CHAPTER 2
ZONING DISTRICTS
(PERMITTED USES AND DENSITY)

Part 2: Floodplain Zoning

Sec. 13-2-18 Statutory Authorization.

This Chapter for floodplain protection is adopted pursuant to the authorization contained in Sec. 61.35, 62.23 and 87.30, Wis. Stats.

Sec. 13-2-19 Finding of Fact.

The uncontrolled development and use of the floodplains, rivers or streams of the City of Onalaska, Wisconsin, would adversely affect the public health, safety, convenience and general welfare and impairs its tax base.

Sec. 13-2-20 Statement of Purpose.

The purpose of this Chapter is to provide a uniform basis for the preparation, implementation and administration of sound floodplain regulations for all floodplains within the City of Onalaska to:

(a) Protect life, health and property;

(b) Minimize expenditures of public moneys for costly flood control projects;

(c) Minimize rescue and relief efforts, generally undertaken at the expense of the general public;

(d) Minimize business interruptions, which usually result in the loss of local incomes;

(e) Minimize damage to public facilities on the floodplains such as water mains, sewer lines, streets and bridges;

(f) Minimize the occurrence of future flood blight areas on floodplains;

(g) Discourage the victimization of unwary land and home buyers;

(h) Prevent increases in regional flood heights that could increase flood damage and may result in conflicts or litigation between property owners.

Sec. 13-2-21 Title.

This Chapter shall be known as the Floodplain Zoning Ordinance for the City of Onalaska, Wisconsin.

Sec. 13-2-22 Areas to be Regulated.

(a) Areas regulated by this Chapter include all lands within the corporate limits of the City of Onalaska that would be inundated by the "regional flood" defined in the Definitions, Section 13-2-90(a) of this Chapter, and include "floodplain islands" where emergency rescue and relief routes would be inundated by the regional flood. This Ordinance regulates all areas that would be covered by the regional flood or base flood.

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.

(b) **Official Maps & Revisions.**
The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Onalaska Planning and Zoning Department. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) Official Maps: Based on the FIS
   a. Official Maps: Based on the FIS, Flood Insurance Study and Map effective April 2, 2008.

(2) Official Maps: Green Coulee
   a. Report on Green Coulee Watershed Storm-Water Planning and Policies Report (March 1999).

Sec. 13-2-23 District Boundaries.

(a) **District Boundary.**

(1) The boundary of the flood plain districts and where shown, the Floodway and Flood Fringe Districts shall be those areas designated as A-Zones on the Flood Insurance Study Maps with corresponding profiles in the Flood Insurance Study, except:
   a. The profile for the Black River shall be as indicated on the study as prepared by Ayres Associates dated July 31, 1987.
   b. The profile for the Green Coulee Ponding Area shall be as indicated in the HEC 2 program as prepared by the Wisconsin Department of Transportation dated April 28, 1988.

(2) The Flood Insurance Study and Map dated April 2, 2008 is the official Flood Plain Zoning Map for the community. All have been approved by the Department of Natural Resources and the Federal Insurance Administration Office (FIAO) of the Federal Emergency Management Agency (FEMA) and are on file in the office of the City Clerk. If more than one (1) map is referenced, the regional flood profiles govern boundary discrepancies according to Section 13-2-12 below.

(b) **Districts.** The regional floodplain areas within the jurisdiction of this Chapter are hereby divided into three (3) districts: the Floodway District (FW), Flood Fringe District (FF) and General Floodplain District (GFP), defined as follows:

(1) The Floodway District (FW) consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the regional floodwaters.

(2) The Flood Fringe District (FF) consists of that portion of the floodplain between the regional flood limits and the floodway.

(3) The General Floodplain District (GFP) consists of all areas, which have been or may be hereafter covered by floodwater during the regional flood. It encompasses both the Floodway and Flood Fringe Districts.

Sec. 13-2-24 Locating Floodplain Boundaries.

(a) Where an apparent discrepancy exists between the location of the outermost boundary of the Flood Fringe District or General Floodplain District shown on the official Floodplain Zoning Map and actual field conditions, the location of the district boundary line shall be initially determined by the Land Use and Development Director using the criteria set forth in Subsections (b) or (c) below. Where the Land Use and Development Director finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in this Chapter. Disputes between the Land Use and Development Director and an applicant on the location of the district boundary line shall be settled according to Section 13-2-63.

(b) Where flood profiles exist, the location of the district boundary line shall be determined by the Land Use and Development Director using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map and the location indicated by the regional flood elevations and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Land Use and Development Director shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Land Use and Development Director shall be responsible for initiating any local map amendments required under this Section within a reasonable period of time based on approved surveying and engineering data submitted by the property owner.

