

WOOD COUNTY ORDINANCE #703
 FLOODPLAIN ZONING ORDINANCE
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**WOOD COUNTY ORDINANCE #703
FLOODPLAIN ZONING ORDINANCE**

703.01 STATUTORY AUTHORIZATION, FINDING OF FACT AND STATEMENT OF PURPOSE

- (1) **Statutory Authorization.** This ordinance is adopted pursuant to the authorization contained in Sections 59.69 (*planning & zoning authority*), 59.692 (*zoning of shorelands on navigable waters*) and 59.694 (*county zoning, adjustment board*), and the requirements in s. 87.30 (*floodplain zoning*), Wis. Stats.
- (2) **Finding of Fact.** Uncontrolled development and use of floodplains, rivers or streams of Wood County, Wisconsin would adversely affect the public health, safety, convenience, general welfare and tax base.
- (3) **Statement of Purpose.** This ordinance is intended to regulate floodplain development to:
- A. Protect life, health and property;
 - B. Minimize expenditures of public monies for flood control projects;
 - C. Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - D. Minimize business interruptions and other economic disruptions;
 - E. Minimize damage to public facilities in the floodplains;
 - F. Minimize the occurrence of future flood blight areas in floodplains;
 - G. Discourage the victimization of unwary land and home buyers;
 - H. Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners.
 - I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.
- (4) **Title.** This ordinance shall be known as the Floodplain Zoning Ordinance for Wood County, Wisconsin.

703.02 GENERAL PROVISIONS

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

A. **Annexed Areas for Cities and Villages.** The Wood County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the annexing municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116 (*Wisconsin's Floodplain Management Program*), Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed areas are described on the municipalities official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file at the municipality. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

(2) **Official Maps and Revisions.** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see s. 703.09 *Amendments* before it is effective. No changes to regional flood elevations (RFE's) on the non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the Wood County Planning and Zoning Office. If more than one map or revision is referenced, the most restrictive information shall apply

OFFICIAL MAPS : Based on the FIS:

550513

55141C0015G	55141C0016G	55141C0017G
55141C0018G	55141C0019G	55141C0040G
55141C0045G	55141C0065G	55141C0070G
55141C0090G	55141C0095G	55141C0115G
55141C0130G	55141C0135G	55141C0140G
55141C0145G	55141C0151G	55141C0152G
55141C0153G	55141C0154G	55141C0158G
55141C0160G	55141C0165G	55141C0166G
55141C0167G	55141C0168G	55141C0169G
55141C0180G	55141C0185G	55141C0190G
55141C0195G	55141C0205G	55141C0210G
55141C0215G	55141C0220G	55141C0230G
55141C0245G	55141C0265G	55141C0280G
55141C0285G	55141C0290G	55141C0295G

55141C0305G	55141C0307G	55141C0309G
55141C0310G	55141C0315G	55141C0317G
55141C0320G	55141C0330G	55141C0335G
55141C0340G	55141C0345G	55141C0355G
55141C0360G	55141C0365G	55141C0369G
55141C0370G	55141C0380G	55141C0384G
55141C0385G	55141C0386G	55141C0387G
55141C0388G	55141C0391G	55141C0392G
55141C0395G	55141C0405G	55141C0415G
55141C0430G	55141C0435G	55141C0440G
55141C0445G	55141C0455G	55141C0460G
55141C0465G	55141C0470G	55141C0480G
55141C0485G	55141C0490G	55141C0495G
55141C0505G	55141C0507G	55141C0509G
55141C0510G	55141C0515G	55141C0516G
55141C0517G	55141C0518G	55141C0519G
55141C0526G	55141C0527G	55141C0528G
55141C0529G	55141C0531G	55141C0532G
55141C0535G	55141C0536G	55141C0538G
55141C0540G	55141C0545G	55141C0551G
55141C0555G	55141C0565G	55141C0600G
55141C0625G	55141C0650G	55141C0675G
55141C0700G		

FIRM Effective Date: 02/17/2010

FIS: 55141CV000A

FIS Effective Date: 02/17/2010

OFFICIAL MAPS: Based on other studies:

A. The South Wood County Park Dam Analyses & Map, prepared by R. A. Smith & Assoc., dated April 1, 1991.

B. Floodplain Survey. One Mile Creek. Maps & study prepared by City of Wisconsin Rapids Engineering Department, dated December 1968.

C. Hazard Assessment and Engineering. Evaluation Lake Dexter Dam. Maps & study prepared by Ayres Associates, dated April 1993.

D. Floodplain Study for a Branch of East Branch of the Yellow River. Maps & study prepared by Becher-Hoppe Associates Inc., dated January 2006.

E. Floodplain Study Seven Mile Creek. Maps & study prepared by Gremmer & Associates, Inc., dated 9/19/2007.

F. Flood Encroachment Study of Floodplain located in NW SW of Section 29, T24N. R3E. Maps & study prepared by MTS. Amended July 1, 2009.

G. Floodplain Study. A Branch of East Branch of the Yellow River. Maps & study prepared by Becher-Hoppe Associates, Inc., dated January, 2006.

H. Wisconsin Emergency Relief Administration. Drainage Control Work. Summary Sheets & Maps of Beaver, Cranberry Creek, Kurt Creek, Remington, Two Mile Creek, and Wood County Drainage Districts. Historical engineering data of ditches and dams.

I. Wisconsin Works Progress Administration. State Hydraulic Control. Drainage Control Dam data sheets 1-3. Historical engineering data.

J. Inundation Map for Failure of Biron Dam. Maps & study prepared by Mead & Hunt dated 12/10/2001.

K. Emergency Action Plan for the Biron Hydroelectric Project. Ferc Project 2192. Maps & Study revised 12/04/2008. Prepared by Mead & Hunt. Inundation maps & study dated 8/13/2008.

L. Emergency Action Plan for The Wisconsin Rapids Hydroelectric Project. FERC Project No. 2256. Maps & study revised 1999.

M. Emergency Action Plan for The Centralia Dam. FERC Project No. 2255. Maps & study dated 12/30/1988.

N. Emergency Action Plan for the Port Edwards Dam. FERC Project No. 2291. Maps & study dated 12/30/1988.

O. Emergency Action Plan for the Nekoosa Dam. FERC Project No. 2292. Maps & Study dated 12/30/1988.

(3) *Establishment of Districts.* The regional floodplain areas are divided into three districts as follows:

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

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

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

(4) *Locating Floodplain Boundaries.*

A. Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs B. or C. below. If a significant difference exists, the map shall be amended according to s. 703.09 (*Amendments*). The Code Administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall

be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the code administrator and an applicant over the location of the district boundary shall be settled according to s. 703.08 (5) D. (*Boundary Disputes*), of this Ordinance and the criteria in paragraphs B. and C. below.

