

47 **17.05 GENERAL PROVISIONS.**

48 **(1) AREAS TO BE REGULATED.** This ordinance regulates all areas that would
49 be covered by the regional flood or base flood as shown on the Flood Insurance
50 Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are
51 derived from the flood profiles in the Flood Insurance Study (FIS) and are shown
52 as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed
53 as A and AO zones. Regional Flood Elevations (RFE) may be derived from other
54 studies. If more than one map or revision is referenced, the most restrictive
55 information shall apply.

56 **(2) OFFICIAL MAPS & REVISIONS.** The boundaries of all floodplain districts are
57 designated as floodplains or A-Zones on the map listed below and the revisions
58 in the Dane County Floodplain Appendix. Any change to the base flood
59 elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance
60 Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before
61 it is effective. No changes to regional flood elevations (RFE's) on non-FEMA
62 maps shall be effective until approved by the DNR. This map and revisions are
63 on file in the office of the Dane County Zoning Administrator. If more than one
64 map or revision is referenced, the most restrictive information shall apply.

65 **OFFICIAL MAPS :**

66 **(a)** Flood Insurance Rate Map (FIRM) dated January 2, 2009 for unincorporated
67 Dane County, with corresponding profiles that are based on the Flood Insurance
68 Study (FIS) dated September 17, 2014, volumes 55025CV001C-002C. The
69 official map applicable to Dane County unincorporated areas includes panel
70 numbers: 55025C0011G, 55025C0012G, 55025C0013G, 55025C0014G,
71 55025C0020G, 55025C0045G, 55025C0050G, 55025C0086G, 55025C0100G,
72 55025C0150G, 55025C0152G, 55025C0154G, 55025C0156G, 55025C0157G,
73 55025C0158G, 55025C0159G, 55025C0162G, 55025C0165G, 55025C0166G,
74 55025C0167G, 55025C0169G, 55025C0176G, 55025C0180G, 55025C0185G,
75 55025C0188G, 55025C0189G, 55025C0190G, 55025C0195G, 55025C0210G,
76 55025C0218G, 55025C0225G, 55025C0228G, 55025C0229G, 55025C0267G,
77 55025C0310G, 55025C0330G, 55025C0335G, 55025C0340G, 55025C0345G,
78 55025C0352G, 55025C0355G, 55025C0356G, 55025C0357G, 55025C0360G,
79 55025C0365G, 55025C0370G, 55025C0376G, 55025C0377G, 55025C0378G,
80 55025C0379G, 55025C0381G, 55025C0382G, 55025C0383G, 55025C0389G,
81 55025C0390G, 55025C0393G, 55025C0394G, 55025C0401G, 55025C0402G,
82 55025C0403G, 55025C0404G, 55025C0406G, 55025C0407G, 55025C0408G,
83 55025C0409G, 55025C0413G, 55025C0416G, 55025C0417G, 55025C0419G,
84 55025C0428G, 55025C0433G, 55025C0436G, 55025C0437G, 55025C0438G,
85 55025C0439G, 55025C0441G, 55025C0442G, 55025C0470G, 55025C0480G,
86 55025C0485G, 55025C0510G, 55025C0525G, 55025C0530G, 55025C0550G,
87 55025C0552G, 55025C0554G, 55025C0555G, 55025C0556G, 55025C0557G,
88 55025C0558G, 55025C0559G, 55025C0565G, 55025C0566G, 55025C0567G,
89 55025C0568G, 55025C0569G, 55025C0576G, 55025C0580G, 55025C0590G,
90 55025C0601G, 55025C0602G, 55025C0605G, 55025C0638G, 55025C0645G,
91 55025C0700G, 55025C0725G, 55025C0731G, 55025C0732G, 55025C0750G,
92 55025C0780G, 55025C0805G, 55025C0810G.

93 (b) Flood Insurance Rate Map (FIRM) dated September 17, 2014 for
94 unincorporated Dane County, with corresponding profiles that are based on the
95 Flood Insurance Study (FIS) dated September 17, 2014, volumes
96 55025CV001C-002C. The official map applicable to Dane County unincorporated
97 areas includes panel numbers: 55025C0088H, 55025C0089H, 55025C0115H,
98 55025C0120H, 55025C0216H, 55025C0217H, 55025C0219H, 55025C0233H,
99 55025C0235H, 55025C0236H, 55025C0237H, 55025C0238H, 55025C0239H,
100 55025C0241H, 55025C0242H, 55025C0243H, 55025C0244H, 55025C0251H,
101 55025C0252H, 55025C0253H, 55025C0254H, 55025C0258H, 55025C0259H,
102 55025C0261H, 55025C0262H, 55025C0263H, 55025C0264H, 55025C0266H,
103 55025C0268H, 55025C0269H, 55025C0279H, 55025C0285H, 55025C0286H,
104 55025C0287H, 55025C0288H, 55025C0289H, 55025C0292H, 55025C0293H,
105 55025C0294H, 55025C0303H, 55025C0304H, 55025C0305H, 55025C0311H,
106 55025C0312H, 55025C0313H, 55025C0314H, 55025C0316H, 55025C0317H,
107 55025C0318H, 55025C0319H, 55025C0426H, 55025C0427H, 55025C0429H,
108 55025C0431H, 55025C0432H, 55025C0434H, 55025C0443H, 55025C0444H,
109 55025C0451H, 55025C0452H, 55025C0453H, 55025C0454H, 55025C0456H,
110 55025C0457H, 55025C0458H, 55025C0459H, 55025C0461H, 55025C0462H,
111 55025C0463H, 55025C0466H, 55025C0467H, 55025C0478H, 55025C0479H,
112 55025C0483H, 55025C0484H, 55025C0486H, 55025C0487H, 55025C0488H,
113 55025C0489H, 55025C0491H, 55025C0492H, 55025C0493H, 55025C0494H,
114 55025C0584H, 55025C0585H, 55025C0592H, 55025C0606H, 55025C0607H,
115 55025C0608H, 55025C0609H, 55025C0611H, 55025C0612H, 55025C0614H,
116 55025C0616H, 55025C0618H, 55025C0620H, 55025C0626H, 55025C0627H,
117 55025C0628H, 55025C0629H, 55025C0633H, 55025C0635H, 55025C0636H,
118 55025C0637H, 55025C0639H, 55025C0655H, 55025C0656H, 55025C0657H,
119 55025C0658H, 55025C0659H, 55025C0661H, 55025C0662H, 55025C0663H,
120 55025C0664H, 55025C0666H, 55025C0667H, 55025C0668H, 55025C0669H,
121 55025C0785H, 55025C0802H, 55025C0806H, 55025C0827H, 55025C0830H,
122 55025C0831H, 55025C0832H.

123 (c) Dane County Unincorporated Area Flood Insurance Rate Map Panel
124 Numbers 55025C0345G and 55025C0365G, dated January 2, 2009, are hereby
125 amended to include a Dam Failure Analysis approved by the Wisconsin
126 Department of Natural Resources for the Mt. Horeb Dam across Moen Creek in
127 the SE ¼ SE ¼ Section 2, Town of Blue Mounds as depicted by:

- 128 1. The floodway map dated January 22, 2009 and titled "Moen Creek
129 Floodway Map;"
- 130 2. The flood profiles dated January 22, 2009 and titled "Moen Creek Dam
131 Failure Profile;" and
- 132 3. The floodway data table dated January 22, 2009 and titled "Moen Creek
133 Floodway Data."

134 (d) Dane County Flood Storage District Maps, Panels 1 through 21, dated
135 September 17, 2014, as approved by the Wisconsin Department of Natural
136 Resources, in parts of the Towns of Albion, Blooming Grove, Bristol, Burke,
137 Christiana, Cottage Grove, Dunkirk, Dunn, Medina, Middleton, Oregon, Pleasant
138 Springs, Rutland, Springfield, Sun Prairie, Westport, and York.

139 (e) Flood Insurance Rate Maps 55025C0188G, 550250189G, and
140 55025C0352G, and corresponding Flood Insurance Study data for Black Earth
141 Creek, as revised to reflect a FEMA Letter of Map Revision effective September
142 24, 2010, as official floodplain zoning maps and data for parts of unincorporated
143 Dane County including Sections 25, 26, 35 and 36, Town of Black Earth and
144 Section 31, Town of Berry.

145 (f) Dane County Unincorporated Area Flood Insurance Rate Map Panel Numbers
146 55025C0636H, 55025C0637H, 55025C0639H, 55025C0802H and
147 55025C0806H, dated September 17, 2014, are hereby amended to include a
148 Dam Failure Analysis approved by the Wisconsin Department of Natural
149 Resources for the Dunkirk Dam across Yahara River in the Sections 8, 9, 16, 17,
150 20, 21, 26, 27, 28, 34, and 35, Town of Dunkirk as depicted by:

- 151 1. The Dam Failure map dated 2/95 and titled "Dunkirk Dam, Yahara River, Dane
152 County, Dam Failure Analysis Flood Inundation Map."
- 153 2. The floodway data table showing the maximum stage elevation for a dam
154 failure, which is titled, "Summary Table. Figure 8."

155 (3) *ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS*. The regional
156 floodplain areas are divided into four districts as follows:

- 157 (a) The Floodway District (FW), is the channel of a river or stream and those
158 portions of the floodplain adjoining the channel required to carry the regional
159 floodwaters and are contained within AE Zones as shown on the FIRM.
- 160 (b) The Floodfringe District (FF) is that portion between the regional flood limits
161 and the floodway and displayed as AE Zones on the FIRM.
- 162 (c) The General Floodplain District (GFP) is those areas that may be covered by
163 floodwater during the regional flood and does not have a BFE or floodway
164 boundary determined, including A, AH and AO zones on the FIRM.
- 165 (d) The Flood Storage District (FSD) is that area of the floodplain where storage
166 of floodwaters is calculated to reduce the regional flood discharge.

167 (4) *LOCATING FLOODPLAIN BOUNDARIES*. Discrepancies between
168 boundaries on the official floodplain zoning map and actual field conditions shall
169 be resolved using the criteria in subd 1. or 2. below. If a significant difference
170 exists, the map shall be amended according to s. 17.13. The zoning
171 administrator can rely on a boundary derived from a profile elevation to grant or
172 deny a land use permit, whether or not a map amendment is required. The
173 zoning administrator shall be responsible for documenting actual pre-
174 development field conditions and the basis upon which the district boundary was
175 determined and for initiating any map amendments required under this section.
176 Disputes between the zoning administrator and an applicant over the district
177 boundary line shall be settled according to s. 17.12(3) and the criteria in 1. and 2.
178 below. Where the flood profiles are based on established base flood elevations
179 from a FIRM, FEMA must approve any map amendment or revision pursuant to
180 s. 17.13.