(c) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Land Use and Development Director using the scale appearing on the map, visual onsite inspection and any available information provided by the Department. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department, the Land Use and Development Director shall have the authority to grant or deny a land use permit.

Sec. 13-2-25 Removal of Lands from Floodplain.

Compliance with the provisions of this Chapter shall not be grounds for removing lands from the Floodplain District, unless they are removed by filling to a height of at least two (2) feet above the regional flood elevation, the fill is contiguous to land lying outside the Floodplain District and the map is amended pursuant to this Chapter. To remove the land from flood insurance requirements, FEMA must first revise the flood insurance rate map or issue a letter of map amendment or revision.

Sec. 13-2-26 Compliance with Chapter.

(a) **Compliance.** The use or development, as defined in Section 13-2-90(a), or use within the areas to be regulated by this Chapter shall be in compliance with the terms of this Chapter and other applicable local, state and federal regulations.

(b) **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 Sec. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Sec. 30.2022, Wis. Stats., applies.

Sec. 13-2-27 Abrogation and Greater Restrictions; Interpretation of Chapter.

(a) **Greater Restrictions.** This Chapter supersedes all the provisions of any municipal Zoning Ordinance enacted under Sec. 61.35, 62.23 or 87.30, Wis. Stats., which relate to floodplains except that where another municipal Zoning Ordinance is more restrictive than the provisions contained in this Chapter, that Ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) **Abrogation.** This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this Chapter imposes greater restrictions, the provisions of this Chapter shall prevail.

(c) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to minimum requirements liberally construed in favor of the governing body and shall not be deemed a limitation on or repeal of any other powers granted by the Wis. Stats. Where a provision of this Chapter is required by a standard in Chapter NR 116, Wis. Adm. Code, and where the meaning of the Chapter provision is unclear, the provision shall be interpreted in light of the Chapter NR 116 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.

Sec. 13-2-28 Warning and Disclaimer of Liability.

The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering experience and scientific methods of study. Larger floods may occur or the flood height may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that areas outside of the delineated floodplain or permitted land uses within the floodplain will be totally free from flooding and associated flood damages. Nor does this Chapter create a liability on the part of or a cause of action against the City or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

Sec. 13-2-29 Severability.

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.

Sec. 13-2-30 Annexed Areas for Cities and Villages.

The La Crosse County Floodplain Zoning Provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an Ordinance, which meets the requirements of Chapter NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's Official Zoning Map. County Floodplain Zoning Provisions are incorporated by reference for the purpose of administering this Section and are on file in the office of the municipal Zoning Administrator. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway.

Sec. 13-2-31 General Standards Applicable to All Floodplain Districts.

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials 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.

(a) **Hydraulic and Hydrologic Analyses.**

(1) No development, except as provided in Subsection (a)(2) below, shall be allowed in floodplain areas which will:

a. Cause an obstruction to flow, defined in Section 13-2-90(a) as any development which physically blocks the conveyance of

floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height;

b. Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot.

(2) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Section 8.

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

(3) The Land Use and Development Director shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

(b) **Watercourse Alterations.** Prior to any alteration of relocation of a watercourse and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the Land Use and Development Director shall notify, in writing, adjacent municipalities, the appropriate district office of the Department of Natural Resources and the appropriate office of FEMA and shall require the applicant to secure all necessary state and federal permits. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

(c) **Chapters 30 & 31, Wis. Stats, Development.** Development which requires a permit from the Department of Natural Resources, under Chapters 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids may be allowed provided the necessary local permits are obtained and necessary amendments to the official floodway lines, water surface profiles, Floodplain Zoning Maps or Floodplain Zoning Ordinance are made according to this Chapter.

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

(1) The campground is approved by the Department of Health and Family Services.

(2) A land use permit for the campground is issued by the Land Use and Development Director.

(3) The character of the river system and the elevation of the campground is such that a seventy-two (72) hour warning of an impending flood can be given to all campground occupants.

(4) 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.

(5) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated – by the officials identified in Subsection (4) – to remain in compliance with all

applicable regulations, including those of the State Department of Health and Family Services and all other applicable regulations.

(6) Only easily removable tents and mobile recreational vehicles are allowed.

(7) The camping units may not occupy any site in the campground for more than one hundred eighty (180) consecutive days and shall ensure compliance with all the provisions of this Section.

(8) All camping units that remain on site for more than thirty (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 one hundred eighty (180) days and shall ensure compliance with all the provisions of this section.

(9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with all the provisions of this section.

(10) All structures that do not meet the definition of a camping unit or mobile recreational vehicle, or that remain in place for more than one hundred eighty (180) consecutive days, must meet the applicable requirements for the floodplain district in which the structure is located.

(11) 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.

(12) 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.

