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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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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

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

114
115 **1.2 FINDING OF FACT**

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

118
119 **1.3 STATEMENT OF PURPOSE**

120 This ordinance is intended to regulate floodplain development to:

- 121
122 (1) Protect life, health and property;
123
124 (2) Minimize expenditures of public funds for flood control projects;
125
126 (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
127
128 (4) Minimize business interruptions and other economic disruptions;
129
130 (5) Minimize damage to public facilities in the floodplain;
131
132 (6) Minimize the occurrence of future flood blight areas in the floodplain;
133
134 (7) Discourage the victimization of unwary land and homebuyers;
135
136 (8) Prevent increases in flood heights that could increase flood damage and result in conflicts
137 between property owners; and
138
139 (9) Discourage development in a floodplain if there is any practicable alternative to locate the
140 activity, use or structure outside of the floodplain.

141
142 **1.4 TITLE**

143
144 This ordinance shall be known as the Oneida County Floodplain Zoning Ordinance for Oneida
145 County, Wisconsin.

146
147 **1.5 GENERAL PROVISIONS**

148
149 (1) **AREAS TO BE REGULATED**

150 This ordinance regulates all areas that would be covered by the regional flood or base
151 flood-as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR.
152 Base flood elevations are derived from the flood profiles in the Flood Insurance Study-(FIS)
153 and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are
154 displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other
155 studies. If more than one map or revision is referenced, the most restrictive information
156 shall apply.

157
158 (2) **OFFICIAL MAPS & REVISIONS**

159 The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the
160 maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood
161 elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS

162 or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR
163 and FEMA through the Letter of Map Change process (see s.8.0 *Amendments*) before it is
164 effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the
165 DNR. These maps and revisions are on file in the office of the Planning & Zoning
166 Department, Oneida County. If more than one map or revision is referenced, the most
167 restrictive information shall apply.
168

169 (a.) OFFICIAL MAPS: Based on the FIS
170

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

172 55085C0020C, 55085C0040C, 55085C0045C
173 55085C0065C, 55085C0070C, 55085C0090C
174 55085C0095C, 55085C0120C, 55085C0140C
175 55085C0145C, 55085C0165C, 55085C0195C
176 55085C0215C, 55085C0220C, 55085C0235C
177 55085C0245C, 55085C0255C, 55085C0260C
178 55085C0265C, 55085C0270C, 55085C0280C
179 55085C0285C, 55085C0290C, 55085C0295C
180 55085C0305C, 55085C0310C, 55085C0315C
181 55085C0320C, 55085C0330C, 55085C0333C
182 55085C0335C, 55085C0339C, 55085C0340C
183 55085C0341C, 55085C0343C, 55085C0345C
184 55085C0355C, 55085C0360C, 55085C0365C
185 55085C0370C, 55085C0380C, 55085C0385C
186 55085C0390C, 55085C0395C, 55085C0405C
187 55085C0410C, 55085C0415C, 55085C0420C
188 55085C0430C, 55085C0435C, 55085C0440C
189 55085C0445C, 55085C0460C, 55085C0470C
190 55085C0480C, 55085C0485C, 55085C0490C
191 55085C0495C, 55085C0505C, 55085C0510C
192 55085C0515C, 55085C0520C, 55085C0530C
193 55085C0535C, 55085C0540C, 55085C0545C
194 55085C0556C, 55085C0557C, 55085C0558C
195 55085C0559C, 55085C0565C, 55085C0570C
196 55085C0578C, 55085C0579C, 55085C0580C
197 55085C0585C, 55085C0587C, 55085C0589C
198 55085C0590C, 55085C0591C, 55085C0592C
199 55085C0593C, 55085C0594C, 55085C0605C
200 55085C0610C, 55085C0615C, 55085C0620C
201 55085C0630C, 55085C0635C, 55085C0640C
202 55085C0645C, 55085C0655C, 55085C0660C
203 55085C0665C, 55085C0670C, 55085C0685C
204 55085C0695C, 55085C0705C, 55085C0710C
205 55085C0715C, 55085C0720C, 55085C0730C
206 55085C0735C, 55085C0740C, 55085C0742C
207 55085C0745C, 55085C0753C, 55085C0754C
208 55085C0755C, 55085C0760C, 55085C0761C
209 55085C0762C, 55085C0770C, 55085C0780C
210 55085C0785C, 55085C0790C, 55085C0795C
211 55085C0802C, 55085C0805C, 55085C0807C

212 55085C0810C, 55085C0815C, 55085C0820C
213 55085C0830C, 55085C0835C, 55085C0840C
214 55085C0845C, 55085C0855C, 55085C0860C
215 55085C0865C, 55085C0870C, 55085C0880C
216 55085C0885C, 55085C0890C, 55085C0895C
217 55085C0930C, 55085C0935C, 55085C0955C
218 55085C0960C, 55085C0980C
219 prepared by Federal Emergency Management Agency; with corresponding profiles that
220 are based on the Flood Insurance Study (FIS) dated May 16, 2013. Volume numbers
221 (55085CV000A).
222

223 2. 100 year Dam Failure Study downstream of the Killarney Lake Dam in Sections 24, 25
224 and 36, T36N, R5E, located in the Town of Little Rice, dated March 1, 1991 (File
225 #90357.01) prepared by Short, Elliot and Hendrickson. Approved by DNR & FEMA
226 November 6, 1992.
227

228 3. 100 year Dam Failure Study downstream of Spruce Lake Dam located in the E ¼, of SE
229 ¼, in Section 22, T38N, R7E, located in the Town of Cassian, dated August 9, 1995
230 prepared by Pete Wuzer of the Natural Resources Conservation Service. Approved by
231 DNR March 28, 1996.
232

233 4. Floodplain Study Appendix: All DNR- and FEMA-approved floodplain maps, flood
234 profiles, floodway data tables, regional or base flood elevations and other information
235 located in the appendix of this ordinance. The community shall provide the most up to
236 date appendix to the DNR and FEMA regional offices.
237

238 (3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

239 The regional floodplain areas are divided into three districts as follows:
240

241 (a) The Floodway District (FW) is the channel of a river or stream and those portions of
242 the floodplain adjoining the channel required to carry the regional floodwaters-and
243 are contained within AE Zones as shown on the FIRM.
244

245 (b) The Floodfringe District (FF) is that portion of the floodplain between the regional
246 flood limits and the floodway.
247

248 (c) The General Floodplain District (GFP) is those areas that have been or may be
249 covered by floodwater during the regional flood.
250

251 (4) LOCATING FLOODPLAIN BOUNDARIES

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

255 Amendments. The Zoning Director can rely on a boundary derived from a profile elevation
256 to grant or deny a zoning permit, whether or not a map amendment is required. The Zoning
257 Director shall be responsible for documenting actual pre-development field conditions and
258 the basis upon which the district boundary was determined and for initiating any map
259 amendments required under this section. Disputes between the Zoning Director and an
260 applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria
261 in (a) and (b) below. Where the flood profiles are based on established base flood elevations

262 from a FIRM, FEMA must approve any map amendment or revision pursuant to S. 8.0
263 *Amendments.*

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

267
268 (b) Where flood profiles do not exist for projects, the location of the boundary shall be
269 determined by the map scale.

270
271 (5) REMOVAL OF LANDS FROM FLOODPLAIN

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

276
277 (6) COMPLIANCE

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

280
281 (7) MUNICIPALITIES AND STATE AGENCIES REGULATED

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

287
288 (8) ABROGATION AND GREATER RESTRICTIONS

289 (a) This ordinance supersedes all the provisions of any municipal zoning ordinance
290 enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for
291 villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance
292 shall continue in full force and effect to the extent of the greater restrictions, but not
293 otherwise.

294
295 (b) This ordinance is not intended to repeal, abrogate or impair any existing deed
296 restrictions, covenants or easements. If this ordinance imposes greater restrictions,
297 the provisions of this ordinance shall prevail.