- 181 1. If flood profiles exist, the map scale and the profile elevations shall
182 determine the district boundary. The regional or base flood elevations shall
183 govern if there are any discrepancies.
- 184 2. Where flood profiles do not exist for projects, the location of the boundary

185 shall be determined by the map scale.
186 **(5) REMOVAL OF LANDS FROM FLOODPLAIN.** Compliance with the provisions
187 of this ordinance shall not be grounds for removing land from the floodplain
188 unless it is filled at least two feet above the regional or base flood elevation, the
189 fill is contiguous to land outside the floodplain, and the map is amended pursuant
190 to s. 17.13.
191 **(6) COMPLIANCE.** Any development or use within the areas regulated by this
192 ordinance shall be in compliance with the terms of this ordinance, and other
193 applicable local, state, and federal regulations.
194 **(7) MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically
195 exempted by law, all cities, villages, towns, and counties are required to comply
196 with this ordinance and obtain all necessary permits. State agencies are required
197 to comply if s. 13.48(13), Stats., applies. The construction, reconstruction,
198 maintenance and repair of state highways and bridges by the Wisconsin
199 Department of Transportation is exempt when s. 30.2022, Stats., applies.
200 **(8) ABROGATION AND GREATER RESTRICTION.**
201 **(a)** This ordinance supersedes all the provisions of any municipal zoning
202 ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for
203 cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more
204 restrictive ordinance shall continue in full force and effect to the extent of the
205 greater restrictions, but not otherwise.
206 **(b)** This ordinance is not intended to repeal, abrogate or impair any existing deed
207 restrictions, covenants or easements. If this ordinance imposes greater
208 restrictions, the provisions of this ordinance shall prevail.
209 **(9) INTERPRETATION.** In their interpretation and application, the provisions of
210 this ordinance are the minimum requirements liberally construed in favor of the
211 county board and are not a limitation on or repeal of any other powers granted by
212 the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116,
213 Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the
214 standards in effect on the date of the adoption of this ordinance or in effect on the
215 date of the most recent text amendment to this ordinance.
216 **(10) WARNING AND DISCLAIMER OF LIABILITY.** The flood protection
217 standards in this ordinance are based on engineering experience and research.
218 Larger floods may occur or the flood height may be increased by man-made or
219 natural causes. This ordinance does not imply or guarantee that non-floodplain
220 areas or permitted floodplain uses will be free from flooding and flood damages.
221 This ordinance does not create liability on the part of, or a cause of action
222 against, the county or any officer or employee thereof for any flood damage that
223 may result from reliance on this ordinance.
224 **(11) SEVERABILITY.** Should any portion of this ordinance be declared
225 unconstitutional or invalid by a court of competent jurisdiction, the remainder of
226 this ordinance shall not be affected.
227 **(12) ANNEXED AREAS FOR CITIES AND VILLAGES.** The Dane County
228 floodplain zoning provisions in effect on the date of annexation shall remain in
229 effect and shall be enforced by the county for all annexed areas until the
230 municipality adopts and enforces an ordinance which meets the requirements of

231 ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance*
232 *Program* (NFIP). These annexed lands are described on the municipality's official
233 zoning map. County floodplain zoning provisions are incorporated by reference
234 for the purpose of administering this section and are on file in the office of the
235 municipal zoning administrator. All plats or maps of annexation shall show the
236 regional flood elevation and the floodway location.

237
238 **17.06 DEFINITIONS.** Unless specifically defined, words and phrases in this
239 ordinance shall have their common law meaning and shall be applied in
240 accordance with their common usage. Words used in the present tense include
241 the future, the singular number includes the plural and the plural number includes
242 the singular. The word "may" is permissive, "shall" is mandatory and is not
243 discretionary.

244 (1) **A ZONES.** Those areas shown on the Official Floodplain Zoning Map which
245 would be inundated by the regional flood. These areas may be numbered or
246 unnumbered A Zones. The A Zones may or may not be reflective of flood
247 profiles, depending on the availability of data for a given area.

248 (2) **AH ZONE.** See "AREA OF SHALLOW FLOODING".

249 (3) **AO ZONE.** See "AREA OF SHALLOW FLOODING".

250 (4) **ACCESSORY STRUCTURE OR USE.** A facility, structure, building or use
251 which is accessory or incidental to the principal use of a property, structure or
252 building.

253 (5) **ALTERATION.** An enhancement, upgrading or substantial change or
254 modifications other than an addition or repair to a dwelling or to electrical,
255 plumbing, heating, ventilating, air conditioning and other systems within a
256 structure.

257 (6) **AREA OF SHALLOW FLOODING.** A designated AO, AH, AR/AO, AR/AH,
258 or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent
259 or greater annual chance of flooding to an average depth of 1 to 3 feet where a
260 clearly defined channel does not exist, where the path of flooding is
261 unpredictable, and where velocity flood may be evident. Such flooding is
262 characterized by ponding or sheet flow.

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

266 (8) **BASEMENT.** Any enclosed area of a building having its floor sub-grade, i.e.,
267 below ground level, on all sides.

268 (9) **BUILDING.** See STRUCTURE.

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

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

277 camping area.

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

282 **(13) CERTIFICATE OF COMPLIANCE.** A certification that the construction and
283 the use of land or a building, the elevation of fill or the lowest floor of a structure
284 is in compliance with all of the provisions of this ordinance.

285 **(14) CHANNEL.** A natural or artificial watercourse with definite bed and banks to
286 confine and conduct normal flow of water.

287 **(15) CRAWLWAYS OR "CRAWL SPACE".** An enclosed area below the first
288 usable floor of a building, generally less than five feet in height, used for access
289 to plumbing and electrical utilities.

290 **(16) DECK.** An unenclosed exterior structure that has no roof or sides, but has a
291 permeable floor which allows the infiltration of precipitation.

292 **(17) DEPARTMENT.** The Wisconsin Department of Natural Resources.

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

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

307 **(20) ENCROACHMENT.** Any fill, structure, equipment, use or development in
308 the floodway.

309 **(21) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).** The federal
310 agency that administers the National Flood Insurance Program.

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

315 **(23) FLOOD or FLOODING.** A general and temporary condition of partial or
316 complete inundation of normally dry land areas caused by one of the following
317 conditions:

318 **(a)** The overflow or rise of inland waters;

319 **(b)** The rapid accumulation or runoff of surface waters from any source;

320 **(c)** The inundation caused by waves or currents of water exceeding anticipated
321 cyclical levels along the shore of Lake Michigan or Lake Superior; or

322 **(d)** The sudden increase caused by an unusually high water level in a natural

323 body of water, accompanied by a severe storm, or by an unanticipated force of
324 nature, such as a seiche, or by some similarly unusual event.

325 **(24) FLOOD FREQUENCY.** The probability of a flood occurrence which is
326 determined from statistical analyses. The frequency of a particular flood event is
327 usually expressed as occurring, on the average once in a specified number of
328 years or as a percent (%) chance of occurring in any given year.

329 **(25) FLOODFRINGE.** That portion of the floodplain outside of the floodway
330 which is covered by flood waters during the regional flood and associated with
331 standing water rather than flowing water.

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

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

346 **(28) FLOODPLAIN.** Land which has been or may be covered by flood water
347 during the regional flood. It includes the floodway and the floodfringe, and may
348 include other designated floodplain areas for regulatory purposes.

349 **(29) FLOODPLAIN ISLAND.** A natural geologic land formation within the
350 floodplain that is surrounded, but not covered, by floodwater during the regional
351 flood.

352 **(30) FLOODPLAIN MANAGEMENT.** Policy and procedures to insure wise use of
353 floodplains, including mapping and engineering, mitigation, education, and
354 administration and enforcement of floodplain regulations.

355 **(31) FLOOD PROFILE.** A graph or a longitudinal profile line showing the
356 relationship of the water surface elevation of a flood event to locations of land
357 surface elevations along a stream or river.

358 **(32) FLOODPROOFING.** Any combination of structural provisions, changes or
359 adjustments to properties and structures, water and sanitary facilities and
360 contents of buildings subject to flooding, for the purpose of reducing or
361 eliminating flood damage.

362 **(33) FLOOD PROTECTION ELEVATION.** An elevation of two feet of freeboard
363 above the water surface profile elevation designated for the regional flood. (Also
364 see: FREEBOARD.)

365 **(34) FLOOD STORAGE.** Those floodplain areas where storage of floodwaters
366 has been taken into account during analysis in reducing the regional flood
367 discharge.

368 **(35) FLOODWAY.** The channel of a river or stream and those portions of the

369 floodplain adjoining the channel required to carry the regional flood discharge.
370 **(36) FREEBOARD.** A safety factor expressed in terms of a specified number of
371 feet above a calculated flood level. Freeboard compensates for any factors that
372 cause flood heights greater than those calculated, including ice jams, debris
373 accumulation, wave action, obstruction of bridge openings and floodways, the
374 effects of watershed urbanization, loss of flood storage areas due to
375 development and aggregation of the river or stream bed.
376 **(37) HABITABLE STRUCTURE.** Any structure or portion thereof used or
377 designed for human habitation.
378 **(38) HEARING NOTICE.** Publication or posting meeting the requirements of Ch.
379 985, Stats. For appeals, a Class 1 notice, published once at least one week (7
380 days) before the hearing, is required. For all zoning ordinances and
381 amendments, a Class 2 notice, published twice, once each week consecutively,
382 the last at least a week (7 days) before the hearing. Local ordinances or bylaws
383 may require additional notice, exceeding these minimums.
384 **(39) HIGH FLOOD DAMAGE POTENTIAL.** Damage that could result from
385 flooding that includes any danger to life or health or any significant economic loss
386 to a structure or building and its contents.
387 **(40) HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground
388 surface prior to construction next to the proposed walls of a structure.
389 **(41) HISTORIC STRUCTURE.** Any structure that is either:
390 **(a)** Listed individually in the National Register of Historic Places or
391 preliminarily determined by the Secretary of the Interior as meeting the
392 requirements for individual listing on the National Register;
393 **(b)** Certified or preliminarily determined by the Secretary of the Interior as
394 contributing to the historical significance of a registered historic district or a
395 district preliminarily determined by the Secretary to qualify as a registered historic
396 district;
397 **(c)** Individually listed on a state inventory of historic places in states with
398 historic preservation programs which have been approved by the Secretary of
399 the Interior; or
400 **(d)** Individually listed on a local inventory of historic places in communities
401 with historic preservation programs that have been certified either by an
402 approved state program, as determined by the Secretary of the Interior; or by the
403 Secretary of the Interior in states without approved programs.
404 **(42) INCREASE IN REGIONAL FLOOD HEIGHT.** A calculated upward rise in
405 the regional flood elevation greater than 0.00 foot, based on a comparison of
406 existing conditions and proposed conditions which is directly attributable to
407 development in the floodplain but not attributable to manipulation of mathematical
408 variables such as roughness factors, expansion and contraction coefficients and
409 discharge.
410 **(43) LAND USE.** Any nonstructural use made of unimproved or improved real
411 estate. (Also see DEVELOPMENT.)
412 **(44) LOWEST ADJACENT GRADE.** Elevation of the lowest ground surface that
413 touches any of the exterior walls of a building.
414 **(45) LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including

415 basement). An unfinished or flood resistant enclosure, usable solely for parking
416 of vehicles, building access or storage in an area other than a basement area is
417 not considered a building's lowest floor; provided that such enclosure is not built
418 so as to render the structure in violation of the applicable non-elevation design
419 requirements of 44 CFR 60.3.