- B. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are discrepancies.
- C. Where flood profiles do not exist, the location of the district boundary line shall be determined by the map scale.

Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 703.09 (*Amendments*).

- (5) **Removal of Lands from Floodplain.** Compliance with the provisions of this Ordinance shall not be grounds for the removal of lands from the floodplain unless; such lands are filled to a height of at least two (2) feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain , and the map is amended pursuant to Section 703.08 (*Amendments*) of this Ordinance.
- (6) **Effect of Floodplain Regulations.** The regulations set forth in this Ordinance for floodplain, flood fringe and floodway districts shall apply to all floodplains, flood fringes and floodways mapped on the "official floodplain zoning map". [See definition (69)].
- (7) **Compliance.** Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.
 - A. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this Ordinance and obtain all necessary permits. State Agencies are required to comply if Section 13.48 (13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Section 30.2022 , Wis. Stats, applies.

(8) Abrogation and Greater Restrictions.

- A. This Ordinance supersedes provisions of any county zoning ordinance relating to floodplains enacted under Section 59.69 or 59.692, Wis. Stats. which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- B. It is not otherwise intended by this Ordinance to repeal, abrogate, or impair any existing deed restrictions, covenants or easements. Where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail.

(9) Interpretation. In their interpretation and application, the provisions of this Ordinance are the minimum requirements and shall be liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by Wisconsin Statutes. If a provision of this Ordinance is required by Chapter NR 116, Wis. Admin. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapter NR 116 standards in effect on the date of adoption of this Ordinance or in effect on the date of the most recent text amendment to this Ordinance.

(10) Warning and Disclaimer of Liability. The flood protection standards in this Ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This Ordinance does not imply or guarantee that non-floodplain areas or uses permitted within the floodplain, will be free from flooding or flood damages, nor shall this Ordinance create a liability on the part of or a cause of action against the County of Wood or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.

(11) Severability. If any portion of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

(12) General Standards Applicable To All Floodplain Districts.

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

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 703.08(3)A. (*Floodplain Permit*). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems area located and constructed to minimize or eliminate flood damages.

B. Hydraulic and Hydrologic Analyses: Except as provided in Paragraph B below, no floodplain development shall:

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

2. Cause an increase in the regional flood height due to floodplain storage area lost;

- C. The Code Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 703.09 (*Amendments*) are met.
- D. Watercourse Alterations. No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department of Natural Resources and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The standards of s. 703.02(12)B. (*Hydraulic and Hydrologic Analyses*) must be met and the flood carrying capacity within the altered or relocated watercourse shall be maintained. As soon as is practical, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 703.09 (*Amendments*), the Code Administrator shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.
- E. Development which requires a permit from the Department of Natural Resources, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids may be allowed provided the necessary local permits are obtained and necessary amendments to the floodplain zoning ordinance, are made according to s. 703.09 (*Amendments*).

(13) Public or Private Campgrounds. Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions

- A. The campground is approved by the Department of Health Services.
- B. A zoning permit for the campground is issued by the Code Administrator.
- C. The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- D. There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the county emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.

- E. This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in par. D. - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations.
- F. Only camping units that are fully licensed, if required, and ready for highway use are allowed.
- G. The camping units shall not occupy any site in the campground for more than 180 day consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- H. All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all provisions of this section.
- I. The Code Administrator shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- J. All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements of either s. 703.03 (*Floodway District*), 703.04 (*Flood Fringe District*) or 703.05 (*General Floodplain District*) for the floodplain district in which the structure is located.
- K. The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- L. All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

703.03 FLOODWAY DISTRICT (FW)

- (1) **Applicability.** The provisions of this section shall apply to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 703.05 (4) (*Determining Floodway and Flood Fringe Limits*) of this Ordinance.
- (2) **Description of District.** The Regional Floodway District shall include mapped floodway areas so designated on the official floodplain zoning maps (see s. 703.02 (2)) showing the regional flood limits. All such maps shall be approved by the Department of Natural Resources and FEMA.

(3) Permitted Uses. The following open spaces uses are allowed in the Floodway District and the floodway areas of the General Floodplain District provided:

- A. they are not prohibited by any other ordinance;
- B. they meet all of the standards contained in s. 703.03 (4) (*Standards for Development in Floodway Areas*); and
- C. all permits or certificates have been issued by the Code Administrator, pursuant to s. 703.08 (2).
- D. Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- E. Nonstructural industrial and commercial uses, such as: loading areas, parking areas, airport landing strips.
- F. Nonstructural recreational uses, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat/launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, subject to the fill limitations of s.703.03(4)(E).
- G. Uses or structures accessory to open space uses, or classified as historic structures that comply with s. 703.03 (4) (*Standards for Development in Floodway Areas*) and s. 703.03 (5) (*Prohibited Uses*).
- H. Extraction of sand, gravel and/or other materials according to s. 703.03(4) E (*Fills or Deposition of Materials*).
- I. Functionally water-dependent uses such as: docks, piers or wharves, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to Chapters 30 and 31, Wis. Stats..
- J. Railroads, streets, bridges, and public utilities that comply with s. 703.03(4) (*Standards for Development in Floodway Areas*).

(4) Standards for Development in Floodway Areas.

A. General.

- 1. Any development in the floodway shall meet all of the provisions of s. 703.02 (12) B. (*Hydraulic and Hydrologic Analyses*), and have a low flood damage potential.

2. Applicants shall provide the following data for the Code Administrator to determine the effects of the proposal according to s. 703.02 (12) (*General Standards Applicable to All Floodplain Districts*):
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of the proposal on regional flood height.
3. The Code Administrator shall deny the permit application where it is determined the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for par. 2, above.

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

1. The structure is not designed for human habitation and does not have a high flood damage potential and is constructed to minimize flood damage;
2. It 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.
3. It must be anchored to resist flotation, collapse, and lateral movement;
4. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
5. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

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

1. Adequate flood proofing measures are provided to the flood protection elevation;
2. Construction meets the standards of s. 703.02 (12).

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

1. The provisions of s. 703.02 (12) (*General Standards Applicable to All Floodplain Districts*) are met;
2. No material is deposited in navigable waters unless a permit is issued by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this Section are met; and
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulk heading.
4. The fill is not classified as a solid or hazardous material.

(5) *Prohibited Uses.* All uses not listed as permitted uses in s. 703.03 (3) (*Permitted Uses*) are prohibited including the following uses:

- A. Habitable structures, structures with high flood damage potential, or not associated with permanent open-space uses;
- B. Storing materials that are capable of floating, flammable, explosive or injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- C. Uses which are not in harmony with, or which may be detrimental to uses permitted in the adjoining districts;
- D. Any private or public sewage system, except portable latrines that are removed prior to flooding, and systems associated with recreational areas and Department of Natural Resources-approved campgrounds that meet the applicable provisions of local ordinances and Chapter SPS 383, Wis. Admin. Code;
- E. Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and Chapters NR 811 and 812, Wis. Admin Code
- F. Any solid or hazardous waste disposal sites, whether private or public;
- G. Any wastewater treatment ponds or facilities except those permitted under Chapter NR 110.15 (3) (b), Wis. Admin. Code;
- H. Any sanitary sewer or water supply lines except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

703.04 FLOOD FRINGE DISTRICT (FF)

(1) *Applicability.* This section shall apply to all flood fringe areas shown of the floodplain zoning maps, and to those identified pursuant to para. 3 below.

