

TITLE X

Chapter 50

FLOOD PLAIN ORDINANCE

50.01	Definitions	50.07	Nonconforming Uses
50.02	Purpose	50.08	Administration and
50.03	General Provisions		Administrative Procedures
50.04	Regional Floodway District	50.09	Amendments
50.05	Regional Flood fringe District	50.10	Enforcement
50.06	General Flood Plain District		

50.01 DEFINITIONS.

- (1) Unless specifically defined herein, words and phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this Ordinance its most reasonable application.
- (A) A Zones. A Zones are those areas shown on a community’s “Official Flood Zoning Map”, which would be inundated by the “base flood” or “regional flood” as defined herein.
- (B) Accessory Use. An accessory use is any facility structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- (C) Base Flood. A flood having a one per cent (1%) chance of being equaled or exceeded in any given year. (See also regional flood.)
- (D) Base Flood Elevation. An elevation equal to that which reflects the height of the base flood as defined in (C) above.
- (E) Bulkhead Line. A geographic line along a reach of a navigable body of water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 310.11, Wisconsin Statutes, and which allows complete filling in on the landward side except where such filling is prohibited by the floodway provisions of this Ordinance.
- (F) Certificate of Compliance. A certification by the Zoning Administrator that a structure, use or development is in compliance with all provisions of this Ordinance.
- (G) Channel. A channel is a natural or artificial water-course with definite bed and banks to confine and conduct the normal flow of water.
- (H) Development. Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures or accessory uses, the placement

of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations, deposition of materials.

- (I) Encroachment. An encroachment is any fill, structure, building, accessory use, use or development in the floodway.
- (J) Encroachment / Floodway Lines. Encroachment lines are limits of obstruction to flood flows. These lines are on both sides of and generally parallel to the stream. The lines are established by assuming that the area landward (outside) of the encroachment lines will be ultimately developed in such a way that it will not be available to convey flood flows.
- (K) Equal Degree of Hydraulic Encroachment. The effect of any encroachment into the floodway must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach.
- (L) “Flood” or “Flooding”. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- (M) Flood Fringe. The flood fringe is that portion of the flood plain 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.
- (N) Flood Hazard Boundary Map and Insurance Study Map. Maps prepared by the U.S. Department of Housing and Urban Development designating areas of special flood hazards within a given community.
- (O) Flood Plain. The flood plain is the land, which has been or may be hereafter, covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe.
- (P) Flood Profile. A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to locations along a stream or river.
- (Q) Flood Proofing. Flood proofing involves any combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the purpose of reducing or eliminating flood damage to properties, water and sanitary facilities, structures and contents of buildings in flood hazard areas.
- (R) Floodway. The floodway is the channel of a river or stream and those portions of the flood plain adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.
- (S) Freeboard. “Freeboard” is 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 aggradations of the river or stream bed.

- (T) Nonconforming Use. A nonconforming use is an existing lawful use of a structure, building or accessory use which is not in conformity with the provisions of the flood plain zoning ordinance for the area of the flood plain it occupies
- (U) Official Flood Plain Zoning Map. That map, adopted and made part of this Ordinance, which has been approved by the Department of Natural Resources and the Federal Insurance Administration of HUD, and which delineates those areas that would be inundated by the base or regional flood, including but not limited to numbered and un-numbered A Zones and, where applicable, floodways. This map may be a Flood Hazard Boundary Map, Flood Insurance Study or other approved Community Flood Plain map.
- (V) Reach, Hydraulic. A hydraulic reach along a river or stream is that portion of the river or stream extending from one significant change in the hydraulic character of the river or stream to the next significant change. These changes are usually associated with breaks in the slope of the water surface profile and may be caused by bridges, dams, expansion and contraction of the water flow and changes in streambed slope or vegetation.
- (W) Regional Flood. The regional flood is 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 one hundred (100) years; this means that in any given year there is a one percent (1%) chance that the regional flood may occur or be exceeded. During a typical thirty (30) year mortgage period, the regional flood has a twenty-six percent (26%) chance of occurrence.
- (X) Storage Capacity of a Flood Plain. The volume of space above an area of flood plain land that can be occupied by flood water of a given stage at a given time, regardless of whether the water is moving.
- (Y) Substantial Improvement. Any regular 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:
 - 1.) 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

- 2.) Any alteration of a structure or site documented as deserving preservation by the 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.

