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4 **ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE**  
5 **PLANNING COMMITTEE ADOPTING NEW FLOODPLAIN REGULATIONS AND THE**  
6 **NEW FEMA FLOODPLAIN MAPS AND CREATING ARTICLE XII FLOODLANDS OF**  
7 **CHAPTER 20, ZONING, RACINE COUNTY CODE OF ORDINANCES; AND REPEALING,**  
8 **RE-CREATING, CREATING AND AMENDING REFERENCES TO**  
9 **FLOODPLAINS/FLOODLANDS IN VARIOUS SECTIONS OF CHAPTER 20, ZONING,**  
10 **RACINE COUNTY CODE OF ORDINANCES**

11  
12 To the Honorable Members of the Racine County Board of Supervisors:

13  
14 **AN ORDINANCE TO AMEND that Certain Ordinance Entitled RACINE COUNTY**  
15 **ZONING ORDINANCE adopted December 2, 1969, found on pages 185 to 232 of the**  
16 **OFFICIAL PROCEEDINGS OF THE RACINE COUNTY BOARD OF SUPERVISORS FOR**  
17 **THE YEAR 1969 as recodified May 28, 1991, by Ordinance 91-196.**

18  
19 The Racine County Board of Supervisors ordains as follows:

20  
21 ***Amend Sec. 20-1. Definitions to read as follows:***

22  
23 ~~For the purpose of this chapter, the following definitions shall be used.~~  
24 Unless specifically defined, words and phrases in this ordinance shall have their common  
25 law meaning and shall be applied in accordance with their common usage.

26  
27  
28 ***Repeal & re-create the following definitions in Sec. 20-1. Definitions:***

29  
30 A zones shall mean those areas show on the Official Floodplain Zoning Map which  
31 would be inundated by the regional flood. These areas may be numbered or un-numbered  
32 A zones may or may not be reflective of flood profiles, depending on the availability of data  
33 for a given area.

34  
35 *Dryland access* shall mean a vehicular access route which is above the regional  
36 flood elevation and which connects land located in the floodplain to land outside the  
37 floodplain, such as a road with its surface above regional flood elevation and wide enough  
38 for wheeled rescue and relief vehicles.

39  
40 *Flood Insurance Rate Map (FIRM)* shall mean a map of a community on which the  
41 Federal Insurance Administration has delineated both the floodplain and the risk premium  
42 zones applicable to the community. This map can only be amended by the Federal  
43 Emergency Management Agency.

44  
45 *Flood Insurance Study* shall mean a technical engineering examination, evaluation,  
46 and determination of the local flood hazard areas. It provides maps designating those  
47 areas affected by the regional flood and provides both flood insurance rate zones and base  
48 flood elevations and may provide floodway lines. The flood hazard areas are designated as  
49 numbered and unnumbered A-Zones. Flood Insurance Rate Maps that accompany the  
50 Flood Insurance Study form the basis for both the regulatory and the insurance aspects of  
51 the National Flood Insurance Program.

52  
53 *Floodway* shall mean the channel of a river or stream and those portions of the  
54 floodplain adjoining the channel required to carry the regional flood discharge.  
55

4 **Add the following definitions in proper alphabetical sequence in Sec. 20-1.**  
5 **Definitions:**

6 *AH Zone* - See "Area of shallow flooding"

7  
8 *AO Zone* - See "Area of shallow flooding"

9  
10 *Alteration* shall mean an enhancement, upgrading or substantial change or  
11 modifications other than an addition or repair to a dwelling or to electrical, plumbing,  
12 heating, ventilating, air conditioning and other systems within a structure.

13  
14 *Area of shallow flooding* shall mean a designated AO, AH, AR/AO, AR/AH, or VO  
15 zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater  
16 annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined  
17 channel does not exist, where the path of flooding is unpredictable, and where velocity  
18 flood may be evident. Such flooding is characterized by ponding or sheet flow

19  
20 *Department* shall mean the state Department of Natural Resources (DNR).

21  
22 *Floodfringe* shall mean that portion of the floodplain outside of the floodway which  
23 is covered by flood waters during the regional flood and associated with standing water  
24 rather than flowing water.

25  
26 *Hearing notice* shall mean a publication or posting meeting the requirements of Ch.  
27 985, Stats. For appeals, a Class I notice is required, published once, at least one week (7  
28 days) before the public hearing. For all zoning ordinances and amendments, a Class II  
29 notice is required, published twice, once each week consecutively, with the last published  
30 at least a week (7days) before the hearing. Local ordinance or bylaws may require  
31 additional notice exceeding these minimums.

32  
33 *Highest adjacent grade* shall mean the highest natural elevation of the ground  
34 surface prior to construction next to the proposed walls of a structure.

35  
36 *Increase in regional flood height* shall mean a calculated upward rise in the regional  
37 flood elevation greater than 0.00 foot, based on a comparison of existing conditions and  
38 proposed conditions which is directly attributable to development in the floodplain but not  
39 attributable to manipulation of mathematical variables such as roughness factors,  
40 expansion and contraction coefficients and discharge.

41  
42 *Lowest adjacent grade* shall mean the elevation of the lowest ground surface that  
43 touches any of the exterior walls of a building.

44  
45 *Lowest floor* shall mean the lowest floor of the lowest enclosed area (including  
46 basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles  
47 building access or storage in an area other than a basement area is not considered a  
48 building's lowest floor, provided that such enclosure is not built so as to render the  
49 structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

50  
51 *Model, corrected effective* shall mean a hydraulic engineering model that corrects  
52 any errors that occur in the Duplicate Effective Model, adds any additional cross sections to  
53 the Duplicate Effective Model, or incorporates more detailed topographic information than  
54 that used in the current effective model.

4 *Model, duplicate effective* shall mean a copy of the hydraulic analysis used in the  
5 effective FIS and referred to as the effective mode.

6 *Model, effective* shall mean the hydraulic engineering model that was used to  
7 produce the current effective Flood Insurance Study.

8  
9 *Model, existing (pre-project)* shall mean a modification of the duplicate effective  
10 mode or corrected effective model to reflect any manmade modifications that have  
11 occurred within the floodplain since the date of the effective model, but prior to the  
12 construction of the project for which the revision is being requested. If no modification has  
13 occurred since the date of the effective mode, this model would be identical to the  
14 corrected effective model or duplicate effective model.

15  
16 *Model, revised (post-project)* shall mean a modification of the existing or pre-project  
17 conditions model, duplicate effective model, or corrected effective model to reflect revised  
18 or post-project conditions.

19  
20 *Municipality or municipal* shall mean the county, city, or village governmental units  
21 enacting, administering, and enforcing this zoning ordinance.

22  
23 *NAVD or North American Vertical Datum* shall mean elevations referenced to mean  
24 sea level datum, 1988 adjustment.

25  
26 ***Repeal the following definitions in Sec. 20-1. Definitions:***

27  
28 *DNR*

29  
30 *Floodplain fringe*

31  
32 ***Amend the Table of Contents for Chapter 20, Zoning, to read as follows:***

33  
34 ~~DIVISION 31. — FW URBAN FLOODWAY DISTRICT~~  
35 DIVISION 31. - RESERVED

36  
37 ~~DIVISION 32. — FCO URBAN FLOODPLAIN CONSERVANCE OVERLAY~~  
38 ~~DISTRICT~~ DIVISION 32. - RESERVED

39  
40 ~~DIVISION 33. — FFO URBAN FLOODPLAIN FRINGE OVERLAY DISTRICT~~  
41 DIVISION 33. - RESERVED

42  
43 ~~DIVISION 34. — GFO GENERAL FLOODPLAIN OVERLAY DISTRICT~~  
44 DIVISION 34. - RESERVED

45  
46 ***Add the following to the Table of Contents:***

47  
48 Art. XII Floodlands

49  
50 ***Amend Sec. 20-2. Authority. to read as follows:***

51  
52 This chapter is adopted under the authority granted by W.S.A. §59.69, 59.694,  
53 87.30(2), 61.35, 62.23, 59.692, and 281.31. Uncontrolled development and use of the  
54 floodplains and rivers of Racine County would impair the public health, safety,  
55 convenience, general welfare, and tax base.

56  
57

4 ***Amend Sec. 20-42. Same-Additional requirements in floodland districts. to read as follows and renumber accordingly:***

5  
6 ~~(1) Filling and development contrary to the purpose and intent of the FW urban floodway district and the FCO urban floodplain conservancy overlay district would result.~~

7  
8  
9  
10 ~~(2) (1) A change in the boundaries of the FW urban floodway district, FCO urban floodplain conservancy overlay district, FFO urban floodplain fringe overlay district, or the GFO general floodplain overlay district would result.~~

11  
12  
13  
14 ***Amend Sec. 20-971. Created. to read as follows:***

15  
16 So to ensure a maximum benefit to both the community and to developers and so as to provide for flexibility in planning in all the districts created under this division except for the A-1, A-2, A-3, A-4, R-1, R-2, P-1, P-2, C-1, M-4, FW, FCO, FFO, GFO, APO, SSO, NSO and SWO districts, there is hereby created the planned unit development overlay district (PUD).

17  
18  
19  
20  
21  
22 ***Amend Sec. 20-1183. Review and approval by the zoning administrator of shoreland, floodplain applications. to read as follows:***

23  
24  
25 (a) The zoning administrator may approve shoreland/floodplain conditional use permit applications under sections 20-1036 et seq., ~~20-1266 et seq.~~, and 20-1291 et seq., Article XII Floodlands without a public hearing provided that the applicant agrees to sign a contract setting forth the methods for eliminating erosion, sedimentation, and pollution.

26  
27  
28  
29  
30  
31 ***Repeal the following districts in Sec. 20-211. District regulations:***

- 32  
33 FW Urban Floodway District  
34 FCO Urban floodplain conservancy overlay district  
35 FFO Urban floodplain fringe overlay district  
36 GFO General floodplain overlay district

37  
38 ***Repeal & reserve DIVISION 31. FW URBAN FLOODWAY DISTRICT to read as follows:***

39  
40  
41 DIVISION 31. RESERVED.

42  
43 ***Amend Secs. 20-816 - 20.835. Reserved. to read as follows:***

44  
45 Secs. ~~20-820~~ 816 – 20.835. Reserved.

46  
47 ***Repeal & reserve DIVISION 32. FCO URBAN FLOODPLAIN CONSERVANCE OVERLAY DISTRICT to read as follows:***

48  
49 DIVISION 32. RESERVED.

50  
51 ***Amend Secs. 20-839 - 20.855. Reserved. to read as follows:***

52  
53 Secs. ~~20-839~~ 836 – 20.855. Reserved.

4 ***Repeal & reserve DIVISION 33. FFO URBAN FLOODPLAIN FRINGE OVERLAY***  
5 ***DISTRICT to read as follows:***

6 DIVISION 33. RESERVED.

7  
8 ***Amend Secs. 20-859 - 20.875. Reserved. to read as follows:***

9  
10 Secs. 20-~~859~~ 856 – 20.875. Reserved.

11  
12 ***Repeal & reserve DIVISION 34. GFO GENERAL FLOODPLAIN OVERLAY DISTRICT***  
13 ***to read as follows:***

14  
15 DIVISION 34. RESERVED.

16  
17 ***Amend Secs. 20-880 - 20.895. Reserved. to read as follows:***

18  
19 Secs. 20-~~895~~ 876 – 20.895. Reserved.