(2) Permitted Uses.

- A. Any structure, land use, or is allowed in the Flood fringe District if the use is not prohibited by this or any other ordinance or any other federal, state or local regulations, that the standards contained in s. 703.04 (3) are met, and provided that a floodplain zoning permit has been issued by the Code Administrator.

(3) Standards for Development in Flood Fringe Areas.

A. General. All of the provisions of s. 703.02 (12) (*General Standards Applicable to All Floodplain Districts*) shall apply in addition to the following requirements according to the use requested. Any existing structure in the flood fringe must meet the requirements of s. 703.06 (*Nonconforming Uses*).

B. Residential. All habitable structure, including a manufactured home, which is to be newly constructed or moved into the flood fringe shall meet or exceed the following standards. Any existing structure in the flood fringe must meet the requirements of s. 703.06 (*Nonconforming Uses*):

1. The elevation of the lowest floor of a structure, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill unless the requirements of para. 2. below can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.
2. The basement or crawlway floor may be placed at the regional flood elevation provided it is dry flood proofed to the flood protection elevation. No basement or crawlway is allowed below the regional flood elevation.
3. Contiguous dry land access shall be provided from a structure to land which is outside of the floodplain, except as provided in par. 4.
4. In developments where existing streets or sewer lines are at elevations which make compliance with par. 3 impractical, the County may permit new development and substantial improvements where roads are below the regional flood elevation, provided:
 - a. The County has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, during a regional flood event; or
 - b. The County has a DNR-approved emergency evacuation plan.

C. Accessory Structures.

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

- D. Commercial.** Any commercial structure which is erected, altered or moved into the flood fringe shall meet the requirements of 703.04 (3) B. (*Residential*) subject to the requirements of para. F below, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- E. Manufacturing and Industrial.** Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe shall have the lowest floor elevated to or above the flood protection elevation or meet the flood proofing standards in s. 703.08 (7) (*Floodproofing Standards for Nonconforming Structures or Uses*). Subject to the requirements of para. F below, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.
- F. Storage Materials.** The storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, or plant, fish or aquatic life, shall be at or above the flood protection elevation or floodproofed in compliance with Section 703.08 (7) (*Floodproofing Standards for Nonconforming Structures or Uses*) of this Ordinance. Adequate measures shall be taken to assure that such materials will not enter the water body during flooding.
- G. Public Utilities, Streets and Bridges.** All utilities, streets and bridges shall be designed to be compatible with the local comprehensive floodplain development plans; and
1. When failure of public utilities, street and bridges would result in danger to the public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed in compliance with s. 703.08 (7) (*Floodproofing Standards for Nonconforming Structures or Uses*);
 2. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.
- H. Sewage Systems.** All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, to the flood protection elevation, pursuant to s. 703.08 (7) (*Floodproofing Standards for Nonconforming Structures or Uses*) and shall meet the provisions of local ordinances and Chapter SPS 383, Wis. Admin. Code.
- I. Wells.** All wells, whether public or private, shall be designed to minimize or eliminate infiltration of flood water into the system, to the flood protection elevation, pursuant to s. 703.08 (7) (*Floodproofing Standards for Nonconforming Structures or Uses*) and shall meet the provisions of Chapters NR 811 and NR 812, Wis. Admin.Code.

J. Solid Waste Disposal Sites. Disposal of solid or hazardous waste is prohibited in flood fringe areas.

K. Deposition of Materials. Any deposited material must meet all the provisions of this Ordinance.

L. Manufactured Homes.

1. Owners or operators of all manufactured home parks and subdivisions shall provide for adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with the appropriate local emergency management authorities.
2. In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved shall:
 - a. Have the lowest floor elevated to the flood protection elevation; and
 - b. Be anchored so they do not float, collapse or move laterally during a flood.
3. Outside of existing manufactured home parks, including new manufactured home parks, and all single units outside of existing parks; all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in s. 703.04 (3) B (*Residential*).

M. Mobile Recreational Vehicles.

1. All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 703.04 (3) L. 2. and 3. A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

703.05 GENERAL FLOODPLAIN DISTRICT (GFP)

(1) **Applicability.** The provisions for this district shall apply to all floodplains in Wood County mapped as A, AO, or AH zones.

(2) **Permitted Uses.** Pursuant to Paragraph (4) below, it shall be determined whether the proposed use is located within a floodway or flood fringe.

Those permitted uses in the Floodway (s. 703.03 (3)), and Flood Fringe (s. 703.04 (3)) Districts are allowed within the General Floodplain District, provided the procedures of

s. 703.05 (3) below are met, and provided that all permits or certificates required under s. 703.08 have been issued.

(3) Standards for Development in the General Floodplain District.

Section 703.03 applies to floodway areas, s. 703.04 applies to flood fringe areas. The rest of this ordinance applies to either district.

A. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below, whichever is higher;

1. at or above the flood protection elevation; or
2. two (2) feet above the highest adjacent grade around the structure; or
3. the depth as shown on the FIRM.

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

(4) Determining Floodway and Flood Fringe Limits. Upon receiving an application for development within the General Floodplain District, the Code Administrator shall:

A. Require the applicant to submit, at the time of application, two copies of an aerial photograph or a plan which accurately locates the proposed development with respect to the General Floodplain District limits, channel of the stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

B. Require the applicant to furnish any of the following additional information as is deemed necessary by the Department of Natural Resources for evaluation of the effects of the proposal upon flood height and flood flows, the regional flood elevation and to determine the boundaries of the floodway:

1. A Hydrologic and Hydraulic Study as specified in s. 703.08(3)A.4.
2. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevation; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
3. Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

703.06 NONCONFORMING USES

(1) General. If these standards conform to the provisions of Section 59.69 (10), Wis. Stats., they shall apply to all nonconforming uses. These regulations apply to the

modification of, or addition to, any structure and to the use of any structure or premises which was lawful before the passage of this Ordinance or any amendment thereto. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

- A. No modification or additions to a nonconforming use or a nonconforming structure shall be permitted unless they comply with this Ordinance. The words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered an extension, modification or addition; these include painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

- B. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this Ordinance.
- C. The County shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, and the cost of all additions or modifications which have been permitted, and the percentage of the structure's total current value those modifications represent
- D. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 703.04 (3) B (*Residential*). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of the paragraph.
- E. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry

land access must be provided for residential and commercial uses in compliance with s. 703.04(3)B (*Residential*).

