



GREEN LAKE COUNTY

571 County Road A, Green Lake, WI 54941

The following documents are included in the packet for the Land Use Planning & Zoning Committee meeting on Thursday, June 7, 2018:

Packet Pages:

- 1 **Amended** Agenda
- 2-7 Draft meeting minutes from May 3, 2018
- 8-11 Monthly financial reports
- 12-13 Land use permits and sanitary permits issued in April
- 18-24 2017 Wisconsin Act 67 – Conditional Use Permits
- 25 Public hearing notice
- 26-70 Item I: Green Lake County Land Use Planning and Zoning Committee Amend Code of Green Lake, Chapter 300 of the Floodplain Zoning Ordinance. The purpose of the ordinance amendment is to remain compliant with the National Flood Insurance Program (NFIP) by adopting recent FEMA and WDNR changes to NR116

If you have questions or need additional information, please contact the Land Use Planning & Zoning Department at (920) 294-4156.



GREEN LAKE COUNTY
Land Use Planning & Zoning Committee
571 County Road A, Green Lake, WI 54941

Office: (920) 294-4156
FAX: (920) 294-4198

Land Use Planning & Zoning Committee Meeting Notice

Date: 06/07/18 Time: 5:15 p.m.
Green Lake County Government Center, Room #0902
571 County Road A, Green Lake, WI 54941

***AMENDED AGENDA 06/06/18**

Committee Members

William Boutwell
Robert Lyon
Harley Reabe
Curt Talma
Peter Wallace

Keith Hess,
Alternate

Carole DeCramer,
Secretary

1. Call to Order
2. Pledge of Allegiance
3. Certification of Open Meeting Law
4. Minutes: 05/03/18
5. Public comments: 3-minute limit
6. Public appearances
7. Correspondence
8. Department activity reports
 - a. Financial reports
 - b. Permits
 - c. Violation reports
9. Department/Committee activity
 - a. 2017 Wisconsin Act 67 – Conditional Use Permits
 - b. Planning & Zoning Committee training
 - c. * City of Berlin ETZA update and discussion**
 - d. * Conditional use permit application process**
10. Future committee activities
 - a. Future agenda items
 - b. Meeting date(s)
July 5, 2018
Business meeting 5:15 p.m.
Public hearing 6:30 p.m.

6:30 p.m. Public Hearing

Item I: Applicant: Green Lake County Land Use Planning and Zoning Committee **Request:** Amend Code of Green Lake, Chapter 300 of the Floodplain Zoning Ordinance. The purpose of the ordinance amendment is to remain compliant with the National Flood Insurance Program (NFIP) by adopting recent FEMA and WDNR changes to NR116. The proposed ordinance amendment is available for review and inspection at the County Government Center, Land Use Planning & Zoning Department, 571 County Road A, Green Lake, WI, and the county website. To view the proposed floodplain zoning ordinance amendment on the website:

- Go to www.co.green-lake.wi.us
 - Click on Departments
 - Click on Land Use Planning & Zoning
 - Go to Downloads and click on Floodplain Zoning Ordinance Amendment
- a. Public Hearing
 - b. Committee Discussion & Deliberation
 - c. Committee Decision
 - d. Execute Determination Form/Ordinance

11. Adjourn

Kindly arrange to be present, if unable to do so, please notify our office. Sincerely, Carole DeCramer

Please note: Meeting area is accessible to the physically disabled. Anyone planning to attend who needs visual or audio assistance, should contact the Land Use Planning & Zoning Department at 294-4156, not later than 3 days before date of the meeting.

**GREEN LAKE COUNTY
LAND USE PLANNING AND ZONING
COMMITTEE MEETING MINUTES
Thursday, May 3, 2018**

CALL TO ORDER

Land Use Planning & Zoning Director Matt Kirkman called the meeting of the Land Use Planning and Zoning Committee to order at 5:16 p.m. in the Green Lake County Government Center, County Board Room, Green Lake, WI. The requirements of the open meeting law were certified as being met.

PLEDGE OF ALLEGIANCE

ROLL CALL:

Present: **William Boutwell, Robert Lyon, Harley Reabe, Curt Talma, Peter Wallace**

Absent:

Also Present: **Matt Kirkman**, Land Use Planning and Zoning Director
Carole DeCramer, Committee Secretary
Dan Sondalle, Assistant Corporation Counsel
Keith Hess, Committee Alternate

APPROVAL OF AGENDA

Motion by Wallace/Lyon, unanimously carried, to move agenda items #6 and #7 to #5 and #6, and to approve the amended agenda.

ELECTION OF COMMITTEE CHAIR

Kirkman called for nominations for Committee Chair.

Wallace nominated Robert Lyon for Committee Chair.

Motion by Reabe/Wallace, unanimously carried, to close nominations and cast a unanimous ballot for Robert Lyon for Committee Chair.

Kirkman handed the gavel to Chair Lyon.

ELECTION OF COMMITTEE VICE CHAIR

Lyon called for nominations for Committee Vice Chair.

Wallace nominated Reabe for Committee Vice Chair.

Motion by Wallace/Boutwell, unanimously carried, to close nominations and cast a unanimous ballot for Harley Reabe as Committee Vice Chair.

APPROVAL OF MINUTES

Motion by Reabe/Wallace, unanimously carried, to approve the 04/05/18 minutes

CORRECTION OF 11/02/17 MINUTES

Kirkman explained that, at the 11/02/17 meeting, when the committee approved to amend Chapter 350 zoning articles III, IV, VI, VII, VIII, IX, XI, XIII, and Appendix A, there was an error on the ordinance that listed the text of the ordinance but not the zoning maps. After reviewing the audio tape of that meeting, staff found and corporation counsel agreed, that the information that was presented and approved was correct. The mistake was the omission of the words “and maps” from the drafted ordinance and the incorrect wording of the motion that was made. A new motion would reflect what was actually done and said.

Motion from 11/02/17 minutes:

Motion by Lyon/Wallace, unanimously carried on roll call (4-eyes, 0-nays), to amend Chapter 350, Zoning, Articles III, IV, VI, VII, VIII, IX, XI, XIII, and Appendix A. (See attached for ordinance text amendments.)

Corrected motion from 11/02/17 audio tape:

Motion by Reabe/Lyon, unanimously carried on roll call (4-eyes, 0-nays), to forward the zoning map and text amendments to County Board with Committee’s recommendation to approve.

Motion by Wallace/Reabe, unanimously carried, to approve the correction of the minutes.

PUBLIC COMMENT - None

PUBLIC APPEARANCES - None

CORRESPONDENCE - None

DEPARTMENT ACTIVITY REPORTS

a. Financial reports

Kirkman discussed the monthly financial reports, land use permits, and septic permits reports.

b. Permits

Kirkman explained the list of issued land use and sanitary septic permits for the month of March.

c. Violations

Kirkman discussed the list of land use violations and septic violations.

d. POWTS inventory & maintenance update

Kirkman explained the deadline for the POWTS inventory and maintenance update and how missing the deadline for the updates is tied to the Wisconsin Fund. Because the county missed the deadline, DSPS informed the county that qualifying Green Lake County Wisconsin Fund

applicants will not be eligible for receiving grant money for new septic systems. Corporation Counsel Klockow will look into this further.

e. Discuss Floodplain Ordinance

A copy of the proposed ordinance was sent to WI-DNR and their response included additional language. Corporation Counsel Klockow advised Kirkman that, with the added language, another public hearing should be scheduled for the June meeting in order to publish the additional language.

Motion by Boutwell/Talma, unanimously carried, to approve the additional updates as required by the WI-DNR.

f. Discussion related to the status of the City of Berlin's ETZA in the Town of Berlin

Kirkman explained how and why, in 1990, the ETZA was originally created in the Town of Berlin in cooperation with the City of Berlin. The City of Berlin would now like to dissolve the ETZA agreement and the 1,000+ affected parcels would now fall under the County's zoning ordinances. This is a concern for the county because it will create much more work.

The committee suggested meeting with the City of Berlin. Lyon asked that he be advised of the date so that he can attend.

DEPARTMENT/COMMITTEE ACTIVITY - None

6:31 p.m. The committee recessed until 6:40.

6:40 p.m. The committee reconvened.

PUBLIC HEARING ITEMS

Audio of committee discussion is available upon request from the Green Lake County Land Use Planning and Zoning Department.

Item I: Owners/Applicants: Dan W & Kathleen M Dumke and Lynn W & Lisa M Dumke
General legal description: South Gate Rd, Parcel #012-00394-0000 (±40 acres), Part of the NW¼ of Section 21, T14N, R12E, Town of Manchester **Request:** Rezone ±35 acres from I-Industrial District to A-1 Farmland Preservation District, and ±5 acres from I-Industrial District to R-4 Rural Residential District. To be determined by certified survey map.

- a) Public hearing

No one appeared.

Public hearing closed.

- b) Committee decision

Kirkman explained the request and read through the criteria for rezoning these parcels. Also, the Town of Manchester did not object to and approved the request.

c) Committee decision

Motion by Reabe/Wallace, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

Item II: Owners/Applicants: Brave Industries, LLC – Robert Hargrave **General legal description:** W594 State Road 23 49, Parcel #004-00285-0200 (±1 acre), Lot 1, Certified Survey Map 1364, Part of the SE¼ of Section 14, T16N, R13E, Town of Brooklyn **Request:** Conditional use permit request for an addition to a metal fabrication job shop.

a) Public hearing

No one appeared.

Public hearing closed.

b) Committee discussion & deliberation

Kirkman explained the request and read through the suggested conditions. Also, the Town of Brooklyn did not object to the request.

c) Committee decision

Motion by Wallace/Boutwell, unanimously carried on roll call (5-ayes, 0-nays), to approve the conditional use permit request as presented with the following conditions:

- 1. No additional expansion or addition of structures and/or uses relating to this conditional use permit shall occur without review and approval through future conditional use permit(s).**
- 2. The owners/applicants shall apply for and receive a County Land Use Permit prior to commencing any development related to this request.**
- 3. The owners/applicants shall apply for and obtain a new Sanitary Permit prior to any land use permit issuance.**
- 4. No industrial wastes shall be disposed into the POWTS.**
- 5. In areas that are not paved, adequate dust control measures be taken so as to not allow unreasonable amounts of dust to escape the subject site.**
- 6. Where outside lighting fixtures are used, the lighting shall occur with no direct glare affecting adjoining properties.**
- 7. Outside storage shall be limited to the designated area on the CUP site plan.**
- 8. Evidence that compliance with commercial building code requirements for the structures that are the subject of this request is being pursued by the landowner and applicant (if applicable) and shall be provided to the Land Use Planning & Zoning Department prior to land use permit issuance.**

Item III: Owners/Applicants: David Radtke **General legal description:** N3503, N3507, N3511 State Road 73, Parcel #014-00682-0000 (±1 acre) and #014-00687-0000 (±34.8 acres),

Part of the NW¼ & SW¼ of Section 22, T15N, R12E, Town of Marquette **Request:** Rezone ±2 acres from A-1 Farmland Preservation District to C-2 Extensive Commercial District. To be determined by certified survey map.

- a) Public hearing

No one appeared.

Public hearing closed.

- b) Committee discussion & deliberation

Kirkman explained the request and read through the criteria for rezoning these parcels. Also, the Town of Marquette did not object to and approved the request.

- c) Committee decision

Motion by Reabe/Boutwell, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

Item IV: Owners/Applicants: Mark A. Guderski Successor Co-Trustee **General legal description:** W1548 County Road K, Parcel #006-00159-0000 (±5 acres), Part of the NW¼ of Section 9, T15N, R13E, Town of Green Lake **Request:** Rezone ±5 acres from C-2 Extensive Commercial District to R-4 Rural Residential District.

- a) Public hearing

Tom Guderski, County Road K – Spoke in favor of the request.

Public hearing closed.

- b) Committee discussion & deliberation

Kirkman explained the request and read through the criteria for rezoning these parcels. Also, the Town of Green Lake did not object to and approved the request.

- c) Committee decision

Motion by Talma/Wallace, unanimously carried on roll call (5-ayes, 0-nays), to approve the rezone request as presented and forward to the county board for final action.

Item V: Applicant: Green Lake County Land Use Planning and Zoning Committee **Request:** Amend Code of Green Lake, Chapter 300 of the Floodplain Zoning Ordinance. The purpose of the ordinance amendment is to remain compliant with the National Flood Insurance Program (NFIP) by adopting recent FEMA and WDNR changes to NR116.

Close public hearing.

Motion by Talma/Wallace, unanimously carried, to schedule this for the June 7th public hearing.

FUTURE COMMITTEE ACTIVITIES

- a. Future agenda items**
- b. Meeting Date**
 - June 7, 2018
 - Business meeting – 5:15 p.m.
 - Public hearing – 6:30 p.m.

ADJOURN

7:24 p.m. Meeting adjourned.

