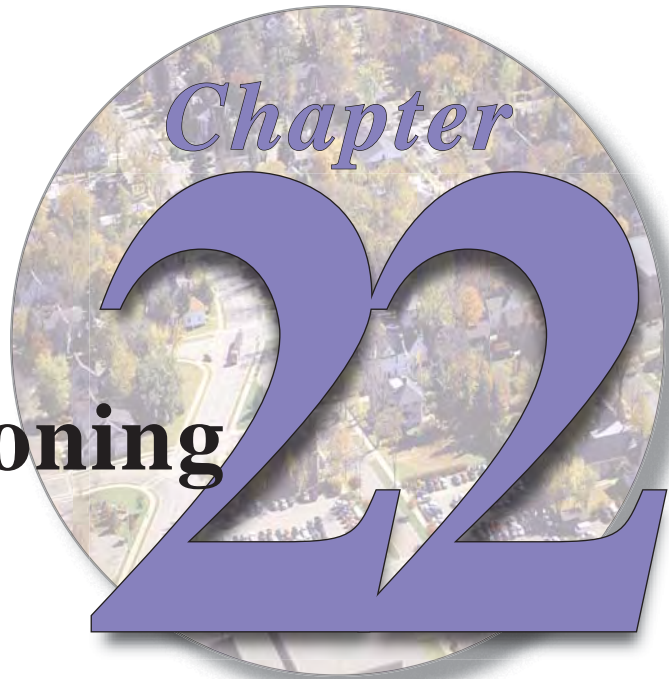


Floodplain Zoning



Where does floodplain zoning apply?

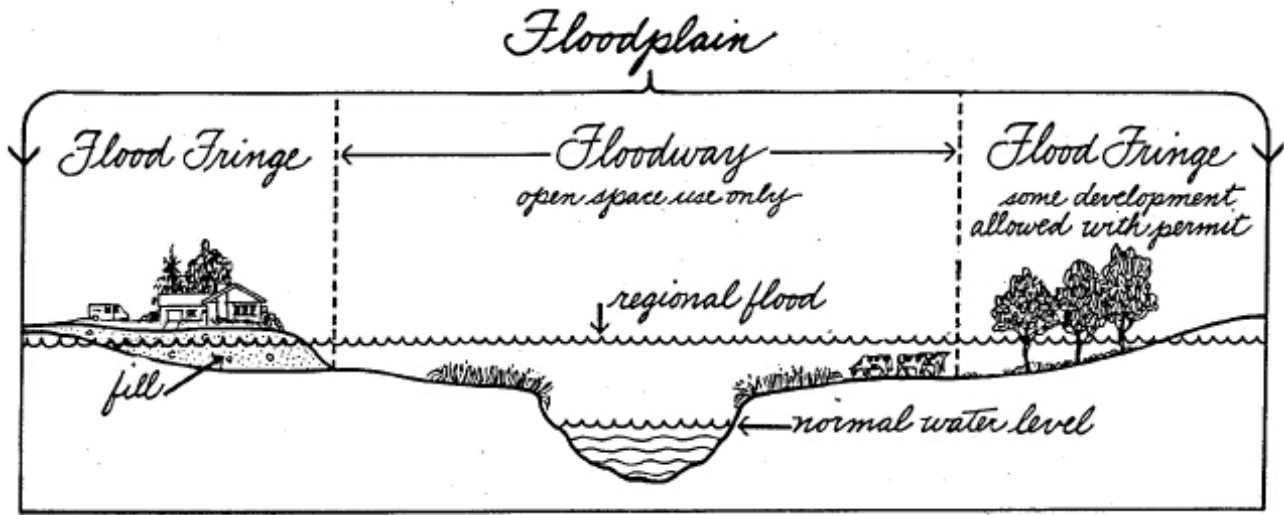
A community that has been issued official floodplain maps by the DNR must adopt and administer a floodplain zoning ordinance.²²⁰ As a consequence, citizens in the community become eligible to apply for federal flood insurance. A state administrative rule (NR 116) sets minimum standards for local ordinances.

The **floodplain** consists of lands that are subject to flooding during the regional flood. The floodplain includes floodway and flood fringe zones. Regional flood elevations are calculated by hydraulic models that consider the size of a drainage basin, amount of precipitation and land characteristics. They are also based on evidence of previous flooding.

The **floodway** consists of the channel of a river or stream, and those portions of the floodplain adjoining the channel that are required to carry the regional flood discharge. The floodway is the most dangerous part of the floodplain. It is characterized by deeper moving water.

²²⁰ Wis. Stat. § 87.30(1)

Figure 41: Floodplain Illustration



The **flood fringe** is the portion of the floodplain landward of the floodway. It is generally associated with standing water rather than flowing water and with shallower depths.

What are the purposes of floodplain zoning?

The purposes of floodplain zoning are to protect human life, health and to minimize property damages and economic losses.

Section VII – Review

Keywords

- Ordinary high water mark
- Floodplain
- Floodway
- Flood fringe

Test your Knowledge (answers on page 152)

Chapter 21 – Shoreland Zoning

- 1) Name the five statewide purposes of shoreland zoning.
- 2) Does your local shoreland zoning ordinance provide any additional purpose statements?
- 3) A recent study of waterfront properties found that one factor resulted in significantly higher property prices. What is that one factor?
- 4) Name three steps that zoning boards can take to maintain good water quality, fisheries and wildlife in lakes and streams.
- 5) When the impervious surfaces in a watershed exceed a certain level the number of fish and fish species decreases significantly. What percentage is this?

