed for rezoning including acreage:

**AIR PHOTO, MAP & LEGAL DESCRIPTION INCLUDED.**

Proposed use: (Reason for change)

**FAMILY WOULD LIKE TO SELL ALL THE BUILDINGS TOGETHER ON 1 LOT AND PRESERVE THE REMAINDER OF THE EA LAND.**

Return to:  
Manitowoc County  
Planning and Park Commission  
4319 Expo Drive, PO Box 935  
Manitowoc, WI 54220-0935  
(920) 683-4185

Anthony P. Lulloff 11/30/22  
Signature (applicant, owner, agent) Date

Signature (applicant, owner, agent) Date



# MANITOWOC COUNTY

## ZONING MAP AMENDMENT FACT SHEET

(Manitowoc County, Town of Liberty from EA to RR and RR to EA)

### PETITIONER

**Name:** Muench Irrevocable Family Trust  
**Address:** 23041 Fish & Game Rd  
Kiel, WI 53042  
**Town:** Liberty

### PARCEL

**Location:** SE1/4, SE1/4, Section 36, T18N-R22E  
**Tax#:** 008-036-016-001.00 and 008-036-016-003.00  
**Area:** 2.63 acres / 0.55 acres

### ACTION TO DATE

**Petition Submitted:** 12/01/2022  
**Town Action:** Approved December 12, 2022  
**Hearing Notice Published:** 1/9/2023 & 1/16/2023  
**Advisory:** 1/23/2023  
**Hearing:** 1/23/2023

### ADJACENT USES & ZONING

	<b>Direction:</b>	<b>District:</b>	<b>Use:</b>
<b>North</b>	EA		Farmland
<b>South</b>	EA		Farmland
<b>East</b>	EA		Farmland
<b>West</b>	LE		Residential

### PARCEL USES & ZONING

**Existing Zoning District:** RR, Rural Residential &  
EA, Exclusive Agriculture  
**Existing Land Use:** Farmland, Residential & Ministorage  
**Proposed Zoning District:** EA, Exclusive Agriculture &  
RR, Rural Residential  
**Proposed Use:** Consolidate Buildings to one lot and  
preserve the remainder of the farmland.

### MAP INFORMATION

**Farmland Preservation Designation:**  
Both Non-Farmland and Farmland  
Preservation  
**Soil Type:** HrB, HrC2, KnB, KnD2, SyA  
**Air Photo Date:** 04/2020

### OTHER CONSIDERATIONS

**Drainage:** Well drained  
**Soil Limitations:** Severe – Percs Slowly  
**Sewage Disposal:** Private Onsite Wastewater Treatment  
**Road Access:** CTH F

**Soil Test:** 12/26/2019 – Mound System  
**Terrain:** 0 to >12 Percent Slopes  
**Vegetative Cover:** Grass, Farmland

**Town Future Land Use Designation:** Agricultural Zoning District

The designated “agricultural zoning district” is established to support the agricultural industry and heritage of the town. The “agricultural zoning district” is where most of the farm income is generated in the Town Liberty. “Agricultural lands” include lands dedicated to crop production, dairy operations, livestock grazing, timber/pulp/forests, and similar uses.

**County Future Land Use Designation:** Agricultural

The purpose of the Agricultural designation is to provide for the continued viability of farming and agricultural uses, the raising of livestock, the conservation of agricultural land, and to maintain and promote the rural character of the farmlands into the future.

## Michelle Haupt

---

**From:** Town of Liberty Manitowoc <liberty@lakefield.net>  
**Sent:** Tuesday, December 27, 2022 4:45 PM  
**To:** Michelle Haupt  
**Subject:** Re: Muench Irrevocable Family Trust Rezone

**WARNING:** This message originated from outside of Manitowoc County's email system. Any attachments or links should be carefully considered before proceeding. Think before you click!

Here are the notes of action on the Muench Family Trust rezone requests.

- *Dave Christel presented information on two rezone requests by the Muench Family Trust – Keith Muench and Brenda Sunby. The two rezones are for: 1). Approximate 2.63 acres of EA to RR and 2). 0.55 acres of RR to EA. Goal is to separate buildings from ag land, each on its own parcel. This request is for property located at 10308 CTH F. The Planning Commission met on December 5th and approved the request by a 4-0 vote.*

*David Petersen made the motion to approve the two rezone requests with four special considerations. JimKrim seconded the motion. Motion carried 3-0.*

Pam Petersen, Clerk  
Town of Liberty Manitowoc  
(920) 758-3707  
liberty@lakefield.net

---

**From:** "Michelle Haupt" <michellehaupt@manitowoccountywi.gov>  
**To:** "Town Of Liberty" <liberty@lakefield.net>  
**Cc:** "Andrea Raymakers" <AndreaRaymakers@manitowoccountywi.gov>, "Tim Ryan" <TimRyan@manitowoccountywi.gov>  
**Sent:** Friday, December 23, 2022 2:42:31 PM  
**Subject:** Muench Irrevocable Family Trust Rezone

Good Morning,

I noticed the Muench Irrevocable Family Trust was on your December agenda, when you have time can you please forward a correspondence to our office regarding the town action.

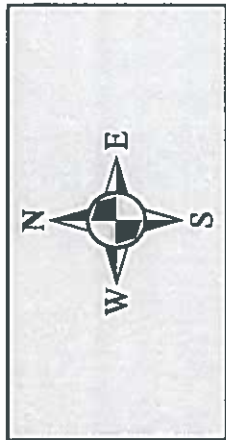
Any questions please let me know.

Thank you,

**Michelle Haupt**  
**Administrative Assistant**  
**Planning, Zoning & Parks Department**  
**Manitowoc County**  
**4319 Expo Drive, PO Box 935**  
**Manitowoc, WI 54221-0935**  
**Phone: (920) 683-4185**  
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Muench Irrevocable  
 Family Trust  
 SE 1/4, SE 1/4  
 Section 36, T18N-R22E  
 Town of Liberty  
 From: EA To: RR  
 Approximately 2.63 acre(s)  
 From: RR To: EA  
 Approximately 0.55 acre(s)  
 -87.804, 43.980

Map Overview

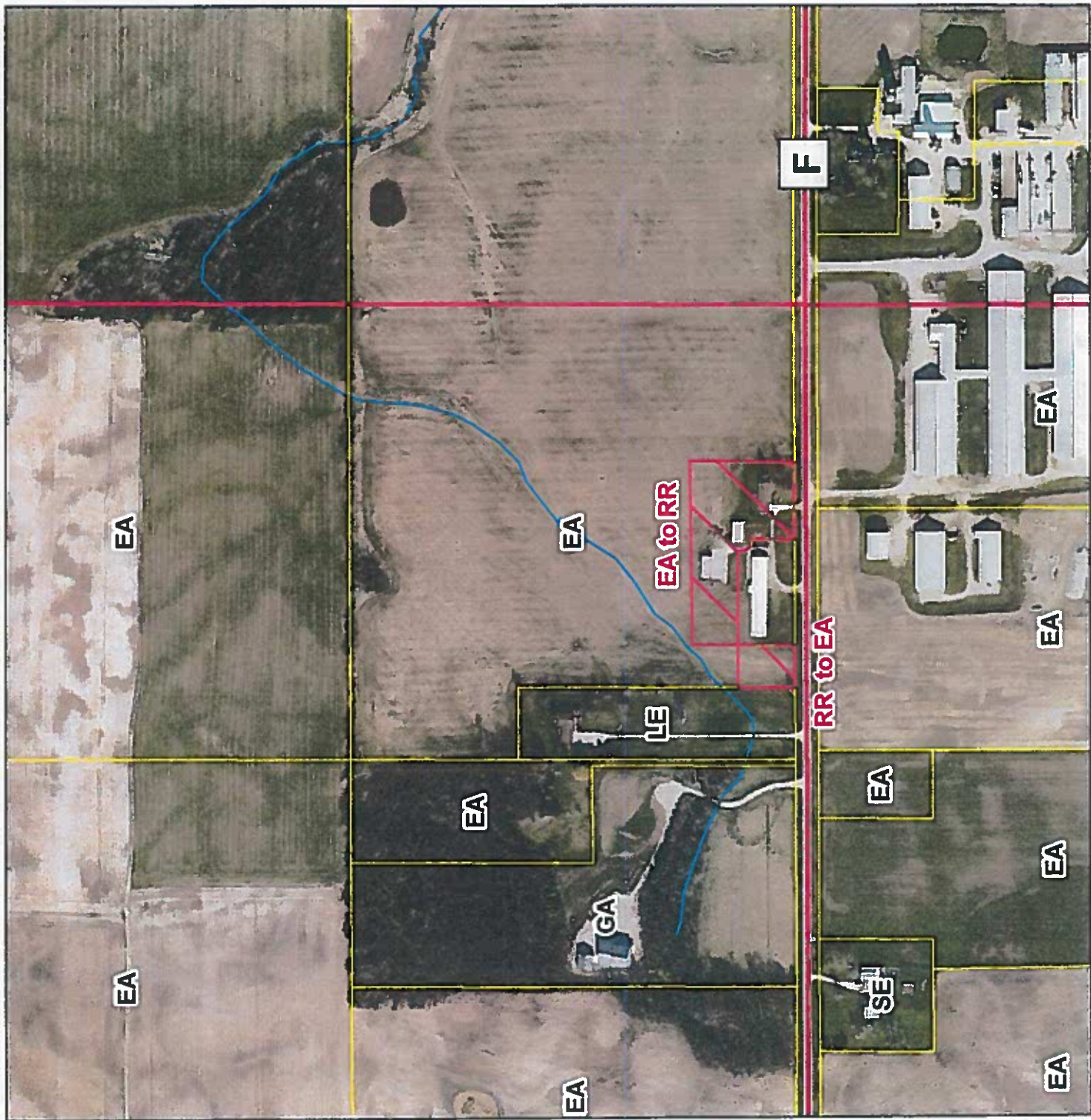
**Liberty**

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



**Legend**

- Proposed Zone Change (Red hatched box)
- Zoning Line (Pink line)
- Section Line (Red line)
- Parcel Line (Yellow line)
- Water Way (Blue line)







MANTOWOC COUNTY  
RECEIVED  
DEC 19 2022  
PLANNING & PARK  
COMMISSION

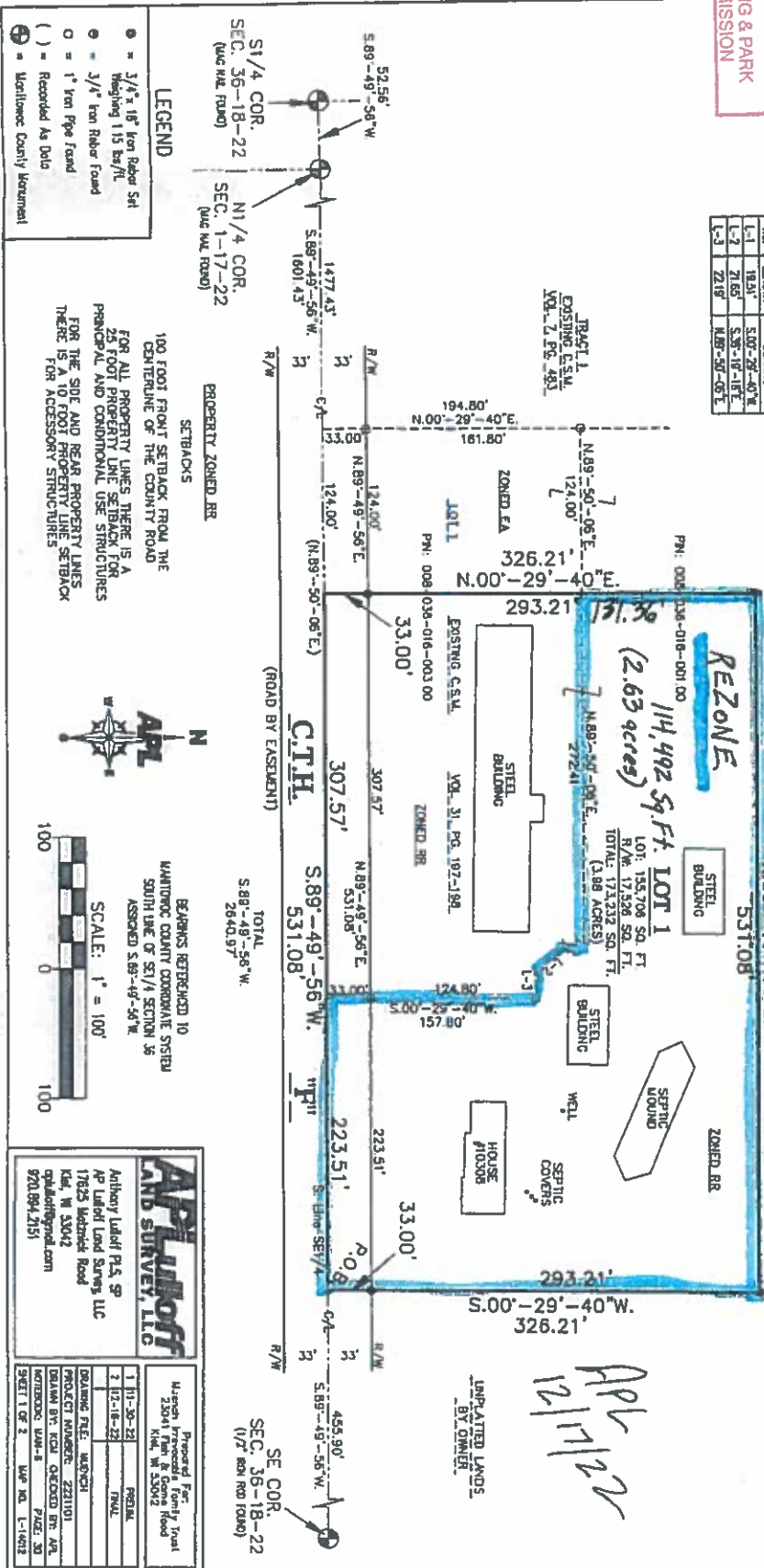
# CERTIFIED SURVEY MAP A PART OF CERTIFIED SURVEY MAP IN VOLUME 31, PAGES 197-198, PLUS ADDITIONAL LAND, LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 36, T. 18 N., R. 22 E., TOWN OF LIBERTY, MANTOWOC COUNTY, WISCONSIN.

