

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

SECTION 8 EFD EXISTING FLOODPLAIN DEVELOPMENT OVERLAY DISTRICT

(a) Purpose and intent

The purpose and intent of this district is to provide for the continued use of improved properties that lie within the floodplain and which are considered prohibited structures in Section 3 (c) 6 A. With the preparation of new floodplain data where such information was previously not available for many reaches of the various waterways in the Town of Lisbon, it is becoming more apparent that some development lies within the floodplains that may not have been previously recognized as floodplain. Accordingly, it is recognized that these improvements represent uses and structures of property owners. Therefore, the intent of this section is to recognize the existing uses and structures and regulate them in accordance with sound floodplain management practices while protecting the overall water quality of the river system.

It is further the intent of these provisions to regulate and diminish the proliferation of non-conforming structures and uses in floodplain areas and to regulate the reconstruction, remodeling, conversion, and repair of said non-conforming structures with the overall intent of lessening the public responsibilities attendant to the continued and expanded development of land and structures which are inherently incompatible with natural floodplains and to lessen the potential danger to life, safety, health, and welfare of persons whose lands are subject to the hazards of floods.

The provisions for this overlay district shall apply to all floodplains where specifically mapped, and where structures are in existence as of the date of adoption of this ordinance by the Town Board, based upon available flood data. As more detailed hydrologic and flood data becomes available and floodways and floodplains are more definitively identified, such portions of land areas where structures exist may be placed into this overlay district subject to the amendment procedures as set forth in Section 35 of this ordinance.

The degree of flood protection intended to be provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the 100-year recurrence interval floodplain or land uses permitted within such areas will always be totally free from flooding or flood damages, nor shall this ordinance create a liability on the part of, or a cause of action against, the Town of Lisbon or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(b) Permitted Uses

1. Any use as permitted in the C-1 Conservancy District, except that no buildings, fill, drainage, or dredging of shorelands/wetlands as identified on the Final Wisconsin Wetlands Inventory Maps may be allowed except as may be allowed under Section 7 (c) of this Ordinance.
2. Additional Livestock Regulations
 - i. As of the date of adoption of this ordinance, existing pasturing and grazing of livestock, and the maintenance of existing fences is allowed, provided no filling, flooding, draining, dredging, ditching, tiling, or excavating is done.
 - ii. As of the date of adoption of this ordinance, the new construction of fenced livestock enclosures is prohibited.
 - iii. For lands that lie partially within an EFD Zoning District, as of the date of

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

adoption of this ordinance, the EFD zoned lands shall not be utilized in calculating livestock quantities on non C-1, EFD, or UC zoned lands. Any parcel of land allowing one (1) livestock equivalent or more shall contain a minimum of three (3) acres of non C-1, EFD, or UC zoned lands.

- iv. All lands to be utilized for the keeping of livestock must be under the same ownership.
 - v. As of the date of adoption of this ordinance, livestock in recorded subdivisions is allowed on lots of three acres or more excluding lands zoned C-1 Conservancy District, or EFD or UC zoned lands.
3. Accessory uses within buildings normally associated with permitted agricultural operations including single-family dwellings and shelters for housing animals, except that no new structures shall be located in a floodplain or upon lands not suited due to soil limitations (any structures within floodlands must conform to Section 3 (c) 6A of this Ordinance.).
 4. Nurseries and greenhouses. Retail sales of such produce is limited to that which is produced by the farm operator, and such retail sales are subject to the approval of a Site Plan and Plan of Operation as required in this ordinance.
 5. Temporary roadside stands.
 6. Signs not to exceed forty (40) feet in area displaying the name of the farm or farm organization. Signs shall be in accordance with Chapter 13, Signs, of the General Code of Ordinances (refer to Addendum A).
 7. Structures and uses, including principal as well as accessory uses and structures existing as of the date of adoption of this ordinance, subject to compliance with the following:
 - A. In the event of the damage, including fire, wind, or other natural causes, to any such existing structures, the valuation of which to repair such damage would exceed 50% of its assessed value (as computed over the life of the structure and including past improvements) said structure may be reconstructed, remodeled, repaired, or rebuilt if the following standards are met:
 - i. The structure is not located in a floodway as defined in this ordinance.
 - ii. The first floor of the structure shall be placed at or above the flood protection elevation and reconstruction may occur on the same foundation or newly constructed foundation which represents no greater an encroachment or extension of the previously existing structure other than vertically. Said foundation shall be floodproofed and certified as set forth herein. Fill shall be used to elevate the first floor so as to meet the above. The fill shall not be less than one (1) foot below the flood protection elevation for the particular area and the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of the structure. Where such distance cannot be achieved because of lot lines or other similar constraints, said fill elevation shall extend as far as is practicable resulting in no slope conditions at its terminus which may adversely affect surface water drainage on adjacent properties. In addition, where the fifteen (15) feet of fill cannot be achieved as set forth above, the structures shall be floodproofed to the flood

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

protection elevation in accordance with the methods set forth herein and shall be certified as such by an architect or professional engineer registered in the State of Wisconsin. Other methods may be used, as long as they are certified as set forth above, which are designed to the flood protection elevation for the particular area in question. All floodproofing measures shall at a minimum provide anchorage to resist flotation and lateral movement, and shall insure that the structural walls and floors are watertight. In order to insure that adequate measures are taken, the applicant shall submit a plan or document certified, as required above, that the floodproofing measures are adequately designed to protect the property to the flood protection elevation, as defined in this ordinance, for the subject area.

