

ORDINANCE NO. 2023-XX

ORDINANCE BY THE ECONOMIC DEVELOPMENT AND LAND USE PLANNING COMMITTEE AMENDING CHAPTER 20 OF THE RACINE COUNTY CODE OF ORDINANCES AND CREATING CHAPTER 20.1 RELATING TO FLOODPLAINS

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

The Racine County Board of Supervisors does ordain as follows:

Chapter 20, Article XII and Chapter 20.1 of the Racine County Code of Ordinances relating to floodplains is hereby amended and created to read as follows:

Article XII: *Reserved.*

~~Sec. 20-1490. Finding of fact.~~

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

~~(Ord. No. 2011-131S, 4-10-12)~~

~~Sec. 20-1491. Statutory authorization.~~

~~This article is adopted pursuant to the authorization in W.S.A., §§ 61.35 and 62.23, for villages and cities; §§ 59.69, 59.692, and 59.694 for counties; and the requirements in § 87.30.~~

~~(Ord. No. 2011-131S, 4-10-12)~~

~~Sec. 20-1492. Statement of purpose.~~

~~This article is intended to regulate floodplain development to:~~

- ~~(1) Protect life, health and property;~~
- ~~(2) Minimize expenditures of public funds for flood control projects;~~
- ~~(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;~~
- ~~(4) Minimize business interruptions and other economic disruptions;~~
- ~~(5) Minimize damage to public facilities in the floodplain;~~
- ~~(6) Minimize the occurrence of future flood blight areas in the floodplain;~~
- ~~(7) Discourage the victimization of unwary land and homebuyers;~~

- 3
- 4 ~~(8) Prevent increases in flood heights that could increase flood damage and~~
- 5 ~~result in conflicts between property owners; and~~
- 6 ~~(9) Discourage development in a floodplain if there is any practicable alternative~~
- 7 ~~to locate the activity, use or structure outside of the floodplain.~~
- 8

9 ~~(Ord. No. 2011-131S, 4-10-12)~~

10

11 ~~**Sec. 20-1493. Title.**~~

12

13 ~~This article shall be known as the Floodplain Zoning Ordinance for Racine County,~~

14 ~~Wisconsin.~~

15

16 ~~(Ord. No. 2011-131S, 4-10-12)~~

17

18 ~~**Sec. 20-1494. General provisions.**~~

19

20 ~~(1) *Areas to be regulated.* This article regulates all areas that would be covered by the~~

21 ~~regional flood or base flood as shown on the flood insurance rate map (FIRM) or~~

22 ~~other maps approved by DNR. Base flood elevations are derived from the flood~~

23 ~~profiles in the flood insurance study (FIS) and are shown as AE, A1-30, and AH zones~~

24 ~~on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional~~

25 ~~flood elevations (RFE) may be derived from other studies. If more than one (1) map~~

26 ~~or revision is referenced, the most restrictive information shall apply.~~

27 ~~(2) *Official maps and revisions.* The boundaries of all floodplain districts are designated~~

28 ~~as A, AE, AH, AO or A1-30 on the maps based on the flood insurance study (FIS)~~

29 ~~listed below. Any change to the base flood elevations (BFE) or any changes to the~~

30 ~~boundaries of the floodplain or floodway in the FIS or on the flood insurance rate map~~

31 ~~(FIRM) must be reviewed and approved by the DNR and FEMA through the letter of~~

32 ~~map change process (see section 20-1691) before it is effective. No changes to~~

33 ~~RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps~~

34 ~~and revisions are on file in the county public works and development services~~

35 ~~department. If more than one (1) map or revision is referenced, the most restrictive~~

36 ~~information shall apply.~~

37 ~~(a) *Official maps*—Based on the FIS: Flood Insurance Rate Map (FIRM), panel~~

38 ~~numbers~~

55101C009D,	55101C0016D,
55101C0017D,	55101C0018D,
55101C0028D,	55101C0029D,
55101C0033D,	55101C0034D,
55101C0036D,	55101C0037D,
55101C0038D,	55101C0039D,

55101C0041D,	55101C0042D,
55101C0043D,	55101C0044D,
55101C0053D,	55101C0054D,
55101C0059D,	55101C0061D,
55101C0062D,	55101C0063D,
55101C0064D,	55101C0067D,
55101C0068D,	55101C0069D,
55101C0078D,	55101C0079D,
55101C0086D,	55101C0088D,
55101C0089D,	55101C0133D,
55101C0134D,	55101C0141D,
55101C0142D,	55101C0143D,
55101C0144D,	55101C0152D,
55101C0153D,	55101C0154D,
55101C0158D,	55101C0159D,
55101C0160D,	55101C0161D,
55101C0162D,	55101C0163D,
55101C0164D,	55101C0170D,
55101C0176D,	55101C0178D,
55101C0179D,	55101C0181D,
55101C0182D,	55101C0183D,
55101C0184D,	55101C0187D,
55101C0191D,	55101C0192D,
55101C0201D,	55101C0202D,
55101C0203D,	55101C0204E,
55101C0211D,	55101C0212D,
55101C0256D,	55101C0257D,
55101C0276D,	55101C0277D,

3
4 ~~dated May 2, 2012 and February 1, 2019; with corresponding profiles that are~~
5 ~~based on the Flood Insurance Study (FIS) dated February 1, 2019, Volume~~
6 ~~number 55101CV001B.~~

7
8 ~~(b) Official maps—Based on other studies: Any maps referenced in this section~~
9 ~~must be approved by the DNR and be more restrictive than those based on the~~
10 ~~FIS at the site of the proposed development.~~

11
12 ~~1. 100-Year Hickory Lake Dam Failure Floodplain Map, dated March 14, 2003~~
13 ~~prepared by Southeastern Wisconsin Regional Planning Commission. The~~
14 ~~general floodplain boundaries for Tributary No. 2 to the West Branch of the~~

4 ~~Root River Canal and an unnamed tributary to Tributary No. 2, both of which~~
5 ~~are located in United States Public Land Survey section 4 and 5, Township 3~~
6 ~~North, Range 21 East, Town of Yorkville shall be determined through the use~~
7 ~~of the flood elevations.~~

8 ~~2. Reischl Dam Failure Analysis, dated April 27, 2012, prepared by GEI~~
9 ~~Consultants.~~

10 ~~3. Letter of Map Revision (LOMR), FEMA Case Number 11-05-2911P, dated~~
11 ~~January 17, 2012, Spring Brook, City of Burlington.~~

12 ~~(3) Establishment of floodplain zoning districts. The regional floodplain areas are divided~~
13 ~~into three (3) districts as follows:~~

14 ~~(a) The floodway district (FW), is the channel of a river or stream and those~~
15 ~~portions of the floodplain adjoining the channel required to carry the regional~~
16 ~~floodwaters and are contained within AE zones as shown on the FIRM.~~

17 ~~(b) The floodfringe district (FF) is that portion between the regional flood limits and~~
18 ~~the floodway and displayed as AE zones on the FIRM.~~

19 ~~(c) The general floodplain district (GFP) is those areas that may be covered by~~
20 ~~floodwater during the regional flood and does not have a BFE or floodway~~
21 ~~boundary determined, including A, AH and AO zones on the FIRM.~~

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

35 ~~(a) If flood profiles exist, the map scale and the profile elevations shall determine~~
36 ~~the district boundary. The regional or base flood elevations shall govern if there~~
37 ~~are any discrepancies.~~

38 ~~(b) Where flood profiles do not exist for projects, the location of the boundary shall~~
39 ~~be determined by the map scale.~~

40 ~~(5) Removal of lands from floodplain. Compliance with the provisions of this article shall~~
41 ~~not be grounds for removing land from the floodplain unless it is filled at least two (2)~~
42 ~~feet above the regional or base flood elevation, the fill is contiguous to land outside~~
43 ~~the floodplain, and the map is amended pursuant to this article.~~

- 3
- 4 ~~(6) *Compliance.* Any development or use within the areas regulated by this article shall~~
5 ~~be in compliance with the terms of this article, and other applicable local, state, and~~
6 ~~federal regulations.~~
- 7 ~~(7) *Municipalities and state agencies regulated.* Unless specifically exempted by law, all~~
8 ~~cities, villages, towns, and counties are required to comply with this article and obtain~~
9 ~~all necessary permits. State agencies are required to comply if W.S.A., § 13.48(13),~~
10 ~~applies. The construction, reconstruction, maintenance and repair of state highways~~
11 ~~and bridges by the state department of transportation is exempt when W.S.A., §~~
12 ~~30.2022, applies.~~
- 13 ~~(8) *Abrogation and greater restrictions.*~~
14 ~~(a) This article supersedes all the provisions of any municipal zoning ordinance~~
15 ~~enacted under W.S.A., §§ 59.69, 59.692 or 59.694 for counties; § 62.23 for~~
16 ~~cities; § 61.35 for villages; or § 87.30, which relate to floodplains. A more~~
17 ~~restrictive ordinance shall continue in full force and effect to the extent of the~~
18 ~~greater restrictions, but not otherwise.~~
19 ~~(b) This article is not intended to repeal, abrogate or impair any existing deed~~
20 ~~restrictions, covenants or easements. If this article imposes greater restrictions,~~
21 ~~the provisions of this article shall prevail.~~
- 22 ~~(9) *Interpretation.* In their interpretation and application, the provisions of this article are~~
23 ~~the minimum requirements liberally construed in favor of the governing body and are~~
24 ~~not a limitation on or repeal of any other powers granted by the Wisconsin Statutes.~~
25 ~~If a provision of this article, required by ch. NR 116, Wis. Adm. Code, is unclear, the~~
26 ~~provision shall be interpreted in light of the standards in effect on the date of the~~
27 ~~adoption of this article or in effect on the date of the most recent text amendment to~~
28 ~~this article.~~
- 29 ~~(10) *Warning and disclaimer of liability.* The flood protection standards in this article are~~
30 ~~based on engineering experience and research. Larger floods may occur or the flood~~
31 ~~height may be increased by man-made or natural causes. This article does not imply~~
32 ~~or guarantee that non-floodplain areas or permitted floodplain uses will be free from~~
33 ~~flooding and flood damages. This article does not create liability on the part of, or a~~
34 ~~cause of action against, Racine County or any officer or employee thereof for any~~
35 ~~flood damage that may result from reliance on this article.~~
- 36 ~~(11) *Severability.* Should any portion of this article be declared unconstitutional or invalid~~
37 ~~by a court of competent jurisdiction, the remainder of this article shall not be affected.~~
- 38 ~~(12) *Annexed areas for cities and villages.* The county floodplain zoning provisions in~~
39 ~~effect on the date of annexation shall remain in effect and shall be enforced by the~~
40 ~~municipality for all annexed areas until the municipality adopts and enforces an~~
41 ~~ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44~~
42 ~~CFR 59-72, National Flood Insurance Program (NFIP). These annexed lands are~~
43 ~~described on the municipality's official zoning map. County floodplain zoning~~
44 ~~provisions are incorporated by reference for the purpose of administering this section~~
45 ~~and are on file in the office of the county public~~

3
4 ~~works and development services department. All plats or maps of annexation shall~~
5 ~~show the regional flood elevation and the floodway location.~~

6
7 ~~(Ord. No. 2011-131S, 4-10-12; Ord. No. 2012-87, 1-8-13; Ord. No. 2012-117, 2-26-13;~~
8 ~~Ord. No. 2018-114, 12-18-18)~~

9
10 ~~**Secs. 20-1495—20-1509. Reserved.**~~

11
12 ~~**Sec. 20-1510. General standards applicable to all floodplain districts.**~~

13
14 ~~The community shall review all permit applications to determine whether proposed~~
15 ~~building sites will be reasonably safe from flooding. If a proposed building site is in a flood-~~
16 ~~prone area, all new construction and substantial improvements shall be designed and~~
17 ~~anchored to prevent flotation, collapse, or lateral movement of the structure resulting from~~
18 ~~hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be~~
19 ~~constructed to minimize flood damages and to ensure that utility and mechanical~~
20 ~~equipment is designed and/or located so as to prevent water from entering or~~
21 ~~accumulating within the equipment during conditions of flooding.~~

22
23 ~~Subdivisions shall be reviewed for compliance with the above standards. All~~
24 ~~subdivision proposals (including manufactured home parks) shall include regional flood~~
25 ~~elevation and floodway data for any development that meets the subdivision definition of~~
26 ~~this article and all other requirements in section 20-1662(2). Adequate drainage shall be~~
27 ~~provided to reduce exposure to flood hazards and all public utilities and facilities, such as~~
28 ~~sewer, gas, electrical, and water systems are located and constructed to minimize or~~
29 ~~eliminate flood damages.~~

30
31 ~~(Ord. No. 2011-131S, 4-10-12)~~

32
33 ~~**Sec. 20-1511. Hydraulic and hydrologic analyses.**~~

34
35 ~~(1) No floodplain development shall:~~

36 ~~(a) Obstruct flow, defined as development which blocks the conveyance of~~
37 ~~floodwaters by itself or with other development, causing any increase in the~~
38 ~~regional flood height; or~~

39 ~~(b) Cause any increase in the regional flood height due to floodplain storage area~~
40 ~~lost.~~

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

45 ~~(Ord. No. 2011-131S, 4-10-12)~~

3
4 ~~**Sec. 20-1512. Watercourse alterations.**~~

5
6 ~~No land use permit to alter or relocate a watercourse in a mapped floodplain shall~~
7 ~~be issued until the county has notified in writing all adjacent municipalities, the~~
8 ~~department and FEMA regional offices, and required the applicant to secure all~~
9 ~~necessary state and federal permits. The standards of section 20-1511 must be met~~
10 ~~and the flood carrying capacity of any altered or relocated watercourse shall be~~
11 ~~maintained.~~

12 ~~As soon as is practicable, but not later than six (6) months after the date of the~~
13 ~~watercourse alteration or relocation and pursuant to this article, the community shall~~
14 ~~apply for a letter of map revision (LOMR) from FEMA. Any such alterations must be~~
15 ~~reviewed and approved by FEMA and the DNR through the LOMC process.~~

16
17 ~~(Ord. No. 2011-131S, 4-10-12)~~

18
19 ~~**Sec. 20-1513. W.S.A., chs. 30, 31, development.**~~

20
21 ~~Development which requires a permit from the department, under W.S.A., chs.~~
22 ~~30 and 31, such as docks, piers, wharves, bridges, culverts, dams and navigational~~
23 ~~aids, may be allowed if the necessary permits are obtained and amendments to the~~
24 ~~floodplain zoning ordinance are made according to this article.~~

25
26 ~~(Ord. No. 2011-131S, 4-10-12)~~

27 ~~**Sec. 20-1514. Public or private campgrounds.**~~

28
29 ~~Public or private campgrounds shall have a low flood damage potential and shall meet~~
30 ~~the following provisions:~~

- 31 ~~(1) The campground is approved by the department of health services;~~
32 ~~(2) A conditional use permit for the campground is approved by the appropriate~~
33 ~~county board of supervisors development committee;~~
34 ~~(3) The character of the river system and the campground elevation are such that~~
35 ~~a seventy-two-hour warning of an impending flood can be given to all~~
36 ~~campground occupants;~~
37 ~~(4) There is an adequate flood warning procedure for the campground that offers~~
38 ~~the minimum notice required under this section to all persons in the~~
39 ~~campground. This procedure shall include a written agreement between the~~
40 ~~campground owner, the municipal emergency government coordinator and~~
41 ~~the chief law enforcement official which specifies the flood elevation at which~~
42 ~~evacuation shall occur, personnel responsible for monitoring flood elevations,~~
43 ~~types of warning systems to be used and the procedures for notifying at-risk~~
44 ~~parties, and the methods and personnel responsible for conducting the~~
45 ~~evacuation;~~

- 3
4 ~~(5) This agreement shall be for no more than one (1) calendar year, at which time~~
5 ~~the agreement shall be reviewed and updated, by the officials identified in~~
6 ~~subsection (4), to remain in compliance with all applicable regulations,~~
7 ~~including those of the state department of health services and all other~~
8 ~~applicable regulations;~~
9 ~~(6) Only camping units that are fully licensed, if required, and ready for highway~~
10 ~~use are allowed;~~
11 ~~(7) The camping units shall not occupy any site in the campground for more than~~
12 ~~one hundred eighty (180) consecutive days, at which time the camping unit~~
13 ~~must be removed from the floodplain for a minimum of twenty-four (24) hours;~~
14 ~~(8) All camping units that remain on site for more than thirty (30) days shall be~~
15 ~~issued a limited authorization by the campground operator, a written copy of~~
16 ~~which is kept on file at the campground. Such authorization shall allow~~
17 ~~placement of a camping unit for a period not to exceed one hundred eighty~~
18 ~~(180) days and shall ensure compliance with all the provisions of this section;~~
19 ~~(9) The county shall monitor the limited authorizations issued by the campground~~
20 ~~operator to assure compliance with the terms of this section;~~
21 ~~(10) All camping units that remain in place for more than one hundred eighty~~
22 ~~(180) consecutive days must meet the applicable requirements in either~~
23 ~~sections 20-1531, 20-1559, or 20-1570 for the floodplain district in which the~~
24 ~~structure is located;~~
25 ~~(11) The campground shall have signs clearly posted at all entrances warning~~
26 ~~of the flood hazard and the procedures for evacuation when a flood warning is~~
27 ~~issued; and~~
28 ~~(12) All service facilities, including but not limited to refuse collection, electrical~~
29 ~~service, gas lines, propane tanks, sewage systems and wells shall be~~
30 ~~properly anchored and placed at or floodproofed to the flood protection~~
31 ~~elevation.~~

32
33 ~~(Ord. No. 2011-131S, 4-10-12)~~

34 ~~**Secs. 20-1515—20-1530. Reserved.**~~

35
36 ~~**Sec. 20-1531. Floodway district (FW).**~~

37
38 ~~**Sec. 20-1532. Applicability.**~~

39
40 ~~This section applies to all floodway areas on the floodplain zoning maps and~~
41 ~~those identified pursuant to section 20-1574.~~

42
43 ~~(Ord. No. 2011-131S, 4-10-12)~~

44
45 ~~**Sec. 20-1533. Permitted uses.**~~

3
4 The following open space uses are allowed in the floodway district and the
5 floodway areas of the general floodplain district if:

- 6 • ~~They are not prohibited by any other ordinance;~~
- 7 • ~~They meet the standards in sections 20-1534 and 20-1535; and~~
- 8 • ~~All permits or certificates have been issued according to section 20-1662.~~
 - 9 (1) ~~Agricultural uses, such as: farming, outdoor plant nurseries, horticulture,~~
10 ~~viticulture, grazing, sod farms, truck farming, and wild crop harvesting.~~
 - 11 (2) ~~Nonstructural industrial and commercial uses, such as loading areas,~~
12 ~~parking areas and airport landing strips.~~
 - 13 (3) ~~Nonstructural recreational uses, such as golf courses, tennis courts, archery~~
14 ~~ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and~~
15 ~~nature preserves, game farms, fish hatcheries, shooting, trap and skeet~~
16 ~~activities, hunting and fishing areas and hiking and horseback riding trails,~~
17 ~~subject to the fill limitations of section 20-1534(4).~~
 - 18 (4) ~~Uses or structures accessory to open space uses, or classified as historic~~
19 ~~structures that comply with sections 20-1534 and 20-1535.~~
 - 20 (5) ~~Extraction of sand, gravel or other materials that comply with section 20-~~
21 ~~1534(4).~~
 - 22 (6) ~~Functionally water-dependent uses, such as docks, piers or wharves, dams,~~
23 ~~flowage areas, culverts, navigational aids and river crossings of~~
24 ~~transmission lines, and pipelines that comply with W.S.A., chs. 30 and 31.~~
 - 25 (7) ~~Public utilities, streets and bridges that comply with section 20-1534(3).~~
 - 26 (8) ~~Accessory structures for navigation controls and aids and bridge~~
27 ~~approaches may be permitted by conditional use;~~
 - 28 (9) ~~Conditional uses. (See section 20-1631.)~~

29
30 (~~Ord. No. 2011-131S, 4-10-12~~)

31
32 **~~Sec. 20-1534. Standards for developments in the floodway.~~**

33
34 **~~(1) General.~~**

- 35 (a) ~~Any development in the floodway shall comply with section 20-1510 and have~~
36 ~~a low flood damage potential.~~
- 37 (b) ~~Applicants shall provide the following data to determine the effects of the~~
38 ~~proposal according to section 20-1511:~~
 - 39 1. ~~A cross-section elevation view of the proposal, perpendicular to the~~
40 ~~watercourse, showing if the proposed development will obstruct flow; or~~
 - 41 2. ~~An analysis calculating the effects of this proposal on regional flood~~
42 ~~height.~~
- 43 (c) ~~The zoning administrator shall deny the permit application if the project will~~
44 ~~cause any increase in the flood elevations upstream or downstream, based~~
45 ~~on the data submitted for subsection (b) above.~~

3
4 ~~(2) Structures. Structures accessory to permanent open space uses or functionally~~
5 ~~dependent on a waterfront location may be allowed by permit if the structures comply~~
6 ~~with the following criteria:~~

7 ~~(a) Not designed for human habitation, does not have a high flood damage~~
8 ~~potential and is constructed to minimize flood damage;~~

9 ~~(b) Shall have a minimum of two (2) openings on different walls having a total net~~
10 ~~area not less than one (1) square inch for every square foot of enclosed area,~~
11 ~~and the bottom of all such openings being no higher than one (1) foot above~~
12 ~~grade. The openings shall be equipped with screens, louvers, or other~~
13 ~~coverings or devices provided that they permit the automatic entry and exit of~~
14 ~~floodwaters;~~

15 ~~(c) Must be anchored to resist flotation, collapse, and lateral movement;~~

16 ~~(d) Mechanical and utility equipment must be elevated or flood proofed to or~~
17 ~~above the flood protection elevation; and~~

18 ~~(e) Must not obstruct flow of flood waters or cause any increase in flood levels~~
19 ~~during the occurrence of the regional flood.~~

20 ~~(3) Public utilities, streets and bridges. Public utilities, streets and bridges may be~~
21 ~~allowed by permit if:~~

22 ~~(a) Adequate floodproofing measures are provided to the flood protection~~
23 ~~elevation; and~~

24 ~~(b) Construction meets the development standards of section 20-1511.~~

25 ~~(4) Fills or deposition of materials. Fills or deposition of materials may be allowed by~~
26 ~~permit if:~~

27 ~~(a) The requirements of section 20-1511 are met;~~

28 ~~(b) No material is deposited in navigable waters unless a permit is issued by the~~
29 ~~department pursuant to W.S.A., ch. 30, and a permit pursuant to Section 404~~
30 ~~of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C.~~
31 ~~1344 has been issued, if applicable, and all other requirements have been~~
32 ~~met;~~

33 ~~(c) The fill or other materials will be protected against erosion by riprap, vegetative~~
34 ~~cover, sheet piling or bulkheading; and~~

35 ~~(d) The fill is not classified as a solid or hazardous material.~~

36
37 ~~(Ord. No. 2011-131S, 4-10-12)~~

38
39 **Sec. 20-1535. Prohibited uses.**

40
41 All uses not listed as permitted uses in section 20-1533 are prohibited, including the
42 following uses:

43 ~~(1) Habitable structures, structures with high flood damage potential, or those not~~
44 ~~associated with permanent open space uses;~~