298
299 (9) INTERPRETATION

300 In their interpretation and application, the provisions of this ordinance are the minimum
301 requirements liberally construed in favor of the governing body and are not a limitation on
302 or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this
303 ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be
304 interpreted in light of the standards in effect on the date of the adoption of this ordinance or
305 in effect on the date of the most recent text amendment to this ordinance.
306

- 307 (10) WARNING AND DISCLAIMER OF LIABILITY
 308 The flood protection standards in this ordinance are based on engineering experience and
 309 research. Larger floods may occur or the flood height may be increased by man-made or
 310 natural causes. This ordinance does not imply or guarantee that non-floodplain areas or
 311 permitted floodplain uses will be free from flooding and flood damages. Nor does this
 312 ordinance create liability on the part of, or a cause of action against, the municipality or any
 313 officer or employee thereof for any flood damage that may result from reliance on this
 314 ordinance.
 315
- 316 (11) SEVERABILITY
 317 Should any portion of this ordinance be declared unconstitutional or invalid by a court of
 318 competent jurisdiction, the remainder of this ordinance shall not be affected.
 319
- 320 (12) ANNEXED AREAS FOR CITIES AND VILLAGES
 321 The Oneida County floodplain zoning provisions in effect on the date of annexation shall
 322 remain in effect and shall be enforced by the municipality for all annexed areas until the
 323 municipality adopts and enforces an ordinance which meets the requirements of ch. 116,
 324 Wis. Adm. Code and 44 CFR 59-72, National Flood Insurance Program (NFIP). These
 325 annexed lands are described on the municipality's official zoning map. County floodplain
 326 zoning provisions are incorporated by reference for the purpose of administering this section
 327 and are on file in the office of the municipal Zoning Director. All plats or maps of
 328 annexation shall show the regional flood elevation and the floodway location.
 329

330 **2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS**

331
 332 The community shall review all permit applications to determine whether proposed building
 333 sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone
 334 area, all new construction and substantial improvements shall be designed and anchored to
 335 prevent flotation, collapse, or lateral movement of the structure resulting from
 336 hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be
 337 constructed to minimize flood damages and to ensure that utility and mechanical equipment
 338 is designed and/or located so as to prevent water from entering or accumulating within the
 339 equipment during conditions of flooding.
 340

341 Subdivisions shall be reviewed for compliance with the above standards. All subdivision
 342 proposals (including manufactured home parks) shall include regional flood elevation and
 343 floodway data for any development that meets the subdivision definition of this ordinance
 344 and all other requirements in s.7.1 (2). Adequate drainage shall be provided to reduce
 345 exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical,
 346 and water systems are located and constructed to minimize or eliminate flood damages.
 347

348 **2.1 HYDRAULIC AND HYDROLOGIC ANALYSES**

- 349 (1) No floodplain development shall:
 350
- 351 (a) Obstruct flow, defined as development which blocks the conveyance of floodwaters
 352 by itself or with other development, causing any increase in the regional flood height;
 353 or
 - 354 (b) Cause any increase in the regional flood height due to floodplain storage area lost.
 355
 356

357 (2) The Zoning Director shall deny permits if it is determined the proposed development will
358 obstruct flow or cause any increase in the regional flood height, based on the officially
359 adopted FIRM or other adopted map, unless the provisions of s.8.0 *Amendments* are met.

360 **2.2 WATERCOURSE ALTERATIONS**

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

366
367 As soon as is practicable, but not later than six months after the date of the watercourse alteration
368 or relocation, and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map
369 Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA
370 and the DNR through the LOMC process.

371
372 **2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT**

373 Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as
374 docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the
375 necessary permits are obtained and amendments to the floodplain zoning ordinance are made
376 according to s. 8.0 *Amendments*.

377
378 **2.4 PUBLIC OR PRIVATE CAMPGROUNDS**

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

- 381
382 (1) The campground is approved by the Department of Health and Family Services-;
- 383 (2) A Conditional Use Permit and/or zoning permit for the campground is issued by the Zoning
384 Director;
- 385 (3) The character of the river system and the campground elevation are such that a 72-hour
386 warning of an impending flood can be given to all campground occupants;
- 387 (4) There is an adequate flood warning procedure for the campground that offers the minimum
388 notice required under this section to all persons in the campground. This procedure shall
389 include a written agreement between the campground owner, the municipal emergency
390 government coordinator and the chief law enforcement official which specifies the flood
391 elevation at which evacuation shall occur, personnel responsible for monitoring flood
392 elevations, types of warning systems to be used and the procedures for notifying at-risk
393 parties, and the methods and personnel responsible for conducting the evacuation;
- 394 (5) This agreement shall be for no more than one calendar year, at which time the agreement
395 shall be reviewed and updated - by the officials identified in sub. (4) - to remain in
396 compliance with all applicable regulations, including those of the State Department of
397 Health and Family Services and all other applicable regulations;
- 398 (6) Only camping units that are fully licensed, if required, and ready for highway use are
399 allowed;
- 400 (7) The camping units shall not occupy any site in the campground for more than 180
401 consecutive days, at which time the camping unit must be removed from the floodplain for a
402 minimum of 24 hours;
- 403 (8) All camping units that remain on site for more than 30 days shall be issued a limited
404 authorization by the campground operator, a written copy of which is kept on file at the
405 campground. Such authorization shall allow placement of a camping unit for a period not to

- 406 exceed 180 days and shall ensure compliance with all the provisions of this section;
- 407 (9) The municipality shall monitor the limited authorizations issued by the campground
- 408 operator to assure compliance with the terms of this section;
- 409 (10) All camping units that remain in place for more than 180 consecutive days must meet the
- 410 applicable requirements in either s. 3.0, s. 4.0 or 5.0 for the floodplain district in which the
- 411 structure is located;
- 412 (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard
- 413 and the procedures for evacuation when a flood warning is issued; and
- 414 (12) All service facilities, including but not limited to refuse collection, electrical service, gas
- 415 lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or
- 416 floodproofed to the flood protection elevation.

417

418 **3.0 FLOODWAY DISTRICT (FW)**

419

420 **3.1 APPLICABILITY**

421 This section applies to all floodway areas on the floodplain zoning maps and those identified

422 pursuant to s. 5.4.

423

424 **3.2 PERMITTED USES**

425 The following open space uses are allowed in the Floodway District and the floodway areas of the

426 General floodplain district, if

- 427
- 428 they are not prohibited by any other ordinance;
- 429 they meet the standards in s. 3.3 and 3.4; and
- 430 all permits or certificates have been issued according to s. 7.1:

- 431
- 432 (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and
- 433 wild crop harvesting.
- 434
- 435 (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and
- 436 airport landing strips.
- 437
- 438 (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic
- 439 grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms,
- 440 fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and
- 441 horseback riding trails, subject to the fill limitations of s. 3.3(4).
- 442
- 443 (4) Uses or structures accessory to open space uses, or classified as historic structures that
- 444 comply with ss. 3.3 and 3.4.
- 445
- 446 (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 447
- 448 (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas,
- 449 culverts, navigational aids and river crossings of transmission lines, and pipelines that
- 450 comply with chs. 30 and 31, Stats.
- 451
- 452 (7) Public utilities, streets and bridges that comply with s. 3.3(3).

453

454 **3.3 STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY**

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(1) GENERAL

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

(2) STRUCTURES

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

- (a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;
- (b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- © Must be anchored to resist flotation, collapse, and lateral movement;
- (d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
- (e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES

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

- (a) Adequate floodproofing measures are provided to the flood protection elevation; and
- (b) Construction meets the development standards of s. 2.1.