Sec. 13-2-32 FW - Floodway District.

(a) **Applicability.** The provisions of this Chapter shall apply to all areas mapped as floodway on the official Floodplain Zoning Map, and to those portions of the General Floodplain District determined to be floodplain according to the procedures in Section 13-2-34(d) of this Chapter.

(b) **Permitted Uses.** The following open space uses are permitted within the floodway district and in the floodway portion of the general floodplain district, provided that they are not prohibited by any other Ordinance and provided further that they meet all of the standards contained in Section 13-2-32, and all permits or certificates have been issued in accordance with this Chapter.

(1) Agricultural uses, such as: general farming, pasturing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as: loading areas, parking areas and airport landing strips.

(3) Nonstructural private and public recreational uses, such as: golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target

ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails, according to Section 13-2-32(d).

(4) Uses or structures accessory to open space uses, or those classified as historic structures that are not in conflict with the provisions of Sections 13-2-32 and 13-2-33.

(5) Extraction of sand, gravel or other materials pursuant to Section 13-2-32(d).

(6) Functionally water-dependent uses such as docks, piers or wharves, including those used as part of a marina, and other water-related uses, such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines, according to Chapters 30 and 31, Wis. Stats.

(7) Public utilities, streets and bridges, according to Section 13-2-32(c).

(c) **Standards for Developments in Floodway Areas.**

(1) **General Requirements.**

a. Any development in floodway areas shall:
   1. Meet all of the provisions of Section 13-2-20; and
   2. Have a low flood damage potential.

b. Applicants shall provide the following data for the Land Use and Development Director to determine the effects of the proposal according to Section 13-2-20(a):
   1. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow; or
   2. An analysis calculating the effects of this proposal on regional flood height.

c. The Land Use and Development Director shall deny the permit application where there is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for Subsection 13-2-32(a)(2) above.

(2) **Structures.** In or over floodway areas, only structures which are accessory to permanent open space uses, or are essential for historical areas, or are functionally dependent on a waterfront location, may be allowed by permit, providing the structures meet all of the following criteria:

a. The structures are not designed for human habitation or associated with high flood damage potential;

b. The structures are constructed and placed on the building site so as to cause an increase less than 0.01 foot in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of floodwaters, and approximately on the same line as those of adjoining structures;

c. The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and

d. The structures have all service facilities, such as electrical and heating equipment at or above the flood protection elevation for that particular area.

(3) **Utilities.** Public utilities, streets and bridges may be allowed by permit provided that:

a. Adequate flood-proofing measures are provided to the flood protection elevation;
b. Construction does not cause an increase in the regional flood height according to Section 13-2-31(a), except where the water surface profiles, Floodplain Zoning Maps and Floodplain Zoning Ordinance are amended as needed, to reflect any changes resulted from such construction.

(4) **Fills.** Fills or deposition of materials may be allowed by permit provided that:
a. The requirements of Section 13-2-31(a) are met;
b. The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department of Natural Resources pursuant to Chapter 30, Wis. Stats., and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334, has been issued, if applicable, and the other requirements of this Section are met;
c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling and/or bulk heading sufficient to prevent erosion; and provided that,
d. Such fills are not associated with private or public solid waste disposal.

(d) **Prohibited Uses.** All uses not listed as permitted uses in Section 13-2-32 are prohibited within the floodway district and in the floodway portion of the General Floodplain District including the following uses, which are always prohibited in the floodway:

(1) Structures in, on, or over floodway areas which are designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses;

(2) The storage of any materials that are capable of floating, flammable, explosive or injurious to property, water quality or human, animal, plant, fish or other aquatic life;

(3) Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts;

(4) All private or public sewage systems, except portable latrines that are removed prior to flooding, and systems associated with recreational areas and department-approved campgrounds that meet the applicable provisions of local Ordinances and Chapter ILHR 83, Wis. Adm. Code;

(5) All public or private wells, which are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of local Ordinances and Chapters NR 811 and NR 812, Wis. Adm. Code;

(6) All solid and hazardous waste disposal sites, whether public or private;

(7) All wastewater treatment ponds or facilities except those permitted under Section NR 110.15(3)(b), Wis. Adm. Code;

(8) All sanitary sewer or water lines except those to service existing or proposed development outside the floodway which complies with the regulations for the floodplain area occupied.

Sec. 13-2-33 FF - Flood Fringe District.

(a) **Applicability.** The provisions of this Article shall apply to all areas within the Flood Fringe District, as shown on the Official Floodplain Zoning Maps, and to those portions of the General Floodplain District that are determined to be in the flood fringe area pursuant to Section 13-2-34 of this Chapter.