420 **(46) MAINTENANCE.** The act or process of restoring to original soundness,
421 including redecorating, refinishing, non structural repairs, or the replacement of
422 existing fixtures, systems or equipment with equivalent fixtures, systems or
423 structures.

424 **(47) MANUFACTURED HOME.** A structure transportable in one or more
425 sections, which is built on a permanent chassis and is designed to be used with
426 or without a permanent foundation when connected to required utilities. The term
427 "manufactured home" includes a mobile home but does not include a "mobile
428 recreational vehicle."

429 **(48) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or
430 contiguous parcels) of land, divided into two or more manufactured home lots for
431 rent or sale.

432 **(49) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING.** A
433 parcel of land, divided into two or more manufactured home lots for rent or sale,
434 on which the construction of facilities for servicing the lots is completed before
435 the effective date of this ordinance. At a minimum, this would include the
436 installation of utilities, the construction of streets and either final site grading or
437 the pouring of concrete pads.

438 **(50) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING.**
439 The preparation of additional sites by the construction of facilities for servicing
440 the lots on which the manufactured homes are to be affixed. This includes
441 installation of utilities, construction of streets and either final site grading, or the
442 pouring of concrete pads.

443 **(51) MOBILE RECREATIONAL VEHICLE.** A vehicle which is built on a single
444 chassis, 400 square feet or less when measured at the largest horizontal
445 projection, designed to be self-propelled, carried or permanently towable by a
446 licensed, light-duty vehicle, is licensed for highway use if registration is required
447 and is designed primarily not for use as a permanent dwelling, but as temporary
448 living quarters for recreational, camping, travel or seasonal use. Manufactured
449 homes that are towed or carried onto a parcel of land, but do not remain capable
450 of being towed or carried, including park model homes, do not fall within the
451 definition of "mobile recreational vehicles."

452 **(52) MODEL, CORRECTED EFFECTIVE.** A hydraulic engineering model that
453 corrects any errors that occur in the Duplicate Effective Model, adds any
454 additional cross sections to the Duplicate Effective Model, or incorporates more
455 detailed topographic information than that used in the current effective model.

456 **(53) MODEL, DUPLICATE EFFECTIVE.** A copy of the hydraulic analysis used in
457 the effective FIS and referred to as the effective model.

458 **(54) MODEL, EFFECTIVE.** The hydraulic engineering model that was used to
459 produce the current effective Flood Insurance Study.

460 (55) MODEL, EXISTING (PRE-PROJECT). A modification of the Duplicate
461 Effective Model or Corrected Effective Model to reflect any man made
462 modifications that have occurred within the floodplain since the date of the
463 effective model but prior to the construction of the project for which the revision is
464 being requested. If no modification has occurred since the date of the effective
465 model, then this model would be identical to the Corrected Effective Model or
466 Duplicate Effective Model.

467 (56) MODEL, REVISED (POST-PROJECT). A modification of the Existing or
468 Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective
469 Model to reflect revised or post-project conditions.

470 (57) MUNICIPALITY" or "MUNICIPAL. The county, city or village governmental
471 units enacting, administering and enforcing this zoning ordinance.

472 (58) NAVD" or "NORTH AMERICAN VERTICAL DATUM. Elevations referenced
473 to mean sea level datum, 1988 adjustment.

474 (59) NGVD or NATIONAL GEODETIC VERTICAL DATUM. Elevations
475 referenced to mean sea level datum, 1929 adjustment.

476 (60) NEW CONSTRUCTION. For floodplain management purposes, "new
477 construction" means structures for which the start of construction commenced on
478 or after the effective date of floodplain zoning regulations adopted by this
479 community and includes any subsequent improvements to such structures. For
480 the purpose of determining flood insurance rates, it includes any structures for
481 which the "start of construction" commenced on or after the effective date of an
482 initial FIRM or after December 31, 1974, whichever is later, and includes any
483 subsequent improvements to such structures.

484 (61) NONCONFORMING STRUCTURE. An existing lawful structure or building
485 which is not in conformity with the dimensional or structural requirements of this
486 ordinance for the area of the floodplain which it occupies. (For example, an
487 existing residential structure in the floodfringe district is a conforming use.
488 However, if the lowest floor is lower than the flood protection elevation, the
489 structure is nonconforming.)

490 (62) NONCONFORMING USE. An existing lawful use or accessory use of a
491 structure or building which is not in conformity with the provisions of this
492 ordinance for the area of the floodplain which it occupies. (Such as a residence in
493 the floodway.)

494 (63) OBSTRUCTION TO FLOW. Any development which blocks the conveyance
495 of floodwaters such that this development alone or together with any future
496 development will cause an increase in regional flood height.

497 (64) OFFICIAL FLOODPLAIN ZONING MAP. That map, adopted and made part
498 of this ordinance, as described in s. 17.05(2), which has been approved by the
499 Department and FEMA.

500 (65) OPEN SPACE USE. Those uses having a relatively low flood damage
501 potential and not involving structures.

502 (66) ORDINARY HIGHWATER MARK. The point on the bank or shore up to
503 which the presence and action of surface water is so continuous as to leave a
504 distinctive mark such as by erosion, destruction or prevention of terrestrial
505 vegetation, predominance of aquatic vegetation, or other easily recognized

506 characteristic.

507 **(67) PERSON.** An individual, or group of individuals, corporation, partnership,
508 association, municipality or state agency.

509 **(68) PRIVATE SEWAGE SYSTEM.** A sewage treatment and disposal system
510 serving one structure with a septic tank and soil absorption field located on the
511 same parcel as the structure. It also means an alternative sewage system
512 approved by the Department of Safety and Professional Services, including a
513 substitute for the septic tank or soil absorption field, a holding tank, a system
514 serving more than one structure or a system located on a different parcel than
515 the structure.

516 **(69) PUBLIC UTILITIES.** Those utilities using underground or overhead
517 transmission lines such as electric, telephone and telegraph, and distribution and
518 collection systems such as water, sanitary sewer and storm sewer.

519 **(70) REASONABLY SAFE FROM FLOODING.** Means base flood waters will not
520 inundate the land or damage structures to be removed from the floodplain and
521 that any subsurface waters related to the base flood will not damage existing or
522 proposed buildings.

523 **(71) REGIONAL FLOOD.** A flood determined to be representative of large floods
524 known to have occurred in Wisconsin. A regional flood is a flood with a one
525 percent chance of being equaled or exceeded in any given year, and if depicted
526 on the FIRM, the RFE is equivalent to the BFE.

527 **(72) START OF CONSTRUCTION.** The date the building permit was issued,
528 provided the actual start of construction, repair, reconstruction, rehabilitation,
529 addition, placement, or other improvement was within 180 days of the permit
530 date. The actual start means either the first placement of permanent construction
531 on a site, such as the pouring of slab or footings, the installation of piles, the
532 construction of columns, or any work beyond initial excavation, or the placement
533 of a manufactured home on a foundation. Permanent construction does not
534 include land preparation, such as clearing, grading and filling, nor does it include
535 the installation of streets and/or walkways, nor does it include excavation for a
536 basement, footings, piers or foundations or the erection of temporary forms, nor
537 does it include the installation on the property of accessory buildings, such as
538 garages or sheds not occupied as dwelling units or not part of the main structure.
539 For an alteration, the actual start of construction means the first alteration of any
540 wall, ceiling, floor or other structural part of a building, whether or not that
541 alteration affects the external dimensions of the building.

542 **(73) STRUCTURE.** Any manmade object with form, shape and utility, either
543 permanently or temporarily attached to, placed upon or set into the ground,
544 stream bed or lake bed, including, but not limited to, roofed and walled buildings,
545 gas or liquid storage tanks, bridges, dams and culverts.

546 **(74) SUBDIVISION.** Has the meaning given in s.75.06(14).

547 **(75) SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure,
548 whereby the cost of restoring the structure to its pre-damaged condition would
549 equal or exceed 50 percent of the equalized assessed value of the structure
550 before the damage occurred.

551 **(76) SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation,

552 addition or improvement of a building or structure, the cost of which equals or
553 exceeds 50 percent of the equalized assessed value of the structure before the
554 improvement or repair is started. If the structure has sustained substantial
555 damage, any repairs are considered substantial improvement regardless of the
556 work performed. The term does not, however, include either any project for the
557 improvement of a building required to correct existing health, sanitary or safety
558 code violations identified by the building official and that are the minimum
559 necessary to assure safe living conditions; or any alteration of a historic structure
560 provided that the alteration will not preclude the structure's continued designation
561 as a historic structure.

562 **(77) UNNECESSARY HARDSHIP.** Where special conditions affecting a
563 particular property, which were not self-created, have made strict conformity with
564 restrictions governing areas, setbacks, frontage, height or density unnecessarily
565 burdensome or unreasonable in light of the purposes of the ordinance.

566 **(78) VARIANCE.** An authorization by the board of adjustment or appeals for the
567 construction or maintenance of a building or structure in a manner which is
568 inconsistent with dimensional standards (not uses) contained in the floodplain
569 zoning ordinance.

570 **(79) VIOLATION.** The failure of a structure or other development to be fully
571 compliant with the floodplain zoning ordinance. A structure or other development
572 without required permits, lowest floor elevation documentation, floodproofing
573 certificates or required floodway encroachment calculations is presumed to be in
574 violation until such time as that documentation is provided.

575 **(80) WATERSHED.** The entire region contributing runoff or surface water to a
576 watercourse or body of water.

577 **(81) WATER SURFACE PROFILE.** A graphical representation showing the
578 elevation of the water surface of a watercourse for each position along a reach of
579 river or stream at a certain flood flow. A water surface profile of the regional flood
580 is used in regulating floodplain areas.

581 **(82) WELL.** means an excavation opening in the ground made by digging,
582 boring, drilling, driving or other methods, to obtain groundwater regardless of its
583 intended use.

