ORDINANCE NO. 24–2018

Repealing and Recreating Chapter 300 – Floodplain Zoning

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 19th day of June 2018, does ordain as follows:

1 WHEREAS, The Wisconsin Department of Natural Resources recently made changes to NR116, the Wisconsin Floodplain Management Program; and,

2 WHEREAS, FEMA reviewed the State’s model floodplain ordinance, which the State recently amended; and,

Roll Call on Ordinance No. 24-2018 Submitted by Land Use Planning and Zoning Committee:

Ayes 15, Nays 0, Absent 4, Abstain 0

Passed and Enacted/Rejected this 19th day of June 2018.

/s/ Harley Reabe
Harley Reabe, County Board Chairman

/s/ Elizabeth A. Otto
ATTEST: Elizabeth Otto, County Clerk
Approve as to Form:
/s/ Dawn N. Klockow

/s/ Robert Lyon
Robert Lyon, Chair

/s/ Harley Reabe
Harley Reabe, Vice-chair

/s/ William Boutwell
William Boutwell

/s/ Curt Talma

/s/ Peter Wallace
Peter Wallace
WHEREAS, Due to the recent changes in FEMA policy and NR116, Wisconsin Floodplain Management Program, Green Lake County’s Floodplain Zoning Ordinance requires updates to remain in compliance with the National Flood Insurance program by adopting the recent FEMA and Wisconsin Department of Natural Resources changes.

NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF GREEN LAKE DOES ORDAIN AS FOLLOWS:

Section 1. Green Lake County Ordinance, No. 970-2009, as amended, is hereby repealed and recreated as follows:

Article I
Introduction

§ 300-1 Statutory authority.
This chapter is adopted pursuant to the authorization in §§ 59.69, 59.692, and 59.694 and the requirements in § 87.30, Wis. Stats.

§ 300-2 Findings.
Uncontrolled development and use of the floodplains, rivers and streams within the unincorporated areas of Green Lake County would impair the public health, safety, convenience, general welfare and tax base.

§ 300-3 Purpose and intent.
This chapter is intended to regulate floodplain development to:

A. Protect life, health and property;
B. Minimize expenditures of public funds for flood-control projects;
C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
D. Minimize business interruptions and other economic disruptions;
E. Minimize damage to public facilities in the floodplain;
F. Minimize the occurrence of future flood blight areas in the floodplain;
G. Discourage the victimization of unwary land and home buyers;
H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
§ 300-4 Title.
This chapter shall be known as, referred to as or cited as the "Floodplain Zoning Ordinance for Green Lake County, Wisconsin."

§ 300-5 Abrogation and greater restrictions.
A. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under §§ 59.69, 59.692 or 59.694 or 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

B. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

§ 300-6 Interpretation.
In their interpretation and application, the provisions of this chapter are the minimum requirements 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 chapter, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this chapter or in effect on the date of the most recent text amendment to this chapter.

§ 300-7 Severability.
Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

§ 300-8 When effective.
This chapter shall be effective upon adoption by the Green Lake County Board and publication as provided for in the Wisconsin Statutes.

Article II
General Provisions

§ 300-9 Areas to be regulated.
This chapter regulates all areas that would be covered by the regional flood or base flood within Green Lake County, Wisconsin as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by the WDNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO Zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

§ 300-10 Official maps and revisions.
The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps listed below and the revisions in the Green Lake County Floodplain Appendix A. Any change to the base flood elevations (BFE) or any changes to the boundaries of
the floodplain or floodway in the Flood Insurance Study or on the Flood Insurance Rate Map must be reviewed and approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency through the Letter of Map Change process (see Article IX, Amendments) before it is effective. No changes to regional flood elevations on non-Federal Emergency Management Agency maps shall be effective until approved by the Wisconsin Department of Natural Resources. These maps and revisions are on file in the Land Use Planning and Zoning Department, Green Lake County. If more than one map or revision is referenced, the most restrictive information shall apply.

A. **Official maps, based on the Flood Insurance Study for unincorporated areas of Green Lake County, Community Number 550165. Applicable map panels:**

Editor's Note: See Appendix A, which is included at the end of this chapter.

B. **Official maps, based on other studies:**

1. **(1)** Hydraulic analysis and floodway and floodplain delineation for Ken Lay Property by Rich Mueller dated July 3, 1985, approved by the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.

2. **(2)** The Inundation Map (with boundaries shown in yellow and red on the original map) for Kingston Dam on the Grand River, the floodway data table and the higher of the dam breach during regional flood (DAMBRK) profile and regional flood no breach (HEC2) profile. These are found in the Hydraulic Evaluation Report for the Kingston Dam prepared by Barrientos & Associates, Inc., and dated February 1991 and approved by the Wisconsin Department of Natural Resources.

3. **(3)** The Dam Breach Analysis for the Lower Water Quality Improvement Dam for an unnamed tributary to Little Green Lake, prepared by Jonathan D. Lefers, PE, of Montgomery Associates Resource Solutions, LLC, dated November 2008, and
approved by the Wisconsin Department of Natural Resources.

(34) Letter of Map Revision (LOMR) "Del Monte Foods" FEMA Case Number 13-05-7472P, revising the Flood Insurance Study (FIS) Report and Flood Insurance Rate Map (FIRM) for Community 550165 prepared by Max Franzen and Jeff Quast of Excel Engineering, June, 2014. The floodplain study appendix, All Wisconsin Department of Natural Resources and Federal Emergency Management Agency approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information used to amend official maps are located in Appendix A of this chapter. Green Lake County shall provide the most up-to-date appendix to the Wisconsin Department of Natural Resources and Federal Emergency Management Agency regional offices.

