

ORDINANCE NO. -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
- 2 to NR116, the Wisconsin Floodplain Management Program; and,
- 3 **WHEREAS**, FEMA reviewed the State’s model floodplain ordinance, which the State
- 4 recently amended; and,

Roll Call on Ordinance No. -2018

Submitted by Land Use Planning and Zoning Committee:

Ayes , Nays , Absent , Abstain

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

, Chair

, Vice-chair

County Board Chairman

ATTEST: County Clerk
Approve as to Form:

Corporation Counsel

5 **WHEREAS**, Due to the recent changes in FEMA policy and NR116, Wisconsin Floodplain
6 Management Program, Green Lake County's Floodplain Zoning Ordinance requires
7 updates to remain in compliance with the National Flood Insurance program by adopting
8 the recent FEMA and Wisconsin Department of Natural Resources changes.

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

11 Section 1. Green Lake County Ordinance, No. 970-2009, as amended, is hereby repealed
12 and recreated as follows:
13

14 **Article I**
15 **Introduction**

16 **§ 300-1 Statutory authority.**

17 This chapter is adopted pursuant to the authorization in §§ 59.69, 59.692, and 59.694
18 and the requirements in § 87.30, Wis. Stats.

19 **§ 300-2 Findings.**

20 Uncontrolled development and use of the floodplains, rivers and streams within the
21 unincorporated areas of Green Lake County would impair the public health, safety,
22 convenience, general welfare and tax base.

23 **§ 300-3 Purpose and intent.**

24 This chapter is intended to regulate floodplain development to:

- 25 A. Protect life, health and property;
- 26 B. Minimize expenditures of public funds for flood-control projects;
- 27 C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- 28 D. Minimize business interruptions and other economic disruptions;
- 29 E. Minimize damage to public facilities in the floodplain;
- 30 F. Minimize the occurrence of future flood blight areas in the floodplain;
- 31 G. Discourage the victimization of unwary land and home buyers;
- 32 H. Prevent increases in flood heights that could increase flood damage and result in
33 conflicts between property owners; and
- 34 I. Discourage development in a floodplain if there is any practicable alternative to
35 locate the activity, use or structure outside of the floodplain.

36 § 300-4 **Title.**
37 This chapter shall be known as, referred to as or cited as the "Floodplain Zoning
38 Ordinance for Green Lake County, Wisconsin."

39 § 300-5 **Abrogation and greater restrictions.**

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

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

48 § 300-6 **Interpretation.**

49 In their interpretation and application, the provisions of this chapter are the minimum
50 requirements liberally construed in favor of the governing body and are not a limitation
51 on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of
52 this chapter, required by Ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be
53 interpreted in light of the standards in effect on the date of the adoption of this chapter
54 or in effect on the date of the most recent text amendment to this chapter.

55 § 300-7 **Severability.**

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

58 § 300-8 **When effective.**

59 This chapter shall be effective upon adoption by the Green Lake County Board and
60 publication as provided for in the Wisconsin Statutes.

61 **Article II**
62 **General Provisions**

63 § 300-9 **Areas to be regulated.**

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

71 § 300-10 **Official maps and revisions.**

72 The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on
73 the maps listed below and the revisions in the Green Lake County Floodplain Appendix
74 A. Any change to the base flood elevations (BFE) or any changes to the boundaries of

75 the floodplain or floodway in the Flood Insurance Study or on the Flood Insurance Rate
76 Map must be reviewed and approved by the Wisconsin Department of Natural
77 Resources and the Federal Emergency Management Agency through the Letter of Map
78 Change process (see Article IX, Amendments) before it is effective. No changes to
79 regional flood elevations on non-Federal Emergency Management Agency maps shall
80 be effective until approved by the Wisconsin Department of Natural Resources. These
81 maps and revisions are on file in the Land Use Planning and Zoning Department, Green
82 Lake County. If more than one map or revision is referenced, the most restrictive
83 information shall apply.

84 A. Official maps, based on the Flood Insurance Study for unincorporated areas of
85 Green Lake County, Community Number 550165. Applicable map panels:
86 55047C0010C, 55047C0020C, 55047C0030C, 55047C0034C, 55047C0035C,
87 55047C0038C, 55047C0039C, 55047C0040C, 55047C0045C, 55047C0051C,
88 55047C0053C, 55047C0054C, 55047C0058C, 55047C0065C, 55047C0079C,
89 55047C0082C, 55047C0083C, 55047C0084C, 55047C0087C, 55047C0090C,
90 55047C0091C, 55047C0092C, 55047C0093C, 55047C0094C, 55047C0101C,
91 55047C0105C, 55047C0110C, 55047C0111C, 55047C0113C, 55047C0115C,
92 55047C0120C, 55047C0126C, 55047C0127C, 55047C0130C, 55047C0131C,
93 55047C0132C, 55047C0133C, 55047C0134C, 55047C0140C, 55047C0155C,
94 55047C0160C, 55047C0165C, 55047C0170C, 55047C0178C, 55047C0179C,
95 55047C0180C, 55047C0183C, 55047C0184C, 55047C0186C, 55047C0187C,
96 55047C0191C, 55047C0192C, 55047C0195C, 55047C0203C, 55047C0204C,
97 55047C0205C; 55047C0225C, dated February 3, 2010, with corresponding profiles
98 that are based on the Flood Insurance Study 55047CV000A effective February 3,
99 2010; approved by the Wisconsin Department of Natural Resources and the
100 Federal Emergency Management Agency. **[Amended 3-16-2010 by Ord. No. 978-**
101 **2010]**

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

103 B. Official maps, based on other studies:

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

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

114 (3) Letter of Map Revision (LOMR) "Del Monte Foods" FEMA Case Number 13-05-
115 7472P, revising the Flood Insurance Study (FIS) Report and Flood Insurance Rate

116 Map (FIRM) for Community 550165 prepared by Max Franzen and Jeff Quast of
117 Excel Engineering, June, 2014.

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

122 (5) "Hydrologic and Hydraulic Report - Swamp Road – Township of Princeton,
123 Princeton, WI" prepared by Badger Engineering & Construction, LLC, and Alieus
124 Engineering, LLC, January 2017. Approved by Wisconsin Department of Natural
125 Resources on February 21, 2017.

126 **§ 300-11 Establishment of Floodplain Zoning Districts.**

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

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

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

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

137 **§ 300-12 Locating floodplain boundaries.**

138 A. Discrepancies between boundaries on the Official Floodplain Zoning Map and
139 actual field conditions shall be resolved using the criteria in Subsection **A(1)** or **(2)**
140 below. If a significant difference exists, the map shall be amended according to
141 Article **IX**, Amendments. The County Land Use Planning and Zoning Department
142 can rely on a boundary derived from a profile elevation to grant or deny a land use
143 permit, whether or not a map amendment is required. The County Land Use
144 Planning and Zoning Department shall be responsible for documenting actual
145 predevelopment field conditions and the basis upon which the district boundary was
146 determined and for initiating any map amendments required under this section.
147 Disputes between the County Land Use Planning and Zoning Department and an
148 applicant over the district boundary line shall be settled according to § **300-40C** and
149 the criteria in Subsection **A(1)** and **(2)** below. Where the flood profiles are based
150 on established base flood elevations from a FIRM, FEMA must approve any map
151 amendment or revision pursuant to Article IX, Amendments.

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

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

157 **§ 300-13 Removal of lands from the floodplain.**

158 A. Compliance with the provisions of this chapter shall not be grounds for removing
159 land from the floodplain unless it is filled at least two feet above the regional or
160 base flood elevation, the fill is contiguous to land outside the floodplain, and the
161 map is amended pursuant to Article **IX**, Amendments.

162 **§ 300-14 Compliance required.**

163 Any development or use within the areas regulated by this chapter shall be in
164 compliance with the terms of this chapter and other applicable local, state, and federal
165 regulations.

166 **§ 300-15 Municipalities and state agencies regulated.**

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

172 **§ 300-16 Warning and disclaimer of liability.**

173 The flood protection standards in this chapter are based on engineering experience and
174 scientific research. Larger floods may occur or the flood height may be increased by
175 man-made or natural causes. This chapter does not imply or guarantee that non-
176 floodplain areas or permitted floodplain uses will be free from flooding and flood
177 damages. Nor does this chapter create liability on the part of, or a cause of action
178 against, the municipality or any officer or employee thereof for any flood damage that
179 may result from reliance on this chapter.

180 **§ 300-16.1 Annexed areas for cities and villages.**

181 The County floodplain zoning provisions in effect on the date of annexation shall remain
182 in effect and shall be enforced by the municipality for all annexed areas until the
183 municipality adopts and enforces an ordinance which meets the requirements of Ch. NR
184 116, Wis. Adm. Code, and 44CFR 59-72, National Flood Insurance Program (NFIP).
185 These annexed lands are described on the municipality's Official Zoning Map. County
186 floodplain zoning provisions are incorporated by reference for the purpose of
187 administering this section and are on file in the Land Use Planning & Zoning
188 Department. All plats or maps of annexation shall show the regional flood elevation and
189 the location of the floodway.

