

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 15, dated
135 September 17, 2014, as approved by the Wisconsin Department of Natural
136 Resources, in parts of the Towns of Blooming Grove, Burke, Dunkirk, Dunn,
137 Middleton, Pleasant Springs, Rutland, Springfield and Westport.

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

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

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

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

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

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

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

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

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

236
237 **17.06 DEFINITIONS.** Unless specifically defined, words and phrases in this
238 ordinance shall have their common law meaning and shall be applied in
239 accordance with their common usage. Words used in the present tense include
240 the future, the singular number includes the plural and the plural number includes
241 the singular. The word "may" is permissive, "shall" is mandatory and is not
242 discretionary.

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

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

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

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

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

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

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

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

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

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

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

276 camping area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

505 characteristic.

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

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

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

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

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

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

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

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

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

549 **(76) SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, rehabilitation,
550 addition or improvement of a building or structure, the cost of which equals or

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

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

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

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

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

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

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

582

583 **17.07 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN** 584 **DISTRICTS**

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

594 Subdivisions shall be reviewed for compliance with the above standards. All
595 subdivision proposals (including manufactured home parks) shall include regional
596 flood elevation and floodway data for any development that meets the

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

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

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

- 604 **1.** Obstruct flow, defined as development which blocks the conveyance of
605 floodwaters by itself or with other development, causing any increase in the
606 regional flood height; or
607 **2.** Cause any increase in the regional flood height due to floodplain storage
608 area lost.

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

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

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

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

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

- 631 **(a)** The campground is approved by the Department of Health Services;
632 **(b)** A land use permit for the campground is issued by the zoning administrator;
633 **(c)** The character of the river system and the campground elevation are such that
634 a 72-hour warning of an impending flood can be given to all campground
635 occupants;
636 **(d)** There is an adequate flood warning procedure for the campground that offers
637 the minimum notice required under this section to all persons in the campground.
638 This procedure shall include a written agreement between the campground
639 owner, the municipal emergency government coordinator and the chief law
640 enforcement official which specifies the flood elevation at which evacuation shall
641 occur, personnel responsible for monitoring flood elevations, types of warning
642 systems to be used and the procedures for notifying at-risk parties, and the

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

669
670

17.08 FLOODWAY DISTRICT (FW)

- 671 **(1) APPLICABILITY.** This section applies to all floodway areas on the floodplain
- 672 zoning maps and those identified pursuant to s. 17.05(4).
- 673 **(2) PERMITTED USES.** The following open space uses are allowed in the
- 674 Floodway District and the floodway areas of the General Floodplain District, if:
- 675 • they are not prohibited by any other ordinance;
- 676 • they meet the standards in s. 17.08(3) and 17.08(4); and
- 677 • all permits or certificates have been issued according to s. 17.12(1)(b) and
- 678 (c).
- 679 **(a)** Agricultural uses, such as: farming, outdoor plant nurseries, horticulture,
- 680 viticulture and wild crop harvesting.
- 681 **(b)** Nonstructural industrial and commercial uses, such as loading areas, parking
- 682 areas and airport landing strips.
- 683 **(c)** Nonstructural recreational uses, such as golf courses, tennis courts, archery
- 684 ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature
- 685 preserves, game farms, fish hatcheries, shooting, trap and skeet activities,
- 686 hunting and fishing areas and hiking and horseback riding trails, subject to the fill
- 687 limitations of s. 17.08(3).
- 688 **(d)** Uses or structures accessory to open space uses, or classified as historic

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

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

759
760 **17.09 FLOODFRINGE DISTRICT (FF)**

- 761 **(1) APPLICABILITY.** This section applies to all floodfringe areas shown on the
762 floodplain zoning maps and those identified pursuant to s. 17.05(4).
763 **(2) PERMITTED USES.** Any structure, land use, or development is allowed in the
764 Floodfringe District if the standards in s. 17.09(3) are met, the use is not
765 prohibited by this or any other ordinance or regulation and all permits or
766 certificates specified in s. 17.12(1) have been issued.
767 **(3) STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE.** S. 17.07(1)
768 shall apply in addition to the following requirements according to the use
769 requested. Any existing structure in the floodfringe must meet the requirements
770 of s. 17.11 *Nonconforming Uses*;
771 **(a) RESIDENTIAL USES.** Any structure, including a manufactured home, which
772 is to be newly constructed or moved into the floodfringe, shall meet or exceed the
773 following standards. Any existing structure in the floodfringe must meet the
774 requirements of s. 17.11 *Nonconforming Uses*.
775 **1.** The elevation of the lowest floor shall be at or above the flood protection
776 elevation on fill unless the requirements of s 17.09(3)(a)2. can be met. The fill
777 shall be one foot or more above the regional flood elevation extending at least 15
778 feet beyond the limits of the structure.
779 **2.** The basement or crawlway floor may be placed at the regional flood
780 elevation if it is dry floodproofed to the flood protection elevation. No basement or

781 crawlway floor is allowed below the regional flood elevation;

782 **3.** Contiguous dryland access shall be provided from a structure to land

783 outside of the floodplain, except as provided in subd. 4.