- F.** If on a per event basis the total value of the work being done under (D) and (E) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 703.04 (3) B (*Residential*).
- G.** Except as provided in para. F, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current requirements of this Ordinance. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.
- H.** For nonconforming structures that are substantially damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
 - 1. Residential Structures**
 - a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 703.08 (7) B (*Floodproofing Standards for Nonconforming Structures or Uses*).
 - b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 - c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 - e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 703.05(3)A. (*Standards for Development in the General Floodplain District*)
 - f. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures
 - a. Shall meet the requirements of s. 703.06(1)A.-B. and E.-G. (*Nonconforming Uses, General*)
 - b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 703.08(7)A. or B. (*Floodproofing Standards for Nonconforming Structures or Uses*).
 - c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 703.05(3)A. (*Standards for Development in the General Floodplain District*)

- I. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s.703.03 (4) (*Standards for Development in Floodplain Areas*) of this Ordinance, flood resistant materials are used, and construction practices and flood proofing methods that comply with s. 703.08 (7) (*Floodproofing Standards for Nonconforming Structures or Uses*) of this Ordinance are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 703.06(1) H.1. if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

(2) Floodway District.

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway district, unless such modification or addition meets all of the following criteria:
 1. Has been granted a permit or variance which meets all requirements of this Ordinance;
 2. Meets the requirements of s. 703.06 (1) (*Nonconforming Uses, General*);
 3. The modifications or additions to a structure will not increase the amount of obstruction to flood flows or regional flood height;
 4. Any addition to the existing structure shall be floodproofed, pursuant to s. 703.08(7) (*Floodproofing Standards for Nonconforming Structures or Uses*), by means other than the use of fill, to the flood protection elevation;
 5. Has been granted a permit or variance which meets the floodway requirements of this Ordinance;
 6. If any part of the foundation below the regional flood elevation is enclosed, the following standards shall apply:

- a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood resistant materials;
 - c. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.
- B.** No new private onsite waste treatment system, or addition to an existing private onsite waste treatment system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a Floodway District. Any replacement, repair, or maintenance of an existing private onsite waste treatment system in a floodway shall meet the applicable provisions of local ordinances, s. 703.08(7)B.3. and Chapter SPS 383, Wis. Admin. Code.
- C.** No new well or modification to an existing well used to obtain potable water, shall be allowed in a Floodway District. Any replacement, repair or maintenance of an existing well in a Floodway District shall meet the applicable requirements of all municipal ordinances, s. 703.08(7)B.3. (*Floodproofing Standards for Nonconforming Structures or Uses*) and Chapters NR 811 and NR 812, Wis. Admin Code.

(3) Flood Fringe District.

- A.** No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the County and meets the requirements of s. 703.04 (3) (*Standards for Development in Flood fringe Areas*), except where para. B. below is applicable.
- B.** Where compliance with the provisions of para. A. above would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedure in s. 703.08 (5) E. (*Variance*), may grant a variance from those provisions of para. A. above for modifications and additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

1. No floor is allowed below the regional flood elevation for residential or commercial structures;
2. Human lives are not endangered;
3. Public facilities, such as water or sewer, are not to be installed;
4. Flood depths will not exceed two feet;
5. Flood velocities will not exceed two feet per second; and
6. The structure will not be used for storage of materials described in s. 703.04 (3) F (*Storage Materials*).

C. All new, addition to, replacement, repair or maintenance of a private onsite waste treatment system shall meet all the applicable provisions of all ordinances and Chapter SPS 383, Wis. Admin. Code.

D. Any new, addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 703.08 (7) (*Floodproofing Standards for Nonconforming Structures of Uses*), and Chapters NR 811 and NR 812, Wis Admin. Code.

703.07 FLOODED AGRICULTURE DISTRICT – CRANBERRY FARMS (FAD-C)

(1) Statement of Authority. The Federal government created the National Flood Insurance Program (NFIP) to establish flood risk zones and to provide flood insurance to property owners in communities that adopt and enforce floodplain regulations in accordance with regulatory floodplain maps approved by the Federal Emergency Management Agency (FEMA). In recognition of the NFIP's requirements, the following ordinance shall apply to flooded agriculture districts – cranberry farms (FAD-C).

Cranberry farming uses extensive water management systems that are often located in areas designated as a Special Flood Hazard Area (SFHA).

Within the SFHA, this ordinance establishes the minimum floodplain regulations, which apply to maintenance and FAD development activities and it preserves the orderly and efficient use of land for agricultural purposes. The provisions of this ordinance are limited to floodplain management requirements. This section is designed to clarify permit procedures for routine activities related to cranberry culture.

(2) Applicability. The ordinance provisions for this district shall apply to all flooded agriculture districts-cranberry farms (FAD-C) in the SFHA as identified on the effective Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Map (FHBM) for the community. The intent of this district is to provide a consistent regulatory framework for both maintenance and development activities, which are required for the efficient management of a cranberry farming operation.

These provisions describe the activities associated with FAD-C, the potential for each activity to impact the Base Flood Elevation (BFE) or floodway and the requirements for each activity. This ordinance does not apply to the construction, maintenance, repair or modification of any building in this district. Buildings and all other development activities not associated with cranberry farming are regulated by other sections of the floodplain zoning ordinance.

(3) Permitted Use. Any use of FAD development activity, which occurs in a FAD-C must meet the requirements in this section.

(4) Definitions. In this section:

- A. "Department" means the Wisconsin Department of Natural Resources.
- B. "Existing cranberry farm" means the area of established cranberry farming as established pursuant to Section 703.07(5).
- C. "FAD-C" means the portions of the existing cranberry farm as defined in Section 703.07(5) and that are subject to the SFHA regulations.
- D. "FAD development activities" are development activities listed in Section 703.07(6)(D). FAD development activities do not include maintenance activities and do not include the construction, maintenance repair or modification of any building,
- E. "Permit required" means that a FAD-C Permit is required.
- F. "Perimeter dike" means the dike or system of dikes that are closest to the boundary line of the existing cranberry farm, usually the outermost dike.
- G. "Maintenance activities" are activities identified in Section 703.07(7) that take place within the boundary of an existing cranberry farm.
- H. "Special Flood Hazard Area (SFHA)" means an area having special flood hazards and is shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as an A, AE, AH or AO zone.

- I. "Zoning agency" means a commission, board, committee, or agency created or designated by the governing body of a municipality which acts on matters pertaining to planning or zoning.

(5) Establishment of Existing Cranberry Farm.