20  
21 ***Repeal Sec. 20-171. General development standards***

22  
23 ***Amend Secs. 20-172 - 20.185. Reserved. to read as follows:***

24  
25 Secs. 20-~~172~~ 171 – 20-185. Reserved.

26  
27 ***Repeal and re-create Sec. 20-190. Floodland nonconforming uses. to read as follows:***

28  
29 Sec. 20-190. Reserved. (See Article XII. Floodlands. for requirements.)

30  
31 ***Repeal and reserve Secs. 20-213. Same-Floodlands. and Sec. 20-213.5 General***  
32 ***provisions floodplain districts. to read as follows:***

33  
34 Secs. 20-213 - 20.213.5. Reserved.

35  
36 ***Repeal & reserve Sec. 20-166. Floodland district boundary changes limited. to read***  
37 ***as follows:***

38  
39 Sec. 20-166. Reserved.

40  
41 ***Repeal Sec. 20-1068. Floodproofing***

42  
43 ***Amend Secs. 20-1069 - 20-1085. Reserved. to read as follows:***

44  
45 Secs. 20-~~1069~~ 1068 - 1085. Reserved.

46  
47 ***Repeal Sec. 20-1185. General standards applicable to all floodplain districts***

48  
49 ***Amend Secs. 20-1186 - 20-1200. Reserved. to read as follows:***

50  
51 Secs. 20-~~1186~~ 1185 - 1200. Reserved.

52  
53 .

54

4 **Create Article XII. FLOODLANDS. to read as follows:**

5 **Sec. 20-1490. Finding of fact.**

6  
7 Uncontrolled development and use of the floodplains and rivers of Racine County  
8 would impair the public health, safety, convenience, general welfare and tax base.

9  
10 **Sec. 20-1491. Statutory authorization.**

11  
12 This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for  
13 villages and cities; 59.69, 59.692, and 59.694 for counties; and the requirements in s.  
14 87.30, Stats.

15  
16 **Sec. 20-1492. Statement of purpose.**

17  
18 This ordinance is intended to regulate floodplain development to:

- 19 (1) protect life, health and property;
- 20 (2) minimize expenditures of public funds for flood control projects;
- 21 (3) minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- 22 (4) minimize business interruptions and other economic disruptions
- 23 (5) minimize damage to public facilities in the floodplain;
- 24 (6) minimize the occurrence of future flood blight areas in the floodplain;
- 25 (7) discourage the victimization of unwary land and homebuyers;
- 26 (8) prevent increases in flood heights that could increase flood damage and result in  
27 conflicts between property owners; and
- 28 (9) discourage development in a floodplain if there is any practicable alternative to  
29 locate the activity, use or structure outside of the floodplain.

30  
31  
32 **Sec. 20-1493. Title.**

33  
34 This ordinance shall be known as the Floodplain Zoning Ordinance for Racine  
35 County, Wisconsin.

36  
37 **Sec. 20-1494. General provisions.**

38 (1) AREAS TO BE REGULATED

39  
40  
41 This ordinance regulates all areas that would be covered by the regional flood or  
42 base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps  
43  
44

4 approved by DNR. Base flood elevations are derived from the flood profiles in the  
5 Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the  
6 FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood  
7 Elevations (RFE) may be derived from other studies. If more than one map or  
8 revision is referenced, the most restrictive information shall apply.

9 **(2) OFFICIAL MAPS & REVISIONS**

10  
11 The boundaries of all floodplain districts are designated as A, AE, AH, AO  
12 or A1-30 on the maps based on the Flood Insurance Study (FIS) listed  
13 below. Any change to the base flood elevations (BFE) or any changes to  
14 the boundaries of the floodplain or floodway in the FIS or on the Flood  
15 Insurance Rate Map (FIRM) must be reviewed and approved by the DNR  
16 and FEMA through the Letter of Map Change process (see section 20-  
17 1691) before it is effective. No changes to RFE's on non-

18  
19 FEMA maps shall be effective until approved by the DNR. These maps and  
20 revisions are on file in the Racine County Public Works and Development Services  
21 Department. If more than one map or revision is referenced, the most restrictive  
22 information shall apply.

23  
24 **(a) OFFICIAL MAPS, based on the FIS:**

25  
26 Flood Insurance Rate Map (FIRM), panel numbers **55101C009D,**  
27 **55101C0016D, 55101C0017D, 55101C0018D, 55101C0028D,**  
28 **55101C0029D, 55101C0033D, 55101C0034D, 55101C0036D,**  
29 **55101C0037D, 55101C0038D, 55101C0039D, 55101C0041D,**  
30 **55101C0042D, 55101C0043D, 55101C0044D, 55101C0053D,**  
31 **55101C0054D, 55101C0059D, 55101C0061D, 55101C0062D,**  
32 **55101C0063D, 55101C0064D, 55101C0067D, 55101C0068D,**  
33 **55101C0069D, 55101C0078D, 55101C0079D, 55101C0086D,**  
34 **55101C0088D, 55101C0089D, 55101C0133D, 55101C0134D,**  
35 **55101C0141D, 55101C0142D, 55101C0143D, 55101C0144D,**  
36 **55101C0152D, 55101C0153D, 55101C0154D, 55101C0158D,**  
37 **55101C0159D, 55101C0160D, 55101C0161D, 55101C0162D,**  
38 **55101C0163D, 55101C0164D, 55101C0170D, 55101C0176D,**  
39 **55101C0178D, 55101C0179D, 55101C0181D, 55101C0182D,**  
40 **55101C0183D, 55101C0184D, 55101C0187D, 55101C0191D,**  
41 **55101C0192D, 55101C0201D, 55101C0202D, 55101C0203D, 55101C0204,**  
42 **55101C0211D, 55101C0212D, 55101C0256D, 55101C0257D,**  
43 **55101C0276D, 55101C0277D,** dated **May 2, 2012**; with corresponding  
44 profiles that are based on the Flood Insurance Study (FIS) dated **May 2,**  
45 **2012 , Volume numbers 55101CV001A and 55101CV002A.**

46  
47 **(b) OFFICIAL MAPS: Based on other studies. Any maps referenced in this**  
48 **section must be approved by the DNR and be more restrictive than those**  
49 **based on the FIS at the site of the proposed development.**  
50

- 4 1. 100-Year Hickory Lake Dam Failure Floodplain Map, dated March 14,  
5 2003 prepared by Southeastern Wisconsin Regional Planning  
6 Commission. The general floodplain boundaries for Tributary No. 2 to the  
7 West Branch of the Root River Canal and an unnamed tributary to  
8 Tributary No. 2, both of which are located in United States Public Land  
9 Survey section 4 and 5, Township 3 North, Range 21 East, Town of  
10 Yorkville shall be determined through the use of the flood elevations

11 **(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS**

12 The regional floodplain areas are divided into three districts as follows:

- 13 (a) The Floodway District (FW), is the channel of a river or stream and those  
14 portions of the floodplain adjoining the channel required to carry the regional  
15 floodwaters and are contained within AE Zones as shown on the FIRM.  
16 (b) The Floodfringe District (FF) is that portion between the regional flood limits  
17 and the floodway and displayed as AE Zones on the FIRM.  
18 (c) The General Floodplain District (GFP) is those areas that may be covered by  
19 floodwater during the regional flood and does not have a BFE or floodway  
20 boundary determined, including A, AH and AO zones on the FIRM.  
21

22 **(4) LOCATING FLOODPLAIN BOUNDARIES**

23 Discrepancies between boundaries on the official floodplain zoning map and actual  
24 field conditions shall be resolved using the criteria in subd (a) or (b) below. If a  
25 significant difference exists, the map shall be amended according to this article.  
26 The zoning administrator can rely on a boundary derived from a profile elevation to  
27 grant or deny a land use permit, whether or not a map amendment is required. The  
28 zoning administrator shall be responsible for documenting actual pre-development  
29 field conditions and the basis upon which the district boundary was determined and  
30 for initiating any map amendments required under this section. Disputes between  
31 the zoning administrator and an applicant over the district boundary line shall be  
32 settled according to section 20-1674(3) and the criteria in (a) and (b) below. Where  
33 the flood profiles are based on established base flood elevations from a FIRM,  
34 FEMA must approve any map amendment or revision pursuant to this article.  
35

- 36 (a) If flood profiles exist, the map scale and the profile elevations shall determine  
37 the district boundary. The regional or base flood elevations shall govern if  
38 there are any discrepancies.  
39 (b) Where flood profiles do not exist for projects, the location of the boundary  
40 shall be determined by the map scale.  
41

42 **(5) REMOVAL OF LANDS FROM FLOODPLAIN**

43 Compliance with the provisions of this ordinance shall not be grounds for removing  
44 land from the floodplain unless it is filled at least two feet above the regional or base  
45  
46  
47  
48  
49  
50  
51



4 flood elevation, the fill is contiguous to land outside the floodplain, and the map is  
5 amended pursuant to this article.

6 (6) COMPLIANCE

7  
8 Any development or use within the areas regulated by this ordinance shall be in  
9 compliance with the terms of this ordinance, and other applicable local, state, and  
10 federal regulations.

11  
12 (7) MUNICIPALITIES AND STATE AGENCIES REGULATED

13  
14 Unless specifically exempted by law, all cities, villages, towns, and counties are  
15 required to comply with this ordinance and obtain all necessary permits. State  
16 agencies are required to comply if s. 13.48(13), Stats., applies. The construction,  
17 reconstruction, maintenance and repair of state highways and bridges by the  
18 Wisconsin Department of Transportation is exempt when  
19 s. 30.2022, Stats., applies.

20  
21 (8) ABROGATION AND GREATER RESTRICTIONS

22  
23 (a) This ordinance supersedes all the provisions of any municipal zoning  
24 ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23  
25 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains.  
26 A more restrictive ordinance shall continue in full force and effect to the  
27 extent of the greater restrictions, but not otherwise.

28  
29 (b) This ordinance is not intended to repeal, abrogate or impair any existing  
30 deed restrictions, covenants or easements. If this ordinance imposes greater  
31 restrictions, the provisions of this ordinance shall prevail.

32  
33 (9) INTERPRETATION

34  
35 In their interpretation and application, the provisions of this ordinance are the  
36 minimum requirements liberally construed in favor of the governing body and are  
37 not a limitation on or repeal of any other powers granted by the Wisconsin Statutes.  
38 If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is  
39 unclear, the provision shall be interpreted in light of the standards in effect on the  
40 date of the adoption of this ordinance or in effect on the date of the most recent text  
41 amendment to this ordinance.

42  
43 (10) WARNING AND DISCLAIMER OF LIABILITY

44  
45 The flood protection standards in this ordinance are based on engineering  
46 experience and research. Larger floods may occur or the flood height may be  
47 increased by man-made or natural causes. This ordinance does not imply or  
48 guarantee that non-floodplain areas or permitted floodplain uses will be free from  
49 flooding and flood damages. This ordinance does not create liability on the part of,  
50 or a cause of action against, Racine County or any officer or employee thereof for  
51 any flood damage that may result from reliance on this ordinance.

4 (11) SEVERABILITY

5 Should any portion of this ordinance be declared unconstitutional or invalid by a  
6 court of competent jurisdiction, the remainder of this ordinance shall not be affected.

