

# GREEN LAKE COUNTY

## FLOODPLAIN ZONING ORDINANCE

### SUMMARY OF CHANGES

The purpose of the Green Lake County Floodplain Zoning Ordinance is to

- ❑ Protect life, health and property;
- ❑ Minimize expenditures of public funds for flood-control projects;
- ❑ Minimize rescue and relief expenses of the taxpayers;
- ❑ Minimize economic interruptions;
- ❑ Minimize damage to public facilities in the floodplain;
- ❑ Minimize the occurrence of future flood blight areas in the floodplain;
- ❑ Discourage victimization of unwary land and home buyers;
- ❑ Prevent increases in flood heights that could increase flood damage;
- ❑ Discourage development in a floodplain if there is a practical alternative.

Changes significantly affecting this ordinance are:

Section 300-10. Reflects the updated map panels to be used for administration and enforcement of the Floodplain Zoning Ordinance and updated studies that affect the floodplain boundaries. This section also includes an updated list of site specific amendments to the map panels.

Section 300-16.1. This section provides floodplain standards for areas annexed by cities and villages until the municipality adopts floodplain zoning standards.

Section 300-22. This section related to floodplain islands was removed as NR 116 Wis. Adm. Code has no requirement for regulating these areas.

Section 300-35. This section added standards for nonconforming structures in floodway areas.

ARTICLE X This section, related to enforcement was updated to be consistent with other land use ordinances. added to provide standards and clarify current administration and enforcement of floodplain islands.

**NOTE: Amendment language may be seen at any of the following:**

#### **LIBRARIES**

Berlin Public Library  
Princeton Public Library  
Kingston Mill Pond  
Markesan Public Library  
Caestecker Public Library

#### **TOWN HALLS**

Town of Berlin  
Town of Green Lake  
Town of Mackford  
Town of Marquette  
Town of St. Marie  
Town of Brooklyn  
Town of Kingston  
Town of Manchester  
Town of Princeton  
Town of Seneca

#### **COUNTY OFFICES**

County Courthouse: Land Use Planning and Zoning Dept.

**DOCUMENT ALSO AVAILABLE FOR VIEWING AT THE COUNTY WEBSITE: [www.co.green-lake.wi.us](http://www.co.green-lake.wi.us)  
SEE LAND USE PLANNING AND ZONING DEPARTMENT, Code Amendments.**

Strikethrough is proposed deleted language  
Red indicates language added

## Chapter 300

### FLOODPLAIN ZONING

#### ARTICLE I Introduction

**§ 300-1. Statutory Authority.**

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

**§ 300-2. Finding of fact.**

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

**§ 300-3. Purpose.**

This chapter is intended to regulate floodplain development to:

- A. Protect life, health and property;
- B. Minimize expenditures of public funds 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 floodplain;
- F. Minimize the occurrence of future flood blight areas in the floodplain;
- 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; and
- I. Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

**§ 300-4. Title.**

This chapter shall be known as, referred to or cited as the “Floodplain Zoning Ordinance for Green Lake County, Wisconsin”.

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

- A. This chapter supersedes all the provisions of any municipal zoning ordinance enacted under § 59.69, 59.692 or 59.694 or § 87.30, Wis. Stats., which relate to floodplains. If another ordinance is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- B. This chapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

**§ 300-6. Interpretation.**

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

**§ 300-7. Severability.**

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

**§ 300-8. When Effective date.**

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

ARTICLE II  
**General Provisions**

**§ 300-9. Jurisdiction. Areas to be regulated**

This chapter regulates all areas that would be covered by the regional flood or base flood. ~~and these areas identified as floodplain islands.~~ Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A Zones on the Flood Insurance Rate Map.

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

The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed below and the revisions in the Green Lake County Floodplain Appendix. Any change to the base flood elevations in the Flood Insurance Study or on the Flood Insurance Rate Map must be reviewed and approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency before it is effective. No changes to regional flood elevations on non-Federal Emergency Management Agency maps shall be effective until approved by the Wisconsin Department of Natural Resources. These maps and revisions are on file in the County Land Use Planning and Zoning Department, **Green Lake County**. If more than one map or revision is referenced, the most ~~current approved~~ **restrictive** information shall apply.

A. Official maps, based on the Flood Insurance Study **for unincorporated areas of Green Lake County, Community Number 550165. Applicable map panels:**

- 55047C0010C, 55047C0058C, 55047C0101C, 55047C0133C, 55047C0186C,
- 55047C0020C, 55047C0065C, 55047C0105C, 55047C0134C, 55047C0187C,
- 55047C0030C, 55047C0079C, 55047C0110C, 55047C0140C, 55047C0191C,
- 55047C0034C, 55047C0082C, 55047C0111C, 55047C0155C, 55047C0192C,
- 55047C0035C, 55047C0083C, 55047C0113C, 55047C0160C, 55047C0195C,
- 55047C0038C, 55047C0084C, 55047C0115C, 55047C0165C, 55047C0203C
- 55047C0039C, 55047C0087C, 55047C0120C, 55047C0170C, 55047C0204C,
- 55047C0040C, 55047C0090C, 55047C0126C, 55047C0178C, 55047C0225C,

55047C0045C, 55047C0091C, 55047C0127C, 55047C0179C,  
55047C0051C, 55047C0092C, 55047C0130C, 55047C0180C,  
55047C0053C, 55047C0093C, 55047C0131C, 55047C0183C,  
55047C0054C, 55047C0094C, 55047C0132C, 55047C0184C,

dated February 3, 2010, with corresponding profiles the are based on the Flood Insurance Study 55047CV000A effective February 3, 2010.

Approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency.