(b) **Permitted Uses.** Any structures, land use or development, including accessory structures and uses, are allowed within the Flood Fringe District and flood fringe portions of the General Floodplain District, provided that the standards contained in Section 13-2-32 are met, that the use is not prohibited by this or any other Ordinance or any other local, state or federal regulation and that all permits or certificates required by this Chapter have been issued.

(c) **Standards for Development in Flood Fringe Areas.**

(1) **Standards.** All of the provisions of Section 13-2-31 shall apply in addition to the other requirements of this Section according to the use requested.

(2) **Residential Uses.** Any structure or building used for human habitation, which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet or exceed the following standards:

a. The elevation of the lowest floor excluding the basement or crawlway shall be at or above the flood protection elevation (which is a point two (2) feet above the regional flood elevation) except where Subsection (b) below is applicable. The fill elevation shall be one (1) foot or more above the regional flood elevation extending at least fifteen (15) feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations, which make compliance impractical, provided the Board of Appeals grants a variance due to dimensional restrictions.

b. The basement or crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.

c. Contiguous dry land access, defined in Section 13-1-32, as a vehicle access route above regional flood elevation shall be provided from a structure or building to land, which is outside of the floodplain, except as provided in Subsection (4).

d. In existing developments where existing streets or sewer lines are at elevations, which make compliance with Subsection (3) impractical, the City may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:

1. The City has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or

2. The City has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the department.

(3) **Accessory Structures.**

a. Except as provided in Paragraph (b), an accessory structure, which is not connected to a principal structure, may be constructed with its lowest floor at or above the regional flood elevation.

b. An accessory structure which is not connected to the principal structure and which is less than six hundred (600) square feet in size and valued at less than Ten Thousand Dollars ($10,000.00) may be constructed with its lowest floor no more than two (2) feet below the regional flood elevation if it is subject to flood velocities of no more than two (2) feet per second and it meets all of the provisions of Sections 3.3 (2) (a),(b),(c) and (d) and 4.3 (5) below.

(4) **Commercial Uses.** Any commercial structure or building, which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area, shall meet the requirements of Section 13-2-33(b) above. Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of Subsection (f). However, no such area in general use by the public shall be inundated to a depth greater than two (2) feet or subjected to flood velocities greater than two (2) feet per second upon the occurrence of the regional flood. Inundation of such yards or parking areas exceeding two (2) feet may be allowed provided an adequate warning system exists to protect life and property.

(5) **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, floodwalls, adequate flood proofing measures in accordance with Section 13-2-36(f), or any combination thereof. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in Subsections (d) and (f) may be permissible for storage yards, parking lots and accessory structures or uses.

(6) **Storage of Materials.** The storage of materials that are buoyant, flammable, explosive or which, in times of flooding, could be injurious to property, water quality or human, animal, fish, plant or aquatic life shall be at or above the flood protection elevation for the particular area or flood proofed in compliance with Section 13-2-36(f). Adequate measures shall be taken to assure that said materials will not enter the river or stream during flooding.

(7) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges should be designed to be compatible with the local Comprehensive Floodplain Development Plans; and

a. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with Section 13-2-36(f) to the flood protection elevation.

b. Minor or auxiliary roads or nonessential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.

(8) **Sewage Systems.** All on-site sewage disposal systems shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of all local Ordinances and Chapter ILHR 83, Wis. Adm. Code.

(9) **Wells.** All public or private wells shall be floodproofed to the flood protection elevation, pursuant to Section 13-2-36(f), and shall meet the applicable provisions of Chapters NR 811 and NR 812, Wis. Adm. Code.

(10) **Solid Waste Disposal Sites.** All solid or hazardous waste disposal sites, whether public or private, are prohibited in flood fringe areas.

(11) **Deposition of Materials.** Any materials deposited for any purpose may only be allowed if all the provisions of this Chapter are met.

(12) **Mobile Homes and Manufactured Homes.**

a. Owners or operators of all mobile manufactured home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with the appropriate local emergency management authorities.

b. In existing mobile home parks, all new homes with new pads, replacement units on existing pads, and substantially improved mobile/manufactured homes and recreational vehicles that remain on site in excess of one hundred eighty (180) days, or are unlicensed or not ready for highway use and which are placed or improved on a site located in the regional floodplain shall:

1. Have the lowest floor elevated to the regional flood elevation; and,
2. Be anchored so they do not float, collapse or move laterally during a flood.

c. Outside of existing mobile home parks, including new mobile home parks and all single units outside of existing parks, all new, replacement and substantially improved mobile/manufactured homes and recreational vehicles shall meet the residential development standards for the flood fringe in Section 13-2-33(c).

i. All mobile recreational vehicles that are on site for one hundred eighty (180) consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in Section 13-2-33 (d). 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.

Floodplain Zoning
13-2-34

Sec. 13-2-34 GFP - General Floodplain District (GFP).