7  
8 (12) ANNEXED AREAS FOR CITIES AND VILLAGES

9  
10 The Racine County floodplain zoning provisions in effect on the date of annexation  
11 shall remain in effect and shall be enforced by the municipality for all annexed areas  
12 until the municipality adopts and enforces an ordinance which meets the  
13 requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood*  
14 *Insurance Program* (NFIP). These annexed lands are described on the  
15 municipality's official zoning map. County floodplain zoning provisions are  
16 incorporated by reference for the purpose of administering this section and are on  
17 file in the office of the Racine County Public Works and Development Services  
18 Department. All plats or maps of annexation shall show the regional flood elevation  
19 and the floodway location.

20  
21 **Secs. 20-1495 - 20-1509. Reserved.**

22  
23 **Sec. 20-1510. General standards applicable to all floodplain districts.**

24  
25 The community shall review all permit applications to determine whether proposed  
26 building sites will be reasonably safe from flooding. If a proposed building site is in a flood-  
27 prone area, all new construction and substantial improvements shall be designed and  
28 anchored to prevent flotation, collapse, or lateral movement of the structure resulting from  
29 hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be  
30 constructed to minimize flood damages and to ensure that utility and mechanical  
31 equipment is designed and/or located so as to prevent water from entering or accumulating  
32 within the equipment during conditions of flooding.

33  
34 Subdivisions shall be reviewed for compliance with the above standards. All  
35 subdivision proposals (including manufactured home parks) shall include regional flood  
36 elevation and floodway data for any development that meets the subdivision definition of  
37 this ordinance and all other requirements in section 20-1662(2). Adequate drainage shall  
38 be provided to reduce exposure to flood hazards and all public utilities and facilities, such  
39 as sewer, gas, electrical, and water systems are located and constructed to minimize or  
40

41  
42 **Sec. 20-1511. Hydraulic and hydrologic analyses.**

43  
44 (1) No floodplain development shall:

- 45  
46 (a) Obstruct flow, defined as development which blocks the conveyance of  
47 floodwaters by itself or with other development, causing any increase in the  
48 regional flood height; or  
49  
50 (b) Cause any increase in the regional flood height due to floodplain storage  
51 area lost.  
52

- 4 (2) The zoning administrator shall deny permits if it is determined the proposed  
5 development will obstruct flow or cause any increase in the regional flood height,  
6 based on the officially adopted FIRM or other adopted map, unless the provisions of  
7 this article are met.

8 **Sec. 20-1512. Watercourse alterations.**

9  
10 No land use permit to alter or relocate a watercourse in a mapped floodplain shall be  
11 issued until Racine County has notified in writing all adjacent municipalities, the  
12 Department and FEMA regional offices, and required the applicant to secure all necessary  
13 state and federal permits. The standards of section 20-1511 must be met and the flood  
14 carrying capacity of any altered or relocated watercourse shall be maintained.

15  
16 As soon as is practicable, but not later than six months after the date of the  
17 watercourse alteration or relocation and pursuant to this article, the community shall apply  
18 for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed  
19 and approved by FEMA and the DNR through the LOMC process.

20  
21  
22 **Sec. 20-1513. Chapter 30, 31, Wis. Stats. Development.**

23  
24 Development which requires a permit from the Department, under chs. 30 and 31,  
25 Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may  
26 be allowed if the necessary permits are obtained and amendments to the floodplain zoning  
27 ordinance are made according to this article.

28  
29 **Sec. 20-1514. Public or private campgrounds.**

30  
31 Public or private campgrounds shall have a low flood damage potential and shall  
32 meet the following provisions:

- 33  
34 (1) The campground is approved by the Department of Health Services;  
35  
36 (2) A conditional use permit for the campground is approved by the appropriate Racine  
37 County Board of Supervisors development committee;  
38  
39 (3) The character of the river system and the campground elevation are such that a 72-  
40 hour warning of an impending flood can be given to all campground occupants;  
41  
42

- 4 (4) There is an adequate flood warning procedure for the campground that offers the  
5 minimum notice required under this section to all persons in the campground. This  
6 procedure shall include a written agreement between the campground owner, the  
7 municipal emergency government coordinator and the chief law enforcement official  
8 which specifies the flood elevation at which evacuation shall occur, personnel  
9 responsible for monitoring flood elevations, types of warning systems to be used  
10 and the procedures for notifying at-risk parties, and the methods and personnel  
11 responsible for conducting the evacuation;
- 12 (5) This agreement shall be for no more than one calendar year, at which time the  
13 agreement shall be reviewed and updated - by the officials identified in sub. (4) - to  
14 remain in compliance with all applicable regulations, including those of the state  
15 Department of Health Services and all other applicable regulations;
- 16 (6) Only camping units that are fully licensed, if required, and ready for highway use  
17 are allowed;
- 18 (7) The camping units shall not occupy any site in the campground for more than 180  
19 consecutive days, at which time the camping unit must be removed from the  
20 floodplain for a minimum of 24 hours;
- 21 (8) All camping units that remain on site for more than 30 days shall be issued a  
22 limited authorization by the campground operator, a written copy of which is kept on  
23 file at the campground. Such authorization shall allow placement of a camping unit  
24 for a period not to exceed 180 days and shall ensure compliance with all the  
25 provisions of this section;
- 26 (9) Racine County shall monitor the limited authorizations issued by the campground  
27 operator to assure compliance with the terms of this section;
- 28 (10) All camping units that remain in place for more than 180 consecutive days must  
29 meet the applicable requirements in either sections 20-1531, 20-1559, or 20-1570  
30 for the floodplain district in which the structure is located;
- 31 (11) The campground shall have signs clearly posted at all entrances warning of the  
32 flood hazard and the procedures for evacuation when a flood warning is issued;  
33 and
- 34 (12) All service facilities, including but not limited to refuse collection, electrical service,  
35 gas lines, propane tanks, sewage systems and wells shall be properly anchored  
36 and placed at or floodproofed to the flood protection elevation.

37 **Sections 20-1515 – 20-1530. Reserved.**

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4 **Sec. 20-1531. Floodway District (FW).**5 **Sec. 20-1532. Applicability.**6  
7 This section applies to all floodway areas on the floodplain zoning maps and those  
8 identified pursuant to section 20-1574.  
910 **Sec. 20-1533. Permitted uses.**11  
12 The following open space uses are allowed in the Floodway District and the floodway  
13 areas of the General Floodplain District if:  
14

- 15
- 16 • they are not prohibited by any other ordinance;
  - 17 • they meet the standards in sections 20-1534 and 20-1535; and
  - 18 • all permits or certificates have been issued according to section 20-1662.

- 19 (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture,
- 
- 20 grazing, sod farms, truck farming, and wild crop harvesting.
- 
- 21
- 
- 22 (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas
- 
- 23 and airport landing strips.
- 
- 24
- 
- 25 (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges,
- 
- 26 picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves,
- 
- 27 game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing
- 
- 28 areas and hiking and horseback riding trails, subject to the fill limitations of section 20-
- 
- 29 1534(4).
- 
- 30
- 
- 31 (4) Uses or structures accessory to open space uses, or classified as historic structures
- 
- 32 that comply with sections 20-1534 and 20-1535.
- 
- 33
- 
- 34 (5) Extraction of sand, gravel or other materials that comply with section 20-1534(4).
- 
- 35
- 
- 36 (6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage
- 
- 37 areas, culverts, navigational aids and river crossings of transmission lines, and
- 
- 38 pipelines that comply with chs. 30 and 31, Stats.
- 
- 39
- 
- 40 (7) Public utilities, streets and bridges that comply with section 20-1534(3).
- 
- 41
- 
- 42 (8) Accessory structures for navigation controls and aids and bridge approaches may be
- 
- 43 permitted by conditional use;
- 
- 44
- 
- 45 (9)
- Conditional uses.*
- (Sec. 20-1631)
- 
- 46
- 
- 47
- 
- 48

4 **Sec. 20-1534. Standards for developments in the floodway.**

5 (1) GENERAL

- 6
- 7 (a) Any development in the floodway shall comply with section 20-1510 and have  
8 a low flood damage potential.
- 9
- 10 (b) Applicants shall provide the following data to determine the effects of the  
11 proposal according to section 20-1511:
- 12
- 13 1. a cross-section elevation view of the proposal, perpendicular to the  
14 watercourse, showing if the proposed development will obstruct flow; or
- 15
- 16 2. an analysis calculating the effects of this proposal on regional flood height.
- 17
- 18 (c) The zoning administrator shall deny the permit application if the project will  
19 cause any increase in the flood elevations upstream or downstream, based on  
20 the data submitted for subd. (b) above.

21

22 (2) STRUCTURES

23 Structures accessory to permanent open space uses or functionally dependent on a  
24 waterfront location may be allowed by permit if the structures comply with the  
25 following criteria:

- 26
- 27
- 28 (a) not designed for human habitation, does not have a high flood damage  
29 potential and is constructed to minimize flood damage;
- 30
- 31 (b) shall have a minimum of two openings on different walls having a total net area  
32 not less than one square inch for every square foot of enclosed area, and the  
33 bottom of all such openings being no higher than one foot above grade. The  
34 openings shall be equipped with screens, louvers, or other coverings or  
35 devices provided that they permit the automatic entry and exit of floodwaters.
- 36
- 37 (c) must be anchored to resist flotation, collapse, and lateral movement;
- 38
- 39 (d) mechanical and utility equipment must be elevated or flood proofed to or  
40 above the flood protection elevation; and
- 41
- 42 (e) must not obstruct flow of flood waters or cause any increase in flood levels  
43 during the occurrence of the regional flood.
- 44
- 45
- 46

4 (3) PUBLIC UTILITIES, STREETS AND BRIDGES

5 Public utilities, streets and bridges may be allowed by permit if:

- 6
- 
- 7 (a) adequate floodproofing measures are provided to the flood protection
- 
- 8 elevation; and
- 
- 9
- 
- 10 (b) construction meets the development standards of section 20-1511.
- 
- 11

12 (4) FILLS OR DEPOSITION OF MATERIALS

13 Fills or deposition of materials may be allowed by permit if:

- 14
- 
- 15 (a) The requirements of section 20-1511 are met;
- 
- 16
- 
- 17 (b) No material is deposited in navigable waters unless a permit is issued by the
- 
- 18 Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the
- 
- 19 Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344
- 
- 20 has been issued, if applicable, and all other requirements have been met;
- 
- 21
- 
- 22 (c) The fill or other materials will be protected against erosion by riprap, vegetative
- 
- 23 cover, sheet piling or bulkheading; and
- 
- 24
- 
- 25 (d) The fill is not classified as a solid or hazardous material.
- 
- 26
- 
- 27

28 **Sec. 20-1535. Prohibited uses.**29 All uses not listed as permitted uses in section 20-1533 are prohibited, including the  
30 following uses:  
31

- 32
- 
- 33 (1) habitable structures, structures with high flood damage potential, or those not
- 
- 34 associated with permanent open-space uses;
- 
- 35
- 
- 36 (2) storing materials that are buoyant, flammable, explosive, injurious to property, water
- 
- 37 quality, or human, animal, plant, fish or other aquatic life;
- 
- 38
- 
- 39 (3) uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- 
- 40
- 
- 41 (4) any private or public sewage systems, except portable latrines that are removed prior
- 
- 42 to flooding and systems associated with recreational areas and Department-approved
- 
- 43 campgrounds that meet the applicable provisions of local ordinances and ch. SPS
- 
- 44 383, Wis. Adm. Code;
- 
- 45
- 
- 46
- 
- 47
- 
- 48

- 4 (5) any public or private wells which are used to obtain potable water, except those for  
5 recreational areas that meet the requirements of local ordinances and chs. NR 811  
6 and NR 812, Wis. Adm. Code;
- 7 (6) any solid or hazardous waste disposal sites;
- 8
- 9 (7) any wastewater treatment ponds or facilities, except those permitted under s. NR  
10 110.15(3)(b), Wis. Adm. Code; and
- 11
- 12 (8) any sanitary sewer or water supply lines, except those to service existing or proposed  
13 development located outside the floodway which complies with the regulations for the  
14 floodplain area occupied.