50.02

PURPOSE.

- (1) The purpose of this ordinance is to provide a uniform base for the preparation, implementation and administration of sound flood plain regulations for flood plains within the City of Blair. The scope of the ordinance includes, but is not limited to the following:
 - (A) Protect life, health and property.
 - (B) Minimize:
 - 1.) Expenditures of public monies for flood control projects.
 - 2.) Rescue and relief efforts.
 - 3.) Business interruptions.
 - 4.) Damage to public and private facilities and property.
 - 5.) The occurrence of future flood blight areas.
- (2) It is the public policy of the City Council to provide a controlled usage of flood plains, rivers and streams within the City of Blair, thereby insuring a positive environment of public health, safety and convenience, thus preserving the tax base and general welfare of the community.

50.03

GENERAL PROVISIONS.

- (1) Areas regulated by this Ordinance include all lands within the corporate limits of the City of Blair.
- (2) The boundaries of the flood plain districts and where shown, the floodway districts shall be those areas designated on the Corp of Engineers' Flood Plain Information Map, dated August of 1976, which has been approved by the Department of Natural Resources and now on file in the office of the City Clerk.
- (3) The flood plain areas within the jurisdiction of this Ordinance are hereby divided into three districts, namely the Floodway District (FW), Flood Fringe District (FF) and General Flood Plain District (GFP), and defined as follows:
 - (A) The Floodway District consists of a channel of a stream and those portions of the flood plain and adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream associated with the regional flood.
 - (B) The Flood Fringe District consists of that portion of the flood plain between the regional flood limits and the floodway area.

- (C) The General Flood Plain District consists of the land, which has been or may be hereafter covered by floodwater during the regional flood and encompasses both the Floodway and Flood Fringe Districts.
- (4) The flood plain boundary lines on the map shall be determined by the use of the scale appearing on the map. Where there is a conflict between the flood plain boundary illustrated on the map and actual field conditions, the dispute shall be settled pursuant to the Administrative Procedures of Section 50.08.
- (5) Compliance with the provisions of this Ordinance shall not be grounds for the removal of lands from the flood plain district unless such lands are filled to a height of at least two feet (2') above the elevation of the "regional flood" to the particular area and are contiguous to other lands lying outside the flood plain district, approval has been granted by the Department of Natural Resources and where required, an "official letter of map amendment" has been issued by the Federal Insurance Administration of HUD.
- (6) No new use or change in use of any structure, land or water shall be located, extended, converted or structurally altered and no development as defined in this ordinance shall commence without full compliance with the terms of this Ordinance and other applicable regulations.
- (7) This Ordinance supersedes provisions of any zoning ordinance relating to flood plains. However, any underlying zoning shall remain in full force and effect and effect to the extent that its provisions are more restrictive.
- (8) It is not otherwise intended by this Ordinance to repeal, abrogate or impair any existing deed restrictions; however, where this ordinance imposes greater restrictions the provisions of this Ordinance shall prevail.
- (9) In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.
- (10) The degree of flood protection intended to be provided by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Ordinance does not imply that areas outside flood plain zoning district boundaries or land uses permitted within such districts will always be totally free from flooding or flood damages, nor shall this ordinance create a liability on the part of or a cause of action against the City of Blair or any officer or employee thereof for any flood damage that may result from reliance on this Ordinance.
- (11) No developments shall be allowed in floodway areas, which acting alone or in combination with existing or future similar uses, cause an increase equal to or greater than point one foot (0.1') in height of the regional flood for any main stem, tributaries to the main stem of any stream, drainage ditches or any other draining facilities.