RECORDED BY

Carole DeCramer
Committee Secretary

APPROVED ON:

DRAFT

**GREEN LAKE COUNTY
LAND USE PLANNING ZONING DEPARTMENT**

FEES RECEIVED		APRIL				YEAR TO DATE				BUDGET
		2017		2018		2017		2018		2018
		NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	NO.	AMOUNT	
LAND USE PERMITS										
Residential	New	4	350	3	850	8	1,900	4	1,000	-
	Alterations	5	550	11	1,950	14	2,000	22	4,800	-
Commercial	New	-	-	-	-	-	-	-	-	-
	Alterations	-	-	1	300	2	1,100	3	600	-
Agricultural	New	4	750	1	400	8	1,350	3	950	-
	Alterations	1	150	1	150	3	450	1	150	-
Other	New	-	-	-	-	-	-	-	-	-
	Alterations	-	-	-	-	-	-	-	-	-
Other	New	-	-	-	-	-	-	-	-	-
	Alterations	-	-	-	-	-	-	-	-	-
Misc.	Denied/Refunded	-	-	-	-	-	-	-	-	-
	Permit Renewals	-	-	-	-	-	-	-	-	-
Total		14	\$ 1,800	17	\$ 3,650	35	\$ 6,800	33	\$ 7,500	\$ 34,800 22%
SANITARY PERMITS (POWTS)										
Residential	New	1	355	3	840	5	1,475	5	1,400	-
	Replacement	4	1,120	3	655	7	2,035	8	2,055	-
	Reconnect	-	-	-	-	-	-	1	280	-
	Modify	-	-	2	430	-	-	2	430	-
	Repairs	-	-	-	-	-	-	-	-	-
	Additional Fees	-	-	-	-	-	-	-	-	-
Commercial	New	-	-	2	635	-	-	2	635	-
	Replacement	-	-	-	-	-	-	-	-	-
	Reconnect	-	-	-	-	-	-	-	-	-
	Modify	-	-	-	-	-	-	-	-	-
	Additional Fees	-	-	-	-	-	-	-	-	-
	Total	5	\$ 1,475	10	\$ 2,560	12	\$ 3,510	18	\$ 4,800	\$ 24,600 20%
NON-METALLIC MINING PERMITS										
Annual Permit Fees		-	-	-	-	18	14,500	18	15,300	-
Total		-	\$ -	-	\$ -	18	\$ 14,500	18	\$ 15,300	\$ -
BOARD OF ADJUSTMENT										
Special Exception		-	-	-	-	-	-	-	-	-
Variances		-	-	-	-	-	-	2	750	-
Appeals		-	-	-	-	-	-	-	-	-
Total		-	\$ -	-	\$ -	-	\$ -	2	\$ 750	\$ 750 100%
PLANNING & ZONING COMMITTEE										
Zoning Change		-	-	2	750	4	1,875	7	2,625	-
Conditional Use Permits		-	-	1	375	2	1,125	2	750	-
Ordinance/Comp Plan Amendments		-	-	-	-	-	-	-	-	-
Total		-	\$ -	3	\$ 1,125	6	\$ 3,000	9	\$ 3,375	\$ 7,000 48%
MISC.										
Rental Weatherization		3	75	-	-	9	225	-	-	-
Wisconsin Fund		-	-	-	-	-	-	-	-	6,500
Applied Funds - Code Enforcement		-	141	-	-	-	543	-	-	-
Total		3	\$ 216	-	\$ -	9	\$ 768	-	\$ -	\$ 6,500 0%
SURVEYOR										
Certified Survey Maps		5	915	5	885	14	2,790	14	2,415	6,000
Preliminary Plats		-	-	-	-	-	-	-	-	-
Final Plats		-	-	-	-	-	-	-	-	-
Miscellaneous		-	-	-	159	-	125	-	159	-
Total		5	\$ 915	5	\$ 1,044	14	\$ 2,915	14	\$ 2,574	\$ 6,000 43%
GIS (Geographic Information System)										
Map Sales		-	-	-	30	-	62	-	40	200
Land Records Transfer		-	-	-	4,529	-	8,943	-	11,409	27,000
Land Information Grant		-	1,919	-	9,500	-	9,080	-	9,500	9,080
Total		-	\$ 1,919	-	\$ 14,059	-	\$ 18,085	-	\$ 20,949	\$ 36,280 58%
GRAND TOTAL		27	6,325	35	22,438	94	49,578	94	55,248	\$ 115,930 48%
Total									48%	

POWTS REIMBURSEMENT				
Septic Installation 10/07/15	\$	6,480.00		
Account #18-101-10-49320-000-000			Year- end 2017	Mar-18
Principal & Interest Payments	\$	4,395.18	\$	45.32
			YTD 2018	Balance
			\$	159.15
			\$	1,925.67

GREEN LAKE COUNTY

For 04/01/18 - 04/30/18

Revenue Summary Report

FJRES01A

Periods 04 - 04

Land Use & Zoning Month End Revenue

MER100-10-P&Z

<u>Account No/Description</u>	<u>Budget Amount</u>	<u>Period Amount</u>	<u>Y-T-D Amount</u>	<u>Balance</u>	<u>Percent Received</u>
10 Land Use Planning and Zoning					
18-100-10-43502-000-000 Wisconsin Fund Grant	6,500.00	.00	.00	6,500.00	.00
18-100-10-44400-000-000 Land Use Permits	34,800.00	3,650.00	7,500.00	27,300.00	21.55
18-100-10-44400-001-000 BOA Public Hearing	750.00	.00	750.00	.00	100.00
18-100-10-44400-002-000 PZ Public Hearing	7,000.00	1,125.00	3,375.00	3,625.00	48.21
18-100-10-44400-003-000 Misc	.00	.00	159.15	-159.15	.00
18-100-10-44409-000-000 Non-Metallic Mining	.00	.00	15,300.00	-15,300.00	.00
18-100-10-44410-000-000 Sanitary Permits	24,600.00	2,560.00	4,800.00	19,800.00	19.51
18-100-10-46131-001-000 GIS Map Sales	200.00	30.00	40.00	160.00	20.00
18-100-10-46131-002-000 Strategic Fund	9,080.00	.00	.00	9,080.00	.00
18-100-10-46762-000-000 Certified Survey Maps	6,000.00	885.00	2,415.00	3,585.00	40.25
18-100-10-47411-000-000 Interdepartment transfer/Land Records	27,000.00	.00	2,025.00	24,975.00	7.50
18-100-10-49320-000-000 Applied Funds	9,500.00	9,500.00	9,500.00	.00	100.00
10 Land Use Planning and Zoning	125,430.00	17,750.00	45,864.15	79,565.85	36.57

For 04/01/18 - 04/30/18

Expenditure Summary Report

FJEXS01A

Periods 04 - 04

Land Use & Zoning Month End Expenses

MEE100-10-P&Z

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
10 Land Use Planning and Zoning						
53610 Code Enforcement						
18-100-10-53610-110-000 Salaries	277,102.00	.00	22,715.04	79,065.89	198,036.11	28.53
18-100-10-53610-140-000 Meeting Payments	600.00	.00	.00	.00	600.00	.00
18-100-10-53610-151-000 Social Security	21,201.00	.00	1,697.93	7,259.31	13,941.69	34.24
18-100-10-53610-153-000 Ret. Employer Share	18,569.00	.00	1,521.91	6,398.11	12,170.89	34.46
18-100-10-53610-154-000 Health Insurance	63,361.00	.00	4,780.08	25,120.32	38,240.68	39.65
18-100-10-53610-155-000 Life Insurance	504.00	.00	41.97	167.88	336.12	33.31
18-100-10-53610-210-002 Professional Services-SRV	9,500.00	.00	700.00	2,450.00	7,050.00	25.79
18-100-10-53610-210-003 Miscellaneous Fees	300.00	.00	40.00	40.00	260.00	13.33
18-100-10-53610-245-000 Wisconsin Fund Grant	6,500.00	.00	.00	.00	6,500.00	.00
18-100-10-53610-307-000 Training	916.00	.00	.00	493.03	422.97	53.82
18-100-10-53610-310-000 Office Supplies	3,005.00	.00	-108.64	104.36	2,900.64	3.47
18-100-10-53610-312-000 Field Supplies	300.00	.00	.00	60.30	239.70	20.10
18-100-10-53610-320-000 Publications-BOA Public Hearing	500.00	.00	.00	.00	500.00	.00
18-100-10-53610-320-001 Publications-PZ Public Hearing	2,000.00	.00	325.00	731.00	1,269.00	36.55
18-100-10-53610-321-000 Seminars	1,085.00	.00	8.00	133.00	952.00	12.26
18-100-10-53610-324-000 Member Dues	100.00	.00	.00	100.00	.00	100.00
18-100-10-53610-330-000 Travel	500.00	.00	110.09	190.75	309.25	38.15
18-100-10-53610-352-000 Vehicle Maintenance	734.00	.00	.00	80.12	653.88	10.92
18-100-10-53610-810-000 Capital Equipment-CEO Vehicle Purchase	25,000.00	.00	.00	.00	25,000.00	.00
53610 Code Enforcement	431,777.00	.00	31,831.38	122,394.07	309,382.93	28.35
10 Land Use Planning and Zoning	431,777.00	.00	31,831.38	122,394.07	309,382.93	28.35

For 04/01/18 - 04/30/18

Expenditure Summary Report

FJEXS01A

Periods 04 - 04

Land Use & Zoning Carryover

MEE101-10-P&Z

<u>Account No/Description</u>	<u>Adjusted Budget</u>	<u>Y-T-D Encumb</u>	<u>Period Expended</u>	<u>Y-T-D Expended</u>	<u>Available Balance</u>	<u>Percent Used</u>
53610 Code Enforcement						
18-101-10-53610-999-000 Carryover Non-Metallic Mining	52,162.00	.00	.00	.00	52,162.00	.00
18-101-10-53610-999-004 Professional Services - Land Development	38,445.07	.00	.00	.00	38,445.07	.00
18-101-10-53610-999-007 Professional Services - Surveyor	69,509.93	.00	.00	925.00	68,584.93	1.33
53610 Code Enforcement	160,117.00	.00	.00	925.00	159,192.00	.58

Land Use Permits: 04/01/18 - 04/30/18



<i>Parcel Number</i>	<i>Town</i>	<i>Site Address</i>	<i>Owner Name</i>	<i>Permit Fee</i>	<i>Project Cost</i>	<i>Project</i>
002-00256-0100	Berlin	N8788 County Road V V	Jacob M Pulvermacher	\$ 150.00	\$ 60,000.00	House & garage addition
004-00282-0300	Brooklyn	W844 State Road 23 49	Steven M Otto	\$ 50.00	\$ 900.00	Lean-to addition on existing shed
004-00356-0000	Brooklyn	Berlin Rd	Egbert Excavating Inc	\$ 300.00	\$ 4,500.00	Improve buffer area, landscaping
004-00647-0300	Brooklyn	County Road A	MEU Holdings WI V LLC	\$ 300.00	\$ 160,000.00	Fence
004-00779-0000	Brooklyn	Skunk Hollow Rd	Margaret York	\$ 300.00	\$ 150,000.00	Single-family dwelling
004-01089-0000	Brooklyn	N5599 County Road A	Audra K Hazelberg	\$ 150.00	\$ 20,000.00	Remove patio, new retaining wall & fill
006-01051-0000	Green Lake	W1370 Spring Grove Rd	KC Mead Green Lake LLC	\$ 150.00	\$ 50,000.00	Replace driveway
006-01060-0000	Green Lake	Horner Rd	Wesley/Megan Williams	\$ 400.00	\$ 280,000.00	Single-family dwelling w/garage
006-01061-0000	Green Lake	W1554 Sandstone Ave	Theodore Burbach	\$ 150.00	\$ 75,000.00	New boat house & deck
006-01269-0000	Green Lake	N3117 Lake Shore Dr	Peter Piotrowski	\$ 150.00	\$ 10,000.00	New deck & attached patio
010-00155-0000	Mackford	W11879 County Road AW	Kent/June Quade	\$ 400.00	\$ 230,000.00	New grain bins
012-00562-0100	Manchester	N453 County Road M	Jacob A Schrock	\$ 150.00	\$ 10,000.00	Addition to house & entryway
014-00497-0000	Marquette	County Road KK	Oimoen Properties LLC	\$ 150.00	\$ 60,000.00	New shop, house, barn
014-00769-0000	Marquette	W4564 County Road B	KE JO Family Enterprises	\$ 150.00	\$ 25,000.00	Milkhouse addition
016-01046-0000	Princeton	N4779 N Lakeshore Dr	David J Schultz	\$ 400.00	\$ 215,151.00	Single-family dwelling w/garage
016-01103-0000	Princeton	N4699 Oak Rd	Jason W Wollersheim	\$ 150.00	\$ 31,500.00	Detached garage
016-01326-0000	Princeton	W3611 S Parkway	George Knapp Jr	\$ 150.00	\$ 25,000.00	Rebuild attached garage (storm damage)
Total				\$ 3,650.00	\$ 1,407,051.00	

Sanitary Permits: 04/01/18 - 04/30/18



Parcel Number	Town	Site Address	Owners	Permit Fee	Permit Type
008-00484-0000	Kingston	County Road EE	Kevin Denson	\$ 280.00	New system
008-00493-0000	Kingston	W Pine St	Dalton Lumber & Supply	\$ 355.00	New system
206-01067-0000	City of Berlin	543 Leskey St	Joseph Schellinger	\$ 150.00	Addition/modification
016-01461-0000	Princeton	N5141 Fox River Ln	William Kieck	\$ 355.00	Replacement system
004-00559-0000	Brooklyn	W730 Sunnyside Rd	Johann/Sara Loberg	\$ 280.00	New system
016-00685-1000	Princeton	W5223 Oak Tree Ln	Dennis/Cindy Mlodzik	\$ 150.00	Replacement system
012-00622-0400	Manchester	County Road GG	Salemville Cheese Co-op	\$ 280.00	New system
012-00655-0100	Manchester	W3736 County Line Rd	Bruce/Sandra Witthun	\$ 280.00	New system
010-00464-0300	Mackford	N1096 Pleasant Dr	Steven Dzbinski	\$ 280.00	Addition/modification
014-00447-0000	Marquette	N3190 Oak Rd	Judy Olson	\$ 150.00	Replacement system
Total				\$ 2,560.00	

Land Use Violations 06/07/18



Parcel #	Town	Site Address	Owner Name	Vio Type	Violation Description	# Vios
004-00356-0000	Brooklyn	N Lawson	Egbert Excavating, Inc	Zoning	Expansion of a use which requires new conditional use permit	3
014-00420-0000	Marquette	W6853 Puckaway Rd	Hutton-Okpalaek, Matthew U	Zoning	2 of 3 vehicles are verified as removed from the property; third is to	1
016-00769-0000	Princeton	W5913 State Road 23	Crivello, Derek A	Shoreland	No LUP issued for new structures on property & additions to park m	2
016-01519-0000	Princeton	N4442 S Lakeshore Dr	Weslee Wickus Properties, LLC	Shoreland	Patio in shoreland setback without LUP	2

