

ORDINANCE NO. 17-003A

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.02-11(c)  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.02-11(c) of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

(c) Boundaries of the floodplain overlay districts as referenced in the following official floodplain maps and studies

- 1 All areas covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM), as approved by DNR and FEMA. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) volume numbers 55059CV001B and 55059CV002B, effective March 7, 2017 and are shown as AE, A, AH, and AO Zones on the FIRM. The FIRM Map Panels affected are: 55059C0062D, 55059C0064D, 5509C0066D, 55059C0067D, 55059C0068D, 55059C0069D, 55059C0086D, 55059C0087D, 55059C0088D, 55059C0089D, 55059C0091D, 55059C0093D, 55059C0177D, 55059C0181D, 55059C0182D, 55059C0184D, 55059C0201D, 55059C0202D. These official floodplain maps and studies are on file in the office of the Kenosha County Department of Planning and Development. If more than one (1) map or revision is referenced, the most restrictive information shall apply.

Dated at Somers, Wisconsin, this 28 day of FEB, 2017.



VILLAGE OF SOMERS

By: *George Stoner*  
George Stoner, President

Attest: *Timothy Kitzman*  
Timothy Kitzman, Clerk/Treasurer

ORDINANCE NO. 17-003B

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.26-1  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.26-1 of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

**12.26-1 FW FLOODWAY AND FLOOD FRINGE DISTRICTS**

(a) Floodway Overlay District

- 1 Applicability. This section applies to all floodway areas on the floodplain zoning maps.
- 2 Permitted Uses. The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:
  - they are not prohibited by any other ordinance;
  - they meet the standards in sections 3 and 4; and
  - all permits or certificates have been issued according to this ordinance.
  - a Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - b Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - c Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of this ordinance.
  - d Uses or structures accessory to open space uses, or classified as historic structures that comply with sections 3 and 4.

- e Extraction of sand, gravel or other materials that comply with this ordinance.
  - f Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chapters 30 and 31, Wis. Stats.
  - g Public utilities, streets and bridges that comply with this ordinance.
- 3 Standards for Developments in the Floodway.
- a General.
    - 1) Any development in the floodway shall comply with this ordinance and have a low flood damage potential.
    - 2) Applicants shall provide the following data to determine the effects of the proposal according to this ordinance.
      - (a) A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
      - (b) An analysis calculating the effects of this proposal on regional flood height.
    - 3) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subsection 2) above.
  - b Structures. Structures accessory to permanent open space uses or functionality dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
    - 1) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage.
    - 2) Shall have a minimum of two (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one (1) foot above grade. The

openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- 3) Must be anchored to resist flotation, collapse, and lateral movement.
- 4) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation.
- 5) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

c Public Utilities, Streets and Bridges. Public utilities, streets and bridges may be allowed by permit, if:

- 1) Adequate floodproofing measures are provided to the flood protection elevation.
- 2) Construction meets the development standards of this ordinance.

d Fills or Deposition of Materials. Fills or deposition of materials may be allowed by permit, if:

- 1) The requirements of this ordinance are met.
- 2) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.
- 3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading.
- 4) The fill is not classified as a solid or hazardous material.

4 Prohibited Uses. All uses not listed as permitted in this ordinance are prohibited, including the following uses:

a Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses.

- b Storing materials that are bouyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.
- c Uses not in harmony with or detrimental to uses permitted in the adjoining districts.
- d Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Chapter SPS 383, Wis. Adm. Code.
- e Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and NR 812, Wis. Adm. Code.
- f Any solid or hazardous waste disposal sites.
- g Any wastewater treatment ponds or facilities, except those permitted under Section NR 110.15(3)(b), Wis. Adm. Code.
- h Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

(b) Flood Fringe District

- 1 No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of this ordinance, except where subsection (b)2 is applicable.
- 2 Where compliance with the provisions of subsection 1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in this ordinance may grant a variance from those provisions of subsection 1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
  - a No floor is allowed below the regional flood elevation for residential or commercial structures.

- b Human lives are not endangered.
  - c Public facilities, such as water or sewer, shall not be installed.
  - d Flood depths shall not exceed two (2) feet.
  - e Flood velocities shall not exceed two (2) feet per second.
  - f The structure shall not be used for storage of materials as described in this ordinance.
- 3 All new private sewage disposal systems, or addition to, replacement repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and Chapter SPS 383, Wis. Adm. Code.
- 4 All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and Chapter NR 811 and Chapter NR 812, Wis. Adm. Code.

Dated at Somers, Wisconsin, this 28 day of FEB, 2017.