- 3
4 ~~(2) Storing materials that are buoyant, flammable, explosive, injurious to property,~~
5 ~~water quality, or human, animal, plant, fish or other aquatic life;~~
6 ~~(3) Uses not in harmony with or detrimental to uses permitted in the adjoining~~
7 ~~districts;~~
8 ~~(4) Any private or public sewage systems, except portable latrines that are~~
9 ~~removed prior to flooding and systems associated with recreational areas and~~
10 ~~department approved campgrounds that meet the applicable provisions of~~
11 ~~local ordinances and ch. SPS 383, Wis. Adm. Code;~~
12 ~~(5) Any public or private wells which are used to obtain potable water, except~~
13 ~~those for recreational areas that meet the requirements of local ordinances~~
14 ~~and chs. NR 811 and NR 812, Wis. Adm. Code;~~
15 ~~(6) Any solid or hazardous waste disposal sites;~~
16 ~~(7) Any wastewater treatment ponds or facilities, except those permitted under §~~
17 ~~NR 110.15(3)(b), Wis. Adm. Code; and~~
18 ~~(8) any sanitary sewer or water supply lines, except those to service existing or~~
19 ~~proposed development located outside the floodway which complies with the~~
20 ~~regulations for the floodplain area occupied.~~

21
22 ~~(Ord. No. 2011-131S, 4-10-12)~~

23
24 ~~**Secs. 20-1536—20-1569. Reserved.**~~

25
26 ~~**Sec. 20-1570. General floodplain district (GFP).**~~

27
28 ~~**Sec. 20-1571. Applicability.**~~

29
30 ~~The provisions for this district shall apply to all floodplains mapped as A, AO or AH~~
31 ~~zones.~~

32
33 ~~(Ord. No. 2011-131S, 4-10-12)~~

34
35 ~~**Sec. 20-1572. Permitted uses.**~~

36
37 ~~Pursuant to section 20-1574, it shall be determined whether the proposed use is~~
38 ~~located within the floodway or floodfringe.~~

39
40 ~~Those uses permitted in the floodway (section 20-1533) are allowed within the~~
41 ~~general floodplain district, according to the standards of section 20-1573, provided that~~
42 ~~all permits or certificates required under section 20-1662 have been issued.~~

43
44 ~~(Ord. No. 2011-131S, 4-10-12)~~

3
4 ~~**Sec. 20-1573. Standards for development in the general floodplain district.**~~

5
6 ~~(1) In AO/AH zones the structure's lowest floor must meet one of the conditions listed~~
7 ~~below, whichever is higher:~~

- 8 ~~(a) At or above the flood protection elevation; or~~
9 ~~(b) Two (2) feet above the highest adjacent grade around the structure; or~~
10 ~~(c) The depth as shown on the FIRM.~~

11 ~~(2) In AO/AH zones, provide plans showing adequate drainage paths to guide~~
12 ~~floodwaters around structures.~~

13
14 ~~{Ord. No. 2011-131S, 4-10-12}~~

15
16 ~~**Sec. 20-1574. Determining floodway and floodfringe limits.**~~

17
18 ~~Upon receiving an application for development within the general floodplain~~
19 ~~district, the zoning administrator shall:~~

20 ~~(1) Require the applicant to submit two (2) copies of an aerial photograph or a~~
21 ~~plan which shows the proposed development with respect to the general~~
22 ~~floodplain district limits, stream channel, and existing floodplain~~
23 ~~developments, along with a legal description of the property, fill limits and~~
24 ~~elevations, building floor elevations and flood proofing measures, and the~~
25 ~~flood zone as shown on the FIRM.~~

26 ~~(2) Require the applicant to furnish any of the following information deemed~~
27 ~~necessary by the department to evaluate the effects of the proposal upon~~
28 ~~flood height and flood flows, regional flood elevation and to determine~~
29 ~~floodway boundaries:~~

- 30 ~~(a) A hydrologic and hydraulic study as specified in section 20-1662(2)(c).~~
31 ~~(b) Plan (surface view) showing elevations or contours of the ground;~~
32 ~~pertinent structure, fill or storage elevations; size, location and layout of all~~
33 ~~proposed and existing structures on the site; location and elevations of~~
34 ~~streets, water supply, and sanitary facilities; soil types and other pertinent~~
35 ~~information;~~
36 ~~(c) Specifications for building construction and materials, floodproofing, filling,~~
37 ~~dredging, channel improvement, storage, water supply and sanitary~~
38 ~~facilities.~~

39
40 ~~{Ord. No. 2011-131S, 4-10-12}~~

41
42 ~~**Secs. 20-1575—20-1590. Reserved.**~~

43
44 ~~**Sec. 20-1591. FFO urban floodplain fringe overlay district.**~~

3
4 **~~Sec. 20-1592. Purpose.~~**

5
6 ~~The FFO urban floodplain fringe overlay district is intended to provide for and~~
7 ~~encourage the most appropriate use of land and water in the urban or urbanizing areas~~
8 ~~of the county subject to periodic flooding and to minimize flood damage to people and~~
9 ~~property. The FFO district shall not be utilized in any area of the county except where~~
10 ~~used to complement the FW district and only where public sanitary sewer facilities are~~
11 ~~currently available or are programmed to be made available within twenty-four (24)~~
12 ~~months and where the elevation of the regional flood elevation has been increased by~~
13 ~~two (2) or more feet since such elevation was originally established.~~

14
15 ~~The FFO urban floodplain fringe overlay district is located in select locations around~~
16 ~~or near the tri-lake area (Wind Lake, Long Lake, and Waubeesee Lake) within the Town~~
17 ~~of Norway. The FFO includes the following sections and quarter-sections of T4N, R20E:~~
18 ~~3 (NW, SW ¼), 4 (NW, NE, SW, SE ¼), 5 (SW ¼), 6 (SE ¼), 7 (NE, SE ¼), 8 (NW, NE,~~
19 ~~SW, SE ¼), 9 (NW, SW, SE ¼), 10 (NW, SW ¼), 16 (NW, NE ¼), 17 (NW, NE ¼), and~~
20 ~~18 (NE ¼). FFO maps are available for review at the county public works and~~
21 ~~development services department.~~

22
23 ~~Overlay districts provide for the possibility of superimposing certain additional~~
24 ~~requirements upon a basic zoning district without disturbing the requirements of the~~
25 ~~basic district. In the instance of conflicting requirements; the more restrictive of the~~
26 ~~conflicting requirements shall apply.~~

27
28 ~~(Ord. No. 2011-131S, 4-10-12)~~

29
30 **~~Sec. 20-1593. Permitted uses.~~**

31
32 ~~The uses permitted in the FFO urban floodplain fringe overlay district are as follows:~~
33 ~~(1) *Principal uses.* Any use of land, including structures, that is permitted in the~~
34 ~~underlying basic use district. Examples of such use would be croplands in an~~
35 ~~agricultural district; required yards in a residential district; or parking or~~
36 ~~loading areas in a commercial or industrial district, provided that inundation~~
37 ~~depths for parking and loading areas do not exceed two (2) feet above the~~
38 ~~regional flood elevation.~~
39 ~~(2) *Conditional uses.* (See section 20-1631.)~~

40
41 ~~(Ord. No. 2011-131S, 4-10-12)~~

42
43 **~~Sec. 20-1594. Incompatible uses prohibited.~~**

3
4 ~~Lands lying within the FFO urban floodplain fringe overlay district shall not be used~~
5 ~~for any solid or hazardous waste disposal site, on-site soil absorption sanitary sewage~~
6 ~~disposal site or the construction of any well which is used to obtain water for ultimate~~
7 ~~human consumption.~~

8
9 ~~(Ord. No. 2011-131S, 4-10-12)~~

10
11 **~~Sec. 20-1595. Standards for development in the FFO.~~**

12
13 ~~Section 20-1511 shall apply in addition to the following requirements according to the~~
14 ~~use requested. Any existing structure in the FFO urban floodplain fringe overlay district~~
15 ~~must meet the requirements of section 20-1643, Nonconforming uses in floodlands.~~

16
17 ~~(a) Residential, commercial, and institutional structures shall be permitted in the~~
18 ~~FFO urban floodplain fringe overlay district provided that the structure is~~
19 ~~permitted in the underlying basic use district and subject to the standards of~~
20 ~~subsection (b).~~

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

25
26 ~~1. The elevation of the lowest floor shall be at or above the flood~~
27 ~~protection elevation on fill unless the requirements of section~~
28 ~~subsection (2) can be met. The fill shall be one (1) foot or more above~~
29 ~~the regional flood elevation extending at least fifteen (15) feet beyond~~
30 ~~the limits of the structure. If fifteen (15) feet is unattainable due to lot~~
31 ~~configuration retaining walls may be utilized. The county public works~~
32 ~~and development services department recommends that the project~~
33 ~~be designed or reviewed by a registered engineer who can certify that~~
34 ~~the retaining walls are functionally and structurally adequate for the~~
35 ~~project. This approval does not warrant the retaining walls against~~
36 ~~design or structural failure, and the county will accept no liability~~
37 ~~through approval or through the issuance of a zoning permit. The~~
38 ~~retaining walls are the landowner's responsibility. If the retaining walls~~
39 ~~become damaged or destroyed, it is the property owner's~~
40 ~~responsibility to repair or replace the walls.~~

41 ~~2. The basement or crawlway floor may be placed at the regional flood~~
42 ~~elevation if it is dry floodproofed to the flood protection elevation. No~~
43 ~~basement or crawlway floor is allowed below the regional flood~~
44 ~~elevation.~~

3
4 ~~3.—Contiguous dryland access shall be provided from a structure to land~~
5 ~~outside of the floodplain, except as provided in subsection (4).~~

6 ~~4.—In developments where existing street or sewer line elevations make~~
7 ~~compliance with subsection (3) impractical, the county may permit~~
8 ~~new development and substantial improvements where roads are~~
9 ~~below the regional flood elevation, if:~~

10 ~~i.—the municipality has written assurance from police, fire and~~
11 ~~emergency services that rescue and relief will be provided to the~~
12 ~~structure(s) by wheeled vehicles during a regional flood event; or~~

13 ~~ii.—the municipality has a DNR-approved emergency evacuation plan.~~
14 ~~The Town of Norway Floodplain Emergency Action Plan has been~~
15 ~~adopted pursuant to this article and is in effect for the area~~
16 ~~encompassed by the town sanitary district in the Town of Norway.~~

17 ~~5.—Conditional uses. (See section 20-1631.)~~

18 ~~(c) Accessory structures associated with agricultural, residential, commercial,~~
19 ~~institutional, or industrial uses in the FFO urban floodplain fringe overlay~~
20 ~~district are permitted, provided that all structures, when permitted, are not~~
21 ~~attached to the principal structure, are not designed for human occupancy or~~
22 ~~the confinement of animals, have a low flood damage potential, are~~
23 ~~constructed and placed to provide minimum obstruction to flood flows~~
24 ~~(whenever possible, accessory structures shall be placed with their~~
25 ~~longitudinal axis parallel to the flow of floodwaters), are firmly anchored to~~
26 ~~prevent them from floating away and restricting bridge openings, and have all~~
27 ~~service facilities (such as electrical and heating equipment) at an elevation at~~
28 ~~least two (2) feet above the regional flood elevation.~~

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

32 ~~2.—An accessory structure which is not connected to the principal~~
33 ~~structure and which is less than six hundred (600) square feet in size~~
34 ~~and valued at less than ten thousand dollars (\$10,000.00) may be~~
35 ~~constructed with its lowest floor no more than two (2) feet below the~~
36 ~~base flood elevation; it meets all the provisions of section 20-1534,~~
37 ~~and materials that are buoyant, flammable, explosive, or injurious to~~
38 ~~property, water quality or human, animal, plant, or aquatic life be~~
39 ~~stored at or above the flood protection elevation or floodproofed.~~
40 ~~Adequate measures shall be taken to ensure that such material will~~
41 ~~not enter the water body during flooding.~~

42 ~~(d) In commercial and institutional areas, any structure or building which is to be~~
43 ~~erected, constructed, reconstructed, altered or moved into the floodfringe~~
44 ~~area shall meet the requirements for residential use, subsection (b). Storage~~
45 ~~yards, parking lots, and other accessory structures or land uses may be at~~

3
4 ~~lower elevation, subject to the storage requirements of section 20-1531 et~~
5 ~~seq. However, no such area in general use by the public shall be inundated to~~
6 ~~a depth greater than two (2) feet. Inundation of such yards or parking areas~~
7 ~~exceeding two (2) feet may be allowed provided that an adequate warning~~
8 ~~system exists to protect life and property.~~

9 ~~(e) Industrial structures in the FFO urban floodplain fringe overlay district are~~
10 ~~permitted provided that the structure is permitted in the underlying district and~~
11 ~~provided that the fill requirements and dryland access requirements for~~
12 ~~residential structures in the FFO district comply with subsection (b). However,~~
13 ~~when the intent and purpose of this chapter cannot be fulfilled by filling the~~
14 ~~floodplain fringe due to existing and committed development, and when the~~
15 ~~appropriate county board of supervisors development committee has made a~~
16 ~~finding to this effect, all new structures and all additions to existing structures~~
17 ~~in the FFO urban floodplain fringe overlay district shall be floodproofed in~~
18 ~~accordance with the standards set forth in section 20-1666 of this article to a~~
19 ~~point two (2) feet above the regional flood elevation.~~

20 ~~(f) Mobile home parks and mobile home units located within a mobile home park~~
21 ~~in the FFO urban floodplain fringe overlay district are permitted, provided that~~
22 ~~the use is permitted in the underlying use district and that a conditional use~~
23 ~~permit pursuant to section 20-1201 et seq. has been granted. Mobile home~~
24 ~~parks and mobile home units are also subject to the requirements of~~
25 ~~subsection (k).~~

26 ~~(g) Storage of materials. Materials that are buoyant, flammable, explosive, or~~
27 ~~injurious to property, water quality or human, animal, plant, fish or aquatic life~~
28 ~~shall be stored at or above the flood protection elevation or floodproofed in~~
29 ~~compliance with section 20-1666. Adequate measures shall be taken to~~
30 ~~ensure that such materials will not enter the water body during flooding.~~

31 ~~(h) All utilities, streets and bridges shall be designed to be compatible with~~
32 ~~comprehensive floodplain development plans; and~~
33 ~~a. When failure of public utilities, streets and bridges would endanger public~~
34 ~~health or safety, or where such facilities are deemed essential,~~
35 ~~construction or repair of such facilities shall only be permitted if they are~~
36 ~~designed to comply with section 20-1666.~~
37 ~~b. Minor roads or non-essential utilities may be constructed at lower~~
38 ~~elevations if they are designed to withstand flood forces to the regional~~
39 ~~flood elevation.~~

40 ~~(i) All sewage disposal systems shall be designed to minimize or eliminate~~
41 ~~infiltration of flood water into the system, pursuant to section 20-1666(3), to~~
42 ~~the flood protection elevation and meet the provisions of all local ordinances~~
43 ~~and ch. SPS 383, Wis. Adm. Code.~~

44 ~~(j) All wells shall be designed to minimize or eliminate infiltration of flood waters~~
45 ~~into the system, pursuant to section 20-1666(3), to the flood protection~~

3
4 ~~elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm.
5 Code.~~

6 ~~(k) Manufactured homes or mobile homes.~~

7 ~~1. Owners or operators of all manufactured/mobile home parks and
8 subdivisions shall provide adequate surface drainage to minimize flood
9 damage, and prepare, secure approval and file an evacuation plan,
10 indicating vehicular access and escape routes, with local emergency
11 management authorities.~~

12 ~~2. In existing manufactured/mobile home parks, all new homes,
13 replacement homes on existing pads, and substantially improved homes
14 shall:~~

15 ~~i. Have the lowest floor elevated to the flood protection elevation; and~~

16 ~~ii. Be anchored so they do not float, collapse or move laterally during a
17 flood.~~

18 ~~3. Outside of existing manufactured/mobile home parks, including new
19 manufactured/mobile home parks and all single units outside of existing
20 parks, all new, replacement and substantially improved
21 manufactured/mobile homes shall meet the residential development
22 standards for the floodfringe in subsection (b).~~

23 ~~(l) All mobile recreational vehicles that are on site for one hundred eighty (180)
24 consecutive days or more or are not fully licensed and ready for highway use
25 shall meet the elevation and anchoring requirements in subsection (k)(1) and
26 (2). A mobile recreational vehicle is ready for highway use if it is on its wheels
27 or jacking system, is attached to the site only by quick-disconnect utilities and
28 security devices and has no permanently attached additions. Recreational
29 vehicles shall not be considered to be manufactured/mobile homes.~~

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

34
35 ~~(Ord. No. 2011-131S, 4-10-12)~~

36
37 ~~**Sec. 20-1596. Preservation of drainageways.**~~

38
39 ~~No permit granted for filing or development in the FFO urban floodplain fringe
40 overlay district shall be permitted to adversely affect the channels, floodways, or
41 shorelands of any navigational water in the county, or other land lying outside the
42 floodlands.~~

43
44 ~~(Ord. No. 2011-131S, 4-10-12)~~

3
4 ~~Secs. 20-1597—20-1615. Reserved.~~

5
6 ~~Sec. 20-1616. Limited floodplain boundary adjustments.~~

7
8 ~~(a) Limited floodplain boundary adjustments by a combination of excavating and filling~~
9 ~~may be permitted in the GFP general floodplain district provided that:~~

- 10 ~~1. The excavation shall take place prior to or simultaneously with the filling and~~
11 ~~be in areas either within or contiguous to the floodland.~~
12 ~~2. At a minimum, the area removed from the floodplain shall be the same or~~
13 ~~less than the area created.~~
14 ~~3. The fill must be at least two (2) feet above the regional or base flood~~
15 ~~elevation; the fill must be contiguous to land outside the floodplain and the~~
16 ~~map must be amended pursuant to section 20-1682.~~
17 ~~4. The excavated earth material, if suitable for reuse in the area to be filled,~~
18 ~~shall be so used and, if not suitable or if insufficient in quantity for the fill~~
19 ~~required, the applicant may be permitted to utilize suitable fill obtained from~~
20 ~~land other than that which is being excavated.~~
21 ~~5. There shall be created by the excavation floodwater storage and conveyance~~
22 ~~capacity at least equal to that which shall be lost by filling.~~
23 ~~6. If it is determined that the floodplain boundary adjustment will be located in~~
24 ~~the floodway as determined by section 20-1616, then hydrologic and~~
25 ~~hydraulic analyses will need to be completed per section 20-1511 to~~
26 ~~determine no increase to base flood elevations.~~

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

31 ~~(c) Before issuing a conditional use permit under this section, the appropriate county~~
32 ~~board of supervisors development committee shall make a specific written~~
33 ~~determination that the proposed excavation and filling complies with each of the~~
34 ~~foregoing four (4) standards as well as the standards applicable to conditional uses~~
35 ~~under section 20-1182. In making such determinations, the committee may request~~
36 ~~an advisory review by a duly constituted watershed committee of the Southeastern~~
37 ~~Wisconsin Regional Planning Commission.~~

38 ~~(d) A limited floodplain boundary adjustment requires department of natural resources~~
39 ~~(DNR) and federal emergency management agency (FEMA) approval before a~~
40 ~~conditional use permit may be issued.~~

41
42 ~~(Ord. No. 2011-131S, 4-10-12)~~

43
44 ~~Secs. 20-1617—20-1630. Reserved.~~

3
4 **Sec. 20-1631. Floodland uses.**

5
6 Floodland uses are conditional uses and may be permitted by the appropriate county
7 board of supervisors development committee.

8 (a) ~~Open space and related uses may be permitted in any floodplain zoning district
9 for the following uses provided that the applicant shall show that such use or
10 improvement will not impeded drainage, will not cause ponding, will not obstruct
11 the floodway according to the requirements in section 20-1511, will not increase
12 flood flow velocities, will not increase the flood stage, and will not retard the
13 movement of the floodwaters. When permitted, all structures shall be
14 floodproofed in accordance with the standards set in section 20-1666 of this
15 division and constructed so as not to catch or collect debris nor be damaged
16 by floodwaters. All floodproofed structures shall be securely anchored to
17 protect them from large floods. Certification of floodproofing shall be made to
18 the zoning administrator and shall consist of a plan or document certified by a
19 registered professional engineer that the floodproofing measures are
20 consistent with the flood velocities, forces, depths, and other factors associated
21 with the regional flood elevation.~~

22 ~~1. Navigational structures.~~

23 ~~2. Public water measuring and control facilities.~~

24 ~~3. Bridges and approaches.~~

25 ~~4. Marinas.~~

26 ~~5. Utility poles, towers, and underground conduit for transmitting electricity,
27 telephone, natural gas and similar products and services.~~

28 ~~6. Park and recreational areas, not including structures.~~

29 ~~7. Parking lots and loading areas accessory to permitted uses in adjacent
30 districts, not including new or used vehicle sales or storage areas, provided
31 that such uses shall not be subject to inundation depths greater than two
32 (2) feet or flood velocities greater than two (2) feet per second.~~

33 ~~8. Filing as authorized by the department to permit the establishment of
34 approved bulkhead lines.~~

35 ~~9. Other open space uses consistent with the purpose and intent of the district
36 and compatible with uses in adjacent districts, not including structures.~~

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

3
4 ~~(c) Municipal water supply and sanitary sewerage systems may be permitted~~
5 ~~provided that the system is floodproofed, in accordance set forth in section 20-~~
6 ~~1666 of this article, to an elevation at least two (2) feet above the regional flood~~
7 ~~elevation and is designed to eliminate or minimize infiltration of floodwaters into~~
8 ~~the system. All floodproofed utilities shall be anchored to prevent floatation.~~
9 ~~Certification of floodproofing shall be made to the zoning administrator and~~
10 ~~shall consist of a plan or document certified by a registered professional~~
11 ~~engineer that the floodproofing measures are consistent with the flood~~
12 ~~velocities, forces, depths and other factors associated with the regional flood~~
13 ~~elevation for the particular stream reach. Municipal water supply and sanitary~~
14 ~~sewerage systems are prohibited in the floodway.~~

15
16 ~~(Ord. No. 2011-131S, 4-10-12)~~

17
18 ~~**Secs. 20-1632—20-1642. Reserved.**~~

19
20 ~~**Sec. 20-1643. Nonconforming uses in floodlands.**~~

21
22 ~~**Sec. 20-1644. General.**~~

23
24 ~~(1) Applicability. If these standards conform with W.S.A., § 59.69(10), for counties or~~
25 ~~W.S.A., § 62.23(7)(h), for cities and villages, they shall apply to all modifications or~~
26 ~~additions to any nonconforming use or structure and to the use of any structure or~~
27 ~~premises which was lawful before the passage of this article or any amendment~~
28 ~~thereto.~~

29 ~~(2) The existing lawful use of a structure or its accessory use which is not in conformity~~
30 ~~with the provisions of this article may continue subject to the following conditions:~~

31 ~~(a) No modifications or additions to a nonconforming use or structure shall be~~
32 ~~permitted unless they comply with this article. The words "modification" and~~
33 ~~"addition" include, but are not limited to, any alteration, addition, modification,~~
34 ~~structural repair, rebuilding or replacement of any such existing use, structure~~
35 ~~or accessory structure or use. Maintenance is not considered a modification;~~
36 ~~this includes painting, decorating, paneling and other nonstructural~~
37 ~~components and the maintenance, repair or replacement of existing private~~
38 ~~sewage or water supply systems or connections to public utilities. Any costs~~
39 ~~associated with the repair of a damaged structure are not considered~~
40 ~~maintenance.~~

41 ~~The construction of a deck that does not exceed two hundred (200) square~~
42 ~~feet and that is adjacent to the exterior wall of a principal structure is not an~~
43 ~~extension, modification or addition. The roof of the structure may extend over~~
44 ~~a portion of the deck in order to provide safe ingress and egress to the principal~~
45 ~~structure.~~