15  
16 **Secs. 20-1536 – 20-1569. Reserved.**

17  
18 **Sec. 20-1570. General Floodplain District (GFP).**

19  
20 **Sec. 20-1571. Applicability.**

21  
22 The provisions for this district shall apply to all floodplains mapped as A, AO or AH  
23 zones.

24  
25 **Sec. 20-1572. Permitted uses.**

26  
27 Pursuant to section 20-1574, it shall be determined whether the proposed use is  
28 located within the floodway or floodfringe.

29  
30 Those uses permitted in the Floodway (section 20-1533) are allowed within the  
31 General Floodplain District, according to the standards of section 20-1573, provided that all  
32 permits or certificates required under section 20-1662 have been issued.

33  
34 **Sec. 20-1573. Standards for development in the General Floodplain District.**

- 35
- 36 (1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed  
37 below, whichever is higher:
- 38
- 39 (a) at or above the flood protection elevation; or
- 40
- 41 (b) two (2) feet above the highest adjacent grade around the structure; or
- 42
- 43 (c) the depth as shown on the FIRM
- 44
- 45



- 4 (2) In AO/AH zones, provide plans showing adequate drainage paths to guide  
5 floodwaters around structures.

6 **Sec. 20-1574. Determining floodway and floodfringe limits.**

7  
8 Upon receiving an application for development within the general floodplain district,  
9 the zoning administrator shall:

- 10  
11 (1) require the applicant to submit two copies of an aerial photograph or a plan which  
12 shows the proposed development with respect to the general floodplain district limits,  
13 stream channel, and existing floodplain developments, along with a legal description of  
14 the property, fill limits and elevations, building floor elevations and flood proofing  
15 measures; and the flood zone as shown on the FIRM.  
16  
17 (2) require the applicant to furnish any of the following information deemed necessary by  
18 the Department to evaluate the effects of the proposal upon flood height and flood  
19 flows, regional flood elevation and to determine floodway boundaries:  
20  
21 (a) a Hydrologic and hydraulic study as specified in section 20-1662(2)(c).  
22  
23 (b) plan (surface view) showing elevations or contours of the ground; pertinent  
24 structure, fill or storage elevations; size, location and layout of all proposed and  
25 existing structures on the site; location and elevations of streets, water supply, and  
26 sanitary facilities; soil types and other pertinent information;  
27  
28 (c) specifications for building construction and materials, floodproofing, filling,  
29 dredging, channel improvement, storage, water supply and sanitary facilities.  
30

31 **Secs. 20-1575 – 20-1590. Reserved.**

32  
33 **Sec. 20-1591. FFO Urban Floodplain Fringe Overlay District.**

34  
35 **Sec. 20-1592. Purpose.**

36  
37 The FFO urban floodplain fringe overlay district is intended to provide for and  
38 encourage the most appropriate use of land and water in the urban or urbanizing areas of  
39 the county subject to periodic flooding and to minimize flood damage to people and  
40 property. The FFO district shall not be utilized in any area of the county except where used  
41 to complement the FW district and only where public sanitary sewer facilities are currently  
42 available or are programmed to be made available within twenty-four (24) months and  
43 where the elevation of the regional flood elevation has been increased by two (2) or more  
44 feet since such elevation was originally established.  
45  
46  
47

4 The FFO urban floodplain fringe overlay district is located in select locations around or  
5 near the tri-lake area (Wind Lake, Long Lake, and Waubeesee Lake) within the Town of  
6 Norway. The FFO includes the following sections and quarter-sections of T4N, R20E: 3  
7 (NW, SW ¼), 4 (NW, NE, SW, SE ¼), 5 (SW ¼), 6 (SE ¼), 7 (NE, SE ¼), 8 (NW, NE, SW,  
8 SE ¼), 9 (NW, SW, SE ¼), 10 (NW, SW ¼), 16 (NW, NE ¼), 17 (NW, NE ¼), and 18 (NE  
9 ¼). FFO maps are available for review at the Racine County Public Works and  
10 Development Services Department.

11 Overlay districts provide for the possibility of superimposing certain additional  
12 requirements upon a basic zoning district without disturbing the requirements of the  
13 basic district. In the instance of conflicting requirements; the more restrictive of the  
14 conflicting requirements shall apply.

15  
16 **Sec. 20-1593. Permitted uses.**

17  
18 The uses permitted in the FFO urban floodplain fringe overlay district are as follows:

- 19  
20 (1) *Principal uses.* Any use of land, including structures, that is permitted in the  
21 underlying basic use district. Examples of such use would be croplands in an  
22 agricultural district; required yards in a residential district; or parking or loading areas  
23 in a commercial or industrial district, provided that inundation depths for parking and  
24 loading areas do not exceed two (2) feet above the regional flood elevation.  
25  
26 (2) *Conditional uses.* (Section 20-1631)

27  
28 **Sec. 20-1594. Incompatible uses prohibited.**

29  
30 Lands lying within the FFO urban floodplain fringe overlay district shall not be used for  
31 any solid or hazardous waste disposal site, on-site soil absorption sanitary sewage  
32 disposal site or the construction of any well which is used to obtain water for ultimate  
33 human consumption.  
34

35 **Sec. 20-1595. Standards for development in the FFO.**

36  
37 Section 20-1511 shall apply in addition to the following requirements according to the  
38 use requested. Any existing structure in the FFO urban floodplain fringe overlay district  
39 must meet the requirements of section 20-1643 *Nonconforming uses in floodlands.*  
40

- 41 (a) Residential, commercial, and institutional structures shall be permitted in the FFO  
42 urban floodplain fringe overlay district provided that the structure is permitted in the  
43 underlying basic use district and subject to the standards of subd. (b).  
44  
45  
46  
47  
48  
49

4 (b) Residential uses - Any structure, including a manufactured home, which is to be  
5 newly constructed or moved into the floodfringe, shall meet or exceed the following  
6 standards. Any existing structure in the floodfringe must meet the requirements of  
7 section 20-1643 *Nonconforming uses in floodlands*.

8 1. The elevation of the lowest floor shall be at or above the flood protection  
9 elevation on fill unless the requirements of section subd.(2) can be met. The fill  
10 shall be one foot or more above the regional flood elevation extending at least  
11 15 feet beyond the limits of the structure. If 15 feet is unattainable due to lot  
12 configuration retaining walls may be utilized. The Racine County Public Works  
13 and Development Services department recommends that the project be  
14 designed or reviewed by a registered engineer who can certify that the retaining  
15 walls are functionally and structurally adequate for the project. This approval  
16 does not warrant the retaining walls against design or structural failure, and  
17 Racine County will accept no liability through approval or through the issuance of  
18 a zoning permit. The retaining walls are the landowner's responsibility. If the  
19 retaining walls become damaged or destroyed, it is the property owner's  
20 responsibility to repair or replace the walls.

21  
22 2. The basement or crawlway floor may be placed at the regional flood elevation if  
23 it is dry floodproofed to the flood protection elevation. No basement or crawlway  
24 floor is allowed below the regional flood elevation;

25  
26 3. Contiguous dryland access shall be provided from a structure to land outside of  
27 the floodplain, except as provided in subd. (4).

28  
29 4. In developments where existing street or sewer line elevations make compliance  
30 with subd. (3) impractical, the county may permit new development and  
31 substantial improvements where roads are below the regional flood elevation, if:

32  
33 i. the municipality has written assurance from police, fire and emergency  
34 services that rescue and relief will be provided to the structure(s) by wheeled  
35 vehicles during a regional flood event; or

36  
37 ii. the municipality has a DNR-approved emergency evacuation plan. The  
38 Town of Norway Floodplain Emergency Action Plan has been adopted  
39 pursuant to this article and is in effect for the area encompassed by the town  
40 sanitary district in the Town of Norway.

41  
42 5. *Conditional uses*. (Section 20-1631)

43  
44 (c) Accessory structures associated with agricultural, residential, commercial,  
45 institutional, or industrial uses in the FFO urban floodplain fringe overlay district are  
46 permitted, provided that all structures, when permitted, are not attached to the  
47 principal structure, are not designed for human occupancy or the confinement of  
48 animals, have a low flood damage potential, are constructed and placed to provide  
49

4 minimum obstruction to flood flows (whenever possible, accessory structures shall be  
5 placed with their longitudinal axis parallel to the flow of floodwaters), are firmly  
6 anchored to prevent them from floating away and restricting bridge openings, and  
7 have all service facilities (such as electrical and heating equipment) at an elevation at  
8 least two (2) feet above the regional flood elevation.

9 1. Except as provided in subsection (2), an accessory structure which is not  
10 connected to the principal structure may be constructed with its lowest floor at or  
11 above the regional flood elevation.

12  
13 2. An accessory structure which is not connected to the principal structure and  
14 which is less than six hundred (600) square feet in size and valued at less than  
15 then thousand dollars (\$10,000) may be constructed with its lowest floor no  
16 more than two (2) feet below the base flood elevation; it meets all the provisions  
17 of section 20-1534, and materials that are buoyant, flammable, explosive, or  
18 injurious to property, water quality or human, animal, plant, or aquatic life be  
19 stored at or above the flood protection elevation or floodproofed. Adequate  
20 measures shall be taken to ensure that such material will not enter the water  
21 body during flooding.

22  
23 (d) In commercial and institutional areas, any structure or building which is to be erected,  
24 constructed, reconstructed, altered or moved into the floodfringe area shall meet the  
25 requirements for residential use, section 1595(b). Storage yards, parking lots, and  
26 other accessory structures or land uses may be at lower elevation, subject to the  
27 storage requirements of section 20-1531 et seq. However, no such area in general  
28 use by the public shall be inundated to a depth greater than two (2) feet. Inundation  
29 of such yards or parking areas exceeding two (2) feet may be allowed provided that  
30 an adequate warning system exists to protect life and property.

31  
32 (e) Industrial structures in the FFO urban floodplain fringe overlay district are permitted  
33 provided that the structure is permitted in the underlying district and provided that the  
34 fill requirements and dryland access requirements for residential structures in the FFO  
35 district comply with section 1595(b). However, when the intent and purpose of this  
36 chapter cannot be fulfilled by filling the floodplain fringe due to existing and committed  
37 development, and when the appropriate Racine County Board of Supervisors  
38 development committee has made a finding to this effect, all new structures and all  
39 additions to existing structures in the FFO urban floodplain fringe overlay district shall  
40 be floodproofed in accordance with the standards set forth in section 20-1666 of this  
41 article to a point two (2) feet above the regional flood elevation.