(45) Flood study, “Little Green Lake Discharge,” prepared for Green Lake County by MSA Professional Services, April 1997, and Dam Break Exhibit Maps prepared by MSA Professional Services, November 2013, both approved by Wisconsin Department of Natural Resources. [Added 3-18-2014 by Ord. No. 1080-2014]


§ 300-11 Establishment of Floodplain Zoning Districts.

The regional floodplain areas are divided into three districts as follows:

A. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

B. The Flood-Fringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

C. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AE (rarely), AH, and AO Zones on the FIRM.

§ 300-12 Locating floodplain boundaries.

A. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in Subsection A(1) or (2) below. If a significant difference exists, the map shall be amended according to Article IX, Amendments. The County Land Use Planning and Zoning Department can 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 County Land Use Planning and Zoning Department shall be responsible for documenting actual predevelopment field conditions and the basis upon which the district boundary was
determined and for initiating any map amendments required under this section. Disputes between the County Land Use Planning and Zoning Department and an applicant over the district boundary line shall be settled according to § 300-40C and the criteria in Subsection A(1) and (2) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to Article IX, Amendments.

(1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(2) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

§ 300-13 Removal of lands from the floodplain.
A. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it 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 Article IX, Amendments.

§ 300-14 Compliance required.
Any development or use within the areas regulated by this chapter shall be in compliance with the terms of this chapter and other applicable local, state, and federal regulations.

§ 300-15 Municipalities and state agencies regulated.
Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when § 30.2022, Wis. Stats., applies.

§ 300-16 Warning and disclaimer of liability.
The flood protection standards in this chapter 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. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

§ 300-16.1 Annexed areas for cities and villages.
The County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of Ch. NR 116, Wis. Adm. Code, and 44CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are described on the municipality’s Official Zoning Map. County
floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the Land Use Planning & Zoning Department. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

§ 300-17 General development standards.
The County Land Use Planning and Zoning Department shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this chapter. 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.

Article III
General Standards

§ 300-18 Hydraulic and hydrologic analysis.
A. Except as allowed in Subsection C below, no floodplain development shall:

(1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or

(2) Increase regional flood height due to floodplain storage area lost.

B. The County Land Use Planning and Zoning Department shall deny permits if it is determined that the proposed development will obstruct flow or cause any increase in regional flood height based on the officially adopted Flood Insurance Rate Map or other adopted map, unless the provisions of Article IX, Amendments are met.

§ 300-19 Watercourse alterations.
No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the County Land Use Planning and Zoning Department has notified in writing all adjacent municipalities, the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency regional offices and required the applicant to secure all necessary state and federal permits. The standards of 300-18 must be met and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the
watercourse alteration or relocation and pursuant to Article IX, Amendments, the Land Use Planning and Zoning Department shall apply for a Letter of Map Revision (LOMR) from Federal Emergency Management Agency. Any such alterations must be reviewed and approved by FEMA and the WDNR through the Letter of Map Change (LOMC) process.

**§ 300-20 Development requiring Department of Natural Resources permit.**

Development which requires a permit from the Wisconsin Department of Natural Resources under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance, are made according to Article IX, Amendments.

**§ 300-21 Public or private campgrounds.**

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

A. The campground is approved by the Department of Health Services.

B. A land use permit for the campground is issued by the County Land Use Planning and Zoning Department.

C. The character of the river system and the elevation of the campground is such that a seventy-two-hour warning of an impending flood can be given to all campground occupants.

D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the Municipal Emergency Government Coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated, by the officials identified in Subsection D, to remain in compliance with all applicable regulations, including those of the State Department of Health Services and all other applicable regulations.

F. Only camping units that are fully licensed, if required, and ready for highway use, are allowed.

G. The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.

I. The County Land Use Planning and Zoning Department shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.

J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article IV, Floodway District, or Article V, Flood-Fringe District, for the floodplain district in which the structure is located.

K. 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.

L. 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.

§ 300-22 (Reserved)

Article IV
Floodway District

§ 300-23 Applicability.
This section applies to all floodway areas on the Floodplain Zoning Maps and those identified pursuant to § 300-33.

§ 300-24 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 §§ 300-25 and 300-26; and all permits or certificates have been issued according to § 300-38:

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 § 300-25D.
D. Uses or structures accessory to open space uses or classified as historic structures that comply with §§ 300-25 and 300-26.

E. Extraction of sand, gravel or other materials that complies with § 300-25D.

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 Chs. 30 and 31, Wis. Stats.

G. Public utilities, streets and bridges that comply with § 300-25C.

§ 300-25 Floodway development standards.

A. General.

(1) Any development in floodway areas shall comply with Article III, General Standards, and have a low flood-damage potential.

(2) Applicants shall provide the following data to determine the effects of the proposal according to § 300-18and § 300-38B(3).

(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 County Land Use Planning and Zoning Department shall deny the permit application if the project will increase flood elevations upstream or downstream based on the data submitted for Subsection A(2) above.

B. Structures accessory to permanent open space uses, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

(1) The structure is not designed for human habitation, does not have a high flood-damage potential and is constructed to minimize flood damage.