- 3
- 4 ~~(b) If a nonconforming use or the use of a nonconforming structure is discontinued~~
5 ~~for twelve (12) consecutive months, it is no longer permitted and any future~~
6 ~~use of the property, and any structure or building thereon, shall conform to the~~
7 ~~applicable requirements of this article.~~
- 8 ~~(c) The county shall keep a current file of all nonconforming uses and shall to the~~
9 ~~extent practical, be maintained by the zoning administrator listing the following:~~
10 ~~owners name and address, use of structure, land, or water, their present~~
11 ~~equalized assessed value, the cost of all modifications or additions which have~~
12 ~~been permitted, and the percentage of the structure's total current value those~~
13 ~~modifications represent;~~
- 14 ~~(d) No modification or addition to any floodland nonconforming structure or any~~
15 ~~floodland structure with a nonconforming use, which over the life of the~~
16 ~~structure would equal or exceed fifty (50) percent of its present equalized~~
17 ~~assessed value of the structure, shall be allowed unless the entire structure is~~
18 ~~permanently changed to a conforming structure with a conforming use in~~
19 ~~compliance with the applicable requirements of this article. Contiguous dry~~
20 ~~land access must be provided for residential and commercial uses in~~
21 ~~compliance with section 20-1595(b). The costs of elevating the lowest floor of~~
22 ~~a nonconforming building or a building with a nonconforming use to the flood~~
23 ~~protection elevation are excluded from the fifty (50) percent provisions of this~~
24 ~~paragraph;~~
- 25 ~~(e) No maintenance to any floodland nonconforming structure or any structure~~
26 ~~with a floodland nonconforming use, the cost of which would equal or exceed~~
27 ~~fifty (50) percent of its present equalized assessed value, shall be allowed~~
28 ~~unless the entire structure is permanently changed to a conforming structure~~
29 ~~with a conforming use in compliance with the applicable requirements of this~~
30 ~~article. Contiguous dry land access must be provided for residential and~~
31 ~~commercial uses in compliance with section 20-1595(b).~~
- 32 ~~(f) If on a per event basis the total value of the work being done under (d) and (e)~~
33 ~~equals or exceeds fifty (50) percent of the present equalized assessed value~~
34 ~~the work shall not be permitted unless the entire structure is permanently~~
35 ~~changed to a conforming structure with a conforming use in compliance with~~
36 ~~the applicable requirements of this article. Contiguous dry land access must~~
37 ~~be provided for residential and commercial uses in compliance with section~~
38 ~~20-1595(b).~~
- 39 ~~(g) Except as provided in subsection (h), if any nonconforming structure or any~~
40 ~~structure with a nonconforming use is destroyed or is substantially damaged,~~
41 ~~it cannot be replaced, reconstructed or rebuilt unless the use and the structure~~
42 ~~meet the current ordinance requirements. A structure is considered~~
43 ~~substantially damaged if the total cost to restore the structure to its pre-~~
44 ~~damaged condition equals or exceeds fifty (50) percent of the structure's~~
45 ~~present equalized assessed value.~~

3
4 ~~(h) For nonconforming buildings that are substantially damaged or destroyed by~~
5 ~~a nonflood disaster, the repair or reconstruction of any such nonconforming~~
6 ~~building shall be permitted in order to restore it to the size and use in effect~~
7 ~~prior to the damage event, provided that the minimum federal code~~
8 ~~requirements below are met and all required permits have been granted prior~~
9 ~~to the start of construction.~~

10
11 ~~1. Residential structures.~~

12 ~~a. Shall have the lowest floor, including basement, elevated to or above the~~
13 ~~base flood elevation using fill, pilings, columns, posts or perimeter walls.~~
14 ~~Perimeter walls must meet the requirements of section 20-1666(2).~~

15 ~~b. Shall be anchored to prevent flotation, collapse, or lateral movement of the~~
16 ~~structure resulting from hydrodynamic and hydrostatic loads, including the~~
17 ~~effects of buoyancy and shall be constructed with methods and materials~~
18 ~~resistant to flood damage.~~

19 ~~c. Shall be constructed with electrical, heating, ventilation, plumbing and air~~
20 ~~conditioning equipment and other service facilities that are designed and/or~~
21 ~~elevated so as to prevent water from entering or accumulating within the~~
22 ~~components during conditions of flooding.~~

23 ~~d. In A zones, obtain, review and utilize any flood data available from a federal,~~
24 ~~state or other source.~~

25 ~~e. In AO zones with no elevations specified, shall have the lowest floor,~~
26 ~~including basement, meet the standards in section 20-1573(1).~~

27 ~~f. in AO zones, shall have adequate drainage paths around structures on~~
28 ~~slopes to guide floodwaters around and away from the structure.~~

29 ~~2. Nonresidential structures.~~

30 ~~a. Shall meet the requirements of subsection 1.a—b and e—f.~~

31 ~~b. Shall either have the lowest floor, including basement, elevated to or above~~
32 ~~the regional flood elevation; or, together with attendant utility and sanitary~~
33 ~~facilities, shall meet the standards in section 20-1666(1) or (2).~~

34 ~~c. In AO zones with no elevations specified, shall have the lowest floor,~~
35 ~~including basement, meet the standards in section 20-1573(1).~~

36 ~~(3) A nonconforming historic structure may be altered if the alteration will not preclude~~
37 ~~the structures continued designation as a historic structure, the alteration will comply~~
38 ~~with section 20-1534(1), flood resistant materials are used, and construction~~
39 ~~practices and floodproofing methods that comply with section 20-1666 are used.~~
40 ~~Repair or rehabilitation of historic structures shall be exempt from the development~~
41 ~~standards of subsection (2)(h)1 if it is determined that the proposed repair or~~
42 ~~rehabilitation will not preclude the structure's continued designation as a historic~~
43 ~~structure and is the minimum necessary to preserve the historic character and~~
44 ~~design of the structure.~~

3
4 ~~(Ord. No. 2011-131S, 4-10-12)~~

5
6 **Sec. 20-1645. Floodway district.**
7

8 ~~(1) No modification or addition shall be allowed to any nonconforming structure or any~~
9 ~~structure with a nonconforming use in the floodway district, unless such modification~~
10 ~~or addition:~~

11 ~~(a) Has been granted a permit or variance by the county which meets all~~
12 ~~ordinance requirements;~~

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

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

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

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

20 ~~1. The enclosed area shall be designed by a registered architect or~~
21 ~~engineer to allow for the efficient entry and exit of flood waters without~~
22 ~~human intervention. A minimum of two (2) openings must be provided~~
23 ~~with a minimum net area of at least one (1) square inch for every one~~
24 ~~(1) square foot of the enclosed area. The lowest part of the opening~~
25 ~~can be no more than twelve (12) inches above the adjacent grade;~~

26 ~~2. The parts of the foundation located below the flood protection elevation~~
27 ~~must be constructed of flood-resistant materials;~~

28 ~~3. Mechanical and utility equipment must be elevated or floodproofed to~~
29 ~~or above the flood protection elevation; and~~

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

31 ~~(2) No new on-site sewage disposal system, or addition to an existing on-site sewage~~
32 ~~disposal system, except where an addition has been ordered by a government~~
33 ~~agency to correct a hazard to public health, shall be allowed in the floodway district.~~
34 ~~Any replacement, repair or maintenance of an existing on-site sewage disposal~~
35 ~~system in a floodway area shall meet the applicable requirements of all municipal~~
36 ~~ordinances, section 20-1666(3) and ch. SPS 383, Wis. Adm. Code.~~

37 ~~(3) No new well or modification to an existing well used to obtain potable water shall~~
38 ~~be allowed in the floodway district. Any replacement, repair or maintenance of an~~
39 ~~existing well in the floodway district shall meet the applicable requirements of all~~
40 ~~municipal ordinances, section 20-1645(3) and chs. NR 811 and NR 812, Wis. Adm.~~
41 ~~Code.~~

42
43 ~~(Ord. No. 2011-131S, 4-10-12)~~

44
45 **Sec. 20-1646. Floodfringe District.**

3
4 ~~(1) No modification or addition shall be allowed to any nonconforming structure or any~~
5 ~~structure with a nonconforming use unless such modification or addition has been~~
6 ~~granted a permit or variance by the municipality, and meets the requirements of~~
7 ~~section 20-1595 except where subsection (2) is applicable.~~

8 ~~(2) Where compliance with the provisions of subsection (1) would result in unnecessary~~
9 ~~hardship and only where the structure will not be used for human habitation or be~~
10 ~~associated with a high flood damage potential, the board of adjustment/appeals,~~
11 ~~using the procedures established in section 20-1664, may grant a variance from~~
12 ~~those provisions of subsection (1) for modifications or additions using the criteria~~
13 ~~listed below. Modifications or additions which are protected to elevations lower than~~
14 ~~the flood protection elevation may be permitted if:~~

15 ~~(a) No floor is allowed below the regional flood elevation for residential or~~
16 ~~commercial structures;~~

17 ~~(b) Human lives are not endangered;~~

18 ~~(c) Public facilities, such as water or sewer, shall not be installed;~~

19 ~~d) Flood depths shall not exceed two (2) feet;~~

20 ~~(e) Flood velocities shall not exceed two (2) feet per second; and~~

21 ~~(f) The structure shall not be used for storage of materials as described in section~~
22 ~~20-1595(g).~~

23 ~~(3) All new private sewage disposal systems, or addition to, replacement, repair or~~
24 ~~maintenance of a private sewage disposal system shall meet all the applicable~~
25 ~~provisions of all local ordinances, section 20-1666(3) and ch. SPS 383, Wis. Adm.~~
26 ~~Code.~~

27 ~~(4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet~~
28 ~~the applicable provisions of this article, section 20-1666(3) and ch. NR 811 and NR~~
29 ~~812, Wis. Adm. Code.~~

30
31 ~~(Ord. No. 2011-131S, 4-10-12)~~

32
33 ~~**Secs. 20-1647—20-1660. Reserved.**~~

34
35 ~~**Sec. 20-1661. Administration.**~~

36
37 ~~Where a zoning administrator, planning agency or a board of adjustment/appeals has~~
38 ~~already been appointed to administer a zoning ordinance adopted under W.S.A., §§~~
39 ~~59.69, 59.692 or 62.23(7), these officials shall also administer this article.~~

40
41 ~~(Ord. No. 2011-131S, 4-10-12)~~

42
43 ~~**Sec. 20-1662. Zoning administrator.**~~

3
4 ~~(1) *Duties and powers.* The zoning administrator is authorized to administer this article
5 and shall have the following duties and powers:~~

6 ~~(a) Advise applicants of the article provisions, assist in preparing permit
7 applications and appeals, and assure that the regional flood elevation for the
8 proposed development is shown on all permit applications.~~

9 ~~(b) Issue permits and inspect properties for compliance with provisions of this
10 article and issue certificates of compliance where appropriate.~~

11 ~~(c) Inspect and assess all damaged floodplain structures to determine if
12 substantial damage to the structures has occurred.~~

13 ~~(d) Keep records of all official actions such as:~~

14 ~~1. All permits issued, inspections made, and work approved;~~

15 ~~2. Documentation of certified lowest floor and regional flood elevations;~~

16 ~~3. Floodproofing certificates;~~

17 ~~4. Water surface profiles, floodplain zoning maps and ordinances,
18 nonconforming uses and structures including changes, appeals, variances
19 and amendments;~~

20 ~~5. All substantial damage assessment reports for floodplain structures; and~~

21 ~~6. List of nonconforming structures and uses.~~

22 ~~(e) Submit copies of the following items to the department regional office:~~

23 ~~1. Within ten (10) days of the decision, a copy of any decisions on variances,
24 appeals for map or text interpretations, and map or text amendments;~~

25 ~~2. Copies of case-by-case analyses and other required information, including
26 an annual summary of floodplain zoning actions taken; and~~

27 ~~3. Copies of substantial damage assessments performed and all related
28 correspondence concerning the assessments.~~

29 ~~(f) Investigate, prepare reports, and report violations of this article to the
30 municipal zoning agency and attorney for prosecution. Copies of the reports
31 shall also be sent to the department regional office.~~

32 ~~(g) Submit copies of amendments and biennial reports to the FEMA regional
33 office.~~

34 ~~(2) *Zoning permit.* A zoning permit shall be obtained before any new development;
35 repair, modification or addition to an existing structure; or change in the use of a
36 building or structure, including sewer and water facilities, may be initiated. Application
37 to the zoning administrator shall include:~~

38 ~~(a) *General information.*~~

39 ~~1. Name and address of the applicant, property owner and contractor.~~

40 ~~2. Legal description, proposed use, and whether it is new construction or a
41 modification.~~

42 ~~(b) *Site development plan.* A site plan drawn to scale shall be submitted with the
43 permit application form and shall contain:~~

44 ~~1. Location, dimensions, area and elevation of the lot;~~

- 3
- 4 ~~2. Location of the ordinary highwater mark of any abutting navigable~~
- 5 ~~waterways;~~
- 6 ~~3. Location of any structures with distances measured from the lot lines and~~
- 7 ~~street center lines;~~
- 8 ~~4. Location of any existing or proposed on-site sewage systems or private~~
- 9 ~~water supply systems;~~
- 10 ~~5. Location and elevation of existing or future access roads;~~
- 11 ~~6. Location of floodplain and floodway limits as determined from the official~~
- 12 ~~floodplain zoning maps;~~
- 13 ~~7. The elevation of the lowest floor of proposed buildings and any fill using the~~
- 14 ~~vertical datum from the adopted study, either National Geodetic Vertical~~
- 15 ~~Datum (NGVD) or North American Vertical Datum (NAVD);~~
- 16 ~~8. Data sufficient to determine the regional flood elevation in NGVD or NAVD~~
- 17 ~~at the location of the development and to determine whether or not the~~
- 18 ~~requirements of section 20-1531 or 20-1595 are met; and~~
- 19 ~~9. Data to determine if the proposed development will cause an obstruction to~~
- 20 ~~flow or an increase in regional flood height or discharge according to section~~
- 21 ~~20-1511. This may include any of the information noted in section 20-~~
- 22 ~~1534(1).~~

23 ~~(c) Hydraulic and hydrologic studies to analyze development. All hydraulic and~~

24 ~~hydrologic studies shall be completed under the direct supervision of a~~

25 ~~professional engineer registered in the state. The study contractor shall be~~

26 ~~responsible for the technical adequacy of the study. All studies shall be~~

27 ~~reviewed and approved by the department.~~

28

29 ~~1. Zone A floodplains.~~

30 ~~a. Hydrology.~~

- 31 ~~i. The appropriate method shall be based on the standards in ch. NR~~
- 32 ~~116.07(3), Wis. Admin. Code, Hydrologic Analysis: Determination of~~
- 33 ~~Regional Flood Discharge.~~

34 ~~b. Hydraulic modeling. The regional flood elevation shall be based on the~~

35 ~~standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis:~~

36 ~~Determination of Regional Flood Elevation and the following:~~

- 37 ~~i. Determination of the required limits of the hydraulic model shall be~~
 - 38 ~~based on detailed study information for downstream structures (dam,~~
 - 39 ~~bridge, culvert) to determine adequate starting WSEL for the study;~~
 - 40 ~~ii. Channel sections must be surveyed;~~
 - 41 ~~iii. Minimum four-foot contour data in the overbanks shall be used for~~
 - 42 ~~the development of cross section overbank and floodplain mapping;~~
 - 43 ~~iv. A maximum distance of five hundred (500) feet between cross~~
 - 44 ~~sections is allowed in developed areas with additional intermediate~~
- 45

- 4 ~~cross sections required at transitions in channel bottom slope~~
5 ~~including a survey of the channel at each location;~~
6 ~~v. The most current version of HEC_RAS shall be used;~~
7 ~~vi. A survey of bridge and culvert openings and the top of road is~~
8 ~~required at each structure;~~
9 ~~vii. Additional cross sections are required at the downstream and~~
10 ~~upstream limits of the proposed development and any necessary~~
11 ~~intermediate locations based on the length of the reach if greater~~
12 ~~than five hundred (500) feet;~~
13 ~~viii. Standard accepted engineering practices shall be used when~~
14 ~~assigning parameters for the base model such as flow, Manning's N~~
15 ~~values, expansion and contraction coefficients or effective flow limits.~~
16 ~~The base model shall be calibrated to past flooding data such as high~~
17 ~~water marks to determine the reasonableness of the model results.~~
18 ~~If no historical data is available, adequate justification shall be~~
19 ~~provided for any parameters outside standard accepted engineering~~
20 ~~practices; and~~
21 ~~ix. The model must extend past the upstream limit of the difference in~~
22 ~~the existing and proposed flood profiles in order to provide a tie-in to~~
23 ~~existing studies. The height difference between the proposed flood~~
24 ~~profile and the existing study profiles shall be no more than 0.00 feet.~~
25 ~~c. Mapping. A work map of the reach studied shall be provided, showing~~
26 ~~all cross section locations, floodway/floodplain limits based on best~~
27 ~~available topographic data, geographic limits of the proposed~~
28 ~~development and whether the proposed development is located in the~~
29 ~~floodway.~~
30 ~~i. If the proposed development is located outside of the floodway, then~~
31 ~~it is determined to have no impact on the regional flood elevation.~~
32 ~~ii. If any part of the proposed development is in the floodway, it must~~
33 ~~be added to the base model to show the difference between existing~~
34 ~~and proposed conditions. The study must ensure that all coefficients~~
35 ~~remain the same as in the existing model, unless adequate~~
36 ~~justification based on standard accepted engineering practices is~~
37 ~~provided.~~
38 ~~2. Zone AE floodplains.~~
39 ~~a. Hydrology. If the proposed hydrology will change the existing study,~~
40 ~~the appropriate method to be used shall be based on ch. NR 116.07(3),~~
41 ~~Wis. Admin. Code, Hydrologic Analysis: Determination of Regional~~
42 ~~Flood Discharge.~~
43 ~~b. Hydraulic model. The regional flood elevation shall be based on the~~
44 ~~standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis:~~
45 ~~Determination of Regional Flood Elevation and the following:~~

- 3
- 4 ~~i. Duplicate effective model. The effective model shall be reproduced~~
- 5 ~~to ensure correct transference of the model data and to allow~~
- 6 ~~integration of the revised data to provide a continuous FIS model~~
- 7 ~~upstream and downstream of the revised reach. If data from the~~
- 8 ~~effective model is available, models shall be generated that duplicate~~
- 9 ~~the FIS profiles and the elevations shown in the Floodway Data Table~~
- 10 ~~in the FIS report to within 0.1 foot.~~
- 11 ~~ii. Corrected effective model. The corrected effective model shall not~~
- 12 ~~include any man-made physical changes since the effective model~~
- 13 ~~date, but shall import the model into the most current version of HEC-~~
- 14 ~~RAS for department review.~~
- 15 ~~iii. Existing (pre-project conditions) model. The existing model shall be~~
- 16 ~~required to support conclusions about the actual impacts of the~~
- 17 ~~project associated with the revised (post-project) model or to~~
- 18 ~~establish more up-to-date models on which to base the revised (post-~~
- 19 ~~project) model.~~
- 20 ~~iv. Revised (post-project conditions) model. The revised (post-project~~
- 21 ~~conditions) model shall incorporate the existing model and any~~
- 22 ~~proposed changes to the topography caused by the proposed~~
- 23 ~~development. This model shall reflect proposed conditions.~~
- 24 ~~v. All changes to the duplicate effective model and subsequent models~~
- 25 ~~must be supported by certified topographic information, bridge plans,~~
- 26 ~~construction plans and survey notes.~~
- 27 ~~vi. Changes to the hydraulic models shall be limited to the stream reach~~
- 28 ~~for which the revision is being requested. Cross sections upstream~~
- 29 ~~and downstream of the revised reach shall be identical to those in~~
- 30 ~~the effective model and result in water surface elevations and~~
- 31 ~~topwidths computed by the revised models matching those in the~~
- 32 ~~effective models upstream and downstream of the revised reach as~~
- 33 ~~required. The effective model shall not be truncated.~~
- 34 ~~c. Mapping. Maps and associated engineering data shall be submitted to~~
- 35 ~~the department for review which meet the following conditions:~~
- 36 ~~i. Consistency between the revised hydraulic models, the revised~~
- 37 ~~floodplain and floodway delineations, the revised flood profiles,~~
- 38 ~~topographic work map, annotated FIRMs and/or flood boundary~~
- 39 ~~floodway maps (FBFMs), construction plans, bridge plans.~~
- 40 ~~ii. Certified topographic map of suitable scale, contour interval, and a~~
- 41 ~~planimetric map showing the applicable items. If a digital version of~~
- 42 ~~the map is available, it may be submitted in order that the FIRM may~~
- 43 ~~be more easily revised.~~
- 44
- 45

- 3
- 4 ~~iii. Annotated FIRM panel showing the revised one (1) percent and two-~~
- 5 ~~tenths (0.2) percent annual chance floodplains and floodway~~
- 6 ~~boundaries.~~
- 7 ~~iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or~~
- 8 ~~CADD) are used then all supporting documentation or metadata~~
- 9 ~~must be included with the data submission along with the Universal~~
- 10 ~~Transverse Mercator (UTM) projection and state plane coordinate~~
- 11 ~~system in accordance with FEMA mapping specifications.~~
- 12 ~~v. The revised floodplain boundaries shall tie into the effective~~
- 13 ~~floodplain boundaries.~~
- 14 ~~vi. All cross sections from the effective model shall be labeled in~~
- 15 ~~accordance with the effective map and a cross section lookup table~~
- 16 ~~shall be included to relate to the model input numbering scheme.~~
- 17 ~~vii. Both the current and proposed floodways shall be shown on the map.~~
- 18 ~~viii. The stream centerline, or profile baseline used to measure stream~~
- 19 ~~distances in the model shall be visible on the map.~~

20 ~~(d) Expiration. All permits issued under the authority of this article shall expire no~~
21 ~~more than one hundred eighty (180) days after issuance. The permit may be~~
22 ~~extended for a maximum of one hundred eighty (180) days for good and~~
23 ~~sufficient cause.~~

24 ~~(3) Certificate of compliance. No land shall be occupied or used, and no building which~~
25 ~~is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced~~
26 ~~shall be occupied until a certificate of compliance is issued by the zoning~~
27 ~~administrator, except where no permit is required, subject to the following provisions:~~

- 28 ~~(a) The certificate of compliance shall show that the building or premises or part~~
- 29 ~~thereof, and the proposed use, conform to the provisions of this article;~~
- 30 ~~(b) Application for such certificate shall be concurrent with the application for a~~
- 31 ~~permit;~~
- 32 ~~(c) If all article provisions are met, the certificate of compliance shall be issued~~
- 33 ~~within ten (10) days after written notification that the permitted work is~~
- 34 ~~completed;~~
- 35 ~~(d) The applicant shall submit a certification signed by a registered professional~~
- 36 ~~engineer, architect or land surveyor that the fill, lowest floor and floodproofing~~
- 37 ~~elevations are in compliance with the permit issued. Floodproofing measures~~
- 38 ~~also require certification by a registered professional engineer or architect that~~
- 39 ~~the requirements of section 20-1266 are met.~~

40 ~~(4) Other permits. Prior to obtaining a floodplain development permit the applicant must~~
41 ~~secure all necessary permits from federal, state, and local agencies, including but~~
42 ~~not limited to those required by the U.S. Army Corps of Engineers under Section 404~~
43 ~~of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.~~

3
4 **Sec. 20-1663. Zoning agency.**

- 5
6 ~~(1) The appropriate county board of supervisors development committee shall:~~
7 ~~(a) Oversee the functions of the office of the zoning administrator; and~~
8 ~~(b) Review and advise the governing body on all proposed amendments to this~~
9 ~~article, maps and text.~~
10 ~~(2) The appropriate county board of supervisors development committee shall not:~~
11 ~~(a) Grant variances to the terms of the article in place of action by the board of~~
12 ~~adjustment/appeals; or~~
13 ~~(b) Amend the text or zoning maps in place of official action by the governing body.~~