LINE	TABLE
LINE NO.	LINE
1-1	18.51'
1-2	21.65'
1-3	22.19'

UNPLATTED LANDS  
BY OWNER

UNPLATTED LANDS  
BY OWNER

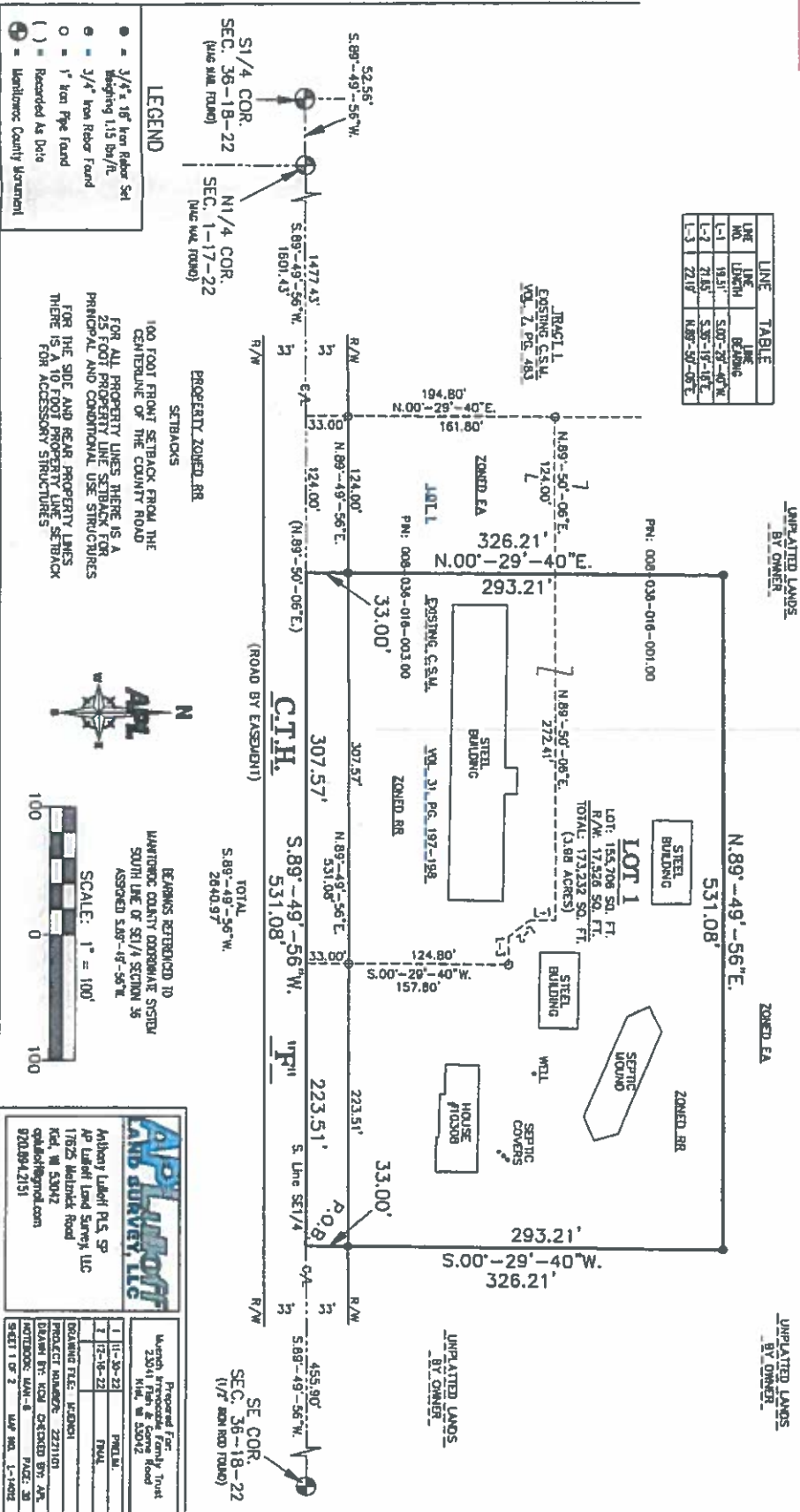
UNPLATTED LANDS  
BY OWNER



MANITOWOC COUNTY  
 RECEIVED  
 DEC 19 2022  
 PLANNING & PARK  
 COMMISSION

# CERTIFIED SURVEY MAP A PART OF CERTIFIED SURVEY MAP IN VOLUME 31, PAGES 197-198, PLUS ADDITIONAL LAND, LOCATED IN THE SE1/4 OF THE SE1/4 OF SECTION 36, T. 18 N., R. 22 E., TOWN OF LIBERTY, MANITOWOC COUNTY, WISCONSIN.

LINE	TABLE
LINE	LINE
1-1	18.51'
1-2	21.83'
1-3	22.19'



## LEGEND

- = 3/4" x 16" Iron Rod Set
- = 3/4" Iron Rod Found
- = 1" Iron Pipe Found
- ( ) = Recorded As Data
- = Manistowoc County Boundary

100 FOOT FRONT SETBACK FROM THE  
 CENTRELINE OF THE COUNTY ROAD  
 FOR ALL PROPERTY LINES THERE IS A  
 25 FOOT PROPERTY LINE SETBACK FOR  
 PRINCIPAL AND CONDITIONAL USE STRUCTURES  
 FOR THE SIDE AND REAR PROPERTY LINES  
 THERE IS A 10 FOOT PROPERTY LINE SETBACK  
 FOR ACCESSORY STRUCTURES



BEARINGS REFERENCED TO  
 MANITOWOC COUNTY DOGRABARE SYSTEM  
 SOUTH LINE OF SE1/4 SECTION 36  
 ASSIGNED S.89°-49'-56"W.  
 SCALE: 1" = 100'

**Anthony Ludloff P.L.S., SP**  
**APL Land Survey, LLC**  
 17625 Walbridge Road  
 Kiel, WI 53042  
 aplo@aplandsurvey.com  
 920.894.2151

Projected For: March Property Family Trust 23041 Fern & Grove Road Kiel, WI 53042	
1 11-20-22 2 12-16-22 3 01-11-23	PREPARED BY: PROJECT NUMBER: 227101 DRAWN BY: KCS CHECKED BY: APL APPROVED: 04-18 SHEET 1 OF 2



STATE OF WISCONSIN) SS  
MANITOWOC COUNTY)

CERTIFIED SURVEY MAP

Sheet 2 of 2

**SURVEYOR'S CERTIFICATE:**

I, Anthony P. Lulloff, Wisconsin Professional Land Surveyor of AP Lulloff Land Survey LLC, certify that I have surveyed, divided and mapped under the direction of Keith Muench, a part of Certified Survey Map recorded in Volume 31 of Certified Survey Maps, on Pages 197-198, as Document No. 1148560, plus additional land; being a part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 36, Township 18 North, Range 22 East, Town of Liberty, Manitowoc County, Wisconsin containing 173,232 square feet (3.98 acres) of land and being described by:

Commencing at the Southeast Corner of said Section 36; thence S89°-49'-56"W along the South line of the SE1/4 of said Section 36, a distance of 445.90 feet to the point of beginning; thence continuing S89°-49'-56"W along said South line 531.08 feet; thence N00°-29'-40"E 326.21 feet; thence N89°-49'-56"E 531.08 feet; thence S00°-29'-40"W 326.21 feet to the point of beginning; being subject to any and all easements and restrictions of record.

That such is a correct representation of all exterior boundaries of the land surveyed.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, Section 12.07 of the Manitowoc County Subdivision Regulations and the Town of Liberty in surveying, dividing and mapping the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Wisconsin Professional Land Surveyor  
Anthony P. Lulloff, S-1655

**OWNER'S CERTIFICATE:**

As owner, I hereby certify that I caused the land described on this Certified Survey Map to be surveyed, divided, and mapped as represented on this map.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

In the presence of:

\_\_\_\_\_

\_\_\_\_\_  
Muench Irrevocable Family Trust

\_\_\_\_\_  
Brenda Sunby - Trustee

\_\_\_\_\_  
Keith Muench - Trustee

**ORDINANCE REPEALING AND RECREATING MANITOWOC COUNTY CODE  
CHAPTER 31  
(FLOODPLAIN ZONING)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, the Federal Emergency Management Administration has published new Flood  
2 Insurance Rate Maps and Flood Insurance Study for Manitowoc County that becomes effective on  
3 February 23, 2023; and  
4

5 WHEREAS, the Wisconsin Department of Natural Resources ("WDNR") has promulgated  
6 a new model ordinance for counties to maintain compliance with Wis. Admin. Code ch. NR 116  
7 and the National Flood Insurance Program 44 CFR Parts 59-72; and  
8

9 WHEREAS, Manitowoc County must adopt an updated Floodplain Ordinance to incorporate  
10 the new Flood Insurance Rate Maps, Flood Insurance Study, and changes to the WDNR floodplain  
11 model ordinance standards to continue participation in the National Flood Insurance Program; and  
12

13 WHEREAS, the Planning and Park Commission, after providing the required notice, held a  
14 public hearing on January 23, 2023, to discuss and consider the proposed revision to the Floodplain  
15 Zoning Ordinance for Manitowoc County; and  
16

17 WHEREAS, the Planning and Park Commission, after careful consideration of the testimony  
18 at the hearing and an examination of the facts, recommends that the county board approve the  
19 following comprehensive revision of the Floodplain Ordinance;  
20

21 NOW, THEREFORE, the county board of supervisors of the county of Manitowoc does  
22 ordain as follows:  
23

24 Manitowoc County Code Chapter 31, Floodplain Zoning is repealed and reenacted to read  
25 as follows:  
26

27 **FLOODPLAIN ZONING**  
28

29 **Part I. General Provisions.**  
30

- 31 31.01 Title.
- 32 31.02 Statement of Purpose.
- 33 31.03 Statutory Authorization.
- 34 31.04 Finding of Fact.
- 35 31.05 Warning and Disclaimer of Liability.
- 36

37 **Part II. Definitions.**  
38

39 31.06 Definitions.  
40  
41 Part III. Applicability and Compliance.  
42  
43 31.07 Areas to Be Regulated.  
44 31.08 Municipalities and State Agencies Regulated.  
45 31.09 Compliance.  
46 31.10 Abrogation and Greater Restrictions.  
47 31.11 Interpretation.  
48 31.12 Severability.  
49  
50 Part IV. Floodplain Districts and Maps.  
51  
52 31.13 Establishment of Districts.  
53 31.14 Official Maps and Revisions.  
54 31.15 Locating Floodplain Boundaries.  
55 31.16 Removal of Land From Floodplain.  
56  
57 Part V. General Standards Applicable to All Floodplain Districts.  
58  
59 31.17 General Development Standards.  
60 31.18 Hydraulic and Hydrologic Analyses.  
61 31.19 Watercourse Alterations.  
62 31.20 Development and Wis. Stat. Chs. 30 and 31.  
63 31.21 Public or Private Campgrounds.  
64  
65 Part VI. Floodway District (FW).  
66  
67 31.22 Applicability.  
68 31.23 Permitted Uses.  
69 31.24 Standards for Developments in Floodway Areas.  
70 31.25 Prohibited Uses.  
71  
72 Part VII. Floodfringe District (FF).  
73  
74 31.26 Applicability.  
75 31.27 Permitted Uses.  
76 31.28 Standards for Development in Floodfringe Areas.  
77  
78 Part VIII. General Floodplain District (GFP).  
79  
80 31.29 Applicability.  
81 31.30 Floodway Boundaries.  
82 31.31 Permitted Uses.  
83 31.32 Standards for Development in the General Floodplain District.  
84 31.33 Determining Floodway and Floodfringe Limits.

85	
86	Part IX. Coastal Floodplain District.
87	
88	31.34 Applicability.
89	31.35 Standards for Development in the Coastal Floodplain District.
90	
91	Part X. Nonconforming Uses.
92	
93	31.36 General.
94	31.37 Floodway Areas.
95	31.38 Floodfringe Areas.
96	31.39 Coastal Floodplain Areas.
97	
98	Part XI. Administration.
99	
100	31.40 Administration.
101	31.41 Planning and Zoning Department.
102	31.42 Planning and Park Commission.
103	31.43 Board of Adjustment.
104	
105	Part XII. Procedure.
106	
107	31.44 Land Use Permit.
108	31.45 Floodproofing Requirements.
109	31.46 Certificate of Compliance.
110	31.47 Other Permits.
111	31.48 Appeals.
112	31.49 Appeals of Permit Denials.
113	31.50 Boundary Disputes.
114	31.51 Variances.
115	31.52 Public Information.
116	31.53 Amendments.
117	31.54 General.
118	31.55 Procedures.
119	
120	Part XIII. Violations and Enforcement.
121	
122	31.56 Violations.
123	31.57 Enforcement.
124	31.58 Penalties.
125	31.59 Effective Date.
126	
127	PART I. GENERAL PROVISIONS.
128	
129	31.01 Title.
130	

This ordinance may be referred to as the Floodplain Ordinance or the Floodplain Zoning Ordinance for Manitowoc County, Wisconsin.

#### 31.02 Statement of Purpose.

This Floodplain Ordinance is intended to regulate floodplain development to protect life, health, and property; minimize expenditures of public funds for flood control projects; minimize rescue and relief efforts undertaken at the expense of the taxpayers; minimize business interruptions and other economic disruptions; minimize damage to public facilities in the floodplain; minimize the occurrence of future flood blight areas in the floodplain; discourage the victimization of unwary land and home buyers; prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and discourage development in a floodplain if there is any practicable alternative to locate the activity, use, or structure outside of the floodplain.

#### 31.03 Statutory Authorization.

This Floodplain Ordinance is adopted pursuant to the authorization in Wis. Stat. §§ 59.69, 59.692, and 59.694 for counties; and the requirements in Wis. Stat. § 87.30.

#### 31.04 Finding of Fact.

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

#### 31.05 Warning and Disclaimer of Liability.

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

### PART II. DEFINITIONS.

#### 31.06 Definitions.

“A zone” means an area shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. An A zone may be numbered or unnumbered. Depending on the availability of data for a given area, an A zone may not be reflective of the flood profile.

