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**CHAPTER 20 OF THE GENERAL CODE OF
ONEIDA COUNTY WISCONSIN**



**ONEIDA COUNTY BOARD RESOLUTION #440
APRIL 18, 1995**

**Amended by County Board Resolution #52-2008
June 23, 2008**

February 21, 2012

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122		<u>TITLE AND GENERAL PROVISIONS</u>	
123			
124	1.1	<u>STATUTORY AUTHORIZATION</u>	

125 This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and
126 cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

127
128 **1.2 FINDING OF FACT**

129 Uncontrolled development and use of the floodplains and rivers of this municipality would impair
130 the public health, safety, convenience, general welfare and tax base.

131
132 **1.3 STATEMENT OF PURPOSE**

133 This ordinance is intended to regulate floodplain development to:

- 134
135 (1) Protect life, health and property;
136
137 (2) Minimize expenditures of public funds for flood control projects;
138
139 (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
140
141 (4) Minimize business interruptions and other economic disruptions;
142
143 (5) Minimize damage to public facilities in the floodplain;
144
145 (6) Minimize the occurrence of future flood blight areas in the floodplain;
146
147 (7) Discourage the victimization of unwary land and homebuyers;
148
149 (8) Prevent increases in flood heights that could increase flood damage and result in conflicts
150 between property owners; and
151
152 (9) Discourage development in a floodplain if there is any practicable alternative to locate the
153 activity, use or structure outside of the floodplain.

154
155 **1.4 TITLE**

156 This ordinance shall be known as the Oneida County Floodplain Zoning Ordinance for Oneida
157 County, Wisconsin.

158
159
160 **1.5 GENERAL PROVISIONS**

161
162 (1) AREAS TO BE REGULATED

163 This ordinance regulates all areas that would be covered by the regional flood or base
164 flood-as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR.

165 ~~Note:~~ Base flood elevations are derived from the flood profiles in the Flood Insurance
166 Study-(FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory
167 zones are displayed as A and AO zones. Regional flood elevations Flood Elevations (RFE)
168 may be derived from other studies. ~~Areas covered by the base flood are identified as A-~~
169 ~~Zones on the Flood Insurance Rate Map.~~ If more than one map or revision is referenced, the
170 most restrictive information shall apply.

171
172 (2) OFFICIAL MAPS & REVISIONS

173 The boundaries of all floodplain districts are designated as ~~floodplains or A-Zones on the A,~~
174 AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below.

175 ~~and the revisions in the Oneida County Floodplain Zoning Ordinance Appendix.~~ Any
176 change to the base flood elevations (BFE) ~~or any changes to in the boundaries of the~~
177 floodplain or floodway in the FIS Flood Insurance Study (FIS) or on the Flood Insurance
178 Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the
179 Letter of Map Change process (see s.8.0 Amendments) before it is effective. No changes to
180 ~~regional flood elevations (RFE's)~~ on non-FEMA maps shall be effective until approved by
181 the DNR. These maps and revisions are on file in the office of the Planning & Zoning
182 Department, Oneida County. If more than one map or revision is referenced, the most
183 restrictive information shall apply.

184
185 (a.) OFFICIAL MAPS: Based on the FIS
186

187 (a) 1. Flood Insurance Rate Map (FIRM), panel numbers:

188 55085C0020C, 55085C0040C, 55085C0045C
189 55085C0065C, 55085C0070C, 55085C0090C
190 55085C0095C, 55085C0120C, 55085C0140C
191 55085C0145C, 55085C0165C, 55085C0195C
192 55085C0215C, 55085C0220C, 55085C0235C
193 55085C0245C, 55085C0255C, 55085C0260C
194 55085C0265C, 55085C0270C, 55085C0280C
195 55085C0285C, 55085C0290C, 55085C0295C
196 55085C0305C, 55085C0310C, 55085C0315C
197 55085C0320C, 55085C0330C, 55085C0333C
198 55085C0335C, 55085C0339C, 55085C0340C
199 55085C0341C, 55085C0343C, 55085C0345C
200 55085C0355C, 55085C0360C, 55085C0365C
201 55085C0370C, 55085C0380C, 55085C0385C
202 55085C0390C, 55085C0395C, 55085C0405C
203 55085C0410C, 55085C0415C, 55085C0420C
204 55085C0430C, 55085C0435C, 55085C0440C
205 55085C0445C, 55085C0460C, 55085C0470C
206 55085C0480C, 55085C0485C, 55085C0490C
207 55085C0495C, 55085C0505C, 55085C0510C
208 55085C0515C, 55085C0520C, 55085C0530C
209 55085C0535C, 55085C0540C, 55085C0545C
210 55085C0556C, 55085C0557C, 55085C0558C
211 55085C0559C, 55085C0565C, 55085C0570C
212 55085C0578C, 55085C0579C, 55085C0580C
213 55085C0585C, 55085C0587C, 55085C0589C
214 55085C0590C, 55085C0591C, 55085C0592C
215 55085C0593C, 55085C0594C, 55085C0605C
216 55085C0610C, 55085C0615C, 55085C0620C
217 55085C0630C, 55085C0635C, 55085C0640C
218 55085C0645C, 55085C0655C, 55085C0660C
219 55085C0665C, 55085C0670C, 55085C0685C
220 55085C0695C, 55085C0705C, 55085C0710C
221 55085C0715C, 55085C0720C, 55085C0730C
222 55085C0735C, 55085C0740C, 55085C0742C
223 55085C0745C, 55085C0753C, 55085C0754C
224 55085C0755C, 55085C0760C, 55085C0761C

225 55085C0762C, 55085C0770C, 55085C0780C
226 55085C0785C, 55085C0790C, 55085C0795C
227 55085C0802C, 55085C0805C, 55085C0807C
228 55085C0810C, 55085C0815C, 55085C0820C
229 55085C0830C, 55085C0835C, 55085C0840C
230 55085C0845C, 55085C0855C, 55085C0860C
231 55085C0865C, 55085C0870C, 55085C0880C
232 55085C0885C, 55085C0890C, 55085C0895C
233 55085C0930C, 55085C0935C, 55085C0955C
234 55085C0960C, 55085C0980C
235 25, 50, 75, 100, 125, 150, 175, 200, 225, 250, 275, 300, 307, 309, 325, 326, 328, 350,
236 375, 400, and 425 prepared by Federal Emergency Management Agency; with
237 corresponding profiles that are based on the Flood Insurance Study (FIS) dated August 5,
238 1991. Approved by the DNR & FEMA May 22, 1995.

239
240 (b) 2. 100 year Dam Failure Study downstream of the Killarney Lake Dam in Sections 24, 25
241 and 36, T36N, R5E, located in the Town of Little Rice, dated March 1, 1991 (File
242 #90357.01) prepared by Short, Elliot and Hendrickson. Approved by DNR & FEMA
243 November 6, 1992.

244
245 (c) 3. 100 year Dam Failure Study downstream of Spruce Lake Dam located in the E ¼, of SE
246 ¼, in Section 22, T38N, R7E, located in the Town of Cassian, dated August 9, ~~2005~~ 1995
247 prepared by Pete Wuzer of the Natural Resources Conservation Service. Approved by
248 DNR March 28, 1996.

249
250 (d) 4. Floodplain Study Appendix: All DNR- and FEMA-approved floodplain maps, flood
251 profiles, floodway data tables, regional or base flood elevations and other information
252 located in the appendix of this ordinance. The community shall provide the most up to
253 date appendix to the DNR and FEMA regional offices.

254
255 (3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

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

257
258 (a) The Floodway District (FW)₂ is the channel of a river or stream and those portions of
259 the floodplain adjoining the channel required to carry the regional floodwaters and
260 are contained within AE Zones as shown on the FIRM.

261
262 (b) The Floodfringe District (FF) is that portion of the floodplain between the regional
263 flood limits and the floodway.

264
265 (c) The General Floodplain District (GFP) is those areas that have been or may be
266 covered by floodwater during the regional flood.

267
268 (4) LOCATING FLOODPLAIN BOUNDARIES

269 Discrepancies between boundaries on the official floodplain zoning map and actual field
270 conditions shall be resolved using the criteria in sub paragraphs (a) or (b) below. If a
271 significant difference exists, the map shall be amended according to s. 8.0.

272 Amendments. The Zoning Director can rely on a boundary derived from a profile elevation
273 to grant or deny a zoning permit, whether or not a map amendment is required. The Zoning
274 Director shall be responsible for documenting actual pre-development field conditions and

275 the basis upon which the district boundary was determined and for initiating any map
276 amendments required under this section. Disputes between the Zoning Director and an
277 applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria
278 in (a) and (b) below. Where the flood profiles are based on established base flood elevations
279 from a FIRM, FEMA must approve any map amendment or revision pursuant to S. 8.0
280 Amendments.