(2) The structures must not obstruct flow of floodwaters or cause any increase in flood levels during the occurrence of the regional flood.

(3) The structures are properly anchored to resist flotation, collapse and lateral movement.

(4) Mechanical and utility equipment must be elevated or floodproofed to or above the flood-protection elevation.

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

C. Public utilities, streets and bridges may be allowed by permit if:

(1) Adequate flood proofing measures are provided to the flood-protection elevation;
and

(2) Construction meets the development standards of § 300-18.

D. Fills or deposition of materials may be allowed by permit if:

(1) The requirements of § 300-18 are met;

(2) No material is deposited in the navigable channel unless a permit is issued by the
Wisconsin Department of Natural Resources pursuant to Ch. 30, Wis. Stats., and a
permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments
of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and the other
requirements of this section are met;

(3) The fill or other materials will be protected against erosion by riprap, vegetative
cover, sheet piling or bulkheading; and

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

§ 300-26 Prohibited uses.
All uses not listed as permitted uses in § 300-24 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 buoyant, flammable, explosive or 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 on-site wastewater treatment system or public sewage systems, except
portable latrines that are removed prior to flooding and systems associated with
recreational areas and Wisconsin Department of Natural Resources approved
campgrounds that meet the applicable provisions of local ordinances and Ch. SPS

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 Chs. 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 § 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 that complies with the regulations for the floodplain area occupied.

Article V

Flood-Fringe District

§ 300-27 Applicability.
This section applies to all flood-fringe areas shown on the Floodplain Zoning Maps and those identified pursuant to § 300-33.

§ 300-28 Permitted uses.
Any structure, land use, or development is allowed in the Flood-Fringe District if the standards in § 300-29 are met, the use is not prohibited by this chapter or any other ordinance or regulation and all permits or certificates specified in § 300-38 have been issued.

§ 300-29 Flood-fringe development standards.
All of the provisions of § 300-18 shall apply. In addition, the following requirements shall apply according to the use requested. Any existing structure in the flood-fringe must meet the requirements of Article VII.

A. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood-fringe area shall meet or exceed the following standards:

1) The elevation of the lowest floor shall be at or above the flood-protection elevation on fill, unless the requirements of §300-29A(2) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

2) The basement or crawlway floor may be placed at the regional flood elevation if it is dry flood proofed to the flood-protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.

3) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in Subsection A(4) below.

4) In developments where existing street or sewer line elevations make compliance with Subsection A(3) above impractical, the County Land Use Planning and Zoning Department may permit new development and substantial improvements where access roads are below the regional flood elevation, if:
(a) The County Land Use Planning and Zoning Department 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

(b) Green Lake County has a Wisconsin Department of Natural Resources-approved emergency evacuation plan.

B. Accessory structures or uses.

(1) Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

C. Commercial uses. Any commercial structure which is erected, altered or moved into the flood-fringe area shall meet the requirements of Subsection A above. Subject to the requirements of Subsection E below, 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.

D. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the flood-fringe area shall have the lowest floor elevated to or above the flood-protection elevation or meet the flood proofing measures in § 300-42. Subject to the requirements of Subsection E below, 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.

E. 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 flood proofed in compliance with § 300-42. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

F. Public utilities, streets and bridges. All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and

(1) When the failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed in compliance with § 300-42 to the flood-protection elevation;

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

G. Private on-site wastewater treatment systems. All private on-site wastewater treatment systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to § 300-42, to the flood-protection elevation and shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

H. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters
into the system, pursuant to § 300-42, to the flood-protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.

I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in flood-fringe areas.

J. Deposition of materials. Any deposited material must meet all the provisions of this chapter.

K. Manufactured homes.

(1) 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.

(2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

(a) Have the lowest floor elevated to the flood-protection elevation; and

(b) Be anchored so they do not float, collapse or move laterally during a flood.

(3) 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 flood-fringe in Subsection A above.

L. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Subsection K(2) and (3) above. 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.

Article VI
General Floodplain District

§ 300-30 Applicability.
The provisions for this district shall apply to all floodplains, including A, AE, AO or AH zones, for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood-fringe districts shall be delineated when adequate data is available.

§ 300-31 Permitted uses.
Pursuant to § 300-33, it shall be determined whether the proposed use is located within a floodway or flood-fringe area. Those uses permitted in floodway (§ 300-24) and flood-fringe (§ 300-28) districts are allowed within the General Floodplain District, according
to the standards of § 300-32, provided that all permits or certificates required under § 300-38 have been issued.

§ 300-32 Standards for development in the General Floodplain District.
A. In A Zones (and some AE Zones) in the General Floodplain District, flood-profiles may not exist and floodway and flood-fringe districts have not been delineated. Once the flood-profiles exist and the floodway and flood-fringe district have been delineated the development standards of the respective district shall apply. Article IV of this chapter applies to floodway districts, Article V applies to flood-fringe districts. The rest of this ordinance applies to either district.

B. In AO/AH Zones the structure’s lowest floor must meet one of the conditions listed below, whichever is higher:

(1) at or above the flood protection elevation; or

(2) two (2) feet above the highest adjacent grade around the structure; or

(3) the depth as shown on the FIRM

C. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

§ 300-33 Determining floodway and flood-fringe limits.
Upon receiving an application for development within the General Floodplain District, the County Land Use Planning and Zoning Department shall:

A. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the General Floodplain District limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures, and the flood zone shown on the FIRM.