177  
178 “AH zone” See “area of shallow flooding.”  
179

180 “AO zone” See “area of shallow flooding.”  
181

182 “Accessory structure or use” means a building, facility, structure, or use that is accessory  
183 or incidental to the principal use of a building, property, or structure. An accessory  
184 structure shall not be used for human habitation.  
185

186 “Alteration” means an enhancement, upgrade, or substantial change or modification other  
187 than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air  
188 conditioning, or other systems within a structure.  
189

190 “Area of shallow flooding” means a designated AO, AH, AR/A, AR/AH, or VO zone on a  
191 community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance  
192 of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not  
193 exist, where the path of flooding is unpredictable and where velocity flood may be evident.  
194 Such flooding is characterized by ponding or sheet flow.  
195

196 “Base flood” means the flood having a one percent chance of being equaled or exceeded  
197 in any given year, as published by FEMA as part of a Flood Insurance Study (FIS) and  
198 depicted on a Flood Insurance Rate Map (FIRM).  
199

200 “Basement” means any enclosed area of a building having its floor sub grade, i.e., below  
201 ground level, on all sides.  
202

203 “Breakaway wall” means a wall that is not part of the structural support of the building and  
204 is intended through its design and construction to collapse under specific lateral loading  
205 forces, without causing damage to the elevated portion of the building or supporting  
206 foundation system.  
207

208 “Building” means a structure.  
209

210 “Bulkhead line” means a geographic line along a reach of navigable water, which has been  
211 adopted by a municipal ordinance and approved by the Department pursuant to Wis. Stat.  
212 § 30.11 and which allows limited filling between this bulkhead line and the original  
213 ordinary highwater mark, except where such filling is prohibited by the floodway  
214 provisions of this Floodplain Ordinance.  
215

216 “Campground” means a parcel of land that is designed, intended, maintained, or used for  
217 the purpose of providing sites for nonpermanent overnight use by 4 or more camping units  
218 or that is advertised or represented as a camping area.  
219

220 “Camping unit” means any portable device, no more than 400 square feet in area, used as  
221 a temporary shelter, including but not limited to a bus, camping trailer, motor home, pick  
222 up truck, tent, van, or any other mobile recreational vehicle.

223  
224 “Certificate of compliance” means a written document certifying that the construction and  
225 use of a structure, the use of the property, the elevation of fill, or the elevation of the lowest  
226 floor of a structure is in compliance with all of the provisions of this Floodplain Ordinance.

227  
228 “Channel” means a natural or artificial watercourse with a definite bed and banks to confine  
229 and conduct normal flow of water.

230  
231 “Coastal floodplain” means an area along the coast of Lake Michigan that is inundated by  
232 the regional flood and that is also subject to additional hazard due to wave runup.

233  
234 “Coastal high hazard area” means an area of special flood hazard extending from offshore  
235 to the inland limit of a primary frontal dune along an open coast, and any other area subject  
236 to high velocity wave action from storms.

237  
238 “Corrected effective model” means a hydraulic engineering model that corrects any errors  
239 that occur in the duplicate effective model, adds any additional cross sections to the  
240 duplicate effective model, or incorporates more detailed topographic information than that  
241 used in the current effective model.

242  
243 “Crawl space” or “crawlway” means an enclosed area below the first usable floor of a  
244 building, generally less than five feet in height, used for access to plumbing and electrical  
245 utilities.

246  
247 “Deck” means an unenclosed exterior structure that has no roof or sides and has a  
248 permeable floor that allows the infiltration of precipitation.

249  
250 “Department” or “DNR” means the Wisconsin Department of Natural Resources.

251  
252 “Development” means any artificial change to improved or unimproved real estate,  
253 including but not limited to the construction of buildings, structures or accessory structures;  
254 the construction of additions or alterations to buildings, structures or accessory structures;  
255 the repair of any damaged structure or the improvement or renovation of any structure,  
256 regardless of percentage of damage or improvement; the placement of buildings or  
257 structures; subdivision layout and site preparation; mining, dredging, filling, grading,  
258 paving, excavation or drilling operations; the storage, deposition or extraction of materials  
259 or equipment; and the installation, repair or removal of public or private sewage disposal  
260 systems or water supply facilities.

261  
262 “Director” means the director of the Manitowoc County Planning and Zoning Department  
263 or the department director’s designee.

264  
265 “Dryland access” means a vehicular access route that is above the regional flood elevation  
266 and that connects land located in the floodplain to land outside the floodplain, such as a  
267 road with its surface above regional flood elevation that is wide enough for wheeled rescue  
268 and relief vehicles.

“Duplicate effective model” means a copy of the hydraulic analysis used in the effective Flood Insurance Study and referred to as the effective model.

“Effective model” means the hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

“Encroachment” means any building, development, equipment, fill, structure, or use in the floodway.

“Existing manufactured home park or subdivision” means a parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this Floodplain Ordinance. At a minimum, this includes the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Existing model (pre-project)” means 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 mode, then this model would be identical to the corrected effective model or duplicate effective model.

“Expansion to existing mobile/manufactured home park” or “expansion” means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile or manufactured homes are to be affixed. This includes installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

“Federal Emergency Management Agency” or “FEMA” means the federal agency that administers the National Flood Insurance Program.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions: the overflow or rise of inland waters; the rapid accumulation or runoff of surface waters from any source; the inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or the sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

“Flood frequency” means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.



314 “Floodfringe” means that portion of the floodplain outside of the floodway which is  
315 covered by flood waters during the regional flood and is associated with standing water  
316 rather than flowing water.

317  
318 “Flood hazard boundary map” means a map designating approximate flood hazard areas.  
319 Flood hazard areas are designated as unnumbered A zones and do not contain floodway  
320 lines or regional flood elevations. This map forms the basis for both the regulatory and  
321 insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a  
322 Flood Insurance Study and a Flood Insurance Rate Map.

323  
324 “Flood Insurance Rate Map” or “FIRM” means a map on which the Federal Insurance  
325 Administration has delineated both special flood hazard areas (the floodplain) and the risk  
326 premium zones applicable to the community. A FIRM can only be amended by the  
327 Federal Emergency Management Agency.

328  
329 “Flood Insurance Study” or “FIS” means a technical engineering examination, evaluation,  
330 and determination of the local flood hazard areas. It provides maps designating those  
331 areas affected by the regional flood and provides both flood insurance rate zones and base  
332 flood elevations and may provide floodway lines. The flood hazard areas are designated  
333 as numbered and unnumbered A zones. Flood Insurance Rate Maps that accompany the  
334 Flood Insurance Study form the basis for both the regulatory and the insurance aspects of  
335 the National Flood Insurance Program.

336  
337 “Floodplain” means land that has been or may be covered by flood water during the  
338 regional flood. It includes the floodway and the floodfringe, and may include other  
339 designated floodplain areas for regulatory purposes.

340  
341 “Floodplain island” means a natural geologic land formation within the floodplain that is  
342 surrounded, but not covered, by floodwater during the regional flood.

343  
344 “Floodplain management” means the policy and procedures to insure wise use of  
345 floodplains, including mapping and engineering, mitigation, education, and administration  
346 and enforcement of floodplain regulations.

347  
348 “Flood profile” means a graph or a longitudinal profile line showing the relationship of the  
349 water surface elevation of a flood event to locations of land surface elevations along a  
350 stream or river.

351  
352 “Floodproofing” means any combination of structural provisions, changes, or adjustments  
353 to properties and structures, water and sanitary facilities, and contents of buildings subject  
354 to flooding, for the purpose of reducing or eliminating flood damage.

355  
356 “Flood protection elevation” means an elevation of two feet of freeboard above the water  
357 surface profile elevation designated for the regional flood (also see “freeboard”).  
358

359 “Flood storage” means those floodplain areas where storage of floodwater has been taken  
360 into account during analysis in reducing the regional flood discharge.

361  
362 “Floodway” means the channel of a river or stream and those portions of the floodplain  
363 adjoining the channel required to carry the regional flood discharge.

364  
365 “Freeboard” means a safety factor expressed in terms of a specified number of feet above  
366 a calculated flood level. Freeboard compensates for any factors that cause flood heights  
367 greater than those calculated, including ice jams, debris accumulation, wave action,  
368 obstruction of bridge openings and floodways, the effects of watershed urbanization, and  
369 loss of flood storage areas due to development and aggregation of the river or stream bed.

370  
371 “Habitable structure” means any structure or portion of a structure use or designed for  
372 human habitation.

373  
374 “Hearing notice” means the publication or posting meeting the requirements of Wis. Stat.  
375 ch. 985. For appeals, a Class 1 notice, published once at least one week (7 days) before  
376 the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice,  
377 published twice, once each week consecutively, the last at least one week (7 days) before  
378 the hearing is required.

379  
380 “High flood damage potential” means damage that could result from flooding that includes  
381 any danger to life or health or any significant economic loss to a structure or building and  
382 its contents.

383  
384 “Highest adjacent grade” means the highest natural elevation of the ground surface prior  
385 to construction next to the proposed walls of a structure.

386  
387 “Historic structure” means any structure that is listed individually in the National Register  
388 of Historic Places or preliminarily determined by the Secretary of the Interior as meeting  
389 the requirements for individual listing on the National Register; certified or preliminarily  
390 determined by the Secretary of the Interior as contributing to the historical significance of  
391 a registered historic district or a district preliminarily determined by the Secretary to qualify  
392 as a registered historic district; individually listed on a state inventory of historic places in  
393 states with historic preservation programs which have been approved by the Secretary of  
394 the Interior; or individually listed on a local inventory of historic places in communities  
395 with historic preservation programs that have been certified either by an approved state  
396 program, as determined by the Secretary of the Interior or by the Secretary of the Interior  
397 in states without approved programs.

398  
399 “Human habitation” means the use of a structure for living for any period of time, or for  
400 activities such as sleeping, eating, or cooking, or combination thereof.

401  
402 “Increase in regional flood height” means a calculated upward rise in the regional flood  
403 elevation greater than 0.00 feet, based on a comparison of existing conditions and proposed  
404 conditions, which is directly attributable to development in the floodplain but not

attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients, and discharge.

“Land use” means any nonstructural use made of unimproved or improved real estate. See also “development.”

“Lowest adjacent grade” means the elevation of the lowest ground surface that touches any of the exterior walls of a building.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An enclosed space as provided in s. 31.35(6) is not considered the building’s lowest floor.

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

“Mobile manufactured home park or subdivision” means a parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

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

“Moderate wave action area” or “MoWA” means a special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches, and/or tsunamis. A MoWA is an area within zone AE on a FIRM that is between the inland limit of zone VE and a limit of moderate wave action, where identified. (Also known as “coastal A zone”)

“Municipality” or “municipal” means a city, county, or village governmental unit enacting, administering, or enforcing this Floodplain Ordinance.

“National Geodetic Vertical Datum” or “NGVD” means the elevations referenced to mean sea level datum, 1929 adjustment.

451 “New construction” means, for floodplain management purposes, any structure for which  
452 the start of construction commenced on or after the effective date of floodplain zoning  
453 regulations adopted by the County and includes any subsequent improvements to the  
454 structure.

455  
456 “Nonconforming structure” means an existing lawful structure or building which is not in  
457 conformity with the dimensional or structural requirements of this Floodplain Ordinance  
458 for the area of the floodplain that it occupies, e.g., an existing residential structure in the  
459 floodfringe district is a conforming use, but the structure is nonconforming if the lowest  
460 floor is lower than the flood protection elevation.

461  
462 “Nonconforming use” means an existing lawful use or accessory use of a structure or  
463 building which is not in conformity with the provisions of this Floodplain Ordinance for  
464 the area of the floodplain which it occupies, e.g., a residence in the floodway.

465  
466 “North American Vertical Datum” or “NAVD” means the elevations referenced to mean  
467 sea level datum, 1988 adjustment.

468  
469 “Obstruction to flow” or “obstruct flow” means any development that blocks the  
470 conveyance of floodwaters such that the development alone or together with any future  
471 development will cause an increase in regional flood height.

472  
473 “Official floodplain zoning map” or “official map” means a map adopted and made part of  
474 this Floodplain Ordinance, as described in s. 31.14(1), which has been approved by the  
475 Department and FEMA.

476  
477 “Open space use” means a use having a relatively low flood damage potential and not  
478 involving structures.

479  
480 “Ordinary highwater mark” means the point on the bank or shore up to which the presence  
481 and action of surface water is so continuous as to leave a distinctive mark such as by  
482 erosion, destruction, prevention of terrestrial vegetation, predominance of aquatic  
483 vegetation, or any other easily recognized characteristic.

484  
485 “Person” means any individual or group of individuals, corporation, partnership,  
486 association, municipality, or state agency.

487  
488 “Planning and Zoning Department” means the Manitowoc County Planning and Zoning  
489 Department or the department director’s designee.

490  
491 “Primary frontal dune” means a continuous or nearly continuous mound or ridge of sand  
492 with relatively steep seaward and landward slopes immediately landward and adjacent to  
493 the beach and subject to erosion and overtopping from high tides and waves during major  
494 coastal storms. The inland limit of the primary frontal dune occurs at the point where  
495 there is a distinct change from a relatively steep slope to a relatively mild slope.