(a) **Applicability.** The provisions for this district shall apply to all floodplains in the City for which "regional flood" data, as defined in the definitions, Section 13-1-32, is not available, or where regional flood data is available but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district,

such portions shall be placed in the flood fringe or floodway district, as appropriate.

(b) **Permitted Uses.** The General Floodplain District encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to Section 13-2-34 to determine whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in floodways and flood fringe areas are allowed within the General Floodplain District according to the standards of Section 13-2-33 and provided that all permits or certificates required under Section 13-2-36 have been issued.

(c) **Standards for Development in the General Floodplain District.** Once it is determined according to Section 13-2-34 that a proposed use is located within a floodway, the provisions of this Chapter shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of this Chapter shall apply. All provisions of the remainder of this Chapter apply to either district.

(d) **Determining Floodway and Flood Fringe Limits.** Upon receiving an application for development within the General Floodplain District, the Land Use and Development Director shall:

(1) Require the applicant to submit, at the time of application, two (2) copies of an aerial photograph or a plan, which accurately locates the proposed development with respect to the General Floodplain District limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures.

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

a. A typical valley cross-section showing the channel of the stream, 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.

b. Plan (surface view) showing: elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.

c. Profile showing the slope of the bottom of the channel or flow line of the stream.

d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

(3) Transmit one (1) copy of the information described in Subsections (a) and (b) to the Department of Natural Resources regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data.

(4) Where the provisions of Section 13-2-36(3) apply, the applicant shall provide all required information and computations, to delineate floodway boundaries and the effects of the project on flood elevations.

Sec. 13-2-35 Nonconforming Uses.

(a) **General.** Insofar as the standards in this Chapter are not inconsistent with the provisions of Sec. 62.23(7)(h), Wis. Stats., they shall apply to all nonconforming structures and nonconforming uses. These regulations apply to the modification of, or addition to, any structure and to the use of any structure or premises, which was lawful before passage of this Chapter, or any amendment thereto. The existing lawful use of a structure or building or its accessory use, which is not in conformity from the provisions of this Chapter, may be continued subject to the following conditions:

(1) No modifications or additions to a nonconforming use shall be permitted unless they are made in conformity with the provisions of this Chapter for the area of floodplain occupied. The words "modification" and "addition" shall include, but not be limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered modifications or additions; these include internal and external painting, decorating, paneling and the replacement of doors, roofing, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities.

(1) If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon shall be made to conform to the applicable requirements of this Chapter.

(2) As requests are received for modifications or additions to nonconforming uses or nonconforming structures in the floodway, a record shall be kept which lists the nonconforming uses and nonconforming structures, their present equalized assessed value and the cost of those additions or modifications which have been permitted and the percentage of the structure's total current value which those modifications equal.

(3) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this Chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with Section 13-2-33(b)(3) or (4).

(4) Except as provided in Subsection (2), if any nonconforming structure or any structure with a nonconforming use is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the requirements of this Chapter. For the purpose of this Subsection, restoration is deemed impractical where the total cost of such restoration would exceed fifty percent (50%) of the present equalized assessed value of the structure. 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 42 USC 4001 to 4129, or under the regulations promulgated thereunder.

(5) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with Section 13-2-32 (a), flood resistant materials are used, and construction practices and floodproofing methods that comply with Section 13-2-36(f) are used.

(b) **Floodway Areas.**

(1) No modifications or additions shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:

a. Has been granted a permit or variance which meets the floodway requirements of this Chapter;

b. Meets the requirements of Section 13-2-35;

c. Will not increase the obstruction to flood flows or regional flood height; and

d. Any addition to the existing structure shall be floodproofed, pursuant to Section 13-2-36(f), by means other than the use of fill, to the flood protection election.

(2) 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 provisions of local Ordinances and Chapter ILHR 83, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain water for ultimate human consumption shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable provisions of all municipal Ordinances and Chapters NR 811 and NR 812, Wis. Adm. Code.

(c) **Flood Fringe Areas.**

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the flood fringe area unless such modification or addition has been granted a permit or variance and, in addition, the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the applicable regulations for that particular use in Section 13-2-33, except where Subsection (b) is applicable.

(2) Where compliance with the provisions of Subsection (a) above would result in unnecessary hardship and only where the structure will not be either used for human habitation or to be associated with a high flood damage potential, the Board of Appeals, using the procedure in Section 13-2-36(d), may grant a variance from those provisions of Subsection (a) for modifications or additions, using the criteria listed below.

Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

a. No floor is allowed below the regional flood elevation for residential or commercial structures;
b. Human lives are not endangered;
c. Public facilities, such as water or sewer, will not be installed;
d. Flood depths will not exceed two (2) feet;
e. Flood velocities will not exceed two (2) feet per second; and
f. The structure will not be used for storage of materials described in Section 13-2-36(c)(6).

(3) If neither the provisions of Subsections (a) nor (b) above can be met, an addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe on a one (1) time basis only, if the addition:
a. Meets all other regulations and will be granted by permit or variance;
b. Does not exceed existing sixty (60) square feet in area; and
c. In combination with other previous modifications or additions to the building, does not exceed fifty percent (50%) of the present equalized assessed value of the building.

(4) 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 of Chapter ILHR 83, Wis. Adm. Code.

(5) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this Chapters NR 811 and NR 812, Wis. Adm. Code.

Sec. 13-2-36 Administration.

(NOTE: This Chapter provides for the appointment of appropriate boards and staff and the development of necessary policies and procedures to administer the Floodplain Zoning Ordinance in accordance with this Chapter. Where a Land Use and Development Director, Planning Agency or a Board of Adjustment / Appeals has already been appointed to administer a Zoning Ordinance adopted under Sec. 62.23(7), Wis. Stats., these officials shall also administer the Floodplain Zoning Ordinance).

(a) **Land Use and Development Director.** The Land Use and Development Director is hereby authorized to administer the provisions of this Chapter. The Land Use and Development Director shall have the following duties and powers:

(1) Advise applicants as to the provisions of this Chapter, assist them in preparing permit applications and appeals and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(2) Issue permits and inspect properties for compliance with this Chapter and issue certificates of compliance when appropriate.

(3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structure has occurred.

(4) Keep records of all official actions such as:
a. All permits issued.
b. Inspections made.
c. Work approved.

d. Documentation of certified lowest floor and regional flood elevations for floodplain development.

e. Records of water surface profiles, floodplain zoning maps and ordinances, non-conforming uses and structures including changes, appeals, variances and amendments.

(5) Submit copies of the following items to the department district office:

a. Within ten (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 department, 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.

(6) Investigate, prepare reports and report violations of this Chapter to the appropriate City committee and to the municipal attorney for prosecution. Copies of the violation reports shall also be sent to the appropriate district office of the Department of Natural Resources.

(7) Submit copies of map and text amendments and biennial reports to the Regional Office of FEMA.

(b) **Administrative Procedures.**

(1) **Site Plan Permit.** A Site Plan Permit shall be obtained from the Land Use and Development Director before any new "development," as defined in Section 13-1-32, or any change in the use of an existing building or structure, including sewage disposal systems and water supply facilities, may be initiated. Application for a Site Plan Permit shall be made to the Land Use and Development Director upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

a. **General Information.**

1. Name and address of the applicant, property owner and contractor-builder;

2. Legal description of the property, type of proposed use and an indication as to whether new construction or a modification to an existing structure is involved.

b. **Site Plan.** The site plan shall be drawn to scale and submitted as a part of the permit application form and shall contain the following information:

1. Location, dimensions, area and elevation of the lot;

2. Location of the ordinary high-water mark of any abutting navigable waterways;

3. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;

4. Location of any existing or proposed on-site sewage systems
or private water supply systems;

5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits on the property as determined from the official floodplain zoning maps;

7. The elevation of the lowest floor of proposed buildings and any fill using National Geodetic and Vertical Datum (NGVD);
8. Data sufficient to determine the regional flood elevation at the location of the development and to determine whether or not the requirements of this Chapter are met;
9. Data sufficient to determine if the proposed development will cause either an obstruction to flow or an increase in regional flood height or discharge according to Section 13-2-31. This may include any of the information noted in Section 13-2-32.

c. **Data Requirements to Analyze Developments.**

1. The applicant shall provide all computations and survey data required to show the effects of the project on flood heights, velocities and floodplain storage for all subdivision proposals, as "subdivision" is defined in Sec. 236.02(3), Wis. Stats.,
and other proposed developments exceeding five (5) acres in area or where the estimated cost exceeds One Hundred Twenty-Five Thousand Dollars ($125,000.00). The applicant shall provide:
   i. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity.
   ii. A map showing location and details of vehicular access to lands outside the floodplain.
   iii. A surface drainage plan with adequate details showing how flood damage will be minimized. The estimated cost of the proposal shall include all structural development, landscaping improvements, access and road development, electrical and plumbing and similar items reasonably applied to the overall development costs, but need not include land costs.
2. The department will determine elevations and evaluate the proposal where the applicant is not required to provide computations as above and inadequate data exists. The municipality may transmit additional information, such as the date in Section 13-2-34(d) where appropriate, to the department with the request for analysis.

d. **Expiration.** All permits issued under the authority of this Chapter shall expire one hundred eighty (180) days after the date of issuance.