- 281
282 (a) If flood profiles exist, the map scale and the profile elevations shall determine the
283 district boundary. The regional or base flood elevations shall govern if there are any
284 discrepancies.
285
286 (b) Where flood profiles do not exist for projects, the location of the boundary shall be
287 determined by the map scale, ~~visual on-site inspection and any information provided~~
288 ~~by the Department.~~

289
290 ~~**Note:** Where the flood profiles are based on established base flood elevations from a FIRM,~~
291 ~~FEMA must also approve any map amendment pursuant to s. 8.1 (6).~~

292
293 (5) REMOVAL OF LANDS FROM FLOODPLAIN

294 Compliance with the provisions of this ordinance shall not be grounds for removing land
295 from the floodplain unless it is filled at least two feet above the regional or base flood
296 elevation, the fill is contiguous to land outside the floodplain, and the map is amended
297 pursuant to s. 8.0-~~Amendments.~~

298
299 ~~**Note:** This procedure does not remove the requirements for the mandatory purchase of~~
300 ~~flood insurance. The property owner must contact FEMA to request a Letter of Map~~
301 ~~Change (LOMC).~~

302
303 (6) COMPLIANCE

304 Any development or use within the areas regulated by this ordinance shall be in compliance
305 with the terms of this ordinance, and other applicable local, state, and federal regulations.

306
307 (7) MUNICIPALITIES AND STATE AGENCIES REGULATED

308 Unless specifically exempted by law, all cities, villages, towns, and counties are required to
309 comply with this ordinance and obtain all necessary permits. State agencies are required to
310 comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and
311 repair of state highways and bridges by the Wisconsin Department of Transportation is
312 exempt when s. 30.2022, Stats., applies.

313
314 (8) ABROGATION AND GREATER RESTRICTIONS

315 (a) This ordinance supersedes all the provisions of any municipal zoning ordinance
316 enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for
317 villages; or s. 87.30, Stats., which relate to floodplains. ~~If another ordinance is~~ A
318 ~~more restrictive than this ordinance, that ordinance shall continue in full force and~~
319 ~~effect to the extent of the greater restrictions, but not otherwise.~~

320
321 (b) This ordinance is not intended to repeal, abrogate or impair any existing deed
322 restrictions, covenants or easements. If this ordinance imposes greater restrictions,
323 the provisions of this ordinance shall prevail.
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(9) INTERPRETATION
In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY
The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY
Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES
The Oneida County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal Zoning Director. All plats or maps of annexation shall show the regional flood elevation and the floodway location, ~~of the floodway~~

2.0 (13) GENERAL DEVELOPMENT STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed ~~or modified~~ and ~~adequately~~ anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with ~~materials flood-resistant materials to flood damage~~; be constructed ~~to by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning, and to ensure that utility and mechanical equipment is and other service facilities~~ designed and/or located so as to prevent water from entering or accumulating within the ~~components~~ equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance, and all other requirements in s.7.1 (2). Adequate drainage shall be provided to reduce

375 exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical,
376 and water systems are located and constructed to minimize or eliminate flood damages.
377

378 **2.1 HYDRAULIC AND HYDROLOGIC ANALYSES**

379 (1) ~~Except as allowed in par. (3) below, No floodplain development shall:~~

380
381 (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters
382 by itself or with other development, ~~increasing~~ causing any increase in the regional
383 flood height; or

384
385 (b) Cause any ~~increase in the~~ regional flood height due to floodplain storage area lost,
386 ~~which equals or exceeds 0.01 foot.~~

387
388 (2) The Zoning Director shall deny permits if it is determined the proposed development will
389 obstruct flow or cause any increase in the regional flood heights 0.01 foot or more, based
390 on the officially adopted FIRM or other adopted map, unless the provisions of ~~sub. (3)~~
391 ~~s.8.0 Amendments~~ are met.

392
393 (3) ~~Obstructions or increases equal to or greater than 0.01 foot may only be permitted if~~
394 ~~amendments are made to this ordinance, the official floodplain zoning maps, floodway lines~~
395 ~~and water surface profiles, in accordance with s. 8.0.~~

396
397 ~~**Note:** This section refers to obstructions or increases in base flood elevations as shown on~~
398 ~~the officially adopted FIRM or other adopted map. Any such alterations must be reviewed~~
399 ~~and approved by FEMA and the DNR.~~

400
401 **2.2 WATERCOURSE ALTERATIONS**

402 No zoning permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the
403 local official has notified in writing all adjacent municipalities, the Department and FEMA
404 regional offices and required the applicant to secure all necessary state and federal permits. The
405 standards of s.2.1 must be met and the flood carrying capacity of any altered or relocated
406 watercourse shall be maintained.

407
408 As soon as is practicable, but not later than six months after the date of the watercourse alteration
409 or relocation, and pursuant to s. 8.0 Amendments, the community shall apply for a Letter of Map
410 Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA
411 and the DNR through the LOMC process. the Zoning Director shall notify FEMA of the changes
412 by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall
413 be used to revise the FIRM, risk premium rates and floodplain management regulations as
414 required.

415
416 **2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

417 Development which requires a permit from the Department, under chs. 30 and 31, ~~Wis. Stats.,~~ such
418 as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the
419 necessary permits are obtained and amendments to the ~~floodway lines, water surface profiles,~~
420 ~~BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain~~
421 ~~zoning maps or the floodplain zoning ordinance~~ are made according to s. 8.0 Amendments.
422

423 **2.4 PUBLIC OR PRIVATE CAMPGROUNDS**

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

- 426
- 427 (1) The campground is approved by the Department of Health and Family Services;
 - 428 (2) A Conditional Use Permit and/or zoning permit for the campground is issued by the Zoning
429 Director;
 - 430 (3) The character of the river system and the ~~elevation of the~~ campground elevation ~~are~~ is such
431 that a 72-hour warning of an impending flood can be given to all campground occupants;
 - 432 (4) There is an adequate flood warning procedure for the campground that offers the minimum
433 notice required under this section to all persons in the campground. This procedure shall
434 include a written agreement between the campground owner, the municipal emergency
435 government coordinator and the chief law enforcement official which specifies the flood
436 elevation at which evacuation shall occur, personnel responsible for monitoring flood
437 elevations, types of warning systems to be used and the procedures for notifying at-risk
438 parties, and the methods and personnel responsible for conducting the evacuation;
 - 439 (5) This agreement shall be for no more than one calendar year, at which time the agreement
440 shall be reviewed and updated - by the officials identified in sub. (4) - to remain in
441 compliance with all applicable regulations, including those of the State Department of
442 Health and Family Services and all other applicable regulations;
 - 443 (6) Only camping units that are fully licensed, if required, and ready for highway use are
444 allowed;
 - 445 (7) The camping units ~~may~~ shall not occupy any site in the campground for more than 180
446 consecutive days, at which time the camping unit must be removed from the floodplain for a
447 minimum of 24 hours;
 - 448 (8) All camping units that remain on site for more than 30 days shall be issued a limited
449 authorization by the campground operator, a written copy of which is kept on file at the
450 campground. Such authorization shall allow placement of a camping unit for a period not to
451 exceed 180 days and shall ensure compliance with all the provisions of this section;
 - 452 (9) The municipality shall monitor the limited authorizations issued by the campground
453 operator to assure compliance with the terms of this section;
 - 454 (10) All camping units that remain in place for more than 180 consecutive days must meet the
455 applicable requirements in either s. 3.0, ~~or~~ s. 4.0 or 5.0 for the floodplain district in which
456 the structure is located;
 - 457 (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard
458 and the procedures for evacuation when a flood warning is issued; and
 - 459 (12) All service facilities, including but not limited to refuse collection, electrical service, ~~natural~~
460 gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at
461 or floodproofed to the flood protection elevation.

462

463 **3.0 FLOODWAY DISTRICT (FW)**

464

465 **3.1 APPLICABILITY**

466 This section applies to all floodway areas on the floodplain zoning maps and those identified
467 pursuant to s. 5.4.

468

469 **3.2 PERMITTED USES**

470 The following open space uses are allowed in the ~~F~~loodway ~~d~~istrict and the floodway areas of
471 the ~~g~~eneral floodplain district, if

472
473 they are not prohibited by any other ordinance;

474 they meet the standards in s. 3.3 and 3.4; and
475 all permits or certificates have been issued according to s. 7.1:

- 476 (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and
477 wild crop harvesting.
- 478 (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and
479 airport landing strips.
- 480 (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic
481 grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms,
482 fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and
483 horseback riding trails, subject to the fill limitations of s. 3.3(4).
- 484 (4) Uses or structures accessory to open space uses, or classified as historic structures that
485 comply with ss. 3.3 and 3.4.
- 486 (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 487 (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas,
488 culverts, navigational aids and river crossings of transmission lines, and pipelines that
489 comply with chs. 30 and 31, Stats.
- 490 (7) Public utilities, streets and bridges that comply with s. 3.3(3).

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499 **3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY AREAS**

500 (1) GENERAL

- 501 (a) Any development in the floodway areas shall comply with s. 2.0 and have a low
502 flood damage potential.
- 503 (b) Applicants shall provide the following data to determine the effects of the proposal
504 according to s. 2.1:
 - 505 1. A cross-section elevation view of the proposal, perpendicular to the
506 watercourse, showing if the proposed development will obstruct flow; or
 - 507 2. An analysis calculating the effects of this proposal on regional flood height.
- 508 (c) The Zoning Director shall deny the permit application if the project will cause any
509 increase in the flood elevations upstream or downstream 0.01 foot or more, based on
510 the data submitted for ~~par.~~ Subd. (b) above.