497 “Private sewage system” means a sewage treatment and disposal system serving one  
498 structure with a septic tank and soil absorption field located on the same parcel as the  
499 structure. It also means an alternative sewage system approved by the Department of  
500 Safety and Professional Services (DSPS), including a substitute for the septic tank or soil  
501 absorption field, a holding tank, a system serving more than one structure, or a system  
502 located on a different parcel than the structure.  
503

504 “Public utility” means a utility using underground or overhead transmission lines such as  
505 electric, telephone, and telegraph, and distribution and collection systems such as water,  
506 sanitary sewer, and storm sewer.  
507

508 “Reasonably safe from flooding” means that base flood waters will not inundate the land  
509 or damage structures to be removed from the special flood hazard area and that any  
510 subsurface waters related to the base flood will not damage existing or proposed buildings.  
511

512 “Regional flood” means a flood determined to be representative of large floods known to  
513 have occurred in Wisconsin. A regional flood is a flood with a one percent chance of  
514 being equaled or exceeded in any given year, and if depicted on the FIRM, the regional  
515 flood elevation (RFE) is equivalent to the base flood elevation (BFE).  
516

517 “Revised model (post-project)” means a modification of the existing or pre-project  
518 conditions model, duplicate effective model or corrected effective model to reflect revised  
519 or post-project conditions.  
520

521 “Sand dunes” means naturally occurring accumulations of sand in ridges or mounds  
522 landward of the beach.  
523

524 “Start of construction” means the date a building permit is issued, provided the actual start  
525 of construction, repair, reconstruction, rehabilitation, addition, placement, or other  
526 improvement commences within 180 days of the permit date. “Actual start” means the  
527 first placement of permanent construction on a site, such as the pouring of slab or footings,  
528 the installation of piles, the construction of columns, any work beyond initial excavation,  
529 or the placement of a manufactured home on a foundation. “Permanent construction” does  
530 not include land preparation, such as clearing, grading, and filling; excavation for a  
531 basement, footings, pier, or foundation; the erection of temporary forms; the installation of  
532 streets or walkways; or the installation of any accessory building on the property, such as  
533 a garage or shed not occupied as a dwelling unit or not part of the main structure. “Actual  
534 start” of an alteration means the first alteration of any wall, ceiling, floor, or other structural  
535 part of a building, even if the alteration does not affect the external dimensions of the  
536 building.  
537

538 “Structure” means any manmade object with form, shape, and utility, either permanently  
539 or temporarily attached to, placed upon, or set into the ground, stream bed, or lake bed,  
540 including but not limited to roofed and walled buildings, bridges, culverts, dams, and gas  
541 or liquid storage tanks.  
542

543 “Subdivision” has the meaning given in Wis. Stat. § 236.02(12).  
544

545 “Substantial damage” means damage of any origin sustained by a structure, whereby the  
546 cost of restoring the structure to its pre damaged condition would equal or exceed 50  
547 percent of the equalized assessed value of the structure before the damage occurred.  
548

549 “Substantial improvement” means any repair, reconstruction, rehabilitation, addition or  
550 improvement of a building or structure, the cost of which equals or exceeds 50 percent of  
551 the equalized assessed value of the structure before the improvement or repair is started.  
552 If the structure has sustained substantial damage, any repairs are considered substantial  
553 improvement regardless of the work performed. The term does not include either any  
554 project for the improvement of a building required to correct existing health, sanitary or  
555 safety code violations identified by the building official and that are the minimum  
556 necessary to assure safe living conditions; or any alteration of a historic structure provided  
557 that the alteration will not preclude the structure’s continued designation as a historic  
558 structure.  
559

560 “Unnecessary hardship” means that there are special conditions affecting a particular  
561 property, which were not self created, that make strict conformity with restrictions  
562 governing areas, setbacks, frontage, height, or density unnecessarily burdensome or  
563 unreasonable in light of the purposes of this Floodplain Ordinance.  
564

565 “Variance” means an authorization by the board of adjustment for the construction or  
566 maintenance of a building or structure in a manner that is inconsistent with dimensional  
567 standards contained in this Floodplain Ordinance. A variance may not be granted for a  
568 use that is inconsistent with the standards contained in this Floodplain Ordinance.  
569

570 “Violation” means the failure of a structure or other development to be fully compliant  
571 with this Floodplain Ordinance. A structure or other development without required  
572 permits, lowest floor elevation documentation, floodproofing certificates, or required  
573 floodway encroachment calculations is presumed to be in violation until such time as that  
574 documentation is provided.  
575

576 “Watershed” means the entire region contributing runoff or surface water to a watercourse  
577 or body of water.  
578

579 “Water surface profile” means a graphical representation showing the elevation of the  
580 water surface of a watercourse for each position along a reach of river or stream at a certain  
581 flood flow. A water surface profile of the regional flood is used in regulating floodplain  
582 areas.  
583

584 “Well” means an excavation or opening in the ground made by boring, digging, drilling,  
585 driving or other method to obtain groundwater regardless of its intended use.  
586

### 587 PART III. APPLICABILITY AND COMPLIANCE. 588

31.07 Areas to Be Regulated.

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, VE, V1-30, or V on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department and Manitowoc County may also be regulated under the provisions of this ordinance, where applicable.

31.08 Municipalities and State Agencies Regulated.

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Floodplain Ordinance and obtain all necessary permits. State agencies are required to comply if Wis. Stat. § 13.48(13) applies. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wis. Stat. § 30.2022 applies. Although exempt from a local zoning permit and permit fees, the Wisconsin Department of Transportation must provide sufficient project documentation and analysis to ensure that Manitowoc County is in compliance with Federal, State, and local floodplain standards.

If a local transportation project is located within an A zone and is not a Wisconsin Department of Transportation project under Wis. Stat. § 30.2022, then the road project design documents (including appropriate details plans and profiles) may be sufficient to meet the requirements for issuance of a land use permit if the following apply:

- (1) The applicant provides documentation to the Planning and Zoning Department that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location;
- (2) The project is exempt from a DNR permit under Wis. Stat. § 30.123(6)(d);
- (3) The capacity is not decreased;
- (4) The top road grade is not raised;
- (5) No floodway data is available from a federal, state, or other source; and
- (6) If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

31.09 Compliance.

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

(2) Failure to obtain a land use permit shall be a violation of this Floodplain Ordinance and shall be punishable in accordance with Part XIII of this Floodplain Ordinance.

(3) Floodplain development permits issued on the basis of plans and applications approved by the Planning and Zoning Department authorize only the use and arrangement set forth in such approved plans and applications, or amendments thereto if approved by the Planning and Zoning Department. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Part XIII of this Floodplain Ordinance.

#### 31.10 Abrogation and Greater Restrictions.

(1) This Floodplain Ordinance supersedes all the provisions of any zoning ordinance enacted under Wis. Stat. § 59.69, 59.692 or 59.694, or Wis. Stat. § 87.30 that relate to floodplains. If another ordinance is more restrictive than this Floodplain Ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

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

#### 31.11 Interpretation.

The provisions of this Floodplain Ordinance are minimum requirements and shall be liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this Floodplain Ordinance that is required by Wis. Admin. Code ch. NR 116 is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this Floodplain Ordinance or in effect on the date of the most recent text amendment to this Floodplain Ordinance.

#### 31.12 Severability.

Should any portion of this Floodplain Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Floodplain Ordinance shall not be affected.

### PART IV. FLOODPLAIN DISTRICTS AND MAPS.

#### 31.13 Establishment of Districts.



- (1) The regional floodplain is divided into the following four districts: floodway, floodfringe, general floodplain, and coastal floodplain.
- (2) The Floodway District (FW) consists of the channel of a river or stream and that portion of the floodplain adjoining the channel that is required to carry the regional floodwaters and are contained within AE zones as shown on the FIRM or within A zones shown on the FIRM when determined according to s. 31.33.
- (3) The Floodfringe District (FF) consists of that portion of a riverine special flood hazard area outside the floodway within AE zones of the FIRM, or, when floodway limits have been determined according to s. 31.33, within A zones shown on the FIRM.
- (4) The General Floodplain District (GFP) consists of those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.
- (5) The Coastal Floodplain District (CFP) is an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast, and any other area subject to high velocity wave action from storms, including areas identified as zone V, V1-30, or VE on the FIRM. Where a riverine AE floodway extends into the CFP, development within the floodway must comply with the regulations for both the FW and CFP. Where a riverine A zone or AE zone with no floodway determination abuts the CFP, the riverine study's floodway limit must be determined based on standard floodway expansion principles within the CFP district and development within the floodway must comply with the standards for both the FW and CFP.

#### 31.14 Official Maps and Revisions.

- (1) Special flood hazard areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, VE, V1-30, or V on the Flood Insurance Rate Maps based on flood hazard analyses summarized in the Flood Insurance Study listed in sub. (2). Additional flood hazard areas subject to regulation under this Floodplain Ordinance are identified on maps based on studies approved by the DNR and listed in sub. (3). These maps and revisions are on file in the office of the Manitowoc County Planning and Zoning Department.
- (2) Official Maps. Based on the Flood Insurance Study 5507CV000A dated August 2, 2011, the following Flood Insurance Rate Maps for Manitowoc and Incorporated Areas, issued by the Federal Emergency Management Agency with an effective date of August 2, 2011, are designated as the official maps for purposes of floodplain zoning:

55071C0010D	55071C0080D	55071C0180D	55071C0216E
-------------	-------------	-------------	-------------

726	55071C0020D	55071C0083E	55071C0181D	55071C0217E
727	55071C0030D	55071C0091E	55071C0182D	55071C0218E
728	55071C0034D	55071C0093E	55071C0183D	55071C0235D
729	55071C0037D	55071C0094E	55071C0184D	55071C0245D
730	55071C0040D	55071C0110D	55071C0188D	55071C0255D
731	55071C0041D	55071C0120D	55071C0189D	55071C0256D
732	55071C0042D	55071C0130D	55071C0191D	55071C0257D
733	55071C0044D	55071C0135D	55071C0192D	55071C0258D
734	55071C0055D	55071C0140D	55071C0193D	55071C0259D
735	55071C0059D	55071C0145D	55071C0201D	55071C0265D
736	55071C0060D	55071C0155D	55071C0203D	55071C0270D
737	55071C0063D	55071C0160D	55071C0207E	55071C0276D
738	55071C0064D	55071C0165D	55071C0208D	55071C0277D
739	55071C0065D	55071C0166D	55071C0209E	55071C0278D
740	55071C0066D	55071C0167D	55071C0211E	55071C0279D
741	55071C0067D	55071C0169D	55071C0212E	55071C0281D
742	55071C0068D	55071C0177D	55071C0213E	55071C0282D
743	55071C0078D	55071C0179D	55071C0214E	55071C0283D
744	55071C0284D	55071C0311D	55071C0380D	55071C0415D
745	55071C0290D	55071C0312D	55071C0386D	55071C0416D
746	55071C0295D	55071C0313D	55071C0387D	55071C0417D
747	55071C0301D	55071C0314E	55071C0388D	55071C0420D
748	55071C0302D	55071C0316E	55071C0389D	55071C0426D
749	55071C0303D	55071C0317E	55071C0395D	55071C0427E
750	55071C0304D	55071C0318E	55071C0403D	55071C0428E
751	55071C0306D	55071C0326E	55071C0404D	55071C0429E
752	55071C0307E	55071C0360D	55071C0410D	55071C0436E
753	55071C0308E	55071C0367D	55071C0411D	55071C0438E
754	55071C0309E	55071C0370D	55071C0412D	

(3) Official Maps Based on Other Studies. Any maps referenced in this sub. (3) must be approved by DNR and be more restrictive than those based on the Flood Insurance Study at the site of the proposed development.

(a) Dam Failure Analysis approved by DNR.

1. Millhome Dam Failure analysis approved by the Department of Natural Resources on March 13, 2014, including:

- a. Map dated December 8, 2012 and titled "Hydraulic Analysis Millhome Dam."
- b. Floodway data table dated March 13, 2014 and titled "Centerline Profile Hydraulic/Dam Failure Analysis: Condition 2a."

- c. Flood profiles dated March 13, 2014 and titled "Sheboygan River Profile Hydraulic Analysis: Millhome Dam: Condition 2."
2. Sheboygan Marsh Dam Failure analysis approved by the Department of Natural Resources on January 5, 2016, including:
- a. Map dated December 10, 2015 and titled "Hydraulic Shadow Map Sheboygan Marsh Dam."
- b. Floodway data table dated December 10, 2015 and titled "FLOODWAY DATA (Sheboygan Marsh Dam Failure under 100-year Flood" with Floodway column.
- c. Flood profiles dated December 10, 2015 and titled "Sheboygan Marsh Dam Hydraulic Shadow Profile."
3. Rockville Dam Failure analysis approved by the Department of Natural Resources on August 3, 1999, including:
- a. Map dated February 1995 and titled "Rockville Dam Failure Analysis."
- b. Floodway data table dated June 1997 and titled "Comparison of Water Surface Elevation and Flows 100-year Flood" DAMBRK Failure Column.
- c. Flood profiles dated June 1997 and titled "Exhibit 1 100-year floodplain profile Sheboygan River Dam failure Analysis" Failure (DMBRK) profile.
- (b) Flood Studies.
- (c) Letter of Map Revision (LOMR).
1. 11-05-7812P 10/28/2011 Kennel Club
2. 20-05-4694P 03/11/2021 CTH R Bridge
- (d) Letter of Map Revision Based on Fill (LOMR-F).
1. 10-05-2864P 01/18/2011 Riesterer & Schnell
2. 19-05-4840A 09/25/2019 Winter on Wilke Lake
3. 20-05-4263A 09/16/2020 CTH CR, Town of Newton, Tract 3

& 4

4. 98-05-1870A 03/11/1998 15719 Becker Rd.

- (4) Any change to the base flood elevations (BFE) in the Flood Insurance Study or on the Flood Insurance Rate Map must be reviewed and approved by DNR and FEMA before it is effective.
- (5) Any change to the regional flood elevations (RFE) on non FEMA maps must be reviewed and approved by DNR before it is effective.

#### 31.15 Locating Floodplain Boundaries.

- (1) Discrepancies between the exterior boundaries of zone A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in sub. (2) and (3). If a significant difference exists, the map must be amended according to s. 31.53.
- (2) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations govern if there are any discrepancies.
- (3) Where flood profiles do not exist, including any boundary of zone A, AO, V1-30, VE, or V, the location of the boundary shall be determined by the map scale, visual on site inspection, and any information provided by the Department.
- (4) The Planning and Zoning Department may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Planning and Zoning Department shall be responsible for documenting actual pre development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section.
- (5) Disputes between the Planning and Zoning Department and an applicant over the district boundary line shall be settled according to s. 31.50 and the criteria in sub. (2) and (3) above.
- (6) Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 31.53.

#### 31.16 Removal of Land From Floodplain.

- (1) Compliance with the provisions of this Floodplain Ordinance shall not be grounds for removing land from the floodplain unless the land is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 31.53.

- 864  
865 (2) The delineation of any of the floodplain districts may be revised by Manitowoc  
866 County where natural or man-made changes have occurred and/or where more  
867 detailed studies have been conducted. However, prior to any such change,  
868 approval must be obtained from the Wisconsin Department of Natural Resources  
869 and Federal Emergency Management Agency. A completed Letter of Map  
870 Revision is a record of this approval. Manitowoc County shall not sign a  
871 community acknowledgement form unless all criteria set forth in the following  
872 paragraphs are met:  
873  
874 (a) The land and/or land around the structure must be filled at least two feet  
875 above the regional or base flood elevation; and  
876  
877 (b) The fill must be contiguous to land outside the floodplain. The applicant  
878 shall obtain a floodplain development permit before applying for a LOMR  
879 or LOMR-F;  
880  
881 (3) Removal of lands from the floodplain may also occur by operation of Wis. Stat. §  
882 87.30(1)(e) if a property owner has obtained a Letter of Map Amendment from the  
883 Federal Emergency Management Agency under 44 C.F.R. 70.  
884

885 PART V. GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS.  
886

887 31.17 General Development Standards.  
888

- 889 (1) The county shall review all permit applications to determine whether proposed  
890 building sites will be reasonably safe from flooding and assure that all necessary  
891 permits have been received from those governmental agencies whose approval is  
892 required by federal or state law.  
893  
894 (2) If a proposed building site is in a flood prone area, all new construction and  
895 substantial improvements shall be designed or modified and adequately anchored  
896 to prevent flotation, collapse, or lateral movement of the structure resulting from  
897 hydrodynamic and hydrostatic loads including the effects of buoyancy; be  
898 constructed with materials resistant to flood damage; be constructed by methods  
899 and practices that minimize flood damages; have all mechanical and utility  
900 equipment elevated to or above the flood protection elevation.  
901  
902 (3) Subdivisions or other proposed new development in a flood-prone area, shall be  
903 reviewed for compliance with the above standards. All subdivision proposals,  
904 including proposals for mobile or manufactured home parks, shall include regional  
905 flood elevation and floodway data for any development that meets the subdivision  
906 definition of this Floodplain Ordinance along with all other requirements in s.  
907 31.44.  
908



- (4) 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.

