

**Chapter 14.36  
Floodplain District**

**Sections:**

- 14.36.010 Purpose.**
- 14.36.020 Warning and disclaimer of liability.**
- 14.36.030 Permitted uses.**
- 14.36.040 Regulations and standards.**

**14.36.010 Purpose.**

A floodplain district, as indicated on the official zoning map, is created pursuant to Sections 61.35, 62.23 and 87.30, Wisconsin Statutes. Such district and its regulations contained herein are intended to minimize flood loss in areas subject to flood hazards by:

A. Reducing the hazard of floods to life and property through:

1. Prohibiting certain uses which are dangerous to life or property in time of flood;
2. Restricting uses which would be hazardous to the public health in time of flood;
3. Restricting uses which are particularly susceptible to flood damage, so as to alleviate hardship and reduce demands for public expenditures for relief and protection;
4. Requiring permitted floodplain users, including public facilities which serve such uses, to be protected against floods by providing flood protection at the time of initial construction.

B. Protecting the storage capacity of flood-plains and to assure retention of sufficient floodway area to convey flood flows which can reasonably be expected to occur, through:

1. Regulating filling, dumping, dredging and alterations of channels by deepening, widening or relocating;
2. Prohibiting unnecessary encroachments in floodways;
3. Encouraging open space uses such as agricultural and recreation. (Ord. dated 12/10/82 § 10.1)

**14.36.020 Warning and disclaimer of liability.**

The degree of flood protection intended to be provided by this chapter is considered reasonable for regulation purposes and is based on a map titled "Flood Hazard Boundary" as provided by the department of housing and urban development, or based on information provided with the zoning map attached to this chapter. The most recent and detailed information available shall apply when determining flood hazard boundaries. As regional flood data becomes available for portions of this district, such portions shall be placed in the floodplain district as appropriate. Larger floods may occur or the flood height may be increased by man-made or natural causes. This title does not imply that areas outside the floodplain-zoning district boundaries or land uses permitted within such districts will be totally free from flooding or flood damages. Nor shall this title create a liability on the part of or a cause of action against the village of Oakfield or any officer or employee thereof for any flood damages that may result from reliance on this title. (Ord. dated 12/10/82 § 10.2)

**14.36.030 Permitted uses.**

Within the floodplain district, the following uses are permitted:

- A. Agricultural uses as permitted in Section 14.32.010A and C;
- B. Public and private recreational uses. (Ord. dated 12/10/82 § 10.3)

**14.36.040 Regulations and standards.**

A. Special Provisions. The following regulations shall apply to all uses as permitted in this chapter:

1. The flood protection elevation or height shall correspond to a point two feet above the elevation as shown on the official zoning map for a particular area. When flood elevations or flood profiles are not available, the flood protection level shall be two feet above the estimated regional flood elevation.

2. No structure or use shall be permitted that adversely affects the storage capacity of the floodplain, the efficiency or capacity of the floodway or increases flood heights, based upon the assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

3. No floodplain use shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

B. Structures. As a part of a permitted use or a special use, structures may be authorized by the board of appeals in accordance with the following criteria:

1. Structures shall not be desired or used for human habitation.

2. Plans for structures shall be certified by a registered professional engineer that the flood-proofing measures are adequately designed. Such plans shall include among other things:

- a. Anchorage of structures to foundations;
- b. Installation of watertight doors, bulkheads and shutters;
- c. Reinforcement of walls to resist water pressures;
- d. Use of points, membranes or motors to reduce seepage of water through walls;
- e. Addition of mass or weight to structures to resist flotation;
- f. Installation of pumps to lower water levels in structures;
- g. Construction of water supply and waste treatment systems to prevent the entrance of floodwaters;
- h. Pumping facilities for subsurface drainage system for buildings to relieve external foundation wall and basement flood pressures;
- i. Cut-off valves or sewer lines on the elimination of gravity flow base drains.

3. Structures existing on the effective date of the ordinance codified in this title may be modified or structurally altered provided that such modification or alteration will decrease the flood

damage potential of the structure or cause the structure to decrease the degree of obstruction to flood flows.

4. Service facilities such as electrical and heating equipment will be at or above the flood protection elevation for the particular area.

5. The elevation of a first floor or basement floor of any structure to be erected, constructed, reconstructed or moved on the floodplain shall be constructed at or above the flood protection elevation for the particular area. Any fill shall be not 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.

C. Fills or Deposition of Materials. Fills or deposition of materials may be permitted only upon a finding by the board of appeals that:

1. Such fill or deposition of materials is in conformity with Chapters 14.36 through 14.44 of this title; and

2. The fill or deposition of materials will have some beneficial purpose and the amount thereof will not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the final dimensions of the proposed fill or other material and the use to which the filled land will be put.