- 500 (4) **FILLS OR DEPOSITION OF MATERIALS**
501 Fills or deposition of materials may be allowed by permit, if:
502
503 (a) The requirements of s. 2.1 are met;
504
505 (b) No material is deposited in navigable waters unless a permit is issued by the
506 Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal
507 Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued,
508 if applicable, and all other requirements have been met;
509
510 (c) The fill or other materials will be protected against erosion by riprap, vegetative
511 cover, sheet piling or bulkheading; and
512
513 (d) The fill is not classified as a solid or hazardous material.
514

515 **3.4 PROHIBITED USES**

516 All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:
517

- 518 (1) Habitable structures, structures with high flood damage potential, or those not associated
519 with permanent open-space uses;
520
521 (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water
522 quality, or human, animal, plant, fish or other aquatic life;
523
524 (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
525
526 (4) Any private or public sewage systems, except portable latrines that are removed prior to
527 flooding and systems associated with recreational areas and Department-approved
528 campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83,
529 Wis. Adm. Code;
530
531 (5) Any public or private wells which are used to obtain potable water, except those for
532 recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR
533 812, Wis. Adm. Code;
534
535 (6) Any solid or hazardous waste disposal sites;
536
537 (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR
538 110.15(3)(b), Wis. Adm. Code; and
539
540 (8) Any sanitary sewer or water supply lines, except those to service existing or proposed
541 development located outside the floodway which complies with the regulations for the
542 floodplain area occupied.
543

544 **4.0 FLOODFRINGE DISTRICT (FF)**

545
546 **4.1 APPLICABILITY**

547 This section applies to all floodfringe areas shown on the floodplain zoning maps and those
548 identified pursuant to s. 5.4.
549

550 4.2 **PERMITTED USES**
551 Any structure, land use, or development is allowed in the Floodfringe District if the standards in s.
552 4.3 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or
553 certificates specified in s. 7.1 have been issued.
554

555 4.3 **STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE**

556 S. 2.1 shall apply in addition to the following requirements according to the use requested. Any
557 existing structure in the floodfringe must meet the requirements of s.6.0 *Nonconforming*
558 *Uses*;
559

560 (1) **RESIDENTIAL USES**

561 Any structure, including a manufactured home, which is to be newly, constructed, or moved
562 into the floodfringe, shall meet or exceed the following standards. Any existing structure in
563 the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;
564

565 (a) The elevation of the lowest floor, shall be at or above the flood protection elevation
566 on fill- unless the requirements of s.4.3 (1)(b) can be met. The fill shall be one foot or
567 more above the regional flood elevation extending at least 15 feet beyond the limits
568 of the structure. The Department may authorize other floodproofing measures if the
569 elevations of existing streets or sewer lines makes compliance with the fill standards
570 impractical;
571

572 (b) The basement or crawlway floor may be placed at the regional flood elevation if it is
573 floodproofed to the flood protection elevation. No basement or crawlway floor is
574 allowed below the regional flood elevation;
575

576 (c) Contiguous dryland access shall be provided from a structure to land outside of the
577 floodplain, except as provided in subd. (d).
578

579 (d) In developments where existing street or sewer line elevations make compliance with
580 subd. (c) impractical, the municipality may permit new development and substantial
581 improvements where roads are below the regional flood elevation, if:
582

583 1. The municipality has written assurance from police, fire and emergency
584 services that rescue and relief will be provided to the structure(s) by wheeled
585 vehicles during a regional flood event; or
586

587 2. The municipality has a DNR approved emergency evacuation plan.
588

589 (2) **ACCESSORY STRUCTURES OR USES**

590 (a) Accessory structures shall be constructed on fill with the-lowest floor at or above the
591 regional flood elevation.
592

593 (3) **COMMERCIAL USES**

594 Any commercial structure which is erected, altered or moved into the floodfringe area shall
595 meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards,
596 surface parking lots and other such uses may be placed at lower elevations if an adequate
597 warning system exists to protect life and property.
598

599 (3) **MANUFACTURING AND INDUSTRIAL USES**

600 Any manufacturing or industrial structure which is erected, altered or moved into the
601 floodfringe shall have the lowest floor elevated to or above the flood protection elevation or
602 meet the floodproofing standards in s. 7.5. Subject to the requirements of s. 4.3(5), storage
603 yards, surface parking lots and other such uses may be placed at lower elevations if an
604 adequate warning system exists to protect life and property.
605

606 (5) STORAGE OF MATERIALS

607 Materials that are buoyant, flammable, explosive, or injurious to property, water quality or
608 human, animal, plant, fish or aquatic life shall be stored at or above the flood protection
609 elevation or floodproofed in compliance with s. 7.5. Adequate measures shall be taken to
610 ensure that such materials will not enter the water body during flooding.
611

612 (6) PUBLIC UTILITIES, STREETS AND BRIDGES

613 All utilities, streets and bridges shall be designed to be compatible with comprehensive
614 floodplain development plans; and
615

616 (a) When failure of public utilities, streets and bridges would endanger public health or
617 safety, or where such facilities are deemed essential, construction or repair of such
618 facilities shall only be permitted if they are designed to comply with s. 7.5.
619

620 (b) Minor roads or non-essential utilities may be constructed at lower elevations if they
621 are designed to withstand flood forces to the regional flood elevation.
622

623 (7) SEWAGE SYSTEMS

624 All POWTS shall be designed to minimize or eliminate infiltration of flood water into they
625 system, floodproofed, pursuant to s. 7.5(3), to the flood protection elevation and meet the
626 provisions of Chapter 13, The Oneida County Private Onsite Wastewater Treatment System
627 Ordinance (POWTS) and DSPTS 383, Wis. Adm. Code.
628

629 (8) WELLS

630 All wells shall be designed to minimize or eliminate infiltration of flood waters into the
631 system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions
632 of chs. NR 811 and NR 812, Wis. Adm. Code.
633

634 (9) SOLID WASTE DISPOSAL SITES

635 Disposal of solid or hazardous waste is prohibited in floodfringe areas.
636

637 (10) DEPOSITION OF MATERIALS

638 Any deposited material must meet all the provisions of this ordinance.
639

640 (11) MANUFACTURED HOMES

641 (a) Owners or operators of all manufactured home parks and subdivisions shall provide
642 adequate surface drainage to minimize flood damage, and prepare, secure approval
643 and file an evacuation plan, indicating vehicular access and escape routes, with local
644 emergency management authorities.
645

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

- 648 1. have the lowest floor elevated to the flood protection elevation; and
- 649 2. be anchored so they do not float, collapse or move laterally during a flood

650
651 (c) Outside of existing manufactured home parks, including new manufactured home
652 parks and all single units outside of existing parks, all new, replacement and
653 substantially improved manufactured homes shall meet the residential development
654 standards for the floodfringe in s. 4.3(1).
655

656 (12) **MOBILE RECREATIONAL VEHICLES**
657 All mobile recreational vehicles that are on site for 180 consecutive days or more or are not
658 fully licensed and ready for highway use shall meet the elevation and anchoring
659 requirements in s. 4.3 (11)(b) and (c). A mobile recreational vehicle is ready for highway
660 use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect
661 utilities and security devices and has no permanently attached additions.
662

663 **5.0 GENERAL FLOODPLAIN DISTRICT (GFP)**

664 **5.1 APPLICABILITY**
665 The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.
666

667 **5.2 PERMITTED USES**
668 Pursuant to s. 5.4, it shall be determined whether the proposed use is located within the floodway
669 or floodfringe.
670

671 Those uses permitted in the Floodway (s. 3.2) and Floodfringe Districts (s. 4.2) are allowed within
672 the General Floodplain District, according to the standards of s. 5.3, provided that all permits or
673 certificates required under s. 7.1 have been issued.
674

675 **5.3 STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**
676 S. 3.0 applies to floodway areas, s. 4.0 applies to floodfringe areas. The rest of this ordinance
677 applies to either district.
678

679 (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below
680 whichever is higher.
681

682 (a) at or above the flood protection elevation; or
683

684 (b) two (2) feet above the highest adjacent grade around the structure; or
685

686 (c) the depth as shown on the FIRM
687

688 (2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around
689 structures.
690

691 **5.4 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

692 Upon receiving an application for development within the general floodplain district, the Zoning
693 Director shall:
694

695 (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows
696 the proposed development with respect to the general floodplain district limits, stream
697 channel, and existing floodplain developments, along with a legal description of the
698 property, fill limits and elevations, building floor elevations and flood proofing measures;
699

700 and the flood zone as shown on the FIRM.

701
702 (2) Require the applicant to furnish any of the following information deemed necessary by the
703 Department to evaluate the effects of the proposal upon flood height and flood flows,
704 regional flood elevation and to determine floodway boundaries:

705
706 (a) A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).

707
708 (b) Plan (surface view) showing elevations or contours of the ground; pertinent structure,
709 fill or storage elevations; size, location and layout of all proposed and existing
710 structures on the site; location and elevations of streets, water supply, and sanitary
711 facilities; soil types and other pertinent information;

712
713 (c) Specifications for building construction and materials, floodproofing, filling,
714 dredging, channel improvement, storage, water supply and sanitary facilities.