584

585 **17.07 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN** 586 **DISTRICTS**

587 The zoning administrator shall review all permit applications to determine
588 whether proposed building sites will be reasonably safe from flooding. If a
589 proposed building site is in a flood-prone area, all new construction and
590 substantial improvements shall be designed and anchored to prevent flotation,
591 collapse, or lateral movement of the structure resulting from hydrodynamic and
592 hydrostatic loads; be constructed with flood-resistant materials; be constructed to
593 minimize flood damages and to ensure that utility and mechanical equipment is
594 designed and/or located so as to prevent water from entering or accumulating
595 within the equipment during conditions of flooding.

596 Subdivisions shall be reviewed for compliance with the above standards. All
597 subdivision proposals (including manufactured home parks) shall include regional

598 flood elevation and floodway data for any development that meets the
599 subdivision definition of this ordinance and all other requirements in s.
600 17.12(1)(b) and (c). Adequate drainage shall be provided to reduce exposure to
601 flood hazards and all public utilities and facilities, such as sewer, gas, electrical,
602 and water systems are located and constructed to minimize or eliminate flood
603 damages.

604 **(1) HYDRAULIC AND HYDROLOGIC ANALYSES.**

605 **(a)** No floodplain development shall:

606 **1.** Obstruct flow, defined as development which blocks the conveyance of
607 floodwaters by itself or with other development, causing any increase in the
608 regional flood height; or

609 **2.** Cause any increase in the regional flood height due to floodplain storage
610 area lost.

611 **(b)** The zoning administrator shall deny permits if it is determined the
612 proposed development will obstruct flow or cause any increase in the regional
613 flood height, based on the officially adopted FIRM or other adopted map, unless
614 the provisions of s. 17.13 are met.

615 **(2) WATERCOURSE ALTERATIONS.** No land use permit to alter or relocate a
616 watercourse in a mapped floodplain shall be issued until the local official has
617 notified in writing all adjacent municipalities, the Department and FEMA regional
618 offices, and required the applicant to secure all necessary state and federal
619 permits. The standards of s. 17.07(1) must be met and the flood carrying
620 capacity of any altered or relocated watercourse shall be maintained.

621 As soon as is practicable, but not later than six months after the date of the
622 watercourse alteration or relocation and pursuant to s. 17.13, the county shall
623 apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations
624 must be reviewed and approved by FEMA and the DNR through the LOMC
625 process.

626 **(3) CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.** Development which
627 requires a permit from the Department, under chs. 30 and 31, Stats., such as
628 docks, piers, wharves, bridges, culverts, dams and navigational aids, may be
629 allowed if the necessary permits are obtained and amendments to the floodplain
630 zoning ordinance are made according to s. 17.13.

631 **(4) PUBLIC OR PRIVATE CAMPGROUNDS.** Public or private campgrounds
632 shall have a low flood damage potential and shall meet the following provisions:

633 **(a)** The campground is approved by the Department of Health Services;

634 **(b)** A land use permit for the campground is issued by the zoning administrator;

635 **(c)** The character of the river system and the campground elevation are such that
636 a 72-hour warning of an impending flood can be given to all campground
637 occupants;

638 **(d)** There is an adequate flood warning procedure for the campground that offers
639 the minimum notice required under this section to all persons in the campground.

640 This procedure shall include a written agreement between the campground
641 owner, the municipal emergency government coordinator and the chief law
642 enforcement official which specifies the flood elevation at which evacuation shall
643 occur, personnel responsible for monitoring flood elevations, types of warning

644 systems to be used and the procedures for notifying at-risk parties, and the
645 methods and personnel responsible for conducting the evacuation;
646 **(e)** This agreement shall be for no more than one calendar year, at which time
647 the agreement shall be reviewed and updated - by the officials identified in sub.
648 (4) - to remain in compliance with all applicable regulations, including those of the
649 state Department of Health Services and all other applicable regulations;
650 **(f)** Only camping units that are fully licensed, if required, and ready for highway
651 use are allowed;
652 **(g)** The camping units shall not occupy any site in the campground for more than
653 180 consecutive days, at which time the camping unit must be removed from the
654 floodplain for a minimum of 24 hours;
655 **(h)** All camping units that remain on site for more than 30 days shall be issued a
656 limited authorization by the campground operator, a written copy of which is kept
657 on file at the campground. Such authorization shall allow placement of a camping
658 unit for a period not to exceed 180 days and shall ensure compliance with all the
659 provisions of this section;
660 **(i)** The county shall monitor the limited authorizations issued by the campground
661 operator to assure compliance with the terms of this section;
662 **(j)** All camping units that remain in place for more than 180 consecutive days
663 must meet the applicable requirements in either s. 17.08, 17.09, 17.10 or 17.105
664 for the floodplain district in which the structure is located;
665 **(k)** The campground shall have signs clearly posted at all entrances warning of
666 the flood hazard and the procedures for evacuation when a flood warning is
667 issued; and
668 **(l)** All service facilities, including but not limited to refuse collection, electrical
669 service, gas lines, propane tanks, sewage systems and wells shall be properly
670 anchored and placed at or floodproofed to the flood protection elevation.

671

672 **17.08 FLOODWAY DISTRICT (FW)**

673 **(1) APPLICABILITY.** This section applies to all floodway areas on the floodplain
674 zoning maps and those identified pursuant to s. 17.05(4).

675 **(2) PERMITTED USES.** The following open space uses are allowed in the
676 Floodway District and the floodway areas of the General Floodplain District, if:

- 677 • they are not prohibited by any other ordinance;
- 678 • they meet the standards in s. 17.08(3) and 17.08(4); and
- 679 • all permits or certificates have been issued according to s. 17.12(1)(b) and
680 (c).

681 **(a)** Agricultural uses, such as: farming, outdoor plant nurseries, horticulture,
682 viticulture and wild crop harvesting.

683 **(b)** Nonstructural industrial and commercial uses, such as loading areas, parking
684 areas and airport landing strips.

685 **(c)** Nonstructural recreational uses, such as golf courses, tennis courts, archery
686 ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature
687 preserves, game farms, fish hatcheries, shooting, trap and skeet activities,
688 hunting and fishing areas and hiking and horseback riding trails, subject to the fill
689 limitations of s. 17.08(3).

690 (d) Uses or structures accessory to open space uses, or classified as historic
691 structures that comply with ss. 17.08(3) and 17.08(4).
692 (e) Extraction of sand, gravel or other materials that comply with s. 17.08(3)
693 (f) Functionally water-dependent uses, such as docks, piers or wharves, dams,
694 flowage areas, culverts, navigational aids and river crossings of transmission
695 lines, and pipelines that comply with chs. 30 and 31, Stats.
696 (g) Public utilities, streets and bridges that comply with s. 17.08(3).
697 (3) *STANDARDS FOR DEVELOPMENTS IN THE FLOODWAY*
698 (a) GENERAL
699 1. Any development in the floodway shall comply with s. 17.07 and have a low
700 flood damage potential.
701 2. Applicants shall provide the following data to determine the effects of the
702 proposal according to s. 17.07(1):
703 a. A cross-section elevation view of the proposal, perpendicular to the
704 watercourse, showing if the proposed development will obstruct flow; or
705 b. An analysis calculating the effects of this proposal on regional flood
706 height.
707 3. The zoning administrator shall deny the permit application if the project will
708 cause any increase in the flood elevations upstream or downstream, based on
709 the data submitted for subd. 2. above.
710 (b) STRUCTURES. Structures accessory to permanent open space uses or
711 functionally dependent on a waterfront location may be allowed by permit if the
712 structures comply with the following criteria:
713 1. Not designed for human habitation, does not have a high flood damage
714 potential and is constructed to minimize flood damage;
715 2. Shall have a minimum of two openings on different walls having a total net
716 area not less than one square inch for every square foot of enclosed area, and
717 the bottom of all such openings being no higher than one foot above grade. The
718 openings shall be equipped with screens, louvers, or other coverings or devices
719 provided that they permit the automatic entry and exit of floodwaters.
720 3. Must be anchored to resist flotation, collapse, and lateral movement;
721 4. Mechanical and utility equipment must be elevated or flood proofed to or
722 above the flood protection elevation; and
723 5. It must not obstruct flow of flood waters or cause any increase in flood levels
724 during the occurrence of the regional flood.
725 (c) PUBLIC UTILITIES, STREETS AND BRIDGES. Public utilities, streets and
726 bridges may be allowed by permit, if:
727 1. Adequate floodproofing measures are provided to the flood protection
728 elevation; and
729 2. Construction meets the development standards of s. 17.07(1).
730 (d) FILLS OR DEPOSITION OF MATERIALS. Fills or deposition of materials
731 may be allowed by permit, if:
732 1. The requirements of s. 17.07(1) are met;
733 2. No material is deposited in navigable waters unless a permit is issued by the
734 Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the
735 Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has

736 been issued, if applicable, and all other requirements have been met;
737 **3.** The fill or other materials will be protected against erosion by riprap, vegetative
738 cover, sheet piling or bulkheading; and
739 **4.** The fill is not classified as a solid or hazardous material.
740 **(4) PROHIBITED USES.** All uses not listed as permitted uses in s. 17.08(2) are
741 prohibited, including the following uses:
742 **(a)** Habitable structures, structures with high flood damage potential, or those not
743 associated with permanent open-space uses;
744 **(b)** Storing materials that are buoyant, flammable, explosive, injurious to
745 property, water quality, or human, animal, plant, fish or other aquatic life;
746 **(c)** Uses not in harmony with or detrimental to uses permitted in the adjoining
747 districts;
748 **(d)** Any private or public sewage systems, except portable latrines that are
749 removed prior to flooding and systems associated with recreational areas and
750 Department-approved campgrounds that meet the applicable provisions of local
751 ordinances and ch. SPS 383, Wis. Adm. Code;
752 **(e)** Any public or private wells which are used to obtain potable water, except
753 those for recreational areas that meet the requirements of local ordinances and
754 chs. NR 811 and NR 812, Wis. Adm. Code;
755 **(f)** Any solid or hazardous waste disposal sites;
756 **(g)** Any wastewater treatment ponds or facilities, except those permitted under s.
757 NR 110.15(3)(b), Wis. Adm. Code; and
758 **(h)** Any sanitary sewer or water supply lines, except those to service existing or
759 proposed development located outside the floodway which complies with the
760 regulations for the floodplain area occupied.

761

762 **17.09 FLOODFRINGE DISTRICT (FF)**

763 **(1) APPLICABILITY.** This section applies to all floodfringe areas shown on the
764 floodplain zoning maps and those identified pursuant to s. 17.05(4).