784 **4.** In developments where existing street or sewer line elevations make

785 compliance with subd. 3. impractical, the county may permit new development

786 and substantial improvements where roads are below the regional flood

787 elevation, if:

788 i. The county has written assurance from police, fire and emergency services that

789 rescue and relief will be provided to the structure(s) by wheeled vehicles during a

790 regional flood event; or

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

792 **(b) ACCESSORY STRUCTURES OR USES.** Accessory structures shall be

793 constructed on fill with the lowest floor at or above the regional flood elevation.

794 **(c) COMMERCIAL USES.** Any commercial structure which is erected, altered or

795 moved into the floodfringe shall meet the requirements of s. 17.09(3)(a). Subject

796 to the requirements of s. 17.09(3)(e), storage yards, surface parking lots and

797 other such uses may be placed at lower elevations if an adequate warning

798 system exists to protect life and property.

799 **(d) MANUFACTURING AND INDUSTRIAL USES.** Any manufacturing or

800 industrial structure which is erected, altered or moved into the floodfringe shall

801 have the lowest floor elevated to or above the flood protection elevation or meet

802 the floodproofing standards in s 17.12(5). Subject to the requirements of s.

803 17.09(3)(e), storage yards, surface parking lots and other such uses may be

804 placed at lower elevations if an adequate warning system exists to protect life

805 and property.

806 **(e) STORAGE OF MATERIALS.** Materials that are buoyant, flammable,

807 explosive, or injurious to property, water quality or human, animal, plant, fish or

808 aquatic life shall be stored at or above the flood protection elevation or

809 floodproofed in compliance with s. 17.12(5). Adequate measures shall be taken

810 to ensure that such materials will not enter the water body during flooding.

811 **(f) PUBLIC UTILITIES, STREETS AND BRIDGES.** All utilities, streets and

812 bridges shall be designed to be compatible with comprehensive floodplain

813 development plans; and

814 i. When failure of public utilities, streets and bridges would endanger public health

815 or safety, or where such facilities are deemed essential, construction or repair of

816 such facilities shall only be permitted if they are designed to comply with s.

817 17.12(5).

818 ii. Minor roads or non-essential utilities may be constructed at lower elevations if

819 they are designed to withstand flood forces to the regional flood elevation.

820 **(g) SEWAGE SYSTEMS.** All sewage disposal systems shall be designed to

821 minimize or eliminate infiltration of flood water into the system, pursuant to s.

822 17.12(5)(c), to the flood protection elevation and meet the provisions of all local

823 ordinances and ch. SPS 383, Wis. Adm. Code.

824 **(h) WELLS.** All wells shall be designed to minimize or eliminate infiltration of

825 flood waters into the system, pursuant to s. 17.12(5)(c), to the flood protection

826 elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm.

827 Code.

828 **(i) SOLID WASTE DISPOSAL SITES.** Disposal of solid or hazardous waste is

829 prohibited in floodfringe areas.

830 **(j) DEPOSITION OF MATERIALS.** Any deposited material must meet all the

831 provisions of this ordinance.

832 **(k) MANUFACTURED HOMES.** Owners or operators of all manufactured home

833 parks and subdivisions shall provide adequate surface drainage to minimize flood

834 damage, and prepare, secure approval and file an evacuation plan, indicating

835 vehicular access and escape routes, with local emergency management

836 authorities.

837 **i.** In existing manufactured home parks, all new homes, replacement homes on

838 existing pads, and substantially improved homes shall:

839 **a.** have the lowest floor elevated to the flood protection elevation; and

840 **b.** be anchored so they do not float, collapse or move laterally during a flood.

841 **ii.** Outside of existing manufactured home parks, including new manufactured home

842 parks and all single units outside of existing parks, all new, replacement and

843 substantially improved manufactured homes shall meet the residential

844 development standards for the floodfringe in s. 17.09(3)(a).

845 **(L) MOBILE RECREATIONAL VEHICLES.** All mobile recreational vehicles that

846 are on site for 180 consecutive days or more or are not fully licensed and ready

847 for highway use shall meet the elevation and anchoring requirements in s.