- ~~(1) The Flood Boundary and Floodway Maps and the Flood Hazard Boundary Maps and corresponding profiles from the Green Lake County Flood Insurance Study. These maps and the study have been prepared by the Department of Housing and Urban Development and are dated March 1, 1978, and June 1976, respectively.~~
- ~~(2) The Flood Hazard Boundary Map Panel Number 550165-0005-B dated February 2, 1990, approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency.~~

B. Official maps, based on other studies:

- (1) Hydraulic analysis and floodway and floodplain delineation for Ken Lay Property by Rich Mueller dated July 3, 1985, approved by the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.
- (2) The Inundation Map (with boundaries shown in yellow and red on the original map) for Kingston Dam on the Grand River, the floodway data table and the higher of the dam breach during regional flood (DAMBRK) profile and regional flood no breach (HEC2) profile. These are found in the Hydraulic Evaluation Report for the Kingston Dam prepared by Barrientos & Associates, Inc., and dated February 1991 and approved by the Wisconsin Department of Natural Resources.
- (3) ~~The Dam Breach Analysis for the Lower Water Quality Improvement Dam for an unnamed tributary to Little Green Lake, prepared by Jonathan D. Lefers, PE, of Montgomery Associates Resource Solutions, LLC, dated November 2008, and The Silver Creek Floodplain Study and Map dated January 1997, by Susan G. Josheff, PE, approved by the Wisconsin Department of Natural Resources.~~
- (4) The floodplain study appendix. All Wisconsin Department of Natural Resources and Federal Emergency Management Agency approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information used to amend official maps are located in Appendix A of this chapter. Green Lake County shall provide the most up-to-date appendix to the Wisconsin Department of Natural Resources and Federal Emergency Management Agency regional offices.

**§ 300-11. Establishment of districts.**

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

- A. The floodway district is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters.
- B. The floodfringe district is that portion of the floodplain between the regional flood limits and the floodway.

- C. The general floodplain district is those areas that have been or may be covered by floodwater during the regional flood.

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

- A. Discrepancies between boundaries on the Official Floodplain Zoning Map and actual field conditions shall be resolved using the criteria in subsection A(1) or (2) below. If a significant difference exists, the map shall be amended according to Article IX, Amendments. The County Land Use Planning and Zoning Department 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 County Land Use Planning and Zoning Department shall be responsible for documenting actual predevelopment 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 County Land Use Planning and Zoning Department and an applicant over the district boundary line shall be settled according to § 300-40C and the criteria in ~~Subsection A(1)~~ and (2) below.
- (1) 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 any discrepancies.
  - (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, **visual on-site inspection** ~~information provided by the County Land Use Planning and Zoning Department~~ and any information provided by the Wisconsin Department of Natural Resources.
- B. Note: Where the flood profiles are based on established base flood elevations from a Flood Insurance Rate Map, the Federal Emergency Management Agency must also approve any map amendment pursuant to § 300-44B(6)

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

- A. Compliance with the provisions of this chapter shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article IX, Amendments.
- B. Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact the Federal Emergency Management Agency to request a letter of map change.

**§ 300-14. Compliance required.**

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

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

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply if § 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 § 30.202242(4)(a), Wis. Stats., applies.

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

The flood protection standards in this chapter are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by man-made

or natural causes. This chapter does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this chapter create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this chapter.

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

The County floodplain provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program. These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

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

The County Land Use Planning and Zoning Department shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities 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 chapter.

### ARTICLE III General Standards

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

- A. Except as allowed in subsection C. below, no floodplain development shall:
  - (1) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or
  - (2) Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- B. The County Land Use Planning and Zoning Department shall deny permits if it is determined that the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted Flood Insurance Rate Map or other adopted map, unless the provisions of subsection C. are met.
- C. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this chapter, the Official Floodplain Zoning Maps, floodway lines and water surface profiles, in accordance with Article IX, **Amendments**.
- D. Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted Flood Insurance Rate Map or other adopted map. Any such alterations must be reviewed and approved by Federal Emergency Management Agency and the Wisconsin Department of Natural Resources.

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

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the County Land Use Planning and Zoning Department has notified in writing all adjacent municipalities, the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency regional offices and required the applicant to secure all necessary state and federal permits. The flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than 6 months after the date of the watercourse alteration or relocation, the County Land Use Planning and Zoning Department shall notify the Federal Emergency Management Agency of the changes by submitting appropriate technical or scientific data in accordance with National Flood Insurance Program guidelines that shall be used to revise the Federal Insurance Rate Map, risk premium rates and floodplain management regulations as required.

**§ 300-20. Chapter 30 and 31 Wis. Stats., development. ~~Development requiring Department of Natural Resources permit.~~**

Development which requires a permit from the Wisconsin Department of Natural Resources under Chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, base flood elevations established in the Flood Insurance Study, or other data from the officially adopted Flood Insurance Rate Map, or other floodplain zoning maps or this chapter, are made according to Article IX, Amendments.

**§ 300-21. 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 and Family Services.
- B. A land use permit for the campground is issued by the County Land Use Planning and Zoning Department.
- C. The character of the river system and the elevation of the campground is such that a ~~seventy-two~~<sup>72</sup>-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 municipal 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 subsection D, to remain in compliance with all applicable regulations, including those of the State Department of Health and Family Services and all other applicable regulations.
- F. Only camping units are allowed.
- G. The camping units may not occupy any site in the campground for more than 180 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 the provisions of this section.

- I. The County Land Use Planning and Zoning Department 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 in either Article IV, Floodway District, or Article V, Flood-Fringe 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 flood proofed to the flood protection elevation.