B. Require the applicant to furnish any of the following information deemed necessary by the Wisconsin Department of Natural Resources 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 Section 300-38B(3).

(2) A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; the size, location and layout of all proposed and existing structures on the site; the location and elevations of streets, the water supply, and sanitary facilities; soil types; and other pertinent information.

(3) A profile showing the slope of the bottom of the channel or flow line of the stream.
 Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

C. Transmit one copy of the information described in Subsections A and B above to the Wisconsin Department of Natural Resources regional office, along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of § 300-38B(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

Article VII

Nonconforming Uses and Structures

§ 300-34 General provisions.

A. Applicability. If these standards conform with § 59.69(10), Wis. Stats., they 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 chapter 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 chapter may continue subject to the following conditions:

(1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure. The construction of an open deck that does not exceed 200 square feet in area 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 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 chapter.

(3) The County Land Use Planning and Zoning Department shall keep a record which 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.
(4) 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 chapter. Contiguous dryland access must be provided for residential and commercial uses in compliance with §300-29A. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood-protection elevation are excluded from the fifty-percent provisions of this subsection.

(5) **Damaged or destroyed structures. No maintenance to**

(a) Except as provided in Subsection B(5)(b) below, if 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 ordinance. Contiguous dryland access must be provided for residential and commercial uses in compliance with §300-29A is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current requirements of this chapter. 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.

(6) If on a per event basis the total value of the work being done under (4) and (5) 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 ordinance. Contiguous dryland access must be provided for residential and commercial uses in compliance with §300-29A.

(7) Except as provided in subd. (8), 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.

(8) (b) 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 nonflood disaster 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. Nonconforming building will meet all of the minimum requirements under applicable Federal Emergency Management Agency.
regulations (44 CFR Part 60), or the regulations promulgated thereunder.

(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 §300-42B.

[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 in §300-32B.

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

(b). Nonresidential Structures

[1]. Shall meet the requirements of §300-34B(8)(a)[1-6]

[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 in §300-42A and B.

[3]. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in §300-32B.

(6) 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 §300-25A, flood-resistant materials are used, and construction practices and flood proofing methods that comply with §300-42 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of §300-34B(8)(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.
§ 300-35 Floodway areas.

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

1. Has been granted a permit or variance which meets all of this chapter requirements;

2. Meets the requirements of § 300-34;

3. Will not increase the obstruction to flood flows or regional flood height;

4. Any addition to the existing structure shall be flood proofed, pursuant to § 300-42, by means other than the use of fill, to the flood-protection elevation;

5. If any part of the foundation below the flood-protection elevation is enclosed, the following standards shall apply:

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

   b. The parts of the foundation located below the flood-protection elevation must be constructed of flood-resistant materials;

   c. Mechanical and utility equipment must be elevated or flood proofed to or above the flood-protection elevation; and

   d. The use must be limited to parking or limited storage.

B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. SPS 383, Wis. Adm. Code.

C. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.

§ 300-36 Flood-fringe areas.

A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been issued a land use permit by the County Land Use Planning and Zoning Department.
or granted a variance by the County Board of Adjustment, and the modification or
addition shall be placed on fill or floodproofed to the flood-protection elevation in
compliance with the standards for that particular use in § 300-29, except where
Subsection B below is applicable.

B. Where compliance with the provisions of Subsection A above 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 County Board of
Adjustment, using the procedures established in § 300-40, may grant a variance
from those provisions of Subsection A above 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:

(1) No floor is allowed below the regional flood elevation for residential or commercial
structures;

(2) Human lives are not endangered;

(3) Public facilities, such as water or sewer, will not be installed;

(4) Flood depths will not exceed two feet;

(5) Flood velocities will not exceed two feet per second; and

(6) The structure will not be used for storage of materials as described in § 300-29E.

C. If neither the provisions of Subsection A or B above can be met, one addition to an
existing room in a nonconforming building or a building with a nonconforming use
may be allowed in the flood-fringe, if the addition:

(1) Meets all other regulations and will be granted by permit or variance;

(2) Does not exceed 60 square feet in area; and

(3) In combination with other previous modifications or additions to the building, does
not equal or exceed 50% of the present equalized assessed value of the building.

D. All new private sewage disposal systems, or addition to, replacement, repair or
maintenance of a private sewage disposal system, shall meet all the applicable
provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.

E. All new wells, or addition to, replacement, repair or maintenance of a well, shall
meet the applicable provisions of this chapter and Chs. NR 811 and NR 812, Wis.
Adm. Code.
§ 300-37 Officials designated.

Where the County Land Use Planning and Zoning Department, County Land Use Planning and Zoning Committee or a County Board of Adjustment has already been appointed to administer a zoning ordinance adopted under § 59.69, 59.692, Wis. Stats., these officials shall also administer this chapter.

§ 300-38 County Land Use Planning and Zoning Department.

A. The County Land Use Planning and Zoning Department is authorized to administer this chapter and shall have the following duties and powers. It shall:

1. Advise applicants of the provisions of this chapter, 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 the provisions of this chapter and issue certificates of compliance where appropriate.

3. Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.