848 17.09(3)(k). A mobile recreational vehicle is ready for highway use if it is on its

849 wheels or jacking system, is attached to the site only by quick-disconnect utilities

850 and security devices and has no permanently attached additions.

851

852 **17.10 GENERAL FLOODPLAIN DISTRICT (GFP)**

853 **(1) APPLICABILITY.** The provisions for this district shall apply to all floodplains

854 mapped as A, AO or AH zones.

855 **(2) PERMITTED USES.** Pursuant to s. 17.05(4), it shall be determined whether

856 the proposed use is located within the floodway or floodfringe. Those uses

857 permitted in the Floodway [s. 17.08(2)] and Floodfringe [s. 17.09(2)] Districts are

858 allowed within the General Floodplain District, according to the standards of s.

859 17.10, provided that all permits or certificates required under s. 17.12(1)(b) and

860 (c) have been issued.

861 **(3) STANDARDS FOR DEVELOPMENT.** S. 17.08 applies to floodway areas, s.

862 17.09 applies to floodfringe areas. The rest of this ordinance applies to either

863 district.

864 **(a)** In AO/AH Zones the structure's lowest floor must meet one of the conditions

865 listed below whichever is higher:

866 **1.** at or above the flood protection elevation; or

867 **2.** two (2) feet above the highest adjacent grade around the structure; or

868 **3.** the depth as shown on the FIRM.

869 **(b)** In AO/AH zones, provide plans showing adequate drainage paths to guide

870 floodwaters around structures.

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

890
891 **17.105 FLOOD STORAGE DISTRICT.**

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

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

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

919 17.11 NONCONFORMING USES

920 (1) GENERAL

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

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

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

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

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

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

960 5. No maintenance to any nonconforming structure or any structure with a
961

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

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

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

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

986 **a. Residential Structures**

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

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

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

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

1000 **v.** In AO Zones with no elevations specified, shall have the lowest floor, including
1001 basement, meet the standards in s. 17.10(3).

1002 **vi.** in AO Zones, shall have adequate drainage paths around structures on slopes to
1003 guide floodwaters around and away from the structure.

1004 **b. Nonresidential Structures**

1005 **i.** Shall meet the requirements of s. 17.11(1)(b)8.a.i-ii and v-vi.

1006 **ii.** Shall either have the lowest floor, including basement, elevated to or
1007 above the regional flood elevation; or, together with attendant utility and

1008 sanitary facilities, shall meet the standards in s. 17.12(5)(a) or (b).
1009 **iii.** In AO Zones with no elevations specified, shall have the lowest floor,
1010 including basement, meet the standards in s. 17.10(3).
1011 **c.** Historic Structures. A nonconforming historic structure may be altered if
1012 the alteration will not preclude the structures continued designation as a historic
1013 structure, the alteration will comply with s. 17.08(3)(a), flood resistant materials
1014 are used, and construction practices and floodproofing methods that comply with
1015 s. 17.12(5) are used. Repair or rehabilitation of historic structures shall be
1016 exempt from the development standards of s. 17.11(1)(b)8.a. if it is determined
1017 that the proposed repair or rehabilitation will not preclude the structure's
1018 continued designation as a historic structure and is the minimum necessary to
1019 preserve the historic character and design of the structure.
1020 **(2) FLOODWAY DISTRICT**
1021 **(a)** No modification or addition shall be allowed to any nonconforming structure or
1022 any structure with a nonconforming use in the Floodway District, unless such
1023 modification or addition:
1024 **1.** Has been granted a permit or variance which meets all ordinance
1025 requirements;
1026 **2.** Meets the requirements of s. 17.11(1);
1027 **3.** Shall not increase the obstruction to flood flows or regional flood height;
1028 **4.** Any addition to the existing structure shall be floodproofed, pursuant to s.
1029 17.12(5), by means other than the use of fill, to the flood protection elevation; and
1030 **5.** If any part of the foundation below the flood protection elevation is
1031 enclosed, the following standards shall apply:
1032 **a.** The enclosed area shall be designed by a registered architect or engineer to
1033 allow for the efficient entry and exit of flood waters without human intervention. A
1034 minimum of two openings must be provided with a minimum net area of at least
1035 one square inch for every one square foot of the enclosed area. The lowest part
1036 of the opening can be no more than 12 inches above the adjacent grade;
1037 **b.** The parts of the foundation located below the flood protection elevation must
1038 be constructed of flood-resistant materials;
1039 **c.** Mechanical and utility equipment must be elevated or floodproofed to or above
1040 the flood protection elevation; and
1041 **d.** The use must be limited to parking, building access or limited storage.
1042 **(c)** No new on-site sewage disposal system, or addition to an existing on-site
1043 sewage disposal system, except where an addition has been ordered by a
1044 government agency to correct a hazard to public health, shall be allowed in the
1045 Floodway District. Any replacement, repair or maintenance of an existing on-site
1046 sewage disposal system in a floodway area shall meet the applicable
1047 requirements of all municipal ordinances, s. 17.12(5)(c) and ch. SPS 383, Wis.
1048 Adm. Code.
1049 **(d)** No new well or modification to an existing well used to obtain potable
1050 water shall be allowed in the Floodway District. Any replacement, repair or
1051 maintenance of an existing well in the Floodway District shall meet the applicable
1052 requirements of all municipal ordinances, s. 17.12(5)(c) and chs. NR 811 and NR
1053 812, Wis. Adm. Code.