POWTS Violation Report 06/07/18



Parcel #	Town	Site Address	Owner Name	Violation Type	Violation Description	# Vios
004-00161-0000	Brooklyn	W1773 COUNTY ROAD J	PISCHKE IRREVOCABLE INCOME TRUST IONE	POWTS Violation	Tank overfull/discharging to ground surface.	1
004-00224-0300	Brooklyn	W516 BROOKLYN J RD	CRUMP, GORDON M & SUSAN F	POWTS Violation	Tank overfull/discharging to ground surface.	1
004-00280-0800	Brooklyn	W740 STATE ROAD 23 49	WOYAK, GREGORY A	POWTS Violation	Tank baffles not present or secure.	1
004-00285-0300	Brooklyn	W586 STATE ROAD 23 49	SHRADER, ROBERT & BONNIE	POWTS Violation	Tank failure not structurally sound.	1
004-00286-0300	Brooklyn	N6219 SUNNYSIDE RD	KELMA, AUDREY I	POWTS Violation	Tank failure not structurally sound.	1
004-00311-0000	Brooklyn	W1287 N LAWSON DR	RICHTER REAL ESTATE LLC JOHN	POWTS Violation	Holding tank overflowing to ground.	1
004-00315-0200	Brooklyn	W1002 STATE ROAD 23 49	COACHLITE GREEN LAKE LLC	POWTS Violation	Tank overfull/discharging to ground surface.	4
004-00319-0100	Brooklyn	W1049 STATE ROAD 23 49	ABEL, RADENE M	POWTS Violation	Tank failure not structurally sound.	1
004-00320-0300	Brooklyn	W963 STATE ROAD 23 49	WALLENFANG REV INTERVIVOS TRUST NOLAN FRANCIS	POWTS Violation	Tank overfull/discharging to ground surface.	3
004-00365-0000	Brooklyn	N6269 N LAWSON DR	ROWLEY, ARTHUR	POWTS Violation	Holding tank overflowing to ground.	2
004-00410-1211	Brooklyn	W1734 NORTH ST	K J W PROPERTIES LLC	POWTS Violation	Alarm/floats/pump failure in dose tank.	1
004-00425-0000	Brooklyn	W2466 PRINCETON RD	KOEHN, PAUL	POWTS Violation	Top of drywell collapsed.	3
004-00443-0300	Brooklyn	W2354 STATE ROAD 23	JULI REALTY LLC	POWTS Violation	Tank overfull/discharging to ground surface.	4
004-00470-0302	Brooklyn	N6057 ROBIN LN	FAUCETTE, RONALD & DANI	POWTS Violation	Filter not functioning properly.	1
004-00688-0000	Brooklyn	W1973 S LAWSON DR	LA MIRE, CLARENCE W & JOANN I	POWTS Violation	Tank lid not properly secured.	5
004-00690-0200	Brooklyn	W2005 IRVING PARK RD	CHIER, DEAN	POWTS Failure	Probable surface discharge.	1
004-00771-0000	Brooklyn	W239 PRAIRIE RD	MACHKOVICH, STEVEN E & JENNY L	POWTS Violation	Tank lid not properly secured.	1
004-00931-0000	Brooklyn	N5325 LAWSON DR	AMERICAN BAPTIST ASSEMBLY	POWTS Violation	Holding tank overflowing to ground.	2
004-01002-0000	Brooklyn	W2201 HICKORY RD	NANCY L CODY HYNES TRUST	POWTS Violation	Holding tank overflowing to ground.	6
004-01138-0000	Brooklyn	W817 SILVER CREEK RD	DALBKE FAMILY TRUST AGREEMENT	POWTS Violation	Holding tank overflowing to ground.	3
004-01759-0000	Brooklyn	W2035 TAYLOR LEE LN	SCHABERG, DAVID L	POWTS Violation	Filter not functioning properly.	1
004-01775-0000	Brooklyn	W2615 S VALLEY VIEW DR	LAWSONIA INC	POWTS Violation	Lid on tank not properly secured.	1
004-01781-0000	Brooklyn	N5959 CASS CT	SHULTZ, ANGELA F	POWTS Violation	Tank overfull/discharging to ground surface.	1
006-00080-0100	Green Lake	N4550 HORNER RD	THORP, EDWIN C & HOLLY J	POWTS Violation	Tank failure not structurally sound.	1
006-00150-0000	Green Lake	W1391 COUNTY ROAD K	EGBERT, KATHLEEN MAE	POWTS Violation	Tank lid not properly secured.	1
006-00471-0100	Green Lake	W103 STATE ROAD 44	NIEMUTH, NICHOLAS R	POWTS Violation	Tank overfull/discharging to ground surface.	5
006-00829-0100	Green Lake	W2710 COUNTY ROAD K	MILLS DEC OF TRUST THOMAS W	POWTS Violation	Tank overfull/discharging to ground surface.	1
006-01108-0100	Green Lake	W1128 SCOTT HILL RD	FEENEY, JOHN S	POWTS Violation	Tank failure not structurally sound.	1

006-01267-0000	Green Lake	N3129 LAKE SHORE DR	MUNRO, EUGENE E	POWTS Violation	Tank overfull/discharging to ground surface.	2
008-00018-0100	Kingston	W7291 COUNTY ROAD B	LAMBRIGHT, SARAH W	POWTS Violation	No vents on dispersal cell to check system for functionality.	1
008-00170-0000	Kingston	N1634 COUNTY ROAD FFF	BUFFINGTON, JOHN C	POWTS Violation	Filter not functioning properly.	1
010-00187-0000	Mackford	W1161 COUNTY ROAD S	DENK, JOEL C	POWTS Failure	Probable surface discharge.	1
010-00250-0100	Mackford	N1842 N BRAVE RD	LARMAY CONSTRUCTION INC	POWTS Violation	DSPS 382.10(2)(d); Section 145.135(1); Section 334-4C(1)(b)	1
012-00258-0000	Manchester	N1615 MADISON ST	DARSCH, DONALD M	POWTS Violation	Lid on tank not properly secured.	3
014-0234-0100	Marquette	W5620 PINE RD S	GERTH, GREGORY J & LORELLE J	POWTS Violation	Tank overfull/discharging to ground surface.	1
014-0406-0000	Marquette	W6848 JOLIN RD	ESGAR, JEFFREY W	POWTS Violation	Tank overfull/discharging to ground surface.	1
014-00912-0000	Marquette	W6260 LAKEVIEW DR N	DEVALK, KEITH A	POWTS Violation	Tank lid not properly secured with locking device.	1
014-00954-0000	Marquette	W5282 PINE RD N	STEEGER, KEITH	POWTS Violation	Tank overfull/discharging to ground surface.	3
016-00069-0100	Princeton	W4706 STATE ROAD 23 73	GAGNE FORD MERCURY INC	POWTS Violation	Holding tank overflowing to ground.	2
016-00079-0200	Princeton	N5792 COUNTY ROAD D	GRAETZ, DANIEL F & DENISE C	POWTS Failure	Surface discharge of sewage/effluent	1
016-00112-0100	Princeton	W4537 STATE ROAD 23 73	SORENSEN, PATRICK L & LISA M	POWTS Violation	Tank lid not properly secured.	6
016-00140-0000	Princeton	W4022 OLD GREEN LAKE RD	MARSCHALL, CRYSTAL M	POWTS Violation	Tank overfull/discharging to ground surface.	24
016-00155-0100	Princeton	W3464 OLD GREEN LAKE RD	HOME OF DIVINE MERCY INC	POWTS Violation	No vents on dispersal cell to check system for functionality.	1
016-00155-0101	Princeton	No Address Available	BARN IN BETHLEHEM LLC	POWTS Violation	Filter not functioning properly.	1
016-00172-0000	Princeton	W3457 STATE ROAD 23	BOGUCKE, DAVID J	POWTS Violation	Top of drywell collapsed.	3
016-00242-0000	Princeton	N5511 COUNTY ROAD D	ZUEHLS, LOIS	POWTS Violation	Tank overfull/discharging to ground surface.	3
016-00410-0000	Princeton	N4682 COUNTY ROAD D	KALLAS, JOSEPH	POWTS Violation	Tank overfull/discharging to ground surface.	1
016-00465-0000	Princeton	N4467 HICKORY LN	RYAN, LYNN M	POWTS Violation	Lid on tank not properly secured.	3
016-00579-0000	Princeton	W5482 LOSINSKI RD	WEGNER, JAMES M	POWTS Violation	Tank failure not structurally sound.	2
016-00599-0000	Princeton	W5847 LOSINSKI RD	SCHMIDT JR, ROBERT C	POWTS Violation	Holding tank overflowing to ground.	2
016-0066-60200	Princeton	N6140 PLEASANT DR	ST LOUIS, JOSEPH	POWTS Violation	Tank overfull/discharging to ground surface.	2
016-00677-0000	Princeton	N5981 CANAL ST	BRUNSON, MARY	POWTS Violation	Tank overfull/discharging to ground surface.	3
016-00686-0100	Princeton	N5599 OAK TREE ACRES	SEEHAVER, DARREL C & CAROLYN I	POWTS Violation	Tank lid not properly secured.	1
016-00731-0100	Princeton	N5698 SODA RD	MC CURDY, DONALD M	POWTS Violation	Tank lid not properly secured w/locking device.	1
016-00801-0300	Princeton	N5591 LOCK RD	CALAMITA, MICHAEL J	POWTS Violation	Tank overfull/discharging to ground surface.	14
016-00819-0100	Princeton	W5431 OXBOW TRL	SWANSON, JERRY D	POWTS Violation	Tank lid not properly secured.	1
016-00883-0100	Princeton	N5108 FOX RIVER LN	MEIDL, CHRISTOPHER J	POWTS Violation	Holding tank overflowing to ground.	2
016-00909-0300	Princeton	N5045 KUHARSKI RD	SOMMERFELDT, MICHAEL & TERESA	POWTS Violation	Holding tank overflowing to ground.	1
016-01084-0000	Princeton	N4611 OAK RD	MARKS, PAUL R	POWTS Violation	Tank lid not properly secured.	2
016-01087-0000	Princeton	N4621 OAK RD	SUMANIS, ROBERT A & LAURIE K	POWTS Violation	Tank lid not properly secured.	1
016-01113-0000	Princeton	N4570 ELM ST	PURPERO, CYNTHIA BETH	POWTS Violation	Tank failure not structurally sound.	1

016-01461-0000	Princeton	N5141 FOX RIVER LN	KIECK, WILLIAM A	POWTS Violation	Lid on tank not properly secured.	14
016-01481-0000	Princeton	W4834 EVERGREEN DR	WCS TRUST	POWTS Violation	Tank lid not properly secured.	1
016-01713-0000	Princeton	W4860 KRISTINE CT	DOMAN, KEN & SHIRLEY	POWTS Violation	Tank overfull/discharging to ground surface.	1
016-01808-0000	Princeton	N5580 SANDCREST LN	WILLIAMS, MARIA L	POWTS Violation	Tank failure not structurally sound.	1
018-00232-0000	St. Marie	N6736 PUCHYAN MARSH RD	WOLTER, DIANA A	POWTS Violation	Tank overfull/discharging to ground surface.	1
018-00271-0700	St. Marie	N6425 RIVER RD	WEDDE, ROBERT E	POWTS Violation	Tank baffles not present or secure.	1
018-00430-0000	St. Marie	N7335 LOCK RD	HAMMEN, RANDY M	POWTS Violation	Lid on tank not properly secured.	3
018-00470-0101	St. Marie	W3749 HUCKLEBERRY RD	WOESHNICK, PETER	POWTS Violation	Lid on tank not properly secured.	1
018-00677-0100	St. Marie	W5586 COUNTY ROAD Y	POLAKOSKI, ROLLAND C & CHERYL L	POWTS Violation	Holding tank overflowing to ground.	1
206-01859-0000	City of Berlin	459 HALLMAN ST	DORO, RICHARD J	POWTS Violation	Tank failure not structurally sound.	1

State of Wisconsin



2017 Assembly Bill 479

Date of enactment: November 27, 2017

Date of publication*: November 28, 2017

2017 WISCONSIN ACT 67

AN ACT to renumber and amend 59.694 (7) (c) and 62.23 (7) (e) 7.; to amend 59.69 (10e) (a), 59.69 (10e) (b), 60.61 (5e) (title), 60.61 (5e) (a) 1., 60.61 (5e) (b), 62.23 (7) (hb) (title), 62.23 (7) (hb) 1. a. and 62.23 (7) (hb) 2.; and create 59.69 (5e), 59.694 (7) (c) 1., 59.694 (7) (c) 3., 60.61 (4e), 60.62 (4e), 62.23 (7) (de), 62.23 (7) (e) 7. a., 62.23 (7) (e) 7. d., 66.10015 (1) (e), 66.10015 (2) (e), 66.10015 (4), 227.10 (2p) and 710.17 of the statutes; relating to: limiting the authority of local governments to regulate development on substandard lots and require the merging of lots; requiring a political subdivision to issue a conditional use permit under certain circumstances; standards for granting certain zoning variances; local ordinances related to repair, rebuilding, and maintenance of certain nonconforming structures; and the right to display the flag of the United States.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 2. 59.69 (5e) of the statutes is created to read:

59.69 (5e) CONDITIONAL USE PERMITS. (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a county, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be

related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the county of a class 2 notice under ch. 985, the county shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the county may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the county zoning board,

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

Summary of Comments on (000001.ildoc)

Page: 1

T Number: 1 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:16:03 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:17:10 PM
Refers to Boards of Adjustment

T Number: 2 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:19:27 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:20:53 PM
Refers to the repair, rebuilding and maintenance of certain nonconforming structures

T Number: 3 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:21:09 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:25:54 PM
Refers to Conditional Use Permits

T Number: 4 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:25:54 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:28:11 PM
Refers to area/use variances and criteria for variance approval.

T Number: 5 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:50:37 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:51:11 PM
New CUP Language

1) If a county denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in s. 59.694 (10).

SECTION 3. 59.69 (10e) (title) of the statutes is amended to read:

4) 59.69 (10e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 4. 59.69 (10e) (a) 1. of the statutes is amended to read:

59.69 (10e) (a) 1. "Development regulations" means the part of a zoning ordinance enacted under this section that applies to elements including setback, height, lot coverage, and side yard.

SECTION 5. 59.69 (10e) (b) of the statutes is amended to read:

59.69 (10e) (b) An ordinance enacted under this section may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 8. 59.694 (7) (c) of the statutes is renumbered 59.694 (7) (c) 2. and amended to read:

5) 59.694 (7) (c) 2. To authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

4. A county board may enact an ordinance specifying an expiration date for a variance granted under this paragraph if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of adjustment does not specify an expiration date for the variance, a variance granted under this paragraph does not expire unless, at the time it is granted, the board of adjustment specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

5. A variance granted under this paragraph runs with the land.

SECTION 9. 59.694 (7) (c) 1. of the statutes is created to read:

59.694 (7) (c) 1. In this paragraph:

a. "Area variance" means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of adjustment under this subsection.

b. "Use variance" means an authorization by the board of adjustment under this subsection for the use of

2) and for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 10. 59.694 (7) (c) 3. of the statutes is created to read:

3) 59.694 (7) (c) 3. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this paragraph, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 11. 60.61 (4e) of the statutes is created to read:

60.61 (4e) CONDITIONAL USE PERMITS. (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

T Number: 1 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:51:11 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:52:16 PM
New CUP Language continued

T Number: 2 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:59:34 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 1:00:12 PM
Related to the difference between area and use variances.

T Number: 3 Author: mkirkman Subject: Highlight Date: 5/8/2018 1:00:12 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 1:00:52 PM
Further codifies variance approval criteria.

T Number: 4 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:52:16 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:53:50 PM
New/ Mod Language related to repair, rebuilding and maintenance of certain NC Structures.

T Number: 5 Author: mkirkman Subject: Highlight Date: 5/8/2018 12:54:10 PM

S Author: mkirkman Subject: Sticky Note Date: 5/8/2018 12:56:55 PM
Relates to variance approval criteria and variance expiration standards.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 59.694 (10).

SECTION 12. 60.61 (5e) (title) of the statutes is amended to read:

60.61 (5e) (title) REPAIR, REBUILDING, AND MAINTENANCE OF CERTAIN NONCONFORMING STRUCTURES.

SECTION 13. 60.61 (5e) (a) 1. of the statutes is amended to read:

60.61 (5e) (a) 1. "Development regulations" means the part of a zoning ordinance ~~enacted under this section~~ that applies to elements including setback, height, lot coverage, and side yard.

SECTION 14. 60.61 (5c) (b) of the statutes is amended to read:

60.61 (5c) (b) An ordinance ~~enacted under this section~~ may not prohibit, or limit based on cost, or require a variance for the repair, maintenance, renovation, rebuilding, or remodeling of a nonconforming structure or any part of a nonconforming structure.