4. Keep records of all official actions such as:

   a. All permits issued, inspections made, and work approved.

   b. Documentation of certified lowest floor and regional flood elevations for floodplain development.

   c. Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

   d. All substantial damage assessment reports for floodplain structures.

   e. Floodproofing certificates.

   f. List of nonconforming structures and uses.

5. Submit copies of the following items to the Wisconsin Department of Natural Resources regional office:

   a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.

   b. Copies of any case-by-case analyses and any other information required by the Wisconsin Department of Natural Resources, including an annual summary
of the number and types of floodplain zoning actions taken.

(c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(6) Investigate, prepare reports, and report violations of this chapter to the County Land Use Planning and Zoning Committee and County Corporation Counsel for prosecution. Copies of the reports shall also be sent to the Wisconsin Department of Natural Resources regional office.

(7) Submit copies of text and map amendments to the Federal Emergency Management Agency regional office.

B. Land use permit. A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the County Land Use Planning and Zoning Department shall include:

(1) General information.

(a) The name and address of the applicant, property owner and contractor;

(b) The legal description, proposed use, and whether it is new construction or a modification.

(2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:

(a) The location, dimensions, area and elevation of the lot;

(b) The location of the ordinary high-water mark of any abutting navigable waterways;

(c) The location of any structures with distances measured from the lot lines and street center lines;

(d) The location of any existing or proposed private on-site wastewater treatment system or private water supply system;

(e) The location and elevation of existing or future access roads;

(f) The location of floodplain and floodway limits as determined from the Official Floodplain Zoning Maps;

(g) The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study, either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

(h) Data sufficient to determine the regional flood elevation in National
Geodetic Vertical Datum or North American Vertical Datum at the location of the
development and to determine whether or not the requirements of Article IV or V
are met; and

(i) Data to determine if the proposed development will cause an obstruction
to flow or an increase in regional flood height or discharge according to § 300-18.
This may include any of the information noted in § 300-25A.

(3) Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and
hydrologic studies shall be completed under the direct supervision of a professional
engineer registered with 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 Wisconsin Department of Natural Resources.

(a) Zone A floodplains:

[1] Hydrology: The appropriate method shall be based on the standards in
Ch. NR116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of
Regional Flood Discharge.

[2] Hydraulic Modeling: The regional flood elevation shall be based on the
standards in Ch. NR116.07(4), Wis. Admin. Code, Hydraulic Analysis:
Determination of Regional Flood Elevation and the following:

[a] determination of the required limits of the hydraulic model shall be based on
detailed study information for downstream structures (dam, bridge,
culvert) to determine adequate WSEL for the study.

[b] a minimum four foot contour data in the overbanks shall be used for
the development of cross section overbank and floodplain mapping.

[c] a maximum distance of 500 feet between cross sections is allowed in
developed areas with additional intermediate cross sections required at transitions
in channel bottom slope including a survey of the channel at each location.

[d] the most current version of HEC_RAS shall be used.

[e] a survey of bridge and culvert openings and the top of road is required
at each structure.

[f] 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.

[g] 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.

[h] 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 sections locations, floodway/floodplain limits based on best available
topographic data, geographic limits of the proposed development and whether the
proposed development is located in a 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, it must be
added to the base model flow 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) Zone AE Floodplains

[1] Hydrology: If the proposed hydrology will change the existing study, the
appropriate method to be used shall be on Ch. NR 116.07(3), Wis. Admin. Code,
Hydrologic Analysis: Determination of Regional Flood Discharge.

[2] Hydraulic model: The regional flood elevation shall be based on the
standards in Ch. NR 116.07(4), Wis. Admin. Code, 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 the data from the Effective Model is available, models shall be
generated that duplicate the FIS —— profiles and the elevations shown in the
Floodway Data Table in the FIS report to within 0.1 foot.

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

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

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

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

- 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.
- 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.
- Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- 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) projections and State Plane Coordinate System in accordance with FEMA mapping specifications.
- The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section look-up table shall be included to relate to the model input numbering scheme.
- Both the current and proposed floodways shall be shown on the map.
- The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.
Expiration. All permits issued under the authority of this chapter shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the County Land Use Planning and Zoning Department, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof and the proposed use conform to the provisions of this chapter;

2. Application for such certificate shall be concurrent with the application for a land use permit;

3. If all provisions of this chapter are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

4. The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit issued. Flood proofing measures also require certification by a registered professional engineer or architect that flood proofing measures meet the requirements of § 300-42.

Other permits. Prior to obtaining a floodplain development 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 § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344.

§ 300-39 County Land Use Planning and Zoning Committee.

A. The County Land Use Planning and Zoning Committee shall:

1. Oversee the functions of the office of the County Land Use Planning and Zoning Department; and

2. Review and advise the County Board on all proposed amendments to this chapter, maps and text.

B. The County Land Use Planning and Zoning Committee shall not:

1. Grant variances to the terms of the chapter in place of action by the County Board of Adjustment; or

2. Amend the text or zoning maps in place of official action by the County Board.
§ 300-40 County Board of Adjustment.

The County Board of Adjustment, created under § 59.694, Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this chapter. The County Board of Adjustment shall exercise the powers conferred by the Wisconsin Statutes and adopt rules for the conduct of business. The Department Head for the County Land Use Planning and Zoning Department may not be the Secretary of the County Board of Adjustment.

A. Powers and duties. The County Board of Adjustment shall:

(1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the County Land Use Planning and Zoning Department in the enforcement or administration of this chapter.