- (12) No developments in flood fringe areas shall materially affect the storage capacity of flood plains, based upon an equal degree of hydrologic encroachment (volume of the storage area which is lost).
- (13) All mobile homes to be placed on a site located in an A Zone on a community's Official Flood Plain Zoning Map shall be placed to prevent the flotation, collapse or lateral movements of the structure due to flooding. Such mobile homes shall be anchored according to the following specifications:
 - (A) Over-the-top-ties shall be provided at each of the four (4) corners of the mobile home, with two (2) additional ties per side at intermediate locations and mobile homes less than fifty feet (50') long shall require one additional tie per side;
 - (B) Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points and mobile homes less than fifty feet (50') long shall require four (4) additional ties per side;
 - (C) All components of the anchoring system shall be capable of carrying four thousand eight hundred pounds (4,800 lbs); and
 - (D) Any additions to the mobile home shall be similarly anchored.
- (14) All subdivision proposals and other proposed new developments greater than fifty (50) lots or five (5) acres, whichever is the lesser, shall include within such proposals regional flood evaluation data and the means to provide adequate surface drainage and to minimize flood damage. Where the estimated cost of such development exceeds Seventy-five Thousand Dollars (\$75,000.00) and for all subdivision proposals the applicant shall provide all necessary computations to show the effects of the proposal(s) on flood heights, velocities and flood plain storage.
- (15) Alteration or relocation of a watercourse is permitted provided:
 - (A) The Clerk shall notify adjacent communities, Department of Natural Resources and Federal Insurance Administration.
 - (B) Flood carrying capacity within the altered or relocated watercourse shall be maintained.
- (16) Other water related uses such as docks, piers, wharves, bridges, culverts and river crossings or transmission lines are permitted subject to any pier or dock line regulations or any other regulations that are required pursuant to Chapter 30, Wis. Stat. and applicable federal regulations.

50.04

REGIONAL FLOODWAY DISTRICT.

- (1) Applicability. The provisions of this section shall apply to all areas within the Regional Floodway District as shown on the official flood plain zoning maps, and to the floodway portion of the General Flood Plain District.

- (2) Description of District. The Regional Floodway District shall include mapped floodway areas so designated on the official Flood Plain Zoning Map showing the regional flood limits, which are based on the Flood Hazard Boundary maps or Flood Insurance Study maps prepared by the Department of Housing and Urban Development. All such maps shall be approved by the Department of Natural Resources and the Federal Insurance Administration.
- (3) Permitted Uses. The following open space uses having a low flood damage potential and not obstructing flood flows, shall be 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, meet all of the standards contained herein and, if applicable, a Land Use Permit has been issued by the Zoning Administrator
- (A) Agricultural Uses: such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (B) Nonstructural, industrial, commercial uses, such as: loading areas, parking areas, airport landing strips.
 - (C) 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.
 - (D) Uses or structures accessory to open space uses.
 - (E) Extraction of sand, gravel and / or other materials.
 - (F) Marinas, boat rentals, docks, piers, wharves
 - (G) Railroads, streets, bridges, pipelines and other water related uses such as culverts and river crossings of transmission lines and any uses subject to regulations pursuant to Chapter 30, Wis. Stat.
- (4) Standard for Developments in Floodway Areas.
- (A) Structures necessary to permitted open space uses may be permitted, providing the structures:
 - 1.) Are not designed for human habitation;
 - 2.) Have a low flood damage potential;
 - 3.) Are to be constructed and placed on the building site so as to offer minimum obstruction to the flow of flood waters. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of floodwaters, and will be placed with their longitudinal axes approximately on the same line as those of adjoining structures;

- 4.) Are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
 - 5.) Have all service facilities such as electrical and heating equipment at or above the flood protection elevation for the particular area.
- (B) Uses permitted by the Department of Natural Resources pursuant to Chapters 30 and 31, Wis. Stat., provided that the necessary permits are obtained and amendments approved by the City of Blair to the official floodway lines, water surface profiles, floodplain zoning maps and flood plain zoning ordinance.
- (C) Public utilities, streets and bridges provided that:
- 1.) Adequate flood-proofing measures are provided to the flood protection elevation;
 - 2.) Construction shall not cause any increase of one-tenth foot (0.1') or greater in the height of the regional flood, except that reasonable increases up to one foot (1') may be approved if the amendment procedures are met; and
 - 3.) The City of Blair amends its water surface profiles, flood plain zoning maps and flood plain zoning ordinances to reflect and changes resulting from such construction.
- (D) Fills or deposition of materials may be permitted provided that:
- 1.) 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. Stat. and a permit pursuant to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this section are met; and
 - 2.) The fill or other materials will be protected against erosion by rip rap, vegetative cover, sheet piling and / or bulk heading sufficient to prevent erosion and leachate.