511 (2) STRUCTURES

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

- 514 (a) ~~The structure is n~~ Not designed for human habitation, and does not have a high flood
515 damage potential; and is constructed to minimize flood damage;

524 (b) Shall have a minimum of two openings on different walls having a total net area not
525 less than one square inch for every square foot of enclosed area, and the bottom of all
526 such openings being no higher than one foot above grade. The openings shall be
527 equipped with screens, louvers, or other coverings or devices provided that they permit
528 the automatic entry and exit of floodwaters.
529

530 (c)(b) ~~It m~~ Must be anchored to resist flotation, collapse, and lateral movement;
531

532 (d)(e) Mechanical and utility equipment must be elevated or flood proofed to or above the
533 flood protection elevation; and
534

535 (e)(d) It must not obstruct flow of flood waters or cause any increase in flood levels during
536 the occurrence of the regional flood.
537

538 (3) PUBLIC UTILITIES, STREETS AND BRIDGES

539 Public utilities, streets and bridges may be allowed by permit, if:
540

541 (a) Adequate floodproofing measures are provided to the flood protection elevation; and
542

543 (b) Construction meets the development standards of s. 2.1.
544

545 (4) FILLS OR DEPOSITION OF MATERIALS

546 Fills or deposition of materials may be allowed by permit, if:
547

548 (a) The requirements of s. 2.1 are met;
549

550 (b) No material is deposited in ~~the navigable waters channel~~ unless a permit is issued by
551 the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the
552 Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been
553 issued, if applicable, and ~~the all~~ other requirements ~~of this section are~~ have been met;
554

555 (c) The fill or other materials will be protected against erosion by riprap, vegetative
556 cover, sheet piling or bulkheading; and
557

558 (d) The fill is not classified as a solid or hazardous material.
559

560 3.4 PROHIBITED USES

561 All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:
562

563 (1) Habitable structures, structures with high flood damage potential, or those not associated
564 with permanent open-space uses;
565

566 (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water
567 quality, or human, animal, plant, fish or other aquatic life;
568

569 (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
570

571 (4) Any private or public sewage systems, except portable latrines that are removed prior to
572 flooding and systems associated with recreational areas and Department-approved
573 campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83,

- 574 Wis. Adm. Code;
 575
 576 (5) Any public or private wells which are used to obtain potable water, except those for
 577 recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR
 578 812, Wis. Adm. Code;
 579
 580 (6) Any solid or hazardous waste disposal sites;
 581
 582 (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR
 583 110.15(3)(b), Wis. Adm. Code; and
 584
 585 (8) Any sanitary sewer or water supply lines, except those to service existing or proposed
 586 development located outside the floodway which complies with the regulations for the
 587 floodplain area occupied.
 588

589 **4.0 FLOODFRINGE DISTRICT (FF)**

590 **4.1 APPLICABILITY**

591 This section applies to all floodfringe areas shown on the floodplain zoning maps and those
 592 identified pursuant to s. 5.4.
 593

594 **4.2 PERMITTED USES**

595 Any structure, land use, or development is allowed in the ~~f~~Floodfringe ~~d~~District if the standards in
 596 s. 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits
 597 or certificates specified in s. 7.1 have been issued.
 598
 599

600 **4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE AREAS**

601 S. 2.1 shall apply in addition to the following requirements according to the use requested. Any
 602 existing structure in the floodfringe must meet the requirements of s.6.0 Nonconforming
 603 Uses;
 604

605 (1) **RESIDENTIAL USES**

606 Any ~~habitable~~ structure, including a manufactured home, which is to be newly erected,
 607 constructed, ~~reconstructed~~, ~~altered~~, or moved into the floodfringe ~~area~~, shall meet or exceed
 608 the following standards; Any existing structure in the floodfringe must meet the
 609 requirements of s. 6.0 Nonconforming Uses;
 610

611 (a) The elevation of the lowest floor, ~~excluding the basement or crawlway~~, shall be at or
 612 above the flood protection elevation on fill; unless the requirements of s.4.3 (1)(b)
 613 can be met. The fill shall be one foot or more above the regional flood elevation
 614 extending at least 15 feet beyond the limits of the structure. The Department may
 615 authorize other floodproofing measures if the elevations of existing streets or sewer
 616 lines makes compliance with the fill standards impractical;
 617

618 (b) The basement or crawlway floor may be placed at the regional flood elevation if it is
 619 floodproofed to the flood protection elevation. No basement or crawlway floor is
 620 allowed below the regional flood elevation;
 621

622 (c) Contiguous dryland access shall be provided from a structure to land outside of the
 623 floodplain, except as provided in ~~par.~~ subd. (d).

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(d) In developments where existing street or sewer line elevations make compliance with ~~par. subd. (c)~~ impractical, the municipality may permit new development and substantial improvements where ~~access roads are at or below~~ the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
2. The municipality has a ~~natural disaster plan~~ DNR approved by Wisconsin Emergency Management and the Department. emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

- (a) ~~Except as provided in par.(b), an accessory structure which is not connected to a principal structure may~~ Accessory structures shall be constructed on fill with ~~its~~ the lowest floor at or above the regional flood elevation.
- (b) ~~An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 3.3 (2) (a), (b), (c) and (d) and 4.3 (5) below.~~

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe ~~area~~ shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe ~~area shall be protected to~~ shall have the lowest floor elevated to or above the flood protection elevation ~~using fill, levees, floodwalls, or other flood proofing measures or meet the floodproofing standards~~ in s. 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

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

- (a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of ~~and~~

674 ~~substantial improvements to such facilities shall may~~ only be permitted if they are
675 designed to comply ~~floodproofed in compliance~~ with s. 7.5, ~~to the flood protection~~
676 elevation;

677
678 (b) Minor roads or non-essential utilities may be constructed at lower elevations if they
679 are designed to withstand flood forces to the regional flood elevation.

680
681 (7) SEWAGE SYSTEMS

682 All POWTS shall be designed to minimize or eliminate infiltration of flood water into their
683 system, floodproofed; pursuant to s. 7.5(3), to the flood protection elevation and ~~shall~~ meet
684 the provisions of Chapter 13, The Oneida County Private Onsite Wastewater Treatment
685 System Ordinance (POWTS) and DSPS 383, Wis. Adm. Code.

686
687 (8) WELLS

688 All wells shall be ~~floodproofed~~, designed to minimize or eliminate infiltration of flood
689 waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet
690 the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

691
692 (9) SOLID WASTE DISPOSAL SITES

693 Disposal of solid or hazardous waste is prohibited in floodfringe areas.

694
695 (10) DEPOSITION OF MATERIALS

696 Any deposited material must meet all the provisions of this ordinance.

697
698 (11) MANUFACTURED HOMES

699 (a) Owners or operators of all manufactured home parks and subdivisions shall provide
700 adequate surface drainage to minimize flood damage, and prepare, secure approval
701 and file an evacuation plan, indicating vehicular access and escape routes, with local
702 emergency management authorities.

703
704 (b) In existing manufactured home parks, all new homes, replacement homes on existing
705 pads, and substantially improved homes shall:
706 1. have the lowest floor elevated to the flood protection elevation; and
707 2. be anchored so they do not float, collapse or move laterally during a flood

708
709 (c) Outside of existing manufactured home parks, including new manufactured home
710 parks and all single units outside of existing parks, all new, replacement and
711 substantially improved manufactured homes shall meet the residential development
712 standards for the floodfringe in s. 4.3(1).

713
714 (12) MOBILE RECREATIONAL VEHICLES

715 All mobile recreational vehicles that are on site for 180 consecutive days or more or are not
716 fully licensed and ready for highway use shall meet the elevation and anchoring
717 requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway
718 use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect
719 utilities and security devices and has no permanently attached additions.

721 **5.0 GENERAL FLOODPLAIN DISTRICT (GFP)**

722
723 **5.1 APPLICABILITY**

724 The provisions for this district shall apply to all floodplains ~~for which flood profiles are not~~
725 ~~available mapped as A, AO or AH zones. or where flood profiles are available but floodways have~~
726 ~~not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is~~
727 ~~available.~~

728
729 **5.2 PERMITTED USES**

730
731 Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the a floodway
732 or floodfringe ~~area~~.

733
734 Those uses permitted in the Floodway (s. 3.2) and Floodfringe areas Districts (s. 4.2) are allowed
735 within the General Floodplain District, according to the standards of s. 5.3, provided that all
736 permits or certificates required under s. 7.1 have been issued.

737
738 **5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

739 S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance
740 applies to either district.

741
742 (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below
743 whichever is higher.

744
745 (a) at or above the flood protection elevation; or

746
747 (b) two (2) feet above the highest adjacent grade around the structure; or

748
749 (c) the depth as shown on the FIRM

750
751 (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around
752 structures.