- A. To establish the boundary of an 'existing cranberry farm,' a person must file with the community a certified legal description of the farm boundary as it existed on the effective date of the adopted FIRM or FHBM. The area of existing use includes all farm production areas, all farm support land and all farm support areas including dikes, impoundments, water storage reservoirs, ditches, sand stockpiles and roads. The area of established use does not include buildings.
- B. FAD development activities which are completed in accordance with a FAD-C permit shall be incorporated into the boundary of the existing cranberry farm.

(6) Requirements for New FAD Development Activities in Flooded Agriculture Districts – Cranberry Farms.

- A. A Zones: FAD development activities in an A Zone may not cause a cumulative impact on the base flood elevation (BFE) of more than 1.0 (one) foot at any point on the waterway. If any project causes an increase in flooding elevations that would impact other properties, then the provisions of the community's floodplain zoning standards apply. Increases equal to or greater than one foot would require submittal of the engineering study to FEMA for a Conditional Letter of Map Revision (CLOMR). It is the project sponsor's responsibility to contract for and submit the engineering study to the community. All studies shall be reviewed and approved by the Department at the community's request. It is the community's responsibility to determine if the project meets the district criteria, determine if a permit is appropriate, and submit the CLOMR application to FEMA when necessary.
- B. AE Zones: FAD development activities in the designated floodway of an AE Zone must be analyzed using the current, effective hydraulic model to ensure that the project does not cause an increase to the BFE. If any project causes an increase in flooding elevations that would impact other properties, the provisions of NR 116.11 (3) apply. Any increase requires submittal of the engineering study to FEMA for a Conditional Letter of Map Revision (CLOMR). It is the project sponsor's responsibility to contract for and submit the engineering study to the community. All studies shall be reviewed and approved by the Department at the community's request. It is the community's responsibility to determine if the project meets the

district criteria, determine if a permit is appropriate, and submit the CLOMR application to FEMA when necessary.

C. All FAD development activities require a FAD-C permit in accordance with Section 703.07(8)(D).

D. FAD development activities include:

1. New Dikes and Impoundments. Construction of a dike or an impoundment outside the boundary of existing cranberry farm. Includes the use of heavy machinery.
2. New Ditches. Construction of a new ditch outside the boundary of existing cranberry farm. Includes the use of heavy machinery to dig the ditch and the removal of plant and debris material.
3. New Farm Roads. Construction of a farm road outside the boundary of existing cranberry farm. Includes the placement of materials as appropriate to build a road that is adequate for expected loads.
4. New Reservoirs. Construction of a reservoir outside the boundary of existing cranberry farm. Includes the use of heavy machinery for excavation.
5. Sand Mining. Sand Mining outside the boundary of existing cranberry farm. Includes the extraction and stockpiling of sand using heavy equipment or hydraulic dredges.
6. New Water Control Structures. Placement of a water control structure in a ditch or reservoir outside the boundary of existing cranberry farm. Includes the placement of a bulkhead or other water control structure in a dike to control water movement in ditches and reservoirs. Rip rap and other material may be used to prevent erosion and failure of the structure.
7. New Bed Construction. Construction of a new cranberry bed outside of the boundary of an existing cranberry farm.

(7) Maintenance Activities.

A. Maintenance activities conducted in accordance with Section 703.07(8) in the designated floodway of an A Zone or an AE Zone will not cause an increase in the BFE.

B. Maintenance activities do not require a FAD-C permit.

(8) Requirements for Maintenance Activities in Flooded Agriculture Districts – Cranberry Farms

A. Maintenance activities must take place within the boundary of an existing cranberry farm and below the top of the existing perimeter dike.

B. Maintenance of dikes or impoundments must be conducted such that the height of the existing dike or impoundment is maintained.

C. No spoil materials may be placed such that the height of a perimeter dike of an existing cranberry farm is increased above the historical height of the perimeter dike. If spoils materials are placed outside of the existing farm perimeter dike, then they must be placed outside of the SFHA, must meet the cumulative impact requirement for an A Zone or must be in the non-floodway portion of an AE Zone.

D. Maintenance activities include the following:

1. New Bed Drainage within Boundary of Existing Cranberry Farm.

Includes installation of drain tiles to improve water management; creation of perimeter ditches around the bed area (inside the impoundments) to direct water on and off the bed; and/or installation of water control structures on ends of beds to allow for flooding and drainage.

2. Bed Drainage –Renovation within Boundary of Existing Cranberry Farm.

Includes installation of drain tiles to improve water management; creation of perimeter ditches around the bed area (inside the impoundments) to direct water on or off the bed; and/or installation of water control structured an ends of beds to allow for flooding and drainage.

3. New Bed Leveling within Boundary of Existing Cranberry Farm.

Cranberry beds are leveled using heavy equipment and a laser level. Sand is deposited onto the bed surface as needed to achieve a level surface with a slight crown in the center such that water drains to the edges of the bed. Beds are entirely surrounded by dikes.

4. Bed Leveling –Renovation within Boundary of Existing Cranberry Farm.

Cranberry beds are leveled using heavy equipment and a laser level. Sand is deposited onto the bed surface as needed to achieve a level surface with a slight crown in the center such that

water drains to the edges of the bed. Beds are entirely surrounded by dikes.

5. New Bed Planting within Boundary of Existing Cranberry Farm. Vines are planted into the bed surface using plugs, mechanical planting equipment and/or vines spread on the ground and pushed into the surface with a modified disc. Beds are entirely surrounded by dikes.
6. Bed Planting – Renovation within Boundary of Existing Cranberry Farm. Vines are planted into the bed surface using plugs, mechanical planting equipment and/or vines spread on the ground and pushed into the surface with a modified disc. Beds are entirely surrounded by dikes.
7. New Bed Removed of Materials or Scaling within Boundary of Existing Cranberry Farm. Existing plant material is removed. Plant material is loaded into trucks and removed.
8. Bed Removed of Materials or Scalping – Renovation within Boundary of Existing Cranberry Farm. Existing plant material is removed. Plant material is loaded into trucks and removed.
9. New Bed Sanding with Boundary of Existing Cranberry Farm. Sand is deposited onto the bed surface using heaving equipment to bring the planting surface to the desired level.
10. Bed Sanding – Renovation within Boundary of Existing Cranberry Farm. Sand is deposited onto the bed surface using heavy equipment to bring the planting surface to the desired level.
11. Dike – Seeding. Reservoirs and bed dikes are seeded to stabilize banks and prevent erosion. Most seeding is done with a hydro seeder after a suitable planning medium has been placed on the area to be seeded.
12. New Dike or Impoundment within Boundary of Existing Cranberry Farm. New construction of dikes and impoundments and placement of new water control structures *within* the established perimeter of an existing cranberry farm.
13. Dike or Impoundment – Repair / Maintenance of Existing Structures. Includes excavating adjacent to dikes to increase storage capacity and control of water flow, excavating sand from a reservoir to increase the water storage capacity, installation of

splitter dikes to manage water flow and subdivide reservoirs, and replacement of existing water control structures.