190 **§ 300-17 General development standards.**

191 The County Land Use Planning and Zoning Department shall review all permit
192 applications to determine whether proposed building sites will be reasonably safe from
193 flooding. If a proposed building site is in a flood-prone area, all new construction and
194 substantial improvements shall be designed or modified and adequately anchored to

195 prevent flotation, collapse, or lateral movement of the structure resulting from
196 hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be
197 constructed to minimize flood damages and to ensure that utility and mechanical
198 equipment is designed and/or located so as to prevent water from entering or
199 accumulating within the equipment during conditions of flooding.

200 Subdivisions shall be reviewed for compliance with the above standards. All subdivision
201 proposals (including manufactured home parks) shall include regional flood elevation
202 and floodway data for any development that meets the subdivision definition of this
203 chapter. Adequate drainage shall be provided to reduce exposure to flood hazards and
204 all public utilities and facilities, such as sewer, gas, electrical, and water systems are
205 located and constructed to minimize or eliminate flood damages.

206 **Article III**
207 **General Standards**

208 **§ 300-18 Hydraulic and hydrologic analysis.**

209 A. Except as allowed in Subsection **C** below, no floodplain development shall:

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

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

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

217 **§ 300-19 Watercourse alterations.**

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

230 **§ 300-20 Development requiring Department of Natural Resources permit.**

231 Development which requires a permit from the Wisconsin Department of Natural
232 Resources under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges,
233 culverts, dams and navigational aids, may be allowed if the necessary permits are

234 obtained and amendments to the floodplain zoning ordinance , are made according to
235 Article **IX**, Amendments.

236 **§ 300-21 Public or private campgrounds.**

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

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

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

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

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

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

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

259 G. The camping units may not occupy any site in the campground for more than 180
260 consecutive days, at which time the camping unit must be removed from the
261 floodplain for a minimum of 24 hours.

262 H. All camping units that remain on site for more than 30 days shall be issued a limited
263 authorization by the campground operator, a written copy of which is kept on file at
264 the campground. Such authorization shall allow placement of a camping unit for a
265 period not to exceed 180 days and shall ensure compliance with all the provisions
266 of this section.

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

270 J. All camping units that remain in place for more than 180 consecutive days must

271 meet the applicable requirements in either Article IV, Floodway District, or Article V,
272 Flood-Fringe District, for the floodplain district in which the structure is located.

273 K. The campground shall have signs clearly posted at all entrances warning of the
274 flood hazard and the procedures for evacuation when a flood warning is issued

275 L. All service facilities, including but not limited to refuse collection, electrical service,
276 natural gas lines, propane tanks, sewage systems and wells, shall be properly
277 anchored and placed at or floodproofed to the flood-protection elevation.

278 § 300-22 (Reserved)

279 Article IV
280 Floodway District

281 § 300-23 **Applicability.**

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

284 § 300-24 **Permitted uses.**

285 The following open space uses are allowed in the Floodway District and the floodway
286 areas of the General Floodplain District, if they are not prohibited by any other
287 ordinance; they meet the standards in §§ 300-25 and 300-26; and all permits or
288 certificates have been issued according to § 300-38:

289 A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture
290 and wild crop harvesting.

291 B. Nonstructural industrial and commercial uses, such as loading areas, parking areas
292 and airport landing strips.

293 C. Nonstructural recreational uses, such as golf courses, tennis courts, archery
294 ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature
295 preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting
296 and fishing areas and hiking and horseback-riding trails, subject to the fill limitations
297 of § 300-25D.

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

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

301 F. Functionally water-dependent uses, such as docks, piers or wharves, dams,
302 flowage areas, culverts, navigational aids and river crossings of transmission lines,
303 and pipelines that comply with Chs. 30 and 31, Wis. Stats.

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

305 § 300-25 **Floodway development standards.**

306 A. General.

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

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

311 (a) A cross-section elevation view of the proposal, perpendicular to the
312 watercourse, showing if the proposed development will obstruct flow; or

313 (b) An analysis calculating the effects of this proposal on regional flood
314 height.

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

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

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

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

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

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

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

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

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

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

- 338 D. Fills or deposition of materials may be allowed by permit if:
- 339 (1) The requirements of § **300-18** are met;
- 340 (2) No material is deposited in the navigable channel unless a permit is issued by the
341 Wisconsin Department of Natural Resources pursuant to Ch. 30, Wis. Stats., and a
342 permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments
343 of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and the other
344 requirements of this section are met;
- 345 (3) The fill or other materials will be protected against erosion by riprap, vegetative
346 cover, sheet piling or bulkheading; and
- 347 (4) The fill is not classified as a solid or hazardous material.

348 § 300-26 **Prohibited uses.**

349 All uses not listed as permitted uses in § **300-24** are prohibited, including the following
350 uses:

- 351 A. Habitable structures, structures with high flood-damage potential, or those not
352 associated with permanent open space uses;
- 353 B. Storing materials that are buoyant, flammable, explosive or injurious to property,
354 water quality, or human, animal, plant, fish or other aquatic life;
- 355 C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 356 D. Any private on-site wastewater treatment system or public sewage systems, except
357 portable latrines that are removed prior to flooding and systems associated with
358 recreational areas and Wisconsin Department of Natural Resources approved
359 campgrounds that meet the applicable provisions of local ordinances and Ch. SPS
360 83, Wis. Adm. Code.
- 361 E. Any public or private wells which are used to obtain potable water, except those for
362 recreational areas that meet the requirements of local ordinances and Chs. NR 811
363 and NR 812, Wis. Adm. Code;
- 364 F. Any solid or hazardous waste disposal sites;
- 365 G. Any wastewater treatment ponds or facilities, except those permitted under § NR
366 110.15(3)(b), Wis. Adm. Code;
- 367 H. Any sanitary sewer or water supply lines, except those to service existing or
368 proposed development located outside the floodway that complies with the
369 regulations for the floodplain area occupied.

Article V
Flood-Fringe District

370
371

372 **§ 300-27 Applicability.**

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

375 **§ 300-28 Permitted uses.**

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

380 **§ 300-29 Flood-fringe development standards.**

381 All of the provisions of § **300-18** shall apply. In addition, the following requirements shall
382 apply according to the use requested. Any existing structure in the flood-fringe must
383 meet the requirements of Article VII.

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

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

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

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

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

400 (a) The County Land Use Planning and Zoning Department has written
401 assurance from police, fire and emergency services that rescue and relief will be
402 provided to the structure(s) by wheeled vehicles during a regional flood event; or

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

405 B. Accessory structures or uses.

- 406 (1) Accessory structures shall be constructed on fill with the lowest floor at or above
407 the regional flood elevation.
- 408 C. Commercial uses. Any commercial structure which is erected, altered or moved into
409 the flood-fringe area shall meet the requirements of Subsection **A** above. Subject to
410 the requirements of Subsection **E** below, storage yards, surface parking lots and
411 other such uses may be placed at lower elevations if an adequate warning system
412 exists to protect life and property.
- 413 D. Manufacturing and industrial uses. Any manufacturing or industrial structure which
414 is erected, altered or moved into the flood-fringe area shall have the lowest floor
415 elevated to or above the flood-protection elevation or meet the flood proofing
416 measures in § **300-42**. Subject to the requirements of Subsection **E** below, storage
417 yards, surface parking lots and other such uses may be placed at lower elevations
418 if an adequate warning system exists to protect life and property.
- 419 E. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious
420 to property, water quality or human, animal, plant, fish or aquatic life shall be stored
421 at or above the flood-protection elevation or flood proofed in compliance with § **300-**
422 **42**. Adequate measures shall be taken to ensure that such materials will not enter
423 the water body during flooding.
- 424 F. Public utilities, streets and bridges. All utilities, streets and bridges shall be
425 designed to be compatible with comprehensive floodplain development plans, and
- 426 (1) When the failure of public utilities, streets and bridges would endanger public health
427 or safety, or where such facilities are deemed essential, construction of and
428 substantial improvements to such facilities may only be permitted if they are flood
429 proofed in compliance with § **300-42** to the flood-protection elevation;
- 430 (2) Minor roads or nonessential utilities may be constructed at lower elevations if they
431 are designed to withstand flood forces to the regional flood elevation.
- 432 G. Private on-site wastewater treatment systems. All private on-site wastewater
433 treatment systems shall be designed to minimize or eliminate infiltration of flood
434 water into the system, pursuant to § **300-42**, to the flood-protection elevation and
435 shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 436 H. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters
437 into the system, pursuant to § **300-42**, to the flood-protection elevation and shall
438 meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- 439 I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in
440 flood-fringe areas.
- 441 J. Deposition of materials. Any deposited material must meet all the provisions of this
442 chapter.