50.05

REGIONAL FLOOD FRINGE DISTRICT.

- (1) Applicability. The provisions of this section shall apply to all areas within the regional flood fringe district as shown on the official flood plain zoning maps, and to those portions of the General Flood Plain District that are determined to be in the flood fringe area.
- (2) Description of District. The regional flood fringe district shall include the A Zones so designated on the official flood plain zoning map showing the regional flood limits, which are based on the flood hazard boundary maps or flood insurance study maps prepared by the Department of Housing and Urban Development. All such

maps shall be approved by the Department of Natural Resources and the Federal Insurance Administration.

- (3) Permitted Uses. Any structure, land use or development may be permitted to the extent that they are not prohibited by this or any other ordinance, or any other federal, state or local regulations and provided that a land use permit has been issued by the Zoning Administrator.
- (4) Standards for Development in Flood Fringe Areas.
 - (A) All residential structures shall meet the following standards:
 - 1.) The first floor of a structure to be erected, constructed, reconstructed or moved on the flood plain shall be constructed on fill at or above the flood protection elevation for the particular area. The fill shall not be less than one foot below the flood protection elevation for the particular area and the fill shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon.
 - 2.) The basement floor shall be at or above the regional flood elevation, unless a community-wide exemption allowing flood proofing of basements has been granted by the Federal Insurance Administration of the Department of Housing and Urban Development (HUD).
 - (B) In commercial areas, any structure or building which is to be erected, constructed, reconstructed added to or moved into the flood fringe area shall meet the requirements of Section 4.42(A) and (B) above. Certain yards, parking lots and other accessory land uses may be at lower elevations. 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 four (4) feet per second upon the occurrence of the regional flood.
 - (C) Manufacturing and industrial buildings, structures and accessory uses shall be elevated or flood proofed in accordance with Sec. 7.5 to two (2) feet above the regional flood elevation. Measures shall be taken to minimize interference with normal plant operations, especially for streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations, subject to requirements set out in Section B.
 - (D) The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be at or above the flood protection elevation for the particular area or flood proofed as provided herein.
 - (E) Construction and substantial improvements to utilities may be permitted provided that they are flood proofed to the flood protection elevation.

- (F) All on-site sewage disposal systems shall be flood proofed to the flood protection elevation and shall meet the applicable provisions of local zoning ordinances and Wisconsin Administrative Code H 62.20.
- (G) All wells, whether public or private, shall be flood proofed to the flood protection elevation pursuant to Section 7.5 and shall meet the applicable provisions of Chapters NR111 and NR112, Wisconsin Administrative Code.
- (H) All solid waste disposal sites, whether public or private, are prohibited in flood fringe areas.

50.06

GENERAL FLOOD PLAIN DISTRICT.

- (1) Applicability. The provisions of this district shall apply to all flood plains in the City of Blair for which “regional flood” data are not available, or where regional flood data are available but the 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 Regional Flood Fringe or Regional Floodway District, as appropriate.
- (2) Description of District. The general flood plain district shall include all A Zones shown on the Official Flood Plain Zoning Map, which is based on flood insurance maps and flood hazard boundary maps showing the Trempealeau River and its tributaries in Blair, Wisconsin, as prepared by the Department of Housing and Urban Development and approved by the Department of Natural Resources.
- (3) Permitted Uses. Uses permitted herein are as set forth in the applicable provisions of Section 50.04 and 50.05 as permitted uses, together with a land use permit, if applicable, as issued by the zoning administrator.
- (4) Standards for Development in General Flood Plain District. In a like manner, standards for development in the general flood plain district are to be consistent with such standards as are utilized and required for both floodway and flood fringe areas as set forth in Sections 50.04 and 50.05 of this ordinance.

50.07

NONCONFORMING USES.