(2) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied, until a certificate of compliance is issued by the Land Use and Development Director, except where no permit is required subject to the following provisions:

a. The certificate of compliance shall show that the building or premises or part thereof and the proposed use conform to the provisions of this Chapter.

b. Application of such certificate shall be concurrent with the application for a permit.

c. The certificate of compliance shall be issued within ten (10) days after notification of completion of the work specified in the permit, providing the building or premises or proposed use conforms with all the provisions of this Chapter.

d. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill and lowest floor elevations are in compliance with the permit issued. Floodproofing measures also require certificate by a registered architect or professional engineering that floodproofing adequacy meets the requirements of Section 13-2-36(f).

(3) **Other Permits.** It is the responsibility of the applicant to secure all other necessary permits from all appropriate Federal, State and local agencies, including those required by the U.S. Army Corps of Engineers under Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 USC 1344.

(c) **Zoning Agency.**

(1) The Plan Commission shall have the following duties and powers to:

a. Oversee the functions of the office of the Land Use and Development Director;

b. Review and make recommendations to the Common Council on all proposed amendments to the Floodplain Zoning Ordinance map and text;

c. Maintain a complete public record of all its proceedings.

(2) The Plan Commission shall not grant variances to the terms of this Chapter nor amend the text or zoning maps in place of official action by the Board of Appeals or Common Council.

(d) **Board of Appeals.**

(1) **Statutory Authorization.** The appropriate board created by Chapter 62.23(7)(e), Wis. Stats., for cities or villages is hereby authorized to act as Board of Appeals for the purposes of this Chapter. The Board of Appeals shall exercise the powers conferred by Wis. Stats. and adopt rules for the conduct of business. The Land Use and Development Director may not be the secretary of the Board.

(2) **Powers and Duties.** The Board of Appeals shall:

a. **Appeals.** Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.

b. **Boundary Disputes.** Hear and decide disputes concerning the district boundaries shown on the official floodplain-zoning map.

c. **Variances.** Hear and decide, upon appeal, variances from the dimensional standards of this Chapter.

(3) **Appeals to the Board.** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the municipality affected by any decision of the Land Use and Development Director or other administrative officer. Such appeal shall be taken within thirty (30) days, as provided by the rules of the Board, by filing with the Land Use and Development Director and with

the Board of Appeals a notice of appeal specifying the reasons for appeal. The official whose decision is in question shall transmit to the Board all the papers constituting the record concerning the matter appealed.

(4) **Notice and Hearing for Appeals Including Variances.**

a. **Notice.** The Board shall:

1. Fix a reasonable time for the hearing;
2. Publish adequate Class 1 Notice pursuant to the Wis. Stats., specifying the date, time, place and subject of the hearing;
3. Assure that notice shall be mailed to the parties in interest and the district office of the department at least ten (10) days in advance of the hearing.

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

1. Resolve boundary disputes according to Subsection (b);
2. Decide variance applications according to Subsection (b);
3. Decide appeals of permit denials according to this Section.

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

1. Be made within a reasonable time;
2. Be sent to the district office of the Department of Natural Resources within ten (10) days of the decision;
3. Be a written determination signed by the chairperson or secretary of the Board;
4. State the specific facts which are the basis for the Board's decision;
5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the application for a variance;
6. Include the reasons for justifications for granting an appeal, with a description of the hardship or practical difficulty demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the board proceedings.

(5) **Boundary Disputes.** The following procedure shall be used by the Board of Appeals in hearing disputes concerning the district boundaries shown on the official Floodplain Zoning Map:

a. Where a floodplain district boundary is established by approximate or detailed floodplain studies the regional flood elevations or profiles for the point in question shall be the governing factor in
locating the district boundary. If no regional flood elevations or profiles are available to the board, other available evidence may be examined.

b. In all cases, the person contesting the location of the district boundary shall be given a reasonable opportunity to present arguments and technical evidence to the Board of Appeals.

c. Where it is determined that the district boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the location of the boundary to petition the governing body for a map amendment according to this Chapter.

(6) **Variance.**

a. The Board of Appeals may, upon appeal, grant a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates that:

1. Literal enforcement of the provisions of the Chapter will result in unnecessary hardship on the applicant.
2. The hardship is due to adoption of the floodplain ordinance and special conditions unique to the property, not common to a group of adjacent lots or premises (in such case the Chapter or map must be amended);
3. Such variance is not contrary to the public interest;
4. Such variance is consistent with the purpose of this Chapter.

b. In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance my not cause any increase in the regional flood elevation;
2. Variances can only be granted for lots that are less than one-half (1/2) acre and are contiguous to existing structures constructed below the RFE;
3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the Ordinance.

c. A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district.
2. Be granted for a hardship based solely on an economic gain or loss.
3. Be granted for a hardship, which is self-created.
4. Damage the rights or property values of other persons in the area.
5. Allow actions without the amendments to this Ordinance or map(s) required in Section 8.1.
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(7) When a variance is granted in a floodplain area, the Board shall notify
the applicant in writing that increased flood insurance premiums and risks to life and property may result. A copy of this notification shall be maintained with the variance appeal record.

