

Article B: General Provisions

Sec. 13-2-10 Areas to Be Regulated.

Areas regulated by this Chapter include all lands within the corporate limits of the County that would be covered 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.

Sec. 13-2-11 District Boundaries.

- (a) **Official Map.** The boundary of the floodplain districts including the floodway, floodfringe, and other floodplain districts, are those areas designated as floodplains or A-Zones on the Flood Hazard Boundary Maps (retitled Flood Insurance Rate Maps) prepared by the Federal Emergency Management Agency. These maps, dated September 2, 1977 are the official floodplain zoning maps and have been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA), and are on file at the Bayfield County Zoning Department. To supplement in the interpretation of these maps, to more accurately delineate the floodplains, and to lessen inherent inaccuracies found in the above maps, they shall be supplemented with the Wisconsin Wetlands Inventory Maps adopted March 15, 1985 and the 7½ minute topographic quadrangles prepared by the U.S. Geological Survey. 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 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 required to carry the regional flood waters.
 - (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 covered by flood water during the regional flood. It includes both the Floodway and Flood Fringe Districts.

Sec. 13-2-12 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 Zoning Administrator using the criteria set forth in Subsections (b) or (c) below. Where the Zoning

Administrator 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 Article H. Disputes between the Zoning Administrator 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 Zoning Administrator 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 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 Zoning Administrator shall have the authority to 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 Zoning Administrator shall be responsible for initiating any map amendments required under this Section within a reasonable period of time.
- (c) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site 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 County Board and the Department, the Zoning Administrator shall have the authority to grant or deny a land use permit.

Sec. 13-2-13 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 Article H. 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. 13-2-14 Compliance with Chapter.

- (a) **Compliance.** Any use or development 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. 30.12(4)(a), Wis. Stats., applies.

Sec. 13-2-15 Abrogation and Greater Restrictions; Interpretation of Chapter.

- (a) **Greater Restrictions.** This Chapter supersedes all the provisions of any municipal zoning ordinance enacted under Sections 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.** It is not otherwise intended by this Chapter 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 Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Chapter NR 116, Wisconsin Administrative 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. 13-2-16 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 or 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 County or any officer or employee thereof for any flood damage that may result from reliance on this Chapter.

Sec. 13-2-17 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. 13-2-18 General Standards Applicable to All Floodplain

Districts.

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

- (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 Sec. 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; or
 - 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 Chapter, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with Article H, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream unless a waiver is secured from FEMA for the 1.0 foot maximum increase.
- (3) The Zoning Administrator 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 or 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 Zoning Administrator 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 Article H.

Sec. 13-2-19 Reserved for Future Use.