- (1) General. Insofar as the standards in this section are not inconsistent with the provisions of Sections 59.97(10) and 62.23(7)(h), Wis. Stat., they shall apply to all non-conforming uses. The existing lawful use of a structure or building or its accessory use, which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
- (2) Modifications. No modifications of additions to a non-conforming use shall be permitted unless they are made in conformity with the provisions of this section. For the purposes of this section the words “modification” and “addition” shall include but not be limited to, any alteration, additions, modification, re-building or replacement of any such existing structure or accessory use. Ordinary maintenance repairs are not considered structural repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other non-structural components; and

- (3) Discontinuance. If a non-conforming use is discontinued for twelve (12) consecutive months, any future use of the structure or building shall conform to the appropriate provision of this ordinance of floodway and fringe areas.
- (4) Modifications in Floodway Areas. No modifications or additions shall be allowed to any existing structures, which are not in compliance with permitted floodway standards or uses, unless such modifications or additions meet all of the following criteria:
- (A) The modifications or additions to a structure will not increase the amount of obstruction to flood flows pursuant to Section 2.91 of this ordinance;
 - (B) Any addition to a structure shall be flood proofed by means, other than the use of fill, to the flood protection elevation;
 - (C) No Structural repairs, modifications or additions to a structure, which exceed over the life of the structure fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming use;
 - (D) If any non-conforming structure is destroyed or is so badly damaged that it cannot be practically restored, it cannot be replaced, reconstructed or rebuilt unless permanently changed to a conforming use. For the purposes 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 said structure.
- (5) Sewage Disposal Systems. No new on-site sewage disposal system or additions to existing on-site sewage disposal systems shall be allowed in a floodway area. Any replacement, repair or maintenance of an on-site sewage system in a floodway area shall meet the applicable provisions of local ordinances and Wisconsin Administrative Code.
- (6) Wells. No new well used to obtain water for ultimate human consumption, or modifications to an existing well, shall be allowed in a floodway area. Any replacement, repair or maintenance of a well in a floodway area shall meet the applicable provisions of local ordinances and Chapters NR111 and NR112 Wisconsin Administrative Code.
- (7) Flood Fringe Areas.
- (A) All modifications or additions to any non-conforming structure, which do not exceed fifty percent (50%) of its present equalized assessed value, shall be protected by flood proofing measures pursuant to Section 7.5 of this ordinance. No structural modification or addition to any non-conforming structure, which over the life of the structure exceed fifty percent (50%) of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming use.
 - (B) When compliance with the provisions of Subsection 7A above would result in unnecessary hardship, and only where the structure will not be either used for human habitation or be associated with a high flood damage potential,

the Board of Appeals may grant a variance from these provisions, using the criteria listed below. Modifications or additions to structures or buildings that are protected to elevations lower than the flood protection elevation may be permitted if:

- 1.) Human lives are not endangered;
 - 2.) Public facilities such as water or sewer are not to be installed;
 - 3.) Flood depths will not exceed four (4) feet;
 - 4.) Flood velocities will not exceed two (2) feet per second;
 - 5.) The structure will not be used for storage of materials.
- (C) Any new, addition to, replacement, repair or maintenance of an on-site sewage disposal system in a flood fringe area shall meet all the applicable provisions of all ordinances and Wisconsin Administrative Code.
- (D) Any new, addition to, replacement, repair or maintenance of a well in a flood fringe area shall meet the applicable provisions of this ordinance and Chapter NR111 and NR112 Wisconsin Administrative Code.
- (E) If a variance is granted, the community shall notify the property owner that increased flood insurance premiums may result.

50.08

ADMINISTRATION AND ADMINISTRATIVE PROCEDURES.

- (1) General. Administrative procedures are set forth in Chapter 59 of this code. The procedures in this ordinance are not intended to be in conflict. In all cases, the more restrictive provisions shall apply.
- (2) Zoning Administrator. The zoning administrator, in all functions relative to that position, except as set forth herein, is governed by Chapter 46 of the code.
- (3) Procedures.
 - (A) General.
 - 1.) The Council shall provide a procedure for land use permits and other applicable permits.
 - 2.) An application is required before the applicant is granted a land use permit.
 - 3.) The Clerk shall be responsible for furnishing appropriated forms.
 - 4.) The Clerk, working in conjunction with the zoning administrator.
 - 5.) A fee shall accompany the application and failure to tender the fee shall constitute denial of the land use permit.
 - 6.) Upon receipt of the application, the Clerk shall review its content and refer it to both the zoning administrator and the appropriate standing committee of the Council.
 - 7.) Within thirty (30) days, the zoning administrator and the standing committee of the Council shall submit its recommendation

concerning the issuance of a land use permit.