753
754 **5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

755 Upon receiving an application for development within the general floodplain district, the Zoning
756 Director shall:

757
758 (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows
759 the proposed development with respect to the general floodplain district limits, stream
760 channel, and existing floodplain developments, along with a legal description of the
761 property, fill limits and elevations, building floor elevations and flood proofing measures;
762 and the flood zone as shown on the FIRM.

763
764 (2) Require the applicant to furnish any of the following information deemed necessary by the
765 Department to evaluate the effects of the proposal upon flood height and flood flows,
766 regional flood elevation and to determine floodway boundaries:

767
768 (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).

769

- 770 (a) ~~A typical valley cross-section showing the stream channel, the floodplain adjoining~~
771 ~~each side of the channel, the cross-sectional area to be occupied by the proposed~~
772 ~~development, and all historic high water information;~~
773
774 (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure,
775 fill or storage elevations; size, location and layout of all proposed and existing
776 structures on the site; location and elevations of streets, water supply, and sanitary
777 facilities; soil types and other pertinent information;
778
779 (c) Specifications for building construction and materials, floodproofing, filling,
780 dredging, channel improvement, storage, water supply and sanitary facilities.
781 (e) ~~Profile showing the slope of the bottom of the channel or flow line of the stream;~~
782
783 (d) ~~Specifications for building construction and materials, floodproofing, filling,~~
784 ~~dredging, channel improvement, storage, water supply and sanitary facilities.~~
785
786 (3) ~~Transmit one copy of the information described in pars. (1) and (2) to the Department~~
787 ~~regional office along with a written request for technical assistance to establish regional~~
788 ~~flood elevations and, where applicable, floodway data. Where the provisions of s. 7.1(2)(e)~~
789 ~~apply, the applicant shall provide all required information and computations to delineate~~
790 ~~floodway boundaries and the effects of the project on flood elevations.~~
791

792 **6.0 LEGAL PRE-EXISTING USES/ STRUCTURES**

793
794 **6.1 GENERAL**

795
796 (1) **APPLICABILITY**

797 If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for
798 cities and villages, they shall apply to all modifications or additions to any legal pre-existing
799 use or structure and to the use of any structure or premises which was lawful before the
800 passage of this ordinance or any amendment thereto.

801
802 (2) The existing lawful use of a structure or its accessory use which is not in conformity with
803 the provisions of this ordinance may continue subject to the following conditions:
804

- 805 (a) No modifications or additions to a legal pre-existing use or structure shall be
806 permitted unless they comply with this ordinance. The words "modification" and
807 "addition" include, but are not limited to, any alteration, addition, modification,
808 structural repair, rebuilding or replacement of any such existing use, structure or
809 accessory structure or use. ~~Ordinary maintenance repairs are not~~ Maintenance is not
810 considered an extension, a modification or addition; these include this includes
811 painting, decorating, paneling and the replacement of doors, windows and other
812 nonstructural components and the maintenance, repair or replacement of existing
813 private sewage or water supply systems or connections to public utilities. Ordinary
814 maintenance repairs do not include any Any costs associated with the repair of a
815 damaged structure are not considered maintenance.
816

817 The construction of a deck that does not exceed 200 square feet and that is adjacent
818 to the exterior wall of a principal structure is not an extension, modification or
819 addition. The roof of the structure may extend over a portion of the deck in order to

- 820 provide safe ingress and egress to the principal structure.
821
- 822 (b) If a legal pre-existing or the use of a legal pre-existing structure is discontinued for
823 12 consecutive months, it is no longer permitted and any future use of the property,
824 and any structure or building thereon, shall conform to the applicable requirements of
825 this ordinance;
826
- 827 (c) The municipality shall keep a record ~~of permits issued for~~ which lists all legal pre-
828 existing uses and legal pre-existing structures, their present equalized assessed value,
829 the cost of all modifications or additions which have been permitted, and the
830 percentage of the structure's total current value those modifications represent;
831
- 832 (d) No modification or addition to any legal pre-existing structure or any structure with a
833 legal pre-existing use, which over the life of the structure would equal or exceed 50%
834 of its present equalized assessed value, shall be allowed unless the entire structure is
835 permanently changed to a conforming structure with a conforming use in compliance
836 with the applicable requirements of this ordinance. Contiguous dry land access must
837 be provided for residential and commercial uses in compliance with s. 4.3(1). The
838 costs of elevating the lowest floor of a legal pre-existing building or a building with a
839 legal pre-existing use to the flood protection elevation are excluded from the 50%
840 provisions of this paragraph;
841
- 842 (e) No maintenance to any legal pre-existing structure or any structure with a legal pre-
843 existing use, the cost of which would equal or exceed 50% of its present equalized
844 assessed value, shall be allowed unless the entire structure is permanently changed to
845 a conforming structure with a conforming use in compliance with the applicable
846 requirements of this ordinance. Contiguous dry land access must be provided for
847 residential and commercial uses in compliance with s.4.3(1).
848
- 849 ~~1. Except as provided in subd. 2., if any legal pre-existing structure or any structure~~
850 ~~with a legal pre-existing use is destroyed or is substantially damaged, it cannot be~~
851 ~~replaced, reconstructed or rebuilt unless the use and the structure meet the current~~
852 ~~ordinance requirements. A structure is considered substantially damaged if the total~~
853 ~~cost to restore the structure to its pre-damaged condition exceeds 50% of the~~
854 ~~structure's present equalized assessed value.~~
855
- 856 ~~2. For legal pre-existing buildings that are damaged or destroyed by a nonflood~~
857 ~~disaster, the repair or reconstruction of any such legal pre-existing building may be~~
858 ~~permitted in order to restore it after the nonflood disaster, provided that the legal pre-~~
859 ~~existing building will meet all of the minimum requirements under applicable FEMA~~
860 ~~regulations (44 CFR Part 60), or the regulations promulgated thereunder.~~
861
- 862 (f) If on a per event basis the total value of the work being done under (d) and (e)
863 equals or exceeds 50% of the present equalized assessed value the work shall not be
864 permitted unless the entire structure is permanently changed to a conforming
865 structure with a conforming use in compliance with the applicable requirements of
866 this ordinance. Contiguous dry land access must be provided for residential and
867 commercial uses in compliance with s.4.3(1).
868
- 869 (f) A legal pre-existing historic structure may be altered if the alteration will not

870 ~~Preclude the structures continued designation as a historic structure, the alteration~~
871 ~~will comply with s. 3.3 (1), flood resistant materials are used, and construction~~
872 ~~practices and floodproofing methods that comply with s. 7.5 are used.~~

873
874 (g) Except as provided in subd. (h), if any legal pre-existing structure or any structure
875 with a legal pre-existing use is destroyed or is substantially damaged, it cannot be
876 replaced, reconstructed or rebuilt unless the use and the structure meet the current
877 ordinance requirements. A structure is considered substantially damaged if the total
878 cost to restore the structure to its pre-damaged condition equals or exceeds 50% of
879 the structure's present equalized assessed value.

880
881 (h) For legal pre-existing buildings that are substantially damaged or destroyed by a
882 nonflood disaster, the repair or reconstruction of any such legal pre-existing building
883 shall be permitted in order to restore it to the size and use in effect prior to the
884 damage event, provided that the minimum federal code requirements below are met
885 and all required permits have been granted prior to the start of construction.

886
887 1. Residential Structures

888
889 a. Shall have the lowest floor, including basement, elevated to or above the base
890 flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter
891 walls must meet the requirements of s.7.5(2).

892
893 b. Shall be anchored to prevent flotation, collapse, or lateral movement of the
894 structure resulting from hydrodynamic and hydrostatic loads, including the
895 effects of buoyancy and shall be constructed with methods and materials
896 resistant to flood damage.

897
898 c. Shall be constructed with electrical, heating, ventilation, plumbing and air
899 conditioning equipment and other service facilities that are designed and/or
900 elevated so as to prevent water from entering or accumulating within the
901 components during conditions of flooding.

902
903 d. In A Zones, obtain, review and utilize any flood data available from a federal,
904 state or other source.

905
906 e. In AO Zones with no elevations specified, shall have the lowest floor,
907 including basement, meet the standards in s.5.3(1).

908
909 f. In AO Zones, shall have adequate drainage paths around structures on slopes to
910 guide floodwaters around and away from the structure.

911
912 2. Nonresidential Structures

913 a. Shall meet the requirements of s.6.1 (2) (h) 1a-b and e-g.

914
915 b. Shall either have the lowest floor, including basement, elevated to or above the
916 regional flood elevation; or, together with attendant utility and sanitary
917 facilities, shall meet the standards in s.7.5(1) or (2).

918
919 c. In AO Zones with no elevations specified, shall have the lowest floor, including

basement, meet the standards in s.5.3(1).

- (3) A legal pre-existing historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 3.3(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s.6.1(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

6.2 FLOODWAY AREAS DISTRICT

- (1) No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use in a ~~floodway area~~, the Floodway District, unless such modification or addition:
- (a) Has been granted a permit or variance which meets all ordinance requirements;
 - (b) Meets the requirements of s. 6.1;
 - (c) ~~Will~~ Shall not increase the obstruction to flood flows or regional flood height;
 - (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and
 - (e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - 2. The parts of the foundation located below the flood protection ~~elevation must be constructed of flood-resistant materials~~;
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access or limited storage.
- (2) No new POWTS, or addition to an existing POWTS, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a ~~floodway area~~ the Floodway District. Any replacement, repair or maintenance of an existing POWTS in a floodway area shall meet the applicable requirements of Chapter 13, The Oneida County Private Onsite Wastewater Treatment System Ordinance (POWTS) and DSPS 383, Wis. Adm. Code.