- 443 K. Manufactured homes.
- 444 (1) Owners or operators of all manufactured home parks and subdivisions shall provide
445 adequate surface drainage to minimize flood damage and prepare, secure approval
446 and file an evacuation plan, indicating vehicular access and escape routes, with
447 local emergency management authorities.
- 448 (2) In existing manufactured home parks, all new homes, replacement homes on
449 existing pads, and substantially improved homes shall:
- 450 (a) Have the lowest floor elevated to the flood-protection elevation; and
- 451 (b) Be anchored so they do not float, collapse or move laterally during a flood.
- 452 (3) Outside of existing manufactured home parks, including new manufactured home
453 parks and all single units outside of existing parks, all new, replacement and
454 substantially improved manufactured homes shall meet the residential development
455 standards for the flood-fringe in Subsection **A** above.
- 456 L. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180
457 consecutive days or more or are not fully licensed and ready for highway use shall
458 meet the elevation and anchoring requirements in Subsection **K(2)** and **(3)** above.
459 A mobile recreational vehicle is ready for highway use if it is on its wheels or
460 jacking system, is attached to the site only by quick-disconnect utilities and security
461 devices and has no permanently attached additions.

462 Article VI
463 **General Floodplain District**

464 **§ 300-30 Applicability.**

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

469 **§ 300-31 Permitted uses.**

470 Pursuant to § **300-33**, it shall be determined whether the proposed use is located within
471 a floodway or flood-fringe area. Those uses permitted in floodway (§ **300-24**) and flood-
472 fringe (§ **300-28**) districts are allowed within the General Floodplain District, according
473 to the standards of § **300-32**, provided that all permits or certificates required under
474 § **300-38** have been issued.

475 **§ 300-32 Standards for development in the General Floodplain District.**

476 A. In A Zones (and some AE Zones) in the General Floodplain District, flood-profiles
477 may not exist and floodway and flood-fringe districts have not been delineated. Once
478 the flood-profiles exist and the floodway and flood-fringe district have been delineated
479 the development standards of the respective district shall apply. Article IV of this
480 chapter applies to floodway districts, Article V applies to flood-fringe districts. The rest

481 of this ordinance applies to either district.

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

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

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

486 (3) the depth as shown on the FIRM

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

489 **§ 300-33 Determining floodway and flood-fringe limits.**

490 Upon receiving an application for development within the General Floodplain District,
491 the County Land Use Planning and Zoning Department shall:

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

497 B. Require the applicant to furnish any of the following information deemed necessary
498 by the Wisconsin Department of Natural Resources to evaluate the effects of the
499 proposal upon flood height and flood flows, regional flood elevation and to
500 determine floodway boundaries:

501 (1) A Hydrologic and Hydraulic Study as specified in Section 300-38B(3).

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

506 (3) A profile showing the slope of the bottom of the channel or flow line of the stream.

507 (4) Specifications for building construction and materials, flood proofing, filling,
508 dredging, channel improvement, storage, water supply and sanitary facilities.

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

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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 dry land 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.

556 (5) No maintenance to
557 any nonconforming structure or any structure with a nonconforming use, the cost of
558 which would equal or exceed 50% of its present equalized assessed value, shall be
559 allowed unless the entire structure is permanently changed to a conforming
560 structure with a conforming use in compliance with the applicable requirements of
561 this ordinance. Contiguous dryland access must be provided for residential and
562 commercial uses in compliance with §300-29A

563 (6) If on a per event basis the total value of the work being done under (4) and (5)
564 equals or exceeds 50% of the present equalized assessed value the work shall not
565 be permitted unless the entire structure is permanently changed to a conforming
566 structure with a conforming use in compliance with the applicable requirements of
567 this ordinance. Contiguous dryland access must be provided for residential and
568 commercial uses in compliance with §300-29A.

569 (7) Except as provided in subd. (8), if any nonconforming structure or any structure
570 with a nonconforming use is destroyed or is substantially damaged, it cannot be
571 replaced, reconstructed, or rebuilt unless the use and the structure meet the current
572 ordinance requirements. A structure is considered substantially damaged if the
573 total cost to restore the structure to its pre-damaged conditional equals or exceeds
574 50% of the structure's present equalized assessed value.

575 (8)
576 (For nonconforming buildings that are substantially damaged or destroyed by a
577 nonflood disaster, the repair or reconstruction of any such nonconforming building
578 shall be permitted in order to restore it to the size and use in effect prior to
579 the damage event, provided that the minimum federal code requirements below are
580 met and all required permits have been granted prior to the start of construction.

581 (a). Residential Structures

582 [1]. Shall have the lowest floor, including basement, elevated to or above the
583 base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter
584 walls must meet the requirements of §300-42B.

585 [2]. Shall be anchored to prevent flotation, collapse, or lateral movement of the
586 structure resulting from hydrodynamic and hydrostatic loads, including the effects of
587 buoyancy and shall be constructed with methods and materials resistant to flood
588 damage.

589 [3]. Shall be constructed with electrical, heating, ventilation, plumbing and air
590 conditioning equipment and other service facilities that are designed and/or
591 elevated so as to prevent water from entering or accumulating within the
592 components during conditions of flooding.

593 [4]. In A Zones, obtain, review and utilize any flood data available from a federal,

594 state or other source.

595 [5]. In AO Zones with no elevations specified, shall have the lowest floor,
596 including basement, meet the standards in §300-32B.

597 [6]. In AO Zones, shall have adequate drainage paths around structures on
598 slopes to guide floodwaters around and away from the structure.

599 (b). Nonresidential Structures

600 [1]. Shall meet the requirements of §300-34B(8)(a)[1-6]

601 [2]. Shall either have the lowest floor, including basement, elevated to or above
602 the regional flood elevation; or, together with attendant utility and sanitary facilities,
603 shall meet the standards in §300-42A and B.

604 [3]. In AO Zones with no elevations specified, shall have the lowest floor,
605 including basement, meet the standards in §300-32B.

606 (6) A nonconforming historic structure may be altered if the alteration will not preclude
607 the structure's continued designation as a historic structure, the alteration will
608 comply with § **300-25A**, flood-resistant materials are used, and construction
609 practices and flood proofing methods that comply with § **300-42** are used. Repair or
610 rehabilitation of historic structures shall be exempt from the development standards
611 of §300-34B(8)(a) if it is determined that the proposed repair or rehabilitation will
612 not preclude the structure's continued designation as a historic structure and is the
613 minimum necessary to preserve the historic character and design of the structure.

614 § 300-35 **Floodway areas.**

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

618 (1) Has been granted a permit or variance which meets all of this chapter
619 requirements;

620 (2) Meets the requirements of § **300-34**;

621 (3) Will not increase the obstruction to flood flows or regional flood height;

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

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

626 (a) The enclosed area shall be designed by a registered architect or engineer
627 to allow for the efficient entry and exit of floodwaters without human intervention. A

628 minimum of two openings must be provided with a minimum net area of at least
629 one square inch for every one square foot of the enclosed area. The lowest part of
630 the opening can be no more than 12 inches above the adjacent grade;

631 (b) The parts of the foundation located below the flood-protection elevation
632 must be constructed of flood-resistant materials;

633 (c) Mechanical and utility equipment must be elevated or flood proofed to or
634 above the flood-protection elevation; and

635 (d) The use must be limited to parking or limited storage.

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

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

646 § 300-36 **Flood-fringe areas.**

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

654 B. Where compliance with the provisions of Subsection **A** above would result in
655 unnecessary hardship and only where the structure will not be used for human
656 habitation or be associated with a high flood-damage potential, the County Board of
657 Adjustment, using the procedures established in § **300-40**, may grant a variance
658 from those provisions of Subsection **A** above for modifications or additions, using
659 the criteria listed below. Modifications or additions that are protected to elevations
660 lower than the flood-protection elevation may be permitted if:

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

663 (2) Human lives are not endangered;

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

- 665 (4) Flood depths will not exceed two feet;
- 666 (5) Flood velocities will not exceed two feet per second; and
- 667 (6) The structure will not be used for storage of materials as described in § 300-29E.
- 668 C. If neither the provisions of Subsection **A** or **B** above can be met, one addition to an
669 existing room in a nonconforming building or a building with a nonconforming use
670 may be allowed in the flood-fringe, if the addition:
- 671 (1) Meets all other regulations and will be granted by permit or variance;
- 672 (2) Does not exceed 60 square feet in area; and
- 673 (3) In combination with other previous modifications or additions to the building, does
674 not equal or exceed 50% of the present equalized assessed value of the building.
- 675 D. All new private sewage disposal systems, or addition to, replacement, repair or
676 maintenance of a private sewage disposal system, shall meet all the applicable
677 provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 678 E. All new wells, or addition to, replacement, repair or maintenance of a well, shall
679 meet the applicable provisions of this chapter and Chs. NR 811 and NR 812, Wis.
680 Adm. Code.