**§ 300-22. (Reserved) Floodplain islands.**

~~This section shall apply to floodplain islands located within floodway, flood-fringe and general floodplain areas on the Floodplain Zoning Maps.~~

~~A. Developments on floodplain islands shall be regulated as follows:~~

- ~~(1) Floodway. Developments on floodplain islands located within the floodway are prohibited, except for developments that comply with all standards contained within Article IV, Floodway District.~~
- ~~(2) Flood-fringe. Developments on floodplain islands located within the flood-fringe may be permitted when in compliance with the following:
  - ~~(a) The floodplain island contains at least 20,000 square feet of contiguous land at an elevation located above the applicable base flood elevation or regional flood elevation.~~
  - ~~(b) Developments shall comply with the standards contained in § 300-29A(3) or (4).~~~~
- ~~(3) General floodplain. Developments on floodplain islands located within the general floodplain are prohibited except when pursuant to § 300-33 the floodway and flood-fringe limits are delineated and the floodplain island is shown to be located within the flood-fringe. Development of such floodplain islands shall comply with the standards contained in Subsection A(2) above.~~

~~B. Mapping.~~

- ~~(1) The County Land Use Planning and Zoning Department shall initiate amendment of the Official Floodplain Map to delineate floodplain islands of which it becomes aware, with the best available data, as soon as practicable.~~
- ~~(2) The owner of a floodplain island shall provide the following data to the County Land Use Planning and Zoning Department for review prior to development:
  - ~~(a) The limits of a floodplain island shall be mapped to its greatest extent with the following exceptions:
    - ~~[1] Mapping of a floodplain island shall not be required beyond the boundaries of the property upon which the development is proposed.~~~~~~

~~[2] Mapping of no greater than five acres of a floodplain island shall be required unless the actual extent of development exceeds five acres.~~

~~(b) Significant natural and man-made features, both existing and proposed, located upon the floodplain island shall be mapped, including elevation data for adjacent grades. Note: Significant features include but are not limited to structures, wells, private on-site wastewater treatment systems, drives, streams and watercourses, wetlands, rock outcrops, wooded areas, and railroad tracks. Elevations shall be in the form of contour and/or point data showing existing and proposed grades.~~

#### ARTICLE IV Floodway District

##### **§ 300-23. Applicability.**

This ~~article~~ **section** applies to all floodway areas on the floodplain zoning maps and those identified pursuant to § 300-33.

##### **§ 300-24. Permitted uses.**

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- they are not prohibited by any other ordinance;
  - they meet the standards in §§ 300-25 and 300-26; and
  - all permits or certificates have been issued according to § 300-38:
- A. Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.
  - B. Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
  - C. Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback-riding trails, subject to the fill limitations of § 300-25D.
  - D. Uses or structures accessory to open space uses or classified as historic structures that comply with §§ 300-25 and 300-26.
  - E. Extraction of sand, gravel or other materials that complies with § 300-25D.
  - F. Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with Chs. 30 and 31, Wis. Stats.
  - G. Public utilities, streets and bridges that comply with § 300-25C.

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

- A. General.
  - (1) Any development in floodway areas shall comply with Article III, General Standards, and have a low flood-damage potential.
  - (2) Applicants shall provide the following data to determine the effects of the proposal

according to § 300-18:

- (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 this proposal on regional flood height.
- (3) The County Land Use Planning and Zoning Department shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subsection A(2) above.
- B. ~~Structures.~~ Structures accessory to permanent open space uses, ~~classified as historic structures,~~ or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- (1) The structures are not designed for human habitation and do not have a high flood-damage potential.
  - (2) The structures **must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.** ~~are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters; structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures;~~
  - (3) The structures are properly anchored to **resist flotation, collapse and lateral movement.** ~~prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and~~
  - (4) **Mechanical and utility equipment must be elevated or flood proofed to** ~~The structures have all service facilities at or above the flood protection elevation.~~
- C. Public utilities, streets and bridges may be allowed by permit if:
- (1) Adequate flood proofing measures are provided to the flood protection elevation; and
  - (2) Construction meets the development standards of § 300-18.
- D. Fills or deposition of materials may be allowed by permit if:
- (1) The requirements of § 300-18 are met;
  - (2) No material is deposited in the navigable channel unless a permit is issued by the Wisconsin Department of Natural Resources pursuant to Ch. 30, Wis. Stats., and a permit pursuant to § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1344, has been issued, if applicable, and the other requirements of this section are met;
  - (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
  - (4) The fill is not classified as a solid or hazardous waste material.

#### **§ 300-26. Prohibited uses.**

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

- A. Habitable structures, structures with high flood-damage potential, or those not associated with permanent open space uses;
- B. Storing materials that are buoyant, flammable, explosive or injurious to property, water

quality, or human, animal, plant, fish or other aquatic life;

- C. Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- D. Any private on-site wastewater treatment system or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Wisconsin Department of Natural Resources approved campgrounds that meet the applicable provisions of local ordinances and Ch. COMM 83, Wis. Adm. 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 Chs. NR 811 and NR 812, Wis. Adm. Code;
- F. Any solid or hazardous waste disposal sites;
- G. Any wastewater treatment ponds or facilities, except those permitted under § NR 110.15(3)(b), Wis. Adm. Code;
- H. Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.

## ARTICLE V Floodfringe District

### § 300-27. Applicability.

This ~~article~~ **section** applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to § 300-33.

### § 300-28. Permitted uses.

Any structure, land use, or development is allowed in the flood-fringe district if the standards in § 300-29 are met, the use is not prohibited by this chapter or any other ordinance or regulation and all permits or certificates specified in § 300-38 have been issued.

### § 300-29. Floodfringe development standards.

All of the provisions of § 300-18 shall apply. In addition, the following requirements shall apply according to the use requested:

- A. Residential uses. Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood-fringe area shall meet or exceed the following standards:
  - (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Wisconsin Department of Natural Resources may authorize other flood proofing measures if the elevations of existing streets or sewer lines make compliance **with the fill standards** impractical; ~~and the Board of Adjustment grants a variance.~~
  - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is flood proofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation.
  - (3) Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in subsection A(4) below.

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

- (a) The County Land Use Planning and Zoning Department has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
- (b) Green Lake County has a natural disaster plan approved by Wisconsin Emergency Management and the **Wisconsin** Department of **Natural Resources**.

B. Accessory structures or uses.

(1) **Except as provided in subsection B(2) below**, an accessory structure **which is** ~~or use~~ not connected to a principal structure ~~shall~~ **may** be constructed with its lowest floor ~~no more than two feet below~~ **at or above** the regional flood elevation.

(2) **An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is** subject to flood velocities of no more than two feet per second, and ~~shall~~ **it meets** all **of** the provisions of § 300-25B(1), (2), (3) and (4) and subsection E below.