SECTION 15. 60.62 (4e) of the statutes is created to read:

60.62 (4e) (a) In this subsection:

1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.

2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision

to approve or deny the permit must be supported by substantial evidence.

(c) Upon receipt of a conditional use permit application, and following publication in the town of a class 2 notice under ch. 985, the town shall hold a public hearing on the application.

(d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

(e) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 61.35.

SECTION 16. 62.23 (7) (de) of the statutes is created to read:

62.23 (7) (de) *Conditional use permits.* 1. In this paragraph:

a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2. a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or

renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.

SECTION 17. 62.23 (7) (e) 7. of the statutes is renumbered 62.23 (7) (e) 7. b. and amended to read:

62.23 (7) (e) 7. b. The board of appeals shall have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto; to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

e. The council of a city may enact an ordinance specifying an expiration date for a variance granted under this subdivision if that date relates to a specific date by which the action authorized by the variance must be commenced or completed. If no such ordinance is in effect at the time a variance is granted, or if the board of appeals does not specify an expiration date for the variance, a variance granted under this subdivision does not expire unless, at the time it is granted, the board of appeals specifies in the variance a specific date by which the action authorized by the variance must be commenced or completed. An ordinance enacted after April 5, 2012, may not specify an expiration date for a variance that was granted before April 5, 2012.

f. A variance granted under this subdivision runs with the land.

g. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

SECTION 18. 62.23 (7) (e) 7. a. of the statutes is created to read:

62.23 (7) (e) 7. a. In this subdivision, "area variance" means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted by the board of appeals under this paragraph. In this subdivision, "use variance" means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

SECTION 19. 62.23 (7) (e) 7. d. of the statutes is created to read:

62.23 (7) (e) 7. d. A property owner bears the burden of proving "unnecessary hardship," as that term is used in this subdivision, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

SECTION 20. 62.23 (7) (hb) (title) of the statutes is amended to read:

62.23 (7) (hb) (title) *Repair, rebuilding, and maintenance of certain nonconforming structures.*

SECTION 21. 62.23 (7) (hb) 1. a. of the statutes is amended to read:

62.23 (7) (hb) 1. a. "Development regulations" means the part of a zoning ordinance enacted under this subsection that applies to elements including setback, height, lot coverage, and side yard.

SECTION 22. 62.23 (7) (hb) 2. of the statutes is amended to read:

62.23 (7) (hb) 2. An ordinance enacted under this subsection may not prohibit, or limit based on cost, the repair, maintenance, renovation, or remodeling of a nonconforming structure.

SECTION 23. 66.10015 (1) (e) of the statutes is created to read:

66.10015 (1) (e) "Substandard lot" means a legally created lot or parcel that met any applicable lot size requirements when it was created, but does not meet current lot size requirements.

SECTION 24. 66.10015 (2) (e) of the statutes is created to read:

66.10015 (2) (e) Notwithstanding any other law or rule, or any action or proceeding under the common law, no political subdivision may enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:

1. Conveying an ownership interest in a substandard lot.
2. Using a substandard lot as a building site if all of the following apply:
 - a. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
 - b. The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision.

SECTION 25. 66.10015 (4) of the statutes is created to read:

66.10015 (4) Notwithstanding the authority granted under ss. 59.69, 60.61, 60.62, 61.35, and 62.23, no political subdivision may enact or enforce an ordinance or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 26. 227.10 (2p) of the statutes is created to read:

227.10 (2p) No agency may promulgate a rule or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.

SECTION 27. 710.17 of the statutes is created to read:

710.17 Right to display the flag of the United States. (1) **DEFINITIONS.** In this section:

(a) "Housing cooperative" means a cooperative incorporated under ch. 185 or organized under ch. 193 that owns residential property that is used or intended to be used, in whole or in part, by the members of the housing cooperative as their homes or residences.

(b) "Member of a homeowners' association" means a person that owns residential property within a subdivision, development, or other similar area that is subject to any policy or restriction adopted by a homeowners' association.

(c) "Member of a housing cooperative" means a member, as defined in s. 185.01 (5) or 193.005 (15), of a housing cooperative if the member uses or intends to use part of the property of the housing cooperative as the member's home or residence.

(2) **RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES** (a) Except as provided in sub. (3), a homeowners' association may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that

restricts or prevents a member of the homeowners' association from displaying the flag of the United States on property in which the member has an ownership interest and that is subject to any policy or restriction adopted by the homeowners' association.

(b) Except as provided in sub. (3), a housing cooperative may not adopt or enforce a covenant, condition, or restriction, or enter into an agreement, that restricts or prevents a member of the housing cooperative from displaying the flag of the United States on property of the housing cooperative to which the member has a right to exclusive possession or use.

(3) **EXCEPTIONS.** A homeowners' association or housing cooperative may adopt and enforce a covenant, condition, or restriction, or enter into an agreement, that does any of the following:

(a) Requires that any display of the flag of the United States must conform with a rule or custom for proper display and use of the flag set forth in 4 USC 5 to 10.

(b) Provides a reasonable restriction on the time, place, or manner of displaying the flag of the United States that is necessary to protect a substantial interest of the homeowners' association or housing cooperative.

SECTION 28. Initial applicability.

(1) **RIGHT TO DISPLAY THE FLAG OF THE UNITED STATES.** The treatment of section 710.17 of the statutes first applies to a covenant, condition, or restriction that is adopted, renewed, or modified, or to an agreement that is entered into, renewed, or modified, on the effective date of this subsection.

(2) **CONDITIONAL USE PERMITS.** The treatment of sections 59.69 (5e), 60.61 (4e), 60.62 (4e), and 62.23 (7) (de) of the statutes first applies to an application for a conditional use permit that is filed on the effective date of this subsection.

NOTICE OF PUBLIC HEARING

The Land Use Planning and Zoning Committee of *Green Lake County* will hold a public hearing in County Board Room #0902 of the Government Center, 571 County Road A, Green Lake, WI, on *Thursday, June 7, 2018, at 6:30 p.m.* to consider the following item:

Item I: Applicant: Green Lake County Land Use Planning and Zoning Committee **Request:** Amend Code of Green Lake, Chapter 300 of the Floodplain Zoning Ordinance. The purpose of the ordinance amendment is to remain compliant with the National Flood Insurance Program (NFIP) by adopting recent FEMA and WDNR changes to NR116. The proposed ordinance amendment is available for review and inspection at the County Government Center, Land Use Planning & Zoning Department, 571 County Road A, Green Lake, WI, and the county website. To view the proposed shoreland zoning ordinance amendment on the website:

- Go to www.co.green-lake.wi.us
- Click on Departments
- Click on Land Use Planning & Zoning
- Go to Downloads and click on Floodplain Zoning Ordinance Amendment

All interested persons wishing to be heard at the public hearing are invited to attend. The public can direct written comments to the Land Use Planning & Zoning Department, Green Lake, WI 54941 or zoning@co.green-lake.wi.us. For information related to the outcome of this public hearing item, contact the Green Lake County **Land Use Planning and Zoning Department** at (920) 294-4156.

Publish: May 24 & 31, 2018

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.

Robert Lyon, Chair

Harley Reabe, Vice-chair

William Boutwell

Curt Talma

Peter Wallace

Harley Reabe, County Board Chairman

ATTEST: Elizabeth Otto, County Clerk
Approve as to Form:

Dawn N. Klockow, 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 ~~A1-~~ 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) Hydraulic analysis and floodway and floodplain delineation for Ken Lay Property by~~
105 ~~Rich Mueller dated July 3, 1985, approved by the Wisconsin Department of Natural~~
106 ~~Resources and the U.S. Army Corps of Engineers.~~

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

113 (23) The Dam Breach Analysis for the Lower Water Quality Improvement Dam for an
114 unnamed tributary to Little Green Lake, prepared by Jonathan D. Lefers, PE, of
115 Montgomery Associates Resource Solutions, LLC, dated November 2008, and

116 approved by the Wisconsin Department of Natural Resources.

117 ~~(34) [Letter of Map Revision \(LOMR\) “Del Monte Foods” FEMA Case Number 13-05-](#)~~
118 ~~[7472P, revising the Flood Insurance Study \(FIS\) Report and Flood Insurance Rate](#)~~
119 ~~[Map \(FIRM\) for Community 550165 prepared by Max Franzen and Jeff Quast of](#)~~
120 ~~[Excel Engineering, June, 2014. The floodplain study appendix. All Wisconsin](#)~~
121 ~~[Department of Natural Resources and Federal Emergency Management Agency](#)~~
122 ~~[approved floodplain maps, flood profiles, floodway data tables, regional or base](#)~~
123 ~~[flood elevations and other information used to amend official maps are located in](#)~~
124 ~~[Appendix A of this chapter. Green Lake County shall provide the most up-to-date](#)~~
125 ~~[appendix to the Wisconsin Department of Natural Resources and Federal](#)~~
126 ~~[Emergency Management Agency regional offices.](#)~~

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

131 ~~(56)~~ “Hydrologic and Hydraulic Report - Swamp Road – Township of Princeton,
132 Princeton, WI” prepared by Badger Engineering & Construction, LLC, and Alieus
133 Engineering, LLC, January 2017. Approved by Wisconsin Department of Natural
134 Resources on February 21, 2017.

135 **§ 300-11 Establishment of Floodplain Zoning Districts.**

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

- 137 A. The Floodway District (FW) is the channel of a river or stream and those portions of
138 the floodplain adjoining the channel required to carry the regional floodwaters and
139 are contained within AE Zones as shown on the FIRM.
- 140 B. The Flood-Fringe District (FF) is that portion of the floodplain between the regional
141 flood limits and the floodway and displayed as AE Zones on the FIRM.
- 142 C. The General Floodplain District (GFP) is those areas that have been or may be
143 covered by floodwater during the regional flood and does not have a BFE or
144 floodway boundary determined, including A, AE (rarely), AH, and AO Zones on the
145 FIRM.

146 **§ 300-12 Locating floodplain boundaries.**

- 147 A. Discrepancies between boundaries on the Official Floodplain Zoning Map and
148 actual field conditions shall be resolved using the criteria in Subsection **A(1)** or **(2)**
149 below. If a significant difference exists, the map shall be amended according to
150 Article **IX**, Amendments. The County Land Use Planning and Zoning Department
151 can rely on a boundary derived from a profile elevation to grant or deny a land use
152 permit, whether or not a map amendment is required. The County Land Use
153 Planning and Zoning Department shall be responsible for documenting actual
154 predevelopment field conditions and the basis upon which the district boundary was

155 determined and for initiating any map amendments required under this section.
156 Disputes between the County Land Use Planning and Zoning Department and an
157 applicant over the district boundary line shall be settled according to § **300-40C** and
158 the criteria in Subsection **A(1)** and **(2)** below. Where the flood profiles are based
159 on established base flood elevations from a FIRM, FEMA must approve any map
160 amendment or revision pursuant to Article IX, Amendments.

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

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

166 **§ 300-13 Removal of lands from the floodplain.**

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

171 **§ 300-14 Compliance required.**

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

175 **§ 300-15 Municipalities and state agencies regulated.**

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

181 **§ 300-16 Warning and disclaimer of liability.**

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

189 **§ 300-16.1 Annexed areas for cities and villages.**

190 The County floodplain zoning provisions in effect on the date of annexation shall remain
191 in effect and shall be enforced by the municipality for all annexed areas until the
192 municipality adopts and enforces an ordinance which meets the requirements of Ch. NR
193 116, Wis. Adm. Code, and 44CFR 59-72, National Flood Insurance Program (NFIP).
194 These annexed lands are described on the municipality's Official Zoning Map. County

195 floodplain zoning provisions are incorporated by reference for the purpose of
196 administering this section and are on file in the Land Use Planning & Zoning
197 Department. All plats or maps of annexation shall show the regional flood elevation and
198 the location of the floodway.

199 **§ 300-17 General development standards.**

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

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

215 **Article III**
216 **General Standards**

217 **§ 300-18 Hydraulic and hydrologic analysis.**

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

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

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

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

226 **§ 300-19 Watercourse alterations.**

227 No land use permit to alter or relocate a watercourse in a mapped floodplain shall be
228 issued until the County Land Use Planning and Zoning Department has notified in
229 writing all adjacent municipalities, the Wisconsin Department of Natural Resources and
230 the Federal Emergency Management Agency regional offices and required the applicant
231 to secure all necessary state and federal permits. The standards of 300-18 must be met
232 and the flood-carrying capacity of any altered or relocated watercourse shall be
233 maintained. As soon as is practicable, but not later than six months after the date of the

234 watercourse alteration or relocation and pursuant to Article IX, Amendments, the Land
235 Use Planning and Zoning Department shall apply for a Letter of Map Revision (LOMR)
236 from Federal Emergency Management Agency. Any such alterations must be reviewed
237 and approved by FEMA and the WDNR through the Letter of Map Change (LOMC)
238 process.

239 **§ 300-20 Development requiring Department of Natural Resources permit.**

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

245 **§ 300-21 Public or private campgrounds.**

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

- 248 A. The campground is approved by the Department of Health Services.
- 249 B. A land use permit for the campground is issued by the County Land Use Planning
250 and Zoning Department.
- 251 C. The character of the river system and the elevation of the campground is such that
252 a seventy-two-hour warning of an impending flood can be given to all campground
253 occupants.
- 254 D. There is an adequate flood warning procedure for the campground that offers the
255 minimum notice required under this section to all persons in the campground. This
256 procedure shall include a written agreement between the campground owner, the
257 Municipal Emergency Government Coordinator and the chief law enforcement
258 official which specifies the flood elevation at which evacuation shall occur,
259 personnel responsible for monitoring flood elevations, types of warning systems to
260 be used and the procedures for notifying at-risk parties, and the methods and
261 personnel responsible for conducting the evacuation.
- 262 E. This agreement shall be for no more than one calendar year, at which time the
263 agreement shall be reviewed and updated, by the officials identified in Subsection
264 **D**, to remain in compliance with all applicable regulations, including those of the
265 State Department of Health Services and all other applicable regulations.
- 266 F. Only camping units that are fully licensed, if required, and ready for highway use,
267 are allowed.
- 268 G. The camping units may not occupy any site in the campground for more than 180
269 consecutive days, at which time the camping unit must be removed from the
270 floodplain for a minimum of 24 hours.