681 **Article VIII**
682 **Administration**

683 **§ 300-37 Officials designated.**

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

688 **§ 300-38 County Land Use Planning and Zoning Department.**

- 689 A. The County Land Use Planning and Zoning Department is authorized to administer
690 this chapter and shall have the following duties and powers. It shall:
- 691 (1) Advise applicants of the provisions of this chapter, assist in preparing permit
692 applications and appeals, and assure that the regional flood elevation for the
693 proposed development is shown on all permit applications.
- 694 (2) Issue permits and inspect properties for compliance with the provisions of this
695 chapter and issue certificates of compliance where appropriate.
- 696 (3) Inspect all damaged floodplain structures and perform a substantial damage
697 assessment to determine if substantial damage to the structures has occurred.

- 698 (4) Keep records of all official actions such as:
- 699 (a) All permits issued, inspections made, and work approved.
- 700 (b) Documentation of certified lowest floor and regional flood elevations for
701 floodplain development.
- 702 (c) Records of water surface profiles, Floodplain Zoning Maps and
703 ordinances, nonconforming uses and structures, including changes, appeals,
704 variances and amendments.
- 705 (d) All substantial damage assessment reports for floodplain structures.
- 706 (e) Floodproofing certificates.
- 707 (f) List of nonconforming structures and uses.
- 708 (5) Submit copies of the following items to the Wisconsin Department of Natural
709 Resources regional office:
- 710 (a) Within 10 days of the decision, a copy of any decisions on variances,
711 appeals for map or text interpretations, and map or text amendments.
- 712 (b) Copies of any case-by-case analyses and any other information required
713 by the Wisconsin Department of Natural Resources, including an annual summary
714 of the number and types of floodplain zoning actions taken.
- 715 (c) Copies of substantial damage assessments performed and all related
716 correspondence concerning the assessments.
- 717 (6) Investigate, prepare reports, and report violations of this chapter to the County
718 Land Use Planning and Zoning Committee and County Corporation Counsel for
719 prosecution. Copies of the reports shall also be sent to the Wisconsin Department
720 of Natural Resources regional office.
- 721 (7) Submit copies of text and map amendments to the Federal Emergency
722 Management Agency regional office.
- 723 B. Land use permit. A land use permit shall be obtained before any new development;
724 repair, modification or addition to an existing structure; or change in the use of a
725 building or structure, including sewer and water facilities, may be initiated.
726 Application to the County Land Use Planning and Zoning Department shall include:
- 727 (1) General information.
- 728 (a) The name and address of the applicant, property owner and contractor;
- 729 (b) The legal description, proposed use, and whether it is new construction or
730 a modification.

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

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

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

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

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

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

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

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

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

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

753 (3) Hydraulic and Hydrologic Studies to Analyze Development. All hydraulic and
754 hydrologic studies shall be completed under the direct supervision of a professional
755 engineer registered with the State of Wisconsin. The study contractor shall be
756 responsible for the technical adequacy of the study. All studies shall be reviewed
757 and approved by the Wisconsin Department of Natural Resources.

758 (a) Zone A floodplains:

759 [1] Hydrology: The appropriate method shall be based on the standards in
760 Ch. NR116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of*
761 *Regional Flood Discharge*.

762 [2] Hydraulic Modeling: The regional flood elevation shall be based on the
763 standards in Ch. NR116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
764 *Determination of Regional Flood Elevation* and the following:

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

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

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

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

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

776 [f] additional cross sections are required at the downstream and upstream
777 limits of the proposed development and any necessary intermediate locations
778 based on the length of the reach if greater than 500 feet.

779 [g] standard accepted engineering practices shall be used when
780 assigning parameters for the base model such as flow, Manning's N Values,
781 expansion and contraction coefficients or effective flow limits. The base model
782 shall be calibrated to past flooding data such as high water marks to determine the
783 reasonableness of the model results. If no historical data is available, adequate
784 justification shall be provided for any parameters outside standard accepted
785 engineering practices.

786 [h] the model must extend past the upstream limit of the difference in the
787 existing and proposed flood profiles in order to provide a tie-in to existing studies.
788 The height difference between the proposed flood profile and the existing study
789 profiles shall be no more than 0.00 feet.

790 [3] Mapping: A work map of the reach studied shall be provided, showing all
791 cross sections locations, floodway/floodplain limits based on best available
792 topographic data, geographic limits of the proposed development and whether the
793 proposed development is located in a floodway.

794 [a] If the proposed development is located outside of the floodway, then it
795 is determined to have no impact on the regional flood elevation.

796 [b] If any part of the proposed development is in the floodway, it must be
797 added to the base model flow to show the difference between existing and
798 proposed conditions. The study must ensure that all coefficients remain the same
799 as in the existing model, unless adequate justification based on standard accepted
800 engineering practices is provided.

801 (b) Zone AE Floodplains

802 [1] Hydrology: If the proposed hydrology will change the existing study, the
803 appropriate method to be used shall be on Ch. NR 116.07(3), Wis. Admin. Code,
804 *Hydrologic Analysis: Determination of Regional Flood Discharge*.

805 [2] Hydraulic model: The regional flood elevation shall be based on the
806 standards in Ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
807 *Determination of Regional Flood Elevation* and the following:

808 [a] Duplicate Effective Model: The effective model shall be reproduced to
809 ensure correct transference of the model data and to allow integration of the
810 revised data to provide a continuous FIS model upstream and downstream of the
811 revised reach. If the data from the Effective Model is available, models shall be
812 generated that duplicate the FIS profiles and the elevations shown in the Floodway
813 Data Table in the FIS report to within 0.1 foot.

814 [b] Corrective Effective Model: The Corrected Effective Model shall not
815 include any man-made physical changes since the effective model date, but shall
816 import the model into the most current version of HEC-RAS for Department review.

817 [c] Existing (Pre-Project Conditions) Model: The Existing Model shall be
818 required to support conclusions about the actual impacts of the project associated
819 with the Revised (Post- Project) Model or to establish more up-to-date
820 models on which to base the Revised (Post-Project) Model.

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

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

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

834 [3] Mapping: Maps and associated engineering data shall be submitted to the
835 Department for review which meet the following conditions:

836 [a] Consistency between the revised hydraulic models, the revised
837 floodplain and floodway delineations, the revised flood profiles, topographic work,
838 map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs),
839 construction plans, bridge plans.

840 [b] Certified topographic map of suitable scale, contour interval, and a
841 planimetric map showing the applicable items. If a digital version of the map is
842 available, it may be submitted in order that the FIRM may be more easily revised.

843 [c] Annotated FIRM panel showing the revised 1% and 0.2% annual
844 chance floodplains and floodway boundaries.

845 [d] If an annotated FIRM and/or FBFM and digital mapping data (GIS or
846 CADD) are used then all supporting documentation or metadata must be included
847 with the data submission along with the Universal Transverse Mercator (UTM)
848 projections and State Plane Coordinate System in accordance with FEMA mapping
849 specifications.

850 [e] The revised floodplain boundaries shall tie into the effective floodplain
851 boundaries.

852 [f] All cross sections from the effective model shall be labeled in
853 accordance with the effective map and a cross section look-up table shall be
854 included to relate to the model input numbering scheme.

855 [g] Both the current and proposed floodways shall be shown on the map.

856 [h] The stream centerline, or profile baseline used to measure stream
857 distances in the model shall be visible on the map.

858 (4) Expiration. All permits issued under the authority of this chapter shall expire no
859 more than 180 days after issuance. The permit may be extended for a maximum of
860 180 days for good and sufficient cause.

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

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

868 (2) Application for such certificate shall be concurrent with the application for a land
869 use permit;

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

872 (4) The applicant shall submit a certification signed by a registered professional
873 engineer, architect or land surveyor that the fill, lowest floor and flood proofing
874 elevations are in compliance with the permit issued. Flood proofing measures also
875 require certification by a registered professional engineer or architect that flood

876 proofing measures meet the requirements of § **300-42**.

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

882 **§ 300-39 County Land Use Planning and Zoning Committee.**

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

884 (1) Oversee the functions of the office of the County Land Use Planning and Zoning
885 Department; and

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

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

889 (1) Grant variances to the terms of the chapter in place of action by the County Board
890 of Adjustment; or

891 (2) Amend the text or zoning maps in place of official action by the County Board.

892 **§ 300-40 County Board of Adjustment.**

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

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

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

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

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

906 B. Appeals to the County Board of Adjustment.

907 (1) Appeals to the County Board of Adjustment may be taken by any person aggrieved
908 or by any officer or department of Green Lake County affected by any decision of
909 the County Land Use Planning and Zoning Department. Such appeal shall be taken

910 within 30 days, unless otherwise provided by the rules of the County Board of
911 Adjustment, by filing with the official whose decision is in question and with the
912 County Board of Adjustment a notice of appeal specifying the reasons for the
913 appeal. The official whose decision is in question shall transmit to the County Board
914 of Adjustment all records regarding the matter appealed.