C. Commercial uses. Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of subsection A **above**. Subject to the requirements of subsection E **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.

D. Manufacturing and industrial uses. Any manufacturing or industrial structure which is erected, altered or moved into the flood-fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in § 300-42. Subject to the requirements of subsection E **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. Storage of materials. Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or flood proofed in compliance with § 300-42. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

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

(1) When the failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are flood proofed in compliance with § 300-42 to the flood protection elevation;

(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.

G. Private on-site wastewater treatment systems. All private on-site wastewater treatment systems shall be flood proofed, pursuant to § 300-42~~B and C~~, to the flood protection elevation and shall meet the provisions of all local ordinances and Ch. COMM 83, Wis.

Adm. Code.

- H. Wells. All wells shall be flood proofed, pursuant to § 300-42, to the flood protection elevation and shall meet the provisions of Chs. NR 811 and NR 812, Wis. Adm. Code.
- I. Solid waste disposal sites. Disposal of solid or hazardous waste is prohibited in floodfringe areas.
- J. Deposition of materials. Any deposited material must meet all the provisions of this chapter.
- K. Manufactured homes.
  - (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes 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 floodfringe in subsection A **above**.
- L. Mobile recreational vehicles. 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 subsection K(2) and (3) **above**. 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.

## ARTICLE VI General Floodplain District

### § 300-30. Applicability.

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.

### § 300-31. Permitted uses.

Pursuant to § 300-33, it shall be determined whether the proposed use is located within a floodway or flood-fringe area. Those uses permitted in floodway (§ 300-24) and floodfringe (§ 300-28) areas are allowed within the general floodplain district, according to the standards of § 300-32, provided that all permits or certificates required under § 300-38 have been issued.

### § 300-32. General floodplain development standards.

For development in the general floodplain, Article IV, Floodway District, applies to floodway areas and Article V, Floodfringe District, applies to floodfringe areas. The rest of this chapter applies to either district.

### § 300-33. Determining floodway and floodfringe limits.

Upon receiving an application for development within the general floodplain district, the County Land Use Planning and Zoning Department shall:

- A. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- B. Require the applicant to furnish any of the following information deemed necessary by the **Wisconsin Department of Natural Resources** to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
  - (1) A typical valley cross section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high-water information;
  - (2) A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; the size, location and layout of all proposed and existing structures on the site; the location and elevations of streets, the water supply, and sanitary facilities; soil types; and other pertinent information;
  - (3) A profile showing the slope of the bottom of the channel or flow line of the stream.
  - (4) Specifications for building construction and materials, flood proofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- C. Transmit one copy of the information described in subsections A and B **above** to the Wisconsin Department of Natural Resources regional office, along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of § 300-38B(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

ARTICLE VII  
**Nonconforming Uses**

**§ 300-34. General provisions.**

- A. **Applicability.** If these standards conform with § 59.69(10), Wis. Stats., they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this chapter or any amendment thereto.
- B. The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this chapter may continue subject to the following conditions:
  - (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this chapter. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of 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.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted, and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this chapter;
- (3) The County Land Use Planning and Zoning Department shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use which, over the life of the structure, would **equal or** exceed 50% of its present equalized assessed value shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 300-29A. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this subsection.
- (5) Damaged or destroyed structures.
  - (a) Except as provided in subsection B(5)(b) **below**, 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 ~~ordinance~~ requirements **of this chapter**. 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.
  - (b) For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under **applicable Federal Emergency Management Agency regulations (44 CFR Part 60)**, or ~~under~~ the regulations promulgated thereunder.
- (6) 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 § 300-25A, flood-resistant materials are used, and construction practices and flood proofing methods that comply with § 300-42 are used.

#### **§ 300-35. Floodway areas.**

- A. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
  - (1) **Has been granted a permit or variance which meets all ~~ordinance~~ of this chapter requirements;**

- (2) Meets the requirements of § 300-34; and
- (3) Will not increase the obstruction to flood flows or regional flood height;
- (4) Any addition to the existing structure shall be flood proofed, pursuant to § 300-42, by means other than the use of fill, to the flood protection elevation.
- (5) If any part of the foundation below the flood protection 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 2 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 or limited storage.

- B. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal 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 area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and Ch. COMM 83, Wis. Adm. Code.
- C. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and Chs. NR 811 and NR 812, Wis. Adm. Code.

#### **§ 300-36. Flood-fringe areas.**

- 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 issued a land use permit by the County Land Use Planning and Zoning Department or granted a variance by the County Board of Adjustment, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in § 300-29, except where subsection B **below** is applicable.
- B. Where compliance with the provisions of subsection 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 **County** Board of Adjustment, using the procedures established in § 300-40, may grant a variance from those provisions of subsection A **above** for modifications or additions, using the criteria listed below. Modifications or additions that 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, will not be installed;
  - (4) Flood depths will not exceed 2 feet;
  - (5) Flood velocities will not exceed 2 feet per second; and
  - (6) The structure will not be used for storage of materials as described in § 300-29E.
- C. If neither the provisions of subsection A or B above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
  - (2) Does not exceed 60 square feet in area; and
  - (3) In combination with other previous modifications or additions to the building, does not **equal or** exceed 50% of the present equalized assessed value of the building.
- D. All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system, shall meet all the applicable provisions of all local ordinances and Ch. COMM 83, Wis. Adm. Code.
- E. All new wells, or addition to, replacement, repair or maintenance of a well, shall meet the applicable provisions of this chapter and Chs. NR 811 and NR 812, Wis. Adm. Code.

ARTICLE VIII  
**Administration**

**§ 300-37. Officials designated.**

Where the County Land Use Planning and Zoning Department, County Land Use Planning and Zoning Committee or a **County** Board of Adjustment has already been appointed to administer a zoning ordinance adopted under § 59.69, 59.692 ~~or 62-23(7)~~, Wis. Stats., these officials shall also administer this chapter.