14
15 ~~(Ord. No. 2011-131S, 4-10-12)~~

16
17 **Sec. 20-1664. Board of adjustment.**

18
19 ~~The board of adjustment/appeals, created under W.S.A., § 59.694, for counties or~~
20 ~~W.S.A., § 62.23(7)(e), for cities or villages, is hereby authorized or shall be appointed to~~
21 ~~act for the purposes of this article. The board shall exercise the powers conferred by~~
22 ~~Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator~~
23 ~~shall not be the secretary of the board.~~

- 24
25 ~~(1) Powers and duties. The board of adjustment/appeals shall:~~
26 ~~(a) Appeals. Hear and decide appeals where it is alleged there is an error in any~~
27 ~~order, requirement, decision or determination made by an administrative official~~
28 ~~in the enforcement or administration of this article;~~
29 ~~(b) Boundary disputes. Hear and decide disputes concerning the district~~
30 ~~boundaries shown on the official floodplain zoning map; and~~
31 ~~(c) Variances. Hear and decide, upon appeal, variances from the article standards.~~
32 ~~(2) Appeals to the board.~~
33 ~~(a) Appeals to the board may be taken by any person aggrieved, or by any officer~~
34 ~~or department of the municipality affected by any decision of the zoning~~
35 ~~administrator or other administrative officer. Such appeal shall be taken within~~
36 ~~thirty (30) days unless otherwise provided by the rules of the board, by filing~~
37 ~~with the official whose decision is in question, and with the board, a notice of~~
38 ~~appeal specifying the reasons for the appeal. The official whose decision is in~~
39 ~~question shall transmit to the board all records regarding the matter appealed.~~
40 ~~(b) Notice and hearing for appeals including variances.~~
41 ~~1. Notice. The board shall:~~
42 ~~a. Fix a reasonable time for the hearing;~~
43 ~~b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the~~
44 ~~date, time, place and subject of the hearing; and~~

3
4 ~~c. Assure that notice shall be mailed to the parties in interest and the~~
5 ~~department regional office at least ten (10) days in advance of the~~
6 ~~hearing.~~

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

8 ~~a. Resolve boundary disputes according to this chapter;~~

9 ~~b. Decide variance applications according to this chapter; and~~

10 ~~c. Decide appeals of permit denials according to this chapter.~~

11 ~~(c) Decision. The final decision regarding the appeal or variance application shall:~~

12 ~~1. Be made within a reasonable time;~~

13 ~~2. Be sent to the department regional office within ten (10) days of the~~
14 ~~decision;~~

15 ~~3. Be a written determination signed by the chairman or secretary of the board;~~

16 ~~4. State the specific facts which are the basis for the board's decision;~~

17 ~~5. Either affirm, reverse, vary or modify the order, requirement, decision or~~
18 ~~determination appealed, in whole or in part, dismiss the appeal for lack of~~
19 ~~jurisdiction or grant or deny the variance application; and~~

20 ~~6. Include the reasons for granting an appeal, describing the hardship~~
21 ~~demonstrated by the applicant in the case of a variance, clearly stated in~~
22 ~~the recorded minutes of the board proceedings.~~

23 ~~(3) Boundary disputes. The following procedure shall be used by the board in hearing~~
24 ~~disputes concerning floodplain district boundaries:~~

25 ~~(a) If a floodplain district boundary is established by approximate or detailed~~
26 ~~floodplain studies, the flood elevations or profiles shall prevail in locating the~~
27 ~~boundary. If none exist, other evidence may be examined;~~

28 ~~(b) The person contesting the boundary location shall be given a reasonable~~
29 ~~opportunity to present arguments and technical evidence to the board; and~~

30 ~~(c) If the boundary is incorrectly mapped, the board should inform the zoning~~
31 ~~committee or the person contesting the boundary location to petition the~~
32 ~~governing body for a map amendment according to this article.~~

33 ~~(4) Variance.~~

34 ~~(a) The board may, upon appeal, grant a variance from the standards of this~~
35 ~~article if an applicant convincingly demonstrates that:~~

36 ~~1. Literal enforcement of the article will cause unnecessary hardship;~~

37 ~~2. The hardship is due to adoption of the floodplain ordinance and unique~~
38 ~~property conditions, not common to adjacent lots or premises. In such case~~
39 ~~the ordinance or map must be amended;~~

40 ~~3. The variance is not contrary to the public interest; and~~

41 ~~4. The variance is consistent with the purpose of this article in section 20-1492.~~

42 ~~(b) In addition to the criteria in subsection (a), to qualify for a variance under FEMA~~
43 ~~regulations, the following criteria must be met:~~

44 ~~1. The variance shall not cause any increase in the regional flood elevation;~~

- 3
4 ~~2. Variances shall only be granted for lots that are less than one-half (1/2) acre~~
5 ~~and are contiguous to existing structures constructed below the RFE; and~~
6 ~~3. Variances shall only be granted upon a showing of good and sufficient~~
7 ~~cause, shall be the minimum relief necessary, shall not cause increased~~
8 ~~risks to public safety or nuisances, shall not increase costs for rescue and~~
9 ~~relief efforts and shall not be contrary to the purpose of the article.~~

10 ~~(c) A variance shall not:~~

- 11 ~~1. Grant, extend or increase any use prohibited in the zoning district;~~
12 ~~2. Be granted for a hardship based solely on an economic gain or loss;~~
13 ~~3. Be granted for a hardship which is self-created;~~
14 ~~4. Damage the rights or property values of other persons in the area;~~
15 ~~5. Allow actions without the amendments to this article or map(s) required in~~
16 ~~20-1681; and~~
17 ~~6. Allow any alteration of an historic structure, including its use, which would~~
18 ~~preclude its continued designation as an historic structure.~~

19 ~~(d) When a floodplain variance is granted the board shall notify the applicant in~~
20 ~~writing that it may increase risks to life and property and flood insurance~~
21 ~~premiums could increase up to twenty-five dollars (\$25.00) per one hundred~~
22 ~~dollars (\$100.00) of coverage. A copy shall be maintained with the variance~~
23 ~~record.~~

24
25 ~~(Ord. No. 2011-131S, 4-10-12)~~

26
27 **~~Sec. 20-1665. To review appeals of permit denials in floodland districts.~~**

28
29 ~~(1) The zoning agency (section 20-1663) or board shall review all data related to the~~
30 ~~appeal. This may include:~~

- 31 ~~(a) Permit application data listed in section 20-1662(2);~~
32 ~~(b) Floodway/floodfringe determination data in section 20-1574;~~
33 ~~(c) Data listed in section 20-1534(1)(b) where the applicant has not submitted this~~
34 ~~information to the zoning administrator; and~~
35 ~~(d) Other data submitted with the application, or submitted to the board with the~~
36 ~~appeal.~~

37 ~~(2) For appeals of all denied permits the board shall:~~

- 38 ~~(a) Follow the procedures of section 20-1664;~~
39 ~~(b) Consider zoning agency recommendations; and~~
40 ~~(c) Either uphold the denial or grant the appeal.~~

41 ~~(3) For appeals concerning increases in regional flood elevation the board shall:~~

- 42 ~~(a) Uphold the denial where the board agrees with the data showing an increase~~
43 ~~in flood elevation. Increases may only be allowed after amending the flood~~
44 ~~profile and map and all appropriate legal arrangements are made with all~~

3
4 ~~adversely affected property owners as per the requirements of section 20-~~
5 ~~1681; and~~

6 ~~(b) Grant the appeal where the board agrees that the data properly demonstrates~~
7 ~~that the project does not cause an increase provided no other reasons for~~
8 ~~denial exist.~~

9
10 ~~(Ord. No. 2011-131S, 4-10-12)~~

11
12 ~~**Sec. 20-1666. Floodproofing standards for nonconforming structures or uses.**~~

13
14 ~~(1) No permit or variance shall be issued for a nonresidential structure designed to be~~
15 ~~watertight below the regional flood elevation until the applicant submits a plan~~
16 ~~certified by a registered professional engineer or architect that the floodproofing~~
17 ~~measures will protect the structure or development to the flood protection elevation~~
18 ~~and submits a FEMA floodproofing certificate.~~

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

21 ~~(a) Certified by a registered professional engineer or architect; or~~

22 ~~(b) Meets or exceeds the following standards:~~

23 ~~1. A minimum of two (2) openings having a total net area of not less than~~
24 ~~one (1) square inch for every square foot of enclosed area subject to~~
25 ~~flooding;~~

26 ~~2. The bottom of all openings shall be no higher than one (1) foot above~~
27 ~~grade; and~~

28 ~~3. Openings may be equipped with screens, louvers, valves, or other~~
29 ~~coverings or devices provided that they permit the automatic entry and~~
30 ~~exit of floodwaters.~~

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

32 ~~(a) Withstand flood pressures, depths, velocities, uplift and impact forces and other~~
33 ~~regional flood factors;~~

34 ~~(b) Protect structures to the flood protection elevation;~~

35 ~~(c) Anchor structures to foundations to resist flotation and lateral movement;~~

36 ~~(d) Minimize or eliminate infiltration of flood waters; and~~

37 ~~(e) Minimize or eliminate discharges into flood waters.~~

38
39 ~~(Ord. No. 2011-131S, 4-10-12)~~

40
41 ~~**Sec. 20-1667. Public information.**~~

42
43 ~~(1) Place marks on structures to show the depth of inundation during the regional flood.~~

44 ~~(2) All maps, engineering data and regulations shall be available and widely distributed.~~

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

3
4 ~~(Ord. No. 2011-131S, 4-10-12)~~

5
6 ~~**Secs. 20-1668—20-1680. Reserved.**~~

7
8 ~~**Sec. 20-1681. Amendments.**~~

9
10 ~~Obstructions or increases may only be permitted if amendments are made to this~~
11 ~~article, the official floodplain zoning maps, floodway lines and water surface profiles, in~~
12 ~~accordance with section 20-1682.~~

13 ~~(1) In AE zones with a mapped floodway, no obstructions or increases shall be~~
14 ~~permitted unless the applicant receives a conditional letter of map revision from~~
15 ~~FEMA and amendments are made to this article, the official floodplain zoning~~
16 ~~maps, floodway lines and water surface profiles, in accordance with section 20-~~
17 ~~1682. Any such alterations must be reviewed and approved by FEMA and the~~
18 ~~DNR.~~

19 ~~(2) In A zones increases equal to or greater than one (1.0) foot may only be~~
20 ~~permitted if the applicant receives a conditional letter of map revision from~~
21 ~~FEMA and amendments are made to this article, the official floodplain maps,~~
22 ~~floodway lines, and water surface profiles, in accordance with section 20-1682.~~

23
24 ~~(Ord. No. 2011-131S, 4-10-12)~~

25
26 ~~**Sec. 20-1682. General.**~~

27
28 ~~The governing body shall change or supplement the floodplain zoning district~~
29 ~~boundaries and this article in the manner outlined in section 20-1683 below. Actions which~~
30 ~~require an amendment to the article and/or submittal of a letter of map change (LOMC)~~
31 ~~include, but are not limited to, the following:~~

- 32 ~~(1) Any fill or floodway encroachment that obstructs flow causing any increase in~~
33 ~~the regional flood height;~~
34 ~~(2) Any change to the floodplain boundaries and/or watercourse alterations on the~~
35 ~~FIRM;~~
36 ~~(3) Any changes to any other officially adopted floodplain maps listed in section~~
37 ~~20-1494(2)(b);~~
38 ~~(4) Any floodplain fill which raises the elevation of the filled area to a height at or~~
39 ~~above the flood protection elevation and is contiguous to land lying outside the~~
40 ~~floodplain;~~
41 ~~(5) Correction of discrepancies between the water surface profiles and floodplain~~
42 ~~maps;~~
43 ~~(6) Any upgrade to a floodplain zoning ordinance text required by § NR 116.05,~~
44 ~~Wis. Adm. Code, or otherwise required by law, or for changes by the~~
45 ~~municipality; and~~

3
4 ~~(7) All channel relocations and changes to the maps to alter floodway lines or to~~
5 ~~remove an area from the floodway or the floodfringe that is based on a base~~
6 ~~flood elevation from a FIRM requires prior approval by FEMA.~~

7
8 ~~(Ord. No. 2011-131S, 4-10-12)~~

9
10 ~~**Sec. 20-1683. Procedures.**~~

11
12 ~~Article amendments may be made upon petition of any party according to the~~
13 ~~provisions of W.S.A., § 62.23 for cities and villages, or § 59.69 for counties. The petitions~~
14 ~~shall include all data required by sections 20-1574 and 20-1662(2). The land use permit~~
15 ~~shall not be issued until a letter of map revision is issued by FEMA for the proposed~~
16 ~~changes.~~

17 ~~(1) The proposed amendment shall be referred to the zoning agency for a public~~
18 ~~hearing and recommendation to the governing body. The amendment and~~
19 ~~notice of public hearing shall be submitted to the department regional office for~~
20 ~~review prior to the hearing. The amendment procedure shall comply with the~~
21 ~~provisions of W.S.A., § 62.23 for cities and villages, or § 59.69 for counties.~~

22 ~~(2) No amendments shall become effective until reviewed and approved by the~~
23 ~~Department.~~

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

29
30 ~~(Ord. No. 2011-131S, 4-10-12)~~

31
32 ~~**Sec. 20-1684. Enforcement and penalties.**~~

33
34 ~~Any violation of the provisions of this article by any person shall be unlawful and shall~~
35 ~~be referred to the municipal attorney who shall expeditiously prosecute all such violators.~~
36 ~~A violator shall, upon conviction, forfeit to the municipality a penalty of not less than fifty~~
37 ~~dollars (\$50.00), together with a taxable cost of such action. Each day of continued~~
38 ~~violation shall constitute a separate offense. Every violation of this article is a public~~
39 ~~nuisance and the creation may be enjoined and the maintenance may be abated by action~~
40 ~~at suit of the municipality, the state, or any citizen thereof pursuant to W.S.A., § 87.30.~~

41
42 ~~(Ord. No. 2011-131S, 4-10-12)~~

43
44 ~~**Secs. 20-1685—20-1700. Reserved.**~~

3
4 **Sec. 20.1 - 1.0. Statutory Authorization, Finding of Fact, Statement of Purpose, Title,
5 and General Provisions.**

6
7 **Sec. 20.1 - 1.1. Statutory Authorization.**

8
9 This ordinance is adopted pursuant to the authorization in ss. 59.69, 59.693, and
10 59.694 for counties; and the requirements in s. 87.30, Stats.

11
12 **Sec. 20.1 - 1.2. Finding of Fact.**

13
14 Uncontrolled development and use of the floodplains and rivers in Racine County
15 would impair the public health, safety, convenience, general welfare, and tax base.

16
17 **Sec. 20.1 – 1.3. Statement of Purpose.**

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

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

31
32 **Sec. 20.1 - 1.4. Title.**

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

36
37 **Sec. 20.1 - 1.5. General Provisions.**

38
39 **(1) AREAS TO BE REGULATED**

40 This ordinance regulates all areas of special flood hazard identified as zones A,
41 AO, AH, A1-30, or AE, on the Flood Insurance Rate Map (FIRM). Additional areas
42 identified on maps approved by the Department of Natural Resources (DNR) and
43 local community may also be regulated under the provisions of this ordinance,
44 where applicable.

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

5 Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH,
6 or AO on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses
7 summarized in the Flood Insurance Study (FIS) listed in subd. (a) below.
8 Additional flood hazard areas subject to regulation under this ordinance are
9 identified on maps based on studies approved by the DNR and listed in subd. (b)
10 below. These maps and revisions are on file in the Development Services office
11 at 14200 Washington Avenue, Sturtevant, Wisconsin.
12

13 **(a) OFFICIAL MAPS : Based on the Flood Insurance Study (FIS):**

- 14
- 15 1. Flood Insurance Rate Map (FIRM), panel numbers 55101C0008D,
16 55101C0018D, 55101C0019D, 55101C0041D, 55101C0042D,
17 55101C0043D, 55101C0053D, 55101C0054D, 55101C0061D,
18 55101C0062D, 55101C0063D, 55101C0141D, 55101C0177D,
19 55101C0186D, 55101C0187D, and 55101C0257D dated 05/02/2012;
20
 - 21 2. Flood Insurance Rate Map (FIRM), panel numbers 55101C0009E,
22 55101C0016E, 55101C0017E, 55101C0028E, 55101C0029E,
23 55101C0033E, 55101C0034E, 55101C0036E, 55101C0037E,
24 55101C0038E, 55101C0039E, 55101C0044E, 55101C0064E,
25 55101C0133E, 55101C0134E, 55101C0142E, 55101C0143E,
26 55101C0144E, 55101C0152E, 55101C0153E, 55101C0154E,
27 55101C0156E, 55101C0157E, 55101C0158E, 55101C0159E,
28 55101C0161E, 55101C0162E, 55101C0163E, 55101C0164E,
29 55101C0166E, 55101C0167E, 55101C0176E, 55101C0178E,
30 55101C0179E, 55101C0256E, 55101C0276E, 55101C0277E dated
31 01/11/2024
32
 - 33 3. Flood Insurance Study (FIS) volumes 55101CV001C, 55101CV002C,
34 55101CV003C for Racine County, dated 01/11/2024.
35 Approved by: The DNR and FEMA
36

37 **(b) OFFICIAL MAPS: Based on other studies.** Any maps referenced in this
38 section must be approved by the DNR and be more restrictive than those
39 based on the FIS at the site of the proposed development.
40

- 41 1. Reischl Dam failure analysis approved by the Department of Natural
42 Resources on June 6, 2012, including:
43
44 a. Map dated April 27, 2012 and titled "Reischl Dam Improvements
45 – Dam Failure Inundation Map with 100-Year Fox River Flows."

3
4 b. Floodway data table April 27, 2012 and titled "Hypothetical
5 Failure Results – Reischl Dam."

6
7 c. Flood profiles dated April 27, 2012 and titled "Reischl Dam Plan
8 Breach Tailwater."
9

10 2. Flood Storage Maps:, Racine County and Incorporated Areas Flood
11 Storage Districts Panels 1 & 7, dated 01/11/2024, approved by the
12 DNR.
13

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

15 The flood hazard areas regulated by this ordinance are divided into districts as
16 follows:
17

18 (a) The Floodway District (FW), is the channel of a river or stream and those
19 portions of the floodplain adjoining the channel required to carry the
20 regional floodwaters, within AE Zones as shown on the FIRM, or within A
21 Zones shown on the FIRM when determined according to s. 5.1(5).
22

23 (b) The Floodfringe District (FF) is that portion of a riverine special flood
24 hazard area outside the floodway within AE Zones on the FIRM, or, when
25 floodway limits have been determined according to s. 5.1(5), within A
26 Zones shown on the FIRM.
27

28 (c) The Urban Floodplain Finge Overlay District (FFO) is the area located in
29 select locations around or near the tri-lake area (Wind Lake, Long Lake,
30 and Waubeesee Lake) within the Town of Norway according to s. 6.5.
31

32 (d) The General Floodplain District (GFP) is those riverine areas that may be
33 covered by floodwater during the regional flood in which a floodway
34 boundary has not been delineated on the FIRM and also includes shallow
35 flooding areas identified as AH and AO zones on the FIRM.
36

37 (e) The Flood Storage District (FSD) is that area of the floodplain where
38 storage of floodwaters is calculated to reduce the regional flood discharge
39 according to s. 5.2
40

41 **(4) LOCATING FLOODPLAIN BOUNDARIES**

42 Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on
43 the official floodplain zoning map and actual field conditions may be resolved using
44 the criteria in subd (a) or (b) below. If a significant difference exists, the map shall
45 be amended according to s. 8.0 *Amendments*. The zoning administrator can rely

3
4 on a boundary derived from a profile elevation to grant or deny a land use permit,
5 whether or not a map amendment is required. The zoning administrator shall be
6 responsible for documenting actual pre-development field conditions and the basis
7 upon which the district boundary was determined. Disputes between the zoning
8 administrator and an applicant over the district boundary line shall be settled
9 according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles
10 are based on established base flood elevations from a FIRM, FEMA must approve
11 any map amendment or revision pursuant to s. 8.0 *Amendments*.

12
13 (a) If flood profiles exist, the map scale and the profile elevations shall
14 determine the district boundary. The regional or base flood elevations
15 shall govern if there are any discrepancies.

16
17 (b) Where flood profiles do not exist for projects, including any boundary of
18 zone A or AO, the location of the boundary shall be determined by the
19 map scale.

20
21 (5) REMOVAL OF LANDS FROM FLOODPLAIN

22
23 (a) Compliance with the provisions of this ordinance shall not be grounds for
24 removing land from the floodplain unless it is filled at least two (2) feet
25 above the regional or base flood elevation, the fill is contiguous to land
26 outside the floodplain, and the map is amended pursuant to s. 8.0
27 *Amendments*.

28
29 (b) The delineation of any of the Floodplain Districts may be revised by the
30 community where natural or man-made changes have occurred and/or
31 where more detailed studies have been conducted. However, prior to any
32 such change, approval must be obtained from the Wisconsin Department
33 of Natural Resources and Federal Emergency Management Agency. A
34 completed Letter of Map Revision is a record of this approval. The
35 Development Services staff shall not sign a community acknowledgement
36 form unless all criteria set forth in the following paragraphs are met:

- 37
38 1. The land and/or land around the structure must be filled at least two (2)
39 feet above the regional or base flood elevation;
40
41 2. The fill must be contiguous to land outside the floodplain; Applicant
42 shall obtain floodplain development permit before applying for a LOMR
43 or LOMR-F;
44
45

- 3
4 (c) Removal of lands from the floodplain may also occur by operation of
5 §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map
6 amendment from the federal emergency management agency under 44
7 C.F.R. 70.

8
9 (6) LIMITED FLOODPLAIN BOUNDARY ADJUSTMENTS.

