

ARTICLE J

Definitions

SEC. 13-3-92 DEFINITIONS.

- (a) Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the same meaning as they have at common law and give this Chapter its most reasonable application. Words used in the present tense include the future. Words used in the singular number include the plural and words in the plural number include the singular. The word "may" is permissive. The word "shall" is mandatory and not discretionary.
- (1) A Zones -- Those areas shown on a municipality's "Official Floodplain Zoning Map" (see definition 34) which would be inundated by the "regional flood" as defined herein. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
 - (2) Accessory Structure or Use -- A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
 - (3) Base Flood -- A flood having a one percent (1%) chance of being equalled or exceeded in any given year. (See also Regional Flood.)
 - (4) Base Flood Elevation -- An elevation equal to that which reflects the height of the base flood as defined in Subsection (3) above.
 - (5) Basement -- *any enclosed area of a building having its floor sub-grade, i.e., below ground level.*
 - (6) Board of Appeals/Adjustment -- The body established under Chapter 62.23, Wis. Stats., for cities or villages and designated "board of appeals," or as established under Chapter 59.99, Wis. Stats., for counties and designated "board of adjustment."
 - (7) Bulkhead Line -- A geographic line along a reach of navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 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.
 - (8) Campground -- *Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.*
 - (9) Certificate of Compliance -- A certification by the Zoning Administrator stating that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this Chapter.
 - (10) Channel -- a natural or artificial watercourse with definite bed and banks to confine and conduct the normal flow of water.
 - (11) Crawlways or Crawlspace -- *An enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for access to plumbing and electrical utilities.*
 - (12) Department -- The Wisconsin Department of Natural Resources.
 - (13) Development -- Any artificial change to improved or unimproved real estate,

including but not limited to construction of buildings, structure or accessory structures; the construction of additions or substantial improvements to buildings, structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

- (14) Dryland 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.
- (15) Encroachment -- Any fill, structure, building, use or development in the floodway.
- (16) Existing Mobile Home Park or Mobile Home Subdivision -- A parcel (or contiguous parcels) or land divided into two (2) or more mobile home lots for rent or sale for which the construction of facilities for servicing the lots (including, as a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.
- (17) Federal Emergency Management Agency (FEMA) -- The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA) or the Department of Housing and Urban Development (HUD).
- (18) Flood Insurance Route 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.*
- (19) Flood or Flooding -- A general and temporary condition of partial or complete inundation of normally dry land areas caused by:
 - 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; and
 - 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.
- (20) Flood Frequency -- The probability of a flood occurrence. A flood frequency is generally 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.
- (21) Flood Fringe -- That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood, and generally associated with standing water rather than flowing water.
- (22) Flood Hazard Boundary Map -- A map prepared by FEMA, designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. Said map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance program.
- (23) Flood Insurance Study -- A technical engineering examination, evaluation and determination of the municipal flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and regional flood elevations and may provide floodway lines. The flood

hazard areas are designated as unnumbered and numbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

- (24) Floodplain -- That land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe and may include other designated floodplain areas for regulatory purposes.
- (25) Floodplain Island -- A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
- (26) Floodplain Management -- The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.
- (27) 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.
- (28) 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.
- (29) Flood Protection Elevation -- An elevation two (2) feet of freeboard above the water surface profile associated with the regional flood. (Also see: Freeboard.)
- (30) Floodway -- The channel of a river or a stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- (31) Flood Storage -- Those floodplain areas where storage of floodwaters has been taken into account in reducing the regional flood discharge.
- (32) Freeboard -- Means a flood protection elevation requirement designed as a safety factor which is usually expressed in terms of a specified amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors include, but are not limited to, ice jams, debris accumulation, wave action, obstructing of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and aggradation of the river or stream bed.
- (33) Habitable Structure -- *Any structure or portion thereof used or designed for human habitation.*
- (34) Hearing Notice -- Publication or posting meeting the requirements of Ch. 985, Wis. Stats., Class 1 notice is the minimum required for appeals: Published once at least one (1) week (seven days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- (35) 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.
- (36) 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 that have been approved by the Secretary of the Interior, or*
 - d. Individually listed on 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 Interior in states without approved programs.*
- (37) Human Habitation -- A human residence or dwelling.
 - (38) Increase in Regional Flood Height -- A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting 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.
 - (39) Land Use -- Any nonstructural use made of unimproved or improved real estate. (Also see Development.)
 - (40) Mobile Home or Manufactured Home -- A structure transportable in one (1) or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Chapter, it does not include recreational vehicles or travel trailers.
 - (41) Municipality or Municipal -- The City governmental units enacting, administering and enforcing this floodplain zoning Chapter.
 - (42) NGVD or National Geodetic Vertical Datum -- Elevations referenced to mean sea level datum, 1929 adjustment.
 - (43) New Construction – *For floodplain purposes, “new construction” means structures for which the start of the 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 FIRM or after December 31, 1974 whichever is later, and includes any subsequent improvements to such structures.*
 - (44) Nonconforming Structure -- An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this Chapter for the area of floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the first floor is lower than the flood protection elevation, the structure is nonconforming.)
 - (45) Nonconforming Use -- A nonconforming use is an existing lawful use or accessory use of a structure, 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.)
 - (46) Obstruction to Flow -- Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.
 - (47) Official Floodplain Zoning Map -- That map, adopted and made part of this Chapter, which has been approved by the Department of Natural Resources and FEMA.
 - (48) Open Space Use -- Those uses having a relatively low flood damage potential and

not involving structures.

- (49) 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.
- (50) Person -- An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- (51) Private Sewage System -- A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the Department of Industry, Labor and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one (1) structure or a system located on a different parcel than the structure.
- (52) 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.
- (53) Reasonably Safe from Flooding -- *Means 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.*
- (54) Regional Flood -- A flood determined to be representative of large floods known to have occurred in Wisconsin or which may be expected to occur on a particular lake, river or stream once in every one hundred (100) years.
- (55) Structure -- Any man-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, which includes, but is not limited to, such objects as roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (56) Substantial Damage -- *Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.*
- (57) Substantial Improvements -- Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:
 - a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 - b. Any alteration of a structure or site documented as deserving preservation by a Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structures.)

- (58) Unnecessary Hardship -- Those circumstances which are special conditions affecting a particular property, which are 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 the Chapter.
- (59) Variance -- An authorization granted by the Board of Appeals to construct, alter or use a structure in a manner which is inconsistent with the dimensional standards contained in this Chapter.
- (60) Violation -- *The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or development without required permits, lowest floor elevation documentation floodproofing certificates, or required floodway encroachment calculations is presumed to be in violation until such a time as that documentation is provided.*
- (61) Watershed -- The entire region or area contributing runoff or surface water to a particular watercourse or body of water.
- (62) 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.
- (63) Well -- An excavation opening in the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining groundwater regardless of its intended use.