42  
43 (f) Mobile home parks and mobile home units located within a mobile home park in the  
44 FFO urban floodplain fringe overlay district are permitted, provided that the use is  
45 permitted in the underlying use district and that a conditional use permit pursuant to  
46 section 20-1201 et seq. has been granted. Mobile home parks and mobile home units  
47 are also subject to the requirements of section 20-1595(k).  
48  
49

- 1  
2  
3 (g) Storage of materials - Materials that are buoyant, flammable, explosive, or injurious to  
4 property, water quality or human, animal, plant, fish or aquatic life shall be stored at or  
5 above the flood protection elevation or floodproofed in compliance with section 20-  
6 1666. Adequate measures shall be taken to ensure that such materials will not enter  
7 the water body during flooding.  
8
- 9 (h) All utilities, streets and bridges shall be designed to be compatible with  
10 comprehensive floodplain development plans; and  
11  
12 a. when failure of public utilities, streets and bridges would endanger public health  
13 or safety, or where such facilities are deemed essential, construction or repair of  
14 such facilities shall only be permitted if they are designed to comply with section  
15 20-1666.  
16  
17 b. minor roads or non-essential utilities may be constructed at lower elevations if  
18 they are designed to withstand flood forces to the regional flood elevation.  
19
- 20 (i) All sewage disposal systems shall be designed to minimize or eliminate infiltration of  
21 flood water into the system, pursuant to section 20-1666(3), to the flood protection  
22 elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm.  
23 Code.  
24
- 25 (j) All wells shall be designed to minimize or eliminate infiltration of flood waters into the  
26 system, pursuant to section 20-1666(3), to the flood protection elevation and shall  
27 meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.  
28
- 29 (k) Manufactured homes or mobile homes  
30  
31 1. Owners or operators of all manufactured/mobile home parks and subdivisions  
32 shall provide adequate surface drainage to minimize flood damage, and prepare,  
33 secure approval and file an evacuation plan, indicating vehicular access and  
34 escape routes, with local emergency management authorities.  
35  
36 2. In existing manufactured/mobile home parks, all new homes, replacement  
37 homes on existing pads, and substantially improved homes shall:  
38  
39 i. have the lowest floor elevated to the flood protection elevation; and  
40  
41 ii. be anchored so they do not float, collapse or move laterally during a flood.  
42  
43 3. Outside of existing manufactured/mobile home parks, including new  
44 manufactured/mobile home parks and all single units outside of existing parks,  
45 all new, replacement and substantially improved manufactured/mobile homes  
46 shall meet the residential development standards for the floodfringe in section  
47 20-1595(b).  
48  
49  
50

4 (l) All mobile recreational vehicles that are on site for 180 consecutive days or more or  
5 are not fully licensed and ready for highway use shall meet the elevation and  
6 anchoring requirements in section 20-1595(k)(1) and (2). A mobile recreational  
7 vehicle is ready for highway use if it is on its wheels or jacking system, is attached to  
8 the site only by quick-disconnect utilities and security devices and has no permanently  
9 attached additions. Recreational vehicles shall not be considered to be  
10 manufactured/mobile homes.

11 (m) A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking  
12 system, is attached to the site only by quick-disconnect utilities and security devices  
13 and has no permanently attached additions. Recreational vehicles shall not be  
14 considered to be manufactured/mobile homes.

15  
16  
17 **Sec. 20-1596. Preservation of drainageways.**

18  
19 No permit granted for filing or development in the FFO urban floodplain fringe overlay  
20 district shall be permitted to adversely affect the channels, floodways, or shorelands of any  
21 navigational water in the county, or other land lying outside the floodlands.

22  
23 **Secs. 20-1597 – 20-1615. Reserved.**

24  
25 **Sec. 20-1616. Limited floodplain boundary adjustments.**

26  
27 (a) Limited floodplain boundary adjustments by a combination of excavating and filling  
28 may be permitted in the GFP general floodplain district provided that:

- 29
- 30 1. The excavation shall take place prior to or simultaneously with the filling and  
31 be in areas either within or contiguous to the floodland;
  - 32
  - 33 2. At a minimum, the area removed from the floodplain shall be the same or  
34 less than the area created.
  - 35
  - 36 3. The fill must be at least two feet above the regional or base flood elevation;  
37 the fill must be contiguous to land outside the floodplain and the map must  
38 be amended pursuant to section 20-1682.
  - 39
  - 40 4. The excavated earth material, if suitable for reuse in the area to be filled,  
41 shall be so used and, if not suitable or if insufficient in quantity for the fill  
42 required, the applicant may be permitted to utilize suitable fill obtained from  
43 land other than that which is being excavated.
  - 44
  - 45 5. There shall be created by the excavation floodwater storage and  
46 conveyance capacity at least equal to that which shall be lost by filling.
  - 47
  - 48
  - 49
  - 50

4 6. If it is determined that the floodplain boundary adjustment will be located in the  
5 floodway as determined by section 20-1616, then hydrologic and hydraulic  
6 analyses will need to be completed per section 20-1511 to determine no  
7 increase to Base Flood Elevations.

8 (b) It is the express legislative intent that this section allow, after careful review, limited  
9 excavation and filling in and immediately adjacent to floodlands so as to create more  
10 usable and functional parcels in and adjacent to floodlands while not reducing the  
11 floodwater storage and conveyance capacity then existing in the floodlands.

12  
13 (c) Before issuing a conditional use permit under this section, the appropriate Racine  
14 County Board of Supervisors development committee shall make a specific written  
15 determination that the proposed excavation and filling complies with each of the  
16 foregoing four (4) standards as well as the standards applicable to conditional uses  
17 under section 20-1182. In making such determinations, the committee may request  
18 an advisory review by a duly constituted watershed committee of the Southeastern  
19 Wisconsin Regional Planning Commission.

20  
21 (d) A limited floodplain boundary adjustment requires department of natural resources  
22 (DNR) and federal emergency management agency (FEMA) approval before a  
23 conditional use permit may be issued.

24  
25 **Secs. 20-1617 – 20-1630. Reserved.**

26  
27 **Sec. 20-1631. Floodland uses.**

28  
29 Floodland uses are conditional uses and may be permitted by the appropriate Racine  
30 County Board of Supervisors development committee.

31  
32 (a) Open space and related uses may be permitted in any floodplain zoning district for  
33 the following uses provided that the applicant shall show that such use or  
34 improvement will not impeded drainage, will not cause ponding, will not obstruct the  
35 floodway according to the requirements in section 20-1511, will not increase flood  
36 flow velocities, will not increase the flood stage, and will not retard the movement of  
37 the floodwaters. When permitted, all structures shall be floodproofed in accordance  
38 with the standards set in section 20-1666 of this division and constructed so as not to  
39 catch or collect debris nor be damaged by floodwaters. All floodproofed structures  
40 shall be securely anchored to protect them from large floods. Certification of  
41 floodproofing shall be made to the zoning administrator and shall consist of a plan or  
42 document certified by a registered professional engineer that the floodproofing  
43 measures are consistent with the flood velocities, forces, depths, and other factors  
44 associated with the regional flood elevation.

45  
46 1. Navigational structures

47  
48 2. Public water measuring and control facilities

- 4 3. Bridges and approaches.
- 5 4. Marinas
- 6
- 7 5. Utility poles, towers, and underground conduit for transmitting electricity,  
8 telephone, natural gas and similar products and services.
- 9
- 10 6. Park and recreational areas, not including structures.
- 11
- 12 7. Parking lots and loading areas accessory to permitted uses in adjacent  
13 districts, not including new or used vehicle sales or storage areas, provided  
14 that such uses shall not be subject to inundation depths greater than two (2)  
15 feet or flood velocities greater than two (2) feet per second.
- 16
- 17 8. Filing as authorized by the Department to permit the establishment of  
18 approved bulkhead lines.
- 19
- 20 9. Other open space uses consistent with the purpose and intent of the district  
21 and compatible with uses in adjacent districts, not including structures.
- 22

23 (b) The thin mantle spreading of spoils resulting from the cleanout and/or dredging of  
24 existing drainage ditches or canals may be permitted in floodplain zoning districts  
25 provided that the spreading does not result in an increase in the regional flood  
26 elevation; the spoils are leveled to a maximum depth of twelve (12) inches; and  
27 provided that such spreading will not have a significant adverse impact upon the  
28 criteria established by the Department in NR 116.07. Applicants are required to  
29 complete hydrologic and hydraulic analyses per section 20-1511 unless the applicant  
30 can demonstrate the spoils are being placed to pre-existing elevations (i.e. due to  
31 settlement or erosion).

32

33 (c) Municipal water supply and sanitary sewerage systems may be permitted provided  
34 that the system is floodproofed – in accordance set forth in section 20-1666 of this  
35 article – to an elevation at least two (2) feet above the regional flood elevation and is  
36 designed to eliminate or minimize infiltration of floodwaters into the system. All  
37 floodproofed utilities shall be anchored to prevent floatation. Certification of  
38 floodproofing shall be made to the zoning administrator and shall consist of a plan or  
39 document certified by a registered professional engineer that the floodproofing  
40 measures are consistent with the flood velocities, forces, depths and other factors  
41 associated with the regional flood elevation for the particular stream reach. Municipal  
42 water supply and sanitary sewerage systems are prohibited in the floodway.

43

44

45 **Secs. 20-1632-20-1642. Reserved.**



4 **Sec. 20-1643. Nonconforming uses in floodlands**

5 **Sec. 20-1644. General.**

6  
7 (1) APPLICABILITY

8  
9 If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h),  
10 Stats., for cities and villages, they shall apply to all modifications or additions to any  
11 nonconforming use or structure and to the use of any structure or premises which was  
12 lawful before the passage of this ordinance or any amendment thereto.  
13

14 (2) The existing lawful use of a structure or its accessory use which is not in conformity  
15 with the provisions of this ordinance may continue subject to the following conditions:  
16

17 (a) No modifications or additions to a nonconforming use or structure shall be  
18 permitted unless they comply with this ordinance. The words "modification"  
19 and "addition" include, but are not limited to, any alteration, addition,  
20 modification, structural repair, rebuilding or replacement of any such existing  
21 use, structure or accessory structure or use. Maintenance is not considered a  
22 modification; this includes painting, decorating, paneling and other  
23 nonstructural components and the maintenance, repair or replacement of  
24 existing private sewage or water supply systems or connections to public  
25 utilities. Any costs associated with the repair of a damaged structure are not  
26 considered maintenance.  
27

28 The construction of a deck that does not exceed 200 square feet and that is  
29 adjacent to the exterior wall of a principal structure is not an extension,  
30 modification or addition. The roof of the structure may extend over a portion of  
31 the deck in order to provide safe ingress and egress to the principal structure.  
32

33 (b) If a nonconforming use or the use of a nonconforming structure is  
34 discontinued for 12 consecutive months, it is no longer permitted and any  
35 future use of the property, and any structure or building thereon, shall conform  
36 to the applicable requirements of this ordinance.  
37

38 (c) The county shall keep a current file of all nonconforming uses and shall to the  
39 extent practical, be maintained by the zoning administrator listing the following:  
40 owners name and address, use of structure, land, or water, their present  
41 equalized assessed value, the cost of all modifications or additions which  
42 have been permitted, and the percentage of the structure's total current value  
43 those modifications represent;  
44

45 (d) No modification or addition to any floodland nonconforming structure or any  
46 floodland structure with a nonconforming use, which over the life of the  
47 structure would equal or exceed 50% of its present equalized assessed  
48  
49

4 value of the structure, shall be allowed unless the entire structure is  
5 permanently changed to a conforming structure with a conforming use in  
6 compliance with the applicable requirements of this ordinance. Contiguous dry  
7 land access must be provided for residential and commercial uses in  
8 compliance with section 20-1595(b). The costs of elevating the lowest floor of  
9 a nonconforming building or a building with a nonconforming use to the flood  
10 protection elevation are excluded from the 50% provisions of this paragraph;

11 (e) No maintenance to any floodland nonconforming structure or any structure  
12 with a floodland nonconforming use, the cost of which would equal or exceed  
13 50% of its present equalized assessed value, shall be allowed unless the  
14 entire structure is permanently changed to a conforming structure with a  
15 conforming use in compliance with the applicable requirements of this  
16 ordinance. Contiguous dry land access must be provided for residential and  
17 commercial uses in compliance with section 20-1595(b)

18 (f) If on a per event basis the total value of the work being done under (d) and (e)  
19 equals or exceeds 50% of the present equalized assessed value the work shall  
20 not be permitted unless the entire structure is permanently changed to a  
21 conforming structure with a conforming use in compliance with the applicable  
22 requirements of this ordinance. Contiguous dry land access must be provided  
23 for residential and commercial uses in compliance with section 20-1595(b).