#### 31.18 Hydraulic and Hydrologic Analyses.

- (1) No floodplain development shall:
- (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
  - (b) Cause and Increase in the regional flood height due to floodplain storage area lost.
- (2) The Planning and Zoning Department shall deny any permit if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height based on the officially adopted FIRM or other adopted map, unless the provisions of s. 31.53 are met.

#### 31.19 Watercourse Alterations.

- (1) No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the Planning and Zoning Department has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of s. 31.18 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.
- (2) As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 31.53, the Planning and Zoning Department shall apply for a Letter of Map Revision from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

#### 31.20 Development and Wis. Stat. Chs. 30 and 31.

Development that requires a permit from the Department under Wis. Stat. chs. 30 and 31, such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to this Floodplain Ordinance are made according to s. 31.53.

#### 31.21 Public or Private Campgrounds.

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

- 955  
956 (1) The campground is approved by the Wisconsin Department of Agriculture, Trade  
957 and Consumer Protection or its duly authorized agent.  
958  
959 (2) A land use permit for the campground is issued by the Planning and Zoning  
960 Department.  
961  
962 (3) The character of the river system and the elevation of the campground is such that  
963 a 72 hour warning of an impending flood can be given to all campground occupants.  
964  
965 (4) There is an adequate flood warning procedure for the campground that offers the  
966 minimum notice required under this section to all persons in the campground. This  
967 procedure shall include a written agreement between the campground owner, the  
968 municipal emergency government coordinator, and the chief law enforcement  
969 official which specifies the flood elevation at which evacuation shall occur,  
970 personnel responsible for monitoring flood elevations, types of warning systems to  
971 be used, the procedures for notifying at risk parties, and the methods and personnel  
972 responsible for conducting the evacuation.  
973  
974 (5) This agreement shall be for no more than one calendar year, at which time the  
975 agreement shall be reviewed and updated by the officials identified in sub. (4), to  
976 remain in compliance with all applicable regulations, including those of the  
977 Wisconsin Department of Agriculture, Trade and Consumer Protection and all  
978 other applicable regulations.  
979  
980 (6) Only mobile recreational vehicles that are fully licensed, if required, and ready for  
981 highway use are allowed.  
982  
983 (7) A recreational vehicle may not occupy any site in the campground for more than  
984 180 consecutive days, at which time the recreational vehicle must be removed from  
985 the floodplain for a minimum of 24 hours.  
986  
987 (8) All camping units that remain on site for more than 30 days shall be issued a limited  
988 authorization by the campground operator, a written copy of which is kept on file  
989 at the campground. Such authorization shall allow placement of a camping unit  
990 for a period not to exceed 180 days and shall ensure compliance with all the  
991 provisions of this section.  
992  
993 (9) Manitowoc County shall monitor the limited authorizations issued by the  
994 campground operator to assure compliance with the terms of this section.  
995  
996 (10) All camping units that remain in place for more than 180 consecutive days must  
997 meet the applicable requirements in either Part VI or Part VII for the floodplain  
998 district in which the structure is located.  
999

- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems, and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.
- (13) Standards for structures in a campground:
- (a) All structures must comply with s. 31.21 or meet the application requirements of Part VI, VII, VIII, or IX of this Floodplain Ordinance for the floodplain district in which the structure is located.
  - (b) Deck/landing. A portable landing may be allowed for a camping unit for each entry, provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, is portable, contains no walls or roof, and can be removed from the campground by a truck and/or trailer.
    - 1. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point.
    - 2. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with Manitowoc County compliant with s. 31.21(4).
    - 3. Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
  - (c) Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
  - (d) Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with s. 31.21(4).
  - (e) Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground is evacuated within the timelines specified

1046 within the written agreement with the municipality, compliant with s.  
1047 31.21(4).  
1048

- 1049 (14) A land use permit shall be obtained as provided under s. 31.44 before any  
1050 development, repair, modification or addition to an existing structure; or change in  
1051 the use of a building or structure, including sewer and water facilities, may be  
1052 initiated.  
1053

1054 PART VI. FLOODWAY DISTRICT (FW).  
1055

1056 31.22 Applicability.  
1057

1058 This part applies to all floodway areas on the floodplain zoning maps and those identified  
1059 pursuant to s. 31.33.  
1060

1061 31.23 Permitted Uses.  
1062

1063 The following open space uses are allowed in the floodway district and the floodway areas  
1064 of the general floodplain district, if they are not prohibited by any other ordinance, meet  
1065 the standards in ss. 31.24 and 31.25, and all necessary permits or certificates must have  
1066 been issued according to Part XII of this Floodplain Ordinance:  
1067

- 1068 (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture,  
1069 viticulture, and wild crop harvesting.  
1070  
1071 (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas,  
1072 and airport landing strips.  
1073  
1074 (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges,  
1075 picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves,  
1076 game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing  
1077 areas, and hiking and horseback riding trails, subject to the fill limitations of s.  
1078 31.24(6).  
1079  
1080 (4) Uses or structures accessory to open space uses, or classified as historic structures  
1081 that comply with ss. 31.24 and 31.25.  
1082  
1083 (5) Extraction of sand, gravel, or other materials that comply with s. 31.24(6).  
1084  
1085 (6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage  
1086 areas, culverts, navigational aids and river crossings of transmission lines, and  
1087 pipelines that comply with Wis. Stat. chs. 30 and 31.  
1088  
1089 (7) Public utilities, streets, and bridges that comply with s. 31.24(5).  
1090

- 1091 (8) Portable latrines that are removed prior to flooding and systems associated with  
1092 recreational areas and Department approved campgrounds that meet the applicable  
1093 provisions of local ordinances and Wis. Admin. Code ch. SPS 383.  
1094  
1095 (9) Public or private wells used to obtain potable water for recreational areas that meet  
1096 the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and NR  
1097 812.  
1098  
1099 (10) Wastewater treatment ponds or facilities permitted under Wis. Admin. Code § NR  
1100 110.15(3)(b).  
1101  
1102 (11) Sanitary sewer or water supply lines to service existing or proposed development  
1103 located outside the floodway that complies with the regulations for the floodplain  
1104 area occupied.  
1105

1106 31.24 Standards for Developments in Floodway Areas.  
1107

- 1108 (1) Any development in floodway areas shall comply with Part V of this Floodplain  
1109 Ordinance and have a low flood damage potential.  
1110  
1111 (2) Applicants shall provide an analysis calculating the effects of the proposal on the  
1112 regional flood height to determine the effects of the proposal according to ss. 31.18  
1113 and 31.44(4).  
1114  
1115 (a) The analysis must be completed by a registered professional engineer in the  
1116 state of Wisconsin.  
1117  
1118 (b) Any encroachment in the regulatory floodway is prohibited unless the data  
1119 submitted for sub. (2) demonstrates that the encroachment will not cause an  
1120 increase in flood elevations in flood events up to the base flood at any  
1121 location, or removes the encroachment area from the regulatory floodway  
1122 as provided in s. 31.16.  
1123  
1124 (3) Structures. Structures accessory to permanent open space uses, including utility  
1125 and sanitary facilities, or functionally dependent on a waterfront location may be  
1126 allowed by permit if the structures comply with the following criteria:  
1127  
1128 (a) The structure is not designed for human habitation, does not have a high  
1129 flood damage potential, and is constructed to minimize flood damage;  
1130  
1131 (b) The structure shall either have the lowest floor elevated to or above the flood  
1132 protection elevation or shall meet all the following standards:  
1133  
1134 1. Be dry flood proofed so that the structure is watertight with walls  
1135 substantially impermeable to the passage of water and completely



dry to the flood protection elevation without human intervention during flooding;

2. Have structural components capable of meeting all provisions of s. 31.24(4) and;

3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with s. 31.24(4).

(c) The structure must be anchored to resist flotation, collapse, and lateral movement;

(d) The structure must have mechanical and utility equipment elevated to or above the flood protection elevation; and

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

(f) For structures to allow the automatic entry of floodwaters below the regional flood elevation, the applicant shall submit a plan that meets pars. (a) through (e) and meets or exceeds the following standards:

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

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

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

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

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

- (a) Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup;
- (b) Construction of wells, water supply systems, and waste treatment systems are installed so as to prevent the entrance of flood waters in such systems and are in accordance with the provisions of ss. 31.25(4) and 31.25(5).
- (c) Subsurface drainage systems shall be installed relieve external pressures on foundation walls and basement floors;
- (d) Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
- (e) Placement of utilities above the flood protection elevation.
- (5) Public Utilities, Streets, and Bridges. Public utilities, streets, and bridges may be allowed by permit, if:
- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 31.18.
- (6) Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:
- (a) The requirements of s. 31.18 are met;
- (b) No material is deposited in the navigable waters unless a permit is issued by the Department pursuant to Wis. Stat. ch. 30 and a permit pursuant to sec. 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and all other requirements have been met;
- (c) The fill or other materials will be protected against erosion by rip-rap, vegetative cover, sheet piling, or bulkheading; and
- (d) The fill is not classified as a solid waste or hazardous material.

#### 31.25 Prohibited Uses.

All uses not listed as permitted uses in s. 31.23 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or structures not associated with permanent open space uses;

- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish, or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the applicable provisions of local ordinances and Wis. Admin. Code ch. SPS 83;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Wis. Admin. Code chs. NR 811 and NR 812;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under Wis. Admin. Code § NR 110.15(3)(b); and
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

## PART VII. FLOODFRINGE DISTRICT (FF).

### 31.26 Applicability.

This Part VII applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 31.33.

### 31.27 Permitted Uses.

Any structure, land use, or development is allowed in the floodfringe district if the standards in s. 31.28 are met, the use is not prohibited by this or any other ordinance or regulation, and all permits or certificates specified in Part XII have been issued.

### 31.28 Standards for Development in Floodfringe Areas.

- (1) The requirements in s. 31.18 apply to all development in floodfringe areas in addition to the requirements in this Part VII for the requested use. Any existing structure in the floodfringe must meet the requirements of Part X of this Floodplain Ordinance.
- (2) Residential Uses. Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe shall meet or exceed the following standards:

- (a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 31.16;
- (b) Notwithstanding par. (a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation;
- (c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (d); and
- (d) In developments where existing street or sewer line elevations make compliance with par. (c) impractical, Manitowoc County may permit new development and substantial improvements where roads are below the regional flood elevation, if:
1. Manitowoc County has written assurance from police, fire, and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  2. Manitowoc County has a DNR approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.
- (3) Accessory Structures or Uses. In addition to the requirements in Part V of this Floodplain Ordinance, new construction and substantial improvements of accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.
- (4) Commercial Uses. In addition to the requirements in Part V of this Floodplain Ordinance, any commercial structure that is erected, altered, or moved into the floodfringe area shall meet the requirements of sub. (2). Subject to the requirements of sub. (6), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- (5) Manufacturing and Industrial Uses. In addition to the requirements in Part V of this Floodplain Ordinance, any manufacturing or industrial structure that is erected,

altered, or moved into the floodfringe area shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 31.45. Subject to the requirements of sub. (6), storage yards, surface parking lots, and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (6) Storage of Materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 31.45. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

- (7) Public Utilities, Streets, and Bridges.

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

(b) When failure of public utilities, streets, and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 31.45.

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

- (8) Sewage Systems. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood waters into the system pursuant to s. 31.45 to the flood protection elevation and meet the provisions of all local ordinances and Wis. Admin. Code ch. SPS 83.

- (9) Wells. All wells shall be designed to minimize or eliminate infiltration of floodwaters into the system pursuant to s. 31.45 to the flood protection elevation and shall meet the provisions of Wis. Admin. Code chs. NR 811 and NR 812.

- (10) Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.

- (11) Deposition of Materials. Any deposited material must meet all the provisions of this Floodplain Ordinance.

- (12) Manufactured Homes.

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

- (b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
1. Have the lowest floor elevated to the flood protection elevation; and
  2. Be anchored so they do not float, collapse, or move laterally during a flood.
- (c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement, and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in sub. (2).
- (13) Mobile Recreational Vehicles. All mobile recreational vehicles must be on site for less than 180 consecutive days and either:
- (a) Be fully licensed and ready for highway use. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect utilities and security devices, and has no permanently attached additions; or
  - (b) Shall meet the elevation and anchoring requirements in ss. 31.28(12)(b) and (c).

## PART VIII. GENERAL FLOODPLAIN DISTRICT (GFP).

### 31.29 Applicability.

The provisions for the general floodplain district shall apply to development in all floodplains mapped as A, AO, AH, and AE zones within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 31.14(1).

### 31.30 Floodway Boundaries.

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 31.14(2), the boundaries of the regulatory floodway shall be determined pursuant to s. 31.33. If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of Part VI of this Floodplain Ordinance. If the development is located entirely within the floodfringe, the development is subject to the standards of Part VII of this Floodplain Ordinance.