(e) **Review Appeals of Permit Denials.**

(1) The Board of Appeals shall review all data constituting the basis for the appeal of permit denial. This data may include (where appropriate):

a. Permit application data listed in Section 13-2-36;

b. Floodway/flood fringe determination data in Section 13-2-34(d);

c. Data listed in Section 13-2-32(c) where the applicant has not submitted this information to the Land Use and Development Director;

d. Other data submitted to the Land Use and Development Director with the permit application or submitted to the Board with the appeal.

(2) For appeals of all denied permits, the Board shall:

a. Follow the procedures of Section 13-2-36(d).

b. Consider Zoning Agency recommendations.

c. Either uphold the denial or grant the appeal.

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

a. Uphold the denial where the Board 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 any appropriate legal arrangements are made with all adversely affected property owners.

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

(f) **Floodproofing.**

(1) No permit or variance shall be issued until the applicant submits a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation. Where floodproofing measures, as defined in Section 13-1-32 are required, they shall be designed to:

a. Withstand the flood pressures, depths, velocities, uplift and impact forces and other factors associated with the regional flood.

b. Assure protection to the flood protection elevation.

c. Provide anchorage of structures to foundations to resist flotation and lateral movement.

d. Insure that the structural walls and floors are watertight and the interior remains completely dry during flooding without human intervention.

(2) Flood measures could include:

a. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.

b. Addition of mass or weight to structures to prevent flotation.

c. Placement of essential utilities above the flood protection elevation.

d. Surface or subsurface drainage systems, including pumping facilities to relieve external foundation wall and basement floor pressures.

e. Construction of water supply wells and waste treatment systems to prevent the entrance of flood waters into the systems.

f. Cutoff valves on sewer lines or elimination of gravity flow basement drains.

(g) **Public Information.**

(1) Where useful, marks on 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.

(2) All available information in the form of maps, engineering data and regulations shall be readily available and should be widely distributed.

(3) All legal descriptions of property in the floodplain should include information relative to the floodplain zoning classification when such property is transferred.

Sec. 13-2-37 Amendments

(a) **Amendments Generally.** The Common Council may supplement or change the boundaries of the floodplain zoning districts and the regulations contained in this Chapter in the manner provided by law. 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 significant 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 encroachment into the floodplain that will obstruct flow causing an increase of 0.01 foot or more in regional flood height;

(5) Any upgrading of floodplain zoning ordinances required by Section NR 116.05(4), Wis. Adm. Code, or otherwise required by law.

(6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway of the flood fringe that is based on a base flood elevation from FIRM requires prior approval by FEMA.

(b) **Amendment Procedures.**

(1) Amendments to this Chapter may be made upon petition of any interested party in accordance with the provisions of Sec. 62.23, Wis. Stats. Such petitions shall include any necessary data required by Sections 13-2-34(d) and 13-2-36.

(2) Copies of any amendment proposed to the Common Council shall be referred to the Plan Commission, described in Section 13-2-36, for a public hearing and recommendation to the Common Council. Copies of the proposed amendment and notice of the public hearing shall be submitted to the appropriate district office of the Department of Natural Resources for review prior to the meeting. The amendment procedure shall comply with the provisions of Sec. 62.23, Wis. Stats.

(3) No amendment to the maps or text of this Chapter shall become effective until reviewed and approved by the Department of Natural Resources.

(4) All persons petitioning for a map amendment which involves an obstruction to flow causing an increase of 0.01 foot or more in the height of the regional flood shall obtain flooding easements, or other appropriate legal arrangements, from all adversely affected property

owners and local units of government before the amendment can be approved by the Common Council.

(5) When considering amendments to the official Floodplain Zoning Map, in areas where no water surface profiles exist, the zoning agency shall consider data submitted by the Department, the Land Use and Development Director's visual on-site inspections and other available information.

Sec. 13-2-38 Enforcement and Penalties.

Any violations of the provisions of this Chapter by any person, firm, association, corporation (including building contractors) or his or their agent, shall be unlawful and shall be forwarded to the City Attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the City a forfeiture of not less than One Hundred Dollars ($100.00) and not more than One Thousand Dollars ($1,000.00), together with a taxable cost of such action. Each day during within such violation exists shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the City, the State or any citizen thereof pursuant to Sec. 87.30, Wis. Stats.