

18.02 DEFINITIONS. The terms or words used in this chapter shall be interpreted as follows:

(1) A-ZONES. Those areas shown on the Village's Official Floodplain Zoning Map, as defined in sub. (39) below, which would be inundated by the base flood or "regional flood" as defined herein. These areas may be numbered or unnumbered A-Zones. The A-Zones mayor 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 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) BASEMENT. Any enclosed area of a building having its floor subgrade, i.e, below ground level, on all sides.

(4) BOATHOUSE. As defined in §30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all such structures which are totally enclosed, have roofs or walls or any combination of structural parts.

(5) BULKHEAD LINE. A geographic line along a reach of navigable water that has been specified by adoption of a municipal ordinance and approved by the Department of Natural Resources pursuant to §30.11, Wis. Stats., and which allows limited filling between the bulkhead line and the original ordinary high-water mark, except where such filling is prohibited by the floodway provisions of this chapter.

(6) CERTIFICATE OF COMPLIANCE. A certification issued by the zoning Administrator stating that any construction and use of land or a building, the elevation of fill or the first floor of a structure is in compliance with all of the provisions of this chapter.

(7) CHANNEL. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

(8) CONDITIONAL USE. A use which is permitted by this chapter provided that certain conditions specified in the chapter are met and that a permit is granted by the Board of Zoning Appeals or, where designated, the Plan Commission.

(9) DEPARTMENT. The Wisconsin Department of Natural Resources.

(10) DEVELOPMENT. Any new use, change of use and any change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; any placement of mobile homes; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials, public or private sewage disposal systems or water supply facilities.

(11) DRAINAGE SYSTEM. One or more artificial ditches, tile drains or similar devices which collect surface runoff or ground water and convey it to a point of discharge.

(12) DRYLAND ACCESS. A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

(13) ENCROACHMENT. Any fill, structure, building, use or development in the floodway.

(14) ENVIRONMENTAL CONTROL FACILITY. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting, or allegedly not meeting, acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

(15) EXISTING MOBILE HOME PARK OR MOBILE HOME SUBDIVISION. A parcel, or contiguous parcels, of land divided into 2 or more mobile home lots for rent or sale on which the construction of facilities for servicing the lots, including, at 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.

(16) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA). The Federal agency that administers the National Flood Insurance Program.

(17) FIXED HOUSEBOAT. As defined in §30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a navigable waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

(18) 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.

(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.

(19) FLOOD FRINGE. That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.

(20) FLOOD HAZARD BOUNDARY MAP. A map prepared for the Village 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. These maps form the basis for both the regulatory and insurance aspects of the National Flood Insurance Program.

(21) FLOOD INSURANCE STUDY. A technical engineering examination, evaluation and determination of 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 as well as floodway lines. The flood hazard areas are designated as numbered or unnumbered A-Zones. Flood insurance study maps form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

(22) FLOODPLAIN. That land which has been or may be hereafter covered by flood water during the regional flood. The flood-plain is comprised of the floodway and the flood fringe and general floodplain areas.

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

(24) 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.

(25) FLOODPROOFING. Any combination of structural and non- structural additions, changes or adjustments which reduce or eliminate flood damage to unimproved or improved real estate, water and sanitary facilities, structures and their contents.

(26) FLOOD PROTECTION ELEVATION. An elevation that corresponds to a point 2 feet of freeboard above the water surface profile associated with the regional flood. See also FREEBOARD.

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

(28) FLOODWAY ENCROACHMENT LINES. Represent the limits of obstruction to flood flows. These lines are designated on both sides of, and generally parallel to, the channel of a river or stream. They are established by assuming that the area landward, or outside of the encroachment lines, will ultimately be developed in such a way that it will not convey flood flows, but the development will not cause an increase to regional flood elevations upstream. It is assumed that any development riverward of these lines will cause an obstruction and will require a detailed analysis to determine its effect on the regional flood elevations upstream.

(29) FREEBOARD. Represents a factor of safety usually expressed in terms of a certain 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, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

(30) HEARING NOTICE. Publication or posting meeting the requirements of Ch. 985, Wis. Stats. Class 1 notice is required at a minimum for appeals; published once at least one week (7 days) before the hearing. Class 2 notice is required at a minimum for all zoning ordinances and amendments, including map amendments; published twice, once each week consecutively, the last publication at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice exceeding these minimums.

(31) HIGH FLOOD DAMAGE POTENTIAL. Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

(32) HISTORIC STRUCTURE (Fed. rule dated Oct. 1990). Any structure that is:

(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; or

(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; or

(c) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

(33) INCREASE IN REGIONAL FLOOD HEIGHT. A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, resulting from 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.

(34) LAND USE. Any nonstructural use made of unimproved or improved real estate. See also DEVELOPMENT.

(35) MOBILE HOME or 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. For the purpose of this chapter, it does not include recreational vehicles or travel trailers which remain licensed and ready for highway use and remain on-site less than 180 days (Rev. Fed. rule dated Oct. 1990).

(36) NAVIGABLE WATERS. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable bodies of water with a bed differentiated from adjacent uplands and with levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952) and DeGayner and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]

(37) NATIONAL GEODETIC VERTICAL DATUM (NGVD). Elevations referenced to mean sea level datum, 1929 adjustment.

(38) OBSTRUCTION TO FLOW. Any development which physically blocks the conveyance of flood waters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

(39) OFFICIAL FLOODPLAIN ZONING MAP. That map, adopted and made part of this chapter, as described in sec. 18.01(10) of this chapter, which has been approved by the Department and FEMA.

(40) OPEN SPACE USE. Those uses having a relatively low flood damage potential and not involving structures.

(41) 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.

(42) PERSON. An individual, or group of individuals, corporation, partnership, association, municipality or State agency.

(43) PLAN COMMISSION. The Village Plan Commission, created under §62.23(1), Wis. Stats., which acts on matters pertaining to planning and zoning.

(44) REGIONAL FLOOD. A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics. The flood frequency of the regional flood is once in every 100 years. This means that in any given year, there is a 1% chance that the regional flood may occur or be exceeded. During a typical 30 year mortgage period, the regional flood has a 26% chance of occurrence. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region or both. FEMA uses the term "base flood" which means the regional flood.

(45) SHORELANDS. Lands within the following distances from the ordinary high-water mark of navigable waters; 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

(46) SHORELAND-WETLAND DISTRICT. The zoning district, created in this chapter, comprised of shore lands that are designated as wetlands on the wetlands inventory maps which have been adopted and made a part of this chapter.

(47) STORAGE CAPACITY OF A FLOODPLAIN. The volume of space above an area of floodplain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.

(48) UNNECESSARY HARDSHIP. That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards, such as area, setbacks, frontage or height, unnecessarily burdensome or unreasonable in light of the purpose of this chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

(49) VARIANCE. An authorization granted by the Board of Zoning Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this chapter. A variance may not permit a use of property that is otherwise prohibited by this chapter, or allow construction not protected to the flood protection elevation.

(50) WATER SURFACE PROFILE. A graphic 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.

(51) WETLANDS. Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

(52) WETLAND ALTERATION. Any construction, filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.