715
716 **6.0 LEGAL PRE-EXISTING USES/ STRUCTURES**

717
718 **6.1 GENERAL**

719
720 (1) APPLICABILITY

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

725
726 (2) The existing lawful use of a structure or its accessory use which is not in conformity with
727 the provisions of this ordinance may continue subject to the following conditions:

728
729 (a) No modifications or additions to a legal pre-existing use or structure shall be
730 permitted unless they comply with this ordinance. The words "modification" and
731 "addition" include, but are not limited to, any alteration, addition, modification,
732 structural repair, rebuilding or replacement of any such existing use, structure or
733 accessory structure or use. Maintenance is not considered, a modification this
734 includes painting, decorating, paneling and other nonstructural components and the
735 maintenance, repair or replacement of existing private sewage or water supply
736 systems or connections to public utilities. Any costs associated with the repair of a
737 damaged structure are not considered maintenance.

738
739 The construction of a deck that does not exceed 200 square feet and that is adjacent
740 to the exterior wall of a principal structure is not an extension, modification or
741 addition. The roof of the structure may extend over a portion of the deck in order to
742 provide safe ingress and egress to the principal structure.

743
744 (b) If a legal pre-existing or the use of a legal pre-existing structure is discontinued for
745 12 consecutive months, it is no longer permitted and any future use of the property,
746 and any structure or building thereon, shall conform to the applicable requirements of
747 this ordinance;

748
749 (c) The municipality shall keep a record which lists all legal pre-existing uses and legal

750 pre-existing structures, their present equalized assessed value, the cost of all
751 modifications or additions which have been permitted, and the percentage of the
752 structure's total current value those modifications represent;

753
754 (d) No modification or addition to any legal pre-existing structure or any structure with a
755 legal pre-existing use, which over the life of the structure would equal or exceed 50%
756 of its present equalized assessed value, shall be allowed unless the entire structure is
757 permanently changed to a conforming structure with a conforming use in compliance
758 with the applicable requirements of this ordinance. Contiguous dry land access must
759 be provided for residential and commercial uses in compliance with s. 4.3(1). The
760 costs of elevating the lowest floor of a legal pre-existing building or a building with a
761 legal pre-existing use to the flood protection elevation are excluded from the 50%
762 provisions of this paragraph;

763
764 (e) No maintenance to any legal pre-existing structure or any structure with a legal pre-
765 existing use, the cost of which would equal or exceed 50% of its present equalized
766 assessed value, shall be allowed unless the entire structure is permanently changed to
767 a conforming structure with a conforming use in compliance with the applicable
768 requirements of this ordinance. Contiguous dry land access must be provided for
769 residential and commercial uses in compliance with s.4.3(1).

770
771 (f) If on a per event basis the total value of the work being done under (d) and (e)
772 equals or exceeds 50% of the present equalized assessed value the work shall not be
773 permitted unless the entire structure is permanently changed to a conforming
774 structure with a conforming use in compliance with the applicable requirements of
775 this ordinance. Contiguous dry land access must be provided for residential and
776 commercial uses in compliance with s.4.3(1).

777
778 (g) Except as provided in subd. (h), if any legal pre-existing structure or any structure
779 with a legal pre-existing use is destroyed or is substantially damaged, it cannot be
780 replaced, reconstructed or rebuilt unless the use and the structure meet the current
781 ordinance requirements. A structure is considered substantially damaged if the total
782 cost to restore the structure to its pre-damaged condition equals or exceeds 50% of
783 the structure's present equalized assessed value.

784
785 (h) For legal pre-existing buildings that are substantially damaged or destroyed by a
786 nonflood disaster, the repair or reconstruction of any such legal pre-existing building
787 shall be permitted in order to restore it to the size and use in effect prior to the
788 damage event, provided that the minimum federal code requirements below are met
789 and all required permits have been granted prior to the start of construction.

790 1. Residential Structures

791
792 a. Shall have the lowest floor, including basement, elevated to or above the base
793 flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter
794 walls must meet the requirements of s.7.5(2).

795
796 b. Shall be anchored to prevent flotation, collapse, or lateral movement of the
797 structure resulting from hydrodynamic and hydrostatic loads, including the
798

- 799 effects of buoyancy and shall be constructed with methods and materials
800 resistant to flood damage.
801
802 c. Shall be constructed with electrical, heating, ventilation, plumbing and air
803 conditioning equipment and other service facilities that are designed and/or
804 elevated so as to prevent water from entering or accumulating within the
805 components during conditions of flooding.
806
807 d. In A Zones, obtain, review and utilize any flood data available from a federal,
808 state or other source.
809
810 e. In AO Zones with no elevations specified, shall have the lowest floor,
811 including basement, meet the standards in s.5.3(1).
812
813 f. In AO Zones, shall have adequate drainage paths around structures on slopes to
814 guide floodwaters around and away from the structure.
815
816 2. Nonresidential Structures
817 a. Shall meet the requirements of s.6.1 (2) (h) 1a-b and e-g.
818
819 b. Shall either have the lowest floor, including basement, elevated to or above the
820 regional flood elevation; or, together with attendant utility and sanitary
821 facilities, shall meet the standards in s.7.5(1) or (2).
822
823 c. In AO Zones with no elevations specified, shall have the lowest floor, including
824 basement, meet the standards in s.5.3(1).
825
826 (3) A legal pre-existing historic structure may be altered if the alteration will not preclude the
827 structures continued designation as a historic structure, the alteration will comply with s.
828 3.3(1), flood resistant materials are used, and construction practices and floodproofing
829 methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall
830 be exempt from the development standards of s.6.1(2)(h)1 if it is determined that the
831 proposed repair or rehabilitation will not preclude the structure's continued designation as a
832 historic structure and is the minimum necessary to preserve the historic character and design
833 of the structure.
834

835 **6.2 FLOODWAY DISTRICT**

- 836 (1) No modification or addition shall be allowed to any legal pre-existing structure or any
837 structure with a legal pre-existing use in, the Floodway District, unless such modification or
838 addition:
839
840 (a) Has been granted a permit or variance which meets all ordinance requirements;
841
842 (b) Meets the requirements of s. 6.1;
843
844 (c) Shall not increase the obstruction to flood flows or regional flood height;
845
846 (d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by
847 means other than the use of fill, to the flood protection elevation; and
848

- 849 (e) If any part of the foundation below the flood protection elevation is enclosed, the
850 following standards shall apply:
851
852 1. The enclosed area shall be designed by a registered architect or engineer to
853 allow for the efficient entry and exit of flood waters without human
854 intervention. A minimum of two openings must be provided with a minimum
855 net area of at least one square inch for every one square foot of the enclosed
856 area. The lowest part of the opening can be no more than 12 inches above the
857 adjacent grade;
858
859 2. The parts of the foundation located below the flood protection elevation must
860 be constructed of flood resistant materials;
861
862 3. Mechanical and utility equipment must be elevated or floodproofed to or
863 above the flood protection elevation; and
864
865 4. The use must be limited to parking, building access or limited storage.
866
867 (2) No new POWTS, or addition to an existing POWTS, except where an addition has been
868 ordered by a government agency to correct a hazard to public health, shall be allowed in the
869 Floodway District. Any replacement, repair or maintenance of an existing POWTS in a
870 floodway area shall meet the applicable requirements of Chapter 13, The Oneida County
871 Private Onsite Wastewater Treatment System Ordinance (POWTS) and DSPS 383, Wis.
872 Adm. Code.
873
874 (3) No new well or modification to an existing well used to obtain potable water shall be
875 allowed in the Floodway District. Any replacement, repair or maintenance of an existing
876 well in the Floodway District shall meet the applicable requirements of all municipal
877 ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.
878