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

- A. The County Land Use Planning and Zoning Department is authorized to administer this chapter and shall have the following duties and powers. It shall:
- (1) Advise applicants of the provisions of this chapter, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
  - (2) Issue permits and inspect properties for compliance with the provisions of this chapter and issue certificates of compliance where appropriate.
  - (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
  - (4) Keep records of all official actions such as:
    - (a) All permits issued, inspections made, and work approved.
    - (b) Documentation of certified lowest floor and regional flood elevations for floodplain development.
    - (c) Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, including changes, appeals, variances and amendments.

- (d) All substantial damage assessment reports for floodplain structures.
  - (5) Submit copies of the following items to the Wisconsin Department of Natural Resources regional office:
    - (a) Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
    - (b) Copies of any case-by-case analyses and any other information required by the Wisconsin Department of Natural Resources, including an annual summary of the number and types of floodplain zoning actions taken.
    - (c) Copies of substantial damage assessments performed and all related correspondence concerning the assessments. [~~Note: Information on conducting substantial damage assessments is available on the Department of Natural Resources Web site: <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>.~~]
  - (6) Investigate, prepare reports, and report violations of this chapter to the County Land Use Planning and Zoning Committee and County Corporation Counsel for prosecution. Copies of the reports shall also be sent to the Wisconsin Department of Natural Resources regional office.
  - (7) Submit copies of text and map amendments and biennial reports to the Federal Emergency Management Agency regional office.
- B. Land use permit. A land use permit shall be obtained before any new development or any **structural** repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the County Land Use Planning and Zoning Department shall include:
- (1) General information.
    - (a) The name and address of the applicant, property owner and contractor;
    - (b) The legal description, proposed use, and whether it is new construction or a modification;
  - (2) Site development plan. A site plan drawn to scale shall be submitted with the permit application form and shall contain:
    - (a) The location, dimensions, area and elevation of the lot;
    - (b) The location of the ordinary high-water mark of any abutting navigable waterways;
    - (c) The location of any structures with distances measured from the lot lines **and street center lines**;
    - (d) The location of any existing or proposed private on-site wastewater treatment system or private water supply system;
    - (e) The location and elevation of existing or future access roads;
    - (f) The location of floodplain and floodway limits 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 and North American Vertical Datum (NAVD)**;

- (h) Data sufficient to determine the regional flood elevation in National Geodetic Vertical Datum and North American Vertical Datum at the location of the development and to determine whether or not the requirements of Article IV or V are met; and
- (i) Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to § 300-18. This may include any of the information noted in § 300-25A.

(3) Data requirements to analyze developments.

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

[1] An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;

[2] A map showing the location and details of vehicular access to lands outside the floodplain; and

[3] A surface drainage plan showing how flood damage will be minimized.

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

- ~~(b) The applicant shall provide all data required by this chapter to analyze development as follows:~~

~~[1] Elevation data shall be referenced to National Geodetic and Vertical Datum and shall be prepared and stamped by a registered professional land surveyor or registered professional engineer.~~

~~[2] Analysis to determine whether a development will cause an obstruction to flow or increase regional flood height shall be prepared and stamped by a registered professional engineer.~~

~~[3] Plans for proposed floodproofing measures shall be prepared and stamped by a registered professional engineer or registered architect.~~

- ~~(c) The County Department may, at its discretion, accept the data listed above in Subsection B(3)(b)[1], [2], and [3] from other licensed professionals or another regulatory agency.~~

- (4) Expiration. All permits issued under the authority of this chapter shall expire one year after the date of issuance.

C. Certificate of compliance. No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the County Land Use Planning and Zoning Department, 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 chapter;

- (2) Application for such certificate shall be concurrent with the application for a **land use** permit;
  - (3) If all ~~ordinance~~ provisions **of this chapter** are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
  - (4) The applicant shall submit a certification signed by a registered professional engineer, **architect** or ~~registered~~ land surveyor that the fill, lowest floor and flood proofing elevations are in compliance with the permit issued. Flood proofing measures also require certification by a registered professional engineer or ~~registered~~ architect that flood proofing measures meet the requirements of § 300-42.
- D. Other permits. The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under § 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

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

- A. The County Land Use Planning and Zoning Committee shall:
- (1) Oversee the functions of the office of the County Land Use Planning and Zoning Department; and
  - (2) Review and advise the County Board on all proposed amendments to this chapter, maps and text.
- B. The County Land Use Planning and Zoning Committee shall not:
- (1) Grant variances to the terms of the chapter in place of action by the **County** Board of Adjustment; or
  - (2) Amend the text or zoning maps in place of official action by the County Board.

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

The **County** Board of Adjustment, created under § 59.694, Wis. Stats., is hereby authorized or shall be appointed to act for the purposes of this chapter. The **County** Board of Adjustment shall exercise the powers conferred by the Wisconsin Statutes and adopt rules for the conduct of business. The department head for the County Land Use Planning and Zoning Department may not be the secretary of the **County** Board of Adjustment.

- A. Powers and duties. The **County** Board of Adjustment shall:
- (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the County Land Use Planning and Zoning Department in the enforcement or administration of this chapter.
  - (2) Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
  - (3) Hear and decide, upon appeal, variances from the standards of this chapter.
- B. Appeals to the **County** Board of Adjustment.
- (1) Appeals to the **County** Board of Adjustment may be taken by any person aggrieved or by any officer or department of Green Lake County affected by any decision of the County Land Use Planning and Zoning Department **or other administrative officer**. Such appeal shall be taken within 30 days, unless otherwise provided by the rules of the **County** Board of Adjustment, by filing with the **official whose decision is in**

~~question, County Land Use Planning and Zoning Department~~ and with the **County** Board of Adjustment a notice of appeal specifying the reasons for the appeal. The ~~official whose decision is in question County Land Use Planning and Zoning Department~~ shall transmit to the **County** Board of Adjustment all records regarding the matter appealed.

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

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

[1] Fix a reasonable time for the hearing.

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

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

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

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

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

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

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

(a) Be made within a reasonable time.

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

(c) Be a written determination signed by the Chairman ~~or~~ Secretary of the **County** Board of Adjustment.