14. Ditch – Cleaning and Maintenance of Existing Ditches. Drainage and irrigation ditches are cleaned using heavy equipment to remove plant material and debris. Spoils cannot be placed on the ditch side of any adjacent dike.
15. New Ditch with Boundary of Existing Cranberry Bed. New ditches are constructed using heavy machinery. Plant material and debris are removed.
16. Farm Road – Maintenance of Existing Roads. Farm roads are graded and repaired to maintain height, stability and width. Sand or gravel is placed in damage areas. Culverts are replaced. Roads are mowed to prevent growth of brush or flowers that serve as competition for pollinators.
17. New Farm Road with Boundary of Existing Cranberry Farm. Farm roads are constructed using placement of materials as appropriate for the loads expected to be carried.
18. Harvest – Flood. Water is released from storage areas and gravity flowed or pumped into production (cranberry bed) areas. An initial “raking” flood of 6 to 12 inches is applied. After harvest machinery moves through the beds, the water level is increased above the vine canopy to allow the fruit to be corralled and removed.
19. Irrigation – Flood. Water is released from the reservoir or pumped onto the beds to provide a flood for insect control or protection during severe weather. Water is then returned to the reservoir or other water body.
20. Irrigation System Maintenance and Renovation. Periodic repair or cranberry bed sprinkler systems includes nozzle replacement, mainline replacement with aluminum on plastic materials; burial of laterals; upgrades to pumping systems and construction of pumping stations within the perimeter of the most-external impoundment of the farm.
21. Reservoir Maintenance and Construction of Reservoirs within the Boundary of Existing Cranberry Farm. Reservoirs are periodically excavated to alter or maintain depth levels. Heavy equipment is used for excavation.

(9) FAD-C Permits. A FAD-C permit shall be obtained before any development in the FAD may be initiated. Application to the Code Administrator shall include:

A. General Information.

1. Name and address of the applicant, property owner and contractor.
2. Legal description of the proposed development area; and
3. Statement that the proposed use is cranberry farming.

B. Site Development Plan.

1. Location, dimensions, area and elevation of the proposed development area;
2. Location of the ordinary high water mark of any abutting navigable waterways;
3. Location of any structures with distances measured from the lot lines and street center lines; and
4. Location of SFHA floodplain and floodway limits as determined from the official floodplain zoning maps.

C. A Zone Application. An application for FAD development activity in an A Zone shall include a certificate of no-rise, or a technical analysis sufficient to show that the proposed development will not cause a cumulative impact on the base flood elevation (BFE) of more than 1.0 (one) foot within the regulatory floodway of a particular reach on the waterway.

D. AE Zone Application. An application for FAD development activity in an AE Zone shall include submission of a certificate of no-rise. If the analysis shows the project will cause an increase greater than 0.00 feet in the BFE, then the project sponsor shall provide the community with information necessary for the community to evaluate the proposed project.

703.08 ADMINISTRATION

(1) General. Where the Code Administrator, planning agency or a board of adjustment has already been appointed to administer a zoning ordinance adopted under Sections 59.69 or 59.692, Wis. Stats, these officials shall also administer this Floodplain Ordinance.

(2) Code Administrator. A Code Administrator is hereby appointed to administer the provisions of this Ordinance. The Code Administrator shall exercise the following duties and powers:

- A. Advise applicants as to the provisions of this Ordinance, assist them in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- B. Issue permits and inspect properties for compliance with this Ordinance and issue Certificates of Compliance when appropriate.
- C. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- D. Keep the records of all official actions such as:
 - 1. All permits issued, inspections made, and work approved;
 - 2. Documentation of certified lowest floor and regional flood elevations for floodplain development;
 - 3. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - 4. All substantial damage assessment reports for floodplain structures.
 - 5. List of nonconforming structures and uses.
- E. Submit copies of the following items to the Department of Natural Resources:
 - 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 information required by the Department of Natural Resources 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 the Floodplain Zoning Ordinance to the County Conservation, Education and Economic Development Committee and to the Corporation Counsel for prosecution. Copies of the reports shall also be sent to the regional office of the Department of Natural Resources.
- G. Submit copies of amendments and biennial reports to the FEMA regional office.

(3) Administrative Procedures.

A. Land Use Permit. A land use permit shall be obtained before any new development, repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. An application to the Code Administrator and shall include:

1. Name and address of the applicant, property owner, and contractor/builder;
2. Legal description of the property, proposed use, and whether it is new construction or a modification;
3. A site development plan shall be drawn to scale and submitted as with the permit application form and shall contain:
 - a. Location, dimensions, area and elevation of the lot;
 - b. Location of the ordinary high water mark of any abutting navigable waterways;
 - c. Location of any structures with distances measured from the lot lines and center line of all abutting streets and highways;
 - d. Location of any existing or proposed on-site sewage systems or private water supply systems;
 - e. Location and elevation of existing or future access roads;
 - f. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;
 - g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
 - h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 703.03 and s. 703.04 are met; and
 - i. Data sufficient to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 703.02 (12) (*General Standards Applicable to All Floodplain Districts*). This may include any of the information noted in s. 703.03 (4) (*Standards for Development in Floodway Areas*).
4. 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.

i. Zone A floodplains:

[1] Hydrology - 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*.

[2] 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:

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

[B] Channel sections must be surveyed.

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

[D] 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.

[E] The most current version of HEC_RAS shall be used.

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

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

[H] 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.

[I] The model must extend past the upstream limit of the difference in the existing and proposed

flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

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

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

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

ii. Zone AE Floodplains

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

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

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

[B] Corrected Effective Model - The Corrected Effective Model shall not include any man-

made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

- [C] Existing (Pre-Project Conditions) Model - The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
 - [D] Revised (Post-Project Conditions) Model - The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
 - [E] All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
 - [F] Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.
- [3] Mapping - Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:
- [A] Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
 - [B] Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital

version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

- [C] Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- [D] If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- [E] The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- [F] All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- [G] Both the current and proposed floodways shall be shown on the map.
- [H] The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

B. Permit Fees. Permit fees shall be set and amended as needed by the Wood County Board of Supervisors. A current fee schedule shall be kept as an addendum to this ordinance for the following:

1. Floodplain Zoning Permit
2. Structural Building Permit
3. Board of Adjustment Public Hearing Fee

C. Permit Expiration. All permits issued under the authority of this Ordinance shall expire no more than 180 days from the date of issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

D. Certificate of Compliance. No land shall be occupied or used and no building which is hereafter constructed, altered, added to, modified, repaired,

rebuilt, replaced or moved, shall be occupied until the applicant obtains a Certificate of Compliance from the Code Administrator, except where no permit is required, subject to the following provisions:

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this Ordinance;
2. Application for such certificate shall be concurrent with the application for a permit;
3. If all ordinance provisions are met, the certificate of compliance shall be issued within ten (10) days after written notification of completion of the work specified in the permit; and
4. 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 flood proofing measures meet the requirements of s. 703.08 (7) (*Floodproofing Standards for Nonconforming Structures or Uses*).