765 **(2) PERMITTED USES.** Any structure, land use, or development is allowed in the
766 Floodfringe District if the standards in s. 17.09(3) are met, the use is not
767 prohibited by this or any other ordinance or regulation and all permits or
768 certificates specified in s. 17.12(1) have been issued.

769 **(3) STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE.** S. 17.07(1)
770 shall apply in addition to the following requirements according to the use
771 requested. Any existing structure in the floodfringe must meet the requirements
772 of s. 17.11 *Nonconforming Uses*;

773 **(a) RESIDENTIAL USES.** Any structure, including a manufactured home, which
774 is to be newly constructed or moved into the floodfringe, shall meet or exceed the
775 following standards. Any existing structure in the floodfringe must meet the
776 requirements of s. 17.11 *Nonconforming Uses*.

777 **1.** The elevation of the lowest floor shall be at or above the flood protection
778 elevation on fill unless the requirements of s 17.09(3)(a)2. can be met. The fill
779 shall be one foot or more above the regional flood elevation extending at least 15
780 feet beyond the limits of the structure.

781 **2.** The basement or crawlway floor may be placed at the regional flood

782 elevation if it is dry floodproofed to the flood protection elevation. No basement or
783 crawlway floor is allowed below the regional flood elevation;

784 **3.** Contiguous dryland access shall be provided from a structure to land
785 outside of the floodplain, except as provided in subd. 4.

786 **4.** In developments where existing street or sewer line elevations make
787 compliance with subd. 3. impractical, the county may permit new development
788 and substantial improvements where roads are below the regional flood
789 elevation, if:

790 **i.** The county has written assurance from police, fire and emergency services that
791 rescue and relief will be provided to the structure(s) by wheeled vehicles during a
792 regional flood event; or

793 **ii.** The county has a DNR-approved emergency evacuation plan.

794 **(b) ACCESSORY STRUCTURES OR USES.** Accessory structures shall be
795 constructed on fill with the lowest floor at or above the regional flood elevation.

796 **(c) COMMERCIAL USES.** Any commercial structure which is erected, altered or
797 moved into the floodfringe shall meet the requirements of s. 17.09(3)(a). Subject
798 to the requirements of s. 17.09(3)(e), storage yards, surface parking lots and
799 other such uses may be placed at lower elevations if an adequate warning
800 system exists to protect life and property.

801 **(d) MANUFACTURING AND INDUSTRIAL USES.** Any manufacturing or
802 industrial structure which is erected, altered or moved into the floodfringe shall
803 have the lowest floor elevated to or above the flood protection elevation or meet
804 the floodproofing standards in s 17.12(5). Subject to the requirements of s.
805 17.09(3)(e), storage yards, surface parking lots and other such uses may be
806 placed at lower elevations if an adequate warning system exists to protect life
807 and property.

808 **(e) STORAGE OF MATERIALS.** Materials that are buoyant, flammable,
809 explosive, or injurious to property, water quality or human, animal, plant, fish or
810 aquatic life shall be stored at or above the flood protection elevation or
811 floodproofed in compliance with s. 17.12(5). Adequate measures shall be taken
812 to ensure that such materials will not enter the water body during flooding.

813 **(f) PUBLIC UTILITIES, STREETS AND BRIDGES.** All utilities, streets and
814 bridges shall be designed to be compatible with comprehensive floodplain
815 development plans; and

816 **i.** When failure of public utilities, streets and bridges would endanger public health
817 or safety, or where such facilities are deemed essential, construction or repair of
818 such facilities shall only be permitted if they are designed to comply with s.
819 17.12(5).

820 **ii.** Minor roads or non-essential utilities may be constructed at lower elevations if
821 they are designed to withstand flood forces to the regional flood elevation.

822 **(g) SEWAGE SYSTEMS.** All sewage disposal systems shall be designed to
823 minimize or eliminate infiltration of flood water into the system, pursuant to s.
824 17.12(5)(c), to the flood protection elevation and meet the provisions of all local
825 ordinances and ch. SPS 383, Wis. Adm. Code.

826 **(h) WELLS.** All wells shall be designed to minimize or eliminate infiltration of
827 flood waters into the system, pursuant to s. 17.12(5)(c), to the flood protection

828 elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm.
829 Code.
830 **(i) SOLID WASTE DISPOSAL SITES.** Disposal of solid or hazardous waste is
831 prohibited in floodfringe areas.
832 **(j) DEPOSITION OF MATERIALS.** Any deposited material must meet all the
833 provisions of this ordinance.
834 **(k) MANUFACTURED HOMES.** Owners or operators of all manufactured home
835 parks and subdivisions shall provide adequate surface drainage to minimize flood
836 damage, and prepare, secure approval and file an evacuation plan, indicating
837 vehicular access and escape routes, with local emergency management
838 authorities.
839 **i.** In existing manufactured home parks, all new homes, replacement homes on
840 existing pads, and substantially improved homes shall:
841 **a.** have the lowest floor elevated to the flood protection elevation; and
842 **b.** be anchored so they do not float, collapse or move laterally during a flood.
843 **ii.** Outside of existing manufactured home parks, including new manufactured home
844 parks and all single units outside of existing parks, all new, replacement and
845 substantially improved manufactured homes shall meet the residential
846 development standards for the floodfringe in s. 17.09(3)(a).
847 **(L) MOBILE RECREATIONAL VEHICLES.** All mobile recreational vehicles that
848 are on site for 180 consecutive days or more or are not fully licensed and ready
849 for highway use shall meet the elevation and anchoring requirements in s.
850 17.09(3)(k). A mobile recreational vehicle is ready for highway use if it is on its
851 wheels or jacking system, is attached to the site only by quick-disconnect utilities
852 and security devices and has no permanently attached additions.

853

854 **17.10 GENERAL FLOODPLAIN DISTRICT (GFP)**

855 **(1) APPLICABILITY.** The provisions for this district shall apply to all floodplains
856 mapped as A, AO or AH zones.

857 **(2) PERMITTED USES.** Pursuant to s. 17.05(4), it shall be determined whether
858 the proposed use is located within the floodway or floodfringe. Those uses
859 permitted in the Floodway [s. 17.08(2)] and Floodfringe [s. 17.09(2)] Districts are
860 allowed within the General Floodplain District, according to the standards of s.
861 17.10, provided that all permits or certificates required under s. 17.12(1)(b) and
862 (c) have been issued.

863 **(3) STANDARDS FOR DEVELOPMENT.** S. 17.08 applies to floodway areas, s.
864 17.09 applies to floodfringe areas. The rest of this ordinance applies to either
865 district.

866 **(a)** In AO/AH Zones the structure's lowest floor must meet one of the conditions
867 listed below whichever is higher:

- 868 **1.** at or above the flood protection elevation; or
- 869 **2.** two (2) feet above the highest adjacent grade around the structure; or
- 870 **3.** the depth as shown on the FIRM.

871 **(b)** In AO/AH zones, provide plans showing adequate drainage paths to guide
872 floodwaters around structures.

873 **(4) DETERMINING FLOODWAY AND FLOODFRINGE.** Upon receiving an
874 application for development within the general floodplain district, the zoning
875 administrator shall:
876 **(a)** Require the applicant to submit two copies of an aerial photograph or a plan
877 which shows the proposed development with respect to the general floodplain
878 district limits, stream channel, and existing floodplain developments, along with a
879 legal description of the property, fill limits and elevations, building floor elevations
880 and flood proofing measures; and the flood zone as shown on the FIRM.
881 **(b)** Require the applicant to furnish any of the following information deemed
882 necessary by the Department to evaluate the effects of the proposal upon flood
883 height and flood flows, regional flood elevation and to determine floodway
884 boundaries.
885 1. A Hydrologic and Hydraulic Study as specified in s. 17.12(1)(b)3.
886 2. Plan (surface view) showing elevations or contours of the ground; pertinent
887 structure, fill or storage elevations; size, location and layout of all proposed and
888 existing structures on the site; location and elevations of streets, water supply,
889 and sanitary facilities; soil types and other pertinent information;
890 3. Specifications for building construction and materials, floodproofing, filling,
891 dredging, channel improvement, storage, water supply and sanitary facilities.

892
893 **17.105 FLOOD STORAGE DISTRICT.**

894 The flood storage district delineates that portion of the floodplain where storage
895 of floodwaters has been taken into account and is relied upon to reduce the
896 regional flood discharge. The district protects the flood storage areas and
897 assures that any development in the storage areas will not decrease the effective
898 flood storage capacity which would cause higher flood elevations.

899 **(1) APPLICABILITY.** The provisions of this section apply to all areas within the
900 Flood Storage District (FSD), as shown on the official floodplain zoning maps.
901 **(2) PERMITTED USES.** Any use or development which occurs in a flood storage
902 district must meet the applicable requirements in s. 17.09(3).
903 **(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS**
904 **(a)** Development in a flood storage district shall not cause an increase equal or
905 greater than 0.00 of a foot in the height of the regional flood.
906 **(b)** No development shall be allowed which removes flood storage volume unless
907 an equal volume of storage as defined by the pre-development ground surface
908 and the regional flood elevation shall be provided in the immediate area of the
909 proposed development to compensate for the volume of storage which is lost,
910 (compensatory storage). Excavation below the groundwater table is not
911 considered to provide an equal volume of storage.
912 **(c)** If compensatory storage cannot be provided, the area may not be developed
913 unless the entire area zoned as flood storage district. on this waterway. is
914 rezoned to the floodfringe district. This must include a revision to the floodplain
915 study and map done for the waterway to revert to the higher regional flood
916 discharge calculated without floodplain storage, as per s. 17.13 *Amendments of*
917 *this ordinance.*

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

921 922 **17.11 NONCONFORMING USES**

923 **(1) GENERAL**

924 **(a) APPLICABILITY.** If these standards conform with s. 59.69(10), Stats., for
925 counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all
926 modifications or additions to any nonconforming use or structure and to the use
927 of any structure or premises which was lawful before the passage of this
928 ordinance or any amendment thereto.

929 **(b)** The existing lawful use of a structure or its accessory use which is not in
930 conformity with the provisions of this ordinance may continue subject to the
931 following conditions:

932 **1.** No modifications or additions to a nonconforming use or structure shall be
933 permitted unless they comply with this ordinance. The words "modification" and
934 "addition" include, but are not limited to, any alteration, addition, modification,
935 structural repair, rebuilding or replacement of any such existing use, structure or
936 accessory structure or use. Maintenance is not considered a modification; this
937 includes painting, decorating, paneling and other nonstructural components and
938 the maintenance, repair or replacement of existing private sewage or water
939 supply systems or connections to public utilities. Any costs associated with the
940 repair of a damaged structure are not considered maintenance. The construction
941 of a deck that does not exceed 200 square feet and that is adjacent to the
942 exterior wall of a principal structure is not an extension, modification or addition.
943 The roof of the structure may extend over a portion of the deck in order to
944 provide safe ingress and egress to the principal structure.