VILLAGE OF SOMERS

By: \_\_\_\_\_

George Stoner, President

Attest: \_\_\_\_\_

Timothy Kitzman, Clerk/Treasurer

ORDINANCE NO. 17-003C

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.40-3  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.40-3 of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

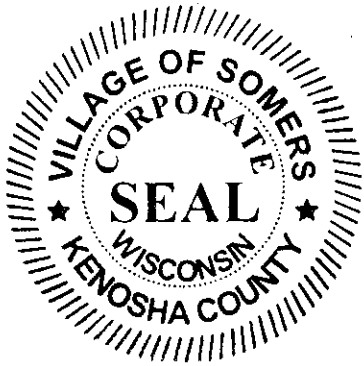
**12.40-3 PROCEDURES TO AMEND FLOODPLAIN LIMITS**

Ordinance amendments may be made upon petition of any party according to the provisions of s.59.69, Stats. The petitions shall include all data required by 12.05(1)h. The Zoning Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (a) No amendments shall become effective until reviewed and approved by the DNR. Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- 1 Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
  - 2 Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
  - 3 Annotated FIRM panel showing the revised one (1%) percent and two tenths of one percent (0.2%) annual chance floodplains and floodway boundaries.
  - 4 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.
  - 5 The revised floodplain boundaries shall tie into the effective floodplain boundaries.

- 6 All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
  - 7 Both the current and proposed floodways shall be shown on the map.
  - 8 The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
- (b) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body
- (c) All proposed amendments shall be referred to the Department of Planning and Development for a public hearing and recommendation to the Village Plan Commission and the Village Board of Trustees which shall approve or disapprove the proposed amendment. The amendment and notice of public hearing shall be submitted to the DNR's Regional office for review prior to the hearing.

Dated at Somers, Wisconsin, this 28 day of FEB., 2017.



VILLAGE OF SOMERS

By: \_\_\_\_\_

George Stofer, President

Attest: \_\_\_\_\_

Timothy Kitzman, Clerk/Treasurer



ORDINANCE NO. 17-0030

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.05-1  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.05-1 of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

**12.05-1 APPLICATIONS REQUIRED**

- (a) No buildings, structures, or any parts thereof, or any development except as hereinafter provided in this ordinance, shall be built, enlarged, altered, repaired, demolished, placed or moved within the areas subject to the provisions of this ordinance until a permit has been applied for in writing and issued by the Planning and Development Director or his Deputy or his designee. For the purposes of this section, to alter or repair a building or structure shall be construed to mean to change the dimensions, square footage, cubic footage, or structural supports of a building or structure or to change the structure in such a way that the future use of the premises is inconsistent with the district wherein the parcel is located. All permits issued by the Department of Planning and Development shall be issued only upon the condition that the Director of Planning and Development or his designee may inspect the premises for compliance during reasonable daylight hours.
- (b) No new business or industry established in an existing structure shall be permitted to commence its operation until such time as a certificate of compliance has been issued by the Department of Planning and Development certifying that the proposed use or operation is in compliance with the terms of this ordinance.
- (c) Applications for permits required by this ordinance shall be made to the Department of Planning and Development on forms furnished by the office or authorized by this ordinance and shall include all information and data required by such forms.
- (d) Applications for zoning permits required by this ordinance shall fully comply with section 145.195 of the Wisconsin Statutes, and with the Kenosha County Sanitary Code and the Kenosha County Private Sewage System Ordinance, both of which may be amended from time to time.

- (e) Reserved for future use.
- (f) No application shall be accepted by the Department of Planning and Development if the parcel for which a permit is being applied for is not in compliance with any provision of this ordinance.
- (g) Any application for a permit under this ordinance or any use subject to the regulations and standards set forth herein shall be accompanied by a sworn statement by the owner of the subject property that said property and use will be operated in accordance with the provisions of this ordinance.
- (h) Every application shall include the following information or as deemed appropriate by the Department of Planning and Development:
  - 1 Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and authorized agent and their respective phone numbers.
  - 2 Description of the subject site by lot, block, and reported subdivision or by metes and bounds; addresses of the subject sites; type of structure; existing and proposed operation or use of the structure or sites; number of employees, anticipated patrons or maximum seating capacity and the zoning district within which the subject site lies, tax parcel number, date of purchase and projected cost of construction.
  - 3 A plat of survey and/or site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the Department of Planning and Development Director showing the locations, boundaries, dimensions, uses and sizes of the following as deemed appropriate by the Department of Planning and Development: subject site, existing and proposed structures; existing and proposed easements, streets, and other public ways and utilities; off-street parking, loading areas, and driveways; existing highway access restrictions; ordinary high water mark, channel, floodway, floodplain, and shoreland boundaries; and existing and proposed street, sides, rear, and shore yard setbacks. In addition, the site plan or plat of survey shall show, when required by the Department of Planning and Development, the type, slope, and boundaries of soils shown on the operational soil survey maps prepared by the United State Department of Agriculture Natural Resources Conservation Service for the Southeastern Wisconsin Regional Planning Commission. Also, such survey/site plan shall show, when required by the Department of Planning and Development, any natural features such as waterways, woods, terrain, etc., which would tend to restrict the development of the parcel. Such survey or plan shall also show the location and size of any septic field, holding tank, well, utilities and roadways. Dimensions for