- iii. There shall be dry land access to all structures affected by these regulations, dry land access to be considered contiguous lands outside or above the floodplain elevation where the depth and duration of floodwaters do not adversely affect rescue and relief operations during flood. Normally, an inundation of not more than one (1) foot of water above the roadways is considered adequate to meet the intent of this requirement.
- iv. All onsite waste disposal systems and private wells shall be floodproofed to the flood protection elevation and shall conform with the provisions of the Waukesha County Sanitary Code and/or Wisconsin Administrative Codes where applicable to such facilities.
- v. The basement or crawl space shall be at or above the floodplain elevation unless a community wide exemption allowing floodproofing of basements has been granted by the Federal Insurance Administration (FIA) of the Federal Emergency Management Administration (FEMA). Heating and electrical equipment shall be at or above the flood protection elevation.
- vi. A structure may be reconstructed or rebuilt which has less than the minimum floor area and open space requirements set forth in the R-2 Residential District. If a larger floor area than previously existed is desired or the previous floor area ratio exceeded the R-2 Residential District requirements, reconstruction or enlargement (vertically only) may not exceed the floor area ratio requirements set forth in the R-2 Residential District. The offset and setback requirements of the R-2 Residential District shall apply.
- vii. Where more than one (1) principal building, as defined in Section 2 (b) of this Ordinance, exists on a single property, and one (1) or more of said buildings is destroyed or damaged beyond fifty (50) percent of their assessed value as heretofore set forth, the reconstruction, rebuilding, or repair of one (1) such building would be allowed, but only if all other principal buildings were removed from the property. Where only one (1) principal building on a property exists, and is destroyed or damaged beyond fifty (50) percent of their assessed value as heretofore set forth, the reconstruction, rebuilding, or repair of that building would be allowed. The intent of this provision is to allow for the reasonable use of the developed floodplain lands but not to the degree of intensity which may have existed prior, and so that the intensity of use of floodplain lands will be diminished.

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

- B. Where a structure lies within the floodplain but outside of the floodway, no modification or addition to such structure shall be permitted unless it conforms with the following standards: (For the purpose of this section, the words "modification" and "addition" shall include, but not be limited to, any structural alteration, addition, modification, reconstruction, rebuilding, or lateral enlargement of any such existing structure, principal or accessory. Modification shall also refer to the conversion of various living spaces or other floor areas into space for living purposes such as converting a part of a living room into a bedroom or bathroom regardless of whether such changes require structural alteration to the basic structures. Ordinary maintenance repairs, including painting, decorating, paneling, exact replacement of doors, windows, and other non-structural components, shall not be subject to these provisions.)
- i. The modification or addition to a structure may not decrease floodwater conveyance or storage capacities. Said modification or addition to a structure shall not extend laterally from the structure so as to extend into the floodplain but may be allowed to go above existing floors of the structure. A carport, accessory to the existing principal use, may be permitted on existing grades, which does not decrease the flood storage or conveyance capacity of the floodplain as long as it is not enclosed on more than two of its sides. It shall, however, meet all other offset, setback, and floor area ratio requirements. A garage, boathouse, and accessory structure may be permitted accessory to the existing principal use. However, new boathouses are not allowed in the Town of Lisbon. When a garage is attached, the floor shall be at or above the flood protection elevation, and when detached shall be at least one (1) foot above the floodplain elevation as defined herein, and in all other respects shall meet the fill requirements set forth in Section 3 (c) 6 A i d, locational and floor area ratio criteria of this ordinance.
 - ii. Floor area ratio requirements of the R-2 Residential District may not be exceeded although minimum floor area requirements are not required to be met. Minimum offsets and setbacks shall be required to be met.
 - iii. The provisions of subsection 8 (b) 2 A ii, iii, v, and vi, shall be complied with. Only one (1) principal structure on a lot will be allowed to be modified or altered in accordance with the intent of subsection A vii. above.
 - iv. The provisions of subsection 8 (b) 2 A iv shall be complied with. Where a modification or addition requires a larger waste disposal system than what exists (ie, additional bedrooms), it shall be demonstrated to the zoning administrator that a new or expanded waste disposal system can be provided, and a County sanitary permit granted meeting the requirements of the Waukesha County Sanitary Code and the Wisconsin Administrative Code, where applicable, prior to the issuance of a building permit for such alterations to the structure. Such new, improved, or enlarged waste disposal system shall be required to be installed concurrently with the construction or prior to an occupancy permit being issued for the altered structure.

The intent of this provision is to allow only those additions and modifications that can be accommodated with an onsite waste disposal system, and that will comply with contemporary standards for waste disposal which will result in improved systems that will be adequately protected from flooding and will accommodate said structures and their

CHAPTER 11
TOWN OF LISBON ZONING ORDINANCE

improvements.

- C. Conversions of residences from seasonal use to year round use will not be allowed unless all of the conditions set forth in Section 8 (b) 2 B above are met. Conversions of this nature will require a building permit and inspections to determine conformance with the above-cited sections.
 - D. The provisions set forth above and related to reconstruction, rebuilding, modification, remodeling, and additions, shall conform with all other requirements and provisions of this Ordinance, except as may be allowed to be modified as set forth in Section 8 of this Ordinance.
 - E. Lateral extension of buildings, or other exceptions, which may be prohibited above, may be allowed only with approval by the Town of Lisbon Board of Appeals in accordance with the procedures established in Section 34 of this Ordinance. The Board of Appeals, in granting said lateral extension, shall determine whether the spirit and intent of the ordinance will be upheld by granting said variance from the provisions regulating the continued or intensified use of lands which are located in floodplains, and whether the public health, safety, and welfare will be in any way jeopardized through the granting of said variance.
 - F. In the administration of the above standards, it is required that the various standards set forth above shall be subject to review and approval by the Town Building Inspector upon submittal of appropriate data and information necessary to determine compliance with the above regulations.
8. The keeping of poultry/fowl is permitted on any lot except poultry/fowl are not allowed in recorded subdivisions on lots less three (3) acres.