Chapter 22 – Floodplain Zoning

- 6) Name the purposes of floodplain zoning.

Answers

- 1)
 - a. Maintain safe and healthful conditions
 - b. Prevent and control water pollution
 - c. Protect spawning grounds, fish, and aquatic life
 - d. Control building sites, placement of structures, and uses; and
 - e. Reserve shore cover and natural beauty
- 2) Answers may vary
- 3) Clearer water
- 4)
 - a. Curb pollutants
 - b. Cut runoff
 - c. Capture and cleanse
- 5) 8%
- 6)
 - a. Protect human life and health
 - b. Minimize property damage and economic losses

Reference Materials



Zoning Boards of Adjustment and Appeals

Zoning Board Handbook for Zoning Boards of Adjustment/ Appeals, 2nd edition. Lynn Markham and Rebecca Roberts. 2006, Published by Center for Land Use Education at 715-346-3783 or www.uwsp.edu/cnr/landcenter/pubs.html

Guide for County Boards of Adjustment, 3rd edition. Robert Horowitz and Richard C. Yde. 2004. 41 pages. Addresses related topics in question and answer form with legal citations. Published by Wisconsin County Mutual Insurance Corporation at 608-224-5330.

The Board of Adjustment. V. Gail Easley and David A Theriaque. 2005. Available from APA Planners Press at 312-431-9100 or www.planning.org/bookservice, libraries and bookstores.

The Zoning Board Manual. Frederick H. Bair, Jr. 1984. Available from APA Planners Press at 312-431-9100 or www.planning.org/bookservice, libraries and bookstores.

Zoning

Zoning. Adapted by Kevin Struck from Brian Ohm's Guide to Community Planning in Wisconsin. Available on the Center for Land Use Education website at <http://www.uwsp.edu/cnr/landcenter/pubs.html>

"The Zoning Ordinance." Chapter 16 in *The Small Town Planning Handbook*, 2nd edition. Thomas L. Daniels, John W. Keller and Mark B. Lapping. 1995. 305 pages. Available from APA Planners Press at 312-431-9100 or www.planning.org/bookservice, libraries and bookstores.

The Citizens Guide to Zoning. Herbert H. Smith. 1983. 242 pages. Available from libraries and bookstores.

Local Government

Wisconsin Town Officer's Handbook, 2nd edition. James H. Schneider and Richard Stadelman (editor). 2006. 292 pages. Published by the Wisconsin Towns Association at (715) 526-3157 or <http://www.wisctowns.com>

Handbook for Wisconsin Municipal Officials. 2002. Published by the League of Wisconsin Municipalities at 608-267-2380 or <http://www.lwm-info.org/>

Wisconsin County Supervisor's Handbook. 2004. 142 pages. Published by the Wisconsin Counties Association at 1-866-404-2700 or <http://www.wicounties.org/>

Planning and Zoning Committees/Commissions

Plan Commission Handbook. 2002. 84 pages. Published by Center for Land Use Education at 715-346-3783 or www.uwsp.edu/cnr/landcenter/pubs.html

Job of the Planning Commissioner. 3rd edition revised. Albert Solnit. 1987. 198 pages. Available from libraries and bookstores.

Open Meetings Law

Wisconsin Open Meetings Law: A Compliance Guide. Peggy A. Lautenschlager, Attorney General, Wisconsin Department of Justice. 2005. 38 pages. Explains Wisconsin's Open Meetings Law and discusses significant cases that have an impact on the law's implementation. Available at: www.doj.state.wi.us/AWP/OpenMeetings/2005-OML-GUIDE.pdf

Understanding Wisconsin's Open Meeting Law. Burt P. Natkins and James H. Schneider. 1994. 145 pages. Describes application of the open meeting law, required notice, exemptions and more. Available from Local Government Services, Inc., 185 W. Netherwood St., Oregon, WI 53575-1153 or 608-835-7761.

Public Records Law

Wisconsin Public Records Law: Compliance Outline. Peggy A. Lautenschlager, Attorney General, Wisconsin Department of Justice. 2005. 57 pages. Explains Wisconsin's Public Records Law and discusses significant cases that have an impact on the law's implementation. Available at: www.doj.state.wi.us/dls/docs/publicrecords805.pdf

Water Law

Wisconsin Water Law: A Guide to Water Rights and Regulations, 2nd edition. Paul G. Kent and Tamara A. Dudiak. 2001. Available from Cooperative Extension Publications at 608-262-3346.

Newsletters

Land Use Tracker. Four issues per year covering Wisconsin land use issues, including zoning. Available on-line from the Center for Land Use Education at www.uwsp.edu/cnr/landcenter/newsletters.html

Zoning Bulletin. Monthly bulletins summarizing the most significant recent zoning lawsuits from throughout the United States. Available from 800-229-2084 or www.qpgmunicipal.com/zo.shtml

Zoning News. Monthly four-page newsletter monitors the latest trends in local land-use controls using case studies. Available at 312-431-9100 or www.planning.org/ZoningNews/index.htm

Plan Commissioners Journal. Four issues per year, about 20 pages per issue, about planning and zoning issues. Available from 802-864-9083 or www.plannersweb.com

Websites

UW-Extension Center for Land Use Education
www.uwsp.edu/cnr/landcenter

UW-Extension Local Government Center
www.uwex.edu/lgc/

Wisconsin DNR shoreland zoning
www.dnr.state.wi.us/org/water/wm/dsfm/shore/title.htm

Wisconsin DNR floodplain zoning
www.dnr.state.wi.us/org/water/wm/dsfm/flood/rules.htm

American Planning Association
www.planning.org