street, sides, rear and shore yard setbacks shall be clearly shown. All permit applications for new principal structures in any district shall be accompanied by a plat of survey prepared by a land surveyor registered by the State of Wisconsin.

- 4 The permit fee specified in these Ordinances.
- 5 Additional information that may be required by the Village Board, Director or Sanitary Inspector.
- 6 The elevation of the lowest floor of proposed buildings and any fill using the North American Vertical Datum (NAVD)
- 7 Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of 12.26-1, 12.26-1.5 or 12.26-1.7 are met; and
- 8 Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to 12.40-4. This may include any of the information noted in 12.26-1.5.
- 9 Development and substantial improvements in the floodland districts may require an hydraulic and hydrologic study. All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State of Wisconsin. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department of Natural Resources.

Dated at Somers, Wisconsin, this 28 day of Feb., 2017.

VILLAGE OF SOMERS



By: *George Stoner*  
George Stoner, President

Attest: *Timothy Kitzman*  
Timothy Kitzman, Clerk/Treasurer

ORDINANCE NO. 17-003E

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.28-10  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.28-10 of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

**12.28-10 FLOODPLAIN NON-CONFORMING USES**

(a) Applicability. If these standards conform with Section 62.23(7)(h), Wis. Stats., for cities and village, they shall apply to all modifications or additions to any non-conforming use or structure and to the use of any structure or premises which has lawful before the passage of this ordinance or any amendment thereto.

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

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

The construction of a deck that does not exceed two hundred (200) 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.

- 2 If a non-conforming use or the use of a non-conforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and

any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.

- 3 The municipality shall keep a record which lists all non-conforming uses and non-conforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
- 4 No modification or addition to any non-conforming structure or any structure with a non-conforming use, which over the life of the structure would equal or exceed fifty (50%) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with this ordinance. The costs of elevating the lowest floor of a non-conforming building or a building with a non-conforming use to the flood protection elevation are excluded from the fifty (50%) percent provisions of this paragraph.
- 5 No maintenance to any non-conforming structure or any structure with a non-conforming use, the cost of which would equal or exceed fifty (50%) percent of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with this ordinance.
- 6 If on a per event basis the total value of the work being done under subparagraph 4 and 5 above equals or exceeds fifty (50%) percent of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with this ordinance.
- 7 Except as provided in subparagraph 8 below, if any non-conforming structure or any structure with a non-conforming 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 fifty (50%) percent of the structure's present equalized assessed value.

**DAVISON LAW OFFICE, LTD.**

1207 55<sup>th</sup> Street, Kenosha, Wisconsin 53140

Telephone No. (262) 657-5165 Fax No. (262) 657-5517 Email: [dmltd@sbcglobal.net](mailto:dmltd@sbcglobal.net)

8 For non-conforming buildings that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such non-conforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

a Residential Structures.

- 1) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of this ordinance.
- 2) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
- 3) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 4) In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- 5) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards of this ordinance.
- 6) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

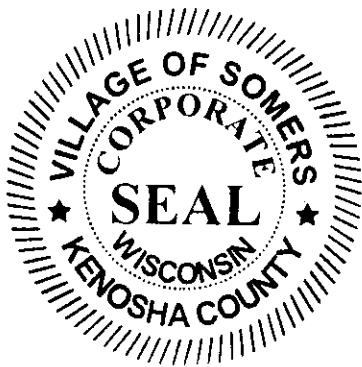
b Non-residential Structures.

- 1) Shall meet the requirements of this ordinance.
- 2) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or together with attendant utility and sanitary facilities, shall meet the standards

of this ordinance.

- 3) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards of this ordinance.
- (c) A non-conforming 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 this ordinance, flood resistant materials are used and construction practices and floodproofing methods that comply with this ordinance are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of this ordinance 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.

Dated at Somers, Wisconsin, this 28 day of Feb., 2017.