- 271 H. All camping units that remain on site for more than 30 days shall be issued a limited
272 authorization by the campground operator, a written copy of which is kept on file at
273 the campground. Such authorization shall allow placement of a camping unit for a
274 period not to exceed 180 days and shall ensure compliance with all the provisions
275 of this section.
- 276 I. The County Land Use Planning and Zoning Department shall monitor the limited
277 authorizations issued by the campground operator to assure compliance with the
278 terms of this section.
- 279 J. All camping units that remain in place for more than 180 consecutive days must
280 meet the applicable requirements in either Article IV, Floodway District, or Article V,
281 Flood-Fringe District, for the floodplain district in which the structure is located.
- 282 K. The campground shall have signs clearly posted at all entrances warning of the
283 flood hazard and the procedures for evacuation when a flood warning is issued
- 284 L. All service facilities, including but not limited to refuse collection, electrical service,
285 natural gas lines, propane tanks, sewage systems and wells, shall be properly
286 anchored and placed at or floodproofed to the flood-protection elevation.

287 § 300-22 (**Reserved**)

288 Article IV
289 **Floodway District**

290 § 300-23 **Applicability.**

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

293 § 300-24 **Permitted uses.**

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

- 298 A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture
299 and wild crop harvesting.
- 300 B. Nonstructural industrial and commercial uses, such as loading areas, parking areas
301 and airport landing strips.
- 302 C. Nonstructural recreational uses, such as golf courses, tennis courts, archery
303 ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature
304 preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting
305 and fishing areas and hiking and horseback-riding trails, subject to the fill limitations
306 of § 300-25D.

- 307 D. Uses or structures accessory to open space uses or classified as historic structures
308 that comply with §§ **300-25** and **300-26**.
- 309 E. Extraction of sand, gravel or other materials that complies with § **300-25D**.
- 310 F. Functionally water-dependent uses, such as docks, piers or wharves, dams,
311 flowage areas, culverts, navigational aids and river crossings of transmission lines,
312 and pipelines that comply with Chs. 30 and 31, Wis. Stats.
- 313 G. Public utilities, streets and bridges that comply with § **300-25C**.
- 314 § 300-25 **Floodway development standards.**
- 315 A. General.
- 316 (1) Any development in floodway areas shall comply with Article III, General
317 Standards, and have a low flood-damage potential.
- 318 (2) Applicants shall provide the following data to determine the effects of the proposal
319 according to § **300-18** and § 300-38B(3).
- 320 (a) A cross-section elevation view of the proposal, perpendicular to the
321 watercourse, showing if the proposed development will obstruct flow; or
- 322 (b) An analysis calculating the effects of this proposal on regional flood
323 height.
- 324 (3) The County Land Use Planning and Zoning Department shall deny the permit
325 application if the project will increase flood elevations upstream or downstream
326 based on the data submitted for Subsection **A(2)** above.
- 327 B. Structures accessory to permanent open space uses, or functionally dependent on
328 a waterfront location may be allowed by permit if the structures comply with the
329 following criteria:
- 330 (1) The structure is not designed for human habitation, does not have a high flood-
331 damage potential and is constructed to minimize flood damage.
- 332 (2) The structures must not obstruct flow of floodwaters or cause any increase in flood
333 levels during the occurrence of the regional flood.
- 334 (3) The structures are properly anchored to resist flotation, collapse and lateral
335 movement.
- 336 (4) Mechanical and utility equipment must be elevated or floodproofed to or above the
337 flood-protection elevation.
- 338 (5) The structure(s) shall have a minimum of two openings on different walls having a
339 total net area of not less than one square inch for every square foot of enclosed

340 area, and the bottom of all such openings being no higher than one foot above
341 grade. The openings shall be equipped with screens, louvers, or other coverings or
342 devices which must permit the automatic entry and exit of floodwaters.

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

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

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

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

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

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

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

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

357 § 300-26 **Prohibited uses.**

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

360 A. Habitable structures, structures with high flood-damage potential, or those not
361 associated with permanent open space uses;

362 B. Storing materials that are buoyant, flammable, explosive or injurious to property,
363 water quality, or human, animal, plant, fish or other aquatic life;

364 C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

365 D. Any private on-site wastewater treatment system or public sewage systems, except
366 portable latrines that are removed prior to flooding and systems associated with
367 recreational areas and Wisconsin Department of Natural Resources approved
368 campgrounds that meet the applicable provisions of local ordinances and Ch. SPS
369 83, Wis. Adm. Code.

370 E. Any public or private wells which are used to obtain potable water, except those for
371 recreational areas that meet the requirements of local ordinances and Chs. NR 811
372 and NR 812, Wis. Adm. Code;

- 373 F. Any solid or hazardous waste disposal sites;
- 374 G. Any wastewater treatment ponds or facilities, except those permitted under § NR
375 110.15(3)(b), Wis. Adm. Code;
- 376 H. Any sanitary sewer or water supply lines, except those to service existing or
377 proposed development located outside the floodway that complies with the
378 regulations for the floodplain area occupied.

379 Article V
380 **Flood-Fringe District**

381 **§ 300-27 Applicability.**

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

384 **§ 300-28 Permitted uses.**

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

389 **§ 300-29 Flood-fringe development standards.**

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

- 393 A. Residential uses. Any habitable structure, including a manufactured home, which is
394 to be erected, constructed, reconstructed, altered, or moved into the flood-fringe
395 area shall meet or exceed the following standards:
- 396 (1) The elevation of the lowest floor shall be at or above the flood-protection elevation
397 on fill, unless the requirements of §300-29A(2) can be met. The fill shall be one foot
398 or more above the regional flood elevation extending at least 15 feet beyond the
399 limits of the structure.
- 400 (2) The basement or crawlway floor may be placed at the regional flood elevation if it is
401 dry flood proofed to the flood-protection elevation. No basement or crawlway floor
402 is allowed below the regional flood elevation.
- 403 (3) Contiguous dry land access shall be provided from a structure to land outside of the
404 floodplain, except as provided in Subsection **A(4)** below.
- 405 (4) In developments where existing street or sewer line elevations make compliance
406 with Subsection **A(3)** above impractical, the County Land Use Planning and Zoning
407 Department may permit new development and substantial improvements where
408 access roads are below the regional flood elevation, if:

- 409 (a) The County Land Use Planning and Zoning Department has written
410 assurance from police, fire and emergency services that rescue and relief will be
411 provided to the structure(s) by wheeled vehicles during a regional flood event; or
- 412 (b) Green Lake County has a Wisconsin Department of Natural Resources-
413 approved emergency evacuation plan.
- 414 B. Accessory structures or uses.
- 415 (1) Accessory structures shall be constructed on fill with the lowest floor at or above
416 the regional flood elevation.
- 417 C. Commercial uses. Any commercial structure which is erected, altered or moved into
418 the flood-fringe area shall meet the requirements of Subsection **A** above. Subject to
419 the requirements of Subsection **E** below, storage yards, surface parking lots and
420 other such uses may be placed at lower elevations if an adequate warning system
421 exists to protect life and property.
- 422 D. Manufacturing and industrial uses. Any manufacturing or industrial structure which
423 is erected, altered or moved into the flood-fringe area shall have the lowest floor
424 elevated to or above the flood-protection elevation or meet the flood proofing
425 measures in § **300-42**. Subject to the requirements of Subsection **E** below, storage
426 yards, surface parking lots and other such uses may be placed at lower elevations
427 if an adequate warning system exists to protect life and property.
- 428 E. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious
429 to property, water quality or human, animal, plant, fish or aquatic life shall be stored
430 at or above the flood-protection elevation or flood proofed in compliance with § **300-**
431 **42**. Adequate measures shall be taken to ensure that such materials will not enter
432 the water body during flooding.
- 433 F. Public utilities, streets and bridges. All utilities, streets and bridges shall be
434 designed to be compatible with comprehensive floodplain development plans, and
- 435 (1) When the failure of public utilities, streets and bridges would endanger public health
436 or safety, or where such facilities are deemed essential, construction of and
437 substantial improvements to such facilities may only be permitted if they are flood
438 proofed in compliance with § **300-42** to the flood-protection elevation;
- 439 (2) Minor roads or nonessential utilities may be constructed at lower elevations if they
440 are designed to withstand flood forces to the regional flood elevation.
- 441 G. Private on-site wastewater treatment systems. All private on-site wastewater
442 treatment systems shall be designed to minimize or eliminate infiltration of flood
443 water into the system, pursuant to § **300-42**, to the flood-protection elevation and
444 shall meet the provisions of all local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 445 H. Wells. All wells shall be designed to minimize or eliminate infiltration of flood waters

- 446 into the system, pursuant to § **300-42**, to the flood-protection elevation and shall
447 meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- 448 I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in
449 flood-fringe areas.
- 450 J. Deposition of materials. Any deposited material must meet all the provisions of this
451 chapter.
- 452 K. Manufactured homes.
- 453 (1) Owners or operators of all manufactured home parks and subdivisions shall provide
454 adequate surface drainage to minimize flood damage and prepare, secure approval
455 and file an evacuation plan, indicating vehicular access and escape routes, with
456 local emergency management authorities.
- 457 (2) In existing manufactured home parks, all new homes, replacement homes on
458 existing pads, and substantially improved homes shall:
- 459 (a) Have the lowest floor elevated to the flood-protection elevation; and
- 460 (b) Be anchored so they do not float, collapse or move laterally during a flood.
- 461 (3) Outside of existing manufactured home parks, including new manufactured home
462 parks and all single units outside of existing parks, all new, replacement and
463 substantially improved manufactured homes shall meet the residential development
464 standards for the flood-fringe in Subsection **A** above.
- 465 L. Mobile recreational vehicles. All mobile recreational vehicles that are on site for 180
466 consecutive days or more or are not fully licensed and ready for highway use shall
467 meet the elevation and anchoring requirements in Subsection **K(2)** and **(3)** above.
468 A mobile recreational vehicle is ready for highway use if it is on its wheels or
469 jacking system, is attached to the site only by quick-disconnect utilities and security
470 devices and has no permanently attached additions.

471 Article VI
472 **General Floodplain District**

473 **§ 300-30 Applicability.**

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

478 **§ 300-31 Permitted uses.**

479 Pursuant to § **300-33**, it shall be determined whether the proposed use is located within
480 a floodway or flood-fringe area. Those uses permitted in floodway (§ **300-24**) and flood-
481 fringe (§ **300-28**) districts are allowed within the General Floodplain District, according

482 to the standards of § **300-32**, provided that all permits or certificates required under
483 § **300-38** have been issued.

484 § 300-32 **Standards for development in the General Floodplain District.**

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

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

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

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

495 (3) the depth as shown on the FIRM

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

498 § 300-33 **Determining floodway and flood-fringe limits.**

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

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

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

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

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

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

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

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

524 Article VII

525 **Nonconforming Uses and Structures**

526 § 300-34 **General provisions.**

527 A. Applicability. If these standards conform with § 59.69(10), Wis. Stats., they shall
528 apply to all modifications or additions to any nonconforming use or structure and to
529 the use of any structure or premises which was lawful before the passage of this
530 chapter or any amendment thereto.

531 B. The existing lawful use of a structure or its accessory use which is not in conformity
532 with the provisions of this chapter may continue subject to the following conditions:

533 (1) No modifications or additions to a nonconforming use or structure shall be
534 permitted unless they comply with this chapter. The words "modification" and
535 "addition" include, but are not limited to, any alteration, addition, modification,
536 structural repair, rebuilding or replacement of any such existing use, structure or
537 accessory structure or use. Ordinary maintenance repairs are not considered an
538 extension, modification or addition; these include painting, decorating, paneling and
539 the replacement of doors, windows and other nonstructural components and the
540 maintenance, repair or replacement of existing private sewage or water supply
541 systems or connections to public utilities. Ordinary maintenance repairs do not
542 include any costs associated with the repair of a damaged structure. The
543 construction of an open deck that does not exceed 200 square feet in area and that
544 is adjacent to the exterior wall of a principal structure is not an extension,
545 modification or addition. The roof of the structure may extend over a portion of the
546 deck in order to provide safe ingress and egress to the principal structure.

547 (2) If a nonconforming use or the use of a nonconforming structure is discontinued for
548 12 consecutive months, it is no longer permitted, and any future use of the
549 property, and any structure or building thereon, shall conform to the applicable
550 requirements of this chapter.

551 (3) The County Land Use Planning and Zoning Department shall keep a record which
552 lists all nonconforming uses and nonconforming structures, their present equalized
553 assessed value, the cost of all modifications or additions which have been
554 permitted, and the percentage of the structure's total current value those
555 modifications represent.

556 (4) No modification or addition to any nonconforming structure or any structure with a
557 nonconforming use which, over the life of the structure, would equal or exceed 50%
558 of its present equalized assessed value shall be allowed unless the entire structure
559 is permanently changed to a conforming structure with a conforming use in
560 compliance with the applicable requirements of this chapter. Contiguous dry land
561 access must be provided for residential and commercial uses in compliance with
562 § 300-29A. The costs of elevating a nonconforming building or a building with a
563 nonconforming use to the flood-protection elevation are excluded from the fifty-
564 percent provisions of this subsection.

565 (5) ~~Damaged or destroyed structures. No maintenance to~~

566 ~~(a) — Except as provided in Subsection B(5)(b) below, if any nonconforming~~
567 ~~structure or any structure with a nonconforming use, the cost of which would equal~~
568 ~~or exceed 50% of its present equalized assessed value, shall be allowed unless the~~
569 ~~entire structure is permanently changed to a conforming structure with a~~
570 ~~conforming use in compliance with the applicable requirements of this ordinance.~~
571 ~~Contiguous dryland access must be provided for residential and commercial uses~~
572 ~~in compliance with §300-29A is destroyed or is substantially damaged, it cannot be~~
573 ~~replaced, reconstructed or rebuilt unless the use and the structure meet the current~~
574 ~~requirements of this chapter. A structure is considered substantially damaged if the~~
575 ~~total cost to restore the structure to its pre-damaged condition equals or exceeds~~
576 ~~50% of the structure's present equalized assessed value.~~

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

583 (7) ~~Except as provided in subd. (8), if any nonconforming structure or any structure~~
584 ~~with a nonconforming use is destroyed or is substantially damaged, it cannot be~~
585 ~~replaced, reconstructed, or rebuilt unless the use and the structure meet the current~~
586 ~~ordinance requirements. A structure is considered substantially damaged if the~~
587 ~~total cost to restore the structure to its pre-damaged conditional equals or exceeds~~
588 ~~50% of the structure's present equalized assessed value.~~

589 (8)

590 (b) — For nonconforming buildings that are substantially damaged or destroyed
591 by a nonflood disaster, the repair or reconstruction of any such nonconforming
592 building ~~may~~ shall be permitted in order to restore it to the size and use in effect
593 prior to after the nonflood disaster/damage event, provided that the minimum federal
594 code requirements below are met and all required permits have been granted prior
595 to the start of construction. ~~nonconforming building will meet all of the minimum~~
596 ~~requirements under applicable Federal Emergency Management Agency~~

597 ~~regulations (44 CFR Part 60), or the regulations promulgated thereunder.~~

598 (a). Residential Structures

599 [1]. Shall have the lowest floor, including basement, elevated to or above the
600 base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter
601 walls must meet the requirements of §300-42B.