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

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

917 [1] Fix a reasonable time for the hearing.

918 [2] Publish adequate notice pursuant to the Wisconsin Statutes, specifying
919 the date, time, place and subject of the hearing.

920 [3] Assure that notice shall be mailed to the parties in interest and the
921 Wisconsin Department of Natural Resources regional office at least 10 days in
922 advance of the hearing.

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

925 [1] Resolve boundary disputes according to Subsection **C** below.

926 [2] Decide variance applications according to Subsection **D** below.

927 [3] Decide appeals of permit denials according to § **300-41**.

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

929 (a) Be made within a reasonable time.

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

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

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

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

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

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

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

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

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

954 D. Variances.

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

957 (a) Literal enforcement of the provisions of this chapter will cause
958 unnecessary hardship;

959 (b) The hardship is due to adoption of this chapter and unique property
960 conditions not common to adjacent lots or premises. In such case, this chapter or
961 the map must be amended;

962 (c) The variance is not contrary to the public interest; and

963 (d) The variance is consistent with the purpose of this chapter in § **300-3**.

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

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

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

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

975 (3) A variance shall not:

- 976 (a) Grant, extend or increase any use prohibited in the zoning district.
- 977 (b) Be granted for a hardship based solely on an economic gain or loss.
- 978 (c) Be granted for a hardship which is self-created.
- 979 (d) Damage the rights or property values of other persons in the area.
- 980 (e) Allow actions without the amendments to this chapter or map(s) required
- 981 in § **300-44**.
- 982 (f) Allow any alteration of a historic structure, including its use that would
- 983 preclude its continued designation as a historic structure.
- 984 (4) When a floodplain variance is granted, the County Board of Adjustment shall notify
- 985 the applicant in writing that it may increase risks to life and property and flood
- 986 insurance premiums up to \$25.00 per \$100 of coverage. A copy shall be
- 987 maintained with the variance record.

988 § 300-41 **Appeal of permit denial.**

989 A. The County Land Use Planning and Zoning Committee or County Board of

990 Adjustment shall review all data related to the appeal. This may include:

- 991 (1) Permit application data listed in § **300-38B**.
- 992 (2) Floodway/flood-fringe determination data in § **300-33**.
- 993 (3) Data listed in § **300-25A(2)** where the applicant has not submitted this information
- 994 to the County Land Use Planning and Zoning Department.
- 995 (4) Other data submitted with the application or submitted to the County Board of
- 996 Adjustment with the appeal.

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

- 998 (1) Follow the procedures of § **300-40**;
- 999 (2) Consider County Land Use Planning and Zoning Committee recommendations;
- 1000 and
- 1001 (3) Either uphold the denial or grant the appeal.

1002 C. For appeals concerning increases in regional flood elevation, the County Board of

1003 Adjustment shall:

- 1004 (1) Uphold the denial where the County Board of Adjustment agrees with the data
- 1005 showing an increase in flood elevation. Increases may only be allowed after
- 1006 amending the flood profile and map and all appropriate legal arrangements are
- 1007 made with all adversely affected property owners as per the requirements of Article

1008 IX, *Amendments*.

1009 (2) Grant the appeal where the County Board of Adjustment agrees that the data
1010 properly demonstrates that the project does not cause an increase provided that no
1011 other reasons for denial exist.

1012 **§ 300-42 Floodproofing Standards for Nonconforming Structures or Uses**

1013 A. No permit or variance shall be issued for a non-residential structure designed to be
1014 watertight below the regional flood elevation until the applicant submits a plan
1015 certified by a registered professional engineer or architect that the flood proofing
1016 measures will protect the structure or development to the flood-protection elevation
1017 and submits a FEMA Floodproofing Certificate.

1018 B. For a structure designed to allow the entry of floodwaters, no permit or variance
1019 shall be issued until the applicant submits a plan either:

1020 (1) certified by a registered professional engineer or architect; or

1021 (2) meets or exceeds the following standards:

1022 (a) a minimum of two openings having a total net area of not less than one
1023 square inch for every square foot of enclosed area subject to flooding;

1024 (b) the bottom of all openings shall be no higher than one foot above grade;
1025 and

1026 (c) Openings may be equipped with screens, louvers, valves, or other
1027 coverings or devices provided that they permit the automatic entry and exit of flood
1028 waters.

1029 C. Flood proofing measures shall be designed to:

1030 (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other
1031 regional flood factors;

1032 (2) Protect structures to the flood-protection elevation;

1033 (3) Anchor structures to foundations to resist flotation and lateral movement; and

1034 (4) Minimize or eliminate infiltration of flood waters; and

1035 (5) Minimize or eliminate discharges into flood waters.

1036 D. Flood proofing measures could include:

1037 (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure
1038 or floating debris.

1039 (2) Adding mass or weight to prevent flotation.

- 1040 (3) Placing essential utilities above the flood-protection elevation.
- 1041 (4) Installing surface or subsurface drainage systems to relieve foundation wall and
1042 basement floor pressures.
- 1043 (5) Constructing water supply wells and waste treatment systems to prevent the entry
1044 of floodwaters.
- 1045 (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.
- 1046 § 300-43 **Public information.**
- 1047 A. Place marks on structures to show the depth of inundation during the regional
1048 flood.
- 1049 B. All maps, engineering data and regulations shall be available and widely
1050 distributed.
- 1051 C. All real estate transfers should show what floodplain zoning district any real
1052 property is in.

1053 **Article IX**
1054 **Amendments**

- 1055 § 300-44 **Amendments.**
- 1056 Obstructions or increases may only be permitted if amendments are made to this
1057 ordinance, the official floodplain zoning maps, floodway lines and water surface profiles,
1058 in accordance with Section 300-44C.
- 1059 A. In AE Zones with a mapped floodway, no obstructions or increases shall be
1060 permitted unless the applicant receives a Conditional Letter of Map Revision (CLOMR)
1061 from FEMA and amendments are made to this chapter, the official floodplain zoning
1062 maps, floodway lines and water surface profiles, in accordance with Section 300-44C.
1063 Any such alterations must be reviewed and approved by FEMA and the WDNR.
- 1064 B. In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the
1065 applicant receives a Conditional Letter of Map Revision (CLOMR) from FEMA and
1066 amendments are made to this chapter, the official floodplain maps, floodway lines and
1067 water surface profiles, in accordance with Section 300-44C.
- 1068 C. The County Board shall change or supplement the floodplain zoning district
1069 boundaries and this chapter in the manner outlines in Section 300-45 below. Actions
1070 which require an amendment to this chapter and/or submittal of a Letter of Map Change
1071 (LOMC) include, but are not limited to, the following:
- 1072 (1) Any change to the floodplain boundaries and/or watercourse alterations in the
1073 FIRM;

- 1074 (2) Correction of discrepancies between the water surface profiles and Floodplain
1075 Zoning Maps.
- 1076 (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or
1077 above the flood-protection elevation and is contiguous to land lying outside the
1078 floodplain.
- 1079 (4) Any fill or floodway encroachment that obstructs flow causing any increase in the
1080 regional flood height;
- 1081 (5) Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis.
1082 Adm. Code, or otherwise required by law or for changes by Green Lake County.
- 1083 (6) All channel relocations and changes to the maps to alter floodway lines or to
1084 remove an area from the floodway or the flood-fringe that is based on a base flood
1085 elevation from a Flood Insurance Rate Map requires prior approval by the Federal
1086 Emergency Management Agency.
- 1087 (7) Any changes to any other officially adopted floodplain maps listed in Section 300-
1088 10B.

1089 **§ 300-45 Amendment procedure.**

1090 Amendments to this chapter may be made upon petition of any interested party
1091 according to the provisions of § 59.69, Wis. Stats. Such petitions shall include all
1092 necessary data required by §§ **300-33** and **300-38B**. The land use permit shall not be
1093 issued until a Letter of Map Revision (LOMR) is issued by FEMA for the proposed
1094 changes.

1095 A. The proposed amendment shall be referred to the County Land Use Planning and
1096 Zoning Committee for a public hearing and recommendation to the County Board.
1097 The amendment and notice of public hearing shall be submitted to the Wisconsin
1098 Department of Natural Resources regional office for review prior to the hearing. The
1099 amendment procedure shall comply with the provisions of § 59.69, Wis. Stats.

1100 B. No amendments shall become effective until reviewed and approved by the
1101 Wisconsin Department of Natural Resources.

1102 C. All persons petitioning for a map amendment that obstructs flow, increasing
1103 regional flood height 0.01 foot or more, shall obtain flooding easements or other
1104 appropriate legal arrangements from all adversely affected property owners and
1105 notify local units of government before the amendment can be approved by the
1106 County Board.