### 31.31 Permitted Uses.



- 1411 (1) Pursuant to s. 31.33, it shall be determined whether the proposed use is located  
1412 within the floodway or floodfringe.  
1413  
1414 (2) Uses that are permitted in floodway and floodfringe districts are allowed within the  
1415 general floodplain district, according to the standards of s. 31.32, provided that all  
1416 permits or certificates required under Part XII of this Floodplain Ordinance have  
1417 been issued.  
1418

1419 31.32 Standards for Development in the General Floodplain District.  
1420

- 1421 (1) Part VI applies to all floodway areas within a general floodplain district.  
1422  
1423 (2) Part VII applies to all floodfringe areas within a general floodplain district.  
1424  
1425 (3) New construction and substantial improvement of structures in zone AO shall have  
1426 the lowest floor, including basement, elevated:  
1427  
1428 (a) To or above the depth, in feet, as shown on the FIRM above the highest  
1429 adjacent natural grade; or  
1430  
1431 (b) If the depth is not specified on the FIRM, to two (2) feet above the highest  
1432 adjacent natural grade.  
1433  
1434 (4) New construction and substantial improvement of structures in zone AH shall have  
1435 the lowest floor, including basement, elevated to or above the flood protection  
1436 elevation.  
1437  
1438 (5) In AO/AH zones, adequate drainage paths to guide floodwaters around structures  
1439 shall be provided.  
1440  
1441 (6) All development in zones AO and AH shall meet the requirements of Part VII of  
1442 this Floodplain Ordinance applicable to floodfringe areas.  
1443

1444 31.33 Determining Floodway and Floodfringe Limits.  
1445

- 1446 (1) Upon receiving an application for development within zone A, or zone AE where  
1447 a floodway has not been delineated on the Flood Insurance Rate Maps, the Planning  
1448 and Zoning Department shall:  
1449  
1450 (a) Require the applicant to submit two copies of an aerial photograph or a plan  
1451 that shows the proposed development with respect to the general floodplain  
1452 district limits, stream channel, and existing floodplain developments, along  
1453 with a legal description of the property, fill limits and elevations, building  
1454 floor elevations, and flood proofing measures; and the flood zone as shown  
1455 on the FIRM.  
1456

- (b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation, and to determine floodway boundaries:
1. A Hydrologic and Hydraulic Study as specified in s. 31.44(4); and
  2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information; and
  3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply, and sanitary facilities.
- (2) Upon receiving an application for development within the general floodplain district, the code administrator shall transmit one copy of the information described in sub. (1) to the Department regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 31.44(4) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

## PART IX. COASTAL FLOODPLAIN DISTRICT.

### 31.34 Applicability.

The provisions of this Part IX apply to all Coastal Floodplain Districts (CFD) shown on the floodplain zoning maps, including zones V, V1-30, and VE. Where a floodway shown on the floodplain zoning maps, or a floodway determined as explained in s. 31.13(5), or a regulatory floodway identified pursuant to s. 31.33, extends into a Coastal Floodplain District, development shall comply with the standards of Part VI and Part IX of this Floodplain Ordinance.

### 31.35 Standards for Development in the Coastal Floodplain District.

Development in the Coastal Floodplain Districts shall meet the requirements of Part V of this Floodplain Ordinance, as well as the following:

- (1) New construction shall be located landward of the Ordinary High Water Mark.
- (2) Bulkheads, seawalls, revetments, and other erosion control measures shall not be connected to the foundation or superstructure of a building and shall be designed

and constructed to not to direct floodwaters or increase flood forces or erosion impacts on the foundation or superstructure of any building.

- (3) Man-made alteration of sand dunes are prohibited unless an engineering report documents that the alterations will not increase potential flood damage by reducing the wave and flow dissipation characteristics of the sand dunes.

- (4) The use of fill for structural support of buildings is prohibited. Non-structural fill shall be permitted only if an engineering report demonstrates that the fill will not cause runup, ramping, or deflection of floodwaters that cause damage to buildings.

- (5) New Construction and substantial improvement of buildings shall be elevated, consistent with Wis. Admin. Code § SPS 321.34 on pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the flood protection elevation.

- (a) The pile or column foundation and structure attached thereto shall be anchored to resist floatation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values shall be those associated with the base flood. Wind loading values shall be those defined according to American Society of Civil Engineers standard ASCE 7-16 (Minimum Design Loads and Associated Criteria for Buildings and Other Structures), or other equivalent standard.

- (b) A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this sub. (5).

- (6) New construction and substantial improvement of buildings shall have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

- (a) For the purpose of this sub. (6), a breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot.

- (b) Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or where so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet all of the following conditions:

- 1548 1. Breakaway wall collapse shall result from a water load less than that  
1549 which would occur during the base flood; and  
1550  
1551 2. The elevated portion of the building and supporting foundation  
1552 system shall not be subject to collapse, displacement, or other  
1553 structural damage due to the effects of wind and water loads acting  
1554 simultaneously on all building components (structural and non-  
1555 structural). Water loading values shall be those associated with the  
1556 base flood. Wind loading values shall be those defined according  
1557 to American Society of Civil Engineers standard ASCE 7-16  
1558 (Minimum Design Loads and Associated Criteria for Buildings and  
1559 Other Structures), or other equivalent standard.  
1560  
1561 (c) All space enclosed by breakaway walls, open wood lattice-work, or insect  
1562 screening below the lowest floor shall be used solely for parking, building  
1563 access, or storage.  
1564  
1565 (7) Required within flood-prone areas.  
1566  
1567 (a) New and replacement water supply systems shall be designed to minimize  
1568 or eliminate infiltration of flood waters into the systems; and  
1569  
1570 (b) New and replacement sanitary sewage systems shall be designed to  
1571 minimize or eliminate infiltration of flood waters into the systems and  
1572 discharge from the systems into flood waters and onsite waste disposal  
1573 systems shall be located to avoid impairment to them or contamination from  
1574 them during flooding.  
1575  
1576 (8) All mobile recreation vehicles must be on site for less than 180 consecutive days  
1577 and either:  
1578  
1579 (a) Be fully licensed and ready for highway use. A mobile recreational vehicle  
1580 is ready for highway use if it is on its wheels or jacking system, is attached  
1581 to the site only by quick-disconnect type utilities and security devices, and  
1582 has no permanently attached additions; or  
1583  
1584 (b) Shall meet the standards of subs. (1) through (7) inclusive.  
1585  
1586 (9) Manufactured homes placed or substantially improved within the Coastal  
1587 Floodplain District shall meet the standards of subs. (1) through (7) inclusive.  
1588

1589 PART X. NONCONFORMING USES.

1590 31.36 General.  
1591  
1592

- (1) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within this Floodplain Ordinance or with Wis. Stat. § 87.30 and Wis. Admin. Code § NR 116.15, and 44 C.F.R. §§ 59-72. These standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this Floodplain Ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.
- (2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Floodplain Ordinance may continue provided no modification or addition to a nonconforming use or structure shall be permitted unless it complies with this Floodplain Ordinance. The words “modification” and “addition” include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding, or replacement of any such existing structure, use, or accessory structure or use. Maintenance is not considered a modification. Maintenance includes painting, decorating, paneling and the maintenance, repair, or replacement of existing private sewage or water supply systems or connections to public utilities. Any cost associated with the repair of a damaged structure is not considered maintenance. The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.
- (3) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Floodplain Ordinance.
- (4) Manitowoc County shall keep a record that lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure’s total current value those modifications represent.
- (5) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Floodplain Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with ss. 31.28(2) and 31.28(4). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.

- (6) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Floodplain Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with ss. 31.28(2) and 31.28(4). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- (7) If on a per event basis the total value of the work being done under subs. (6) and (7) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Floodplain Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with ss. 31.28(2) and 31.28(4).
- (8) Except as provided in sub. (9), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- (9) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it to the size and use in effect prior to the damage event provided the following minimum requirements are met and all required permits have been issued prior to the start of construction.
- (a) Residential Structures. Residential structures shall:
1. Have the lowest floor, including basement, elevated to or above the flood protection elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 31.45(2);
  2. Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  3. Be constructed with methods and materials resistant to flood damage;



4. 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;
  5. In A zones, obtain, review and utilize any flood data available from a federal, state, or other source;
  6. In AO zones with no elevations specified, have the lowest floor, including the basement, meet the standards in s. 31.32; and
  7. In AO zones, have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
- (b) Nonresidential Structures. Nonresidential structures shall:
1. Meet the requirements of s. 31.36(9)(a)1. through 7.;
  2. Either have the lowest floor, including the basement, elevated to or above the regional flood elevation, or together with attendant utility and sanitary facilities, meet the standards in s. 31.45; and
  3. In AO zones with no elevations specified, have the lowest floor, including basement, meet the standards in s. 31.32.

- (10) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 31.24, flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 31.45 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 31.36(9)(a) if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

### 31.37 Floodway Areas.

- (1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the floodway district, unless such modification or addition unless:
- (a) Such modification or addition has been granted a permit or variance which meets all ordinance requirements;
  - (b) Such modification or addition meets the requirements of s. 31.36;

- 1729 (c) Such modification or addition will not increase the obstruction to flood  
1730 flows or regional flood height;  
1731
- 1732 (d) Any addition to the existing structure is floodproofed, pursuant to s. 31.45,  
1733 by means other than the use of fill, to the flood protection elevation; and  
1734 (e) If any part of the foundation below the flood protection elevation is  
1735 enclosed, the following standards shall apply:  
1736
- 1737 1. The enclosed area shall be designed by a registered architect or  
1738 engineer to allow for the efficient entry and exit of flood waters  
1739 without human intervention. A minimum of two openings must be  
1740 provided with a minimum net area of at least one square inch for  
1741 every one square foot of the enclosed area. The lowest part of the  
1742 opening can be no more than 12 inches above the adjacent grade;  
1743
- 1744 2. The parts of the foundation located below the flood protection  
1745 elevation must be constructed of flood resistant materials;  
1746
- 1747 3. Mechanical and utility equipment must be elevated or floodproofed  
1748 to or above the flood protection elevation; and  
1749
- 1750 4. The use must be limited to parking or limited storage.  
1751
- 1752 (2) No new on site sewage disposal system, or addition to an existing on site sewage  
1753 disposal system, shall be allowed in a floodway district, except where an addition  
1754 has been ordered by a government agency to correct a hazard to public health. Any  
1755 replacement, repair, or maintenance of an existing on site sewage disposal system  
1756 in a floodway area shall meet the applicable requirements of all Manitowoc County  
1757 ordinances, s. 31.45(3) and (4), and Wis. Admin. Code ch. SPS 83.  
1758
- 1759 (3) No new well or modification to an existing well used to obtain potable water shall  
1760 be allowed in a floodway district. Any replacement, repair, or maintenance of an  
1761 existing well in a floodway area shall meet the applicable requirements of all  
1762 municipal ordinances, s. 31.45(3) and (4), and Wis. Admin. Code chs. NR 811 and  
1763 NR 812.  
1764
- 1765 31.38 Floodfringe Areas.  
1766
- 1767 (1) No modification or addition shall be allowed to any nonconforming structure or  
1768 any structure with a nonconforming use unless such modification or addition has  
1769 been granted a permit or variance by Manitowoc County, and the modification or  
1770 addition shall be placed on fill or floodproofed to the flood protection elevation in  
1771 compliance with the standards for that particular use in s. 31.28, except where sub.  
1772 (2) is applicable.  
1773

(2) Where compliance with the provisions of sub. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the board of adjustment using the procedures established in s. 31.51, may grant a variance from those provisions of sub. (1) for modifications or additions, using the criteria listed below. Modifications or additions that are protected to elevations lower than the flood protection elevation may be permitted if:

- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
- (b) Human lives are not endangered;
- (c) Public facilities, such as water or sewer, will not be installed;
- (d) Flood depths will not exceed two feet;
- (e) Flood velocities will not exceed two feet per second; and
- (f) The structure will not be used for storage of materials as described in s. 31.28(6).

(3) All new private sewage disposal systems, or addition to, replacement, repair, or maintenance of a private sewage disposal system shall meet all the applicable provisions of all Manitowoc County ordinances and Wis. Adm. Code ch. SPS 83.

(4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this Floodplain Ordinance and Wis. Admin. Code chs. NR 811 and NR 812.

### 31.39 Coastal Floodplain Areas.

(1) New construction and substantial improvements shall meet the standards of Part IX of this Floodplain Ordinance.

(2) No structure repairs, modifications or additions to an existing building, the cost of which exceeds, over the life of the existing building, 50% of its present equalized assessed value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in Part IX of this Floodplain Ordinance.

## PART XI. ADMINISTRATION.

### 31.40 Administration.

This Floodplain Ordinance shall be administered by the Director of the Planning and Zoning Department as provided in Wis. Stat. § 59.69(2)(bm).

#### 31.41 Planning and Zoning Department.

The Director of the Planning and Zoning Department, as the administrator of this Floodplain Ordinance, has the following powers and shall:

- (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this Floodplain Ordinance, and issue certificates of compliance where appropriate.
- (3) Inspect and assess all damaged floodplain structures to determine if substantial damage to a structure has occurred.
- (4) Keep records of all official actions, such as:
  - (a) Permits issued, inspections made, and work approved;
  - (b) Documentation of certified lowest floor and regional flood elevations;
  - (c) Floodproofing certificates;
  - (d) Water surface profiles, floodplain zoning maps and ordinances, and nonconforming uses and structures, including amendments, appeals, changes, and variances;
  - (e) Substantial damage assessment reports for floodplain structures;
  - (f) A list of all nonconforming structures and uses;
  - (g) In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements; and
  - (h) In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under Part IX of this Floodplain Ordinance.
- (5) Submit copies of the following items to the Department's regional office:
  - (a) A copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments, within 10 days of the decision;

- 1865
- 1866 (b) A copy of any case by case analysis and any other required information; and
- 1867
- 1868 (c) A copy of each substantial damage assessment performed and all related
- 1869 correspondence concerning the assessment.
- 1870 (6) Investigate, prepare reports, and report violations of this ordinance to the planning
- 1871 and park commission and to the corporation counsel for prosecution. Copies of
- 1872 the reports shall also be sent to the Department regional office.
- 1873
- 1874 (7) Submit copies of amendments to the FEMA regional office.
- 1875

1876 31.42 Planning and Park Commission.

1877

- 1878 (1) The planning and park commission shall:
- 1879
- 1880 (a) Review and advise the county board on all proposed amendments to this
- 1881 Floodplain Ordinance, maps, and text; and
- 1882
- 1883 (b) Publish adequate notice pursuant to Wis. Stat. ch. 985, specifying the date,
- 1884 time, place and subject of a public hearing amending this Floodplain
- 1885 Ordinance.
- 1886
- 1887 (2) The planning and park commission shall not:
- 1888
- 1889 (a) Grant variances to the terms of this Floodplain Ordinance in place of action
- 1890 by the board of adjustment; or
- 1891
- 1892 (b) Amend the text or zoning maps in place of official action by the county
- 1893 board.
- 1894

1895 31.43 Board of Adjustment.