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

6.3 FLOODFRINGE AREAS DISTRICTS

- (1) No modification or addition shall be allowed to any legal pre-existing structure or any structure with a legal pre-existing use unless such modification or addition has been granted a permit or variance by the municipality, and meets the requirements of s. ~~the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in~~ s. 4.3, except where s. 6.3(2) is applicable.
- (2) Where compliance with the provisions of ~~par. subd.~~ (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of ~~par. subd.~~(1) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
- (a) No floor is allowed below the regional flood elevation for residential or commercial structures;
 - (b) Human lives are not endangered;
 - (c) Public facilities, such as water or sewer, ~~will~~ shall not be installed;
 - (d) Flood depths ~~will~~ shall not exceed two feet;
 - (e) Flood velocities ~~will~~ shall not exceed two feet per second; and
 - (f) The structure ~~will~~ shall not be used for storage of materials as described in s. 4.3(6).
- (3) All new POWTS, or addition to, replacement, repair or maintenance of a POWTS shall meet all the applicable provisions of Chapter 13, the Oneida County Private Onsite Wastewater Treatment System Ordinance (POWTS) and DSPS 383, Wis. Adm. Code.
- (3) ~~If neither the provisions of par. (1) or (2) above can be met, one addition to an existing room in a legal pre-existing building or a building with a legal pre-existing use may be allowed in the floodfringe, if the addition:~~
- (a) ~~Meets all other regulations and will be granted by permit or variance;~~
 - (b) ~~Does not exceed 60 square feet in area; and~~
 - (c) ~~In combination with other previous modifications or additions to the building, does not exceed 50% of the present equalized assessed value of the building.~~
- (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the

- 1020 applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.
- 1021
- 1022 (4) ~~All new POWTS, or addition to, replacement, repair or maintenance of a POWTS shall meet~~
- 1023 ~~all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.~~
- 1024
- 1025 (5) ~~All new wells, or addition to, replacement, repair or maintenance of a well shall meet the~~
- 1026 ~~applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.~~
- 1027

1028 **7.0 ADMINISTRATION**

1029 Where the Zoning Director, Oneida County Planning & Zoning Committee or a Board of

1030 Adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss.

1031 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

1032

1033 **7.1 ZONING DIRECTOR**

1034 **(1) DUTIES AND POWERS**

1035 The Zoning Director is authorized to administer this ordinance and shall have the following

1036 duties and powers:

1037

1038 (a) Advise applicants of the ordinance provisions, assist in preparing permit applications

1039 and appeals, and assure that the regional flood elevation for the proposed

1040 development is shown on all permit applications.

1041

1042 (b) Issue permits and inspect properties for compliance with provisions of this ordinance,

1043 and issue certificates of compliance where appropriate.

1044

1045 ~~(c)(b)~~ Inspect and assess all damaged floodplain structures ~~and perform a substantial~~

1046 ~~damage assessment~~ to determine if substantial damage to the structures has occurred.

1047

1048 ~~(d)(e)~~ Keep records of all official actions such as:

1049

1050 1. All permits issued, inspections made, and work approved;

1051

1052 2. Documentation of certified lowest floor and regional flood elevations; ~~for~~

1053 ~~floodplain development~~

1054

1055 3. Floodproofing certificates.

1056

1057 ~~4 3.~~ Records of wWater surface profiles, floodplain zoning maps and ordinances,

1058 legal pre-existing uses and structures including changes, appeals, variances and

1059 amendments.

1060

1061 ~~5 4.~~ All substantial damage assessment reports for floodplain structures.

1062

1063 6. List of legal pre-existing structures and uses.

1064

1065 ~~(e)(d)~~ Submit copies of the following items to the Department Regional office:

1066

1067 1. Within 10 days of the decision, a copy of any decisions on variances, appeals

1068 for map or text interpretations, and map or text amendments;

1069

- 1070 2. Copies of any case-by-case analyses, and ~~any other~~ required information,
 1071 ~~required by the Department~~ including an annual summary of ~~the number and~~
 1072 ~~types of~~ floodplain zoning actions taken.
 1073
 1074 3. Copies of substantial damage assessments performed and all related
 1075 correspondence concerning the assessments.
 1076

1077 **~~Note: Information on conducting substantial damage assessments is available~~**
 1078 **~~on the DNR website — <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>~~**
 1079

1080 (f)(e) Investigate, prepare reports, and report violations of this ordinance to the Oneida
 1081 County Planning and Zoning Committee and Oneida County Corporation Counsel for
 1082 prosecution. Copies of the reports shall also be sent to the Department regional
 1083 office.
 1084

1085 (g) Submit copies of ~~text and map~~ amendments and biennial reports to the FEMA
 1086 ~~Regional~~ office.
 1087

1088 (2) ZONING PERMIT

1089 A zoning permit shall be obtained before any new development ~~or any structural repair~~
 1090 repair, modification or addition to any existing structure; or change in the use of a building
 1091 or structure, including sewer and water facilities, may be initiated. Application to the
 1092 Zoning Director shall include:
 1093

1094 (a) GENERAL INFORMATION

- 1095 1. Name and address of the applicant, property owner and contractor;
 1096
 1097 2. Legal description, proposed use, and whether it is new construction or a
 1098 modification;
 1099

1100 (b) SITE DEVELOPMENT PLAN

1101 A site plan drawn to scale shall be submitted with the permit application form and
 1102 shall contain:
 1103

- 1104 1. Location, dimensions, area and elevation of the lot;
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 1106 2. Location of the ordinary highwater mark of any abutting navigable waterways;
 1107
 1108 3. Location of any structures with distances measured from the lot lines and
 1109 street center lines;
 1110
 1111 4. Location of any existing or proposed POWTS or private water supply systems;
 1112
 1113 5. Location and elevation of existing or future access roads;
 1114
 1115 6. Location of floodplain and floodway limits as determined from the official
 1116 floodplain zoning maps;
 1117
 1118 7. The elevation of the lowest floor of proposed buildings and any fill using the
 1119 vertical datum from the adopted study – either National Geodetic Vertical

Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).

(e) DATA REQUIREMENTS TO ANALYZE DEVELOPMENTS

1. ~~The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:~~

- a. ~~An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;~~
- b. ~~A map showing location and details of vehicular access to lands outside the floodplain; and~~
- c. ~~A surface drainage plan showing how flood damage will be minimized.~~

~~The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.~~

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT

All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:

a. Hydrology

i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

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

ii. Channel sections must be surveyed.

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

- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

(d) MAPPING

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.
- iii. Existing (Pre-Project Conditions) Model
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed
- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

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(e) EXPIRATION
All permits issued under the authority of this ordinance shall expire two (2) years after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

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

- (a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (b) Application for such certificate shall be concurrent with the application for a permit;
- (c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- (d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that ~~floodproofing measures meet~~ the requirements of s. 7.5 are met.

(4) OTHER PERMITS

~~Prior to obtaining a floodplain development permit t~~The applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ONEIDA COUNTY PLANNING & ZONING COMMITTEE (COMMITTEE)

(1) The Oneida County Planning & Zoning Committee shall:

- (a) oversee the functions of the office of the Zoning Director; and
- (b) review and advise the Oneida County Board of Supervisors on all proposed amendments to this ordinance, maps and text.

(2) This Committee shall not:

- (a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or
- (b) amend the text or zoning maps in place of official action by the Oneida County Board of Supervisors.

1268 **7.3 BOARD OF ADJUSTMENT**

1269 The Board of Adjustment, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for
1270 cities or villages, is hereby authorized or shall be appointed to act for the purposes of this
1271 ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules
1272 for the conduct of business. The Zoning Director ~~may~~ shall not be the secretary of the Board.
1273

1274 (1) **POWERS AND DUTIES**

1275 The Board of Adjustment shall:

1276
1277 (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order,
1278 requirement, decision or determination made by an administrative official in the
1279 enforcement or administration of this ordinance.

1280
1281 (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries
1282 shown on the official floodplain zoning map~~and~~;

1283
1284 (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.
1285

1286 (2) **APPEALS TO THE BOARD**

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1288 (a) Appeals to the board may be taken by any person aggrieved, or by any officer or
1289 department of the municipality affected by any decision of the Zoning Director or
1290 other administrative officer. Such appeal shall be taken within 30 days unless
1291 otherwise provided by the rules of the board, by filing with the official whose
1292 decision is in question, and with the board, a notice of appeal specifying the reasons
1293 for the appeal. The official whose decision is in question shall transmit to the board
1294 all records regarding the matter appealed.
1295

1296 (b) **NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**

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1298 1. Notice - The board shall:

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1300 a. Fix a reasonable time for the hearing;

1301 b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the
1302 date, time, place and subject of the hearing;

1303
1304 c. Assure that notice shall be mailed to the parties in interest and the
1305 Department Regional office at least 10 days in advance of the hearing.
1306

1307 2. Hearing - Any party may appear in person or by agent. The board shall:

1308
1309 a. Resolve boundary disputes according to s. 7.3(3).