945 **2.** If a nonconforming use or the use of a nonconforming structure is
946 discontinued for 12 consecutive months, it is no longer permitted and any future
947 use of the property, and any structure or building thereon, shall conform to the
948 applicable requirements of this ordinance;

949 **3.** The county shall keep a record which lists all nonconforming uses and
950 nonconforming structures, their present equalized assessed value, the cost of all
951 modifications or additions which have been permitted, and the percentage of the
952 structure's total current value those modifications represent;

953 **4.** No modification or addition to any nonconforming structure or any
954 structure with a nonconforming use, which over the life of the structure would
955 equal or exceed 50% of its present equalized assessed value, shall be allowed
956 unless the entire structure is permanently changed to a conforming structure with
957 a conforming use in compliance with the applicable requirements of this
958 ordinance. Contiguous dry land access must be provided for residential and
959 commercial uses in compliance with s. 17.09(3)(a)3. The costs of elevating the
960 lowest floor of a nonconforming building or a building with a nonconforming use
961 to the flood protection elevation are excluded from the 50% provisions of this
962 paragraph;

963 **5.** No maintenance to any nonconforming structure or any structure with a

964 nonconforming use, the cost of which would equal or exceed 50% of its present
965 equalized assessed value, shall be allowed unless the entire structure is
966 permanently changed to a conforming structure with a conforming use in
967 compliance with the applicable requirements of this ordinance. Contiguous dry
968 land access must be provided for residential and commercial uses in compliance
969 with s. 17.09(3)(a)3.

970 **6.** If on a per event basis the total value of the work being done under (d)
971 and (e) equals or exceeds 50% of the present equalized assessed value the
972 work shall not be permitted unless the entire structure is permanently changed to
973 a conforming structure with a conforming use in compliance with the applicable
974 requirements of this ordinance. Contiguous dry land access must be provided for
975 residential and commercial uses in compliance with s. 17.09(3)(a)3.

976 **7.** Except as provided in subd. 8., if any nonconforming structure or any
977 structure with a nonconforming use is destroyed or is substantially damaged, it
978 cannot be replaced, reconstructed or rebuilt unless the use and the structure
979 meet the current ordinance requirements. A structure is considered substantially
980 damaged if the total cost to restore the structure to its pre-damaged condition
981 equals or exceeds 50% of the structure's present equalized assessed value.

982 **8.** For nonconforming buildings that are substantially damaged or
983 destroyed by a nonflood disaster, the repair or reconstruction of any such
984 nonconforming building shall be permitted in order to restore it to the size and
985 use in effect prior to the damage event, provided that the minimum federal code
986 requirements below are met and all required permits have been granted prior to
987 the start of construction.

988 **a. Residential Structures**

989 **i.** Shall have the lowest floor, including basement, elevated to or above the base
990 flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter
991 walls must meet the requirements of s. 17.12(5)(b).

992 **ii.** Shall be anchored to prevent flotation, collapse, or lateral movement of the
993 structure resulting from hydrodynamic and hydrostatic loads, including the effects
994 of buoyancy and shall be constructed with methods and materials resistant to
995 flood damage.

996 **iii.** Shall be constructed with electrical, heating, ventilation, plumbing and air
997 conditioning equipment and other service facilities that are designed and/or
998 elevated so as to prevent water from entering or accumulating within the
999 components during conditions of flooding.

1000 **iv.** In A Zones, obtain, review and utilize any flood data available from a federal,
1001 state or other source.

1002 **v.** In AO Zones with no elevations specified, shall have the lowest floor, including
1003 basement, meet the standards in s. 17.10(3).

1004 **vi.** in AO Zones, shall have adequate drainage paths around structures on slopes to
1005 guide floodwaters around and away from the structure.

1006 **b. Nonresidential Structures**

1007 **i.** Shall meet the requirements of s. 17.11(1)(b)8.a.i-ii and v-vi.

1008 **ii.** Shall either have the lowest floor, including basement, elevated to or
1009 above the regional flood elevation; or, together with attendant utility and

1010 sanitary facilities, shall meet the standards in s. 17.12(5)(a) or (b).
1011 **iii.** In AO Zones with no elevations specified, shall have the lowest floor,
1012 including basement, meet the standards in s. 17.10(3).
1013 **c.** Historic Structures. A nonconforming historic structure may be altered if
1014 the alteration will not preclude the structures continued designation as a historic
1015 structure, the alteration will comply with s. 17.08(3)(a), flood resistant materials
1016 are used, and construction practices and floodproofing methods that comply with
1017 s. 17.12(5) are used. Repair or rehabilitation of historic structures shall be
1018 exempt from the development standards of s. 17.11(1)(b)8.a. if it is determined
1019 that the proposed repair or rehabilitation will not preclude the structure's
1020 continued designation as a historic structure and is the minimum necessary to
1021 preserve the historic character and design of the structure.
1022 **(2) FLOODWAY DISTRICT**
1023 **(a)** No modification or addition shall be allowed to any nonconforming structure or
1024 any structure with a nonconforming use in the Floodway District, unless such
1025 modification or addition:
1026 **1.** Has been granted a permit or variance which meets all ordinance
1027 requirements;
1028 **2.** Meets the requirements of s. 17.11(1);
1029 **3.** Shall not increase the obstruction to flood flows or regional flood height;
1030 **4.** Any addition to the existing structure shall be floodproofed, pursuant to s.
1031 17.12(5), by means other than the use of fill, to the flood protection elevation; and
1032 **5.** If any part of the foundation below the flood protection elevation is
1033 enclosed, the following standards shall apply:
1034 **a.** The enclosed area shall be designed by a registered architect or engineer to
1035 allow for the efficient entry and exit of flood waters without human intervention. A
1036 minimum of two openings must be provided with a minimum net area of at least
1037 one square inch for every one square foot of the enclosed area. The lowest part
1038 of the opening can be no more than 12 inches above the adjacent grade;
1039 **b.** The parts of the foundation located below the flood protection elevation must
1040 be constructed of flood-resistant materials;
1041 **c.** Mechanical and utility equipment must be elevated or floodproofed to or above
1042 the flood protection elevation; and
1043 **d.** The use must be limited to parking, building access or limited storage.
1044 **(c)** No new on-site sewage disposal system, or addition to an existing on-site
1045 sewage disposal system, except where an addition has been ordered by a
1046 government agency to correct a hazard to public health, shall be allowed in the
1047 Floodway District. Any replacement, repair or maintenance of an existing on-site
1048 sewage disposal system in a floodway area shall meet the applicable
1049 requirements of all municipal ordinances, s. 17.12(5)(c) and ch. SPS 383, Wis.
1050 Adm. Code.
1051 **(d)** No new well or modification to an existing well used to obtain potable
1052 water shall be allowed in the Floodway District. Any replacement, repair or
1053 maintenance of an existing well in the Floodway District shall meet the applicable
1054 requirements of all municipal ordinances, s. 17.12(5)(c) and chs. NR 811 and NR
1055 812, Wis. Adm. Code.

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(3) FLOODFRINGE DISTRICT

(a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the county, and meets the requirements of s. 17.09(3) except where s. 17.11(3)(b) is applicable.

(b) Where compliance with the provisions of subd. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in s. 17.12(3), may grant a variance from those provisions of subd. (a) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

1. No floor is allowed below the regional flood elevation for residential or commercial structures;
2. Human lives are not endangered;
3. Public facilities, such as water or sewer, shall not be installed;
4. Flood depths shall not exceed two feet;
5. Flood velocities shall not exceed two feet per second; and
6. The structure shall not be used for storage of materials as described in s. 17.09(3)(e).

(c) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 17.12(5)(c) and ch. SPS 383, Wis. Adm. Code.

(d) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 17.12(5)(c) and ch. NR 811 and NR 812, Wis. Adm. Code.

(4) FLOOD STORAGE DISTRICT

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in s. 17.105(3) are met.

17.12 ADMINISTRATION

(1) ZONING ADMINISTRATOR

(a) DUTIES AND POWERS

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

1. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
2. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
3. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
4. Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;

- 1101 **b.** Documentation of certified lowest floor and regional flood elevations;
1102 **c.** Floodproofing certificates.
1103 **d.** Water surface profiles, floodplain zoning maps and ordinances,
1104 nonconforming uses and structures including changes, appeals, variances and
1105 amendments.
1106 **e.** All substantial damage assessment reports for floodplain structures.
1107 **f.** List of nonconforming structures and uses.
1108 **5.** Submit copies of the following items to the Department Regional office:
1109 **a.** Within 10 days of the decision, a copy of any decisions on variances, appeals
1110 for map or text interpretations, and map or text amendments;
1111 **b.** Copies of case-by-case analyses and other required information including an
1112 annual summary of floodplain zoning actions taken.
1113 **c.** Copies of substantial damage assessments performed and all related
1114 correspondence concerning the assessments.
1115 **6.** Investigate, prepare reports, and report violations of this ordinance to the
1116 municipal Zoning and Land Regulations committee and attorney for prosecution.
1117 Copies of the reports shall also be sent to the Department Regional office.
1118 **7.** Submit copies of amendments and biennial reports to the FEMA Regional
1119 office.
1120 **(b) LAND USE PERMIT.** A land use permit shall be obtained before any new
1121 development; repair, modification or addition to an existing structure; or change
1122 in the use of a building or structure, including sewer and water facilities, may be
1123 initiated. Application to the zoning administrator shall include
1124 **1. GENERAL INFORMATION.**
1125 **a.** Name and address of the applicant, property owner and contractor;
1126 **b.** Legal description, proposed use, and whether it is new construction or a
1127 modification;
1128 **2. SITE DEVELOPMENT PLAN.** A site plan drawn to scale shall be submitted
1129 with the permit application form and shall contain:
1130 **a.** Location, dimensions, area and elevation of the lot;
1131 **b.** Location of the ordinary highwater mark of any abutting navigable waterways;
1132 **c.** Location of any structures with distances measured from the lot lines and
1133 street center lines;
1134 **d.** Location of any existing or proposed on-site sewage systems or private water
1135 supply systems;
1136 **e.** Location and elevation of existing or future access roads;
1137 **f.** Location of floodplain and floodway limits as determined from the official
1138 floodplain zoning maps;
1139 **g.** The elevation of the lowest floor of proposed buildings and any fill using the
1140 vertical datum from the adopted study. either National Geodetic Vertical Datum
1141 (NGVD) or North American Vertical Datum (NAVD);
1142 **h.** Data sufficient to determine the regional flood elevation in NGVD or NAVD at
1143 the location of the development and to determine whether or not the
1144 requirements of s. 17.08 or 17.09 are met; and
1145 **i.** Data to determine if the proposed development will cause an obstruction to
1146 flow or an increase in regional flood height or discharge according to s. 17.07(1).