879 **6.3 FLOODFRINGE DISTRICTS**

- 880 (1) No modification or addition shall be allowed to any legal pre-existing structure or any
881 structure with a legal pre-existing use unless such modification or addition has been granted
882 a permit or variance by the municipality, and meets the requirements of s. 4.3, except where
883 s. 6.3(2) is applicable.
884
885 (2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship
886 and only where the structure will not be used for human habitation or be associated with a
887 high flood damage potential, the Board of Adjustment/Appeals, using the procedures
888 established in s. 7.3, may grant a variance from those provisions of subd.(1) for
889 modifications or additions, using the criteria listed below. Modifications or additions which
890 are protected to elevations lower than the flood protection elevation may be permitted if:
891
892 (a) No floor is allowed below the regional flood elevation for residential or commercial
893 structures;
894
895 (b) Human lives are not endangered;
896
897 (c) Public facilities, such as water or sewer, shall not be installed;
898

- 899 (d) Flood depths shall not exceed two feet;
- 900
- 901 (e) Flood velocities shall not exceed two feet per second; and
- 902
- 903 (f) The structure shall not be used for storage of materials as described in s. 4.3(6).
- 904
- 905 (3) All new POWTS, or addition to, replacement, repair or maintenance of a POWTS shall meet
- 906 all the applicable provisions of Chapter 13, the Oneida County Private Onsite Wastewater
- 907 Treatment System Ordinance (POWTS) and DSPS 383, Wis. Adm. Code.
- 908
- 909 (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the
- 910 applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code-
- 911

912 **7.0 ADMINISTRATION**

913 Where the Zoning Director, Oneida County Planning & Zoning Committee or a Board of
 914 Adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss.
 915 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

917 **7.1 ZONING DIRECTOR**

918 **(1) DUTIES AND POWERS**

919 The Zoning Director is authorized to administer this ordinance and shall have the following
 920 duties and powers:

- 921
- 922 (a) Advise applicants of the ordinance provisions, assist in preparing permit applications
 923 and appeals, and assure that the regional flood elevation for the proposed
 924 development is shown on all permit applications.
- 925
- 926 (b) Issue permits and inspect properties for compliance with provisions of this ordinance,
 927 and issue certificates of compliance where appropriate.
- 928
- 929 (c) Inspect and assess all damaged floodplain structures to determine if substantial
 930 damage to the structures has occurred.
- 931
- 932 (d) Keep records of all official actions such as:
- 933
- 934 1. All permits issued, inspections made, and work approved;
- 935
- 936 2. Documentation of certified lowest floor and regional flood elevations;
- 937
- 938 3. Floodproofing certificates.
- 939
- 940 4. Water surface profiles, floodplain zoning maps and ordinances,
 941 legal pre-existing uses and structures including changes, appeals, variances and
 942 amendments.
- 943
- 944 5. All substantial damage assessment reports for floodplain structures.
- 945
- 946 6. List of legal pre-existing structures and uses.
- 947
- 948 (e) Submit copies of the following items to the Department Regional office:

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1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
 2. Copies of any case-by-case analyses, and other required information, including an annual summary of floodplain zoning actions taken.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- (f) Investigate, prepare reports, and report violations of this ordinance to the Oneida County Planning and Zoning Committee and Oneida County Corporation Counsel for prosecution. Copies of the reports shall also be sent to the Department regional office.
- (g) Submit copies of amendments and biennial reports to the FEMA Regional office.

(2) ZONING PERMIT

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

(a) GENERAL INFORMATION

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

(b) SITE DEVELOPMENT PLAN

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

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

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

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).

(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

1049 A work map of the reach studied shall be provided, showing all cross section
1050 locations, floodway/floodplain limits based on best available topographic data,
1051 geographic limits of the proposed development and whether the proposed
1052 development is located in the floodway.
1053

- 1054 i. If the proposed development is located outside of the floodway, then it is
1055 determined to have no impact on the regional flood elevation.
1056
- 1057 ii. If any part of the proposed development is in the floodway, it must be added to
1058 the base model to show the difference between existing and proposed conditions.
1059 The study must ensure that all coefficients remain the same as in the existing
1060 model, unless adequate justification based on standard accepted engineering
1061 practices is provided.
1062
- 1063 iii. Existing (Pre-Project Conditions) Model
1064 The Existing Model shall be required to support conclusions about the actual
1065 impacts of the project associated with the Revised (Post-Project) Model or to
1066 establish more up-to-date models on which to base the Revised (Post-Project)
1067 Model.
1068
- 1069 iv. Revised (Post-Project Conditions) Model.
1070 The Revised (Post-Project Conditions) Model shall incorporate the Existing
1071 Model and any proposed
1072
- 1073 v. All changes to the Duplicate Effective Model and subsequent models must be
1074 supported by certified topographic information, bridge plans, construction plans
1075 and survey notes.
1076
- 1077 vi. Changes to the hydraulic models shall be limited to the stream reach for which the
1078 revision is being requested. Cross sections upstream and downstream of the
1079 revised reach shall be identical to those in the effective model and result in water
1080 surface elevations and topwidths computed by the revised models matching those
1081 in the effective models upstream and downstream of the revised reach as required.
1082 The Effective Model shall not be truncated.

1081 (e) EXPIRATION

1082 All permits issued under the authority of this ordinance shall expire two (2) years
1083 after issuance. The permit may be extended for a maximum of 180 days for good and
1084 sufficient cause.
1085

1086 (3) CERTIFICATE OF COMPLIANCE

1087 No land shall be occupied or used, and no building which is hereafter constructed, altered,
1088 added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of
1089 compliance is issued by the Zoning Director, except where no permit is required, subject to
1090 the following provisions:
1091

- 1092 (a) The certificate of compliance shall show that the building or premises or part thereof,
1093 and the proposed use, conform to the provisions of this ordinance;
1094
- 1095 (b) Application for such certificate shall be concurrent with the application for a permit;
1096
- 1097 (c) If all ordinance provisions are met, the certificate of compliance shall be issued
1098 within 10 days after written notification that the permitted work is completed;

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(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 the requirements of s. 7.5 are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under 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.

7.3 BOARD OF ADJUSTMENT

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

(1) POWERS AND DUTIES

The Board of Adjustment shall:

- (a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map-and;
- (c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

- (a) Appeals to the board may be taken by any person aggrieved, or by any officer or

1149 department of the municipality affected by any decision of the Zoning Director or
1150 other administrative officer. Such appeal shall be taken within 30 days unless
1151 otherwise provided by the rules of the board, by filing with the official whose
1152 decision is in question, and with the board, a notice of appeal specifying the reasons
1153 for the appeal. The official whose decision is in question shall transmit to the board
1154 all records regarding the matter appealed.
1155

1156 (b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES
1157

- 1158 1. Notice - The board shall:
1159
1160 a. Fix a reasonable time for the hearing;
1161 b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the
1162 date, time, place and subject of the hearing;
1163
1164 c. Assure that notice shall be mailed to the parties in interest and the
1165 Department Regional office at least 10 days in advance of the hearing.
1166
1167 2. Hearing - Any party may appear in person or by agent. The board shall:
1168
1169 a. Resolve boundary disputes according to s. 7.3(3).
1170
1171 b. Decide variance applications according to s. 7.3(4).
1172
1173 c. Decide appeals of permit denials according to s. 7.4.
1174

1175 (c) DECISION: The final decision regarding the appeal or variance application shall:
1176

- 1177 1. Be made within a reasonable time;
1178
1179 2. Be sent to the Department regional office within 10 days of the decision;
1180
1181 3. Be a written determination signed by the chairman or secretary of the Board;
1182
1183 4. State the specific facts which are the basis for the Board's decision;
1184
1185 5. Either affirm, reverse, vary or modify the order, requirement, decision or
1186 determination appealed, in whole or in part, dismiss the appeal for lack of
1187 jurisdiction or grant or deny the variance application; and
1188
1189 6. Include the reasons for granting an appeal, describing the hardship
1190 demonstrated by the applicant in the case of a variance, clearly stated in the
1191 recorded minutes of the Board proceedings.
1192

1193 (3) BOUNDARY DISPUTES

1194 The following procedure shall be used by the Board in hearing disputes concerning
1195 floodplain district boundaries:
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- 1197 (a) If a floodplain district boundary is established by approximate or detailed floodplain
1198 studies, the flood elevations or profiles shall prevail in locating the boundary. If none

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exist, other evidence may be examined.

