

ORDINANCE NO. OR06-06

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
CHAPTER 106, ZONING, ARTICLE IV., ZONING DISTRICTS,
SECTION 106-88, ESTABLISHMENT,
AS IT RELATES TO ZONING
IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

SECTION 1. Chapter 106, Zoning, Article IV, Zoning Districts, Section 106-88 Establishment are hereby repealed and recreated as follows:

Sec. 106-88. Establishment.

(a) For the purpose of this chapter, the city is hereby divided into 16 districts as follows:

A-1 agricultural district

R1-H single family residential district, high density

R1-M single family residential district, medium density

R1-L single family residential district, low density

R-MH residential mobile home district

R-2 two-family residential district

R-3 multifamily residential district

C-1 downtown commercial district

C-2 highway commercial district

I-1 light industrial district

I-2 heavy industrial district

ID institutional district

PD park district

CD conservancy district

PUD planned unit development district

S-W shoreland-wetland district

(b) Boundaries of these districts are hereby established as shown on the maps entitled, "Zoning Map--City of Brillion, Wisconsin," and "Supplementary Floodland Zoning Map--City of Brillion, Wisconsin," which maps accompany the ordinance from which this chapter is derived and are made a part of this chapter. All notations and references shown on the maps are as much a part of this chapter as though specifically described in this section. This chapter hereby incorporates any future changes or any later zoning maps that may be adopted by ordinance of the city council.

(c) The district boundaries in all districts, except the CD conservancy district, the shoreland/wetland and the floodplain district, shall be construed to follow corporate

limits; U.S. public land survey lines; lot or property lines; centerlines of streets, highways, alleys and easements; and railroad rights-of-way or such lines extended.

- (d) Boundaries of the floodplain district shall be determined by use of the scale contained on the supplementary floodland zoning map. The boundaries of the floodplain district shall be determined by the floodland limits shown on the supplementary floodland zoning map. The flood stages, under floodway conditions, contained on the supplementary floodland zoning map, were developed from technical data contained in the Flood Insurance Study Maps, City of Brillion, Calumet County, Wisconsin, with corresponding profiles and the flood insurance study from the Federal Emergency Management Agency (FEMA) dated Dec 15, 1980. Where a conflict exists between the floodland limits as shown on the supplementary floodland zoning map and actual field conditions, the elevations from the 100-year recurrence interval flood profile shall be the governing factor in locating the regulatory floodland limits.
- (e) Boundaries of the CD conservancy district were based on the Wisconsin Wetland Inventory Maps for the City of Brillion, dated May 18, 1994, and stamped "final," and include, but are not limited to, all shoreland wetlands, five acres or greater in area shown on those maps.
- (f) Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (g) Annexations to or consolidations with the city subsequent to the effective date of the ordinance from which this chapter is derived shall be placed in the A-1 agricultural district, unless the annexation ordinance temporarily places the land in another district. Within one year, the city plan commission shall evaluate and recommend a permanent classification to the city council. Annexations containing floodlands and shorelands shall be governed in the following manner:
 - (1) Annexations containing floodlands shall be governed by the provisions of the county floodplain zoning ordinance until such time that the state department of natural resources (DNR) certifies that amendments to this chapter meet the requirements of Wis. Admin. Code ch. NR 116.
 - (2) Annexations containing shorelands. Pursuant to Wis. Stats. § 59.692 (7), any annexation of land after May 7, 1982 which lies within shorelands shall be governed by the provisions of the county shoreland/wetland zoning ordinance until such time that the city adopts an ordinance which is at least as restrictive as the county shoreland zoning ordinance. Such regulations shall be administered and enforced by the city building inspector.

SECTION II: This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR06-06 introduced and its adoption moved by Alderperson Unbehaun; and seconded by Alderperson Edinger.

Upon a pole vote thereon, the result was as follows:

 9 Votes Cast
 9 Votes Yes
 0 Votes No

The Mayor declared Ordinance Number OR06-06 adopted, approved and signed the same this 26th day of June, 2006.

Gerald Sonnabend
Mayor

Attested:

Lori M. Gosz, CMC
City Administrator/Clerk-Treasurer