(d) State the specific facts that are the basis for the **County** Board of Adjustment'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 or deny the variance application.

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

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

(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 none exist, other evidence may be examined.

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

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

D. Variances.

- (1) The **County** Board of Adjustment may, upon appeal, grant a variance from the standards of this chapter if an applicant convincingly demonstrates that:
  - (a) Literal enforcement of the provisions of this chapter will cause unnecessary hardship;
  - (b) The hardship is due to adoption of this chapter and unique property conditions not common to adjacent lots or premises. In such case, this chapter or the 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 chapter in § 300-3.
- (2) In addition to the criteria in subsection D(1) **above**, to qualify for a variance under Federal Emergency Management Agency 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~~ **land areas** that are less than 1/2 acre and are contiguous to existing structures constructed below the regional flood elevation.
  - (c) Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of this chapter.
- (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 other persons in the area.
  - (e) Allow actions without the amendments to this chapter or map(s) required in § 300-44.
  - (f) Allow any alteration of a historic structure, including its use, that would preclude its continued designation as a historic structure.
- (4) When a floodplain variance is granted, the **County** Board of Adjustment shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

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

- A. The County Land Use Planning and Zoning Committee or **County** Board of Adjustment shall review all data related to the appeal. This may include:

- (1) Permit application data listed in § 300-38B.
  - (2) Floodway/floodfringe determination data in § 300-33.
  - (3) Data listed in § 300-25A(2)(b) where the applicant has not submitted this information to the County Land Use Planning and Zoning Department.
  - (4) Other data submitted with the application or submitted to the **County** Board of Adjustment with the appeal.
- B. For appeals of all denied permits, the **County** Board of Adjustment shall:
- (1) Follow the procedures of § 300-40;
  - (2) Consider County Land Use Planning and Zoning Committee recommendations; and
  - (3) Either uphold the denial or grant the appeal.
- C. For appeals concerning increases in regional flood elevation, the **County** Board of Adjustment shall:
- (1) Uphold the denial where the **County** Board of Adjustment agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
  - (2) Grant the appeal where the **County** Board of Adjustment agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot, provided that no other reasons for denial exist.

**§ 300-42. Floodproofing.**

- A. No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the flood proofing measures will protect the structure or development to the flood protection elevation.
- B. Flood proofing measures shall be designed to:
- (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - (2) Protect structures to the flood protection elevation;
  - (3) Anchor structures to foundations to resist flotation and lateral movement; and
  - (4) Insure that structural walls and floors are watertight to the flood protection elevation and the interior remains completely dry during flooding without human intervention.
- C. Flood proofing measures could include:
- (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.
  - (2) Adding mass or weight to prevent flotation.
  - (3) Placing essential utilities above the flood protection elevation.
  - (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
  - (5) Constructing water supply wells and waste treatment systems to prevent the entry of

floodwaters.

- (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

**§ 300-43. Public information.**

- A. **Place** ~~Where useful, marks on structures bridges or buildings or other markers may be set to show the depth of inundation during the regional flood. at appropriate locations within the floodplain.~~
- B. ~~All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.~~
- C. All **real estate transfers** ~~legal descriptions of property in the floodplain~~ should **show what include information relative to the floodplain zoning district any classification when such real property is in transferred.**

ARTICLE IX  
**Amendments**

**§ 300-44. General Actions requiring amendment.**

The County Board may change or supplement the floodplain zoning district boundaries and this chapter in the manner provided by law.

- A. Actions which require an amendment include, but are not limited to, the following:
- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
  - (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
  - (3) 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.
  - (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
  - (5) Any upgrade to a floodplain zoning ordinance text required by § NR 116.05, Wis. Adm. Code, or otherwise required by law or for changes by Green Lake County.
- ~~B-(6)~~ All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a Flood Insurance Rate Map requires prior approval by the Federal Emergency Management Agency.

Note: Consult the Federal Emergency Management Agency Web site, [www.fema.gov](http://www.fema.gov), for a current map change fee schedule.

**§ 300-45. Amendment procedure.**

Amendments to this chapter may be made upon petition of any interested party according to the provisions of § 59.69, Wis. Stats. Such petitions shall include all necessary data required by §§ 300-33 and 300-38B.

- A. The proposed amendment shall be referred to the County Land Use Planning and Zoning Committee for a public hearing and recommendation to the County Board. The amendment and notice of public hearing shall be submitted to the Wisconsin Department of Natural

Resources regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of § 59.69, Wis. Stats.

- B. No amendments shall become effective until reviewed and approved by the Wisconsin Department of Natural Resources.
- C. All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the County Board.
- D. For amendments in areas with no water surface profiles, the County Land Use Planning and Zoning Committee or the County Board shall consider data submitted by the Wisconsin Department of Natural Resources, the County Land Use Planning and Zoning Department's **visual on-site inspections** and other available information (see § 300-12).

## ARTICLE X Enforcement

### ~~§ 300-46. Violations and penalties.~~

~~Any violation of the provisions of this chapter by any person shall be unlawful and shall be referred to the County Corporation Counsel, who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the Green Lake County a penalty of not less than \$10 and not more than \$5,000, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this chapter is a public nuisance, and the creation may be enjoined and the maintenance may be abated by action at suit of Green Lake County, the state, or any citizen thereof pursuant to § 87.30, Wis. Stats.~~

### **§ 300-46. Investigation.**

Any violation of the provisions of this chapter shall be **deemed** unlawful. **When necessary, to determine compliance with this chapter the Land Use Planning and Zoning Department shall investigate alleged violations. After confirmation that a violation exists, the Land Use Planning and Zoning Department shall pursue compliance of the violation.**

### **§ 300-46.1. Violations, penalties and citations.**

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

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

**C. Any landowner who violates or refuses to comply with any of the provisions of this chapter shall be subject to, upon conviction, a forfeiture of not less than \$10 nor more than \$5,000 per offense, together with the taxable costs of action. Each day that the violation exists shall constitute a separate offense.**