1310
1311 b. Decide variance applications according to s. 7.3(4).

1312
1313 c. Decide appeals of permit denials according to s. 7.4.
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1315 (c) **DECISION:** The final decision regarding the appeal or variance application shall:

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1317 1. Be made within a reasonable time;

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2. Be sent to the Department regional office within 10 days of the decision;
3. Be a written determination signed by the chairman or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

- (a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
- (b) ~~In all cases,~~ The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board- and;
- (c) If the boundary is incorrectly mapped, the Board should inform the Oneida County Planning and Zoning Committee or the person contesting the boundary location to petition the Oneida County Board of Supervisors for a map amendment according to s. 8.0 Amendments.

(4) VARIANCE

- (a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 1. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinance in s. 1.3.
- (b) In addition to the criteria in ~~par.~~ subd.(a), to qualify for a variance under FEMA regulations, the following criteria must be met:

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1. The variance ~~may~~ shall not cause any increase in the regional flood elevation;
 2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (c) A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district.
 2. Be granted for a hardship based solely on an economic gain or loss.
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area.
 5. Allow actions without the amendments to this ordinance or map(s) required in s. 8.4-0 Amendments; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase ~~flood insurance premiums and~~ risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

1398 **7.4 TO REVIEW APPEALS OF PERMIT DENIALS**

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- (1) The Board shall review all data related to the appeal. This may include:
 - (a) Permit application data listed in s. 7.1(2).
 - (b) Floodway/floodfringe determination data in s. 5.4.
 - (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the Zoning Director; and
 - (d) Other data submitted with the application, or submitted to the Board with the appeal.
 - (2) For appeals of all denied permits the Board shall:
 - (a) Follow the procedures of s. 7.3;
 - (b) Consider recommendations of the Planning and Zoning Director and the Planning and Zoning Committee; and

1418
1419 (c) Either uphold the denial or grant the appeal.
1420

1421 (3) For appeals concerning increases in regional flood elevation the Board shall:
1422

1423 (a) Uphold the denial where the Board agrees with the data showing an increase in flood
1424 elevation. ~~Increases equal to or greater than 0.01 foot~~ may only be allowed after
1425 amending the flood profile and map and all appropriate legal arrangements are made
1426 with all adversely affected property owners as per the requirements of s.8.0
1427 Amendments; and
1428

1429 (b) Grant the appeal where the Board agrees that the data properly demonstrates that the
1430 project does not cause an increase ~~equal to or greater than 0.01 foot~~ provided no other
1431 reasons for denial exist.
1432

1433 7.5 FLOODPROOFING

1434 (1) No permit or variance shall be issued for a non-residential structure designed to be
1435 watertight below the regional flood elevation until the applicant submits a plan certified by a
1436 registered professional engineer or architect that the floodproofing measures will protect the
1437 structure or development to the flood protection elevation and submits a FEMA
1438 Floodproofing Certificate.
1439

1440 (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be
1441 issued until the applicant submits a plan either:
1442 a. certified by a registered professional engineer or architect; or
1443 b. meets or exceeds the following standards:
1444

- 1445 1. a minimum of two openings having a total net area of not less than one square inch
1446 for every square foot of enclosed area subject to flooding;
- 1447 2. the bottom of all openings shall be no higher than one foot above grade; and
- 1448 3. openings may be equipped with screens, louvers, valves, or other coverings or
1449 devices provided that they permit the automatic entry and exit of floodwaters.
1450

1451 ~~(2)~~(3) Floodproofing measures shall be designed as appropriate to:
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1453 (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other
1454 regional flood factors;
1455

1456 (b) Protect structures to the flood protection elevation;
1457

1458 (c) Anchor structures to foundations to resist flotation and lateral movement; and
1459

1460 (d) ~~Insure that structural walls and floors are watertight to the flood protection elevation,~~
1461 ~~and the interior remains completely dry during flooding without human intervention.~~
1462 Minimize or eliminate infiltration of flood waters.
1463

1464 (e) Minimize or eliminate discharges into flood waters.
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- ~~(2) Floodproofing measures could include:~~
 - ~~(a) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or~~
 - ~~(b) Adding mass or weight to prevent flotation.~~
 - ~~(c) Placing essential utilities above the flood protection elevation.~~
 - ~~(d) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.~~
 - ~~(d) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.~~
 - ~~(e) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.~~

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood.
- (2) All maps, engineering data and regulations shall be available and widely distributed.
- (3) ~~All~~ Real estate transfers should show what floodplain zoning district any real property is in.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s.8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.

In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles in accordance with s.8.1.

8.1 GENERAL

The Oneida County Board of Supervisors may change or supplement the floodplain zoning district boundaries and this ordinance in the manner ~~provided by law~~ outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) ~~Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.~~ Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
- (2) ~~Correction of discrepancies between the water surface profiles and floodplain zoning maps.~~

1518 Any change to the floodplain boundaries an/or watercourse alterations on the FIRM;

1519
1520 (3) ~~Any fill in the floodplain which raises the elevation of the filled area to a height at or above~~
1521 ~~the flood protection elevation and is contiguous to land lying outside the floodplain.~~
1522 Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);

1523
1524 (4) ~~Any fill or floodplain encroachment that obstructs flow, increasing regional flood height~~
1525 ~~0.01 foot or more. Any floodplain fill which raises the elevation of the filled area to a height~~
1526 ~~at or above the flood protection elevation and is contiguous to land lying outside the~~
1527 ~~floodplain;~~
1528 floodplain;

1529 (5) Correction of discrepancies between the water surface profiles and floodplain maps;

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1531 ~~(5)(6)~~ Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm.
1532 Code, or otherwise required by law, or for changes by the municipality; and

1533
1534 ~~(6)(7)~~ All channel relocations and changes to the maps to alter floodway lines or to remove an area
1535 from the floodway or the floodfringe that is based on a base flood elevation from a FIRM
1536 requires prior approval by FEMA.

1537
1538 ~~Note: Consult the FEMA web site www.fema.gov for the map change fee schedule.~~

1539 1540 **8.2 PROCEDURES**

1541 Ordinance amendments may be made upon petition of any ~~interested~~ party according to the
1542 provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. ~~Such~~ The
1543 petitions shall include all ~~necessary~~ data required by ss. 5.4 and 7.1(2). The Land Use Permit shall
1544 not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

1545
1546 (1) The proposed amendment shall be referred to the Planning & Zoning Committee for a
1547 public hearing and recommendation to the Oneida County Board of Supervisors. The
1548 amendment and notice of public hearing shall be submitted to the Department regional
1549 office for review prior to the hearing. The amendment procedure shall comply with the
1550 provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

1551
1552 (2) No amendments shall become effective until reviewed and approved by the Department.

1553
1554 (3) All persons petitioning for a map amendment that obstructs flow, ~~increasing~~ causing any
1555 increase in the regional flood height 0.01 foot or more, shall obtain flooding easements or
1556 other appropriate legal arrangements from all adversely affected property owners and notify
1557 local units of government before the amendment can be approved by the governing body.

1558
1559 (4) ~~For amendments in areas with no water surface profiles, the Oneida County Planning &~~
1560 ~~Zoning Committee or board shall consider data submitted by the Department, the Zoning~~
1561 ~~Director's visual on-site inspections and other available information. (See s. 1.5(4).)~~

1562 1563 **9.0 ENFORCEMENT AND PENALTIES**

1564 Any violation of the provisions of this ordinance by any person shall be unlawful and shall be
1565 referred to the Oneida County Corporation Counsel who shall expeditiously prosecute all such
1566 violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than
1567 \$25.00 and not more than \$250.00, together with a taxable cost of such action. Each day of

1568 continued violation shall constitute a separate offense. Every violation of this ordinance is a public
1569 nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of
1570 the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.
1571

1572 **10.0 DEFINITIONS**

1573 Unless specifically defined, words and phrases in this ordinance shall have their common law
1574 meaning and shall be applied in accordance with their common usage. Words used in the present
1575 tense include the future, the singular number includes the plural and the plural number includes the
1576 singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.
1577

- 1578 1) A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated
1579 by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may
1580 or may not be reflective of flood profiles, depending on the availability of data for a given area.
1581
- 1582 2) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- 1583
- 1584 3) AO ZONE – See “AREA OF SHALLOW FLOODING”.
- 1585
- 1586 ~~2)4)~~ ACCESSORY STRUCTURE OR USE - A facility, structure, building or use which is accessory
1587 or incidental to the principal use of a property, structure or building.
1588
- 1589 5) ALTERATION – An enhancement, upgrading or substantial change or modifications other than an
1590 addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and
1591 other systems within a structure.
1592
- 1593 6) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a
1594 community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of
1595 flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where
1596 the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is
1597 characterized by ponding or sheet flow.
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- 1599 ~~3)7)~~ BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in
1600 any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
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- 1602 ~~4)8)~~ BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level,
1603 on all sides.
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- 1605 ~~5)9)~~ BUILDING - See STRUCTURE.
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- 1607 ~~6)10)~~ BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by
1608 a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which
1609 allows limited filling between this bulkhead line and the original ordinary highwater mark, except
1610 where such filling is prohibited by the floodway provisions of this ordinance.
1611
- 1612 ~~7)11)~~ CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the
1613 purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is
1614 advertised or represented as a camping area.
1615
- 1616 ~~8)12)~~ CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary
1617 shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent

1618 ~~or other mobile recreational vehicle. That is fully licensed, if required, and ready for highway use.~~
1619
1620 9)13) CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a
1621 building, the elevation of fill or the lowest floor of a structure is in compliance with all of the
1622 provisions of this ordinance.
1623
1624 10)14) CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct
1625 normal flow of water.
1626
1627 11)15) CRAWLWAYS OR CRAWL SPACE - An enclosed area below the first usable floor of a building,
1628 generally less than five feet in height, used for access to plumbing and electrical utilities.
1629
1630 12)16) DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor
1631 which allows the infiltration of precipitation.
1632
1633 13)17) DEPARTMENT- The Wisconsin Department of Natural Resources.
1634
1635 14) 18) DEVELOPMENT - Any artificial change to improved or unimproved real estate, including, but no
1636 limited to, the construction of buildings, structures or accessory structures; the construction of
1637 additions or alterations to buildings, structures or accessory structures; the repair of any damaged
1638 structure or the improvement or renovation of any structure, regardless of percentage of damage or
1639 improvement; the placement of buildings or structures; subdivision layout and site preparation;
1640 mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition
1641 or extraction of materials or equipment; and the installation, repair or removal of public
1642 or private sewage disposal systems or water supply facilities.
1643
1644 15)19) DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and
1645 which connects land located in the floodplain to land outside the floodplain, such as a road with its
1646 surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
1647
1648 16)20) ENCROACHMENT - Any fill, structure, equipment, building, use or development in the
1649 floodway.
1650
1651 17) ~~EXISTING MANUFACTURED HOME PARK OR SUBDIVISION – A parcel of land, divided~~
1652 ~~into two or more manufactured home lots for rent or sale, on which the construction of facilities~~
1653 ~~for servicing the lots is completed before the effective date of this ordinance. At a minimum, this~~
1654 ~~would include the installation of utilities, the construction of streets and either final site grading or~~
1655 ~~the pouring of concrete pads~~
1656

- 1657 ~~18) EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK~~ – The preparation of
1658 additional sites by the construction of facilities for servicing the lots on which the manufactured
1659 homes are to be affixed. This includes installation of utilities, construction of streets and either
1660 final site grading, or the pouring of concrete pads.
1661
- 1662 ~~19)21) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)~~ - The federal agency that
1663 administers the National Flood Insurance Program.
1664
- 1665 ~~20)22) FLOOD INSURANCE RATE MAP (FIRM)~~ - A map of a community on which the Federal
1666 Insurance Administration has delineated both special flood hazard areas (the floodplain) and the
1667 risk premium zones applicable to the community. This map can only be amended by the Federal
1668 Emergency Management Agency.
1669
- 1670 ~~21)23) FLOOD~~" or "FLOODING" – A general and temporary condition of partial or complete inundation
1671 of normally dry land areas caused by one of the following conditions:
1672
- 1673 ✓ The overflow or rise of inland waters,
 - 1674
 - 1675 ✓ The rapid accumulation or runoff of surface waters from any source,
 - 1676
 - 1677 ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the
1678 shore of Lake Michigan or Lake Superior, or
 - 1679
 - 1680 ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied
1681 by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly
1682 unusual event.
1683
- 1684 ~~22)24) FLOOD FREQUENCY~~ - The probability of a flood occurrence which is determined from
1685 statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on
1686 the average once in a specified number of years or as a percent (%) chance of occurring in any
1687 given year.
1688
- 1689 ~~23)25) FLOODFRINGE~~ - That portion of the floodplain outside of the floodway which is covered by
1690 flood waters during the regional flood and associated with standing water rather than flowing
1691 water.
1692
- 1693 ~~24)26) FLOOD HAZARD BOUNDARY MAP~~ - A map designating approximate flood hazard areas.
1694 Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or
1695 regional flood elevations. This map forms the basis for both the regulatory and insurance aspects
1696 of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and
1697 a Flood Insurance Rate Map.
1698
- 1699 ~~25)27) FLOOD INSURANCE STUDY~~ - A technical engineering examination, evaluation, and
1700 determination of the local flood hazard areas. It provides maps designating those areas affected by
1701 the regional flood and provides both flood insurance rate zones and base flood elevations and may
1702 provide floodway lines. The flood hazard areas are designated as numbered and unnumbered
1703 A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis
1704 for both the regulatory and the insurance aspects of the National Flood Insurance Program.
1705
- 1706 ~~26)28) FLOODPLAIN~~ - Land which has been or may be covered by flood water during the regional flood

1707 It includes the floodway and the floodfringe, and may include other designated floodplain areas for
1708 regulatory purposes.
1709

1710 ~~27)~~29) FLOODPLAIN ISLAND - A natural geologic land formation within the floodplain that is
1711 surrounded, but not covered, by floodwater during the regional flood.
1712

1713 ~~28)~~30) FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains,
1714 including mapping and engineering, mitigation, education, and administration and enforcement of
1715 floodplain regulations.
1716

1717 ~~29)~~31) FLOOD PROFILE - A graph or a longitudinal profile line showing the relationship of the water
1718 surface elevation of a flood event to locations of land surface elevations along a stream or river.
1719

1720 ~~30)~~32) FLOODPROOFING - Any combination of structural provisions, changes or adjustments to
1721 properties and structures, water and sanitary facilities and contents of buildings subject to flooding,
1722 for the purpose of reducing or eliminating flood damage.
1723

1724 ~~34)~~33) FLOOD PROTECTION ELEVATION - An elevation of two feet of freeboard above the water
1725 surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
1726

1727 ~~32)~~34) FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into
1728 account during analysis in reducing the regional flood discharge.
1729

1730 ~~33)~~35) FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the
1731 channel required to carry the regional flood discharge.
1732

1733 ~~34)~~36) FREEBOARD - A safety factor expressed in terms of a specified number of feet above a
1734 calculated flood level. Freeboard compensates for any factors that cause flood heights greater than
1735 those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge
1736 openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to
1737 development and aggregation of the river or stream bed.
1738

1739 ~~35)~~37) HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human
1740 habitation.
1741

1742 ~~36)~~38) HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For
1743 appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required.
1744 For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week
1745 consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may
1746 require additional notice, exceeding these minimums.
1747

1748 ~~37)~~39) HIGH FLOOD DAMAGE POTENTIAL - Damage that could result from flooding that includes
1749 any danger to life or health or any significant economic loss to a structure or building and its
1750 contents.
1751

1752 40) HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to
1753 construction next to the proposed walls of a structure.
1754

1755 ~~38)~~41) HISTORIC STRUCTURE - Any structure that is either:
1756

- 1757 ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the
1758 Secretary of the Interior as meeting the requirements for individual listing on the National Register,
1759
- 1760 ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
1761 significance of a registered historic district or a district preliminarily determined by the Secretary to
1762 qualify as a registered historic district,
1763
- 1764 ✓ Individually listed on a state inventory of historic places in states with historic preservation programs
1765 which have been approved by the Secretary of the Interior, or
1766
- 1767 ✓ Individually listed on a local inventory of historic places in communities with historic preservation
1768 programs that have been certified either by an approved state program, as determined by the Secretary
1769 of the Interior; or by the Secretary of the Interior in states without approved programs.
1770
- 1771 ~~39)42)~~ INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood
1772 elevation, ~~equal to or~~ greater than ~~0.01~~ 0.00 foot, based on a comparison of existing conditions and
1773 proposed conditions which is directly attributable to development in the floodplain but not
1774 attributable to manipulation of mathematical variables such as roughness factors, expansion and
1775 contraction coefficients and discharge.
1776
- 1777 ~~40)43)~~ LAND USE - Any nonstructural use made of unimproved or improved real estate. (Also see
1778 DEVELOPMENT.)
1779
- 1780 44) LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the
1781 exterior walls of a building.
1782
- 1783 45) LOWEST FLOOR – The lowest floor of the lowest enclosed are (including basement). An
1784 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or
1785 storage in an area other than a basement area is not considered a building’s lowest floor, provided
1786 that such enclosure is not built so as to render the structure in violation of the applicable non-
1787 elevation design requirements of 44 CFR 60.3.
1788
- 1789 46) MAINTENANCE – The act or process of restoring to original soundness, including redecorating,
1790 refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment
1791 with equivalent fixtures, systems or structures.
1792
- 1793 ~~44)47)~~ MANUFACTURED HOME - A structure transportable in one or more sections, which is built on
1794 a permanent chassis and is designed to be used with or without a permanent foundation when
1795 connected to required utilities. The term "manufactured home" includes a mobile home but does
1796 not include a "mobile recreational vehicle."
1797
- 1798 48) MOBILE / MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous
1799 parcels) of land, divided into two or more manufactured home lots for rent or sale.
1800
- 1801 49) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – A parcel of land,
1802 divided into two or more manufactured home lots for rent or sale, on which the construction of
1803 facilities for servicing the lots is completed before the effective date of this ordinance. At a
1804 minimum, this would include the installation of utilities, construction of streets and either final site
1805 grading, or the pouring if concrete pads.
1806