24 (g) Except as provided in subd. (h), if any nonconforming structure or any  
25 structure with a nonconforming use is destroyed or is substantially damaged, it  
26 cannot be replaced, reconstructed or rebuilt unless the use and the structure  
27 meet the current ordinance requirements. A structure is considered  
28 substantially damaged if the total cost to restore the structure to its pre-  
29 damaged condition equals or exceeds 50% of the structure's present  
30 equalized assessed value.

31 (h) For nonconforming buildings that are substantially damaged or destroyed by a  
32 nonflood disaster, the repair or reconstruction of any such nonconforming  
33 building shall be permitted in order to restore it to the size and use in effect  
34 prior to the damage event, provided that the minimum federal code  
35 requirements below are met and all required permits have been granted prior  
36 to the start of construction.

37 1. Residential structures

38 a. Shall have the lowest floor, including basement, elevated to or above  
39 the base flood elevation using fill, pilings, columns, posts or perimeter  
40 walls. Perimeter walls must meet the requirements of section 20-  
41 1666(2).  
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- 4 b. Shall be anchored to prevent flotation, collapse, or lateral movement  
5 of the structure resulting from hydrodynamic and hydrostatic loads,  
6 including the effects of buoyancy and shall be constructed with  
7 methods and materials resistant to flood damage.
- 8 c. Shall be constructed with electrical, heating, ventilation, plumbing and  
9 air conditioning equipment and other service facilities that are  
10 designed and/or elevated so as to prevent water from entering or  
11 accumulating within the components during conditions of flooding.
- 12 d. In A Zones, obtain, review and utilize any flood data available from a  
13 federal, state or other source.
- 14 e. In AO Zones with no elevations specified, shall have the lowest floor,  
15 including basement, meet the standards in section 20-1573(1).
- 16 f. in AO Zones, shall have adequate drainage paths around structures  
17 on slopes to guide floodwaters around and away from the structure.

18 **2. Nonresidential structures**

- 19 a. Shall meet the requirements of section 20-1644(2)(h)1a-b and e-f.
- 20 b. Shall either have the lowest floor, including basement, elevated to or  
21 above the regional flood elevation; or, together with attendant utility  
22 and sanitary facilities, shall meet the standards in section 20-1666(1)  
23 or (2).
- 24 c. In AO Zones with no elevations specified, shall have the lowest floor,  
25 including basement, meet the standards in section 20-1573(1).

- 26 (3) A nonconforming historic structure may be altered if the alteration will not preclude the  
27 structures continued designation as a historic structure, the alteration will comply with section  
28 20-1534(1), flood resistant materials are used, and construction practices and floodproofing  
29 methods that comply with section 20-1666 are used. Repair or rehabilitation of historic  
30 structures shall be exempt from the development standards of section 20-1644(2)(h)1 if it is  
31 determined that the proposed repair or rehabilitation will not preclude the structure's  
32 continued designation as a historic structure and is the minimum necessary to preserve the  
33 historic character and design of the structure.

34 **Sec. 20-1645. Floodway District.**

- 35 (1) No modification or addition shall be allowed to any nonconforming structure or any  
36 structure with a nonconforming use in the Floodway District, unless such modification  
37 or addition:

4 (a) Has been granted a permit or variance by Racine County which meets all  
5 ordinance requirements;

6 (b) Meets the requirements of section 20-1644;

7 (c) Shall not increase the obstruction to flood flows or regional flood height;

8 (d) Any addition to the existing structure shall be floodproofed, pursuant to section  
9 20-1666, by means other than the use of fill, to the flood protection elevation;  
10 and

11 (e) If any part of the foundation below the flood protection elevation is enclosed, the  
12 following standards shall apply:

13 1. The enclosed area shall be designed by a registered architect or engineer  
14 to allow for the efficient entry and exit of flood waters without human  
15 intervention. A minimum of two openings must be provided with a  
16 minimum net area of at least one square inch for every one square foot of  
17 the enclosed area. The lowest part of the opening can be no more than 12  
18 inches above the adjacent grade;

19 2. The parts of the foundation located below the flood protection elevation  
20 must be constructed of flood-resistant materials;

21 3. Mechanical and utility equipment must be elevated or floodproofed to or  
22 above the flood protection elevation; and

23 4. The use must be limited to parking, building access or limited storage.

24 (2) No new on-site sewage disposal system, or addition to an existing on-site sewage  
25 disposal system, except where an addition has been ordered by a government  
26 agency to correct a hazard to public health, shall be allowed in the Floodway  
27 District. Any replacement, repair or maintenance of an existing on-site sewage  
28 disposal system in a floodway area shall meet the applicable requirements of all  
29 municipal ordinances, section 20-1666(3) and ch. SPS 383, Wis. Adm. Code.

30 (3) No new well or modification to an existing well used to obtain potable water shall be  
31 allowed in the Floodway District. Any replacement, repair or maintenance of an  
32 existing well in the Floodway District shall meet the applicable requirements of all  
33 municipal ordinances, section 20-1645(3) and chs. NR 811 and NR 812, Wis. Adm.  
34 Code.

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4 **Sec. 20-1646. Floodfringe District.**

- 5 (1) No modification or addition shall be allowed to any nonconforming structure or  
6 any structure with a nonconforming use unless such modification or addition has  
7 been granted a permit or variance by the municipality, and meets the requirements  
8 of section 20-1595 except where section 20-1646(2) is applicable.  
9
- 10 (2) Where compliance with the provisions of subd. (1) would result in unnecessary  
11 hardship and only where the structure will not be used for human habitation or be  
12 associated with a high flood damage potential, the Board of Adjustment/Appeals,  
13 using the procedures established in section 20-1664, may grant a variance from those  
14 provisions of subd. (1) for modifications or additions using the criteria listed below.  
15 Modifications or additions which are protected to elevations lower than the flood  
16 protection elevation may be permitted if:  
17
- 18 (a) No floor is allowed below the regional flood elevation for residential or  
19 commercial structures;
  - 20
  - 21 (b) Human lives are not endangered;
  - 22
  - 23 (c) Public facilities, such as water or sewer, shall not be installed;
  - 24
  - 25 (d) Flood depths shall not exceed two feet;
  - 26
  - 27 (e) Flood velocities shall not exceed two feet per second; and
  - 28
  - 29 (f) The structure shall not be used for storage of materials as described in section  
30 20-1595(g).
  - 31
- 32 (3) All new private sewage disposal systems, or addition to, replacement, repair or  
33 maintenance of a private sewage disposal system shall meet all the applicable  
34 provisions of all local ordinances, section 20-1666(3) and ch. SPS 383, Wis. Adm.  
35 Code.  
36
- 37 (4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet  
38 the applicable provisions of this ordinance, section 20-1666(3) and ch. NR 811 and  
39 NR 812, Wis. Adm. Code.  
40

41 **Secs. 20-1647 – 20-1660. Reserved.**42 **Sec. 20-1661. Administration.**

43  
44  
45 Where a zoning administrator, planning agency or a board of adjustment/appeals has  
46 already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692  
47 or 62.23(7), Stats., these officials shall also administer this ordinance.  
48

4 **Sec. 20-1662. Zoning Administrator.**

5 (1) DUTIES AND POWERS

6  
7 The zoning administrator is authorized to administer this ordinance and shall have the  
8 following duties and powers:

- 9
- 10 (a) Advise applicants of the ordinance provisions, assist in preparing permit  
11 applications and appeals, and assure that the regional flood elevation for the  
12 proposed development is shown on all permit applications.
  - 13
  - 14 (b) Issue permits and inspect properties for compliance with provisions of this  
15 ordinance and issue certificates of compliance where appropriate.
  - 16
  - 17 (c) Inspect and assess all damaged floodplain structures to determine if substantial  
18 damage to the structures has occurred.
  - 19
  - 20 (d) Keep records of all official actions such as:
    - 21
    - 22 1. all permits issued, inspections made, and work approved;
    - 23
    - 24 2. documentation of certified lowest floor and regional flood elevations;
    - 25
    - 26 3. floodproofing certificates;
    - 27
    - 28 4. water surface profiles, floodplain zoning maps and ordinances,  
29 nonconforming uses and structures including changes, appeals, variances  
30 and amendments;
    - 31
    - 32 5. all substantial damage assessment reports for floodplain structures; and
    - 33
    - 34 6. list of nonconforming structures and uses.
    - 35
  - 36 (e) Submit copies of the following items to the Department Regional office:
    - 37
    - 38 1. within 10 days of the decision, a copy of any decisions on variances,  
39 appeals for map or text interpretations, and map or text amendments;
    - 40
    - 41 2. copies of case-by-case analyses and other required information, including  
42 an annual summary of floodplain zoning actions taken; and
    - 43
    - 44 3. copies of substantial damage assessments performed and all related  
45 correspondence concerning the assessments.
    - 46
  - 47 (f) Investigate, prepare reports, and report violations of this ordinance to the  
48 municipal zoning agency and attorney for prosecution. Copies of the reports  
49 shall also be sent to the Department Regional office.
  - 50

4 (g) Submit copies of amendments and biennial reports to the FEMA Regional  
5 office.