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

**§ 300-46.2. Stop-work order.**

- A. No land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner that requires issuance of a land use permit pursuant to this chapter, and such a permit has not been obtained, the Land Use Planning and Zoning Department may issue a stop-work order requiring any such activity to be immediately stopped and enjoined.
- B. Land use permit obtained. When the Land Use Planning and Zoning Department is notified or becomes aware of any activity in violation of the provisions of this chapter by or under the direction of the landowner for which a land use permit was issued and the actual activity deviates from that land use permit, the Land Use Planning and Zoning Department may issue a stop-work order requiring the activity to be immediately stopped and enjoined.
- C. The stop-work order shall be mailed to, the subject landowner's property tax bill mailing address or the mailing address as stated on the land use permit application and/or to any person signing the land use permit application.
- D. The stop-work order card issued and posted by the Land Use Planning and Zoning Department shall be posted at the subject site in plain view from a non-trespass location off the subject property. A stop-work order card shall remain posted until compliance of the violation occurs.
- E. An action filed pursuant to § 300-40. of this chapter to the County Board of Adjustment or to any Court shall stop-work during and until the final outcome of the action has been reached or until so ordered by a Court of appropriate jurisdiction.

**§ 300-46.3. Injunction.**

Every violation of this chapter is a public nuisance, and the creation thereof may be enjoined and the maintenance thereof abated pursuant to § 87.3059-69(11), Wis. Stats.

ARTICLE XI  
**Definitions**

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

Unless specifically defined below, words and phrases used in this chapter shall have the same meaning as they have at their common law meaning and shall be applied in accordance with their common usage. to give this chapter its most reasonable application. 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 the word "shall" is mandatory and not discretionary.

**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.

**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.

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

**BASEMENT** — Any enclosed area of a building having its floor subgrade, i.e., below ground

level, on all sides.

**BUILDING** — See "structure."

**BULKHEAD LINE** — A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Wisconsin Department of Natural Resources pursuant to § 30.11, Wis. 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 chapter.

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

**CAMPING UNIT** — Any portable device, no more than 400 square feet in area, used as a temporary shelter for human habitation, including but not limited to a camping trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.

**CERTIFICATE OF COMPLIANCE** — A certification 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 of the provisions of this chapter.

**CHANNEL** — A natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.

**CRAWLWAY or CRAWL SPACE** — An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

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

**DEPARTMENT** — The Wisconsin Department of Natural Resources.

**DEVELOPMENT** — Any artificial change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the 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 the 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.

**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 regional flood elevation and wide enough for wheeled rescue and relief vehicles.

**ENCROACHMENT** — Any fill, structure, equipment, building, use or development in the floodway.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION** — An area 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 chapter. 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.

**EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK** — 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 of concrete pads.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)** — The federal agency that administers the National Flood Insurance Program.

**FLOOD INSURANCE RATE MAP (FIRM)** — A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

**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:

- A. The overflow or rise of inland waters;
- B. The rapid accumulation or runoff of surface waters from any source;
- C. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- D. 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.

**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.

**FLOOD-FRINGE** — That portion of the floodplain outside of the floodway which is covered by floodwaters during the regional flood and associated with standing water rather than flowing water.

**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.

**FLOOD INSURANCE STUDY** — 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, which accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

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

**FLOODPLAIN ISLAND** — A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

**FLOODPLAIN MANAGEMENT** — Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement

of floodplain regulations.

**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.

**FLOODPROOFING** — 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.

**FLOOD PROTECTION ELEVATION** — An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (See also "freeboard.")

**FLOOD STORAGE** — Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

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

**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 those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, the loss of flood storage areas due to development and aggregation of the river- or streambed.

**HABITABLE STRUCTURE** — Any structure or portion thereof used or designed for human habitation.

**HEARING NOTICE** — A publication or posting meeting the requirements of Ch. 985, Wis. Stats. For appeals, a Class 1 notice, published once at least one week (seven 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 (seven days) before the hearing, is required. Local ordinances or bylaws may require additional notice, exceeding these minimums.

**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.

**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 by the Secretary of the Interior in states without approved programs.

**INCREASE IN REGIONAL FLOOD HEIGHT** — A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 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.

**LAND USE** — Any use made of an unimproved or improved land area. (See also "development.")

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

**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 vehicle."

**MUNICIPALITY or MUNICIPAL** — The county, city or village governmental units enacting, administering and enforcing this zoning chapter.

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

**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 this community 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 of an initial Flood Insurance Rate Map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

**NGVD or NATIONAL GEODETIC VERTICAL DATUM** — Elevations referenced to mean sea level datum, 1929 adjustment.

**NONCONFORMING STRUCTURE** — An existing lawful structure or building that is not in conformity with the dimensional or structural requirements of this chapter for the area of the floodplain that 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.)

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

**OBSTRUCTION TO FLOW** — Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

**OFFICIAL FLOODPLAIN ZONING MAP** — That map, adopted and made part of this chapter, as described in § 300-10, which has been approved by the Wisconsin Department of Natural Resources and the Federal Emergency Management Agency.

**OPEN SPACE USE** — Those uses having a relatively low flood-damage potential and not

involving structures.

**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.

**PERSON** — An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEM** — A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same land area as the structure. It 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 land area than the structure.

**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.

**REASONABLY SAFE FROM FLOODING** — Means that base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**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 Flood Insurance Rate Map, the regional flood elevation is equivalent to the base flood elevation.

**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 piles, 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.

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

**SUBDIVISION** — ~~Has the meaning given in § 236.02(12), Wis. Stats.~~ **The division of an area of land by the owner thereof or the owner's agent for the purpose of sale or of building development, where:**

**A. the act of division creates 5 or more land areas or building sites of 5 acres each or less in area; or**

B. the act creates 5 or more land areas or building sites of 5 acres each or less in area are created by successive division within a period of 5 years.

**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% of the equalized assessed value of the structure before the damage occurred.

**UNNECESSARY HARDSHIP** — 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 purposes of this chapter.

**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 this chapter.

**VIOLATION** — The failure of a structure or other development to be fully compliant with this chapter. 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.