- 10
11 (a) Limited floodplain boundary adjustments by a combination of excavating and
12 filling may be permitted in the GFP general floodplain district provided that:
13
14 1. The excavation shall take place prior to or simultaneously with the filling
15 and be in areas either within or contiguous to the floodplain.
16
17 2. At a minimum, the area removed from the floodplain shall be the same or
18 less than the area created.
19
20 3. The fill must be at least two (2) feet above the regional or base flood
21 elevation; the fill must be contiguous to land outside the floodplain and the
22 map must be amended pursuant to s. 8.1.
23
24 4. The excavated earth material, if suitable for reuse in the area to be filled,
25 shall be so used and, if not suitable or if insufficient in quantity for the fill
26 required, the applicant may be permitted to utilize suitable fill obtained
27 from land other than that which is being excavated.
28
29 5. There shall be created by the excavation floodwater storage and
30 conveyance capacity at least equal to that which shall be lost by filling.
31
32 6. If it is determined that the floodplain boundary adjustment will be located
33 in the floodway as determined by s. 2.5, then hydrologic and hydraulic
34 analyses will need to be completed per section 2.1 to determine no
35 increase to base flood elevations.
36
37 (b) It is the express legislative intent that this section allow, after careful review,
38 limited excavation and filling in and immediately adjacent to floodplain so as
39 to create more usable and functional parcels in and adjacent to floodplain
40 while not reducing the floodwater storage and conveyance capacity then
41 existing in the floodplains.
42
43 (c) Before issuing a conditional use permit under this section, the appropriate
44 county board of supervisors development committee shall make a specific
45 written determination that the proposed excavation and filling complies with

3
4 each of the foregoing four (4) standards as well as the standards applicable to
5 conditional uses. In making such determinations, the committee may request
6 an advisory review by a duly constituted watershed committee of the
7 Southeastern Wisconsin Regional Planning Commission.
8

- 9 (d) A limited floodplain boundary adjustment requires department of natural
10 resources (DNR) and federal emergency management agency (FEMA)
11 approval before a conditional use permit may be issued.
12

13 (7) COMPLIANCE

- 14
15 (a) No structure or use within areas regulated by this ordinance shall hereafter
16 be located, erected, constructed, reconstructed, repaired, extended,
17 converted, enlarged, or altered without full compliance with the terms of
18 these regulations and all other applicable regulations that apply to uses
19 within the jurisdiction of these regulations.
20
21 (b) Failure to obtain a floodplain development permit shall be a violation of
22 these regulations and shall be punishable in accordance with s. 9.0.
23
24 (c) Floodplain development permits issued on the basis of plans and
25 applications approved by the Development Services staff authorize only the
26 use, and arrangement, set forth in such approved plans and applications,
27 or amendments thereto if approved by the Development Services staff Use,
28 arrangement, or construction contrary to that authorized shall be deemed a
29 violation of these regulations and punishable in accordance with s. 9.0.
30

31 (8) MUNICIPALITIES AND STATE AGENCIES REGULATED

32 Unless specifically exempted by law, all cities, villages, towns, and counties are
33 required to comply with this ordinance and obtain all necessary permits. State
34 agencies are required to comply if s. 13.48(13), Stats., applies. The construction,
35 reconstruction, maintenance and repair of state highways and bridges by the
36 Wisconsin Department of Transportation is exempt when s. 30.2022, Stats.,
37 applies. Although exempt from a local zoning permit and permit fees, DOT must
38 provide sufficient project documentation and analysis to ensure that the community
39 is in compliance with Federal, State, and local floodplain standards. If a local
40 transportation project is located within a Zone A floodplain and is not a WisDOT
41 project under s. 30.2022, then the road project design documents (including
42 appropriate detailed plans and profiles) may be sufficient to meet the requirements
43 for issuance of a local floodplain permit if the following apply: The applicant
44 provides documentation to the Development Services staff that the proposed
45 project is a culvert replacement or bridge replacement under 20' span at the same

3
4 location, the project is exempt from a DNR permit under s. 30.123(6)(d), the
5 capacity is not decreased, the top road grade is not raised, and no floodway data
6 is available from a federal, state, or other source. If floodway data is available in
7 the impacted area from a federal, state, or other source that existing data must be
8 utilized by the applicant in the analysis of the project site.

9
10 **(9) ABROGATION AND GREATER RESTRICTIONS**

11
12 (a) This ordinance supersedes all the provisions of any municipal zoning
13 ordinance enacted under s. 59.69, 59.692 or 59.694 for counties;

14
15 which relate to floodplains. A more restrictive ordinance shall continue in full
16 force and effect to the extent of the greater restrictions, but not otherwise.

17
18 (b) This ordinance is not intended to repeal, abrogate, or impair any existing
19 deed restrictions, covenants, or easements. If this ordinance imposes
20 greater restrictions, the provisions of this ordinance shall prevail.

21
22 **(10) INTERPRETATION**

23 In their interpretation and application, the provisions of this ordinance are the
24 minimum requirements liberally construed in favor of the governing body and are
25 not a limitation on or repeal of any other powers granted by the Wisconsin Statutes.
26 If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear,
27 the provision shall be interpreted in light of the standards in effect on the date of
28 the adoption of this ordinance or in effect on the date of the most recent text
29 amendment to this ordinance.

30
31 **(11) WARNING AND DISCLAIMER OF LIABILITY**

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

39
40 **(12) SEVERABILITY**

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

44
45 **Sec. 20.1 - 2.0. General Standards Applicable to All Floodplain Districts.**

3
4 The community shall review all permit applications to determine whether proposed
5 building sites will be reasonably safe from flooding and assure that all necessary permits
6 have been received from those governmental agencies whose approval is required by
7 federal or state law.

8
9 (1) If a proposed building site is in a flood-prone area, all new construction and
10 substantial improvements shall:

11
12 (a) be designed and anchored to prevent flotation, collapse, or lateral
13 movement of the structure resulting from hydrodynamic and hydrostatic
14 loads, including the effects of buoyancy;

15
16 (b) be constructed with flood-resistant materials;

17
18 (c) be constructed by methods and practices that minimize flood damages;
19 and

20
21 (d) mechanical and utility equipment must be elevated to or above the flood
22 protection elevation.

23
24 (2) If a subdivision or other proposed new development is in a flood-prone area,
25 the community shall assure that:

26
27 (a) such proposed subdivision or other proposed new development is
28 consistent with the need to minimize flood damage within the flood-
29 prone area;

30
31 (b) public utilities and facilities such as sewer, gas, electrical, and water
32 systems are located and constructed to minimize or eliminate flood
33 damage; and

34
35 (c) adequate drainage is provided to reduce exposure to flood hazards.

36
37 All subdivision proposals (including manufactured home parks) shall include
38 regional flood elevation and floodway data for any development that meets the
39 subdivision definition of this ordinance and all other requirements in s. 7.1(2).

40
41 **Sec. 20.1 - 2.1. Hydraulic and Hydrologic Analyses.**

42
43 (1) No floodplain development shall:

44
45 (a) Obstruct flow, defined as development which blocks the conveyance of
floodwaters by itself or with other development, causing any increase in
the regional flood height; or

3
4 (b) Cause any increase in the regional flood height due to floodplain storage
5 area lost.

6
7 (2) The Development Services staff shall deny permits if it is determined the
8 proposed development will obstruct flow or cause any increase in the regional
9 flood height, based on the officially adopted FIRM or other adopted map, unless
10 the provisions of s. 8.0 *Amendments* are met.

11
12 **Sec. 20.1 - 2.2. Watercourse Alterations.**

13
14 No land use permit to alter or relocate a watercourse in a mapped floodplain shall
15 be issued until the local official has notified in writing all adjacent municipalities, the
16 Department and FEMA regional offices, and required the applicant to secure all
17 necessary state and federal permits. The standards of s. 2.1 must be met and the flood
18 carrying capacity of any altered or relocated watercourse shall be maintained.

19
20 As soon as is practicable, but not later than six (6) months after the date of the
21 watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community
22 shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must
23 be reviewed and approved by FEMA and the DNR through the LOMC process.

24
25 **Sec. 20.1 - 2.3 .Chapter 30, 31, Wis. Stats., Development.**

26
27 Development which requires a permit from the Department, under chs. 30 and 31,
28 Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may
29 be allowed if the necessary permits are obtained and amendments to the floodplain
30 zoning ordinance are made according to s. 8.0 *Amendments*.

31
32 **Sec. 20.1 - 2.4. Public or Private Campgrounds.**

33
34 Public or private campgrounds shall have a low flood damage potential and shall
35 meet the following provisions:

36
37 (1) The campground is approved by the Department of Agriculture, Trade and
38 Consumer Protection;

39
40 (2) A conditional use permit for the campground is issued by the Development
41 Services Staff.

42
43 (3) The character of the river system and the campground elevation are such that
44 a seventy-two (72) hour warning of an impending flood can be given to all
45 campground occupants;

4 (4) There is an adequate flood warning procedure for the campground that offers
5 the minimum notice required under this section to all persons in the
6 campground. This procedure shall include a written agreement between the
7 campground owner, the floodplain zoning agency or zoning administrator, the
8 municipal emergency government coordinator and the chief law enforcement
9 official which specifies the flood elevation at which evacuation shall occur,
10 personnel responsible for monitoring flood elevations, types of warning
11 systems to be used and the procedures for notifying at-risk parties, and the
12 methods and personnel responsible for conducting the evacuation;
13

14 (5) This agreement shall be for no more than one (1) calendar year, at which time
15 the agreement shall be reviewed and updated - by the officials identified in sub.
16 (4) - to remain in compliance with all applicable regulations, including those of
17 the state Department of Agriculture, Trade and Consumer Protection and all
18 other applicable regulations;
19

20 (6) All mobile recreational vehicles placed on site must meet one of the following:

21 (a) Be fully licensed, if required, and ready for highway use; or
22
23

24 (b) Not occupy any site in the campground for more than one hundred
25 eighty (180) consecutive days, at which time the recreational vehicle
26 must be removed from the floodplain for a minimum of twenty-four (24)
27 hours; or
28

29 (c) Meet the requirements in either ss. 3.0, 4.0, or 5.1, for the floodplain
30 district in which the structure is located;
31

32 A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking
33 system, is attached to the site only by quick-disconnect utilities and security
34 devices and has no permanently attached additions.
35

36 (7) All camping units that remain on site for more than thirty (30) days shall be issued
37 a limited authorization by the campground operator, a written copy of which is kept
38 on file at the campground. Such authorization shall allow placement of a camping
39 unit consistent with 2.4(6) and shall ensure compliance with all the provisions of
40 this section;
41

42 (8) The County shall monitor the limited authorizations issued by the campground
43 operator to assure compliance with the terms of this section;
44
45

4 (9) The campground shall have signs clearly posted at all entrances warning of the
5 flood hazard and the procedures for evacuation when a flood warning is issued;
6 and
7

8 (10) All service facilities, including but not limited to refuse collection, electrical
9 service, gas lines, propane tanks, sewage systems and wells shall be properly
10 anchored and placed at or floodproofed to the flood protection elevation; and
11

12 (11) Standards for structures in a campground:
13

14 (a) All structures must comply with s. 2.4 or meet the applicable
15 requirements in ss. 3.0, 4.0, or 5.1, for the floodplain district in which the
16 structure is located;
17

18 (b) Deck/landing-a portable landing may be allowed for a camping unit for
19 each entry provided that the landing is not permanently attached to the
20 ground or camping unit, is no more than two hundred (200) square feet
21 in size, shall be portable, contain no walls or roof, and can be removed
22 from the campground by a truck and/or trailer. Sections of such portable
23 landings may be placed together to form a single deck not greater than
24 two hundred (200) square feet at one entry point. Provisions for the
25 removal of these temporary landings during flood events must be
26 addressed within the written agreement with the County compliant with
27 s. 2.4(4). Any such deck/landing structure may be constructed at
28 elevations lower than the flood protection elevation but must not obstruct
29 flow of flood waters or cause any increase in flood levels during the
30 occurrence of the regional flood.
31

32 (c) Decks/patios that are constructed completely at grade may be allowed
33 but must also comply with applicable shoreland zoning standards.
34

35 (d) Camping equipment and appurtenant equipment in the campground
36 may be allowed provided that the equipment is not permanently attached
37 to the ground or camping unit, is not used as a habitable structure, and
38 must not obstruct flow of flood waters or cause any increase in flood
39 levels during the occurrence of the regional flood. Provisions for the
40 removal of this equipment during flooding events shall be addressed
41 within the written agreement with the County compliant with s. 2.4(4).
42

43 (e) Once a flood warning in the written agreement has been issued for the
44 campground, the campground owner or the designated operator shall
45 ensure that all persons, camping units, decks, camping equipment and

3
4 appurtenant equipment in the campground shall be evacuated within the
5 timelines specified within the written agreement with the County
6 compliant with s. 2.4(4).
7

8 (12) A land use permit shall be obtained as provided under s. 7.1(2) before any
9 development; repair, modification, or addition to an existing structure; or
10 change in the use of a building or structure, including sewer and water facilities,
11 may be initiated.
12

13 **Sec. 20.1 - 2.5. Floodway uses.**

14
15 Floodway uses are conditional uses and may be permitted by the appropriate
16 county board of supervisors development committee.
17

18 (a) Open space and related uses may be permitted in any floodplain zoning district
19 for the following uses provided that the applicant shall show that such use or
20 improvement will not impeded drainage, will not cause ponding, will not obstruct
21 the floodway according to the requirements in s. 2.1, will not increase flood flow
22 velocities, will not increase the flood stage, and will not retard the movement of
23 the floodwaters. When permitted, all structures shall be floodproofed in
24 accordance with the standards set in s. 7.5 of this division and constructed so as
25 not to catch or collect debris nor be damaged by floodwaters. All floodproofed
26 structures shall be securely anchored to protect them from large floods.
27 Certification of floodproofing shall be made to the zoning administrator and shall
28 consist of a plan or document certified by a registered professional engineer that
29 the floodproofing measures are consistent with the flood velocities, forces,
30 depths, and other factors associated with the regional flood elevation.
31

- 32 1. Navigational structures.
- 33
- 34 2. Public water measuring and control facilities.
- 35
- 36 3. Bridges and approaches.
- 37
- 38 4. Marinas.
- 39
- 40 5. Utility poles, towers, and underground conduit for transmitting electricity,
41 telephone, natural gas and similar products and services.
42
- 43 6. Park and recreational areas, not including structures.
44
45

3
4 7. Parking lots and loading areas accessory to permitted uses in adjacent
5 districts, not including new or used vehicle sales or storage areas,
6 provided that such uses shall not be subject to inundation depths greater
7 than two (2) feet or flood velocities greater than two (2) feet per second.

8
9 8. Filing as authorized by the department to permit the establishment of
10 approved bulkhead lines.

11
12 9. Other open space uses consistent with the purpose and intent of the district
13 and compatible with uses in adjacent districts, not including structures.

14
15 (b) The thin mantle spreading of spoils resulting from the cleanout and/or dredging of
16 existing drainage ditches or canals may be permitted in floodplain zoning districts
17 provided that the spreading does not result in an increase in the regional flood
18 elevation; the spoils are leveled to a maximum depth of twelve (12) inches; and
19 provided that such spreading will not have a significant adverse impact upon the
20 criteria established by the department in NR 116.07. Applicants are required to
21 complete hydrologic and hydraulic analyses per s. 2.1 unless the applicant can
22 demonstrate the spoils are being placed to pre-existing elevations (i.e. due to
23 settlement or erosion).

24
25 (c) Municipal water supply and sanitary sewerage systems may be permitted provided
26 that the system is floodproofed, in accordance set forth in s. 7.5 of this article, to
27 an elevation at least two (2) feet above the regional flood elevation and is designed
28 to eliminate or minimize infiltration of floodwaters into the system. All floodproofed
29 utilities shall be anchored to prevent floatation. Certification of floodproofing shall
30 be made to the zoning administrator and shall consist of a plan or document
31 certified by a registered professional engineer that the floodproofing measures are
32 consistent with the flood velocities, forces, depths and other factors associated
33 with the regional flood elevation for the particular stream reach. Municipal water
34 supply and sanitary sewerage systems are prohibited in the floodway.

35
36 **Sec. 20.1 - 3.0. Floodway District (FW).**

37
38 **Sec. 20.1 - 3.1. Applicability.**

39
40 This section applies to all floodway areas on the floodplain zoning maps and
41 those identified pursuant to s. 5.1(5).

42
43 **Sec. 20.1 - 3.2. Permitted Uses.**
44
45

3
4 The following open space uses are allowed in the Floodway District and the floodway
5 areas of the General Floodplain District, if:

- 6 • they are not prohibited by any other ordinance;
- 7 • they meet the standards in s. 3.3 and 3.4; and
- 8 • all permits or certificates have been issued according to s. 7.1.

- 9
10 (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture,
11 viticulture, and wild crop harvesting.
- 12
13 (2) Nonstructural industrial and commercial uses, such as loading areas, parking
14 areas and airport landing strips.
- 15
16 (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery
17 ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature
18 preserves, game farms, fish hatcheries, shooting, trap, and skeet activities,
19 hunting and fishing areas and hiking and horseback riding trails, subject to the
20 fill limitations of s. 3.3(4).
- 21
22 (4) Uses or structures accessory to open space uses or classified as historic
23 structures that comply with s. 3.3 and 3.4.
- 24
25 (5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 26
27 (6) Functionally water-dependent uses, such as docks, piers or wharves, dams,
28 flowage areas, culverts, navigational aids and river crossings of transmission
29 lines, and pipelines that comply with chs. 30 and 31, Stats.
- 30
31 (7) Public utilities, streets and bridges that comply with s. 3.3(3).
- 32
33 (8) Portable latrines that are removed prior to flooding and systems associated
34 with recreational areas and Department-approved campgrounds that meet the
35 applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 36
37 (9) Public or private wells used to obtain potable water for recreational areas that
38 meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis.
39 Adm. Code.
- 40
41 (10) Wastewater treatment ponds or facilities permitted under s. NR
42 110.15(3)(b), Wis. Adm. Code.
- 43
44
45

- 3
4 (11) Sanitary sewer or water supply lines to service existing or proposed
5 development located outside the floodway that complies with the regulations
6 for the floodplain area occupied.
7

8 **Sec. 20.1 - 3.3. Standards for Development in the Floodway.**

9
10 (1) GENERAL

- 11
12 (a) Any development in the floodway shall comply with s. 2.0 and have a
13 low flood damage potential.
14
15 (b) Applicants shall provide an analysis calculating the effects of this
16 proposal on the regional flood height to determine the effects of the
17 proposal according to s. 2.1 and 7.1(2)(c). The analysis must be
18 completed by a registered professional engineer in the state of
19 Wisconsin.
20
21 (c) Any encroachment in the regulatory floodway is prohibited unless the
22 data submitted for s. 3.3(1)(b) above demonstrates that the
23 encroachment will cause no increase in flood elevations in flood events
24 up to the base flood at any location or removes the encroached area
25 from the regulatory floodway as provided in s. 1.5(5).
26

27 (2) STRUCTURES

28 Structures accessory to permanent open space uses, including utility and
29 sanitary facilities, or functionally dependent on a waterfront location may be
30 allowed by permit if the structures comply with the following criteria:

- 31
32 (a) Not designed for human habitation, does not have a high flood damage
33 potential and is constructed to minimize flood damage;
34
35 (b) Shall either have the lowest floor elevated to or above the flood
36 protection elevation or shall meet all the following standards:
37
38 1. Have the lowest floor elevated to or above the regional flood
39 elevation and be dry floodproofed so that the structure is
40 watertight with walls substantially impermeable to the passage of
41 water and completely dry to the flood protection elevation without
42 human intervention during flooding;
43
44 2. Have structural components capable of meeting all provisions of
45 s. 3.3(2)(g) and;

3
4 3. Be certified by a registered professional engineer or architect,
5 through the use of a Federal Emergency Management Agency
6 Floodproofing Certificate, that the design and methods of
7 construction are in accordance with s. 3.3(2)(g).
8

9 (c) Must be anchored to resist flotation, collapse, and lateral movement;

10
11 (d) Mechanical and utility equipment must be elevated to or above the flood
12 protection elevation; and
13

14 (e) Must not obstruct flow of flood waters or cause any increase in flood
15 levels during the occurrence of the regional flood.
16

17 (f) For a structure designed to allow the automatic entry of floodwaters
18 below the Regional Flood Elevation, the applicant shall submit a plan
19 that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the
20 following standards:
21

22 1. The lowest floor must be elevated to or above the regional flood
23 elevation;

24 2. a minimum of two openings having a total net area of not less
25 than one square inch for every square foot of enclosed area
26 subject to flooding;
27

28 3. the bottom of all openings shall be no higher than one (1) foot
29 above the lowest adjacent grade; openings may be equipped
30 with screens, louvers, valves, or other coverings or devices
31 provided that they permit the automatic entry and exit of
32 floodwaters, otherwise must remain open.
33

34 4. The use must be limited to parking, building access or limited
35 storage.
36

37
38 (g) Certification: Whenever floodproofing measures are required, a
39 registered professional engineer or architect shall certify that the
40 following floodproofing measures will be utilized, where appropriate, and
41 are adequate to withstand the flood depths, pressures, velocities, impact
42 and uplift forces and other factors associated with the regional flood:
43

44 1. Reinforcement of floors and walls to resist rupture, collapse, or
45 lateral movement caused by water pressures or debris buildup;

- 3
4 2. Construction of wells, water supply systems and waste
5 treatment systems so as to prevent the entrance of flood waters
6 in such systems and must be in accordance with provisions in
7 ss 3.4(4) and 3.4(5);
8
9 3. Subsurface drainage systems to relieve external pressures on
10 foundation walls and basement floors;
11
12 4. Cutoff valves on sewer lines or the elimination of gravity flow
13 basement drains; and
14
15 5. Placement of utilities to or above the flood protection elevation.
16

17 **(3) PUBLIC UTILITIES, STREETS AND BRIDGES**

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

- 19 (a) Adequate floodproofing measures are provided to the flood protection
20 elevation; and
21
22 (b) Construction meets the development standards of s. 2.1.
23

24 **(4) FILLS OR DEPOSITION OF MATERIALS**

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

- 26
27 (a) The requirements of s. 2.1 are met;
28
29 (b) No material is deposited in navigable waters unless a permit is issued
30 by the Department pursuant to ch. 30, Stats., and a permit pursuant to
31 s. 404 of the Federal Water Pollution Control Act, Amendments of
32 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other
33 requirements have been met;
34
35 (c) The fill or other materials will be protected against erosion by riprap,
36 vegetative cover, sheet piling or bulkheading; and
37
38 (d) The fill is not classified as a solid or hazardous material.
39

40 **Sec. 20.1 - 3.4. Prohibited Uses.**

41
42 All uses not listed as permitted uses in s. 3.2 are prohibited, including the following uses:
43

- 44 (1) Habitable structures, structures with high flood damage potential, or those not
45 associated with permanent open-space uses;

- 3
- 4 (2) Storing materials that are buoyant, flammable, explosive, injurious to property,
5 water quality, or human, animal, plant, fish or other aquatic life;
6
- 7 (3) Uses not in harmony with or detrimental to uses permitted in the adjoining
8 districts;
9
- 10 (4) Any private or public sewage systems, except portable latrines that are
11 removed prior to flooding and systems associated with recreational areas and
12 Department-approved campgrounds that meet the applicable provisions of
13 local ordinances and ch. SPS 383, Wis. Adm. Code;
14
- 15 (5) Any public or private wells which are used to obtain potable water, except those
16 for recreational areas that meet the requirements of local ordinances and chs.
17 NR 811 and NR 812, Wis. Adm. Code:
18
- 19 (6) Any solid or hazardous waste disposal sites;
20
- 21 (7) Any wastewater treatment ponds or facilities, except those permitted under s.
22 NR 110.15(3)(b), Wis. Adm. Code; and
23
- 24 (8) Any sanitary sewer or water supply lines, except those to service existing or
25 proposed development located outside the floodway which complies with the
26 regulations for the floodplain area occupied.
27

28 **Sec. 20.1 - 4.0. Floodfringe District (FF).**

29 **Sec. 20.1 - 4.1. Applicability.**

30
31
32 This section applies to all floodfringe areas shown on the floodplain zoning maps
33 and those identified pursuant to s. 5.1(5).
34

35 **Sec. 20.1 - 4.2. Permitted Uses.**

36
37 Any structure, land use, or development is allowed in the Floodfringe District if the
38 standards in s. 4.3 are met, the use is not prohibited by this, or any other ordinance or
39 regulation and all permits or certificates specified in s. 7.1 have been issued.
40

41 **Sec. 20.1 - 4.3. Standards for Development in the Floodfringe.**

42
43 Section 2.0 shall apply in addition to the following requirements according to the
44 use requested. Any existing structure in the floodfringe must meet the requirements of s.
45 *6.0 Nonconforming Uses*;

3
4 **(1) RESIDENTIAL USES**

5
6 Any structure, including a manufactured home, which is to be newly
7 constructed or moved into the floodfringe, shall meet or exceed the following
8 standards. Any existing structure in the floodfringe must meet the requirements
9 of s. 6.0 *Nonconforming Uses*;

10
11 (a) All new construction, including placement of manufactured homes, and
12 substantial improvement of residential structures, shall have the lowest
13 floor elevated to or above the flood protection elevation on fill. The fill
14 around the structure shall be one (1) foot or more above the regional
15 flood elevation extending at least fifteen (15) feet beyond the limits of
16 the structure. If fifteen (15) feet is unattainable due to lot configuration,
17 retaining walls may be utilized. No area may be removed from the
18 floodfringe district unless it can be shown to meet s. 1.5(5).