602 [2]. Shall be anchored to prevent flotation, collapse, or lateral movement of the
603 structure resulting from hydrodynamic and hydrostatic loads, including the effects of
604 buoyancy and shall be constructed with methods and materials resistant to flood
605 damage.

606 [3]. Shall be constructed with electrical, heating, ventilation, plumbing and air
607 conditioning equipment and other service facilities that are designed and/or
608 elevated so as to prevent water from entering or accumulating within the
609 components during conditions of flooding.

610 [4]. In A Zones, obtain, review and utilize any flood data available from a federal,
611 state or other source.

612 [5]. In AO Zones with no elevations specified, shall have the lowest floor,
613 including basement, meet the standards in §300-32B.

614 [6]. In AO Zones, shall have adequate drainage paths around structures on
615 slopes to guide floodwaters around and away from the structure.

616 (b). Nonresidential Structures

617 [1]. Shall meet the requirements of §300-34B(8)(a)[1-6]

618 [2]. Shall either have the lowest floor, including basement, elevated to or above
619 the regional flood elevation; or, together with attendant utility and sanitary facilities,
620 shall meet the standards in §300-42A and B.

621 [3]. In AO Zones with no elevations specified, shall have the lowest floor,
622 including basement, meet the standards in §300-32B.

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

631 § 300-35 **Floodway areas.**

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

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

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

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

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

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

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

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

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

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

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

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

663 § 300-36 **Flood-fringe areas.**

664 A. No modification or addition shall be allowed to any nonconforming structure or any
665 structure with a nonconforming use unless such modification or addition has been
666 issued a land use permit by the County Land Use Planning and Zoning Department

667 or granted a variance by the County Board of Adjustment, and the modification or
668 addition shall be placed on fill or floodproofed to the flood-protection elevation in
669 compliance with the standards for that particular use in § **300-29**, except where
670 Subsection **B** below is applicable.

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

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

680 (2) Human lives are not endangered;

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

682 (4) Flood depths will not exceed two feet;

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

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

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

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

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

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

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

695 E. All new wells, or addition to, replacement, repair or maintenance of a well, shall
696 meet the applicable provisions of this chapter and Chs. NR 811 and NR 812, Wis.
697 Adm. Code.

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Article VIII
Administration

§ 300-37 Officials designated.

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

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

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

- (1) Advise applicants of the provisions of this chapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with the provisions of this chapter and issue certificates of compliance where appropriate.
- (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
 - (a) All permits issued, inspections made, and work approved.
 - (b) Documentation of certified lowest floor and regional flood elevations for floodplain development.
 - (c) Records of water surface profiles, Floodplain Zoning Maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.
 - (d) All substantial damage assessment reports for floodplain structures.
 - (e) Floodproofing certificates.
 - (f) List of nonconforming structures and uses.
- (5) Submit copies of the following items to the Wisconsin Department of Natural Resources regional office:
 - (a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 - (b) Copies of any case-by-case analyses and any other information required by the Wisconsin Department of Natural Resources, including an annual summary

- 731 of the number and types of floodplain zoning actions taken.
- 732 (c) Copies of substantial damage assessments performed and all related
733 correspondence concerning the assessments.
- 734 (6) Investigate, prepare reports, and report violations of this chapter to the County
735 Land Use Planning and Zoning Committee and County Corporation Counsel for
736 prosecution. Copies of the reports shall also be sent to the Wisconsin Department
737 of Natural Resources regional office.
- 738 (7) Submit copies of text and map amendments to the Federal Emergency
739 Management Agency regional office.
- 740 B. Land use permit. A land use permit shall be obtained before any new development;
741 repair, modification or addition to an existing structure; or change in the use of a
742 building or structure, including sewer and water facilities, may be initiated.
743 Application to the County Land Use Planning and Zoning Department shall include:
- 744 (1) General information.
- 745 (a) The name and address of the applicant, property owner and contractor;
- 746 (b) The legal description, proposed use, and whether it is new construction or
747 a modification.
- 748 (2) Site development plan. A site plan drawn to scale shall be submitted with the permit
749 application form and shall contain:
- 750 (a) The location, dimensions, area and elevation of the lot;
- 751 (b) The location of the ordinary high-water mark of any abutting navigable
752 waterways;
- 753 (c) The location of any structures with distances measured from the lot lines
754 and street center lines;
- 755 (d) The location of any existing or proposed private on-site wastewater
756 treatment system or private water supply system;
- 757 (e) The location and elevation of existing or future access roads;
- 758 (f) The location of floodplain and floodway limits as determined from the Official
759 Floodplain Zoning Maps;
- 760 (g) The elevation of the lowest floor of proposed buildings and any fill using
761 the vertical datum from the adopted study, either National Geodetic Vertical Datum
762 (NGVD) or North American Vertical Datum (NAVD);
- 763 (h) Data sufficient to determine the regional flood elevation in National

764 Geodetic Vertical Datum or North American Vertical Datum at the location of the
765 development and to determine whether or not the requirements of Article **IV** or **V**
766 are met; and

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

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

775 (a) Zone A floodplains:

776 [1] Hydrology: The appropriate method shall be based on the standards in
777 Ch. NR116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of*
778 *Regional Flood Discharge*.

779 [2] Hydraulic Modeling: The regional flood elevation shall be based on the
780 standards in Ch. NR116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
781 *Determination of Regional Flood Elevation* and the following:

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

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

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

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

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

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

796 [g] standard accepted engineering practices shall be used when
797 assigning parameters for the base model such as flow, Manning's N Values,
798 expansion and contraction coefficients or effective flow limits. The base model
799 shall be calibrated to past flooding data such as high water marks to determine the

800 reasonableness of the model results. If no historical data is available, adequate
801 justification shall be provided for any parameters outside standard accepted
802 engineering practices.

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

807 [3] Mapping: A work map of the reach studied shall be provided, showing all
808 cross sections locations, floodway/floodplain limits based on best available
809 topographic data, geographic limits of the proposed development and whether the
810 proposed development is located in a floodway.

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

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

818 (b) Zone AE Floodplains

819 [1] Hydrology: If the proposed hydrology will change the existing study, the
820 appropriate method to be used shall be on Ch. NR 116.07(3), Wis. Admin. Code,
821 *Hydrologic Analysis: Determination of Regional Flood Discharge*.

822 [2] Hydraulic model: The regional flood elevation shall be based on the
823 standards in Ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
824 *Determination of Regional Flood Elevation* and the following:

825 [a] Duplicate Effective Model: The effective model shall be reproduced to
826 ensure correct transference of the model data and to allow integration of the
827 revised data to provide a continuous FIS model upstream and downstream of the
828 revised reach. If the data from the Effective Model is available, models shall be
829 generated that duplicate the FIS —profiles and the elevations shown in the
830 Floodway Data Table in the FIS report to within 0.1 foot.

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

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

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

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

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

851 [3] Mapping: Maps and associated engineering data shall be submitted to the
852 Department for review which meet the following conditions:

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

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

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

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

867 [e] The revised floodplain boundaries shall tie into the effective floodplain
868 boundaries.

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

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

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

875 (4) Expiration. All permits issued under the authority of this chapter shall expire no
876 more than 180 days after issuance. The permit may be extended for a maximum of
877 180 days for good and sufficient cause.

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

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

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

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

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

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

899 § 300-39 **County Land Use Planning and Zoning Committee.**

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

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

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

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

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

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

909 § 300-40 **County Board of Adjustment.**

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

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

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

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

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

923 B. Appeals to the County Board of Adjustment.

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

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

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

934 [1] Fix a reasonable time for the hearing.

935 [2] Publish adequate notice pursuant to the Wisconsin Statutes, specifying
936 the date, time, place and subject of the hearing.

937 [3] Assure that notice shall be mailed to the parties in interest and the
938 Wisconsin Department of Natural Resources regional office at least 10 days in
939 advance of the hearing.

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

942 [1] Resolve boundary disputes according to Subsection **C** below.

- 943 [2] Decide variance applications according to Subsection **D** below.
- 944 [3] Decide appeals of permit denials according to § **300-41**.
- 945 (3) Decision. The final decision regarding the appeal or variance application shall:
- 946 (a) Be made within a reasonable time.
- 947 (b) Be sent to the Wisconsin Department of Natural Resources regional office
948 within 10 days of the decision.
- 949 (c) Be a written determination signed by the Chair or Secretary of the County
950 Board of Adjustment.
- 951 (d) State the specific facts that are the basis for the County Board of
952 Adjustment's decision.
- 953 (e) Either affirm, reverse, vary or modify the order, requirement, decision or
954 determination appealed, in whole or in part, dismiss the appeal for lack of
955 jurisdiction or grant or deny the variance application.
- 956 (f) Include the reasons for granting an appeal, describing the hardship
957 demonstrated by the applicant in the case of a variance, clearly stated in the
958 recorded minutes of the County Board of Adjustment proceedings.
- 959 C. Boundary disputes. The following procedure shall be used by the County Board of
960 Adjustment in hearing disputes concerning floodplain district boundaries:
- 961 (1) If a floodplain district boundary is established by approximate or detailed floodplain
962 studies, the flood elevations or profiles shall prevail in locating the boundary. If
963 none exist, other evidence may be examined.
- 964 (2) In all cases, the person contesting the boundary location shall be given a
965 reasonable opportunity to present arguments and technical evidence to the County
966 Board of Adjustment.
- 967 (3) If the boundary is incorrectly mapped, the County Board of Adjustment should
968 inform the County Land Use Planning and Zoning Committee or the person
969 contesting the boundary location to petition the County Board for a map
970 amendment according to Article **IX**, Amendments.
- 971 D. Variances.
- 972 (1) The County Board of Adjustment may, upon appeal, grant a variance from the
973 standards of this chapter if an applicant convincingly demonstrates that:
- 974 (a) Literal enforcement of the provisions of this chapter will cause
975 unnecessary hardship;

- 976 (b) The hardship is due to adoption of this chapter and unique property
977 conditions not common to adjacent lots or premises. In such case, this chapter or
978 the map must be amended;
- 979 (c) The variance is not contrary to the public interest; and
- 980 (d) The variance is consistent with the purpose of this chapter in § **300-3**.
- 981 (2) In addition to the criteria in Subsection **D(1)** above, to qualify for a variance under
982 Federal Emergency Management Agency regulations, the following criteria must be
983 met:
- 984 (a) The variance may not cause any increase in the regional flood elevation.
- 985 (b) Variances can only be granted for land areas that are less than 1/2 acre
986 and are contiguous to existing structures constructed below the regional flood
987 elevation.
- 988 (c) Variances shall only be granted upon a showing of good and sufficient
989 cause, shall be the minimum relief necessary, shall not cause increased risks to
990 public safety or nuisances, shall not increase costs for rescue and relief efforts and
991 shall not be contrary to the purpose of this chapter.
- 992 (3) A variance shall not:
- 993 (a) Grant, extend or increase any use prohibited in the zoning district.
- 994 (b) Be granted for a hardship based solely on an economic gain or loss.
- 995 (c) Be granted for a hardship which is self-created.
- 996 (d) Damage the rights or property values of other persons in the area.
- 997 (e) Allow actions without the amendments to this chapter or map(s) required
998 in § **300-44**.
- 999 (f) _____ Allow any alteration of a historic structure, including its use that would
1000 preclude its _____ continued designation as a historic structure.
- 1001 (4) When a floodplain variance is granted, the County Board of Adjustment shall notify
1002 the applicant in writing that it may increase risks to life and property and flood
1003 insurance premiums up to \$25.00 per \$100 of coverage. A copy shall be
1004 maintained with the variance record.
- 1005 § 300-41 **Appeal of permit denial.**
- 1006 A. The County Land Use Planning and Zoning Committee or County Board of
1007 Adjustment shall review all data related to the appeal. This may include:

- 1008 (1) Permit application data listed in § **300-38B**.
- 1009 (2) Floodway/flood-fringe determination data in § **300-33**.
- 1010 (3) Data listed in § **300-25A(2)** where the applicant has not submitted this information
1011 to the County Land Use Planning and Zoning Department.
- 1012 (4) Other data submitted with the application or submitted to the County Board of
1013 Adjustment with the appeal.
- 1014 B. For appeals of all denied permits, the County Board of Adjustment shall:
- 1015 (1) Follow the procedures of § **300-40**;
- 1016 (2) Consider County Land Use Planning and Zoning Committee recommendations;
1017 and
- 1018 (3) Either uphold the denial or grant the appeal.
- 1019 C. For appeals concerning increases in regional flood elevation, the County Board of
1020 Adjustment shall:
- 1021 (1) Uphold the denial where the County Board of Adjustment agrees with the data
1022 showing an increase in flood elevation. Increases may only be allowed after
1023 amending the flood profile and map and all appropriate legal arrangements are
1024 made with all adversely affected property owners as per the requirements of Article
1025 IX, *Amendments*.
- 1026 (2) Grant the appeal where the County Board of Adjustment agrees that the data
1027 properly demonstrates that the project does not cause an increase provided that no
1028 other reasons for denial exist.
- 1029 **§ 300-42 Floodproofing Standards for Nonconforming Structures or Uses**
- 1030 A. No permit or variance shall be issued for a non-residential structure designed to be
1031 watertight below the regional flood elevation until the applicant submits a plan
1032 certified by a registered professional engineer or architect that the flood proofing
1033 measures will protect the structure or development to the flood-protection elevation
1034 and submits a FEMA Floodproofing Certificate.
- 1035 B. For a structure designed to allow the entry of floodwaters, no permit or variance
1036 shall be issued until the applicant submits a plan either:
- 1037 (1) certified by a registered professional engineer or architect; or
- 1038 (2) meets or exceeds the following standards:
- 1039 (a) a minimum of two openings having a total net area of not less than one
1040 square inch for every square foot of enclosed area subject to flooding;

- 1041 (b) the bottom of all openings shall be no higher than one foot above grade;
1042 and
- 1043 (c) Openings may be equipped with screens, louvers, valves, or other
1044 coverings or devices provided that they permit the automatic entry and exit of flood
1045 waters.
- 1046 C. Flood proofing measures shall be designed to:
- 1047 (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other
1048 regional flood factors;
- 1049 (2) Protect structures to the flood-protection elevation;
- 1050 (3) Anchor structures to foundations to resist flotation and lateral movement; and
- 1051 (4) Minimize or eliminate infiltration of flood waters; and
- 1052 (5) Minimize or eliminate discharges into flood waters.
- 1053 D. Flood proofing measures could include:
- 1054 (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure
1055 or floating debris.
- 1056 (2) Adding mass or weight to prevent flotation.
- 1057 (3) Placing essential utilities above the flood-protection elevation.
- 1058 (4) Installing surface or subsurface drainage systems to relieve foundation wall and
1059 basement floor pressures.
- 1060 (5) Constructing water supply wells and waste treatment systems to prevent the entry
1061 of floodwaters.
- 1062 (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.
- 1063 § 300-43 **Public information.**
- 1064 A. Place marks on structures to show the depth of inundation during the regional
1065 flood.
- 1066 B. All maps, engineering data and regulations shall be available and widely
1067 distributed.
- 1068 C. All real estate transfers should show what floodplain zoning district any real
1069 property is in.