6 (2) ZONING PERMIT

7  
8 A zoning permit shall be obtained before any new development; repair, modification  
9 or addition to an existing structure; or change in the use of a building or structure,  
10 including sewer and water facilities, may be initiated. Application to the zoning  
11 administrator shall include:

12  
13 (a) GENERAL INFORMATION

- 14  
15 1. name and address of the applicant, property owner and contractor  
16  
17 2. legal description, proposed use, and whether it is new construction or a  
18 modification  
19

20 (b) SITE DEVELOPMENT PLAN

21  
22 A site plan drawn to scale shall be submitted with the permit application form  
23 and shall contain:

- 24  
25 1. location, dimensions, area and elevation of the lot;  
26  
27 2. location of the ordinary highwater mark of any abutting navigable  
28 waterways;  
29  
30 3. location of any structures with distances measured from the lot lines and  
31 street center lines;  
32  
33 4. location of any existing or proposed on-site sewage systems or private  
34 water supply systems;  
35  
36 5. location and elevation of existing or future access roads;  
37  
38 6. location of floodplain and floodway limits as determined from the official  
39 floodplain zoning maps;  
40  
41 7. the elevation of the lowest floor of proposed buildings and any fill using  
42 the vertical datum from the adopted study – either National Geodetic  
43 Vertical Datum (NGVD) or North American Vertical Datum (NAVD);  
44  
45 8. data sufficient to determine the regional flood elevation in NGVD or  
46 NAVD at the location of the development and to determine whether or not  
47 the requirements of sections 20-1531 or 20-1595 are met; and  
48  
49

- 4 9. data to determine if the proposed development will cause an obstruction  
5 to flow or an increase in regional flood height or discharge according to  
6 section 20-1511. This may include any of the information noted in  
7 section 20-1534(1).

8 (c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE**  
9 **DEVELOPMENT**

10 All hydraulic and hydrologic studies shall be completed under the direct  
11 supervision of a professional engineer registered in the State. The study  
12 contractor shall be responsible for the technical adequacy of the study. All  
13 studies shall be reviewed and approved by the Department.  
14

15 1. Zone A floodplains:

16 a. Hydrology

- 17  
18 i. The appropriate method shall be based on the standards in ch. NR  
19 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination*  
20 *of Regional Flood Discharge*.

21 b. Hydraulic modeling

22 The regional flood elevation shall be based on the standards in ch.  
23 NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination*  
24 *of Regional Flood Elevation* and the following:

- 25  
26 i. determination of the required limits of the hydraulic model shall be  
27 based on detailed study information for downstream structures  
28 (dam, bridge, culvert) to determine adequate starting WSEL for the  
29 study;  
30  
31 ii. channel sections must be surveyed;  
32  
33 iii. minimum four foot contour data in the overbanks shall be used for  
34 the development of cross section overbank and floodplain  
35 mapping;  
36  
37 iv. a maximum distance of 500 feet between cross sections is  
38 allowed in developed areas with additional intermediate cross  
39 sections required at transitions in channel bottom slope including a  
40 survey of the channel at each location;  
41  
42 v. the most current version of HEC\_RAS shall be used.  
43  
44 vi. a survey of bridge and culvert openings and the top of road is  
45 required at each structure;  
46  
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- vii. Additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet;
  - viii. Standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices; and
  - ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

23  
24

c. Mapping

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29

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

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- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
  - ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

41  
42

2. Zone AE Floodplains

43  
44

a. Hydrology

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48

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

4 b. Hydraulic model

5 The regional flood elevation shall be based on the standards in ch.  
6 NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination*  
7 *of Regional Flood Elevation* and the following:

8  
9 i. Duplicate Effective Model

10  
11 The effective model shall be reproduced to ensure correct  
12 transference of the model data and to allow integration of the  
13 revised data to provide a continuous FIS model upstream and  
14 downstream of the revised reach. If data from the effective model  
15 is available, models shall be generated that duplicate the FIS  
16 profiles and the elevations shown in the Floodway Data Table in  
17 the FIS report to within 0.1 foot.

18  
19 ii. Corrected Effective Model.

20  
21 The Corrected Effective Model shall not include any man-made  
22 physical changes since the effective model date, but shall import  
23 the model into the most current version of HEC-RAS for  
24 Department review.

25  
26 iii. Existing (Pre-Project Conditions) Model.

27  
28 The Existing Model shall be required to support conclusions about  
29 the actual impacts of the project associated with the Revised (Post-  
30 Project) Model or to establish more up-to-date models on which to  
31 base the Revised (Post-Project) Model.

32  
33 iv. Revised (Post-Project Conditions) Model.

34  
35 The Revised (Post-Project Conditions) Model shall incorporate the  
36 Existing Model and any proposed changes to the topography  
37 caused by the proposed development. This model shall reflect  
38 proposed conditions.

39  
40 v. All changes to the Duplicate Effective Model and subsequent  
41 models must be supported by certified topographic information,  
42 bridge plans, construction plans and survey notes.

43  
44 vi. Changes to the hydraulic models shall be limited to the stream  
45 reach for which the revision is being requested. Cross sections  
46 upstream and downstream of the revised reach shall be identical to  
47 those in the effective model and result in water surface elevations  
48 and topwidths computed by the revised models matching those in  
49 the effective models upstream and downstream of the revised  
50 reach as required. The Effective Model shall not be truncated.

## 4 c. Mapping

5 Maps and associated engineering data shall be submitted to the  
6 Department for review which meet the following conditions:

- 7
- 
- 8 i. Consistency between the revised hydraulic models, the revised
- 
- 9 floodplain and floodway delineations, the revised flood profiles,
- 
- 10 topographic work map, annotated FIRMs and/or Flood Boundary
- 
- 11 Floodway Maps (FBFMs), construction plans, bridge plans.
- 
- 12
- 
- 13 ii. Certified topographic map of suitable scale, contour interval, and a
- 
- 14 planimetric map showing the applicable items. If a digital version of
- 
- 15 the map is available, it may be submitted in order that the FIRM may
- 
- 16 be more easily revised.
- 
- 17
- 
- 18 iii. Annotated FIRM panel showing the revised 1% and 0.2% annual
- 
- 19 chance floodplains and floodway boundaries.
- 
- 20
- 
- 21 iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or
- 
- 22 CADD) are used then all supporting documentation or metadata must
- 
- 23 be included with the data submission along with the Universal
- 
- 24 Transverse Mercator (UTM) projection and State Plane Coordinate
- 
- 25 System in accordance with FEMA mapping specifications.
- 
- 26
- 
- 27 v. The revised floodplain boundaries shall tie into the effective floodplain
- 
- 28 boundaries.
- 
- 29
- 
- 30 vi. All cross sections from the effective model shall be labeled in
- 
- 31 accordance with the effective map and a cross section lookup table
- 
- 32 shall be included to relate to the model input numbering scheme.
- 
- 33
- 
- 34 vii. Both the current and proposed floodways shall be shown on the map.
- 
- 35
- 
- 36 viii. The stream centerline, or profile baseline used to measure stream
- 
- 37 distances in the model shall be visible on the map.
- 
- 38

39 (d) EXPIRATION40  
41 All permits issued under the authority of this ordinance shall expire no more  
42 than 180 days after issuance. The permit may be extended for a maximum  
43 of 180 days for good and sufficient cause.  
4445 (3) CERTIFICATE OF COMPLIANCE46  
47 No land shall be occupied or used, and no building which is hereafter  
48 constructed, altered, added to, modified, repaired, rebuilt or replaced shall be  
49 occupied until a certificate of compliance is issued by the zoning administrator,  
50 except where no permit is required, subject to the following provisions:

- 4 (a) The certificate of compliance shall show that the building or premises or  
5 part thereof, and the proposed use, conform to the provisions of this  
6 ordinance;
- 7 (b) Application for such certificate shall be concurrent with the application for a  
8 permit;
- 9 (c) If all ordinance provisions are met, the certificate of compliance shall be  
10 issued within 10 days after written notification that the permitted work is  
11 completed;
- 12 (d) The applicant shall submit a certification signed by a registered professional  
13 engineer, architect or land surveyor that the fill, lowest floor and floodproofing  
14 elevations are in compliance with the permit issued. Floodproofing  
15 measures also require certification by a registered professional engineer or  
16 architect that the requirements of section 20-1266 are met.

17  
18  
19  
20 **(4) OTHER PERMITS**

21  
22 Prior to obtaining a floodplain development permit the applicant must secure all  
23 necessary permits from federal, state, and local agencies, including but not limited to  
24 those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water  
25 Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

26  
27 **Sec. 20-1663. Zoning Agency.**

- 28  
29 (1) The appropriate Racine County Board of Supervisors development committee shall:  
30  
31 (a) oversee the functions of the office of the zoning administrator; and  
32  
33 (b) review and advise the governing body on all proposed amendments to this  
34 ordinance, maps and text.
- 35  
36 (2) The appropriate Racine County Board of Supervisors development committee shall  
37 not:  
38  
39 (a) grant variances to the terms of the ordinance in place of action by the Board of  
40 Adjustment/Appeals; or  
41  
42 (b) amend the text or zoning maps in place of official action by the governing body.

43  
44 **Sec. 20-1664. Board of Adjustment.**

45  
46 The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s.  
47 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act  
48 for the purposes of this ordinance. The Board shall exercise the powers conferred by  
49 Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator  
50 shall not be the secretary of the Board.

4 (1) POWERS AND DUTIES

5 The Board of Adjustment/Appeals shall:

- 6
- 7 (a) Appeals - hear and decide appeals where it is alleged there is an error in  
8 any order, requirement, decision or determination made by an  
9 administrative official in the enforcement or administration of this ordinance;
- 10
- 11 (b) Boundary Disputes - hear and decide disputes concerning the district  
12 boundaries shown on the official floodplain zoning map; and
- 13
- 14 (c) Variances -hear and decide, upon appeal, variances from the ordinance  
15 standards.
- 16

17 (2) APPEALS TO THE BOARD

- 18
- 19 (a) Appeals to the board may be taken by any person aggrieved, or by any  
20 officer or department of the municipality affected by any decision of the  
21 zoning administrator or other administrative officer. Such appeal shall be  
22 taken within 30 days unless otherwise provided by the rules of the board,  
23 by filing with the official whose decision is in question, and with the board,  
24 a notice of appeal specifying the reasons for the appeal. The official  
25 whose decision is in question shall transmit to the board all records  
26 regarding the matter appealed.
- 27

28 (b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

29 1. Notice - The board shall:

- 30
- 31
- 32 a. fix a reasonable time for the hearing;
- 33
- 34 b. publish adequate notice pursuant to Wisconsin Statutes, specifying  
35 the date, time, place and subject of the hearing; and
- 36
- 37 c. assure that notice shall be mailed to the parties in interest and the  
38 Department Regional office at least 10 days in advance of the  
39 hearing.
- 40

41 2. Hearing - Any party may appear in person or by agent. The board shall:

- 42
- 43 a. resolve boundary disputes according to this chapter;
- 44
- 45 b. decide variance applications according to this chapter; and
- 46
- 47 c. decide appeals of permit denials according to this chapter.
- 48
- 49
- 50

4 (c) DECISION: The final decision regarding the appeal or variance application shall:

- 5
- 6 1. be made within a reasonable time;
- 7
- 8 2. be sent to the Department Regional office within 10 days of the decision;
- 9
- 10 3. be a written determination signed by the chairman or secretary of the Board;
- 11
- 12 4. state the specific facts which are the basis for the Board's decision;
- 13
- 14 5. either affirm, reverse, vary or modify the order, requirement, decision or
- 15 determination appealed, in whole or in part, dismiss the appeal for lack of
- 16 jurisdiction or grant or deny the variance application; and
- 17
- 18 6. include the reasons for granting an appeal, describing the hardship
- 19 demonstrated by the applicant in the case of a variance, clearly stated in the
- 20 recorded minutes of the Board proceedings.