1107 **Article X**
1108 **Enforcement**

1109 **§ 300-46 Investigation.**

1110 Any violation of the provisions of this chapter shall be deemed unlawful. When

1111 necessary, to determine compliance with this chapter, the Land Use Planning and
1112 Zoning Department shall investigate alleged violations. After confirmation that a
1113 violation exists, the Land Use Planning and Zoning Department shall pursue compliance
1114 of the violation.

1115 **§ 300-46.1 Violations and penalties; citations.**

1116 A. Any violation of the provisions of this chapter by or under the direction of the
1117 landowner shall be brought into compliance upon notification by the Land Use
1118 Planning and Zoning Department or the Land Use Planning and Zoning Committee
1119 or the County Corporation Counsel.

1120 B. The County Corporation Counsel shall have the authority to use all legal remedies
1121 necessary to pursue compliance with the provisions of this chapter. After
1122 consultation with the Land Use Planning and Zoning Department and/or the Land
1123 Use Planning and Zoning Committee, the Corporation Counsel shall determine
1124 which legal remedy or legal remedies are in order to pursue compliance with the
1125 provisions of this chapter.

1126 C. Any landowner who violates or refuses to comply with any of the provisions of this
1127 chapter shall be subject to, upon conviction, a forfeiture of not less than \$10 nor
1128 more than \$50 per offense, together with the taxable costs of action. Each day that
1129 the violation exists shall constitute a separate offense.

1130 D. In addition to the Corporation Counsel having the authority to pursue compliance
1131 per Subsection **B** above, the designated staff of the Land Use Planning and Zoning
1132 Department shall have the authority and may prepare, sign and issue citations in
1133 order to commence action to achieve compliance with the provisions of this
1134 chapter.

1135 **§ 300-46.2 Stop-work order.**

1136 A. No land use permit obtained. When the Land Use Planning and Zoning Department
1137 is notified or becomes aware of any activity in violation of the provisions of this
1138 chapter by or under the direction of the landowner that requires issuance of a land
1139 use permit pursuant to this chapter, and such a permit has not been obtained, the
1140 Land Use Planning and Zoning Department may issue a stop-work order requiring
1141 any such activity to be immediately stopped and enjoined.

1142 B. Land use permit obtained. When the Land Use Planning and Zoning Department is
1143 notified or becomes aware of any activity in violation of the provisions of this
1144 chapter by or under the direction of the landowner for which a land use permit was
1145 issued and the actual activity deviates from that land use permit, the Land Use
1146 Planning and Zoning Department may issue a stop-work order requiring the activity
1147 to be immediately stopped and enjoined.

1148 C. The stop-work order shall be mailed to the subject landowner's property tax bill
1149 mailing address or the mailing address as stated on the land use permit application
1150 and/or to any person signing the land use permit application.

1151 D. The stop-work order card issued and posted by the Land Use Planning and Zoning
1152 Department shall be posted at the subject site in plain view from a non-trespass
1153 location off the subject property. A stop-work order card shall remain posted until
1154 compliance of the violation occurs.

1155 E. An action filed pursuant to § 300-40 of this chapter to the County Board of
1156 Adjustment or to any court shall stop work during and until the final outcome of the
1157 action has been reached or until so ordered by a court of appropriate jurisdiction.

1158 § 300-46.3 **Injunction.**

1159 Every violation of this chapter is a public nuisance, and the creation thereof may be
1160 enjoined and the maintenance thereof abated pursuant to § 87.30, Wis. Stats.

1161 **Article XI**
1162 **Definitions**

1163 § 300-47 **Word usage and definitions.**

1164 Unless specifically defined, words and phrases used in this chapter shall have their
1165 common law meaning and shall be applied in accordance with their common usage.
1166 Words used in the present tense include the future, the singular number includes the
1167 plural, and the plural number includes the singular. The word "may" is permissive, and
1168 the word "shall" is mandatory and not discretionary.

1169 **1. ACCESSORY STRUCTURE OR USE**

1170 A facility, structure, building or use which is accessory or incidental to the principal
1171 use of a property, structure or building.

1172 **2. A ZONES**

1173 Those areas shown on the Official Floodplain Zoning Map which would be
1174 inundated by the regional flood. These areas may be numbered or unnumbered A
1175 Zones. The A Zones may or may not be reflective of flood profiles, depending on
1176 the availability of data for a given area.

1177 **3. AH ZONE –** See “AREA OF SHALLOW FLOODING”.

1178 **4. AO ZONE –** See “AREA OF SHALLOW FLOODING”.

1179 **5. ALTERATION –** An enhancement, upgrading or substantial change or modifications
1180 other than an addition or repair to a dwelling or to electrical, plumbing, heating,
1181 ventilating, air conditioning and other systems within a structure.

1182 **6. AREA OF SHALLOW FLOODING –** A designated AO, AH, AR/AO, AR/AH, or VO
1183 zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater
1184 chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel
1185 does not exist, where the path of flooding is unpredictable, and where velocity flood may
1186 be evident. Such flooding is characterized by ponding or sheet flow.

1187 **7. BASE FLOOD**

1188 The flood having a one-percent chance of being equaled or exceeded in any given

1189 year, as published by the Federal Emergency Management Agency as part of a
1190 Flood Insurance Study and depicted on a Flood Insurance Rate Map.

1191 **8. BASEMENT**

1192 Any enclosed area of a building having its floor subgrade, i.e., below ground level,
1193 on all sides.

1194 **9. BUILDING**

1195 See "structure."

1196 **10. BULKHEAD LINE**

1197 A geographic line along a reach of navigable water that has been adopted by a
1198 municipal ordinance and approved by the Wisconsin Department of Natural
1199 Resources pursuant to § 30.11, Wis. Stats., and which allows limited filling between
1200 this bulkhead line and the original ordinary high-water mark, except where such
1201 filling is prohibited by the floodway provisions of this chapter.

1202 **11. CAMPGROUND**

1203 Any area of land which is designed, maintained, intended or used for the purpose
1204 of providing sites for nonpermanent overnight use by four or more camping units or
1205 which is advertised or represented as a camping area.

1206 **12. CAMPING UNIT**

1207 Any portable device, no more than 400 square feet in area, used as a temporary
1208 shelter for human habitation, including but not limited to a camping trailer, motor
1209 home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for
1210 highway use.

1211 **13. CERTIFICATE OF COMPLIANCE**

1212 A certification that the construction and the use of land or a building, the elevation
1213 of fill or the lowest floor of a structure is in compliance with all of the provisions of
1214 this chapter.

1215 **14. CHANNEL**

1216 A natural or artificial watercourse with definite bed and banks to confine and
1217 conduct the normal flow of water.

1218 **15. CRAWLWAY or CRAWL SPACE**

1219 An enclosed area below the first usable floor of a building, generally less than five
1220 feet in height, used for limited access to plumbing and electrical utilities.

1221 **16. DECK**

1222 An unenclosed exterior structure that has no roof or sides, characterized by a flat,
1223 open, horizontal surface or platform suspended above the grade of land it covers,
1224 but which has a permeable floor that allows the infiltration of precipitation.

- 1225 **17. DEPARTMENT**
1226 The Wisconsin Department of Natural Resources.
- 1227 **18. DEVELOPMENT**
1228 Any artificial change to improved or unimproved real estate, including but not
1229 limited to the construction of buildings, structures or accessory structures; the
1230 construction of additions or alterations to buildings, structures or accessory
1231 structures; the repair of any damaged structure or the improvement or renovation of
1232 any structure, regardless of the percentage of damage or improvement; the
1233 placement of buildings or structures; subdivision layout and site preparation;
1234 mining, dredging, filling, grading, paving, excavation or drilling operations; the
1235 storage, deposition or extraction of materials or equipment; and the installation,
1236 repair or removal of public or private sewage disposal systems or water supply
1237 facilities.
- 1238 **19. DRY LAND ACCESS**
1239 A vehicular access route which is above the regional flood elevation and which
1240 connects land located in the floodplain to land outside the floodplain, such as a
1241 road with its surface above regional flood elevation and wide enough for wheeled
1242 rescue and relief vehicles.
- 1243 **20. ENCROACHMENT**
1244 Any fill, structure, equipment, building, use or development in the floodway.
- 1245 **21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**
1246 The federal agency that administers the National Flood Insurance Program.
- 1247 **22. FLOOD INSURANCE RATE MAP (FIRM) –** A map of a community on which the
1248 Federal Insurance Administration has delineated both the floodplain and the risk
1249 premium zones applicable to the community. This map can only be amended by the
1250 Federal Emergency Management Agency.
- 1251 **23. FLOOD or FLOODING –** A general and temporary condition of partial or complete
1252 inundation of normally dry land areas caused by one of the following conditions:
- 1253 • The overflow or rise of inland waters;
- 1254 • The rapid accumulation or runoff of surface waters from any source;
- 1255 • The undulation caused by waves or currents of water exceeding anticipated
1256 cyclical levels along the shore of Lake Michigan or Lake Superior; or
- 1257 • The sudden increase caused by an unusually high water level in a natural body
1258 of water, accompanied by a severe storm, or by an unanticipated force of nature,
1259 such as a seiche or by some similarly unusual event.
- 1260 **24. FLOOD FREQUENCY**
1261 The probability of a flood occurrence which is determined from statistical analyses.
1262 The frequency of a particular flood event is usually expressed as occurring, on the

1263 average, once in a specified number of years or as a percent chance of occurring in
1264 any given year.