1896

- 1897 (1) The board of adjustment created pursuant to Wis. Stat. § 59.694 is hereby
- 1898 authorized to exercise the powers conferred by the Wisconsin Statutes for the
- 1899 purpose of this Floodplain Ordinance.
- 1900
- 1901 (2) Powers and Duties. The board of adjustment shall have the following
- 1902 powers and duties:
- 1903
- 1904 (a) Appeals. Hear and decide appeals where it is alleged there is an
- 1905 error in any order, requirement, decision or determination made by
- 1906 an administrative official in the enforcement or administration of
- 1907 this ordinance;
- 1908
- 1909 (b) Boundary Disputes. Hear and decide disputes concerning the
- 1910 district boundaries shown on the official floodplain zoning map; and

- 1911  
1912 (c) Variances. Hear and decide, upon appeal, variances from the  
1913 standards of this Floodplain Ordinance.  
1914

1915 PART XII. PROCEDURE.  
1916

1917 31.44 Land Use Permit.  
1918

- 1919 (1) A person shall apply to the Planning and Zoning Department for a land use permit.  
1920 A land use permit shall be obtained before any new development, repair,  
1921 modification, or addition to any existing structure, or change in the use of a building  
1922 or structure, including sewer and water facilities, may be initiated.  
1923  
1924 (2) The land use permit application shall include the following general information:  
1925  
1926 (a) Name and address of the applicant, property owner, and contractor; and  
1927  
1928 (b) Legal description of the property, proposed use, and whether it is new  
1929 construction or a modification.  
1930  
1931 (3) The land use permit application shall include a site development plan, drawn to  
1932 scale, with the following information:  
1933  
1934 (a) Location, dimensions, area, and elevation of the lot;  
1935  
1936 (b) Location of the ordinary highwater mark of any abutting navigable  
1937 waterways;  
1938  
1939 (c) Location of any structures, with distances measured from the lot lines and  
1940 street center lines;  
1941  
1942 (d) Location of any existing or proposed on site sewage systems or private  
1943 water supply systems;  
1944  
1945 (e) Location and elevation of existing or future access roads;  
1946  
1947 (f) Location of floodplain and floodway limits as determined from the official  
1948 floodplain zoning maps;  
1949  
1950 (g) The elevation of the lowest floor of proposed buildings and any fill using  
1951 either the National Geodetic Vertical Datum (NGVD) or North American  
1952 Vertical Datum (NAVD) from the adopted study;  
1953  
1954 (h) Data sufficient to determine the regional flood elevation in NGVD or  
1955 NAVD at the location of the development and to determine whether the

1956 requirements of Part VI or Part VII of this Floodplain Ordinance are met;  
1957 and  
1958  
1959 (i) Data to determine if the proposed development will cause and obstruction  
1960 to flow or cause an increase in regional flood height or discharge according  
1961 to s. 31.18. This may include any of the information noted in s. 31.24.  
1962  
1963 (4) Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and  
1964 hydrologic studies shall be completed under the direct supervision of a professional  
1965 engineer registered in the state of Wisconsin. The study contractor shall be  
1966 responsible for the technical adequacy of the study. All studies shall be reviewed  
1967 and approved by the Department.  
1968  
1969 (a) A Zone and AE Zones Within Which a Floodway Is Not Delineated:  
1970  
1971 1. Hydrology. The appropriate method shall be based on the  
1972 standards in Wis. Admin. Code § NR 116.07(3) "Hydrologic  
1973 Analysis: Determination of Regional Flood Discharge."  
1974  
1975 2. Hydraulic Modeling. The regional flood elevation shall be based  
1976 on the standards in Wis. Admin. Code § NR 116.07(4)" Hydraulic  
1977 Analysis: Determination of Regional Flood Elevation and the  
1978 following:  
1979  
1980 a. Determination of the required limits of the hydraulic model  
1981 shall be based on detailed study information for downstream  
1982 structures (e.g. dam, bridge, culvert) to determine adequate  
1983 starting WSEL for the study.  
1984  
1985 b. Channel sections must be surveyed.  
1986  
1987 c. Minimum four foot contour data in the overbanks shall be  
1988 used for the development of cross section overbank and  
1989 floodplain mapping.  
1990  
1991 d. A maximum distance of 500 feet between cross sections is  
1992 allowed in developed areas with additional intermediate  
1993 cross sections required at transitions in channel bottom slope  
1994 including a survey of the channel at each location.  
1995  
1996 e. The most current version of HEC\_RAS shall be used.  
1997  
1998 f. A survey of bridge and culvert openings and the top of road  
1999 is required at each structure.  
2000



- g. 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.
- h. 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.
- i. The model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.
3. Mapping. A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.
- a. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- b. If any part of the proposed development is in the floodway, such development must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

(b) AE Zone Floodplains:

1. Hydrology. If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on Wis. Admin. Code § NR 116.07(3) "Hydrologic Analysis: Determination of Regional Flood Discharge."
2. Hydraulic model. The regional flood elevation shall be based on the standards in Wis. Admin. Code § NR 116.07(4) "Hydraulic

Analysis: Determination of Regional Flood Elevation” and the following:

- a. 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 within 0.1 foot.
- b. Corrected Effective Model. The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC\_RAS for Department review.
- c. 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.
- d. 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.
- e. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- f. 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 revise each as required. The Effective Model shall not be truncated.

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

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- a. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, and bridge plans.
  - b. Certified topographic map of suitable scale, contour interval, and a plain metric map showing the applicable items. If a digital version of the map is available, the digital version may be submitted so that the FIRM may be more easily revised.
  - c. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
  - d. 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.
  - e. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
  - f. All cross sections from the effective model shall be labeled in accordance with the effective map and the cross section lookup table shall be included to relate to the model input numbering scheme.
  - g. Both the current and proposed floodways shall be shown on the map.
  - h. The stream centerline shall be shown, or the baseline used to measure stream distances in the model shall be provided and shall be feasible on the map.

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- (5) Expiration. A permit issued under the authority of this Floodplain Ordinance shall expire 180 days from the date the permit is issued. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulations, including any revision to the FIRM or FIS that took effect after the permit date.

2137 31.45 Floodproofing Requirements.  
2138

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by the registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in Part V, Part VI, Part VII, Part VIII or Part IX of this Floodplain Ordinance.
- (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 either:
- (a) Certified by a registered professional engineer or architect; or
  - (b) Meets or exceeds the following standards:
    - 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
    - 2. The bottom of all openings shall be no higher than one foot above grade; and
    - 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
- (a) Withstand flood pressures, depths, velocities, uplift and impact forces, and other regional factors;
  - (b) Protect structures to the flood protection elevation;
  - (c) Anchor structures to foundations to resist flotation and lateral movement.
  - (d) Minimize or eliminate infiltration of flood waters;
  - (e) Minimize or eliminate discharges into flood waters; and
  - (f) Locate placement of essential utilities at or above the flood protection elevation; and
- (4) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

- 2184 (a) The enclosed area shall be designed by a registered architect or engineer to  
2185 allow for the efficient entry and exit of flood waters without human  
2186 intervention. A minimum of two openings must be provided with a  
2187 minimum net area of at least one square inch for every one square foot of  
2188 the enclosed area. The lowest part of the opening can be no more than one  
2189 foot above the adjacent grade.  
2190  
2191 (b) The parts of the foundation located below the flood protection elevation  
2192 must be constructed of flood-resistant materials.  
2193  
2194 (c) Mechanical and utility equipment must be elevated or floodproofed to or  
2195 above the flood protection elevation.  
2196  
2197 (d) The use must be limited to parking, building access or limited storage.  
2198

2199 31.46 Certificate of Compliance.  
2200

- 2201 (1) A person shall apply for a certificate of compliance concurrently with the  
2202 application for a permit.  
2203  
2204 (2) No land shall be occupied or used, and no building that is hereafter constructed,  
2205 altered, added to, modified, repaired, rebuilt, or replaced after the effective date of  
2206 this Floodplain Ordinance shall be occupied until a certificate of compliance is  
2207 issued by the Planning and Zoning Department, except where no permit is required,  
2208 subject to the following provisions:  
2209  
2210 (a) The applicant shall submit a certification signed by a registered professional  
2211 engineer, architect, or land surveyor that the fill, lowest floor, and  
2212 floodproofing elevations are in compliance with the permit issued.  
2213 Floodproofing measures also require certification by a registered  
2214 professional engineer or architect that floodproofing measures meet the  
2215 requirements of s. 31.45.  
2216  
2217 (b) If all ordinance provisions are met, the Planning and Zoning Department  
2218 shall issue the certificate of compliance within 10 days after written  
2219 notification that the permitted work is completed.  
2220  
2221 (c) The certificate of compliance shall show that the building or premises, or  
2222 part thereof, and the proposed use, conform to the provisions of this  
2223 Floodplain Ordinance.  
2224  
2225 (3) Where applicable pursuant to s. 31.32, the applicant must submit a certification by  
2226 a registered professional engineer or surveyor of the elevation of the bottom of the  
2227 lowest horizontal structural member supporting the lowest floor (excluding pilings  
2228 or columns), and an indication of whether the structure contains a basement.  
2229

- (4) Where applicable pursuant to s. 31.32, the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 31.32.

#### 31.47 Other Permits.

Prior to obtaining a land use permit, the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under sec. 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1344.

#### 31.48 Appeals.

- (1) Appeals. The board of adjustment shall hear and decide appeals where it is alleged there is an error in any decision, determination, order, or requirement made by the Planning and Zoning Department.
- (2) Notice of Appeal. Any person aggrieved, or any officer or department of Manitowoc County affected by a decision of the Planning and Zoning Department may appeal the decision to the board of adjustment by filing a written notice with the Planning and Zoning Department and the board of adjustment within 30 days of the decision. The notice must specify the reason for the appeal. The Planning and Zoning Department shall transmit all records regarding the matter to the board of adjustment within 30 days of receipt of the notice.
- (3) Hearing Notice. Upon receipt of notice of appeal, the board of adjustment shall:
  - (a) Fix a reasonable time for the hearing;
  - (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
  - (c) Assure that the hearing notice is mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.
- (4) Hearing Procedure. Any party may appear at the hearing in person or by an agent.
- (5) Decision. The board of adjustment shall issue a final decision regarding the appeal, and the decision shall:
  - (a) Be made within a reasonable time;
  - (b) Be sent to the Department's regional office within 10 days of the decision;
  - (c) Be a written determination signed by the chairman or secretary of the board of adjustment;

- 2276  
2277 (d) State the specific facts and reasons that are the basis for the board of  
2278 adjustment's decision;  
2279  
2280 (e) Either affirm, reverse, vary, or modify the order, requirement, decision, or  
2281 determination appealed, in whole or in part, or dismiss the appeal for lack  
2282 of jurisdiction; and  
2283  
2284 (f) Include the reasons for its decision in the record of the board's proceedings.  
2285

2286 31.49 Appeal of Permit Denials.  
2287

- 2288 (1) The board of adjustment shall review all data related to the appeal or a permit  
2289 denial. This may include:  
2290  
2291 (a) Permit application data listed in s. 31.44.  
2292  
2293 (b) Floodway/floodfringe determination data in s. 31.33.  
2294  
2295 (c) Data listed in s. 31.24(2) where the applicant has not submitted this  
2296 information to the Planning and Zoning Department.  
2297  
2298 (d) Other data submitted with the application or submitted to the board of  
2299 adjustment with the appeal.  
2300  
2301 (2) For appeals of all denied permits the board of adjustment shall:  
2302  
2303 (a) Follow the procedures of s. 31.48;  
2304  
2305 (b) Consider Planning and Zoning Department recommendations; and  
2306  
2307 (c) Either uphold the denial or grant the appeal.  
2308  
2309 (3) For appeals concerning increases in regional flood elevation the board of  
2310 adjustment shall:  
2311  
2312 (a) Uphold the denial where the board of adjustment agrees with the data  
2313 showing an increase in flood elevation. Increases may only be allowed  
2314 after amending the flood profile and map and all appropriate legal  
2315 arrangements are made with all adversely affected property owners as per  
2316 the requirements of s. 31.53; and  
2317  
2318 (b) Grant the appeal where the board of adjustment agrees that the data properly  
2319 demonstrates that the project does not cause an increase in the regional flood  
2320 elevation.  
2321



31.50 Boundary Disputes.

- (1) The board of adjustment shall hear and decide disputes concerning floodplain district boundaries.
- (2) Notice of Dispute. Any person may file a written notice of a boundary dispute with the Planning and Zoning Department and the board of adjustment. The notice must specify the reason for the dispute. The Planning and Zoning Department shall transmit all records regarding the matter to the board of adjustment within 30 days of receipt of the notice.
- (3) Hearing Notice. Upon receipt of notice of a boundary dispute, the board of adjustment shall:
  - (a) Fix a reasonable time for the hearing;
  - (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
  - (c) Assure that hearing notice is mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.
- (4) Hearing Procedure.
  - (a) Any party may appear at the hearing in person or by an agent. The person contesting the boundary location will be given a reasonable opportunity to present arguments and technical evidence to the board of adjustment.
  - (b) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.
  - (c) If the boundary is incorrectly mapped, the board of adjustment shall inform the planning and park commission or the person contesting the boundary location of the need to petition the county board for a map amendment according to s. 31.53.
- (5) Decision. The board of adjustment shall issue a final decision regarding the appeal, and the decision shall:
  - (a) Be made within a reasonable time;
  - (b) Be sent to the Department's regional office within 10 days of the decision;
  - (c) Be a written determination signed by the chairman or secretary of the board of adjustment; and

- (d) State the specific facts and reasons that are the basis for the board of adjustment's decision.
- 31.51 Variances.
- (1) The board of adjustment shall, upon appeal, hear and decide appeals or requests for variances from the standards of this Floodplain Ordinance.
  - (2) Variance Request. Any person may file a written request for a variance with the Planning and Zoning Department and the board of adjustment. The notice must specify the reason for the request. The Planning and Zoning Department shall transmit all records regarding the matter to the board of adjustment within 30 days of receipt of the notice.
  - (3) Hearing Notice. Upon receipt of a variance request, the board of adjustment shall:
    - (a) Fix a reasonable time for the hearing;
    - (b) Publish adequate notice, as required by the Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
    - (c) Assure that hearing notice is mailed to the parties in interest and the Department's regional office at least 10 days in advance of the hearing.
  - (4) Hearing Procedure.
    - (a) Any party may appear at the hearing in person or by an agent.
    - (b) The person making the request will be given a reasonable opportunity to present arguments and technical evidence to the board of adjustment.
  - (5) Decision. The board of adjustment shall issue a final decision regarding the appeal, and the decision shall:
    - (a) Be made within a reasonable time;
    - (b) Be sent to the Department's regional office within 10 days of the decision;
    - (c) Be a written determination signed by the chairman or secretary of the board of adjustment; and
    - (d) State the specific facts and reasons that are the basis for the board of adjustment's decision. If the request is granted, the determination must describe the hardship demonstrated by the applicant, which must also be

clearly stated in the recorded minutes of the board of adjustment's proceedings.

(6) The board of adjustment may grant a variance from the standards of this Floodplain Ordinance if an applicant clearly and convincingly demonstrates that:

- (a) Literal enforcement of the ordinance provisions will cause unnecessary hardship;
- (b) The hardship is due to adoption of this Floodplain Ordinance and unique property conditions, not common to adjacent lots or premises, in which case the ordinance or map must be amended;
- (c) The variance is not contrary to the public interest; and
- (d) The variance is consistent with the purpose of this Floodplain Ordinance in s. 31.02.