**WATERSHED** — The entire region contributing runoff or surface water to a watercourse or body of water.

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

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

## Green Lake County

### APPENDIX A

	Case No.	Date	Project Identifier	Old Panel	New Panel
LOMA	96-05-124A	01/25/1996	W1169 Illinois Ave	5501650004A	55047C0130C
LOMA	95-05-2712A	02/20/1996	N4886 East Ct	5501650003A	55047C0130C
LOMA	96-05-1666A	05/20/1996	W1923 Belle Mapps Ct	5501650004A	55047C0130C
LOMR-F	97-05-916A	01/08/1997	N5109 Lueck Lane	5501650003A	55047C0079C
LOMA	97-05-1056A	02/28/1997	W1336 Spring Grove Rd	5501650004A	55047C0130C

LOMA	97-05-4506A	09/04/1997	W2710 Oakwood Beach Rd	5501650004A	55047C0120C
LOMA	98-05-2954A	05/15/1998	N3140 Fiann St	5501650005B	55047C0155C
LOMA	98-05-2670A	07/10/1998	W1931 Belle Mapps Ct	5501650004A	55047C0130C
LOMA	98-05-5276A	08/07/1998	W2692 Oakwood Beach Rd	5501650004A	55047C0120C
LOMA	00-05-2146A	04/07/2000	W3666 Beyers Cove Rd	5501650003A	55047C0115C
LOMA	00-05-2104A	04/13/2000	W3674 Beyers Cove Rd	5501650003A	55047C0115C
LOMA	00-05-2108A	04/28/2000	W6606 Puckaway Rd	5501650005B	55047C0155C
LOMA	00-05-2000A	05/25/2000	W3662 Beyers Cove Rd	5501650003A	55047C0115C
LOMA	00-05-2204A	05/30/2000	W3658 Beyers Cove Rd	5501650003A	55047C0155C
LOMA	01-05-2563A	08/03/2001	W6655 County Road B	5501650005B	55047C0155C
LOMA	02-05-1779A	02/27/2002	W1967 Belle Mapps Ct	5501650004A	55047C0130C
LOMA	03-05-0401A	01/24/2003	W1774 Sandstone Ave	5501650004A	55047C0130C
LOMA	03-05-2765A	04/23/2003	W3112 Blackbird Point Dr	550165_04A	55047C0120C
LOMA	03-05-4252A	07/11/2003	W3110 Blackbird Point Dr	550165_04A	55047C0120C
LOMA	03-05-5726A	11/19/2003	N5054 Kuharski Lane	550165_03A	55047C0091C
LOMA	04-05-3872A	07/16/2004	W1939 Belle Mapps Ct	5501650004F	55047C0130C
LOMA	04-05-A477A	08/23/2004	W3122 Blackbird Point Dr	5501650004A	55047C0120C
LOMA	04-05-A861A	10/04/2004	W2596 Oakwood Beach Rd	5501650004A	55047C0120C
LOMA	05-05-0884A	12/28/2004	W5946 Bend Rd	5501650003A	55047C0083C
LOMA	05-05-4225A	08/30/2005	W2844 Oak Terrace Lane	5501650004A	55047C0120C
LOMA	05-05-5342A	11/01/2005	N4878 East Ct	5501650003A	55047C0115C
LOMA	06-05-0148A	12/06/2005	N5315 Shore Dr	5501650004A	55047C0110C
LOMA	06-05-0887A	01/24/2006	W3076 Blackbird Point Dr	5501650004A	55047C0120C

LOMA	06-05-B559A	03/14/2006	W6486 Lakeview Dr North	5501650003A	55047C0155C
LOMA	07-05-1029A	12/28/2006	W7194 Drager Rd	5501650005B	55047C0155C
LOMA	07-05-2300A	02/22/2007	W3084 Blackbird Point Dr	5501650004A	55047C0120C
LOMA	07-05-4433A	06/26/2007	W5508 Bend Rd	5501650003A	55047C0083C
LOMA	07-05-3799A	07/10/2007	N5537 County Road A	5501650004A	55047C0133C
LOMA	08-05-1093A	01/29/2008	N5044 Bend Rd	501650003A	55047C0091C
LOMA	08-05-1322A	02/19/2008	W699 Utley Rd	5501650006A	55047C0225C
LOMA	08-05-2679A	04/10/2008	N5560 Old Oak Lane	5501650004A	55047C0130C
LOMA	08-05-2122A	04/17/2008	N8274 Hopp Rd	5501650002A	55047C0045C
LOMA	09-05-5443A	09/22/2009	W6790 Marine Dr	5501650005B	55047C0155C
LOMA	09-05-5571A	09/29/2009	W2802 Oak Terrace lane	5501650004A	55047C0120C

Puchyan River crossing 08/06/2003 at County Road A 550165A\_04F 55047C0126C  
 WDNR adjusted 100 year stream elevation due to bridge project, will be 0.4 feet lower than previous condition.

Culvert in White Creek 09/28/1999 at County Road A 550165A\_04F 55047C0145C  
 Hydraulic Report No. E01401A99 by Omni & Associates of a "Culvert Tributary to White Creek and Green Lake.

~~October 15, 2004, Green Lake County Land Use Permit Number 9750, Certificate of Survey showing existing elevations prior to construction greater than 3 feet above 100 year flood elevation. Affected Map Panel Number 550165H-01-06 (Dated 3-1-1978).~~

~~August 6, 2003, County Road "A" Puchyan River Crossing. WDNR Adjusted 100 year stream elevation due to the bridge project will be 0.4 feet lower than previous condition. Per Bobbi Jo Reiser. Affected Map Panel Number 550165A\_04F (Dated 3-1-1978). In LOMA appendix~~

~~September 28, 1999, Hydraulic Report on the Culvert Tributary to White Creek & Green Lake Located 1/4 Mile South of Scott Hill Road on CTH "A". Omni & Associates Project Number E01401A99. Affected Map Panel Number 550165A\_04F (Dated 3-1-1978). In LOMA appendix~~