21

22 (3) BOUNDARY DISPUTES

23

24 The following procedure shall be used by the Board in hearing disputes

25 concerning floodplain district boundaries:

- 26
- 27 (a) If a floodplain district boundary is established by approximate or detailed
- 28 floodplain studies, the flood elevations or profiles shall prevail in locating the
- 29 boundary. If none exist, other evidence may be examined;
- 30
- 31 (b) The person contesting the boundary location shall be given a reasonable
- 32 opportunity to present arguments and technical evidence to the Board; and
- 33
- 34 (c) If the boundary is incorrectly mapped, the Board should inform the zoning
- 35 committee or the person contesting the boundary location to petition the
- 36 governing body for a map amendment according to this article.

37

38 (4) VARIANCE

- 39
- 40 (a) The Board may, upon appeal, grant a variance from the standards of this
- 41 ordinance if an applicant convincingly demonstrates that:
- 42
- 43 1. Literal enforcement of the ordinance will cause unnecessary hardship;
- 44
- 45 2. The hardship is due to adoption of the floodplain ordinance and unique
- 46 property conditions, not common to adjacent lots or premises. In such
- 47 case the ordinance or map must be amended;
- 48
- 49 3. The variance is not contrary to the public interest; and

4 4. The variance is consistent with the purpose of this ordinance in section 20-  
5 1492.

6 (b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA  
7 regulations, the following criteria must be met:

- 8
- 9 1. The variance shall not cause any increase in the regional flood elevation;
  - 10 2. Variances shall only be granted for lots that are less than one-half acre and  
11 are contiguous to existing structures constructed below the RFE; and
  - 12 3. Variances shall only be granted upon a showing of good and sufficient  
13 cause, shall be the minimum relief necessary, shall not cause increased  
14 risks to public safety or nuisances, shall not increase costs for rescue and  
15 relief efforts and shall not be contrary to the purpose of the ordinance.

16 (c) A variance shall not:

- 17
- 18 1. Grant, extend or increase any use prohibited in the zoning district;
  - 19 2. Be granted for a hardship based solely on an economic gain or loss;
  - 20 3. Be granted for a hardship which is self-created;
  - 21 4. Damage the rights or property values of other persons in the area;
  - 22 5. Allow actions without the amendments to this ordinance or map(s) required  
23 in 20-1681; and
  - 24 6. Allow any alteration of an historic structure, including its use, which would  
25 preclude its continued designation as an historic structure.

26 (d) When a floodplain variance is granted the Board shall notify the applicant in  
27 writing that it may increase risks to life and property and flood insurance  
28 premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall  
29 be maintained with the variance record.

30 **Sec. 20-1665. To review appeals of permit denials in floodland districts.**

31 (1) The Zoning Agency (section 20-1663) or Board shall review all data related to  
32 the appeal. This may include:

- 33 (a) permit application data listed in section 20-1662(2);
- 34 (b) floodway/floodfringe determination data in section 20-1574;

- 4 (c) data listed in section 20-1534(1)(b) where the applicant has not submitted  
5 this information to the zoning administrator; and  
6 (d) other data submitted with the application, or submitted to the Board with the  
7 appeal.

8  
9 (2) For appeals of all denied permits the Board shall:

- 10  
11 (a) follow the procedures of section 20-1664;  
12  
13 (b) consider zoning agency recommendations; and  
14  
15 (c) either uphold the denial or grant the appeal.  
16

17 (3) For appeals concerning increases in regional flood elevation the Board shall:

- 18  
19 (a) uphold the denial where the Board agrees with the data showing an increase  
20 in flood elevation. Increases may only be allowed after amending the flood  
21 profile and map and all appropriate legal arrangements are made with all  
22 adversely affected property owners as per the requirements of 20-1681; and  
23  
24 (b) grant the appeal where the Board agrees that the data properly  
25 demonstrates that the project does not cause an increase provided no other  
26 reasons for denial exist.  
27

28 **Sec. 20-1666. Floodproofing standards for nonconforming structures or uses.**

29  
30 (1) No permit or variance shall be issued for a non-residential structure designed to  
31 be watertight below the regional flood elevation until the applicant submits a plan  
32 certified by a registered professional engineer or architect that the floodproofing  
33 measures will protect the structure or development to the flood protection  
34 elevation and submits a FEMA Floodproofing Certificate.  
35

36 (2) For a structure designed to allow the entry of floodwaters, no permit or variance  
37 shall be issued until the applicant submits a plan either:

- 38  
39 (a) certified by a registered professional engineer or architect; or  
40  
41 (b) meets or exceeds the following standards:  
42  
43 1. a minimum of two openings having a total net area of not less than one  
44 square inch for every square foot of enclosed area subject to flooding;  
45  
46 2. the bottom of all openings shall be no higher than one foot above grade;  
47 and  
48  
49  
50



4 3. openings may be equipped with screens, louvers, valves, or other  
5 coverings or devices provided that they permit the automatic entry and  
6 exit of floodwaters.

7 (3) Floodproofing measures shall be designed, as appropriate, to:

8  
9 (a) withstand flood pressures, depths, velocities, uplift and impact forces and other  
10 regional flood factors;

11  
12 (b) protect structures to the flood protection elevation;

13  
14 (c) anchor structures to foundations to resist flotation and lateral movement;

15  
16 (d) minimize or eliminate infiltration of flood waters; and

17  
18 (e) minimize or eliminate discharges into flood waters.  
19  
20

21 **Sec. 20-1667. Public information.**

22  
23 (1) Place marks on structures to show the depth of inundation during the regional  
24 flood.

25  
26 (2) All maps, engineering data and regulations shall be available and widely  
27 distributed.  
28

29 (3) Real estate transfers should show what floodplain district any real property is in.  
30

31 **Secs. 20-1668 - 20-1680. Reserved.**

32  
33 **Sec. 20-1681. Amendments.**

34  
35 Obstructions or increases may only be permitted if amendments are made to this  
36 ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in  
37 accordance with section 20-1682.  
38

39 (1) In AE Zones with a mapped floodway, no obstructions or increases shall be  
40 permitted unless the applicant receives a Conditional Letter of Map Revision from  
41 FEMA and amendments are made to this ordinance, the official floodplain zoning  
42 maps, floodway lines and water surface profiles, in accordance with section 20-  
43 1682. Any such alterations must be reviewed and approved by FEMA and the  
44 DNR.  
45

46 (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the  
47 applicant receives a Conditional Letter of Map Revision from FEMA and  
48 amendments are made to this ordinance, the official floodplain maps, floodway  
49 lines, and water surface profiles, in accordance with section 20-1682.

4 **Sec. 20-1682. General.**

5 The governing body shall change or supplement the floodplain zoning district  
6 boundaries and this ordinance in the manner outlined in section 20-1683 below. Actions  
7 which require an amendment to the ordinance and/ or submittal of a Letter of Map Change  
8 (LOMC) include, but are not limited to, the following:

- 9
- 10 (1) any fill or floodway encroachment that obstructs flow causing any increase in the  
11 regional flood height;
  - 12
  - 13 (2) any change to the floodplain boundaries and/or watercourse alterations on the  
14 FIRM;
  - 15
  - 16 (3) any changes to any other officially adopted floodplain maps listed in section 20-  
17 1494 (2)(b);
  - 18
  - 19 (4) any floodplain fill which raises the elevation of the filled area to a height at or above  
20 the flood protection elevation and is contiguous to land lying outside the floodplain;
  - 21
  - 22 (5) correction of discrepancies between the water surface profiles and floodplain maps;
  - 23
  - 24 (6) any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis.  
25 Adm. Code, or otherwise required by law, or for changes by the municipality; and
  - 26
  - 27 (7) all channel relocations and changes to the maps to alter floodway lines or to remove  
28 an area from the floodway or the floodfringe that is based on a base flood elevation  
29 from a FIRM requires prior approval by FEMA.
  - 30

31 **Sec. 20-1683. Procedures.**

32

33 Ordinance amendments may be made upon petition of any party according to the  
34 provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The  
35 petitions shall include all data required by sections 20-1574 and 20-1662(2). The Land Use  
36 Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the  
37 proposed changes.

- 38
- 39 (1) The proposed amendment shall be referred to the zoning agency for a public  
40 hearing and recommendation to the governing body. The amendment and notice of  
41 public hearing shall be submitted to the Department Regional office for review prior  
42 to the hearing. The amendment procedure shall comply with the provisions of s.  
43 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.
  - 44
  - 45 (2) No amendments shall become effective until reviewed and approved by the  
46 Department.
  - 47
  - 48

4 (3) All persons petitioning for a map amendment that obstructs flow causing any  
5 increase in the regional flood height, shall obtain flooding easements or other  
6 appropriate legal arrangements from all adversely affected property owners and  
7 notify local units of government before the amendment can be approved by the  
8 governing body.

9 **Sec. 20-1684. Enforcement and penalties.**

10  
11 Any violation of the provisions of this ordinance by any person shall be unlawful and  
12 shall be referred to the municipal attorney who shall expeditiously prosecute all such  
13 violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less  
14 than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of  
15 continued violation shall constitute a separate offense. Every violation of this ordinance is  
16 a public nuisance and the creation may be enjoined and the maintenance may be abated  
17 by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30,  
18 Stats.

19  
20 **Secs. 20-1685 – 20-1700. Reserved.**

21  
22 **The Racine County Clerk is directed to transmit duplicate copies of this ordinance by**  
23 **registered mail to all affected Town Clerks, the Wisconsin Department of Natural**  
24 **Resources (WDNR), 101 South Webster Street, PO Box 7921, Madison, WI, 53707,**  
25 **and the Federal Emergency Management Agency (FEMA), 536 South Clark Street,**  
26 **6<sup>th</sup> Floor, Chicago, IL, 60605 within seven (7) days after this ordinance is adopted.**  
27

28 **Respectfully submitted,**

29  
30 **1st Reading** \_\_\_\_\_

**ECONOMIC DEVELOPMENT AND LAND USE  
PLANNING COMMITTEE**

31  
32 **2nd Reading** \_\_\_\_\_

33  
34 **BOARD ACTION**

\_\_\_\_\_  
**Robert D. Grove, Chairman**

35 **Adopted** \_\_\_\_\_

36 **For** \_\_\_\_\_

37 **Against** \_\_\_\_\_

38 **Absent** \_\_\_\_\_

\_\_\_\_\_  
**Mark M. Gleason, Vice-Chairman**

39  
40 **VOTE REQUIRED: Majority**

\_\_\_\_\_  
**Ronald Molnar, Secretary**

41  
42 **Prepared by:**  
43 **Public Works & Development**  
44 **Services Department**

\_\_\_\_\_  
**Thomas Pringle**

45  
46 \_\_\_\_\_  
**David Cooke**

47  
48 \_\_\_\_\_  
**Monte G. Osterman**

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**Joseph F. Bellante III**

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4 **The foregoing legislation adopted by the County Board of Supervisors of Racine County,**  
5 **Wisconsin, is hereby:**

6  
7 **Approved:** \_\_\_\_\_

8 **Vetoed:** \_\_\_\_\_

9  
10 **Date:** \_\_\_\_\_,

11  
12 \_\_\_\_\_  
13 **James A. Ladwig, County Executive**

14  
15  
16  
17  
18  
19  
20 **The Certificate of Publication, in compliance with State Statutes, is available at the**  
21 **Racine County Public Works & Development Services Department.**

22  
23 **FISCAL NOTE - NOT APPLICABLE**

24  
25