E. Other Permits. Prior to obtaining a floodplain 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 Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334.

(4) Zoning Agency.

- A.** The Wood County Conservation, Education & Economic Development Committee shall:
1. Oversee the functions of the office of the Code Administrator;
 2. Review and make recommendations to the County Board of Supervisors on all the proposed amendments to the maps and text of the Floodplain Zoning Ordinance;
- B.** The Wood County Conservation, Education & Economic Development shall not:
1. Grant variances to the terms of this Ordinance in place of action by the Board of Adjustment; nor
 2. Amend the text or zoning maps in place of official action by the Wood County Board of Supervisors.

(5) Board of Adjustment. The Board of Adjustment created under Chapter 59.694, Wis. Stats. is hereby authorized to act as 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 Code Administrator shall not be the secretary of the Board.

A. Powers and Duties of the Board. The Board of Adjustment shall:

1. 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.
2. Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
3. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

B. Appeals to the Board. Appeals to the Board of Adjustment may be taken by any person aggrieved or by an officer or department of the municipality affected by any decision of the Code Administrator or other administrative officer. Such appeal shall be taken within thirty (30) days unless otherwise provided by the rules of the Board, by filing with the Code Administrator and with the Board of Adjustment a notice of appeal specifying reasons for the appeal. The Code Administrator shall transmit to the Board all the records regarding the matter appealed.

C. Notice and Hearing for Appeals Including Variances.

1. **Notice.** The Board shall:

- a. Fix a reasonable time for the hearing;
- b. Publish a Class II Notice pursuant to Chapter 985, Wis. Stats, specifying the date, time, place and subject of the hearing; and
- c. Assure that notice shall be mailed to the parties in interest and the regional office of the Department of Natural Resources at least ten (10) days in advance of the hearing.

2. **Hearing.** Any party may appear in person or by agent or attorney. The Board shall:

- a. Resolve boundary disputes according to s. 703.08 (5) D. (*Boundary Disputes*);
- b. Decide variance applications according to s. 703.08 (5) E. (*Variance*); and

- c. Decide appeals of permit denials according to s. 703.08 (6) (*Appeals of Permit Denials*).

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

- a. Be made within a reasonable time;
- b. Be sent to the regional office of the Department of Natural Resources within ten (10) days of the decision
- c. Be a written determination signed by the chairman or secretary of the Board;
- d. State the specific facts which are the basis for the Board's decision;
- e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant the application for a variance; and
- f. Include the reasons for granting an appeal, with a description of the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

D. Boundary Disputes. The following procedure shall be used by the Board of Adjustment in hearing disputes concerning floodplain zoning district boundary:

- 1. If a floodplain district boundary is established by approximate or detailed floodplain studies the flood elevations or profiles shall prevail in locating the boundary. If no flood elevations or profiles exist, other evidence may be examined.
- 2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Adjustment.
- 3. If the boundary is incorrectly mapped, the Board should inform the Conservation, Education & Economic Development Committee or the person contesting the location of the boundary to petition the county for a map amendment according to s. 703.09 (*Amendments*).

E. Variance.

1. The Board of Adjustment may, upon appeal, grant a variance from the standards of this Ordinance if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the Ordinance will cause unnecessary hardship;
 - b. 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;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this Ordinance in s. 703.01 (3) (*Statement of Purpose*).

2. In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance may not cause any increase in the regional flood elevation;
 - b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and
 - c. Variances shall only be granted upon showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this Ordinance.

3. A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district;
 - b. Be granted for a hardship based solely on an economic gain or loss;
 - c. Be granted for a hardship which is self-created;
 - d. Damage the rights or property values of another person in the area;
 - e. Allow actions without the amendments to this Ordinance or map(s) required in s. 703.09 (*Amendments*); nor

- f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
4. When a floodplain variance is granted the Board of Adjustment shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 coverage. A copy of this notification shall be maintained with the variance appeal record.
 5. Hearing Fee. Fees shall be set by the County Board of Supervisors and are listed in the "Wood County Planning & Zoning Fee Schedule" hereby adopted by reference.

(6) Appeals of Permit Denials.

- A. The Zoning Agency or Board of Adjustment shall review all data related to the appeal. This data may include:
 1. Permit application data listed in s. 703.08 (3) (*Administrative Procedures*);
 2. Floodway/flood fringe determination data in s. 703.05 (4) (*Determining Floodway and Flood Fringe Limits*);
 3. Data listed in s. 703.03 (4) A. 2 (*Standards for Development in Floodway Areas, General*), where the applicant has not submitted this information to the Code Administrator; and
 4. Other data submitted with the permit application, or submitted to the Board of Adjustment with the appeal.
- B. For appeals of all denied permits the Board of Adjustment shall:
 1. Follow the procedures of s. 703.08 (5) (*Board of Adjustment*);
 2. Consider Zoning Agency recommendations; and
 3. Either uphold the denial or grant the appeal.
- C. For appeals concerning increases in regional flood elevations the Board of Adjustment shall:
 1. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map, and all appropriate legal arrangements are made with all adversely affected property owners; and

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

(7) Flood Proofing Standards for Nonconforming Structures or Uses.

- A. No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.
- B. For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
 1. Certified by a registered professional engineer or architect; or
 2. Meets or exceeds the following standards:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 3. **Flood proofing measures.** Flood proofing measures shall be designed, as appropriate, to:
 - a. Withstand the flood pressures, depths, velocities, uplift and impact forces, and other regional flood factors;
 - b. Protect structures to the flood protection elevation;
 - c. Anchor structures to foundations to resist flotation and lateral movement; and
 - d. Minimize or eliminate infiltration of flood waters.
 - e. Minimize or eliminate discharges into flood waters.

(8) Public Information.

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

- B. All maps, engineering data and regulations shall be available and widely distributed.
- C. Real estate transfers should show what floodplain zoning district any real property is in.

703.09 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with para. (3) below.

- (1) **AE Zones.** In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with para. (3) below. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) **A Zones.** In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with para. (3) below.
- (3) **General.** The Board of Supervisors of Wood County, Wisconsin, shall change or supplement the floodplain zoning district boundaries and this Ordinance in the manner provided in para. (4) (*Procedures*), below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:
 - A. Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;
 - B. Any changes to any other officially adopted floodplain maps listed in s. 703.02 (2) (*Official Maps and Revisions*);
 - C. Correction of discrepancies between the water surface profiles and floodplain zoning maps.
 - D. Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;
 - E. Any fill or encroachment that obstructs flow, causing any increase in the regional flood height; and
 - F. Any upgrade to floodplain zoning ordinance text required by ch. NR 116.05, Wis. Admin. Code, or otherwise required by law, or for changes by the County.
 - G. All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base

flood elevation from a FIRM requires prior approval by FEMA.