(2) Hear and decide disputes concerning the district boundaries shown on the Official Floodplain Zoning Map.

(3) Hear and decide, upon appeal, variances from the standards of this chapter.

B. Appeals to the County Board of Adjustment.

(1) Appeals to the County Board of Adjustment may be taken by any person aggrieved or by any officer or department of Green Lake County affected by any decision of the County Land Use Planning and Zoning Department. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the County Board of Adjustment, by filing with the official whose decision is in question and with the County Board of Adjustment a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the County Board of Adjustment all records regarding the matter appealed.

(2) Notice and hearing for appeals, including variances.

(a) Notice. The County Board of Adjustment shall:

[1] Fix a reasonable time for the hearing.

[2] Publish adequate notice pursuant to the Wisconsin Statutes, specifying the date, time, place and subject of the hearing.

[3] Assure that notice shall be mailed to the parties in interest and the Wisconsin Department of Natural Resources regional office at least 10 days in advance of the hearing.

(b) Hearing. Any party may appear in person or by agent. The County Board of Adjustment shall:

[1] Resolve boundary disputes according to Subsection C below.
Decide variance applications according to Subsection D below.

Decide appeals of permit denials according to § 300-41.

(3) Decision. The final decision regarding the appeal or variance application shall:

(a) Be made within a reasonable time.

(b) Be sent to the Wisconsin Department of Natural Resources regional office within 10 days of the decision.

(c) Be a written determination signed by the Chair or Secretary of the County Board of Adjustment.

(d) State the specific facts that are the basis for the County Board of Adjustment’s decision.

(e) Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application.

(f) Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the County Board of Adjustment proceedings.

C. Boundary disputes. The following procedure shall be used by the County Board of Adjustment in hearing disputes concerning floodplain district boundaries:

(1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.

(2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the County Board of Adjustment.

(3) If the boundary is incorrectly mapped, the County Board of Adjustment should inform the County Land Use Planning and Zoning Committee or the person contesting the boundary location to petition the County Board for a map amendment according to Article IX, Amendments.

D. Variances.

(1) The County Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:

(a) Literal enforcement of the provisions of this chapter will cause unnecessary hardship;
(b) The hardship is due to adoption of this chapter and unique property conditions not common to adjacent lots or premises. In such case, this chapter or the 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 chapter in § 300-3.

(2) In addition to the criteria in Subsection D(1) above, to qualify for a variance under Federal Emergency Management Agency regulations, the following criteria must be met:

(a) The variance may not cause any increase in the regional flood elevation.

(b) Variances can only be granted for land areas that are less than 1/2 acre and are contiguous to existing structures constructed below the regional flood elevation.

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

(3) A variance shall not:

(a) Grant, extend or increase any use prohibited in the zoning district.

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

(c) Be granted for a hardship which is self-created.

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

(e) Allow actions without the amendments to this chapter or map(s) required in § 300-44.

(f) Allow any alteration of a historic structure, including its use that would preclude its continued designation as a historic structure.

(4) When a floodplain variance is granted, the County Board of Adjustment shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums up to $25.00 per $100 of coverage. A copy shall be maintained with the variance record.

§ 300-41 Appeal of permit denial.

A. The County Land Use Planning and Zoning Committee or County Board of Adjustment shall review all data related to the appeal. This may include:
(1) Permit application data listed in §300-38B.

(2) Floodway/flood-fringe determination data in §300-33.

(3) Data listed in §300-25A(2) where the applicant has not submitted this information to the County Land Use Planning and Zoning Department.

(4) Other data submitted with the application or submitted to the County Board of Adjustment with the appeal.

B. For appeals of all denied permits, the County Board of Adjustment shall:

(1) Follow the procedures of §300-40;

(2) Consider County Land Use Planning and Zoning Committee recommendations; and

(3) Either uphold the denial or grant the appeal.

C. For appeals concerning increases in regional flood elevation, the County Board of Adjustment shall:

(1) Uphold the denial where the County Board of Adjustment agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of Article IX, Amendments.

(2) Grant the appeal where the County Board of Adjustment agrees that the data properly demonstrates that the project does not cause an increase provided that no other reasons for denial exist.

§300-42 **Floodproofing Standards for Nonconforming Structures or Uses**

A. 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 a registered professional engineer or architect that the flood proofing measures will protect the structure or development to the flood-protection elevation and submits a FEMA Floodproofing Certificate.

B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(1) certified by a registered professional engineer or architect; or

(2) meets or exceeds the following standards:

(a) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(b) the bottom of all openings shall be no higher than one foot above grade; and

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

C. Flood proofing measures shall be designed to:

(1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(2) Protect structures to the flood-protection elevation;

(3) Anchor structures to foundations to resist flotation and lateral movement; and

(4) Minimize or eliminate infiltration of flood waters; and

(5) Minimize or eliminate discharges into flood waters.

D. Flood proofing measures could include:

(1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.

(2) Adding mass or weight to prevent flotation.

(3) Placing essential utilities above the flood-protection elevation.

(4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.

(5) Constructing water supply wells and waste treatment systems to prevent the entry of floodwaters.

(6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

§ 300-43 Public information.

A. Place marks on structures to show the depth of inundation during the regional flood.

B. All maps, engineering data and regulations shall be available and widely distributed.

C. All real estate transfers should show what floodplain zoning district any real property is in.

Article IX
Amendments

§ 300-44 Amendments.