1070

Article IX

Amendments

- 1071
- 1072 § 300-44 **Amendments.**
- 1073 Obstructions or increases may only be permitted if amendments are made to this
- 1074 ordinance, the official floodplain zoning maps, floodway lines and water surface profiles,
- 1075 in accordance with Section 300-44C.
- 1076 A. In AE Zones with a mapped floodway, no obstructions or increases shall be
- 1077 permitted unless the applicant receives a Conditional Letter of Map Revision (CLOMR)
- 1078 from FEMA and amendments are made to this chapter, the official floodplain zoning
- 1079 maps, floodway lines and water surface profiles, in accordance with Section 300-44C.
- 1080 Any such alterations must be reviewed and approved by FEMA and the WDNR.
- 1081 B. In A Zones, increases equal to or greater than 1.0 foot may only be permitted if the
- 1082 applicant receives a Conditional Letter of Map Revision (CLOMR) from FEMA and
- 1083 amendments are made to this chapter, the official floodplain maps, floodway lines and
- 1084 water surface profiles, in accordance with Section 300-44C.
- 1085 C. The County Board shall change or supplement the floodplain zoning district
- 1086 boundaries and this chapter in the manner outlines in Section 300-45 below. Actions
- 1087 which require an amendment to this chapter and/or submittal of a Letter of Map Change
- 1088 (LOMC) include, but are not limited to, the following:
- 1089 (1) Any change to the floodplain boundaries and/or watercourse alterations in the
- 1090 FIRM;
- 1091 (2) Correction of discrepancies between the water surface profiles and Floodplain
- 1092 Zoning Maps.
- 1093 (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or
- 1094 above the flood-protection elevation and is contiguous to land lying outside the
- 1095 floodplain.
- 1096 (4) Any fill or floodway encroachment that obstructs flow causing any increase in the
- 1097 regional flood height;
- 1098 (5) Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis.
- 1099 Adm. Code, or otherwise required by law or for changes by Green Lake County.
- 1100 (6) All channel relocations and changes to the maps to alter floodway lines or to
- 1101 remove an area from the floodway or the flood-fringe that is based on a base flood
- 1102 elevation from a Flood Insurance Rate Map requires prior approval by the Federal
- 1103 Emergency Management Agency.
- 1104 (7) Any changes to any other officially adopted floodplain maps listed in Section 300-
- 1105 10B.

1106 § 300-45 **Amendment procedure.**
1107 Amendments to this chapter may be made upon petition of any interested party
1108 according to the provisions of § 59.69, Wis. Stats. Such petitions shall include all
1109 necessary data required by §§ **300-33** and **300-38B**. The land use permit shall not be
1110 issued until a Letter of Map Revision (LOMR) is issued by FEMA for the proposed
1111 changes.

1112 A. The proposed amendment shall be referred to the County Land Use Planning and
1113 Zoning Committee for a public hearing and recommendation to the County Board.
1114 The amendment and notice of public hearing shall be submitted to the Wisconsin
1115 Department of Natural Resources regional office for review prior to the hearing. The
1116 amendment procedure shall comply with the provisions of § 59.69, Wis. Stats.

1117 B. No amendments shall become effective until reviewed and approved by the
1118 Wisconsin Department of Natural Resources.

1119 C. All persons petitioning for a map amendment that obstructs flow, increasing
1120 regional flood height 0.01 foot or more, shall obtain flooding easements or other
1121 appropriate legal arrangements from all adversely affected property owners and
1122 notify local units of government before the amendment can be approved by the
1123 County Board.

1124 Article X 1125 Enforcement

1126 § 300-46 **Investigation.**
1127 Any violation of the provisions of this chapter shall be deemed unlawful. When
1128 necessary, to determine compliance with this chapter, the Land Use Planning and
1129 Zoning Department shall investigate alleged violations. After confirmation that a
1130 violation exists, the Land Use Planning and Zoning Department shall pursue compliance
1131 of the violation.

1132 § 300-46.1 **Violations and penalties; citations.**

1133 A. Any violation of the provisions of this chapter by or under the direction of the
1134 landowner shall be brought into compliance upon notification by the Land Use
1135 Planning and Zoning Department or the Land Use Planning and Zoning Committee
1136 or the County Corporation Counsel.

1137 B. The County Corporation Counsel shall have the authority to use all legal remedies
1138 necessary to pursue compliance with the provisions of this chapter. After
1139 consultation with the Land Use Planning and Zoning Department and/or the Land
1140 Use Planning and Zoning Committee, the Corporation Counsel shall determine
1141 which legal remedy or legal remedies are in order to pursue compliance with the
1142 provisions of this chapter.

1143 C. Any landowner who violates or refuses to comply with any of the provisions of this
1144 chapter shall be subject to, upon conviction, a forfeiture of not less than \$10 nor

1145 more than \$5,000 per offense, together with the taxable costs of action. Each day
1146 that the violation exists shall constitute a separate offense.

1147 D. In addition to the Corporation Counsel having the authority to pursue compliance
1148 per Subsection **B** above, the designated staff of the Land Use Planning and Zoning
1149 Department shall have the authority and may prepare, sign and issue citations in
1150 order to commence action to achieve compliance with the provisions of this
1151 chapter.

1152 **§ 300-46.2 Stop-work order.**

1153 A. No land use permit obtained. When the Land Use Planning and Zoning Department
1154 is notified or becomes aware of any activity in violation of the provisions of this
1155 chapter by or under the direction of the landowner that requires issuance of a land
1156 use permit pursuant to this chapter, and such a permit has not been obtained, the
1157 Land Use Planning and Zoning Department may issue a stop-work order requiring
1158 any such activity to be immediately stopped and enjoined.

1159 B. Land use permit obtained. When the Land Use Planning and Zoning Department is
1160 notified or becomes aware of any activity in violation of the provisions of this
1161 chapter by or under the direction of the landowner for which a land use permit was
1162 issued and the actual activity deviates from that land use permit, the Land Use
1163 Planning and Zoning Department may issue a stop-work order requiring the activity
1164 to be immediately stopped and enjoined.

1165 C. The stop-work order shall be mailed to the subject landowner's property tax bill
1166 mailing address or the mailing address as stated on the land use permit application
1167 and/or to any person signing the land use permit application.

1168 D. The stop-work order card issued and posted by the Land Use Planning and Zoning
1169 Department shall be posted at the subject site in plain view from a non-trespass
1170 location off the subject property. A stop-work order card shall remain posted until
1171 compliance of the violation occurs.

1172 E. An action filed pursuant to § **300-40** of this chapter to the County Board of
1173 Adjustment or to any court shall stop work during and until the final outcome of the
1174 action has been reached or until so ordered by a court of appropriate jurisdiction.

1175 **§ 300-46.3 Injunction.**

1176 Every violation of this chapter is a public nuisance, and the creation thereof may be
1177 enjoined and the maintenance thereof abated pursuant to § 87.30, Wis. Stats.

1178 **Article XI**
1179 **Definitions**

1180 **§ 300-47 Word usage and definitions.**

1181 Unless specifically defined, words and phrases used in this chapter shall have their
1182 common law meaning and shall be applied in accordance with their common usage.

1183 Words used in the present tense include the future, the singular number includes the
1184 plural, and the plural number includes the singular. The word "may" is permissive, and
1185 the word "shall" is mandatory and not discretionary.

1186 **1. ACCESSORY STRUCTURE OR USE**

1187 A facility, structure, building or use which is accessory or incidental to the principal
1188 use of a property, structure or building.

1189 **2. A ZONES**

1190 Those areas shown on the Official Floodplain Zoning Map which would be
1191 inundated by the regional flood. These areas may be numbered or unnumbered A
1192 Zones. The A Zones may or may not be reflective of flood profiles, depending on
1193 the availability of data for a given area.

1194 **3. AH ZONE –** See “AREA OF SHALLOW FLOODING”.

1195 **4. AO ZONE –** See “AREA OF SHALLOW FLOODING”.

1196 **5. ALTERATION –** An enhancement, upgrading or substantial change or modifications
1197 other than an addition or repair to a dwelling or to electrical, plumbing, heating,
1198 ventilating, air conditioning and other systems within a structure.

1199 **6. AREA OF SHALLOW FLOODING –** A designated AO, AH, AR/AO, AR/AH, or VO
1200 zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater
1201 chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel
1202 does not exist, where the path of flooding is unpredictable, and where velocity flood may
1203 be evident. Such flooding is characterized by ponding or sheet flow.

1204 **7. BASE FLOOD**

1205 The flood having a one-percent chance of being equaled or exceeded in any given
1206 year, as published by the Federal Emergency Management Agency as part of a
1207 Flood Insurance Study and depicted on a Flood Insurance Rate Map.

1208 **8. BASEMENT**

1209 Any enclosed area of a building having its floor subgrade, i.e., below ground level,
1210 on all sides.

1211 **9. BUILDING**

1212 See "structure."

1213 **10. BULKHEAD LINE**

1214 A geographic line along a reach of navigable water that has been adopted by a
1215 municipal ordinance and approved by the Wisconsin Department of Natural
1216 Resources pursuant to § 30.11, Wis. Stats., and which allows limited filling between
1217 this bulkhead line and the original ordinary high-water mark, except where such
1218 filling is prohibited by the floodway provisions of this chapter.

1219 **11. CAMPGROUND**

1220 Any area of land which is designed, maintained, intended or used for the purpose
1221 of providing sites for nonpermanent overnight use by four or more camping units or
1222 which is advertised or represented as a camping area.

1223 **12. CAMPING UNIT**

1224 Any portable device, no more than 400 square feet in area, used as a temporary
1225 shelter for human habitation, including but not limited to a camping trailer, motor
1226 home, bus, van, pickup truck, or tent that is fully licensed, if required, and ready for
1227 highway use.

1228 **13. CERTIFICATE OF COMPLIANCE**

1229 A certification that the construction and the use of land or a building, the elevation
1230 of fill or the lowest floor of a structure is in compliance with all of the provisions of
1231 this chapter.

1232 **14. CHANNEL**

1233 A natural or artificial watercourse with definite bed and banks to confine and
1234 conduct the normal flow of water.

1235 **15. CRAWLWAY or CRAWL SPACE**

1236 An enclosed area below the first usable floor of a building, generally less than five
1237 feet in height, used for limited access to plumbing and electrical utilities.

1238 **16. DECK**

1239 An unenclosed exterior structure that has no roof or sides, characterized by a flat,
1240 open, horizontal surface or platform suspended above the grade of land it covers,
1241 but which has a permeable floor that allows the infiltration of precipitation.

1242 **17. DEPARTMENT**

1243 The Wisconsin Department of Natural Resources.

1244 **18. DEVELOPMENT**

1245 Any artificial change to improved or unimproved real estate, including but not
1246 limited to the construction of buildings, structures or accessory structures; the
1247 construction of additions or alterations to buildings, structures or accessory
1248 structures; the repair of any damaged structure or the improvement or renovation of
1249 any structure, regardless of the percentage of damage or improvement; the
1250 placement of buildings or structures; subdivision layout and site preparation;
1251 mining, dredging, filling, grading, paving, excavation or drilling operations; the
1252 storage, deposition or extraction of materials or equipment; and the installation,
1253 repair or removal of public or private sewage disposal systems or water supply
1254 facilities.

1255 **19. DRY LAND ACCESS**

1256 A vehicular access route which is above the regional flood elevation and which
1257 connects land located in the floodplain to land outside the floodplain, such as a

1258 road with its surface above regional flood elevation and wide enough for wheeled
1259 rescue and relief vehicles.

1260 **20. ENCROACHMENT**

1261 Any fill, structure, equipment, building, use or development in the floodway.

1262 **21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

1263 The federal agency that administers the National Flood Insurance Program.

1264 **22. FLOOD INSURANCE RATE MAP (FIRM)** – A map of a community on which the
1265 Federal Insurance Administration has delineated both the floodplain and the risk
1266 premium zones applicable to the community. This map can only be amended by the
1267 Federal Emergency Management Agency.

1268 **23. FLOOD or FLOODING** – A general and temporary condition of partial or complete
1269 inundation of normally dry land areas caused by one of the following conditions:

- 1270 • The overflow or rise of inland waters;
- 1271 • The rapid accumulation or runoff of surface waters from any source;
- 1272 • The undulation caused by waves or currents of water exceeding anticipated
1273 cyclical levels along the shore of Lake Michigan or Lake Superior; or
- 1274 • The sudden increase caused by an unusually high water level in a natural body
1275 of water, accompanied by a severe storm, or by an unanticipated force of nature,
1276 such as a seiche or by some similarly unusual event.

1277 **24. FLOOD FREQUENCY**

1278 The probability of a flood occurrence which is determined from statistical analyses.
1279 The frequency of a particular flood event is usually expressed as occurring, on the
1280 average, once in a specified number of years or as a percent chance of occurring in
1281 any given year.

1282 **25. FLOOD-FRIDGE**

1283 That portion of the floodplain outside of the floodway which is covered by
1284 floodwaters during the regional flood and associated with standing water rather
1285 than flowing water.

1286 **26. FLOOD HAZARD BOUNDARY MAP**

1287 A map designating approximate flood hazard areas. Flood hazard areas are
1288 designated as unnumbered A Zones and do not contain floodway lines or regional
1289 flood elevations. This map forms the basis for both the regulatory and insurance
1290 aspects of the National Flood Insurance Program until superseded by a Flood
1291 Insurance Study and a Flood Insurance Rate Map.

1292 **27. FLOOD INSURANCE STUDY**

1293 A technical engineering examination, evaluation, and determination of the local
1294 flood hazard areas. It provides maps designating those areas affected by the

1295 regional flood and provides both flood insurance rate zones and base flood
1296 elevations and may provide floodway lines. The flood hazard areas are designated
1297 as numbered and unnumbered A Zones. Flood Insurance Rate Maps, which
1298 accompany the Flood Insurance Study, form the basis for both the regulatory and
1299 the insurance aspects of the National Flood Insurance Program.

1300 **28. FLOODPLAIN**

1301 Land which has been or may be covered by floodwater during the regional flood. It
1302 includes the floodway and the flood-fringe and may include other designated
1303 floodplain areas for regulatory purposes.

1304 **29. FLOODPLAIN ISLAND**

1305 A natural geologic land formation within the floodplain that is surrounded, but not
1306 covered, by floodwater during the regional flood.

1307 **30. FLOODPLAIN MANAGEMENT**

1308 Policy and procedures to insure wise use of floodplains, including mapping and
1309 engineering, mitigation, education, and administration and enforcement of
1310 floodplain regulations.

1311 **31. FLOOD PROFILE**

1312 A graph or a longitudinal profile line showing the relationship of the water surface
1313 elevation of a flood event to locations of land surface elevations along a stream or
1314 river.