19
20 (b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be
21 placed at the regional flood elevation if the basement or crawlspace is
22 designed to make all portions of the structure below the flood protection
23 elevation watertight with walls substantially impermeable to the passage
24 of water and with structural components having the capability of resisting
25 hydrostatic and hydrodynamic loads and effects of buoyancy. No floor
26 of any kind is allowed below the regional flood elevation;

27
28 (c) Contiguous dryland access shall be provided from a structure to land
29 outside of the floodplain, except as provided in subd. (d).

30
31 (d) In developments where existing street or sewer line elevations make
32 compliance with subd. (c) impractical, the municipality may permit new
33 development and substantial improvements where roads are below the
34 regional flood elevation, if:

- 35
36 1. The municipality has written assurance from police, fire and
37 emergency services that rescue, and relief will be provided to the
38 structure(s) by wheeled vehicles during a regional flood event; or
39 2. The municipality has a DNR-approved emergency evacuation
40 plan that follows acceptable hazard mitigation planning
41 guidelines.

42
43 **(2) ACCESSORY STRUCTURES OR USES**

3
4 In addition to s. 2.0, new construction and substantial improvements of accessory
5 structures shall be constructed on fill with the lowest floor at or above the regional
6 flood elevation.
7

8 **(3) COMMERCIAL USES**

9 In addition to s. 2.0, any commercial structure which is erected, altered, or moved
10 into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the
11 requirements of s. 4.3(5), storage yards, surface parking lots and other such uses
12 may be placed at lower elevations if an adequate warning system exists to protect
13 life and property.
14

15 **(4) MANUFACTURING AND INDUSTRIAL USES**

16 In addition to s. 2.0, any manufacturing or industrial structure which is erected,
17 altered, or moved into the floodfringe shall have the lowest floor elevated to or
18 above the flood protection elevation or meet the floodproofing standards in s 7.5.
19 Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and
20 other such uses may be placed at lower elevations if an adequate warning system
21 exists to protect life and property.
22

23 **(5) STORAGE OF MATERIALS**

24 Materials that are buoyant, flammable, explosive, or injurious to property, water
25 quality or human, animal, plant, fish, or aquatic life shall be stored at or above the
26 flood protection elevation or floodproofed in compliance with s. 7.5. Adequate
27 measures shall be taken to ensure that such materials will not enter the water body
28 during flooding.
29

30 **(6) PUBLIC UTILITIES, STREETS AND BRIDGES**

31 All utilities, streets and bridges shall be designed to be compatible with
32 comprehensive floodplain development plans; and
33

34 (a) When failure of public utilities, streets and bridges would endanger
35 public health or safety, or where such facilities are deemed essential,
36 construction or repair of such facilities shall only be permitted if they are
37 designed to comply with s. 7.5.
38

39 (b) Minor roads or non-essential utilities may be constructed at lower
40 elevations if they are designed to withstand flood forces to the regional
41 flood elevation.
42

43 **(7) SEWAGE SYSTEMS**

3
4 All sewage disposal systems shall be designed to minimize or eliminate infiltration
5 of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation
6 and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

7
8 (8) WELLS

9 All wells shall be designed to minimize or eliminate infiltration of flood waters into
10 the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet
11 the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

12
13 (9) SOLID WASTE DISPOSAL SITES

14 Disposal of solid or hazardous waste is prohibited in floodfringe areas.

15
16 (10) DEPOSITION OF MATERIALS

17 Any deposited material must meet all the provisions of this ordinance.

18
19 (11) MANUFACTURED HOMES

20
21 (a) Owners or operators of all manufactured home parks and subdivisions
22 shall provide adequate surface drainage to minimize flood damage, and
23 prepare, secure approval, and file an evacuation plan, indicating
24 vehicular access and escape routes, with local emergency management
25 authorities.

26
27 (b) In existing manufactured home parks, all new homes, replacement
28 homes on existing pads, and substantially improved homes shall:

- 29
30 1. (have the lowest floor elevated to the flood protection elevation;
31 and
32
33 2. be anchored so they do not float, collapse, or move laterally
34 during a flood
35

36 (c) Outside of existing manufactured home parks, including new
37 manufactured home parks and all single units outside of existing parks,
38 all new, replacement and substantially improved manufactured homes
39 shall meet the residential development standards for the floodfringe in
40 s. 4.3(1).
41

42 (12) MOBILE RECREATIONAL VEHICLES

43 All mobile recreational vehicles must be on site for less than one hundred eighty
44 (180) consecutive days and be either:
45

3
4 (a) fully licensed and ready for highway use; or

5
6 (b) shall meet the elevation and anchoring requirements in s. 4.3 (11)(b)
7 and (c).

8
9 A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking
10 system, is attached to the site only by quick-disconnect utilities and security
11 devices and has no permanently attached additions.

12
13 **Sec. 20.1 - 5.0. Other Floodplain Districts.**

14
15 **Sec. 20.1 - 5.1. General Floodplain District (GFP).**

16
17 (1) APPLICABILITY

18 The provisions for the General Floodplain District shall apply to development in all
19 floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not
20 delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

21
22 (2) FLOODWAY BOUNDARIES

23 For proposed development in zone A, or in zone AE within which a floodway is not
24 delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the
25 boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If
26 the development is proposed to encroach upon the regulatory floodway, the
27 development is subject to the standards of s 3.0. If the development is located
28 entirely within the floodfringe, the development is subject to the standards of s. 4.0.

29
30 (3) PERMITTED USES

31 Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located
32 within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2)
33 and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District,
34 according to the standards of s. 5.1(4) provided that all permits or certificates
35 required under s. 7.1 have been issued.

36
37 (4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN
38 DISTRICT

39 S. 3.0 applies to floodway areas, determined to pursuant to 5.1(5); S. 4.0 applies
40 to floodfringe areas, determined to pursuant to 5.1(5).

41
42 (a) New construction and substantial improvement of structures in zone AO
43 shall have the lowest floor, including basement, elevated:
44
45

- 3
4 1. To or above the depth, in feet, as shown on the FIRM above the
5 highest adjacent natural grade; or
6
7 2. If the depth is not specified on the FIRM, two (2) feet above the
8 highest adjacent natural grade or higher.
9

10 (b) New Construction and substantial improvement of structures in zone AH
11 shall have the lowest floor, including basement, elevated to or above the
12 flood protection elevation.
13

14 (c) In AO/AH zones, provide adequate drainage paths to guide floodwaters
15 around structures.
16

17 (d) All development in zones AO and zone AH shall meet the requirements
18 of s. 4.0 applicable to floodfringe areas.
19

20 (5) DETERMINING FLOODWAY AND FLOODFRINGE LIMITS

21 Upon receiving an application for development within zone A, or within zone AE
22 where a floodway has not been delineated on the Flood Insurance Rate Maps, the
23 zoning administrator shall:
24

25 (a) Require the applicant to submit two copies of an aerial photograph or a
26 plan which shows the proposed development with respect to the general
27 floodplain district limits, stream channel, and existing floodplain
28 developments, along with a legal description of the property, fill limits
29 and elevations, building floor elevations and flood proofing measures
30 and the flood zone as shown on the FIRM.
31

32 (b) Require the applicant to furnish any of the following information deemed
33 necessary by the Department to evaluate the effects of the proposal
34 upon flood height and flood flows, regional flood elevation and to
35 determine floodway boundaries.
36

37 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
38

39 2. Plan (surface view) showing elevations or contours of the ground;
40 pertinent structure, fill or storage elevations; size, location, and
41 layout of all proposed and existing structures on the site; location
42 and elevations of streets, water supply, and sanitary facilities; soil
43 types and other pertinent information.
44
45

- 3
4 3. Specifications for building construction and materials,
5 floodproofing, filling, dredging, channel improvement, storage,
6 water supply and sanitary facilities.
7

8 **Sec. 20.1 – 5.2. Flood Storage District.**
9

10 The flood storage district delineates that portion of the floodplain where storage of
11 floodwaters has been taken into account and is relied upon to reduce the regional flood
12 discharge. The district protects the flood storage areas and assures that any
13 development in the storage areas will not decrease the effective flood storage capacity
14 which would cause higher flood elevations.
15

16 (1) APPLICABILITY

17 The provisions of this section apply to all areas within the Flood Storage District
18 (FSD), as shown on the official floodplain zoning maps.
19

20 (2) PERMITTED USES

21 Any use or development which occurs in a flood storage district must meet the
22 applicable requirements in s. 4.3.
23

24 (3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS
25

- 26 (a) Development in a flood storage district shall not cause any increase in
27 the height of the regional flood.
28
29 (b) No development shall be allowed which removes flood storage volume
30 unless an equal volume of storage as defined by the pre-development
31 ground surface and the regional flood elevation shall be provided in the
32 immediate area of the proposed development to compensate for the
33 volume of storage, which is lost, (compensatory storage). Excavation
34 below the groundwater table is not considered to provide an equal
35 volume of storage.
36
37 (c) If compensatory storage cannot be provided, the area may not be
38 developed unless the entire area zoned as flood storage district – on this
39 waterway – is rezoned to the floodfringe district. This must include a
40 revision to the floodplain study and map done for the waterway to revert
41 to the higher regional flood discharge calculated without floodplain
42 storage, as per s. 8.0 *Amendments* of this ordinance.
43
44
45

4 (d) No area may be removed from the flood storage district unless it can be
5 shown that the area has been filled to the flood protection elevation and
6 is contiguous to other lands lying outside of the floodplain.
7

8 **Sec. 20.1- 6.0. Nonconforming Uses.**
9

10 **Sec. 20.1 - 6.1. General.**

11 (1) Applicability
12

13 (a) The standards in this section shall apply to all uses and buildings that
14 do not conform to the provisions contained within a floodplain zoning
15 ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code
16 and 44 CFR 59-72., these standards shall apply to all modifications or
17 additions to any nonconforming use or structure and to the use of any
18 structure or premises which was lawful before the passage of this
19 ordinance or any amendment thereto. A party asserting existence of a
20 lawfully established nonconforming use or structure has the burden of
21 proving that the use or structure was compliant with the floodplain zoning
22 ordinance in effect at the time the use or structure was created.
23

24 (b) As permit applications are received for additions, modifications, or
25 substantial improvements to nonconforming buildings in the floodplain,
26 the County shall develop a list of those nonconforming buildings, their
27 present equalized assessed value, and a list of the costs of those
28 activities associated with changes to those buildings.
29

30 (2) The existing lawful use of a structure or its accessory use which is not in conformity
31 with the provisions of this ordinance may continue subject to the following
32 conditions:
33

34 (a) No modifications or additions to a nonconforming use or structure shall
35 be permitted unless they comply with this ordinance. The words
36 "modification" and "addition" include, but are not limited to, any
37 alteration, addition, modification, structural repair, rebuilding or
38 replacement of any such existing use, structure or accessory structure
39 or use. Maintenance is not considered a modification; this includes
40 painting, decorating, paneling and other nonstructural components and
41 the maintenance, repair or replacement of existing private sewage or
42 water supply systems or connections to public utilities. Any costs
43 associated with the repair of a damaged structure are not considered
44 maintenance.
45

3
4 The construction of a deck that does not exceed two hundred (200)
5 square feet and that is adjacent to the exterior wall of a principal
6 structure is not an extension, modification, or addition. The roof of the
7 structure may extend over a portion of the deck in order to provide safe
8 ingress and egress to the principal structure.
9

10 (b) If a nonconforming use or the use of a nonconforming structure is
11 discontinued for twelve (12) consecutive months, it is no longer
12 permitted and any future use of the property, and any structure
13 orbuiding thereon, shall conform to the applicable requirements of this
14 ordinance;

15
16 (c) The County shall keep a record which lists all nonconforming uses and
17 nonconforming structures, their present equalized assessed value, the
18 cost of all modifications or additions which have been permitted, and the
19 percentage of the structure's total current value those modifications
20 represent;

21
22 (d) No modification or addition to any nonconforming structure or any
23 structure with a nonconforming use, which over the life of the structure
24 would equal or exceed fifty percent (50%) of its present equalized
25 assessed value, shall be allowed unless the entire structure is
26 permanently changed to a conforming structure with a conforming use
27 in compliance with the applicable requirements of this ordinance.
28 Contiguous dry land access must be provided for residential and
29 commercial uses in compliance with s. 4.3(1). The costs of elevating
30 the lowest floor of a nonconforming building or a building with a
31 nonconforming use to the flood protection elevation are excluded from
32 the fifty percent (50%) provisions of this paragraph;

33
34 (e) No maintenance on a per event basis to any nonconforming structure or
35 any structure with a nonconforming use, the cost of which would equal
36 or exceed fifty percent (50%) of its present equalized assessed value,
37 shall be allowed unless the entire structure is permanently changed to a
38 conforming structure with a conforming use in compliance with the
39 applicable requirements of this ordinance. Contiguous dry land access
40 must be provided for residential and commercial uses in compliance with
41 s. 4.3(1).
42

43 (f) If on a per event basis the total value of the work being done under (d)
44 and (e) equals or exceeds fifty percent (50%) of the present equalized
45 assessed value, the work shall not be permitted unless the entire

3
4 structure is permanently changed to a conforming structure with a
5 conforming use in compliance with the applicable requirements of this
6 ordinance. Contiguous dry land access must be provided for residential
7 and commercial uses in compliance with s. 4.3(1).
8

9 (g) Except as provided in subd. (h), if any nonconforming structure or any
10 structure with a nonconforming use is destroyed or is substantially
11 damaged, it cannot be replaced, reconstructed, or rebuilt unless the use
12 and the structure meet the current ordinance requirements. A structure
13 is considered substantially damaged if the total cost to restore the
14 structure to its pre-damaged condition equals or exceeds fifty percent
15 (50%) of the structure's present equalized assessed value.
16

17 (h) For nonconforming buildings that are substantially damaged or
18 destroyed by a nonflood disaster, the repair or reconstruction of any
19 such nonconforming building shall be permitted in order to restore it to
20 the size and use in effect prior to the damage event, provided that the
21 following minimum requirements are met, and all required permits have
22 been granted prior to the start of construction:
23

24 1. Residential Structures

25
26 a. Shall have the lowest floor, including basement, elevated
27 to or above the base flood elevation using fill, pilings,
28 columns, posts, or perimeter walls. Perimeter walls must
29 meet the requirements of s. 7.5(2).
30

31 b. Shall be anchored to prevent flotation, collapse, or lateral
32 movement of the structure resulting from hydrodynamic
33 and hydrostatic loads, including the effects of buoyancy,
34 and shall be constructed with methods and materials
35 resistant to flood damage.
36

37 c. Shall be constructed with electrical, heating, ventilation,
38 plumbing and air conditioning equipment and other service
39 facilities that are designed and/or elevated so as to
40 prevent water from entering or accumulating within the
41 components during conditions of flooding.
42

43 d. In A Zones, obtain, review, and utilize any flood data
44 available from a federal, state or other source.
45

- 4 e. In AO Zones with no elevations specified, shall have the
5 lowest floor, including basement, meet the standards in s.
6 5.1(4).
7
- 8 f. In AO Zones, shall have adequate drainage paths around
9 structures on slopes to guide floodwaters around and
10 away from the structure.
11

12 **2. Nonresidential Structures**

- 13 a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
14
 - 15 b. Shall either have the lowest floor, including basement,
16 elevated to or above the regional flood elevation; or,
17 together with attendant utility and sanitary facilities, shall
18 meet the standards in s. 7.5 (1) or (2).
19
 - 20 c. In AO Zones with no elevations specified, shall have the
21 lowest floor, including basement, meet the standards in s.
22 5.1(4).
23
- 24
- 25 3. A nonconforming historic structure may be altered if the alteration
26 will not preclude the structure's continued designation as a
27 historic structure, the alteration will comply with s. 3.3 (1), flood
28 resistant materials are used, and construction practices and
29 floodproofing methods that comply with s. 7.5 are used. Repair
30 or rehabilitation of historic structures shall be exempt from the
31 development standards of s. 6.1 (2)(h)1 if it is determined that the
32 proposed repair or rehabilitation will not preclude the structure's
33 continued designation as a historic structure and is the minimum
34 necessary to preserve the historic character and design of the
35 structure.
36

37 **Sec. 20.1 – 6.2. Floodway District.**

- 38
- 39 (1) No modification or addition shall be allowed to any nonconforming structure or
40 any structure with a nonconforming use in the Floodway District, unless such
41 modification or addition:
42
- 43 (a) Has been granted a permit or variance which meets all ordinance
44 requirements;
45

3
4 (b) Meets the requirements of s. 6.1;

5
6 (c) Shall not increase the obstruction to flood flows or regional flood
7 height;

8
9 (d) Any addition to the existing structure shall be floodproofed, pursuant to
10 s. 7.5, by means other than the use of fill, to the flood protection
11 elevation; and,

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

15
16 1. The enclosed area shall be designed by a registered architect or
17 engineer to allow for the efficient entry and exit of flood waters
18 without human intervention. A minimum of two (2) openings must
19 be provided with a minimum net area of at least one (1) square
20 inch for every one (1) square foot of the enclosed area. The
21 lowest part of the opening can be no more than twelve (12) inches
22 above the adjacent grade;

23
24 2. The parts of the foundation located below the flood protection
25 elevation must be constructed of flood-resistant materials;

26
27 3. Mechanical and utility equipment must be elevated or
28 floodproofed to or above the flood protection elevation; and

29
30 4. The use must be limited to parking, building access or limited
31 storage.

32
33 (2) No new on-site sewage disposal system, or addition to an existing on-site
34 sewage disposal system, except where an addition has been ordered by a
35 government agency to correct a hazard to public health, shall be allowed in the
36 Floodway District. Any replacement, repair or maintenance of an existing
37 on-site sewage disposal system in a floodway area shall meet the applicable
38 requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm.
39 Code.

40
41 (3) No new well or modification to an existing well used to obtain potable water
42 shall be allowed in the Floodway District. Any replacement, repair, or
43 maintenance of an existing well in the Floodway District shall meet the
44 applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811
45 and NR 812, Wis. Adm. Code.

3
4 **Sec. 20.1 - 6.3. Floodfringe District.**

5
6 (1) No modification or addition shall be allowed to any nonconforming structure or any
7 structure with a nonconforming use unless such modification or addition has been
8 granted a permit or variance by the municipality and meets the requirements of s.
9 4.3 except where s. 6.3(2) is applicable.

10
11 (2) Where compliance with the provisions of subd. (1) would result in unnecessary
12 hardship and only where the structure will not be used for human habitation or be
13 associated with a high flood damage potential, the Board of Adjustment/Appeals,
14 using the procedures established in s. 7.3, may grant a variance from those
15 provisions of subd. (1) for modifications or additions using the criteria listed below.
16 Modifications or additions which are protected to elevations lower than the flood
17 protection elevation may be permitted if:

18
19 (a) No floor is allowed below the regional flood elevation for residential or
20 commercial structures;

21
22 (b) Human lives are not endangered;

23
24 (c) Public facilities, such as water or sewer, shall not be installed;

25
26 (d) Flood depths shall not exceed two (2) feet;

27
28 (e) Flood velocities shall not exceed two (2) feet per second; and

29
30 (f) The structure shall not be used for storage of materials as described in
31 s. 4.3(5).

32
33 (3) All new private sewage disposal systems, or addition to, replacement, repair or
34 maintenance of a private sewage disposal system shall meet all the applicable
35 provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.

36
37 (4) All new wells, or addition to, replacement, repair, or maintenance of a well shall
38 meet the applicable provisions of this ordinance, s. 7.5 (3) and ch. NR 811 and
39 NR 812, Wis. Adm. Code.

40
41 **Sec. 20.1 – 6.4. Flood Storage Districts.**

42
43 No modifications or additions shall be allowed to any nonconforming structure in a
44 flood storage area unless the standards outlined in s. 5.2(3) are met.

3
4 **Sec. 20.1 – 6.5. FFO Urban Floodfringe Overlay District.**

5
6 No modifications or additions shall be allowed to any nonconforming structure in a
7 flood storage area unless the standards outlined in s. 5.2(3) are met.

8
9 (1) Purpose. The FFO urban floodplain fringe overlay district is intended to provide
10 for and encourage the most appropriate use of land and water in the urban or
11 urbanizing areas of the county subject to periodic flooding and to minimize flood
12 damage to people and property. The FFO district shall not be utilized in any area
13 of the county except where used to complement the FW district and only where
14 public sanitary sewer facilities are currently available or are programmed to be
15 made available within twenty-four (24) months and where the elevation of the
16 regional flood elevation has been increased by two (2) or more feet since such
17 elevation was originally established.

18
19 The FFO urban floodplain fringe overlay district is located in select locations
20 around or near the tri-lake area (Wind Lake, Long Lake, and Waubeesee Lake)
21 within the Town of Norway. The FFO includes the following sections and quarter-
22 sections of T4N, R20E: 3 (NW, SW ¼), 4 (NW, NE, SW, SE ¼), 5 (SW ¼), 6 (SE
23 ¼), 7 (NE, SE ¼), 8 (NW, NE, SW, SE ¼), 9 (NW, SW, SE ¼), 10 (NW, SW ¼),
24 16 (NW, NE ¼), 17 (NW, NE ¼), and 18 (NE ¼). FFO maps are available for
25 review at the county public works and development services department.

26
27 Overlay districts provide for the possibility of superimposing certain additional
28 requirements upon a basic zoning district without disturbing the requirements of
29 the basic district. In the instance of conflicting requirements; the more restrictive
30 of the conflicting requirements shall apply.

31
32 (2) Permitted uses.

33
34 The uses permitted in the FFO urban floodplain fringe overlay district are as
35 follows:

36
37 (a) *Principal uses.* Any use of land, including structures, that is
38 permitted in the underlying basic use district. Examples of such use
39 would be croplands in an agricultural district; required yards in a
40 residential district; or parking or loading areas in a commercial or
41 industrial district, provided that inundation depths for parking
42 and loading areas do not exceed two (2) feet above the regional
43 flood elevation.

44
45 (b) *Conditional uses.* (See s. 2.6).

3
4 (3) Incompatible uses prohibited.

5 Lands lying within the FFO urban floodplain fringe overlay district shall not be
6 used for any solid or hazardous waste disposal site, on-site soil absorption
7 sanitary sewage disposal site or the construction of any well which is used to
8 obtain water for ultimate human consumption.
9

10 (4) Standards for development in the FFO.

11 S. 20.1 - 2.1 may apply upon lands located outside of mapped stillwater elevation
12 areas identified in the Flood Insurance Study, in addition to the following
13 requirements according to the use requested. Any existing structure in the FFO
14 urban floodplain fringe overlay district must meet the requirements of s. 6.0,
15 Nonconforming uses in Floodplains.
16

17 (a) Residential, commercial, and institutional structures shall be permitted
18 in the FFO urban floodplain fringe overlay district provided that the
19 structure is permitted in the underlying basic use district and subject to
20 the standards of subsection (b).
21

22 (b) Residential uses. Any structure, including a manufactured home,
23 which is to be newly constructed or moved into the floodfringe, shall
24 meet or exceed the following standards. Any existing structure in the
25 floodfringe must meet the requirements of s. 6.0, Nonconforming
26 uses.
27

- 28 1. The elevation of the lowest floor shall be at or above the flood
29 protection elevation on fill unless the requirements of section
30 subsection (2) can be met. The fill shall be one (1) foot or more
31 above the regional flood elevation extending at least fifteen (15)
32 feet beyond the limits of the structure. If fifteen (15) feet is
33 unattainable due to lot configuration retaining walls may be
34 utilized. The county public works and development services
35 department recommends that the project be designed or
36 reviewed by a registered engineer who can certify that the
37 retaining walls are functionally and structurally adequate for the
38 project. This approval does not warrant the retaining walls
39 against design or structural failure, and the county will accept no
40 liability through approval or through the issuance of a zoning
41 permit. The retaining walls are the landowner's responsibility. If
42 the retaining walls become damaged or destroyed, it is the
43 property owner's responsibility to repair or replace the walls.
44
45

3
4 2. The basement or crawlway floor may be placed at the regional
5 flood elevation if it is dry floodproofed to the flood protection
6 elevation. No basement or crawlway floor is allowed below the
7 regional flood elevation.