1147 This may include any of the information noted in s. 17.08(3)(a).
 1148 **3. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE**
 1149 **DEVELOPMENT.** All hydraulic and hydrologic studies shall be completed under
 1150 the direct supervision of a professional engineer registered in the State. The
 1151 study contractor shall be responsible for the technical adequacy of the study. All
 1152 studies shall be reviewed and approved by the Department.
 1153 **a. Zone A floodplains:**
 1154 **i. Hydrology.** The appropriate method shall be based on the standards in ch.
 1155 NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of*
 1156 *Regional Flood Discharge.*
 1157 **ii. Hydraulic modeling.** The regional flood elevation shall be based on the
 1158 standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
 1159 *Determination of Regional Flood Elevation* and the following:
 1160 **a)** determination of the required limits of the hydraulic model shall be based
 1161 on detailed study information for downstream structures (dam, bridge,
 1162 culvert) to determine adequate starting WSEL for the study.
 1163 **b)** channel sections must be surveyed.
 1164 **c)** minimum four foot contour data in the overbanks shall be used for the
 1165 development of cross section overbank and floodplain mapping.
 1166 **d)** a maximum distance of 500 feet between cross sections is allowed in
 1167 developed areas with additional intermediate cross sections required at
 1168 transitions in channel bottom slope including a survey of the channel at each
 1169 location.
 1170 **e)** the most current version of HEC_RAS shall be used.
 1171 **f)** a survey of bridge and culvert openings and the top of road is required at
 1172 each structure.
 1173 **g)** additional cross sections are required at the downstream and upstream
 1174 limits of the proposed development and any necessary intermediate locations
 1175 based on the length of the reach if greater than 500 feet.
 1176 **h)** standard accepted engineering practices shall be used when assigning
 1177 parameters for the base model such as flow, Manning's N values, expansion
 1178 and contraction coefficients or effective flow limits. The base model shall be
 1179 calibrated to past flooding data such as high water marks to determine the
 1180 reasonableness of the model results. If no historical data is available,
 1181 adequate justification shall be provided for any parameters outside standard
 1182 accepted engineering practices.
 1183 **i)** the model must extend past the upstream limit of the difference in the
 1184 existing and proposed flood profiles in order to provide a tie-in to existing
 1185 studies. The height difference between the proposed flood profile and the
 1186 existing study profiles shall be no more than 0.00 feet.
 1187 **iii. Mapping.** A work map of the reach studied shall be provided, showing all
 1188 cross section locations, floodway/floodplain limits based on best available
 1189 topographic data, geographic limits of the proposed development and
 1190 whether the proposed development is located in the floodway.
 1191 **a)** If the proposed development is located outside of the floodway, then it is
 1192 determined to have no impact on the regional flood elevation.

- 1193 **b)** If any part of the proposed development is in the floodway, it must be
 1194 added to the base model to show the difference between existing and
 1195 proposed conditions. The study must ensure that all coefficients remain
 1196 the same as in the existing model, unless adequate justification based on
 1197 standard accepted engineering practices is provided.
- 1198 **b.** Zone AE Floodplains
- 1199 **i.** *Hydrology.* If the proposed hydrology will change the existing study, the
 1200 appropriate method to be used shall be based on ch. NR 116.07(3), Wis.
 1201 Admin. Code, Hydrologic Analysis: Determination of Regional Flood
 1202 Discharge.
- 1203 **ii.** *Hydraulic model.* The regional flood elevation shall be based on the
 1204 standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis:
 1205 Determination of Regional Flood Elevation and the following:
- 1206 **a)** *Duplicate Effective Model.* The effective model shall be reproduced to
 1207 ensure correct transference of the model data and to allow integration of the
 1208 revised data to provide a continuous FIS model upstream and downstream of
 1209 the revised reach. If data from the effective model is available, models shall
 1210 be generated that duplicate the FIS profiles and the elevations shown in the
 1211 Floodway Data Table in the FIS report to within 0.1 foot.
- 1212 **b)** *Corrected Effective Model.* The Corrected Effective Model shall not
 1213 include any man-made physical changes since the effective model date, but
 1214 shall import the model into the most current version of HEC-RAS for
 1215 Department review.
- 1216 **c)** *Existing (Pre-Project Conditions) Model.* The Existing Model shall be
 1217 required to support conclusions about the actual impacts of the project
 1218 associated with the Revised (Post-Project) Model or to establish more up-to-
 1219 date models on which to base the Revised (Post-Project) Model.
- 1220 **d)** *Revised (Post-Project Conditions) Model.* The Revised (Post-Project
 1221 Conditions) Model shall incorporate the Existing Model and any proposed
 1222 changes to the topography caused by the proposed development. This
 1223 model shall reflect proposed conditions.
- 1224 **e)** All changes to the Duplicate Effective Model and subsequent models must
 1225 be supported by certified topographic information, bridge plans, construction
 1226 plans and survey notes.
- 1227 **f)** Changes to the hydraulic models shall be limited to the stream reach for
 1228 which the revision is being requested. Cross sections upstream and
 1229 downstream of the revised reach shall be identical to those in the effective
 1230 model and result in water surface elevations and topwidths computed by the
 1231 revised models matching those in the effective models upstream and
 1232 downstream of the revised reach as required. The Effective Model shall not
 1233 be truncated.
- 1234 **iii.** *Mapping.* Maps and associated engineering data shall be submitted to the
 1235 Department for review which meet the following conditions:
- 1236 **g)** Consistency between the revised hydraulic models, the revised floodplain
 1237 and floodway delineations, the revised flood profiles, topographic work map,

1238 annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs),
1239 construction plans, bridge plans.

1240 **h)** Certified topographic map of suitable scale, contour interval, and a
1241 planimetric map showing the applicable items. If a digital version of the map is
1242 available, it may be submitted in order that the FIRM may be more easily
1243 revised.

1244 **i)** Annotated FIRM panel showing the revised 1% and 0.2% annual chance
1245 floodplains and floodway boundaries.

1246 **j)** If an annotated FIRM and/or FBFM and digital mapping data (GIS or
1247 CADD) are used then all supporting documentation or metadata must be
1248 included with the data submission along with the Universal Transverse
1249 Mercator (UTM) projection and State Plane Coordinate System in accordance
1250 with FEMA mapping specifications.

1251 **k)** The revised floodplain boundaries shall tie into the effective floodplain
1252 boundaries.

1253 **l)** All cross sections from the effective model shall be labeled in accordance
1254 with the effective map and a cross section lookup table shall be included to
1255 relate to the model input numbering scheme.

1256 **m)** Both the current and proposed floodways shall be shown on the map.

1257 **n)** The stream centerline, or profile baseline used to measure stream
1258 distances in the model shall be visible on the map.

1259 **4. EXPIRATION.** All permits issued under the authority of this ordinance
1260 shall expire no more than 180 days after issuance. The permit may be extended
1261 for a maximum of 180 days for good and sufficient cause.

1262 **5. CERTIFICATE OF COMPLIANCE.** No land shall be occupied or used, and
1263 no building which is hereafter constructed, altered, added to, modified, repaired,
1264 rebuilt or replaced shall be occupied until a certificate of compliance is issued by
1265 the zoning administrator, except where no permit is required, subject to the
1266 following provisions:

1267 **a.** The certificate of compliance shall show that the building or premises or
1268 part thereof, and the proposed use, conform to the provisions of this ordinance;

1269 **b.** Application for such certificate shall be concurrent with the application for
1270 a permit;

1271 **c.** If all ordinance provisions are met, the certificate of compliance shall be
1272 issued within 10 days after written notification that the permitted work is
1273 completed;

1274 **d.** The applicant shall submit a certification signed by a registered
1275 professional engineer, architect or land surveyor that the fill, lowest floor and
1276 floodproofing elevations are in compliance with the permit issued. Floodproofing
1277 measures also require certification by a registered professional engineer or
1278 architect that the requirements of s. 17.12(5) are met.

1279 **(c) OTHER PERMITS.** Prior to obtaining a floodplain development permit the
1280 applicant must secure all necessary permits from federal, state, and local
1281 agencies, including but not limited to those required by the U.S. Army Corps of
1282 Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments
1283 of 1972, 33 U.S.C. 1344.

1284 **(2) ZONING AND LAND REGULATIONS COMMITTEE**
1285 **(a)** The Dane County Zoning and Land Regulation Committee shall:
1286 1. oversee the functions of the office of the zoning administrator; and
1287 2. review and advise the county board on all proposed amendments to this
1288 ordinance, maps and text.
1289 **(b)** The Dane County Zoning and Land Regulation Committee shall not:
1290 1. grant variances to the terms of the ordinance in place of action by the
1291 Board of Adjustment/Appeals; or
1292 2. amend the text or zoning maps in place of official action by the county
1293 board.
1294 **(3) BOARD OF ADJUSTMENT.** The Board of Adjustment, created under s.
1295 59.694, Stats, is hereby authorized or shall be appointed to act for the purposes
1296 of this ordinance. The Board shall exercise the powers conferred by Wisconsin
1297 Statutes and adopt rules for the conduct of business. The zoning administrator
1298 shall not be the secretary of the Board.
1299 **(a) POWERS AND DUTIES.** The Board of Adjustment/Appeals shall:
1300 1. Appeals - Hear and decide appeals where it is alleged there is an error in
1301 any order, requirement, decision or determination made by an administrative
1302 official in the enforcement or administration of this ordinance;
1303 2. Boundary Disputes - Hear and decide disputes concerning the district
1304 boundaries shown on the official floodplain zoning map; and
1305 3. Variances - Hear and decide, upon appeal, variances from the ordinance
1306 standards.
1307 **(b) APPEALS TO THE BOARD.**
1308 1. Appeals to the board may be taken by any person aggrieved, or by any
1309 officer or department of the county affected by any decision of the zoning
1310 administrator or other administrative officer. Such appeal shall be taken within 30
1311 days unless otherwise provided by the rules of the board, by filing with the official
1312 whose decision is in question, and with the board, a notice of appeal specifying
1313 the reasons for the appeal. The official whose decision is in question shall
1314 transmit to the board all records regarding the matter appealed.
1315 2. **NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**
1316 **a.** Notice - The board shall:
1317 i. Fix a reasonable time for the hearing;
1318 ii. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date,
1319 time, place and subject of the hearing; and
1320 iii. Assure that notice shall be mailed to the parties in interest and the Department
1321 Regional office at least 10 days in advance of the hearing.
1322 **a.** Hearing - Any party may appear in person or by agent. The board shall:
1323 i. Resolve boundary disputes according to s. 17.12(3)(c);
1324 ii. Decide variance applications according to s. 17.12(3)(d); and
1325 iii. Decide appeals of permit denials according to s. 17.12(4).
1326 3. **DECISION:** The final decision regarding the appeal or variance application
1327 shall:
1328 i. Be made within a reasonable time;
1329 ii. Be sent to the Department Regional office within 10 days of the decision;