1265 **25. FLOOD-FRINGE**

1266 That portion of the floodplain outside of the floodway which is covered by
1267 floodwaters during the regional flood and associated with standing water rather
1268 than flowing water.

1269 **26. FLOOD HAZARD BOUNDARY MAP**

1270 A map designating approximate flood hazard areas. Flood hazard areas are
1271 designated as unnumbered A Zones and do not contain floodway lines or regional
1272 flood elevations. This map forms the basis for both the regulatory and insurance
1273 aspects of the National Flood Insurance Program until superseded by a Flood
1274 Insurance Study and a Flood Insurance Rate Map.

1275 **27. FLOOD INSURANCE STUDY**

1276 A technical engineering examination, evaluation, and determination of the local
1277 flood hazard areas. It provides maps designating those areas affected by the
1278 regional flood and provides both flood insurance rate zones and base flood
1279 elevations and may provide floodway lines. The flood hazard areas are designated
1280 as numbered and unnumbered A Zones. Flood Insurance Rate Maps, which
1281 accompany the Flood Insurance Study, form the basis for both the regulatory and
1282 the insurance aspects of the National Flood Insurance Program.

1283 **28. FLOODPLAIN**

1284 Land which has been or may be covered by floodwater during the regional flood. It
1285 includes the floodway and the flood-fringe and may include other designated
1286 floodplain areas for regulatory purposes.

1287 **29. FLOODPLAIN ISLAND**

1288 A natural geologic land formation within the floodplain that is surrounded, but not
1289 covered, by floodwater during the regional flood.

1290 **30. FLOODPLAIN MANAGEMENT**

1291 Policy and procedures to insure wise use of floodplains, including mapping and
1292 engineering, mitigation, education, and administration and enforcement of
1293 floodplain regulations.

1294 **31. FLOOD PROFILE**

1295 A graph or a longitudinal profile line showing the relationship of the water surface
1296 elevation of a flood event to locations of land surface elevations along a stream or
1297 river.

1298 **32. FLOODPROOFING**

1299 Any combination of structural provisions, changes or adjustments to properties and
1300 structures, water and sanitary facilities and contents of buildings subject to flooding,

- 1301 for the purpose of reducing or eliminating flood damage.
- 1302 **33. FLOOD-PROTECTION ELEVATION**
1303 An elevation of two feet of freeboard above the water surface profile elevation
1304 designated for the regional flood. (See also "freeboard.")
- 1305 **34. FLOOD STORAGE**
1306 Those floodplain areas where storage of floodwaters has been taken into account
1307 during analysis in reducing the regional flood discharge.
- 1308 **35. FLOODWAY**
1309 The channel of a river or stream and those portions of the floodplain adjoining the
1310 channel required to carry the regional flood discharge.
- 1311 **36. FREEBOARD**
1312 A safety factor expressed in terms of a specified number of feet above a calculated
1313 flood level. Freeboard compensates for any factors that cause flood heights greater
1314 than those calculated, including ice jams, debris accumulation, wave action,
1315 obstruction of bridge openings and floodways, the effects of watershed
1316 urbanization, the loss of flood storage areas due to development and aggregation
1317 of the river- or streambed.
- 1318 **37. HABITABLE STRUCTURE**
1319 Any structure or portion thereof used or designed for human habitation.
- 1320 **38. HEARING NOTICE**
1321 A publication or posting meeting the requirements of Ch. 985, Wis. Stats. For
1322 appeals, a Class 1 notice, published once at least one week (seven days) before
1323 the hearing, is required. For all zoning ordinances and amendments, a Class 2
1324 notice, published twice, once each week consecutively, the last at least a week
1325 (seven days) before the hearing, is required. Local ordinances or bylaws may
1326 require additional notice, exceeding these minimums.
- 1327 **39. HIGH FLOOD-DAMAGE POTENTIAL**
1328 Damage that could result from flooding that includes any danger to life or health or
1329 any significant economic loss to a structure or building and its contents.
- 1330 **40. HIGHEST ADJACENT GRADE –** The highest natural elevation of the ground
1331 surface prior to construction next to the proposed walls of a structure.
- 1332 **41. HISTORIC STRUCTURE**
1333 Any structure that is either:
- 1334 A. Listed individually in the National Register of Historic Places or preliminarily
1335 determined by the Secretary of the Interior as meeting the requirements for
1336 individual listing on the National Register;

- 1337 B. Certified or preliminarily determined by the Secretary of the Interior as
1338 contributing to the historical significance of a registered historic district or a
1339 district preliminarily determined by the Secretary to qualify as a registered
1340 historic district;
- 1341 C. Individually listed on a state inventory of historic places in states with historic
1342 preservation programs which have been approved by the Secretary of the
1343 Interior; or
- 1344 D. Individually listed on a local inventory of historic places in communities with
1345 historic preservation programs that have been certified either by an approved
1346 state program, as determined by the Secretary of the Interior, or by the
1347 Secretary of the Interior in states without approved programs.

1348 **42. INCREASE IN REGIONAL FLOOD HEIGHT**

1349 A calculated upward rise in the regional flood elevation, equal to or greater than
1350 0.00 foot, based on a comparison of existing conditions and proposed conditions,
1351 which is directly attributable to development in the floodplain but not attributable to
1352 manipulation of mathematical variables such as roughness factors, expansion and
1353 contraction coefficients and discharge.

1354 **43. LAND USE**

1355 Any use made of an unimproved or improved land area. (See also "development.")

1356 **44. LOWEST ADJACENT GRADE –** Elevation of the lowest ground surface that
1357 touches any of the exterior walls of a building.

1358 **45. LOWEST FLOOR –** The lowest floor of the lowest enclosed area (including
1359 basement). An unfinished or flood resistant enclosure, usable solely for parking
1360 vehicles, building access or storage in an area other than a basement area is not
1361 considered a building's lowest floor; provided that such enclosure is not built so as
1362 to render the structure in violation of the applicable non-elevation design
1363 requirements of 44 CFR 60.3.

1364 **46. MAINTENANCE –** The act or process of restoring to original soundness, including
1365 redecorating, refinishing, non-structural repairs, or the replacement of exiting
1366 fixtures, systems, or equipment with equivalent fixtures, systems or structures.

1367 **47. MANUFACTURED HOME**

1368 A structure transportable in one or more sections which is built on a permanent
1369 chassis and is designed to be used with or without a permanent foundation when
1370 connected to required utilities. The term "manufactured home" includes a mobile
1371 home but does not include a mobile recreational vehicle.

1372 **48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION –** A parcel (or
1373 contiguous parcels) of land, divided into two or more manufactured home lots for
1374 rent or sale.

- 1375 **49. MOBILE.MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A**
1376 parcel of land, divided into two or more manufactured home lots for rent or sale, on
1377 which the construction of facilities for servicing the lots is completed before the
1378 effective date of this ordinance. At a minimum, this would include the installation of
1379 utilities, the construction of streets and either final site grading or the pouring of
1380 concrete pads.
- 1381 **50. MOBILE.MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The**
1382 preparation of additional sites by the construction of facilities for servicing the lots
1383 on which the manufactured homes are to be affixed. This includes installation of
1384 utilities, construction of streets and either final site grading or the pouring of
1385 concrete pads.
- 1386 **51. MOBILE RECREATIONAL VEHICLE**
1387 A vehicle which is built on a single chassis, 400 square feet or less when
1388 measured at the largest horizontal projection, designed to be self-propelled, carried
1389 or permanently towable by a licensed, light-duty vehicle, is licensed for highway
1390 use if registration is required and is designed primarily not for use as a permanent
1391 dwelling but as temporary living quarters for recreational, camping, travel or
1392 seasonal use. Manufactured homes that are towed or carried onto a parcel of land
1393 but do not remain capable of being towed or carried, including park model homes,
1394 do not fall within the definition of "mobile recreational vehicle."
- 1395 **52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects**
1396 any errors that occur in the Duplicate Effective Model, adds any additional cross
1397 sections to the Duplicate Effective Model, or incorporates more detailed
1398 topographic information than that used in the current effective model.
- 1399 **53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the**
1400 effective Flood Insurance Study (FIS) and referred to as the effective model.
- 1401 **54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce**
1402 the current effective Flood Insurance Study (FIS).
- 1403 **55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective**
1404 Model or Corrected Effective Model to reflect any man made modifications that
1405 have occurred within the floodplain since the date of the effective model but prior to
1406 the construction of the project for which the revision is being requested. If no
1407 modification has occurred since the date of the effective model, then this model
1408 would be identical to the Corrected Effective Model or Duplicate Effective Model.
- 1409 **56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-**
1410 Project Conditions Model, Duplicate Effective Model or Corrected Effective Model
1411 to reflect revised or post-project conditions.
- 1412
- 1413 **57. MUNICIPALITY or MUNICIPAL**
1414 The county, city or village governmental units enacting, administering and enforcing
1415 this zoning chapter.