- 8.) The recommendation of the zoning administrator shall be adopted unless overruled by the Council.
- 9.) A public hearing may be held as provided in Section 50.08(7).

(B) Land Use Permit. A land use permit shall be obtained from the zoning administrator before any new land use, change in use or development may be initiated. The purpose of the permit is to insure compliance with this ordinance and applicable federal and state regulations.

(C) Other Permits. The zoning administrator may issue a certificate of compliance upon completion of any new land use, change in use or development. The zoning administrator is not responsible for the applicant's compliance with other permit requirements from federal, state and county agencies.

(4) Appeals.

(A) If the application for a land use permit is denied:

- 1.) The applicant may appeal to the Zoning Board of Appeals.
- 2.) Appeal to the Board must be perfected within thirty (30) days of the date of the decision denying the application.
- 3.) The appropriate fee must accompany the notice of appeal; failure to tender the fee will result in dismissal of the appeal.
- 4.) The Zoning Board of Appeals has authority to conduct its own investigation, hold public hearings, hear arguments, require briefs and other documentation, as well as any other process it deems expedient to carry out its function in deciding the appeal.
- 5.) If a public hearing is called, notice of the hearing shall be furnished by means sufficient to apprise the general public, affected property owners and interested persons of the scheduling of the hearing and that such persons shall be afforded an opportunity to be heard.
- 6.) If a public hearing is held, it may be adjourned at the request of the applicant to receive additional information or upon the Board's own motion.
- 7.) The Board shall render its decision within one hundred eighty (180) days from the date of the filing of the notice of appeal.
- 8.) The decision of the Zoning Board shall be in writing.
- 9.) Denial of relief as requested by the applicant is appealable (*may be appealed*) to the Circuit Court.

(B) If the application for a land use permit is granted:

- 1.) The Council may appeal to the Zoning Board of Appeal
- 2.) The appeal process is similar to that set forth in subparagraph (A) of this section, except that the Council is not required to tender a fee.

- 3.) In the event of an appeal by the Council, the applicant may cross appeal and may do so without tendering a fee.
 - 4.) The Council may preserve its right with regard to a land use permit by direct action to the Circuit Court without appealing to the Zoning Board.
- (5) Mapping Disputes.
- (A) When the location of the floodplain or floodway district boundary is established by flood maps or engineering studies, the flood elevations or flood profiles shall be the governing factor in locating the district boundary.
 - (B) The zoning administrator shall not allow deviations from the boundary line as mapped unless the evidence clearly and conclusively established that the mapped portion of the line is incorrect or that approval for the deviation has been granted by the Department of Natural Resources.
- (6) Variances.
- (A) Notwithstanding the forgoing subsections, the zoning administrator or the Zoning Board of Appeals acting upon its own motion, may grant a variance to an applicant.
 - (B) Such variance shall be consistent with the terms of this ordinance and not contrary to the public interest.
 - (C) A variance shall not permit any change in established flood elevations or profiles, shall not have the effect of allowing a use or structure, which is prohibited in the zoning district, shall not be granted if the result would work with a hardship to adjoining property owners.

50.09

AMENDMENTS.

- (1) General. From time to time, the council may alter, amend, delete, modify or supplement the district boundaries, regulations and other matters contained in this ordinance. The revision procedure shall be consistent with the council's usual order of business and may be accomplished by a public hearing.
- (2) Procedure. Any proposed changes shall be referred to the zoning administrator. If a public hearing is held, the customary notice provision shall be adhered to by the council. Any amendment shall be effective upon approval by the Department of Natural Resources and publication as required by Wisconsin law.

50.10

ENFORCEMENT.

Any person who shall violate a provision of this ordinance shall, upon conviction thereof, be punished by a forfeiture of not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00), together with the cost of prosecution for each offense. In default of the payment of the forfeiture, the person convicted may be subject to imprisonment in the County Jail upon the order of the Circuit Judge for Trempealeau County.