(b) 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 subd.(a), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance 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. 8.0 Amendments; and

- 1249 6. Allow any alteration of an historic structure, including its use, which would
1250 preclude its continued designation as an historic structure.
1251
1252 (d) When a floodplain variance is granted the Board shall notify the applicant in writing
1253 that it may increase risks to life and property and flood insurance premiums could
1254 increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the
1255 variance record.
1256

1257 **7.4 TO REVIEW APPEALS OF PERMIT DENIALS**

- 1258 (1) The Board shall review all data related to the appeal. This may include:
1259
1260 (a) Permit application data listed in s. 7.1(2).
1261
1262 (b) Floodway/floodfringe determination data in s. 5.4.
1263
1264 (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to
1265 the Zoning Director; and
1266
1267 (d) Other data submitted with the application, or submitted to the Board with the appeal.
1268
1269 (2) For appeals of all denied permits the Board shall:
1270
1271 (a) Follow the procedures of s. 7.3;
1272
1273 (b) Consider recommendations of the Planning and Zoning Director and the Planning
1274 and Zoning Committee; and
1275
1276 (c) Either uphold the denial or grant the appeal.
1277
1278 (3) For appeals concerning increases in regional flood elevation the Board shall:
1279
1280 (a) Uphold the denial where the Board agrees with the data showing an increase in flood
1281 elevation. Increases may only be allowed after amending the flood profile and map
1282 and all appropriate legal arrangements are made with all adversely affected property
1283 owners as per the requirements of s.8.0 Amendments; and
1284
1285 (b) Grant the appeal where the Board agrees that the data properly demonstrates that the
1286 project does not cause an increase provided no other reasons for denial exist.
1287

1288 **7.5 FLOODPROOFING**

- 1289 (1) No permit or variance shall be issued for a non-residential structure designed to be
1290 watertight below the regional flood elevation until the applicant submits a plan certified by a
1291 registered professional engineer or architect that the floodproofing measures will protect the
1292 structure or development to the flood protection elevation and submits a FEMA
1293 Floodproofing Certificate.
1294
1295 (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be
1296 issued until the applicant submits a plan either:
1297 a. certified by a registered professional engineer or architect; or
1298 b. meets or exceeds the following standards:

- 1299
 1300
 1301 1. a minimum of two openings having a total net area of not less than one square inch
 1302 for every square foot of enclosed area subject to flooding;
 1303
 1304 2. the bottom of all openings shall be no higher than one foot above grade; and
 1305
 1306 3. openings may be equipped with screens, louvers, valves, or other coverings or
 1307 devices provided that they permit the automatic entry and exit of floodwaters.
 1308 (3) Floodproofing measures shall be designed as appropriate to:
 1309
 1310 (a) Withstand flood pressures, depths, velocities, uplift and impact forces and other
 1311 regional flood factors;
 1312
 1313 (b) Protect structures to the flood protection elevation;
 1314
 1315 (c) Anchor structures to foundations to resist flotation and lateral movement; and
 1316
 1317 (d) Minimize or eliminate infiltration of flood waters.
 1318
 1319 (e) Minimize or eliminate discharges into flood waters.
 1320

1321 **7.6 PUBLIC INFORMATION**

- 1322 (1) Place marks on structures to show the depth of inundation during the regional flood.
 1323
 1324 (2) All maps, engineering data and regulations shall be available and widely distributed.
 1325
 1326 (3) Real estate transfers should show what floodplain district any real property is in.
 1327

1328 **8.0 AMENDMENTS**

1329 Obstructions or increases may only be permitted if amendments are made to this ordinance, the
 1330 official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s.
 1331 8.1.
 1332

1333 In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the
 1334 applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to
 1335 this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in
 1336 accordance with s.8.1. Any such alterations must be reviewed and approved by FEMA and the
 1337 DNR.
 1338

1339 In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant
 1340 receives a Conditional Letter of map Revision from FEMA and amendments are made to this
 1341 ordinance, the official floodplain maps, floodway lines, and water surface profiles in accordance
 1342 with s.8.1.
 1343

1344 **8.1 GENERAL**

1345 The Oneida County Board of Supervisors may change or supplement the floodplain zoning district
 1346 boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an
 1347 amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are
 1348 not limited to, the following:

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- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;
 - (2) Any change to the floodplain boundaries an/or watercourse alterations on the FIRM;
 - (3) Any changes to any other officially adopted floodplain maps listed in 1.5 (2)(b);
 - (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - (5) Correction of discrepancies between the water surface profiles and floodplain maps;
 - (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
 - (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

1369 **8.2 PROCEDURES**

1370 Ordinance amendments may be made upon petition of any party according to the provisions of s.
 1371 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all
 1372 data required by ss. 5.4 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map
 1373 Revision is issued by FEMA for the proposed changes.

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- (1) The proposed amendment shall be referred to the Planning & Zoning Committee for a public hearing and recommendation to the Oneida County Board of Supervisors. The amendment and notice of public hearing shall be submitted to the Department regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
 - (2) No amendments shall become effective until reviewed and approved by the Department.
 - (3) All persons petitioning for a map amendment that obstructs flow, causing any increase in the regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

1388 **9.0 ENFORCEMENT AND PENALTIES**

1389 Any violation of the provisions of this ordinance by any person shall be unlawful and shall be
 1390 referred to the Oneida County Corporation Counsel who shall expeditiously prosecute all such
 1391 violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than
 1392 ~~\$25.00~~ \$50.00 and not more than ~~\$250.00~~ \$50.00, together with a taxable cost of such action.
 1393 Each day of continued violation shall constitute a separate offense. Every violation of this
 1394 ordinance is a public nuisance and the creation may be enjoined and the maintenance may be
 1395 abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30,
 1396 Stats.

1397
 1398 **10.0 DEFINITIONS**

1399 Unless specifically defined, words and phrases in this ordinance shall have their common law
1400 meaning and shall be applied in accordance with their common usage. Words used in the present tense
1401 include the future, the singular number includes the plural and the plural number includes the singular.
1402 The word "may" is permissive, "shall" is mandatory and is not discretionary.
1403

- 1404 1) A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated
1405 by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may
1406 or may not be reflective of flood profiles, depending on the availability of data for a given area.
1407
- 1408 2) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- 1409
- 1410 3) AO ZONE – See “AREA OF SHALLOW FLOODING”.
- 1411
- 1412 4) ACCESSORY STRUCTURE OR USE - A facility, structure, building or use which is accessory
1413 or incidental to the principal use of a property, structure or building.
1414
- 1415 5) ALTERATION – An enhancement, upgrading or substantial change or modifications other than an
1416 addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and
1417 other systems within a structure.
1418
- 1419 6) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a
1420 community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of
1421 flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where
1422 the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is
1423 characterized by ponding or sheet flow.
1424
- 1425 7) BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in
1426 any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
1427
- 1428 8) BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level,
1429 on all sides.
1430
- 1431 9) BUILDING - See STRUCTURE.
- 1432
- 1433 10) BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by
1434 a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which
1435 allows limited filling between this bulkhead line and the original ordinary highwater mark, except
1436 where such filling is prohibited by the floodway provisions of this ordinance.
1437
- 1438 11) CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the
1439 purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is
1440 advertised or represented as a camping area.
1441
- 1442 12) CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary
1443 shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent
1444 That is fully licensed, if required, and ready for highway use.
1445
- 1446 13) CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a
1447 building, the elevation of fill or the lowest floor of a structure is in compliance with all of the
1448 provisions of this ordinance.