- 1416 **58. NAVD or NORTH AMERICAN VERTICAL DATUM**
1417 Elevations referenced to mean sea level datum, 1988 adjustment.
- 1418 **59. NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to
1419 mean sea level datum, 1929 adjustment.
- 1420 **60. NEW CONSTRUCTION**
1421 For floodplain management purposes, "new construction" means structures for
1422 which the start of construction commenced on or after the effective date of
1423 floodplain zoning regulations adopted by this community and includes any
1424 subsequent improvements to such structures. For the purpose of determining flood
1425 insurance rates, it includes any structures for which the start of construction
1426 commenced on or after the effective date of an initial Flood Insurance Rate Map or
1427 after December 31, 1974, whichever is later, and includes any subsequent
1428 improvements to such structures.
- 1429 **61. NONCONFORMING STRUCTURE**
1430 An existing lawful structure or building that is not in conformity with the dimensional
1431 or structural requirements of this chapter for the area of the floodplain that it
1432 occupies. (For example, an existing residential structure in the flood-fringe district is
1433 a conforming use. However, if the lowest floor is lower than the flood-protection
1434 elevation, the structure is nonconforming.)
- 1435 **62. NONCONFORMING USE**
1436 An existing lawful use or accessory use of a structure or building which is not in
1437 conformity with the provisions of this chapter for the area of the floodplain which it
1438 occupies (such as a residence in the floodway).
- 1439 **63. OBSTRUCTION TO FLOW**
1440 Any development which blocks the conveyance of floodwaters such that this
1441 development alone or together with any future development will cause an increase
1442 in regional flood height.
- 1443 **64. OFFICIAL FLOODPLAIN ZONING MAP**
1444 That map, adopted and made part of this chapter, as described in § **300-10**, which
1445 has been approved by the Wisconsin Department of Natural Resources and the
1446 Federal Emergency Management Agency.
- 1447 **65. OPEN SPACE USE**
1448 Those uses having a relatively low flood-damage potential and not involving
1449 structures.
- 1450 **66. ORDINARY HIGH-WATER MARK**
1451 The point on the bank or shore up to which the presence and action of surface
1452 water is so continuous as to leave a distinctive mark, such as by erosion,
1453 destruction or prevention of terrestrial vegetation, predominance of aquatic
1454 vegetation, or other easily recognized characteristic.

- 1455 **67. PERSON**
1456 An individual, or group of individuals, corporation, partnership, association,
1457 municipality or state agency.
- 1458 **68. PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM (POWTS)**
1459 A sewage treatment and disposal system serving one structure with a septic tank
1460 and soil absorption field located on the same land area as the structure. It also
1461 means an alternative sewage system approved by the Department of Safety and
1462 Professional Services, including a substitute for the septic tank or soil absorption
1463 field, a holding tank, a system serving more than one structure or a system located
1464 on a different land area than the structure.
- 1465 **69. PUBLIC UTILITIES**
1466 Those utilities using underground or overhead transmission lines, such as electric,
1467 telephone and telegraph, and distribution and collection systems, such as water,
1468 sanitary sewer and storm sewer.
- 1469 **70. REASONABLY SAFE FROM FLOODING**
1470 Means that base flood waters will not inundate the land or damage structures to be
1471 removed from the floodplain and that any subsurface waters related to the base
1472 flood will not damage existing or proposed buildings.
- 1473 **71. REGIONAL FLOOD**
1474 A flood determined to be representative of large floods known to have occurred in
1475 Wisconsin. A regional flood is a flood with a one-percent chance of being equaled
1476 or exceeded in any given year, and if depicted on the Flood Insurance Rate Map,
1477 the regional flood elevation is equivalent to the base flood elevation.
- 1478 **72. START OF CONSTRUCTION**
1479 The date the building permit was issued, provided that the actual start of
1480 construction, repair, reconstruction, rehabilitation, addition, placement, or other
1481 improvement was within 180 days of the permit date. The "actual start" means
1482 either the first placement of permanent construction on a site, such as the pouring
1483 of slab or footings, the installation of piles, the construction of columns, or any work
1484 beyond initial excavation, or the placement of a manufactured home on a
1485 foundation. Permanent construction does not include land preparation, such as
1486 clearing, grading and filling, nor does it include the installation of streets and/or
1487 walkways, nor does it include excavation for a basement, footings, piers or
1488 foundations or the erection of temporary forms, nor does it include the installation
1489 on the property of accessory buildings, such as garages or sheds not occupied as
1490 dwelling units or not part of the main structure. For an alteration, the actual start of
1491 construction means the first alteration of any wall, ceiling, floor or other structural
1492 part of a building, whether or not that alteration affects the external dimensions of
1493 the building.
- 1494 **73. STRUCTURE**

1495 Any man-made object with form, shape and utility, either permanently or
1496 temporarily attached to, placed upon or set into the ground, streambed or lakebed,
1497 including but not limited to roofed and walled buildings, gas or liquid storage tanks,
1498 bridges, dams and culverts.

1499 **74. SUBDIVISION**

1500 Has the meaning given in Chapter 236.02(12), Wis. Statutes (as amended) which
1501 states that “subdivision” means a division of a lot, parcel, or tract of land by the
1502 owner thereof or the owner’s agent for the purpose of sale or of building
1503 development and to which any of the following applies:

1504 A. The act of division creates five or more land areas or building sites of 1.5 acres
1505 each or less in area; or

1506 B. The act creates five or more land areas or building sites of 1.5 acres each or
1507 less in area are created by successive division within a period of five years.

1508 **75. SUBSTANTIAL DAMAGE**

1509 Damage of any origin sustained by a structure, whereby the cost of restoring the
1510 structure to its pre-damaged condition would equal or exceed 50% of the equalized
1511 assessed value of the structure before the damage occurred.

1512 **76. SUBSTANTIAL IMPROVEMENT**

1513 Any repair, reconstruction, rehabilitation, addition or improvement of a building or
1514 structure, the cost of which equals or exceeds 50 percent of the equalized
1515 assessed value of the structure before the improvement or repair is started. If the
1516 structure has sustained substantial damage, any repairs are considered substantial
1517 improvements regardless of the work performed. The term does not, however,
1518 include either any project for the improvement of a building required to correct
1519 existing health, sanitary, or safety code violations identified by the building official
1520 and that are the minimum necessary to assure safe living conditions; or any
1521 alteration of a historic structure provided that the alteration will not preclude the
1522 structure’s continued designation as a historic structure.

1523 **77. UNNECESSARY HARDSHIP**

1524 Where special conditions affecting a particular property, which were not self-
1525 created, have made strict conformity with restrictions governing areas, setbacks,
1526 frontage, height or density unnecessarily burdensome or unreasonable in light of
1527 the purposes of this chapter.

1528 **78. VARIANCE**

1529 An authorization by the Board of Adjustment for the construction or maintenance of
1530 a building or structure in a manner which is inconsistent with dimensional standards
1531 (not uses) contained in this chapter.

1532 **79. VIOLATION**

1533 The failure of a structure or other development to be fully compliant with this
1534 chapter. A structure or other development without required permits, lowest floor
1535 elevation documentation, floodproofing certificates or required floodway
1536 encroachment calculations is presumed to be in violation until such time as that
1537 documentation is provided.

1538 **80. WATERSHED**

1539 The entire region contributing runoff or surface water to a watercourse or body of
1540 water.

1541 **81. WATER SURFACE PROFILE**

1542 A graphical representation showing the elevation of the water surface of a
1543 watercourse for each position along a reach of river or stream at a certain flood
1544 flow. A water surface profile of the regional flood is used in regulating floodplain
1545 areas.

1546 **82. WELL**

1547 An excavation opening in the ground, made by digging, boring, drilling, driving or
1548 other methods, to obtain groundwater, regardless of its intended use.

1549 **Attachments:**

1550

1551 Section 2. This ordinance shall become effective upon passage and publication.

1552 Section 3. The repeal and recreation of any section herein shall not have any effect on
1553 existing litigation and shall not operate as an abatement of any action or proceeding then
1554 pending or by virtue of the repealed sections.

1555 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
1556 repealed.