1315 **32. FLOODPROOFING**

1316 Any combination of structural provisions, changes or adjustments to properties and
1317 structures, water and sanitary facilities and contents of buildings subject to flooding,
1318 for the purpose of reducing or eliminating flood damage.

1319 **33. FLOOD-PROTECTION ELEVATION**

1320 An elevation of two feet of freeboard above the water surface profile elevation
1321 designated for the regional flood. (See also "freeboard.")

1322 **34. FLOOD STORAGE**

1323 Those floodplain areas where storage of floodwaters has been taken into account
1324 during analysis in reducing the regional flood discharge.

1325 **35. FLOODWAY**

1326 The channel of a river or stream and those portions of the floodplain adjoining the
1327 channel required to carry the regional flood discharge.

1328 **36. FREEBOARD**

1329 A safety factor expressed in terms of a specified number of feet above a calculated
1330 flood level. Freeboard compensates for any factors that cause flood heights greater
1331 than those calculated, including ice jams, debris accumulation, wave action,

1332 obstruction of bridge openings and floodways, the effects of watershed
1333 urbanization, the loss of flood storage areas due to development and aggregation
1334 of the river- or streambed.

1335 **37. HABITABLE STRUCTURE**

1336 Any structure or portion thereof used or designed for human habitation.

1337 **38. HEARING NOTICE**

1338 A publication or posting meeting the requirements of Ch. 985, Wis. Stats. For
1339 appeals, a Class 1 notice, published once at least one week (seven days) before
1340 the hearing, is required. For all zoning ordinances and amendments, a Class 2
1341 notice, published twice, once each week consecutively, the last at least a week
1342 (seven days) before the hearing, is required. Local ordinances or bylaws may
1343 require additional notice, exceeding these minimums.

1344 **39. HIGH FLOOD-DAMAGE POTENTIAL**

1345 Damage that could result from flooding that includes any danger to life or health or
1346 any significant economic loss to a structure or building and its contents.

1347 **40. HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground
1348 surface prior to construction next to the proposed walls of a structure.

1349 **41. HISTORIC STRUCTURE**

1350 Any structure that is either:

1351 A. Listed individually in the National Register of Historic Places or preliminarily
1352 determined by the Secretary of the Interior as meeting the requirements for
1353 individual listing on the National Register;

1354 B. Certified or preliminarily determined by the Secretary of the Interior as
1355 contributing to the historical significance of a registered historic district or a
1356 district preliminarily determined by the Secretary to qualify as a registered
1357 historic district;

1358 C. Individually listed on a state inventory of historic places in states with historic
1359 preservation programs which have been approved by the Secretary of the
1360 Interior; or

1361 D. Individually listed on a local inventory of historic places in communities with
1362 historic preservation programs that have been certified either by an approved
1363 state program, as determined by the Secretary of the Interior, or by the
1364 Secretary of the Interior in states without approved programs.

1365 **42. INCREASE IN REGIONAL FLOOD HEIGHT**

1366 A calculated upward rise in the regional flood elevation, equal to or greater than
1367 0.00 foot, based on a comparison of existing conditions and proposed conditions,
1368 which is directly attributable to development in the floodplain but not attributable to

1369 manipulation of mathematical variables such as roughness factors, expansion and
1370 contraction coefficients and discharge.

1371 **43. LAND USE**

1372 Any use made of an unimproved or improved land area. (See also "development.")

1373 **44. LOWEST ADJACENT GRADE –** Elevation of the lowest ground surface that
1374 touches any of the exterior walls of a building.

1375 **45. LOWEST FLOOR –** The lowest floor of the lowest enclosed area (including
1376 basement). An unfinished or flood resistant enclosure, usable solely for parking
1377 vehicles, building access or storage in an area other than a basement area is not
1378 considered a building's lowest floor; provided that such enclosure is not built so as
1379 to render the structure in violation of the applicable non-elevation design
1380 requirements of 44 CFR 60.3.

1381 **46. MAINTENANCE –** The act of process of restoring to original soundness, including
1382 redecorating, refinishing, non-structural repairs, or the replacement of exiting
1383 fixtures, systems, or equipment with equivalent fixtures, systems or structures.

1384 **47. MANUFACTURED HOME**

1385 A structure transportable in one or more sections which is built on a permanent
1386 chassis and is designed to be used with or without a permanent foundation when
1387 connected to required utilities. The term "manufactured home" includes a mobile
1388 home but does not include a mobile recreational vehicle.

1389 **48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION –** A parcel (or
1390 contiguous parcels) of land, divided into two or more manufactured home lots for
1391 rent or sale.

1392 **49. MOBILE.MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING –** A
1393 parcel of land, divided into two or more manufactured home lots for rent or sale, on
1394 which the construction of facilities for servicing the lots is completed before the
1395 effective date of this ordinance. At a minimum, this would include the installation of
1396 utilities, the construction of streets and either final site grading or the pouring of
1397 concrete pads.

1398 **50. MOBILE.MANUFACTURED HOME PARK, EXPANSION TO EXISTING –** The
1399 preparation of additional sites by the construction of facilities for servicing the lots
1400 on which the manufactured homes are to be affixed. This includes installation of
1401 utilities, construction of streets and either final site grading or the pouring of
1402 concrete pads.

1403 **51. MOBILE RECREATIONAL VEHICLE**

1404 A vehicle which is built on a single chassis, 400 square feet or less when
1405 measured at the largest horizontal projection, designed to be self-propelled, carried
1406 or permanently towable by a licensed, light-duty vehicle, is licensed for highway
1407 use if registration is required and is designed primarily not for use as a permanent
1408 dwelling but as temporary living quarters for recreational, camping, travel or

1409 seasonal use. Manufactured homes that are towed or carried onto a parcel of land
1410 but do not remain capable of being towed or carried, including park model homes,
1411 do not fall within the definition of "mobile recreational vehicle."

1412 **52. MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects
1413 any errors that occur in the Duplicate Effective Model, adds any additional cross
1414 sections to the Duplicate Effective Model, or incorporates more detailed
1415 topographic information than that used in the current effective model.

1416 **53. MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the
1417 effective Flood Insurance Study (FIS) and referred to as the effective model.

1418 **54. MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce
1419 the current effective Flood Insurance Study (FIS).

1420 **55. MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective
1421 Model or Corrected Effective Model to reflect any man made modifications that
1422 have occurred within the floodplain since the date of the effective model but prior to
1423 the construction of the project for which the revision is being requested. If no
1424 modification has occurred since the date of the effective model, then this model
1425 would be identical to the Corrected Effective Model or Duplicate Effective Model.

1426 **56. MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-
1427 Project Conditions Model, Duplicate Effective Model or Corrected Effective Model
1428 to reflect revised or post-project conditions.

1429
1430 **57. MUNICIPALITY or MUNICIPAL**
1431 The county, city or village governmental units enacting, administering and enforcing
1432 this zoning chapter.

1433 **58. NAVD or NORTH AMERICAN VERTICAL DATUM**
1434 Elevations referenced to mean sea level datum, 1988 adjustment.

1435 **59. NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to
1436 mean sea level datum, 1929 adjustment.

1437 **60. NEW CONSTRUCTION**
1438 For floodplain management purposes, "new construction" means structures for
1439 which the start of construction commenced on or after the effective date of
1440 floodplain zoning regulations adopted by this community and includes any
1441 subsequent improvements to such structures. For the purpose of determining flood
1442 insurance rates, it includes any structures for which the start of construction
1443 commenced on or after the effective date of an initial Flood Insurance Rate Map or
1444 after December 31, 1974, whichever is later, and includes any subsequent
1445 improvements to such structures.

1446 **61. NONCONFORMING STRUCTURE**

1447 An existing lawful structure or building that is not in conformity with the dimensional
1448 or structural requirements of this chapter for the area of the floodplain that it
1449 occupies. (For example, an existing residential structure in the flood-fringe district is
1450 a conforming use. However, if the lowest floor is lower than the flood-protection
1451 elevation, the structure is nonconforming.)

1452 **62. NONCONFORMING USE**

1453 An existing lawful use or accessory use of a structure or building which is not in
1454 conformity with the provisions of this chapter for the area of the floodplain which it
1455 occupies (such as a residence in the floodway).

1456 **63. OBSTRUCTION TO FLOW**

1457 Any development which blocks the conveyance of floodwaters such that this
1458 development alone or together with any future development will cause an increase
1459 in regional flood height.

1460 **64. OFFICIAL FLOODPLAIN ZONING MAP**

1461 That map, adopted and made part of this chapter, as described in § 300-10, which
1462 has been approved by the Wisconsin Department of Natural Resources and the
1463 Federal Emergency Management Agency.

1464 **65. OPEN SPACE USE**

1465 Those uses having a relatively low flood-damage potential and not involving
1466 structures.

1467 **66. ORDINARY HIGH-WATER MARK**

1468 The point on the bank or shore up to which the presence and action of surface
1469 water is so continuous as to leave a distinctive mark, such as by erosion,
1470 destruction or prevention of terrestrial vegetation, predominance of aquatic
1471 vegetation, or other easily recognized characteristic.

1472 **67. PERSON**

1473 An individual, or group of individuals, corporation, partnership, association,
1474 municipality or state agency.

1475 **68. PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM (POWTS)**

1476 A sewage treatment and disposal system serving one structure with a septic tank
1477 and soil absorption field located on the same land area as the structure. It also
1478 means an alternative sewage system approved by the Department of Safety and
1479 Professional Services, including a substitute for the septic tank or soil absorption
1480 field, a holding tank, a system serving more than one structure or a system located
1481 on a different land area than the structure.

1482 **69. PUBLIC UTILITIES**

1483 Those utilities using underground or overhead transmission lines, such as electric,
1484 telephone and telegraph, and distribution and collection systems, such as water,

1485 sanitary sewer and storm sewer.

1486 **70. REASONABLY SAFE FROM FLOODING**

1487 Means that base flood waters will not inundate the land or damage structures to be
1488 removed from the floodplain and that any subsurface waters related to the base
1489 flood will not damage existing or proposed buildings.

1490 **71. REGIONAL FLOOD**

1491 A flood determined to be representative of large floods known to have occurred in
1492 Wisconsin. A regional flood is a flood with a one-percent chance of being equaled
1493 or exceeded in any given year, and if depicted on the Flood Insurance Rate Map,
1494 the regional flood elevation is equivalent to the base flood elevation.

1495 **72. START OF CONSTRUCTION**

1496 The date the building permit was issued, provided that the actual start of
1497 construction, repair, reconstruction, rehabilitation, addition, placement, or other
1498 improvement was within 180 days of the permit date. The "actual start" means
1499 either the first placement of permanent construction on a site, such as the pouring
1500 of slab or footings, the installation of piles, the construction of columns, or any work
1501 beyond initial excavation, or the placement of a manufactured home on a
1502 foundation. Permanent construction does not include land preparation, such as
1503 clearing, grading and filling, nor does it include the installation of streets and/or
1504 walkways, nor does it include excavation for a basement, footings, piers or
1505 foundations or the erection of temporary forms, nor does it include the installation
1506 on the property of accessory buildings, such as garages or sheds not occupied as
1507 dwelling units or not part of the main structure. For an alteration, the actual start of
1508 construction means the first alteration of any wall, ceiling, floor or other structural
1509 part of a building, whether or not that alteration affects the external dimensions of
1510 the building.

1511 **73. STRUCTURE**

1512 Any man-made object with form, shape and utility, either permanently or
1513 temporarily attached to, placed upon or set into the ground, streambed or lakebed,
1514 including but not limited to roofed and walled buildings, gas or liquid storage tanks,
1515 bridges, dams and culverts.

1516 **74. SUBDIVISION**

1517 Has the meaning given in Chapter 236.02(12), Wis. Statutes (as amended) which
1518 states that "subdivision" means a division of a lot, parcel, or tract of land by the
1519 owner thereof or the owner's agent for the purpose of sale or of building
1520 development and to which any of the following applies:

1521 A. The act of division creates five or more land areas or building sites of 1.5 acres
1522 each or less in area; or

1523 B. The act creates five or more land areas or building sites of -1.5 acres each or

1524 less in area are created by successive division within a period of five years.

1525 **75. SUBSTANTIAL DAMAGE**

1526 Damage of any origin sustained by a structure, whereby the cost of restoring the
1527 structure to its pre-damaged condition would equal or exceed 50% of the equalized
1528 assessed value of the structure before the damage occurred.

1529 **76. SUBSTANTIAL IMPROVEMENT**

1530 —Any repair, reconstruction, rehabilitation, addition or improvement of a building or
1531 structure, the cost of which equals or exceeds 50 percent of the equalized
1532 assessed value of the structure before the improvement or repair is started. If the
1533 structure has sustained substantial damage, any repairs are considered substantial
1534 improvements regardless of the work performed. The term does not, however,
1535 include either any project for the improvement of a building required to correct
1536 existing health, sanitary, or safety code violations identified by the building official
1537 and that are the minimum necessary to assure safe living conditions; or any
1538 alteration of a historic structure provided that the alteration will not preclude the
1539 structure's continued designation as a historic structure.

1540 **77. UNNECESSARY HARDSHIP**

1541 Where special conditions affecting a particular property, which were not self-
1542 created, have made strict conformity with restrictions governing areas, setbacks,
1543 frontage, height or density unnecessarily burdensome or unreasonable in light of
1544 the purposes of this chapter.

1545 **78. VARIANCE**

1546 An authorization by the Board of Adjustment for the construction or maintenance of
1547 a building or structure in a manner which is inconsistent with dimensional standards
1548 (not uses) contained in this chapter.

1549 **79. VIOLATION**

1550 The failure of a structure or other development to be fully compliant with this
1551 chapter. A structure or other development without required permits, lowest floor
1552 elevation documentation, floodproofing certificates or required floodway
1553 encroachment calculations is presumed to be in violation until such time as that
1554 documentation is provided.

1555 **80. WATERSHED**

1556 The entire region contributing runoff or surface water to a watercourse or body of
1557 water.

1558 **81. WATER SURFACE PROFILE**

1559 A graphical representation showing the elevation of the water surface of a
1560 watercourse for each position along a reach of river or stream at a certain flood
1561 flow. A water surface profile of the regional flood is used in regulating floodplain
1562 areas.

1563 **82. WELL**
1564 An excavation opening in the ground, made by digging, boring, drilling, driving or
1565 other methods, to obtain groundwater, regardless of its intended use.

1566 **Attachments:**

1567 [300a Appendix A](#)

1568

1569 Section 2. This ordinance shall become effective upon passage and publication.

1570 Section 3. The repeal and recreation of any section herein shall not have any effect on
1571 existing litigation and shall not operate as an abatement of any action or proceeding then
1572 pending or by virtue of the repealed sections.

1573 Section 4. All ordinances and parts of ordinances in conflict herewith are hereby
1574 repealed.