(7) In addition to the criteria in sub. (6), a variance may be granted only if the following FEMA criteria are met:

- (a) The variance shall not cause any increase in the regional flood elevation;
- (b) The applicant has shown good and sufficient cause for issuance of the variance;
- (c) Failure to grant the variance would result in exceptional hardship;
- (d) Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; and
- (e) The variance granted is the minimum necessary to afford relief, considering the flood hazard.

(8) A variance shall not:

- (a) Grant, extend, or increase any use prohibited in the zoning district;
- (b) Be granted for a hardship based on an economic gain or loss;
- (c) Be granted for a hardship that is self created;
- (d) Damage the rights or property values of other persons in the area;

- 2458 (e) Allow any action without an amendment to this Floodplain Ordinance or  
2459 the official map if an amendment is required by s. 31.53; or  
2460  
2461 (f) Allow any alteration of a historic structure, including its use, which would  
2462 preclude its continued designation as an historic structure;  
2463  
2464 (10) When a floodplain variance is granted, the board of adjustment shall provide written  
2465 notification to the applicant that the requested variance may increase flood  
2466 insurance premiums and risks to life and property, and flood insurance premiums  
2467 could increase up to \$25.00 per \$100.00 of coverage. A copy of the notice will be  
2468 maintained with the variance record.  
2469

2470 31.52 Public Information.  
2471

- 2472 (1) The Planning and Zoning Department may cause or require an applicant to place  
2473 marks on structures to show the depth of inundation during the regional flood.  
2474  
2475 (2) All maps, engineering data, and regulations shall be available and widely  
2476 distributed.  
2477  
2478 (3) Every real estate transfer should show the floodplain zoning district in which the  
2479 real property is located.  
2480

2481 31.53 Amendments.  
2482

2483 Obstructions or increases may only be permitted if amendments are made to this ordinance,  
2484 the official floodplain zoning maps, floodway lines and water surface profiles, in  
2485 accordance with s. 31.54.  
2486

- 2487 (1) In AE zones with a mapped floodway, no obstruction or increases shall be permitted  
2488 unless the applicant receives a Conditional Letter of Map Revision (CLOMR) from  
2489 FEMA and amendments are made to this Floodplain Ordinance, the official zoning  
2490 maps, floodway lines, and water surface profiles, in accordance with s. 31.54. Any  
2491 such alterations must be reviewed and approved by FEMA and DNR.  
2492  
2493 (2) In A zones, increases equal to or greater than 1.0 foot may only be permitted if the  
2494 applicant receives a Conditional Letter of Map Revision from FEMA and  
2495 amendments are made to this ordinance, the official floodplain maps, floodway  
2496 lines and water surface profiles, in accordance with s. 31.54.  
2497

2498 31.54 General.  
2499

- 2500 (1) The county board may change or supplement the floodplain zoning district  
2501 boundaries and this Floodplain Ordinance in the manner provided in s. 31.55.  
2502

(2) The actions that require an amendment to this Floodplain Ordinance and/or submittal of a Letter of Map Change include, but are not limited to, the following:

- (a) Any fill or floodway encroachment that obstructs flow causing any increase in regional flood height;
- (b) Any change to the floodplain boundaries and/or any watercourse alteration on a FIRM;
- (c) Any change to any other officially adopted floodplain map listed in s. 31.14(3);
- (d) Correction of discrepancies between the water surface profiles and floodplain zoning maps;
- (e) Any fill in the floodplain that 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;
- (f) Any changes to the Floodplain Ordinance text required by Wis. Admin. Code § NR 116.05, or otherwise required by law, or by Manitowoc County; and
- (g) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

#### 31.55 Procedures.

- (1) Ordinance amendments may be made upon petition of any interested party according to the provisions of Wis. Stat. § 59.69. Petitions must include all data required by ss. 31.33 and 31.44. A land use permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
- (2) A person petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height shall obtain flooding easements from, or make other appropriate legal arrangements with, all adversely affected property owners and notify local units of government before the amendment may be approved by the county board.
- (3) The proposed amendment will be referred to the planning and park commission for a public hearing and recommendation to the county board. The amendment and notice of public hearing must be submitted to the Department's regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of Wis. Stat. § 59.69.

(4) No amendment will become effective unless it has been reviewed and approved by the Department.

(5) Consult the FEMA web site at [www.fema.gov](http://www.fema.gov) for the map change fee schedule.

### PART XIII. VIOLATIONS AND ENFORCEMENT.

#### 31.56 Violations.

(1) It is unlawful for any person to violate any provision of this Floodplain Ordinance or any condition contained in a permit issued pursuant to this Floodplain Ordinance.

(2) It is unlawful for any person to knowingly provide false information, make a false statement, or fail to provide or misrepresent any material fact to a county agent, board, commission, committee, department, employee, officer, or official acting in an official capacity under this Floodplain Ordinance.

(3) It is unlawful for a person to disobey; fail, neglect, or refuse to comply with; or otherwise resist an order issued pursuant to this Floodplain Ordinance.

(4) A separate offense is deemed committed on each day that a violation occurs or continues.

#### 31.57 Enforcement.

(1) The Planning and Zoning Department may enter any property for which a permit has been issued under this Floodplain Ordinance to conduct an inspection to determine whether there is a violation of this Floodplain Ordinance or whether the conditions stated in the permit have been met.

(2) The Planning and Zoning Department may issue an order to abate any violation of this Floodplain Ordinance.

(3) The Planning and Zoning Department may issue a citation for any violation of this Floodplain Ordinance.

(4) The Planning and Zoning Department may refer a violation of this Floodplain Ordinance to corporation counsel for legal action.

(5) Every violation of this Floodplain Ordinance is a public nuisance, the creation of which may be enjoined and the maintenance of which may be abated by action at suit of the county, the State, or any citizen thereof pursuant to Wis. Stat. § 87.30.

(6) Nothing in this s. 31.57 may be construed to prevent the County from using any other lawful means to enforce this Floodplain Ordinance.

31.58 Penalties.

- (1) A person shall, upon conviction for a violation of this Floodplain Ordinance, forfeit not less than \$25 nor more than \$50 for each offense, together with any applicable assessments, costs, surcharges, and the costs of prosecution for each violation, and may be ordered to take such action as is necessary to abate the offense within a specified time.
- (2) A person who has the ability to pay a forfeiture entered pursuant to this Floodplain Ordinance, but who fails or refuses to do so may be confined in the county jail until the forfeiture and costs are paid, but the period of confinement may not exceed 30 days for each offense. In determining whether a person has the ability to pay, all items of income and all assets may be considered regardless of whether the income and assets are subject to garnishment, lien, or attachment by creditors.
- (3) In the event an offense is not abated as ordered, Manitowoc County may take such action as is necessary to abate the offense and the cost of such abatement will become a lien upon the person's property and may be collected in the same manner as other taxes.
- (4) The failure of any employee, official, or officer of the County to perform any official duty imposed by this code will not subject the employee, official, or officer to the penalty imposed for violation of this code unless a penalty is specifically provided.

31.59 Effective Date.

This Floodplain Ordinance is effective *[Revisor to enter date of publication]*.

and

BE IT FURTHER ORDAINED that this ordinance shall be effective upon passage and publication and shall be effective in all of the unincorporated areas within Manitowoc County and shall not require approval or be subject to disapproval by any town or town board as provided by Wis. Stat. §§ 59.692 and 87.30.

Dated this 21st day of February 2022.

Respectfully submitted by the  
Planning and Park Commission

---

James Falkowski, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Finance Director. \_\_\_\_\_



LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel 

COUNTERSIGNED: \_\_\_\_\_  
Tyler Martell, County Board Chair Date

APPROVED: \_\_\_\_\_  
Bob Ziegelbauer, County Executive Date

REPORT TO: THE MANITOWOC COUNTY BOARD OF SUPERVISORS FEBRUARY 21, 2023.  
FROM: THE MANITOWOC COUNTY PLANNING AND PARK COMMISSION  
RE: ORDINANCE AMENDMENT FOR CHAPTER 31, FLOODPLAIN ZONING.

This report, recommendation, Ordinance, proof of publication, attached map, and the fact sheet are hereby presented in accordance with Section 59.69(5)(e)4 Wisconsin Statutes.

The Manitowoc County Planning and Park Commission, on January 6, 2023, petitioned the Manitowoc County Board of Supervisors for ordinance amendments to the Manitowoc County Code, Chapter 31, titled "Floodplain Zoning" to allow for new maps, updated flood insurance study and ordinance amendments.

1. Action taken to date on this request includes:
  - a. The Manitowoc County Planning and Park Commission petitioned for an Ordinance amendment of the Manitowoc County Code, Chapter 31 on January 6, 2023.
  - b. The petition was referred from the County Clerk to the County Planning and Park Commission for a hearing and recommendation.
  - c. The public hearing notices were published in the Herald-Times-Reporter on January 9, 2023 and on January 16, 2023.
  - d. The County Planning and Park Commission held a public hearing on this amendment request on January 23, 2023.
  - e. The Commission at their January 23, 2023 meeting recommended approval of the requested Ordinance Amendment of the Manitowoc County Code, Chapter 31.
2. Testimony from the January 23, 2023 hearing is available at the Planning and Zoning office in the form of a digital recording.
3. Testimony from the January 23, 2023 hearing is summarized as follows:
  - a. Mr. Tim Ryan, Director, reviewed the Commission Agenda Commentary.

The County Planning and Park Commission made the following findings from testimony at the hearing, staff analysis, and discussions at the public hearing and meeting.

1. Manitowoc County must adopt an updated floodplain zoning ordinance that models the Wisconsin Department of Natural Resources new model ordinance and also adopt the Federal Emergency Management Administration's new flood insurance rate maps and flood insurance study in order to continue compliance with Wisconsin Administrative Code NR 116 and the National Flood Insurance Program.

### **RECOMMENDATION**

The Manitowoc County Planning and Park Commission, at its January 23, 2023 meeting, therefore by a unanimous vote and after careful consideration of testimony and an examination of the facts, recommends that the Ordinance Amendments of the Manitowoc County Code Chapter 31, Floodplain Zoning Ordinance; the new Flood Insurance Rate Maps and Flood Insurance Study for Manitowoc County be approved.



# COUNTY OF MANITOWOC COUNTY CLERK

1010 South 8<sup>th</sup> St., Ste. 115  
Manitowoc, WI 54220

Jessica Backus  
Manitowoc County Clerk

Telephone: (920) 683-4004  
Email: [jessicabackus@manitowoccountywi.gov](mailto:jessicabackus@manitowoccountywi.gov)

January 10, 2023

Tim Ryan, Director  
Planning & Park Commission  
4319 Expo Dr., P.O. Box 935  
Manitowoc, WI 54220-0935

and

Manitowoc County Board of Supervisors

ATTN: Tim Ryan and Manitowoc County Board of Supervisors

Enclosed is a copy of a petition for a map and ordinance text amendment to:

-Manitowoc County Code, Chapter 31, titled "Floodplain Zoning Ordinance" to solicit comments on proposed floodplain zoning ordinance and map revisions which are required by state and federal law

as filed in this office:

Name Petitioner  
Manitowoc County Planning and Park Commission

This notice is made in compliance with Section 59.69(5)(e)(1) of the Wisconsin Statutes.  
A report of the above petition will be made to the County Board at its next succeeding meeting.

Sincerely,

*Jessica Backus*

Jessica Backus  
Manitowoc County Clerk



**Manitowoc County**  
**Planning & Zoning Department**

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*Manitowoc County Office Complex • 4319 Expo Drive, P.O. Box 935 • Manitowoc WI 54221-0935  
Phone: 920.683.4185*

**APPLICATION FOR A MAP AND ORDINANCE TEXT  
AMENDMENT**

January 6, 2023

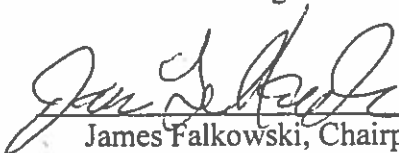
To: The honorable Chairperson and Members of the County Board of Supervisors, Manitowoc County, Wisconsin

We: The Manitowoc County Planning and Park Commission  
4319 Expo Dr  
Manitowoc WI 54220

The applicant hereby petitions you for map and ordinance text amendments for the Manitowoc County Code Chapter 31, Floodplain Zoning to adopt revised flood hazard maps and flood study for Manitowoc County and updated floodplain management regulations required in the Wisconsin Department of Natural Resources March 10, 2022 model ordinance.

The proposed regulations are intended to protect life, health and property in floodplain areas and will govern uses permitted in mapped floodplains. This proposed amendment is intended to meet the requirements of the Federal Emergency Management Agency and Wisconsin Department of Natural Resources Chapters NR 116, Wis. Adm. Code. The proposed ordinance text and map amendment may be obtained from the Planning and Park Commission.

Signature of Applicant:

  
James Falkowski, Chairperson  
Planning & Park Commission

**RESOLUTION DENYING CLAIM**  
**(Troy Bierman)**

TO THE MANITOWOC COUNTY BOARD OF SUPERVISORS:

1 WHEREAS, Troy Bierman filed a claim with Manitowoc County on November 21, 2022  
2 seeking \$2,406.55 for a cracked windshield and chipped paint purportedly caused by too much  
3 material being applied when Manitowoc County resurfaced County Highway LS; and

4  
5 WHEREAS, Manitowoc County has provided a copy of the claim and relevant records to  
6 its insurance carrier; and

7  
8 WHEREAS, the insurance carrier has reviewed the information provided, investigated the  
9 facts, and determined that Manitowoc County should deny the claim; and

10  
11 WHEREAS, the Corporation Counsel and the Finance Committee have reviewed the  
12 insurance carrier's recommendation that the claim be denied and that the county issue a formal  
13 disallowance;

14  
15 NOW, THEREFORE, BE IT RESOLVED by the Manitowoc County Board of Supervisors  
16 that the claim is denied and that the Corporation Counsel and County Clerk are directed to provide  
17 such notice of the denial of the claim as may be required.

Dated this 21st day of February 2023.

Respectfully submitted by the  
Finance Committee

\_\_\_\_\_  
Paul Hansen, Chair

FISCAL IMPACT: None.

FISCAL NOTE: Reviewed and approved by Finance Director. \_\_\_\_\_

LEGAL NOTE: Reviewed and approved as to form by Corporation Counsel. \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Bob Ziegelbauer, County Executive

\_\_\_\_\_  
Date