3. The fill or deposition of materials does not encroach on the channel area between the "ordinary high water marks" on each bank of the stream unless a permit has been granted by the Division of Resource Development pursuant to Section 30.12, Wisconsin Statutes, and the other requirements of this section are met; and

4. The fill or other materials will be protected against erosion by rip-rap, vegetative cover, or bulkheading.

D. The regulations and standards in Section 14.32.020 shall apply. (Ord. dated 12/10/82 § 10.4)

**Chapter 14.38  
Niagara Escarpment Protection District**

**Sections:**

- 14.38.010 Purpose.**
- 14.38.020 Permitted uses.**

**14.38.010 Purpose.**

This chapter provides development guidance and restrictions for the area of land defined as the Niagara Escarpment. It is based on the 1998 Oakfield Area Joint Land Use Plan and is illustrated in Exhibit 1, page 205.

**14.38.020 Permitted uses.**

The following development and use restrictions shall apply:

A. On lands located within 150 feet of either the base or the crest of the Niagara Escarpment, no new development, non-metallic mining, or agricultural uses are allowed.

B. On lands located 150 feet to 300 feet from the base or crest of the Niagara Escarpment, existing uses are allowed with limited additional accessory uses. Any new development in this buffer zone requires a special use permit pursuant to procedures outlined in Chapter 14.52.040 E. (Ord. 2004-11)

**Chapter 14.40  
Special Uses**

**Sections:**

- 14.40.010 Special use defined.**
- 14.40.020 Authorizing special use permits.**
- 14.40.030 Schedule of special uses.**
- 14.40.040 Applicability of district regulations.**

**14.40.010 Special uses defined.**

A “special use” is a use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. It is declared the policy and purpose of this title to employ the special use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety and welfare and individual property rights. (Ord. dated 12/10/82 § 11.1)

**14.40.020 Authorizing special use permits.**

Special use permits shall be reviewed by the Plan Commission when:

A. It is reasonably necessary for the public convenience at that location;

B. That it is so designed, located, and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare;

C. That it conforms to the applicable regulations and standards of, and preserves the essential character of, the district in which it shall be located;

D. That in the case of existing non conforming use, will make such use more compatible with its surroundings. (Ord. dated

12/10/82 § 11.2)

**14.40.030 Schedule of special uses.**

Special uses which may be authorized by the board of appeals are as follows:

A. Five or more multifamily dwellings in the R – 3 district, subject to the standards and regulations of Section 14.20.030.

B. The keeping, raising or feeding of livestock or poultry, including dairying, poultry, swine, sheep, goats, beef cattle, pony and horse productions, fur farms, or bee keeping or such structures for housing livestock, poultry or bees or for preparing livestock or poultry products for market in the R – Residential, B – Business, F – Flood plain, I – Industrial, and NE – Niagara Escarpment Protection districts, subject to the following standards:

1. At no point on the lot line of such special use shall any noise, smoke and particulate matter, vibration, toxic or noxious matter, odors, vapors, or gases of such use be objectionable to the occupant of any adjacent property;

2. No such special use shall discharge into any drainage channel or watercourse material which would contaminate or make undesirable any lands or waters outside of the lot;

C. Electric and/or gas substations, public waterworks and appurtenant structures, telephone exchanges, police stations, fire stations, and governmental administration buildings in all districts;

D. Churches or similar places of worship; parish houses, Sunday schools, rectories or parsonages, in the Residential, Agricultural Transitional, Business, and NE – Niagara Escarpment Protection districts;

E. Public, parochial or private schools (which may include a convent or teacherage) in the Residential, Business, Agricultural Transitional, and Niagara Escarpment Protection districts;

F. Public libraries, museums, art galleries,

community centers, funeral homes, and parks in the Residential, Business, Agricultural Transitional, and Niagara Escarpment Protection districts;

G. Hospitals, nursing homes, medical clinics, and veterinary clinics in the Residential, Business, Agricultural Transitional, and Niagara Escarpment Protection districts;

H. Clubs, private clubs, private lodges, country clubs, golf courses and lakes in the Residential, Business, Flood plain, and Agricultural Transitional, and Niagara Escarpment Protection districts;

I. Cemeteries in the Residential, Agricultural Transitional, and Niagara Escarpment Protection districts;

J. Junk dealers in the Industrial district; See Chapter 5.16, Junkyards, of this code.

K. Topsoil removal in all districts;

L. Sewage treatment plants in the Agricultural Transitional, Flood plain, and Industrial districts;

M. Sanitary landfill in the Agricultural Transitional, and Industrial districts;

N. Landfill other than sanitary landfill in the Flood plain district;

O. Fertilizer storage and processing in the Agricultural Transitional, and Industrial districts. (Ord. 2001-6 and 2004-11)

**14.40.040 Applicability of district regulations.**

In addition to any special conditions or restrictions prescribed by the board, the yard and setback line regulations and standards of the district in which the special use is located shall apply. (Ord. dated 12/10/82 § 11.7)