- (4) Procedures.** Amendments to this Ordinance may be made upon petition of any interested party in accordance with the provisions of Section 59.69, Wis. Stats. Such petitions shall include all data required by s. 703.05 (4) (*Determining Floodway and Flood Fringe Limits*) and 703.08 (3) (*Administrative Procedures*). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.
- A. The proposed amendment shall be referred to the Conservation, Education & Economic Development Committee for a public hearing and recommendation to the County Board of Supervisors. The amendment and notice of the public hearing shall be submitted to the regional office of the Department of Natural Resources for review prior to the hearing. The amendment procedure shall comply with the provisions of Section 59.69, Wis. Stats.
 - B. No amendment shall become effective until reviewed and approved by the Department of Natural Resources.
 - C. All persons petitioning for a map amendment that obstructs flow, causing any increases in the regional flood height shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the County.

703.10 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this Ordinance by any person shall be unlawful and shall be forwarded to the municipal attorney, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to Wood County a penalty of not less than \$25.00 and not more than \$50.00, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of Wood County, the state, or any citizen thereof pursuant to Section 87.30, Wis. Stats.

703.11 DEFINITIONS

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

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

- (2) AH Zone – See “Area of Shallow Flooding”.
- (3) AO Zone – See “Area of Shallow Flooding”.
- (4) Accessory Structure or Use- A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- (5) Alteration – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- (6) Area of Shallow Flooding – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- (7) Base flood - The flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- (8) Basement - Any enclosed area of a building having its floor subgrade, i.e., below ground level, on all sides.
- (9) Building - See Structure.
- (10) Bulkhead Line - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary high water mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- (11) Campground - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- (12) Camping Unit - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle, that is fully licensed, if required, and ready for highway use.
- (13) Certificate of Compliance - A certification issued by the Code Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all the provisions of this Ordinance.
- (14) Channel - A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
- (15) Crawlways or Crawl Space - An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for access to plumbing and electrical utilities.

- (16) Deck - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- (17) Department - The Wisconsin Department of Natural Resources.
- (18) Development - Any artificial change to improved or unimproved real estate, including but not limited to construction of buildings, structures or accessory structures; construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- (19) Dry Land Access - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- (20) Encroachment - Any fill, structure, equipment, use or development in the floodway.
- (21) Federal Emergency Management Agency (FEMA) - The federal agency that administers the National Flood Insurance Program.
- (22) "Flood" or "Flooding" - A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
1. The overflow or rise of inland waters;
 2. The rapid accumulation or runoff of surface waters from any source;
 3. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
- (28) Flood Frequency - The probability of a flood occurrence, which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.
- (29) Flood Insurance Rate Map (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
- (30) Floodfringe - That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood and is associated with standing water rather than rapidly flowing water.

- (31) Flood Hazard Boundary Map - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance program until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
- (32) Flood Insurance Study (FIS) - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.
- (33) Floodplain - Land which has been or may be covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.
- (34) Floodplain Island - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (35) Floodplain Management - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- (36) Flood Profile - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- (37) Flood Proofing - Any combination of structural provisions, changes, or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- (38) Flood Protection Elevation - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)
- (39) Flood Storage - Those floodplain areas where storage of flood waters has been taken into account during the analysis in reducing the regional flood discharge.
- (40) Floodway - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (41) Freeboard - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than the height calculated. These factors include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggradations of the river or stream bed.

- (42) Habitable Structure - Any structure or portion thereof used or designed for human habitation.
- (43) Hearing Notice - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (44) High Flood Damage Potential - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- (45) Highest Adjacent Grade - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (46) Historic Structure - Any structure that is either:
- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or directly by the Secretary of the Interior in states without approved programs.
- (47) Increase in Regional Flood Height - A calculated upward rise in the regional flood elevation, greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
- (48) Land Use - Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
- (49) Lowest Adjacent Grade - Elevation of the lowest ground surface that touches any of the exterior walls of a building.

- (50) Lowest Floor – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.
- (51) Maintenance – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.
- (52) "Manufactured Home" - A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle".
- (53) Mobile/Manufactured Home Park or Subdivision – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
- (54) Mobile/Manufactured Home Park or Subdivision, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- (55) Mobile/Manufactured Home Park, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.
- (56) Mobile Recreational Vehicle - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- (57) Model, Corrected Effective – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- (58) Model, Duplicate Effective – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

- (59) Model, Effective – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- (60) Model, Existing (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- (61) Model, Revised (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- (62) "Municipality" or "Municipal" - The county governmental unit enacting, administering and enforcing this zoning ordinance.
- (63) "NAVD" or "National American Vertical Datum" - Elevations referenced to mean sea level datum, 1988 adjustment.
- (64) "NGVD" or "National Geodetic Vertical Datum" - Elevations referenced to mean sea level datum, 1929 adjustment.
- (65) New Construction - For floodplain management purposes, “new construction” means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by Wood County and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the “start of construction” commenced on or after the effective date an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.
- (66) Nonconforming Structure - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- (67) Nonconforming Use - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this Ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
- (68) Obstruction To Flow - Any development that blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

- (69) Official Floodplain Zoning Map - Those maps, adopted and made part of this Ordinance, as described in s. 703.02 (2), which have been approved by the Department of Natural Resources and FEMA.
- (70) Open Space Use - Those uses having relatively low flood damage potential and not involving structures.
- (71) Ordinary High Water Mark - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
- (72) Person - An individual or group of individuals, corporation, partnership, association, municipality or state agency.
- (73) Private Sewage System - A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
- (74) Public Utilities - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.
- (75) Reasonably Safe From Flooding - Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- (76) Regional Flood - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
- (77) Start Of Construction - The date the building permit was issued, provided that the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of pilings, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (78) Structure - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (79) Subdivision - Has the meaning given in s. 236.02(12), Wis. Stats.
- (80) Substantial Damage - Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- (81) Substantial Improvements - Any repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure before the improvement or repair is started. If the structure sustained substantial damage any repairs are considered substantial improvements regardless of the work performed. The term does not, however, include either:
- A. Any project for improvement of a structure required to correct existing health, sanitary, or safety code violations identified by the building official and are the minimum necessary to assure safe living conditions; or
 - B. Any alteration of a historic provided the alteration will not preclude the structure's continued designation as an historical structure.
- (82) Unnecessary Hardships - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of the Ordinance.
- (83) Variance - An authorization by the Board of Adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- (84) Violation - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- (85) Watershed - The entire region contributing runoff or surface water to a watercourse or body of water.
- (86) Water Surface Profile - A graphical representation showing the elevation of the surface water of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

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