- 1449
- 1450 14) CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct
1451 normal flow of water.
- 1452
- 1453 15) CRAWLWAYS OR CRAWL SPACE - An enclosed area below the first usable floor of a building,
1454 generally less than five feet in height, used for access to plumbing and electrical utilities.
- 1455
- 1456 16) DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor
1457 which allows the infiltration of precipitation.
- 1458
- 1459 17) DEPARTMENT- The Wisconsin Department of Natural Resources.
- 1460
- 1461 18) DEVELOPMENT - Any artificial change to improved or unimproved real estate, including, but no
1462 limited to, the construction of buildings, structures or accessory structures; the construction of
1463 additions or alterations to buildings, structures or accessory structures; the repair of any damaged
1464 structure or the improvement or renovation of any structure, regardless of percentage of damage or
1465 improvement; the placement of buildings or structures; subdivision layout and site preparation;
1466 mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition
1467 or extraction of materials or equipment; and the installation, repair or removal of public
1468 or private sewage disposal systems or water supply facilities.
- 1469
- 1470 19) DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and
1471 which connects land located in the floodplain to land outside the floodplain, such as a road with its
1472 surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- 1473
- 1474 20) ENCROACHMENT - Any fill, structure, equipment, building, use or development in the
1475 floodway.
- 1476
- 1477 21) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that
1478 administers the National Flood Insurance Program.
- 1479
- 1480 22) FLOOD INSURANCE RATE MAP (FIRM) - A map of a community on which the Federal
1481 Insurance Administration has delineated both special flood hazard areas (the floodplain) and the
1482 risk premium zones applicable to the community. This map can only be amended by the Federal
1483 Emergency Management Agency.
- 1484
- 1485 23) FLOOD" or "FLOODING – A general and temporary condition of partial or complete inundation
1486 of normally dry land areas caused by one of the following conditions:
- 1487
- 1488 ✓ The overflow or rise of inland waters,
- 1489
- 1490 ✓ The rapid accumulation or runoff of surface waters from any source,
- 1491
- 1492 ✓ The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the
1493 shore of Lake Michigan or Lake Superior, or
- 1494
- 1495 ✓ The sudden increase caused by an unusually high water level in a natural body of water, accompanied
1496 by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly
1497 unusual event.
- 1498

- 1499 24) FLOOD FREQUENCY - The probability of a flood occurrence which is determined from
1500 statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on
1501 the average once in a specified number of years or as a percent (%) chance of occurring in any
1502 given year.
1503
- 1504 25) FLOODFRINGE - That portion of the floodplain outside of the floodway which is covered by
1505 flood waters during the regional flood and associated with standing water rather than flowing
1506 water.
1507
- 1508 26) FLOOD HAZARD BOUNDARY MAP - A map designating approximate flood hazard areas.
1509 Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or
1510 regional flood elevations. This map forms the basis for both the regulatory and insurance aspects
1511 of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and
1512 a Flood Insurance Rate Map.
1513
- 1514 27) FLOOD INSURANCE STUDY - A technical engineering examination, evaluation, and
1515 determination of the local flood hazard areas. It provides maps designating those areas affected by
1516 the regional flood and provides both flood insurance rate zones and base flood elevations and may
1517 provide floodway lines. The flood hazard areas are designated as numbered and unnumbered
1518 A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis
1519 for both the regulatory and the insurance aspects of the National Flood Insurance Program.
1520
- 1521 28) FLOODPLAIN - Land which has been or may be covered by flood water during the regional
1522 flood. It includes the floodway and the floodfringe, and may include other designated floodplain
1523 areas for regulatory purposes.
1524
- 1525 29) FLOODPLAIN ISLAND - A natural geologic land formation within the floodplain that is
1526 surrounded, but not covered, by floodwater during the regional flood.
1527
- 1528 30) FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains,
1529 including mapping and engineering, mitigation, education, and administration and enforcement of
1530 floodplain regulations.
1531
- 1532 31) FLOOD PROFILE - A graph or a longitudinal profile line showing the relationship of the water
1533 surface elevation of a flood event to locations of land surface elevations along a stream or river.
1534
- 1535 32) FLOODPROOFING - Any combination of structural provisions, changes or adjustments to
1536 properties and structures, water and sanitary facilities and contents of buildings subject to flooding,
1537 for the purpose of reducing or eliminating flood damage.
1538
- 1539 33) FLOOD PROTECTION ELEVATION - An elevation of two feet of freeboard above the water
1540 surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
1541
- 1542 34) FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into
1543 account during analysis in reducing the regional flood discharge.
1544
- 1545 35) FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the
1546 channel required to carry the regional flood discharge.
1547
- 1548 36) FREEBOARD - A safety factor expressed in terms of a specified number of feet above a

- 1549 calculated flood level. Freeboard compensates for any factors that cause flood heights greater than
 1550 those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge
 1551 openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to
 1552 development and aggregation of the river or stream bed.
 1553
- 1554 37) HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human
 1555 habitation.
 1556
- 1557 38) HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For
 1558 appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required.
 1559 For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week
 1560 consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may
 1561 require additional notice, exceeding these minimums.
 1562
- 1563 39) HIGH FLOOD DAMAGE POTENTIAL - Damage that could result from flooding that includes
 1564 any danger to life or health or any significant economic loss to a structure or building and its
 1565 contents.
 1566
- 1567 40) HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to
 1568 construction next to the proposed walls of a structure.
 1569
- 1570 41) HISTORIC STRUCTURE - Any structure that is either:
 1571
- 1572 ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the
 1573 Secretary of the Interior as meeting the requirements for individual listing on the National Register,
 1574
 - 1575 ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical
 1576 significance of a registered historic district or a district preliminarily determined by the Secretary to
 1577 qualify as a registered historic district,
 1578
 - 1579 ✓ Individually listed on a state inventory of historic places in states with historic preservation programs
 1580 which have been approved by the Secretary of the Interior, or
 1581
 - 1582 ✓ Individually listed on a local inventory of historic places in communities with historic preservation
 1583 programs that have been certified either by an approved state program, as determined by the Secretary
 1584 of the Interior; or by the Secretary of the Interior in states without approved programs.
 1585
- 1586 42) INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood
 1587 elevation, greater than 0.00 foot, based on a comparison of existing conditions and
 1588 proposed conditions which is directly attributable to development in the floodplain but not
 1589 attributable to manipulation of mathematical variables such as roughness factors, expansion and
 1590 contraction coefficients and discharge.
 1591
- 1592 43) LAND USE - Any nonstructural use made of unimproved or improved real estate. (Also see
 1593 DEVELOPMENT.)
 1594
- 1595 44) LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the
 1596 exterior walls of a building.
 1597
- 1598 45) LOWEST FLOOR – The lowest floor of the lowest enclosed are (including basement). An

- 1599 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or
1600 storage in an area other than a basement area is not considered a building's lowest floor, provided
1601 that such enclosure is not built so as to render the structure in violation of the applicable non-
1602 elevation design requirements of 44 CFR 60.3.
1603
- 1604 46) MAINTENANCE – The act or process of restoring to original soundness, including redecorating,
1605 refinishing, non-structural repairs, or the replacement of existing fixtures, systems or equipment
1606 with equivalent fixtures, systems or structures.
1607
- 1608 47) MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a
1609 permanent chassis and is designed to be used with or without a permanent foundation when
1610 connected to required utilities. The term "manufactured home" includes a mobile home but does
1611 not include a "mobile recreational vehicle."
1612
- 1613 48) MOBILE / MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous
1614 parcels) of land, divided into two or more manufactured home lots for rent or sale.
1615
- 1616 49) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – A parcel of land,
1617 divided into two or more manufactured home lots for rent or sale, on which the construction of
1618 facilities for servicing the lots is completed before the effective date of this ordinance. At a
1619 minimum, this would include the installation of utilities, construction of streets and either final site
1620 grading, or the pouring of concrete pads.
1621
- 1622 50) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of
1623 additional sites by the construction of facilities for servicing the lots on which the manufactured
1624 homes are to be affixed. This includes installation of utilities, construction of streets and either
1625 final site grading, or the pouring of concrete pads.
1626
- 1627 51) MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square
1628 feet or less when measured at the largest horizontal projection, designed to be self-propelled,
1629 carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if
1630 registration is required and is designed primarily not for use as a permanent dwelling, but as
1631 temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes
1632 that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried,
1633 including park model homes; do not fall within the definition of "mobile recreational vehicles."
1634
- 1635 (52) MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors
1636 that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate
1637 Effective Model, or incorporates more detailed topographic information than that used in the
1638 current effective model.
1639
- 1640 53) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS
1641 and referred to as the effective model.
1642
- 1643 54) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current
1644 effective Flood Insurance Study.
1645
- 1646 55) MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or