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 300-44C.

A. In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision (CLOMR) from FEMA and amendments are made to this chapter, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 300-44C. Any such alterations must be reviewed and approved by FEMA and the WDNR.

B. In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision (CLOMR) from FEMA and amendments are made to this chapter, the official floodplain maps, floodway lines and water surface profiles, in accordance with Section 300-44C.

C. The County Board shall change or supplement the floodplain zoning district boundaries and this chapter in the manner outlines in Section 300-45 below. Actions which require an amendment to this chapter and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

1. Any change to the floodplain boundaries and/or watercourse alterations in the FIRM;
2. Correction of discrepancies between the water surface profiles and Floodplain Zoning Maps.
3. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood-protection elevation and is contiguous to land lying outside the floodplain.
4. Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
5. Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law or for changes by Green Lake County.
6. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood-fringe that is based on a base flood elevation from a Flood Insurance Rate Map requires prior approval by the Federal Emergency Management Agency.
7. Any changes to any other officially adopted floodplain maps listed in Section 300-10B.
§ 300-45 Amendment procedure.
Amendments to this chapter may be made upon petition of any interested party according to the provisions of § 59.69, Wis. Stats. Such petitions shall include all necessary data required by §§ 300-33 and 300-38B. The land use permit shall not be issued until a Letter of Map Revision (LOMR) is issued by FEMA for the proposed changes.

A. The proposed amendment shall be referred to the County Land Use Planning and Zoning Committee for a public hearing and recommendation to the County Board. The amendment and notice of public hearing shall be submitted to the Wisconsin Department of Natural Resources regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 59.69, Wis. Stats.

B. No amendments shall become effective until reviewed and approved by the Wisconsin Department of Natural Resources.

C. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, 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 County Board.

Article X
Enforcement

§ 300-46 Investigation.
Any violation of the provisions of this chapter shall be deemed unlawful. When necessary, to determine compliance with this chapter, the Land Use Planning and Zoning Department shall investigate alleged violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall pursue compliance of the violation.

§ 300-46.1 Violations and penalties; citations.
A. Any violation of the provisions of this chapter by or under the direction of the landowner shall be brought into compliance upon notification by the Land Use Planning and Zoning Department or the Land Use Planning and Zoning Committee or the County Corporation Counsel.

B. The County Corporation Counsel shall have the authority to use all legal remedies necessary to pursue compliance with the provisions of this chapter. After consultation with the Land Use Planning and Zoning Department and/or the Land Use Planning and Zoning Committee, the Corporation Counsel shall determine which legal remedy or legal remedies are in order to pursue compliance with the provisions of this chapter.

C. Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to, upon conviction, a forfeiture of not less than $10 nor
more than $5,000 per offense, together with the taxable costs of action. Each day that the violation exists shall constitute a separate offense.

D. In addition to the Corporation Counsel having the authority to pursue compliance per Subsection B above, the designated staff of the Land Use Planning and Zoning Department shall have the authority and may prepare, sign and issue citations in order to commence action to achieve compliance with the provisions of this chapter.

§ 300-46.2 Stop-work order.
A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.

B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.

C. The stop-work order shall be mailed to the subject landowner’s property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land use permit application.

D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a non-trespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs.

E. An action filed pursuant to § 300-40 of this chapter to the County Board of Adjustment or to any court shall stop work during and until the final outcome of the action has been reached or until so ordered by a court of appropriate jurisdiction.

§ 300-46.3 Injunction.
Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 87.30, Wis. Stats.

Article XI
Definitions

§ 300-47 Word usage and definitions.
Unless specifically defined, words and phrases used in this chapter shall have their common law meaning and shall be applied in accordance with their common usage.
Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, and the word "shall" is mandatory and not discretionary.

1. **ACCESSORY STRUCTURE OR USE**
   A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

2. **A ZONES**
   Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

3. **AH ZONE** – See “AREA OF SHALLOW FLOODING”.

4. **AO ZONE** – See “AREA OF SHALLOW FLOODING”.

5. **ALTERATION** – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

6. **AREA OF SHALLOW FLOODING** – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

7. **BASE FLOOD**
   The flood having a one-percent chance of being equaled or exceeded in any given year, as published by the Federal Emergency Management Agency as part of a Flood Insurance Study and depicted on a Flood Insurance Rate Map.

8. **BASEMENT**
   Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.

9. **BUILDING**
   See "structure."

10. **BULKHEAD LINE**
    A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Wisconsin Department of Natural Resources pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.
11. CAMPGROUND
Any area of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units or which is advertised or represented as a camping area.

12. CAMPING UNIT
Any portable device, no more than 400 square feet in area, used as a temporary shelter for human habitation, including but not limited to a camping trailer, motor home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for highway use.

13. CERTIFICATE OF COMPLIANCE
A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this chapter.

14. CHANNEL
A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

15. CRAWLWAY or CRAWL SPACE
An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

16. DECK
An unenclosed exterior structure that has no roof or sides, characterized by a flat, open, horizontal surface or platform suspended above the grade of land it covers, but which has a permeable floor that allows the infiltration of precipitation.

17. DEPARTMENT
The Wisconsin Department of Natural Resources.

18. DEVELOPMENT
Any artificial change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of the percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. **DRY LAND ACCESS**

A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a
road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

20. **ENCROACHMENT**
Any fill, structure, equipment, building, use or development in the floodway.

21. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**
The federal agency that administers the National Flood Insurance Program.

22. **FLOOD INSURANCE RATE MAP (FIRM)** – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

23. **FLOOD or FLOODING** – 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 undulation 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.

24. **FLOOD FREQUENCY**
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.

25. **FLOOD-FRINGE**
That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

26. **FLOOD HAZARD BOUNDARY MAP**
A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY
A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the
regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, which accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN
Land which has been or may be covered by floodwater during the regional flood. It includes the floodway and the flood-fringe and may include other designated floodplain areas for regulatory purposes.

29. FLOODPLAIN ISLAND
A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

30. FLOODPLAIN MANAGEMENT
Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

31. FLOOD PROFILE
A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

32. FLOODPROOFING
Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

33. FLOOD-PROTECTION ELEVATION
An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (See also "freeboard.")

34. FLOOD STORAGE
Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

35. FLOODWAY
The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. **FREEBOARD**

A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action,
obstruction of bridge openings and floodways, the effects of watershed urbanization, the loss of flood storage areas due to development and aggregation of the river- or streambed.

37. HABITABLE STRUCTURE
Any structure or portion thereof used or designed for human habitation.

38. HEARING NOTICE
A publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (seven days) before the hearing, is required. Local ordinances or bylaws may require additional notice, exceeding these minimums.

39. HIGH FLOOD-DAMAGE POTENTIAL
Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

41. HISTORIC STRUCTURE
Any structure that is either:
A. Listed individually on the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.

42. INCREASE IN REGIONAL FLOOD HEIGHT

A calculated upward rise in the regional flood elevation, equal to or greater than 0.00 foot, based on a comparison of existing conditions and proposed 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.

43. LAND USE
Any use made of an unimproved or improved land area. (See also "development.")

44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

46. MAINTENANCE – The act of process of restoring to original soundness, including redecorating, refinishing, non-structural repairs, or the replacement of exiting fixtures, systems, or equipment with equivalent fixtures, systems or structures.

47. MANUFACTURED HOME
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.

48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – 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 ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the 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.

51. MOBILE RECREATIONAL VEHICLE
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 not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or
seasonal use. 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 "mobile recreational vehicle."

52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective Flood Insurance Study (FIS) and referred to as the effective model.

54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study (FIS).

55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

57. MUNICIPALITY or MUNICIPAL
   The county, city or village governmental units enacting, administering and enforcing this zoning chapter.

58. NAVD or NORTH AMERICAN VERTICAL DATUM
   Elevations referenced to mean sea level datum, 1988 adjustment.

59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

60. NEW CONSTRUCTION
   For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the start of construction commenced on or after the effective date of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

61. NONCONFORMING STRUCTURE
An existing lawful structure or building that is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain that it occupies. (For example, an existing residential structure in the flood-fringe district is a conforming use. However, if the lowest floor is lower than the flood-protection elevation, the structure is nonconforming.)

62. NONCONFORMING USE
An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this chapter for the area of the floodplain which it occupies (such as a residence in the floodway).

63. OBSTRUCTION TO FLOW
Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

64. OFFICIAL FLOODPLAIN ZONING MAP
That map, adopted and made part of this chapter, as described in § 300-10, which has been approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency.

65. OPEN SPACE USE
Those uses having a relatively low flood-damage potential and not involving structures.

66. ORDINARY HIGH-WATER MARK
The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

67. PERSON
An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

68. PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM (POWTS)
A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same land area as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different land area than the structure.
69. PUBLIC UTILITIES
Those utilities using underground or overhead transmission lines, such as electric, telephone and telegraph, and distribution and collection systems, such as water,
sanitary sewer and storm sewer.

70. **REASONABLY SAFE FROM FLOODING**

Means that base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

71. **REGIONAL FLOOD**

A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one-percent chance of being equaled or exceeded in any given year, and if depicted on the Flood Insurance Rate Map, the regional flood elevation is equivalent to the base flood elevation.

72. **START OF CONSTRUCTION**

The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

73. **STRUCTURE**

Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, streambed or lakebed, including but not limited to roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

74. **SUBDIVISION**

Has the meaning given in Chapter 236.02(12), Wis. Statutes (as amended) which states that "subdivision" means a division of a lot, parcel, or tract of land by the owner thereof or the owner’s agent for the purpose of sale or of building development and to which any of the following applies:

A. The act of division creates five or more land areas or building sites of 1.5 acres each or less in area; or

B. The act creates five or more land areas or building sites of 1.5 acres each or
less in area are created by successive division within a period of five years.

75. SUBSTANTIAL DAMAGE
Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the equalized assessed value of the structure before the damage occurred.

76. SUBSTANTIAL IMPROVEMENT
Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

77. UNNECESSARY HARDSHIP
Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

78. VARIANCE
An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in this chapter.

79. VIOLATION
The failure of a structure or other development to be fully compliant with this chapter. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

80. WATERSHED
The entire region contributing runoff or surface water to a watercourse or body of water.

81. WATER SURFACE PROFILE
A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
82. **WELL**

An excavation opening in the ground, made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.

**Attachments:**

[300a Appendix A]

---

Section 2. This ordinance shall become effective upon passage and publication.

Section 3. The repeal and recreation of any section herein shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding then pending or by virtue of the repealed sections.

Section 4. All ordinances and parts of ordinances in conflict herewith are hereby repealed.