8
9 3. Contiguous dryland access shall be provided from a structure to
10 land outside of the floodplain, except as provided in subsection
11 (d).

12
13 4. In developments where existing street or sewer line elevations
14 make compliance with subsection (3) impractical, the county
15 may permit new development and substantial improvements
16 where roads are below the regional flood elevation, if:

17
18 i. the municipality has written assurance from police, fire
19 and emergency services that rescue and relief will be
20 provided to the structure(s) by wheeled vehicles during a
21 regional flood event; or

22
23 ii. the municipality has a DNR-approved emergency
24 evacuation plan. The Town of Norway Floodplain
25 Emergency Action Plan has been adopted pursuant to
26 this article and is in effect for the area encompassed by
27 the town sanitary district in the Town of Norway.

28
29 5. Conditional uses. (See s. 2.6).

30
31 (c) Accessory structures associated with agricultural, residential,
32 commercial, institutional, or industrial uses in the FFO urban floodplain
33 fringe overlay district are permitted, provided that all structures, when
34 permitted, are not attached to the principal structure, are not designed
35 for human occupancy or the confinement of animals, have a low flood
36 damage potential, are constructed and placed to provide minimum
37 obstruction to flood flows (whenever possible, accessory structures
38 shall be placed with their longitudinal axis parallel to the flow of
39 floodwaters), are firmly anchored to prevent them from floating away
40 and restricting bridge openings, and have all service facilities (such as
41 electrical and heating equipment) at an elevation at least two (2) feet
42 above the regional flood elevation.

43
44 1. Except as provided in subsection (3), an accessory structure
45 which is not connected to the principal structure may be

3 constructed with its lowest floor at or above the regional flood
4 elevation.

5
6 2. An accessory structure which is not connected to the principal
7 structure and which is less than six hundred (600) square feet
8 in size and valued at less than ten thousand dollars (\$10,000.00)
9 may be constructed with its lowest floor no more than two (2)
10 feet below the base flood elevation; it meets all the provisions of
11 s. 2.0, and materials that are buoyant, flammable, explosive, or
12 injurious to property, water quality or human, animal, plant, or
13 aquatic life be stored at or above the flood protection elevation
14 or floodproofed. Adequate measures shall be taken to ensure
15 that such material will not enter the water body during flooding.

16
17 d. In commercial and institutional areas, any structure or building which
18 is to be erected, constructed, reconstructed, altered or moved into the
19 floodfringe area shall meet the requirements for residential use,
20 subsection (b). Storage yards, parking lots, and other accessory
21 structures or land uses may be at lower elevation, subject to the
22 storage requirements of s. 3.0 et seq. However, no such area in
23 general use by the public shall be inundated to a depth greater than
24 two (2) feet. Inundation of such yards or parking areas exceeding two
25 (2) feet may be allowed provided that an adequate warning system
26 exists to protect life and property.

27
28 e. Industrial structures in the FFO urban floodplain fringe overlay district
29 are permitted provided that the structure is permitted in the underlying
30 district and provided that the fill requirements and dryland access
31 requirements for residential structures in the FFO district comply with
32 subsection (b). However, when the intent and purpose of this chapter
33 cannot be fulfilled by filling the floodplain fringe due to existing and
34 committed development, and when the appropriate county board of
35 supervisors development committee has made a finding to this effect,
36 all new structures and all additions to existing structures in the FFO
37 urban floodplain fringe overlay district shall be floodproofed in
38 accordance with the standards set forth in s. 6.5 of this article to a point
39 two (2) feet above the regional flood elevation.

40
41 f. Mobile home parks and mobile home units located within a mobile
42 home park in the FFO urban floodplain fringe overlay district are
43 permitted, provided that the use is permitted in the underlying use
44 district and that a conditional use permit pursuant to s.4.3 et seq. has
45

3
4 been granted. Mobile home parks and mobile home units are also
5 subject to the requirements of subsection (k).

6
7 g. Storage of materials. Materials that are buoyant, flammable, explosive,
8 or injurious to property, water quality or human, animal, plant, fish or
9 aquatic life shall be stored at or above the flood protection elevation or
10 floodproofed in compliance with s. 4.3. Adequate measures shall be
11 taken to ensure that such materials will not enter the water body during
12 flooding.

13
14 h. All utilities, streets and bridges shall be designed to be compatible with
15 comprehensive floodplain development plans; and

16
17 1. When failure of public utilities, streets and bridges would
18 endanger public health or safety, or where such facilities are
19 deemed essential, construction or repair of such facilities shall
20 only be permitted if they are designed to comply with s. 6.0.
21 Minor roads or non-essential utilities may be constructed at
22 lower elevations if they are designed to withstand flood forces to
23 the regional flood elevation.

24
25 i. All sewage disposal systems shall be designed to minimize or eliminate
26 infiltration of flood water into the system, pursuant to s. 4.0, to the flood
27 protection elevation and meet the provisions of all local ordinances and
28 ch. SPS 383, Wis. Adm. Code.

29
30 j. All wells shall be designed to minimize or eliminate infiltration of flood
31 waters into the system, pursuant to s. 4.0, to the flood protection
32 elevation and shall meet the provisions of chs. NR 811 and NR 812,
33 Wis. Adm. Code.

34
35 k. Manufactured homes or mobile homes.

36
37 1. Owners or operators of all manufactured/mobile home parks
38 and subdivisions shall provide adequate surface drainage to
39 minimize flood damage, and prepare, secure approval and file
40 an evacuation plan, indicating vehicular access and escape
41 routes, with local emergency management authorities.

42
43 2. In existing manufactured/mobile home parks, all new homes,
44 replacement homes on existing pads, and substantially
45 improved homes shall:

- 3
- 4 i. Have the lowest floor elevated to the flood protection
- 5 elevation; and
- 6
- 7 ii. Be anchored so they do not float, collapse or move
- 8 laterally during a flood.
- 9
- 10 3. Outside of existing manufactured/mobile home parks, including
- 11 new manufactured/mobile home parks and all single units
- 12 outside of existing parks, all new, replacement and substantially
- 13 improved manufactured/mobile homes shall meet the residential
- 14 development standards for the floodfringe in subsection (b).
- 15
- 16 i. All mobile recreational vehicles that are on site for one
- 17 hundred eighty (180) consecutive days or more or are
- 18 not fully licensed and ready for highway use shall
- 19 meet the elevation and anchoring requirements in
- 20 subsection (k)(1) and (2). A mobile recreational
- 21 vehicle is ready for highway use if it is on its wheels
- 22 or jacking system, is attached to the site only by quick-
- 23 disconnect utilities and security devices and has no
- 24 permanently attached additions. Recreational
- 25 vehicles shall not be considered to be
- 26 manufactured/mobile homes.
- 27
- 28 ii. A mobile recreational vehicle is ready for highway use
- 29 if it is on its wheels or jacking system, is attached to
- 30 the site only by quick-disconnect utilities and security
- 31 devices and has no permanently attached additions.
- 32 Recreational vehicles shall not be considered to be
- 33 manufactured/mobile homes.

34 (Ord. No. 2011-131S, 4-10-12)

35
36 (5.) Preservation of drainageways.

37 No permit granted for filing or development in the FFO urban floodplain fringe
38 overlay district shall be permitted to adversely affect the channels, floodways, or
39 shorelands of any navigational water in the county, or other land lying outside the
40 floodways.

41
42 **Sec. 20.1 - 7.0 ADMINISTRATION**

43
44
45

4 Where Development Services authorized staff, planning agency or a board of
5 adjustment has already been appointed to administer a zoning ordinance adopted under
6 ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.
7

8 **Sec. 20.1 – 7.1. Development Services Authorized Staff.**
9

10 (1) DUTIES AND POWERS

11 The Development Services Authorized Staff are authorized to administer this
12 ordinance and shall have the following duties and powers:
13

14 (a) Advise applicants of the ordinance provisions, assist in preparing permit
15 applications and appeals, and assure that the regional flood elevation
16 for the proposed development is shown on all permit applications.
17

18 (b) Issue permits and inspect properties for compliance with provisions of
19 this ordinance and issue certificates of compliance where appropriate.
20

21 (c) Inspect and assess all damaged floodplain structures to determine if
22 substantial damage to the structures has occurred.
23

24 (d) Keep records of all official actions such as:
25

26 1. All permits issued, inspections made, and work approved;
27

28 2. Documentation of certified lowest floor and regional flood
29 elevations;
30

31 3. Floodproofing certificates.
32

33 4. Water surface profiles, floodplain zoning maps and ordinances,
34 nonconforming uses and structures including changes, appeals,
35 variances and amendments.
36

37 5. All substantial damage assessment reports for floodplain
38 structures.
39

40 6. List of nonconforming structures and uses.
41

42 (e) Submit copies of the following items to the Department Regional office:
43
44
45

- 3
4 1. Within ten (10) days of the decision, a copy of any decisions on
5 variances, appeals for map or text interpretations, and map or
6 text amendments;
7
8 2. Copies of case-by-case analyses and other required information.
9
10 3. Copies of substantial damage assessments performed and all
11 related correspondence concerning the assessments.
12

13 (f) Investigate, prepare reports, and report violations of this ordinance to
14 the municipal zoning agency and attorney for prosecution. Copies of the
15 reports shall also be sent to the Department Regional office.
16

17 (g) Submit copies of amendments to the FEMA Regional office.
18

19 (2) ZONING PERMIT

20 A land use permit shall be obtained before any development; repair, modification,
21 or addition to an existing structure; or change in the use of a building or structure,
22 including sewer and water facilities, may be initiated. Application to the zoning
23 administrator shall include:
24

25 (a) GENERAL INFORMATION

- 26
27 1. Name and address of the applicant, property owner and
28 contractor;
29
30 2. Legal description, proposed use, and whether it is new
31 construction or a modification;
32

33 (b) SITE DEVELOPMENT PLAN

34 A site plan drawn to scale shall be submitted with the permit
35 application form and shall contain:
36

- 37 1. Location, dimensions, area and elevation of the lot;
38
39 2. Location of the ordinary highwater mark of any abutting navigable
40 waterways;
41
42 3. Location of any structures with distances measured from the lot
43 lines and street center lines;
44
45

- 3
- 4 4. Location of any existing or proposed on-site sewage systems or
5 private water supply systems;
- 6
- 7 5. Location and elevation of existing or future access roads;
- 8
- 9 6. Location of floodplain and floodway limits as determined from the
10 official floodplain zoning maps;
- 11
- 12 7. The elevation of the lowest floor of proposed buildings and any
13 fill using the vertical datum from the adopted study – either
14 National Geodetic Vertical Datum (NGVD) or North American
15 Vertical Datum (NAVD);
- 16
- 17 8. Data sufficient to determine the regional flood elevation in NGVD
18 or NAVD at the location of the development and to determine
19 whether or not the requirements of ss. 3.0 or 4.0 are met; and
- 20
- 21 9. Data to determine if the proposed development will cause an
22 obstruction to flow or an increase in regional flood height or
23 discharge according to s. 2.1. This may include any of the
24 information noted in s. 3.3(1).

25

26 (c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE
27 DEVELOPMENT

28 All hydraulic and hydrologic studies shall be completed under the direct
29 supervision of a professional engineer registered in the State. The
30 study contractor shall be responsible for the technical adequacy of the
31 study. All studies shall be reviewed and approved by the Department.

- 32
- 33 1. Zone A floodplains and in AE zones within which a floodway is
34 not delineated:
- 35 a. Hydrology
- 36 i. The appropriate method shall be based on the
37 standards in ch. NR 116.07(3), Wis. Admin.
38 Code, *Hydrologic Analysis: Determination of*
39 *Regional Flood Discharge*.
- 40
- 41 b. Hydraulic modeling
- 42 The regional flood elevation shall be based on the
43 standards in ch. NR 116.07(4), Wis. Admin. Code,
44 *Hydraulic Analysis: Determination of Regional Flood*
45 *Elevation* and the following:

- 4 i. determination of the required limits of the
5 hydraulic model shall be based on detailed
6 study information for downstream structures
7 (dam, bridge, culvert) to determine adequate
8 starting WSEL for the study.
9
- 10 ii. channel sections must be surveyed.
11
- 12 iii. minimum four (4) foot contour data in the
13 overbanks shall be used for the development of
14 cross section overbank and floodplain mapping.
15
- 16 iv. a maximum distance of five hundred (500) feet
17 between cross sections is allowed in developed
18 areas with additional intermediate cross
19 sections required at transitions in channel
20 bottom slope including a survey of the channel
21 at each location.
22
- 23 v. the most current version of HEC-RAS shall be
24 used.
25
- 26 vi. a survey of bridge and culvert openings and the
27 top of road is required at each structure.
28
- 29 vii. additional cross sections are required at the
30 downstream and upstream limits of the
31 proposed development and any necessary
32 intermediate locations based on the length of
33 the reach if greater than five hundred (500) feet.
34
- 35 viii. standard accepted engineering practices shall
36 be used when assigning parameters for the
37 base model such as flow, Manning's N values,
38 expansion and contraction coefficients or
39 effective flow limits. The base model shall be
40 calibrated to past flooding data such as high-
41 water marks to determine the reasonableness of
42 the model results. If no historical data is
43 available, adequate justification shall be
44 provided for any parameters outside standard
45 accepted engineering practices.

- 3
4 ix. the model must extend past the upstream limit
5 of the difference in the existing and proposed
6 flood profiles in order to provide a tie-in to
7 existing studies. The height difference between
8 the proposed flood profile and the existing study
9 profiles shall be no more than 0.00 feet.

10
11 c. Mapping

12
13 A work map of the reach studied shall be provided,
14 showing all cross-section locations, floodway/floodplain
15 limits based on best available topographic data,
16 geographic limits of the proposed development and
17 whether the proposed development is located in the
18 floodway.

- 19
20 i. If the proposed development is located outside
21 of the floodway, then it is determined to have no
22 impact on the regional flood elevation.
23
24 ii. If any part of the proposed development is in the
25 floodway, it must be added to the base model to
26 show the difference between existing and
27 proposed conditions. The study must ensure
28 that all coefficients remain the same as in the
29 existing model, unless adequate justification
30 based on standard accepted engineering
31 practices is provided.

32
33 2. Zone AE Floodplains

34
35 a. Hydrology

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

40
41 b. Hydraulic model

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

- 3
4 i. Duplicate Effective Model
5 The effective model shall be reproduced to
6 ensure correct transference of the model data
7 and to allow integration of the revised data to
8 provide a continuous FIS model upstream and
9 downstream of the revised reach. If data from
10 the effective model is available, models shall be
11 generated that duplicate the FIS profiles and the
12 elevations shown in the Floodway Data Table in
13 the FIS report to within 0.1 foot.
14
- 15 ii. Corrected Effective Model.
16 The Corrected Effective Model shall not include
17 any man-made physical changes since the
18 effective model date but shall import the model
19 into the most current version of HEC-RAS for
20 Department review.
21
- 22 iii. Existing (Pre-Project Conditions) Model.
23 The Existing Model shall be required to support
24 conclusions about the actual impacts of the
25 project associated with the Revised (Post-
26 Project) Model or to establish more up-to-date
27 models on which to base the Revised (Post-
28 Project) Model.
29
- 30 iv. Revised (Post-Project Conditions) Model.
31 The Revised (Post-Project Conditions) Model
32 shall incorporate the Existing Model and any
33 proposed changes to the topography caused by
34 the proposed development. This model shall
35 reflect proposed conditions.
36
- 37 v. All changes to the Duplicate Effective Model and
38 subsequent models must be supported by
39 certified topographic information, bridge plans,
40 construction plans and survey notes.
41
- 42 vi. Changes to the hydraulic models shall be limited
43 to the stream reach for which the revision is
44 being requested. Cross sections upstream and
45 downstream of the revised reach shall be

3 identical to those in the effective model and
4 result in water surface elevations and top widths
5 computed by the revised models matching
6 those in the effective models upstream and
7 downstream of the revised reach as required.
8 The Effective Model shall not be truncated.

9
10 c. Mapping

11
12 Maps and associated engineering data shall be
13 submitted to the Department for review which meet the
14 following conditions:

- 15
16 i. Consistency between the revised hydraulic
17 models, the revised floodplain and floodway
18 delineations, the revised flood profiles,
19 topographic work map, annotated FIRMs and/or
20 Flood Boundary Floodway Maps (FBFMs),
21 construction plans, bridge plans.
22
23 ii. Certified topographic map of suitable scale,
24 contour interval, and a planimetric map showing
25 the applicable items. If a digital version of the
26 map is available, it may be submitted in order
27 that the FIRM may be more easily revised.
28
29 iii. Annotated FIRM panel showing the revised 1%
30 and 0.2% annual chance floodplains and
31 floodway boundaries.
32
33 iv. If an annotated FIRM and/or FBFM and digital
34 mapping data (GIS or CADD) are used, then all
35 supporting documentation or metadata must be
36 included with the data submission along with the
37 Universal Transverse Mercator (UTM)
38 projection and State Plane Coordinate System
39 in accordance with FEMA mapping
40 specifications.
41
42 v. The revised floodplain boundaries shall tie into
43 the effective floodplain boundaries.
44
45

4 vi. All cross sections from the effective model shall
5 be labeled in accordance with the effective map
6 and a cross section lookup table shall be
7 included to relate to the model input numbering
8 scheme.
9

10 vii. Both the current and proposed floodways shall
11 be shown on the map.
12

13 viii. The stream centerline, or profile baseline used
14 to measure stream distances in the model shall
15 be visible on the map.
16

17 d. Expiration

18 All permits issued under the authority of this ordinance
19 shall expire no more than nine (9) months after issuance.
20 The permit may be extended for a maximum of nine (9)
21 months for good and sufficient cause. If the permitted
22 work has not started within nine (9) months of the permit
23 date, the development must comply with any regulation,
24 including any revision to the FIRM or FIS, that took effect
25 after the permit date.
26

27 (3) CERTIFICATE OF COMPLIANCE

28 No land shall be occupied or used, and no building which is hereafter constructed,
29 altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a
30 certificate of compliance is issued by the Development Services Staff, except
31 where no permit is required, subject to the following provisions:
32

33 (a) The certificate of compliance shall show that the building or premises or
34 part thereof, and the proposed use, conform to the provisions of this
35 ordinance;
36

37 (b) Application for such certificate shall be concurrent with the application
38 for a permit;
39

40 (c) If all ordinance provisions are met, the certificate of compliance shall be
41 issued within ten (10) days after written notification that the permitted
42 work is completed;
43
44
45

3
4 (d) The applicant shall submit a certification signed by a registered
5 professional engineer, architect, or land surveyor that the fill, lowest floor
6 and floodproofing elevations are in compliance with the permit issued.
7 Floodproofing measures also require certification by a registered
8 professional engineer or architect that the requirements of s. 7.5 are
9 met.

10
11 (e) Where applicable pursuant to s. 5.1(4), the applicant must submit a
12 certification by a registered professional engineer or surveyor of the
13 elevation of the bottom of the lowest horizontal structural member
14 supporting the lowest floor (excluding pilings or columns), and an
15 indication of whether the structure contains a basement.

16
17 (f) Where applicable pursuant to s. 5.1(4), the applicant must submit
18 certifications by a registered professional engineer or architect that the
19 structural design and methods of construction meet accepted standards
20 of practice as required by s. 5.1(4).

21
22 **(4) OTHER PERMITS**

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

27
28 **Sec. 20.1 - 7.2. Zoning Agency.**

29
30 (1) The appropriate Racine County Board of Supervisors development committee
31 shall:

32
33 (a) oversee the functions of the office of the zoning administrator.

34
35 (b) review and advise the governing body on all proposed amendments to
36 this ordinance, maps, and text.

37
38 (c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date,
39 time, place, and subject of the public hearing.

40
41 (2) The appropriate Racine County Board of Supervisors development committee
42 Supervisors shall not:

43
44 (a) grant variances to the terms of the ordinance in place of action by the
45 Board of Adjustment/Appeals; or

3
4 (b) amend the text or zoning maps in place of official action by the governing
5 body.
6

7 **Sec. 20.1 – 7.3. Board of Adjustment.**
8

9 The Board of Adjustment, created under s. 59.694, Stats., for counties is hereby
10 authorized or shall be appointed to act for the purposes of this ordinance. The Board
11 shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the
12 conduct of business. The zoning administrator shall not be the secretary of the Board.
13

14 **(1) POWERS AND DUTIES**

15 The Board of Adjustment shall:
16

17 (a) Appeals - Hear and decide appeals where it is alleged there is an error
18 in any order, requirement, decision or determination made by an
19 administrative official in the enforcement or administration of this
20 ordinance;
21

22 (b) Boundary Disputes - Hear and decide disputes concerning the district
23 boundaries shown on the official floodplain zoning map; and
24

25 (c) Variances - Hear and decide, upon appeal, variances from the ordinance
26 standards.
27

28 **(2) APPEALS TO THE BOARD**
29

30 (a) Appeals to the Board may be taken by any person aggrieved, or by any
31 officer or department of the municipality affected by any decision of the
32 zoning administrator or other administrative officer. Such appeal shall be
33 taken within thirty (30) days unless otherwise provided by the rules of the
34 board, by filing with the official whose decision is in question, and with the
35 board, a notice of appeal specifying the reasons for the appeal. The official
36 whose decision is in question shall transmit to the board all records
37 regarding the matter appealed.
38

39 **(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**
40

41 1. Notice - The Board shall:
42

43 a. Fix a reasonable time for the hearing;
44
45

- 3
- 4 b. Publish adequate notice pursuant to Wisconsin Statutes,
- 5 specifying the date, time, place, and subject of the
- 6 hearing; and
- 7
- 8 c. Assure that notice shall be mailed to the parties in
- 9 interest and the Department Regional office at least ten
- 10 (10) days in advance of the hearing.
- 11

12 2. Hearing - Any party may appear in person or by agent. The
13 Board shall:

- 14 a. Resolve boundary disputes according to s. 7.3(3);
- 15
- 16 b. Decide variance applications according to s. 7.3(4); and
- 17
- 18 c. Decide appeals of permit denials according to s. 7.4.
- 19
- 20

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

- 23 1. Be made within a reasonable time;
- 24
- 25 2. Be sent to the Department Regional office within ten (10) days
- 26 of the decision;
- 27
- 28 3. Be a written determination signed by the chairperson or
- 29 secretary of the Board;
- 30
- 31 4. State the specific facts which are the basis for the Board's
- 32 decision;
- 33
- 34 5. Either affirm, reverse, vary or modify the order, requirement,
- 35 decision, or determination appealed, in whole or in part,
- 36 dismiss the appeal for lack of jurisdiction or grant or deny the
- 37 variance application; and
- 38
- 39 6. Include the reasons for granting an appeal, describing the
- 40 hardship demonstrated by the applicant in the case of a
- 41 variance, clearly stated in the recorded minutes of the Board
- 42 proceedings.
- 43

44 (3) BOUNDARY DISPUTES

45

3
4 The following procedure shall be used by the Board in hearing disputes
5 concerning floodplain district boundaries:
6

- 7 (a) If a floodplain district boundary is established by approximate or detailed
8 floodplain studies, the flood elevations or profiles shall prevail in locating
9 the boundary. If none exists, other evidence may be examined.
10
11 (b) The person contesting the boundary location shall be given a reasonable
12 opportunity to present arguments and technical evidence to the Board;
13 and
14
15 (c) If the boundary is incorrectly mapped, the Board should inform the
16 zoning committee or the person contesting the boundary location to
17 petition the governing body for a map amendment according to s. 8.0
18 *Amendments*.
19

20 (4) VARIANCE
21

22 (a) The Board may, upon appeal, grant a variance from the standards of
23 this ordinance if an applicant convincingly demonstrates that:
24

- 25 1. Literal enforcement of the ordinance will cause unnecessary
26 hardship;
27
28 2. The hardship is due to adoption of the floodplain ordinance and
29 unique property conditions, not common to adjacent lots or
30 premises. In such case the ordinance or map must be
31 amended;
32
33 3. The variance is not contrary to the public interest; and
34
35 4. The variance is consistent with the purpose of this ordinance in
36 s. 1.3.
37

38 (b) In addition to the criteria in subd. (a), to qualify for a variance under
39 FEMA regulations, the Board must find that the following criteria have
40 been met:
41

- 42 1. The variance shall not cause any increase in the regional flood
43 elevation;
44
45

- 3
4 2. The applicant has shown good and sufficient cause for issuance
5 of the variance;
6
7 3. Failure to grant the variance would result in exceptional
8 hardship;
9
10 4. Granting the variance will not result in additional threats to
11 public safety, extraordinary expense, create a nuisance, cause
12 fraud on or victimization of the public, or conflict with existing
13 local laws or ordinances;
14
15 5. The variance granted is the minimum necessary, considering
16 the flood hazard, to afford relief.