- 1647 Corrected Effective Model to reflect any man made modifications that have occurred within the
 1648 floodplain since the date of the effective model but prior to the construction of the project for
 1649 which the revision is being requested. If no modification has occurred since the date of the
 1650 effective model, then this model would be identical to the Corrected Effective Model or Duplicate
 1651 Effective Model.
 1652
- 1653 55) MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project
 1654 Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or
 1655 post-project conditions.
 1656
- 1657 57) MUNICIPALITY or MUNICIPAL - The county, city or village governmental units enacting,
 1658 administering and enforcing this zoning ordinance.
 1659
- 1660 58) NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea
 1661 level datum, 1988 adjustment.
 1662
- 1663 59) NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea
 1664 level datum, 1929 adjustment.
 1665
- 1666 60) NEW CONSTRUCTION - For floodplain management purposes, "new construction" means
 1667 structures for which the start of construction commenced on or after the effective date of
 1668 floodplain zoning regulations adopted by this community and includes any subsequent
 1669 improvements to such structures. For the purpose of determining flood insurance rates, it
 1670 includes any structures for which the "start of construction" commenced on or after the effective
 1671 date of an initial FIRM or after December 31, 1974, whichever is later, and includes any
 1672 subsequent improvements to such structures.
 1673
- 1674 61) LEGAL PRE-EXISTING STRUCTURE - An existing lawful structure or building which is not
 1675 in conformity with the dimensional or structural requirements of this ordinance for the area of the
 1676 floodplain which it occupies. (For example, an existing residential structure in the floodfringe
 1677 district is a conforming use. However, if the lowest floor is lower than the flood protection
 1678 elevation, the structure is legal pre-existing.)
 1679
- 1680 62) LEGAL PRE-EXISTING USE - An existing lawful use or accessory use of a structure or
 1681 building which is not in conformity with the provisions of this ordinance for the area of the
 1682 floodplain which it occupies. (Such as a residence in the floodway.)
 1683
- 1684 63) OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters
 1685 such that this development alone or together with any future development will cause an increase
 1686 in regional flood height.
 1687
- 1688 64) OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance,
 1689 as described in s. 1.5(2), which has been approved by the Department and FEMA.
 1690
- 1691 65) OPEN SPACE USE - Those uses having a relatively low flood damage potential and not
 1692 involving structures.
 1693
- 1694 66) ORDINARY HIGHWATER MARK - The point on the bank or shore up to which the presence
 1695 and action of surface water is so continuous as to leave a distinctive mark such as by erosion,
 1696 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other

- 1697 easily recognized characteristic.
- 1698
- 1699 67) PERSON - An individual, or group of individuals, corporation, partnership, association,
- 1700 municipality or state agency.
- 1701
- 1702 68) PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS) - A sewage treatment
- 1703 and disposal system serving one structure with a septic tank and soil absorption field located on
- 1704 the same parcel as the structure. It also means an alternative sewage system approved by the
- 1705 Department of Commerce, including a substitute for the septic tank or soil absorption field, a
- 1706 holding tank, a system serving more than one structure or a system located on a different parcel
- 1707 than the structure.
- 1708
- 1709 69) PUBLIC UTILITIES - Those utilities using underground or overhead transmission lines such as
- 1710 electric, telephone and telegraph, and distribution and collection systems such as water, sanitary
- 1711 sewer and storm sewer.
- 1712
- 1713 70) REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land
- 1714 or damage structures to be removed from the floodplain and that any subsurface waters related to
- 1715 the base flood will not damage existing or proposed buildings.
- 1716
- 1717 71) REGIONAL FLOOD - A flood determined to be representative of large floods known to have
- 1718 occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or
- 1719 exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- 1720
- 1721 72) START OF CONSTRUCTION - The date the zoning permit was issued, provided the actual start
- 1722 of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement
- 1723 was within 180 days of the permit date. The actual start means either the first placement of
- 1724 permanent construction on a site, such as the pouring of slab or footings, the installation of piles,
- 1725 the construction of columns, or any work beyond initial excavation, or the placement of a
- 1726 manufactured home on a foundation. Permanent construction does not include land preparation,
- 1727 such as clearing, grading and filling, nor does it include the installation of streets and/or
- 1728 walkways, nor does it include excavation for a basement, footings, piers or foundations or the
- 1729 erection of temporary forms, nor does it include the installation on the property of accessory
- 1730 buildings, such as garages or sheds not occupied as dwelling units or not part of the main
- 1731 structure. For an alteration, the actual start of construction means the first alteration of any wall,
- 1732 ceiling, floor or other structural part of a building, whether or not that alteration affects the
- 1733 external dimensions of the building.
- 1734
- 1735 73) STRUCTURE - Any manmade object with form, shape and utility, either permanently or
- 1736 temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but
- 1737 not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and
- 1738 culverts.
- 1739
- 1740 74) SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.
- 1741
- 1742 75) SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure, whereby the cost of
- 1743 restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the
- 1744 equalized assessed value of the structure before the damage occurred.
- 1745
- 1746 76) SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or

1747 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
1748 equalized assessed value of the structure before the improvement or repair is started. If the
1749 structure has sustained substantial damage, any repairs are considered substantial improvement
1750 regardless of the work performed. The term does not, however, include either any project for the
1751 improvement of a building required to correct existing health, sanitary or safety code violations
1752 identified by the building official and that are the minimum necessary to assure safe living
1753 conditions, or any alteration of a historic structure provided that the alteration will not preclude
1754 the structure's continued designation as a historic structure.
1755

1756 77) UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which
1757 were not self-created, have made strict conformity with restrictions governing areas, setbacks,
1758 frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of
1759 the ordinance.

1760
1761 78) VARIANCE - An authorization by the board of adjustment or appeals for the construction or
1762 maintenance of a building or structure in a manner which is inconsistent with dimensional
1763 standards (not uses) contained in the floodplain zoning ordinance.
1764

1765 79) VIOLATION - The failure of a structure or other development to be fully compliant with the
1766 floodplain zoning ordinance. A structure or other development without required permits, lowest
1767 floor elevation documentation, floodproofing certificates or required floodway encroachment
1768 calculations is presumed to be in violation until such time as that documentation is provided.
1769

1770 80) WATERSHED - The entire region contributing runoff or surface water to a watercourse or body
1771 of water.
1772

1773 81) WATER SURFACE PROFILE - A graphical representation showing the elevation of the water
1774 surface of a watercourse for each position along a reach of river or stream at a certain flood flow.
1775 A water surface profile of the regional flood is used in regulating floodplain areas.
1776

1777 82) WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or
1778 other methods, to obtain groundwater regardless of its intended use.
1779

1780 83) ZONING DIRECTOR -The Oneida County Planning and Zoning Director or his or her
1781 designee.
1782

1783 Section 1: Any existing ordinances, codes, resolutions, or portion thereof in conflict with this
1784 ordinance shall be and are hereby are repealed as far as any conflict exists.

1785 Section 2: This Ordinance shall take effect the day after passage and publication as required by law.

1786 Section 3: If any claims, provisions, or portions of this ordinance are adjudged unconstitutional or
1787 invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

1788 Section 4: Ordinance Amendment #1-2013 amends Chapter 20, the Oneida County Floodplain
1789 Ordinance, is hereby adopted:
1790

1791 The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #1-2013 by the
1792 Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town
1793 Clerks of Oneida County and the Wisconsin Department of Natural Resources and Ordinance
1794 Amendment #1-2013 of Chapter 20 shall become effective immediately upon passage and publication as
1795 provided by law.
1796

1797 Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____
1798

1799 **Consent Agenda Item: _____ YES _____ NO**
1800

1801 The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the
1802 Corporation Counsel, _____, Date: _____
1803

1804 Approved by the _____ Committee this _____ day of _____, 2013.
1805

1806 Offered and passage moved by: _____
1807 Supervisor

1808 _____
1809 Supervisor

1810 _____
1811 Supervisor

1812 _____
1813 Supervisor

1814 _____
1815 Supervisor

1816 _____
1817 Supervisor

1817 _____ Ayes

1818 _____ Nays

1819 _____ Absent

1820 _____ Abstain

1821 _____ Enacted

1822 _____

1823 _____

1824 _____

1825 _____

1826 _____

1827 by the County Board of Supervisors this _____ day _____, 2013.

1828 _____

1829 _____ Defeated

1830 _____

1831 _____

1832 _____

Mary Bartelt, County Clerk

Ted Cushing, County Board Chair