VILLAGE OF SOMERS

By: \_\_\_\_\_

*George Stoner*  
George Stoner, President

Attest: \_\_\_\_\_

*Timothy Kitzman*  
Timothy Kitzman, Clerk/Treasurer

DAVISON LAW OFFICE, LTD.

1207 55<sup>th</sup> Street, Kenosha, Wisconsin 53140

Telephone No. (262) 657-5165 Fax No. (262) 657-5517 Email: dmtd@sbcglobal.net

ORDINANCE NO. 17-003F

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.40-4  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.40-4 of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

**12.40-4 FLOODPLAIN BOUNDARY CHANGES LIMITED**

The Village Board shall not permit changes to the floodplain that are inconsistent with the purpose and intent of this ordinance; or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources, (DNR) and the Federal Emergency Management Agency, (FEMA). In addition:

- (a) Changes in the FPO Floodplain Overlay District boundaries shall not be permitted where the change will increase the flood stage elevation by 0.00 foot or more unless the petitioner has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase, in accordance with 12.40-1 and 12.40-2 above. Petitions for FPO Floodplain Overlay District changes shall show the effects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted floodplain limits to reflect the increased flood elevations. It shall be the policy of the Village Board that any area removed from the FPO Floodplain Overlay District shall create an equivalent area and volume of floodplain in the vicinity of the removal.
- (b) Removal of land from the floodplain shall not be permitted unless the land has been filled to an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood and provided that such land is contiguous to lands lying outside of the floodlands, in accordance with 12.40-3.
- (c) No river or stream or watercourse shall be altered or relocated until a floodplain zoning change has been applied for and granted in accordance with the requirements of this section, and until the town in which the change is located and all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of within the altered or relocated portion of the watercourse shall be maintained. As soon as is practicable, but not later than six (6) months after the date of the watercourse alteration or relocation and pursuant to this



ordinance, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

- (d) A copy of all notices for amending the floodplain provisions of this ordinance or the floodplain maps shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). No amendment to the floodplain boundaries or regulations shall be effective until approved by the DNR.

Dated at Somers, Wisconsin, this 28 day of Feb, 2017.



VILLAGE OF SOMERS

By: \_\_\_\_\_

George Stoner, President

Attest: \_\_\_\_\_

Timothy Kitzman, Clerk/Treasurer

**DAVISON LAW OFFICE, LTD.**

1207 55<sup>th</sup> Street, Kenosha, Wisconsin 53140

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ORDINANCE NO. 17-003G

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.05-3  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

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The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.05-3 of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

**12.05-3 TIME LIMITS**

All permits, except conditional use permits and stipulated shoreland permits, shall be granted or denied in writing, within thirty (30) days after application, by the Department of Planning and Development. All stipulated shoreland permits shall be granted or denied within sixty (60) days after application, unless the time is extended by mutual agreement. The applicant shall post any permit granted in a conspicuous place at the site. All zoning permits shall expire no more than one hundred eighty (180) days after issuance. The permit may be extended for a maximum of one hundred eighty (180) days for good and sufficient cause. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

Dated at Somers, Wisconsin, this 28 day of FEB., 2017.



VILLAGE OF SOMERS

By: \_\_\_\_\_

George Stoner, President

Attest: \_\_\_\_\_

Timothy Kitzman, Clerk/Treasurer

ORDINANCE NO. 17-0034

AN ORDINANCE TO REPEAL AND RECREATE SECTION 12.33-1  
OF THE GENERAL ZONING AND SHORELAND/FLOODPLAIN  
ZONING ORDINANCE OF THE VILLAGE OF SOMERS

The Village Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby repeals and recreates Section 12.33-1 of the General Zoning and Shoreland/Floodplain Zoning Ordinance of the Village of Somers relating to floodplain zoning to read as follows:

**12.33-1 GENERAL PENALTIES**

Any person, partnership, firm, or corporation who fails to comply with the provisions of this ordinance or any order of the Department of Planning and Development issued in accordance with this ordinance shall, upon conviction thereof, forfeit the sum of Fifty (\$50.00) Dollars and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

Any person, partnership, firm, or corporation who fails to comply with the floodland district regulations of this ordinance or any order of the Department of Planning and Development issued in accordance with the floodland regulations this ordinance shall, upon conviction thereof, forfeit the sum of Fifty (\$50.00) Dollars and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the county, the state, or any citizen thereof pursuant to s. 87.30, Stats.

Dated at Somers, Wisconsin, this 28 day of Feb., 2017.



VILLAGE OF SOMERS

By: George Stoner  
George Stoner, President

Attest: Timothy Kitzman  
Timothy Kitzman, Clerk/Treasurer