- 1807 50) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of
1808 additional sites by the construction of facilities for servicing the lots on which the manufactured
1809 homes are to be affixed. This includes installation of utilities, construction of streets and either
1810 final site grading, or the pouring of concrete pads.
1811
- 1812 ~~42)~~51) MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square
1813 feet or less when measured at the largest horizontal projection, designed to be self-propelled,
1814 carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if
1815 registration is required and is designed primarily not for use as a permanent dwelling, but as
1816 temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes
1817 that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried,
1818 including park model homes; do not fall within the definition of "mobile recreational vehicles."
1819
- 1820 (52) MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors
1821 that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate
1822 Effective Model, or incorporates more detailed topographic information than that used in the
1823 current effective model.
1824
- 1825 53) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS
1826 and referred to as the effective model.
1827
- 1828 54) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current
1829 effective Flood Insurance Study.
1830
- 1831 55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or
1832 Corrected Effective Model to reflect any man made modifications that have occurred within the
1833 floodplain since the date of the effective model but prior to the construction of the project for
1834 which the revision is being requested. If no modification has occurred since the date of the
1835 effective model, then this model would be identical to the Corrected Effective Model or Duplicate
1836 Effective Model.
1837
- 1838 55) MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project
1839 Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or
1840 post-project conditions.
1841
- 1842 ~~43-57)~~ MUNICIPALITY or MUNICIPAL - The county, city or village governmental units enacting,
1843 administering and enforcing this zoning ordinance.
1844
- 1845 ~~44-58)~~ NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea
1846 level datum, 1988 adjustment.
1847
- 1848 ~~45-59)~~ NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea
1849 level datum, 1929 adjustment.
1850
- 1851 ~~46-60)~~ NEW CONSTRUCTION - For floodplain management purposes, "new construction" means
1852 structures for which the start of construction commenced on or after the effective date of
1853 floodplain zoning regulations adopted by this community and includes any subsequent
1854 improvements to such structures. For the purpose of determining flood insurance rates, it
1855 includes any structures for which the "start of construction" commenced on or after the effective
1856 date of an initial FIRM or after December 31, 1974, whichever is later, and includes any

- 1857 subsequent improvements to such structures.
1858
1859 47)61) LEGAL PRE-EXISTING STRUCTURE - An existing lawful structure or building which is not
1860 in conformity with the dimensional or structural requirements of this ordinance for the area of the
1861 floodplain which it occupies. (For example, an existing residential structure in the floodfringe
1862 district is a conforming use. However, if the lowest floor is lower than the flood protection
1863 elevation, the structure is legal pre-existing.)
1864
1865 48)62) LEGAL PRE-EXISTING USE - An existing lawful use or accessory use of a structure or
1866 building which is not in conformity with the provisions of this ordinance for the area of the
1867 floodplain which it occupies. (Such as a residence in the floodway.)
1868
1869 49)63) OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters
1870 such that this development alone or together with any future development will cause an increase
1871 in regional flood height.
1872
1873 50)64) OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance,
1874 as described in s. 1.5(2), which has been approved by the Department and FEMA.
1875
1876 51)65) OPEN SPACE USE - Those uses having a relatively low flood damage potential and not
1877 involving structures.
1878
1879 52)66) ORDINARY HIGHWATER MARK - The point on the bank or shore up to which the presence
1880 and action of surface water is so continuous as to leave a distinctive mark such as by erosion,
1881 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other
1882 easily recognized characteristic.
1883
1884 ~~52) ORDINARY MAINTENANCE AND REPAIRS - Ordinary maintenance and repairs include, but~~
1885 ~~are not limited to: replacement of existing windows, skylights, doors, and similar fixtures, when~~
1886 ~~such replacement does not require the alteration of a structural element of the building such as a~~
1887 ~~header, stud, joist, rafter, truss, or similar structural element; painting and staining of existing~~
1888 ~~siding or replacement of deteriorated siding; replacement of damaged insulation; addition of~~
1889 ~~insulation; repair or replacement of existing shutters, cabinetry, flooring, roof covering consisting~~
1890 ~~of shingles, rolled, metal, fiberglass, tiles, and other similar roofing materials.~~
1891
1892 54)67) PERSON - An individual, or group of individuals, corporation, partnership, association,
1893 municipality or state agency.
1894
1895 55)68) PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS) - A sewage treatment
1896 and disposal system serving one structure with a septic tank and soil absorption field located on
1897 the same parcel as the structure. It also means an alternative sewage system approved by the
1898 Department of Commerce, including a substitute for the septic tank or soil absorption field, a
1899 holding tank, a system serving more than one structure or a system located on a different parcel
1900 than the structure.
1901
1902 56)69) PUBLIC UTILITIES - Those utilities using underground or overhead transmission lines such as
1903 electric, telephone and telegraph, and distribution and collection systems such as water, sanitary
1904 sewer and storm sewer.
1905
1906 57)70) REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land

- 1907 or damage structures to be removed from the ~~special flood hazard area~~ floodplain and that any
1908 subsurface waters related to the base flood will not damage existing or proposed buildings.
- 1909
- 1910 ~~58)~~71) REGIONAL FLOOD - A flood determined to be representative of large floods known to have
1911 occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or
1912 exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 1913
- 1914 ~~59)~~72) START OF CONSTRUCTION - The date the zoning permit was issued, provided the actual start
1915 of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement
1916 was within 180 days of the permit date. The actual start means either the first placement of
1917 permanent construction on a site, such as the pouring of slab or footings, the installation of piles,
1918 the construction of columns, or any work beyond initial excavation, or the placement of a
1919 manufactured home on a foundation. Permanent construction does not include land preparation,
1920 such as clearing, grading and filling, nor does it include the installation of streets and/or
1921 walkways, nor does it include excavation for a basement, footings, piers or foundations or the
1922 erection of temporary forms, nor does it include the installation on the property of accessory
1923 buildings, such as garages or sheds not occupied as dwelling units or not part of the main
1924 structure. For an alteration, the actual start of construction means the first alteration of any wall,
1925 ceiling, floor or other structural part of a building, whether or not that alteration affects the
1926 external dimensions of the building.
- 1927
- 1928 ~~60)~~73) STRUCTURE - Any manmade object with form, shape and utility, either permanently or
1929 temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but
1930 not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and
1931 culverts.
- 1932
- 1933 ~~64)~~74) SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.
- 1934
- 1935 ~~62)~~75) SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure, whereby the cost of
1936 restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the
1937 equalized assessed value of the structure before the damage occurred.
- 1938
- 1939 76) SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or
1940 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
1941 equalized assessed value of the structure before the improvement or repair is started. If the
1942 structure has sustained substantial damage, any repairs are considered substantial improvement
1943 regardless of the work performed. The term does not, however, include either any project for the
1944 improvement of a building required to correct existing health, sanitary or safety code violations
1945 identified by the building official and that are the minimum necessary to assure safe living
1946 conditions, or any alteration of a historic structure provided that the alteration will not preclude
1947 the structure’s continued designation as a historic structure.
- 1948
- 1949 ~~63)~~77) UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which
1950 were not self-created, have made strict conformity with restrictions governing areas, setbacks,
1951 frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of
1952 the ordinance.
- 1953
- 1954 ~~64)~~78) VARIANCE - An authorization by the board of adjustment or appeals for the construction or
1955 maintenance of a building or structure in a manner which is inconsistent with dimensional
1956 standards (not uses) contained in the floodplain zoning ordinance.

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~~65~~79) VIOLATION - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

~~66~~80) WATERSHED - The entire region contributing runoff or surface water to a watercourse or body of water.

~~67~~81) WATER SURFACE PROFILE - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

~~68~~82) WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

~~69~~83) ZONING DIRECTOR The Oneida County Planning and Zoning Director or his or her designee.

Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this ordinance shall be and are hereby are repealed as far as any conflict exists.

Section 2: This Ordinance shall take effect the day after passage and publication as required by law.

Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 4: Ordinance Amendment #1-2013 amends Chapter 20, the Oneida County Floodplain Ordinance, is hereby adopted:

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #1-2013 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources and Ordinance Amendment #1-2013 of Chapter 20 shall become effective immediately upon passage and publication as provided by law.

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Approved by the _____ Committee this _____ day of _____, 2013.

Consent Agenda Item: _____ YES _____ NO

Offered and passage moved by:

Supervisor

Supervisor

Supervisor

Supervisor

2007
2008
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Supervisor

_____ Ayes

_____ Nays

_____ Absent

_____ Abstain

_____ Adopted

by the County Board of Supervisors this _____ day _____, 2013.

_____ Defeated

Mary Bartelt, County Clerk

Ted Cushing, County Board Chair