- 1330 **iii.** Be a written determination signed by the chairman or secretary of the Board;
- 1331 **iv.** State the specific facts which are the basis for the Board's decision;
- 1332 **v.** Either affirm, reverse, vary or modify the order, requirement, decision or
- 1333 determination appealed, in whole or in part, dismiss the appeal for lack of
- 1334 jurisdiction or grant or deny the variance application; and
- 1335 **vi.** Include the reasons for granting an appeal, describing the hardship
- 1336 demonstrated by the applicant in the case of a variance, clearly stated in the
- 1337 recorded minutes of the Board proceedings.
- 1338 **(c) BOUNDARY DISPUTES.** The following procedure shall be used by the Board
- 1339 in hearing disputes concerning floodplain district boundaries:
- 1340 **1.** If a floodplain district boundary is established by approximate or detailed
- 1341 floodplain studies, the flood elevations or profiles shall prevail in locating the
- 1342 boundary. If none exist, other evidence may be examined;
- 1343 **2.** The person contesting the boundary location shall be given a reasonable
- 1344 opportunity to present arguments and technical evidence to the Board; and
- 1345 **3.** If the boundary is incorrectly mapped, the Board should inform the zoning
- 1346 committee or the person contesting the boundary location to petition the county
- 1347 board for a map amendment according to s. 17.13.
- 1348 **(d) VARIANCE.**
- 1349 **1.** The Board may, upon appeal, grant a variance from the standards of this
- 1350 ordinance if an applicant convincingly demonstrates that:
- 1351 **a.** Literal enforcement of the ordinance will cause unnecessary hardship;
- 1352 **b.** The hardship is due to adoption of the floodplain ordinance and unique
- 1353 property conditions, not common to adjacent lots or premises. In such case the
- 1354 ordinance or map must be amended;
- 1355 **c.** The variance is not contrary to the public interest; and
- 1356 **d.** The variance is consistent with the purpose of this ordinance in s. 17.03.
- 1357 **2.** In addition to the criteria in subd. 1., to qualify for a variance under FEMA
- 1358 regulations, the following criteria must be met:
- 1359 **a.** The variance shall not cause any increase in the regional flood elevation;
- 1360 **b.** Variances can only be granted for lots that are less than one-half acre and
- 1361 are contiguous to existing structures constructed below the RFE; and
- 1362 **c.** Variances shall only be granted upon a showing of good and sufficient
- 1363 cause, shall be the minimum relief necessary, shall not cause increased risks to
- 1364 public safety or nuisances, shall not increase costs for rescue and relief efforts
- 1365 and shall not be contrary to the purpose of the ordinance.
- 1366 **3.** A variance shall not:
- 1367 **a.** Grant, extend or increase any use prohibited in the zoning district;
- 1368 **b.** Be granted for a hardship based solely on an economic gain or loss;
- 1369 **c.** Be granted for a hardship which is self-created.
- 1370 **d.** Damage the rights or property values of other persons in the area;
- 1371 **e.** Allow actions without the amendments to this ordinance or map(s)
- 1372 required in s. 17.13 *Amendments*; and
- 1373 **f.** Allow any alteration of an historic structure, including its use, which would
- 1374 preclude its continued designation as an historic structure.
- 1375 **4.** When a floodplain variance is granted the Board shall notify the applicant

1376 in writing that it may increase risks to life and property and flood insurance
1377 premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be
1378 maintained with the variance record.

1379 **(4) TO REVIEW APPEALS OF PERMIT DENIALS.**

1380 **(a)** The Board shall review all data related to the appeal. This may include

- 1381 1. Permit application data listed in s. 17.12(1)(b);
- 1382 2. Floodway/floodfringe determination data in s. 17.05(4);
- 1383 3. Data listed in s. 17.08(3)(a)2. where the applicant has not submitted this
1384 information to the zoning administrator; and
- 1385 4. Other data submitted with the application, or submitted to the Board with
1386 the appeal.

1387 **(b)** For appeals of all denied permits the Board shall:

- 1388 1. Follow the procedures of s. 17.12(3);
- 1389 2. Consider Zoning and Land Regulations committee recommendations; and
- 1390 3. Either uphold the denial or grant the appeal.

1391 **(c)** For appeals concerning increases in regional flood elevation the Board
1392 shall:

- 1393 1. Uphold the denial where the Board agrees with the data showing an
1394 increase in flood elevation. Increases may only be allowed after amending the
1395 flood profile and map and all appropriate legal arrangements are made with all
1396 adversely affected property owners as per the requirements of s. 17.13
1397 *Amendments*; and

- 1398 2. Grant the appeal where the Board agrees that the data properly
1399 demonstrates that the project does not cause an increase provided no other
1400 reasons for denial exist.

1401 **(5) FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES**
1402 **OR USES.**

1403 **(a)** No permit or variance shall be issued for a non-residential structure
1404 designed to be watertight below the regional flood elevation until the applicant
1405 submits a plan certified by a registered professional engineer or architect that the
1406 floodproofing measures will protect the structure or development to the flood
1407 protection elevation and submits a FEMA Floodproofing Certificate.

1408 **(b)** For a structure designed to allow the entry of floodwaters, no permit or
1409 variance shall be issued until the applicant submits a plan either:

- 1410 1. certified by a registered professional engineer or architect; or
- 1411 2. meets or exceeds the following standards:
 - 1412 a. a minimum of two openings having a total net area of not less than one
1413 square inch for every square foot of enclosed area subject to flooding;
 - 1414 b. the bottom of all openings shall be no higher than one foot above grade;
1415 and
 - 1416 c. openings may be equipped with screens, louvers, valves, or other
1417 coverings or devices provided that they permit the automatic entry and exit of
1418 floodwaters.

1419 **(c)** Floodproofing measures shall be designed, as appropriate, to:

- 1420 1. Withstand flood pressures, depths, velocities, uplift and impact forces and
1421 other regional flood factors;

- 1422 2. Protect structures to the flood protection elevation;
1423 3. Anchor structures to foundations to resist flotation and lateral movement;
1424 and
1425 4. Minimize or eliminate infiltration of flood waters.
1426 5. Minimize or eliminate discharges into flood waters.
1427 (6) *PUBLIC INFORMATION.*
1428 (a) Place marks on structures to show the depth of inundation during the
1429 regional flood.
1430 (b) All maps, engineering data and regulations shall be available and widely
1431 distributed.
1432 (c) Real estate transfers should show what floodplain district any real property
1433 is in.
1434

- 1435 **17.13 AMENDMENTS.** Obstructions or increases may only be permitted if
1436 amendments are made to this ordinance, the official floodplain zoning maps,
1437 floodway lines and water surface profiles, in accordance with s.17.13(3).
1438 (1) In AE Zones with a mapped floodway, no obstructions or increases shall be
1439 permitted unless the applicant receives a Conditional Letter of Map Revision from
1440 FEMA and amendments are made to this ordinance, the official floodplain zoning
1441 maps, floodway lines and water surface profiles, in accordance with s.17.13(3).
1442 Any such alterations must be reviewed and approved by FEMA and the DNR.
1443 (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted
1444 if the applicant receives a Conditional Letter of Map Revision from FEMA and
1445 amendments are made to this ordinance, the official floodplain maps, floodway
1446 lines, and water surface profiles, in accordance with s.17.13(3).
1447 (3) *GENERAL.* The county board shall change or supplement the floodplain
1448 zoning district boundaries and this ordinance in the manner outlined in s.
1449 17.13(4) below. Actions which require an amendment to the ordinance and/ or
1450 submittal of a Letter of Map Change (LOMC) include, but are not limited to, the
1451 following:
1452 (a) Any fill or floodway encroachment that obstructs flow causing any increase
1453 in the regional flood height;
1454 (b) Any change to the floodplain boundaries and/or watercourse alterations on
1455 the FIRM;
1456 (c) Any changes to any other officially adopted floodplain maps listed in 1.5
1457 (2)(b);
1458 (d) Any floodplain fill which raises the elevation of the filled area to a height at
1459 or above the flood protection elevation and is contiguous to land lying outside the
1460 floodplain;
1461 (e) Correction of discrepancies between the water surface profiles and
1462 floodplain maps;
1463 (f) Any upgrade to a floodplain zoning ordinance text required by s. NR
1464 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the
1465 county; and
1466 (g) All channel relocations and changes to the maps to alter floodway lines or
1467 to remove an area from the floodway or the floodfringe that is based on a base

1468 flood elevation from a FIRM requires prior approval by FEMA.
1469 **(4) PROCEDURES.** Ordinance amendments may be made upon petition of any
1470 party according to the provisions of s. 62.23, Stats., for cities and villages, or
1471 59.69, Stats., for counties. The petitions shall include all data required by ss. 5.4
1472 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map
1473 Revision is issued by FEMA for the proposed changes.

1474 **(a)** The proposed amendment shall be referred to the Zoning and Land
1475 Regulations committee for a public hearing and recommendation to the county
1476 board. The amendment and notice of public hearing shall be submitted to the
1477 Department Regional office for review prior to the hearing. The amendment
1478 procedure shall comply with the provisions of s. 59.69, Stats.

1479 **(b)** No amendments shall become effective until reviewed and approved by
1480 the Department.

1481 **(c)** All persons petitioning for a map amendment that obstructs flow causing
1482 any increase in the regional flood height, shall obtain flooding easements or other
1483 appropriate legal arrangements from all adversely affected property owners and
1484 notify local units of government before the amendment can be approved by the
1485 county board.

1486

1487 **17.14 ENFORCEMENT AND PENALTIES**

1488 Any violation of the provisions of this ordinance by any person shall be unlawful
1489 and shall be referred to the municipal attorney who shall expeditiously prosecute
1490 all such violators. A violator shall, upon conviction, forfeit to the county a penalty
1491 of not less than \$25 and not more than \$50, together with a taxable cost of such
1492 action. Each day of continued violation shall constitute a separate offense. Every
1493 violation of this ordinance is a public nuisance and the creation may be enjoined
1494 and the maintenance may be abated by action at suit of the county, the state, or
1495 any citizen thereof pursuant to s. 87.30, Stats.

1496

1497

1498 *[EXPLANATION: This amendment rescinds the existing Floodplain Zoning*
1499 *Ordinance and adopts the Model Ordinance required by the Wisconsin*
1500 *Department of Natural Resources.]*

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1503