17
18 (c) A variance shall not:

- 19
20 1. Grant, extend or increase any use prohibited in the zoning
21 district;
22
23 2. Be granted for a hardship based solely on an economic gain or
24 loss;
25
26 3. Be granted for a hardship which is self-created;
27
28 4. Damage the rights or property values of other persons in the
29 area;
30
31 5. Allow actions without the amendments to this ordinance or
32 map(s) required in s. 8.0 *Amendments*; and
33
34 6. Allow any alteration of an historic structure, including its use,
35 which would preclude its continued designation as an historic
36 structure.

37
38 (d) When a floodplain variance is granted, the Board shall notify the
39 applicant in writing that it may increase risks to life and property and
40 flood insurance premiums could increase up to twenty-five dollars
41 (\$25.00) per one hundred dollars (\$100.00) of coverage. A copy shall
42 be maintained with the variance record.
43

44 **Sec. 20.1 - 7.4. To Review Appeals of Permit Denials.**
45

4 (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal.
5 This may include:

- 6 (a) Permit application data listed in s. 7.1(2);
- 7 (b) Floodway/floodfringe determination data in s. 5.1(5);
- 8 (c) Data listed in s. 3.3(1)(b) where the applicant has not submitted this
9 information to the zoning administrator; and
- 10 (d) Other data submitted with the application or submitted to the Board
11 with the appeal.

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

- 13 (a) Follow the procedures of s. 7.3;
- 14 (b) Consider zoning agency recommendations; and
- 15 (c) Either uphold the denial or grant the appeal.

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

- 17 (a) Uphold the denial where the Board agrees with the data showing an
18 increase in flood elevation. Increases may only be allowed after
19 amending the flood profile and map and all appropriate legal
20 arrangements are made with all adversely affected property owners as
21 per the requirements of s. 8.0 *Amendments*; and
- 22 (b) Grant the appeal where the Board agrees that the data properly
23 demonstrates that the project does not cause an increase provided no
24 other reasons for denial exist.

25 **Sec. 20.1 – 7.5 FLOODPROOFING STANDARDS**
26

27 (1) No permit or variance shall be issued for a non-residential structure designed to
28 be watertight below the regional flood elevation until the applicant submits a plan
29 certified by a registered professional engineer or architect that the floodproofing
30 measures will protect the structure or development to or above the flood protection
31 elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an
32 alternative to the development standards in ss. 2.0, 3.0, 4.0, or 5.1.
33
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4 (2) For a structure designed to allow the entry of floodwaters, no permit or variance
5 shall be issued until the applicant submits a plan either:
6

7 (a) certified by a registered professional engineer or architect; or
8

9 (b) meeting or exceeding the following standards:
10

- 11 1. a minimum of two (2) openings having a total net area of not
12 less than one (1) square inch for every square foot of enclosed
13 area subject to flooding;
14
- 15 2. the bottom of all openings shall be no higher than one (1) foot
16 above grade; and
17
- 18 3. openings may be equipped with screens, louvers, valves, or
19 other coverings or devices provided that they permit the
20 automatic entry and exit of floodwaters.
21

22 (3) Floodproofing measures shall be designed, as appropriate, to:
23

24 (a) Withstand flood pressures, depths, velocities, uplift and impact forces
25 and other regional flood factors;
26

27 (b) Protect structures to the flood protection elevation;
28

29 (c) Anchor structures to foundations to resist flotation and lateral
30 movement;
31

32 (d) Minimize or eliminate infiltration of flood waters;
33

34 (e) Minimize or eliminate discharges into flood waters;
35

36 (f) Placement of essential utilities to or above the flood protection
37 elevation; and
38

39 (g) If any part of the foundation below the flood protection elevation is
40 enclosed, the following standards shall apply:
41

- 42 1. The enclosed area shall be designed by a registered architect or
43 engineer to allow for the efficient entry and exit of flood waters
44 without human intervention. A minimum of two (2) openings must
45 be provided with a minimum net area of at least one (1) square

3 inch for every one (1) square foot of the enclosed area. The
4 lowest part of the opening can be no more than twelve (12) inches
5 above the adjacent grade;

- 6
7 2. The parts of the foundation located below the flood protection
8 elevation must be constructed of flood-resistant materials;
9
10 3. Mechanical and utility equipment must be elevated or
11 floodproofed to or above the flood protection elevation; and
12
13 4. The use must be limited to parking, building access or limited
14 storage.

15
16 **Sec. 20.1 – 7.6 PUBLIC INFORMATION**

17
18 (1) Place marks on structures to show the depth of inundation during the regional
19 flood.

20
21 (2) All maps, engineering data and regulations shall be available and widely
22 distributed.

23
24 (3) Real estate transfers should show what floodplain district any real property is in.
25

26 **Sec. 20.1 – 8.0 AMENDMENTS**

27
28 Obstructions or increases may only be permitted if amendments are made to this
29 ordinance, the official floodplain zoning maps, floodway lines and water surface profiles,
30 in accordance with s. 8.1.

31
32 (1) In AE Zones with a mapped floodway, no obstructions or increases shall be
33 permitted unless the applicant receives a Conditional Letter of Map Revision from
34 FEMA and amendments are made to this ordinance, the official floodplain zoning
35 maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any
36 such alterations must be reviewed and approved by FEMA and the DNR.

37
38 (2) In A Zones increases equal to or greater than one (1) foot may only be permitted
39 if the applicant receives a Conditional Letter of Map Revision from FEMA and
40 amendments are made to this ordinance, the official floodplain maps, floodway
41 lines, and water surface profiles, in accordance with s. 8.1.

42
43 **Sec. 20.1 – 8.1 GENERAL**
44
45

3
4 The governing body shall change or supplement the floodplain zoning district
5 boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which
6 require an amendment to the ordinance and/or submittal of a Letter of Map Change
7 (LOMC) include, but are not limited to, the following:

- 8
9 (1) Any fill or floodway encroachment that obstructs flow causing any increase in the
10 regional flood height;
11
12 (2) Any change to the floodplain boundaries and/or watercourse alterations on the
13 FIRM;
14
15 (3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b);
16
17 (4) Any floodplain fill which raises the elevation of the filled area to a height at or above
18 the flood protection elevation and is contiguous to land lying outside the floodplain;
19
20 (5) Correction of discrepancies between the water surface profiles and floodplain
21 maps;
22
23 (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis.
24 Adm. Code, or otherwise required by law, or for changes by the County; and
25
26 (7) All channel relocations and changes to the maps to alter floodway lines or to
27 remove an area from the floodway or the floodfringe that is based on a base flood
28 elevation from a FIRM requires prior approval by FEMA.
29

30 **Sec. 20.1 – 8.2 PROCEDURES**

31
32 Ordinance amendments may be made upon petition of any party according to the
33 provisions of s. 59.69, Stats., for counties. The petitions shall include all data required by
34 s. 5.1(5) and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map
35 Revision is issued by FEMA for the proposed changes.
36

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

3
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

10 **Sec. 20.1 – 9.0 ENFORCEMENT AND PENALTIES**

11
12 Any violation of the provisions of this ordinance by any person shall be unlawful
13 and shall be referred to the County attorney who shall expeditiously prosecute all such
14 violators. A violator shall, upon conviction, forfeit to the County a penalty of not more than
15 fifty (\$50.00) dollars, together with a taxable cost of such action. Each day of continued
16 violation shall constitute a separate offense. Every violation of this ordinance is a public
17 nuisance, and the creation may be enjoined, and the maintenance may be abated by
18 action at suit of the County, the state, or any citizen thereof pursuant to s. 87.30, Stats
19

20 **Sec. 20.1 – 10.0 DEFINITIONS**

21
22 Unless specifically defined, words and phrases in this ordinance shall have their
23 common law meaning and shall be applied in accordance with their common usage.
24 Words used in the present tense include the future, the singular number includes the
25 plural and the plural number includes the singular. The word "may" is permissive, "shall"
26 is mandatory and is not discretionary.
27

28 **A ZONES** – Those areas shown on the Official Floodplain Zoning Map which would be
29 inundated by the regional flood. These areas may be numbered or unnumbered A Zones.
30 The A Zones may or may not be reflective of flood profiles, depending on the availability
31 of data for a given area.
32

33 **AH ZONE** – See “AREA OF SHALLOW FLOODING”.

34
35 **AO ZONE** – See “AREA OF SHALLOW FLOODING”.

36
37 **ACCESSORY STRUCTURE OR USE** – A facility, structure, building or use which is
38 accessory or incidental to the principal use of a property, structure or building. An
39 accessory structure shall not be used for human habitation.
40

41 **ALTERATION** – An enhancement, upgrade or substantial change or modification other
42 than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air
43 conditioning and other systems within a structure.
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AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

BASE FLOOD – Means the flood having a one (1) percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides.

BUILDING – See STRUCTURE.

BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT – Any portable device, no more than four hundred (400) square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.

CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for access to plumbing and electrical utilities.

DATCP shall mean the state department of agriculture, trade and consumer protection.

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DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.

DEPARTMENT – The Wisconsin Department of Natural Resources.

DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.

FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- a. The overflow or rise of inland waters;
- b. The rapid accumulation or runoff of surface waters from any source;
- c. The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- d. The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

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FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent chance of occurring in any given year.

FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.

FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

3
4 **FLOOD PROTECTION ELEVATION** – An elevation of two (2) feet of freeboard above the
5 Regional Flood Elevation. (Also see: FREEBOARD.)

6
7 **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been
8 taken into account during analysis in reducing the regional flood discharge.

9
10 **FLOODWAY** – The channel of a river or stream and those portions of the floodplain
11 adjoining the channel required to carry the regional flood discharge.

12
13 **FREEBOARD** – A safety factor expressed in terms of a specified number of feet above a
14 calculated flood level. Freeboard compensates for any factors that cause flood heights
15 greater than those calculated, including but not limited to, ice jams, debris accumulation,
16 wave action, obstruction of bridge openings and floodways, the effects of watershed
17 urbanization, loss of flood storage areas due to development and aggregation of the river
18 or stream bed.

19
20 **HABITABLE STRUCTURE** – Any structure or portion thereof used or designed for human
21 habitation.

22
23 **HEARING NOTICE** – Publication or posting meeting the requirements of Ch. 985, Stats.
24 For appeals, a Class 1 notice, published once at least one week (seven (7) days) before
25 the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice,
26 published twice, once each week consecutively, the last at least a week (seven (7) days)
27 before the hearing. Local ordinances or bylaws may require additional notice, exceeding
28 these minimums.

29
30 **HIGH FLOOD DAMAGE POTENTIAL** – Damage that could result from flooding that
31 includes any danger to life or health or any significant economic loss to a structure or
32 building and its contents.

33
34 **HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior
35 to construction next to the proposed walls of a structure.

36
37 **HISTORIC STRUCTURE** – Any structure that is either:

- 38 a. Listed individually in the National Register of Historic Places or
39 preliminarily determined by the Secretary of the Interior as
40 meeting the requirements for individual listing on the National
41 Register;
42 b. Certified or preliminarily determined by the Secretary of the
43 Interior as contributing to the historical significance of a registered
44 historic district or a district preliminarily determined by the
45 Secretary to qualify as a registered historic district;

- 3
- 4 c. Individually listed on a state inventory of historic places in states
- 5 with historic preservation programs which have been approved
- 6 by the Secretary of the Interior; or
- 7 d. Individually listed on a local inventory of historic places in
- 8 communities with historic preservation programs that have been
- 9 certified either by an approved state program, as determined by
- 10 the Secretary of the Interior; or by the Secretary of the Interior in
- 11 states without approved programs.
- 12

13 **INCREASE IN REGIONAL FLOOD HEIGHT** – A calculated upward rise in the regional
14 flood elevation greater than 0.00 foot, based on a comparison of existing conditions and
15 proposed conditions which is directly attributable to development in the floodplain but not
16 attributable to manipulation of mathematical variables such as roughness factors,
17 expansion and contraction coefficients and discharge.

18
19 **LAND USE** – Any nonstructural use made of unimproved or improved real estate. (Also
20 see DEVELOPMENT.)

21
22 **LOWEST ADJACENT GRADE** – Elevation of the lowest ground surface that touches any
23 of the exterior walls of a building.

24
25 **LOWEST FLOOR** – The lowest floor of the lowest enclosed area (including basement).

26
27 **MAINTENANCE** – The act or process of ordinary upkeep and repairs, including
28 redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures,
29 systems or equipment with equivalent fixtures, systems, or structures.

30
31 **MANUFACTURED HOME** – A structure transportable in one or more sections, which is
32 built on a permanent chassis and is designed to be used with or without a permanent
33 foundation when connected to required utilities. The term “manufactured home” includes
34 a mobile home but does not include a “mobile recreational vehicle.”

35
36 **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous
37 parcels) of land, divided into two or more manufactured home lots for rent or sale.

38
39 **MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING** – A parcel of
40 land, divided into two or more manufactured home lots for rent or sale, on which the
41 construction of facilities for servicing the lots is completed before the effective date of this
42 ordinance. At a minimum, this would include the installation of utilities, the construction
43 of streets and either final site grading or the pouring of concrete pads.

3
4 **MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING** – The
5 preparation of additional sites by the construction of facilities for servicing the lots on
6 which the manufactured homes are to be affixed. This includes installation of utilities,
7 construction of streets and either final site grading, or the pouring of concrete pads.

8
9 **MOBILE RECREATIONAL VEHICLE** – A vehicle which is built on a single chassis, four
10 hundred (400) square feet or less when measured at the largest horizontal projection,
11 designed to be self-propelled, carried or permanently towable by a licensed, light-duty
12 vehicle, is licensed for highway use if registration is required and is designed primarily not
13 for use as a permanent dwelling, but as temporary living quarters for recreational,
14 camping, travel or seasonal use. Manufactured homes that are towed or carried onto a
15 parcel of land, but do not remain capable of being towed or carried, including park model
16 homes, do not fall within the definition of “mobile recreational vehicles.”

17
18 **MODEL, CORRECTED EFFECTIVE** – A hydraulic engineering model that corrects any
19 errors that occur in the Duplicate Effective Model, adds any additional cross sections to
20 the Duplicate Effective Model, or incorporates more detailed topographic information than
21 that used in the current effective model.

22
23 **MODEL, DUPLICATE EFFECTIVE** – A copy of the hydraulic analysis used in the effective
24 FIS and referred to as the effective model.

25
26 **MODEL, EFFECTIVE** – The hydraulic engineering model that was used to produce the
27 current effective Flood Insurance Study.

28
29 **MODEL, EXISTING (PRE-PROJECT)** – A modification of the Duplicate Effective Model
30 or Corrected Effective Model to reflect any man-made modifications that have occurred
31 within the floodplain since the date of the effective model but prior to the construction of
32 the project for which the revision is being requested. If no modification has occurred since
33 the date of the effective model, then this model would be identical to the Corrected
34 Effective Model or Duplicate Effective Model.

35
36 **MODEL, REVISED (POST-PROJECT)** – A modification of the Existing or Pre-Project
37 Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect
38 revised or post-project conditions.

39
40 **MUNICIPALITY or MUNICIPAL** – The county, city or village governmental units enacting,
41 administering, and enforcing this zoning ordinance.

42
43 **NAVD or NORTH AMERICAN VERTICAL DATUM** – Elevations referenced to mean sea
44 level datum, 1988 adjustment.

3
4 **NGVD or NATIONAL GEODETIC VERTICAL DATUM** – Elevations referenced to mean
5 sea level datum, 1929 adjustment.

6
7 **NEW CONSTRUCTION** – Structures for which the start of construction commenced on
8 or after the effective date of a floodplain zoning regulation adopted by this community and
9 includes any subsequent improvements to such structures.

10
11 **NON-FLOOD DISASTER** – A fire or an ice storm, tornado, windstorm, mudslide, or other
12 destructive act of nature, but excludes a flood.

13
14 **NONCONFORMING STRUCTURE** – An existing lawful structure or building which is not
15 in conformity with the dimensional or structural requirements of this ordinance for the area
16 of the floodplain which it occupies. (For example, an existing residential structure in the
17 floodfringe district is a conforming use. However, if the lowest floor is lower than the flood
18 protection elevation, the structure is nonconforming.)

19
20 **NONCONFORMING USE** – An existing lawful use or accessory use of a structure or
21 building which is not in conformity with the provisions of this ordinance for the area of the
22 floodplain which it occupies. (Such as a residence in the floodway.)

23
24 **OBSTRUCTION TO FLOW** – Any development which blocks the conveyance of
25 floodwaters such that this development alone or together with any future development will
26 cause an increase in regional flood height.

27
28 **OFFICIAL FLOODPLAIN ZONING MAP** – That map, adopted and made part of this
29 ordinance, as described in s. 1.5(2), which has been approved by the Department and
30 FEMA.

31
32 **OPEN SPACE USE** – Those uses having a relatively low flood damage potential and not
33 involving structures.

34
35 **ORDINARY HIGHWATER MARK** – The point on the bank or shore up to which the
36 presence and action of surface water is so continuous as to leave a distinctive mark such
37 as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic
38 vegetation, or other easily recognized characteristic.

39
40 **PERSON** – An individual, or group of individuals, corporation, partnership, association,
41 municipality, or state agency, including a trustee, receiver, assignee or similar
42 representative of any of them.

43
44 **PRIVATE SEWAGE SYSTEM** – A sewage treatment and disposal system serving one
45 structure with a septic tank and soil absorption field located on the same parcel as the

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structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

9 PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines
10 such as electric, telephone and telegraph, and distribution and collection systems such
11 as water, sanitary sewer, and storm sewer.

12
13 REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate
14 the land or damage structures to be removed from the floodplain and that any subsurface
15 waters related to the base flood will not damage existing or proposed buildings.

16
17 REGIONAL FLOOD – A flood determined to be representative of large floods known to
18 have occurred in Wisconsin. A regional flood is a flood with a one (1) percent chance of
19 being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is
20 equivalent to the BFE.

21
22 START OF CONSTRUCTION – The date the building permit was issued, provided the
23 actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or
24 other improvement was within nine (9) months of the permit date. The actual start means
25 either the first placement of permanent construction on a site, such as the pouring of slab
26 or footings, the installation of piles, the construction of columns, or any work beyond initial
27 excavation, or the placement of a manufactured home on a foundation. Permanent
28 construction does not include land preparation, such as clearing, grading, and filling, nor
29 does it include the installation of streets and/or walkways, nor does it include excavation
30 for a basement, footings, piers or foundations or the erection of temporary forms, nor does
31 it include the installation on the property of accessory buildings, such as garages or sheds
32 not occupied as dwelling units or not part of the main structure. For an alteration, the
33 actual start of construction means the first alteration of any wall, ceiling, floor, or other
34 structural part of a building, whether or not that alteration affects the external dimensions
35 of the building.

36
37 STRUCTURE – Any manmade object with form, shape and utility, either permanently or
38 temporarily attached to, placed upon or set into the ground, stream bed or lakebed,
39 including, but not limited to, roofed and walled buildings, gas or liquid storage tanks,
40 bridges, dams and culverts.

41
42 SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.

43
44 SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the
45 cost of restoring the structure to its pre-damaged condition would equal or exceed fifty

3
4 (50) percent of the equalized assessed value of the structure before the damage
5 occurred.

6
7 **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or
8 improvement of a building or structure, the cost of which equals or exceeds fifty (50)
9 percent of the equalized assessed value of the structure before the improvement or repair
10 is started. If the structure has sustained substantial damage, any repairs are considered
11 substantial improvement regardless of the work performed. The term does not include
12 either any project for the improvement of a building required to correct existing health,
13 sanitary or safety code violations identified by the building official and that are the
14 minimum necessary to assure safe living conditions; or any alteration of a historic
15 structure provided that the alteration will not preclude the structure’s continued
16 designation as a historic structure.

17
18 **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property,
19 which were not self-created, have made strict conformity with restrictions governing
20 areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable
21 in light of the purposes of the ordinance.

22
23 **VARIANCE** – An authorization by the board of adjustment or appeals for the construction
24 or maintenance of a building or structure in a manner which is inconsistent with
25 dimensional standards (not uses) contained in the floodplain zoning ordinance.

26
27 **VIOLATION** – The failure of a structure or other development to be fully compliant with
28 the floodplain zoning ordinance. A structure or other development without required
29 permits, lowest floor elevation documentation, floodproofing certificates or required
30 floodway encroachment calculations is presumed to be in violation until such time as that
31 documentation is provided.

32
33 **WATERSHED** – The entire region contributing runoff or surface water to a watercourse
34 or body of water.

35
36 **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the
37 water surface of a watercourse for each position along a reach of river or stream at a
38 certain flood flow. A water surface profile of the regional flood is used in regulating
39 floodplain areas.

40
41 **WELL** – Means an excavation opening in the ground made by digging, boring, drilling,
42 driving or other methods, to obtain groundwater regardless of its intended use.

43
44 Respectfully submitted,
45

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2 Page Ninety-Nine

4 **ECONMONIC DEVELOPMENT & LAND USE
5 PLANNING COMMITTEE**

6
7 1st Reading _____

8
9 2nd Reading _____

_____ Robert D. Grove, Chairman

10 **BOARD ACTION**

11 Adopted _____

12 For _____

13 Against _____

14 Absent _____

_____ Jason Eckman, Vice Chairman

_____ Tom Kramer, Secretary

15 VOTE REQUIRED: Majority M.E.

16
17 Prepared by:
18 Corporation Counsel

_____ Taylor Wishau

_____ Olga White

_____ Tom Rutkowski

_____ Greg Horeth

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

31 **Approved:** _____

32 **Vetoed:** _____

34 **Date:** _____,

36
37 _____
Jonathan Delagrave, County Executive