1054 **(3) FLOODFRINGE DISTRICT**

1055 **(a)** No modification or addition shall be allowed to any nonconforming
1056 structure or any structure with a nonconforming use unless such modification or
1057 addition has been granted a permit or variance by the county, and meets the
1058 requirements of s. 17.09(3) except where s. 17.11(3)(b) is applicable.

1059 **(b)** Where compliance with the provisions of subd. (a) would result in
1060 unnecessary hardship and only where the structure will not be used for human
1061 habitation or be associated with a high flood damage potential, the Board of
1062 Adjustment, using the procedures established in s. 17.12(3), may grant a
1063 variance from those provisions of subd. (a) for modifications or additions using
1064 the criteria listed below. Modifications or additions which are protected to
1065 elevations lower than the flood protection elevation may be permitted if:

- 1066 **1.** No floor is allowed below the regional flood elevation for residential or
1067 commercial structures;
- 1068 **2.** Human lives are not endangered;
- 1069 **3.** Public facilities, such as water or sewer, shall not be installed;
- 1070 **4.** Flood depths shall not exceed two feet;
- 1071 **5.** Flood velocities shall not exceed two feet per second; and
- 1072 **6.** The structure shall not be used for storage of materials as described in s.
1073 17.09(3)(e).

1074 **(c)** All new private sewage disposal systems, or addition to, replacement,
1075 repair or maintenance of a private sewage disposal system shall meet all the
1076 applicable provisions of all local ordinances, 17.12(5)(c) and ch. SPS 383, Wis.
1077 Adm. Code.

1078 **(d)** All new wells, or addition to, replacement, repair or maintenance of a well
1079 shall meet the applicable provisions of this ordinance, s. 17.12(5)(c) and ch. NR
1080 811 and NR 812, Wis. Adm. Code.

1081 **(4) FLOOD STORAGE DISTRICT**

1082 No modifications or additions shall be allowed to any nonconforming structure in
1083 a flood storage area unless the standards outlined in s. 17.105(3) are met.

1084

1085 **17.12 ADMINISTRATION**

1086 **(1) ZONING ADMINISTRATOR**

1087 **(a) DUTIES AND POWERS**

1088 The zoning administrator is authorized to administer this ordinance and shall
1089 have the following duties and powers:

- 1090 **1.** Advise applicants of the ordinance provisions, assist in preparing permit
1091 applications and appeals, and assure that the regional flood elevation for the
1092 proposed development is shown on all permit applications.
- 1093 **2.** Issue permits and inspect properties for compliance with provisions of this
1094 ordinance and issue certificates of compliance where appropriate.
- 1095 **3.** Inspect and assess all damaged floodplain structures to determine if
1096 substantial damage to the structures has occurred.
- 1097 **4.** Keep records of all official actions such as:
 - 1098 **a.** All permits issued, inspections made, and work approved;

- 1099 **b.** Documentation of certified lowest floor and regional flood elevations;
1100 **c.** Floodproofing certificates.
1101 **d.** Water surface profiles, floodplain zoning maps and ordinances,
1102 nonconforming uses and structures including changes, appeals, variances and
1103 amendments.
1104 **e.** All substantial damage assessment reports for floodplain structures.
1105 **f.** List of nonconforming structures and uses.
1106 **5.** Submit copies of the following items to the Department Regional office:
1107 **a.** Within 10 days of the decision, a copy of any decisions on variances, appeals
1108 for map or text interpretations, and map or text amendments;
1109 **b.** Copies of case-by-case analyses and other required information including an
1110 annual summary of floodplain zoning actions taken.
1111 **c.** Copies of substantial damage assessments performed and all related
1112 correspondence concerning the assessments.
1113 **6.** Investigate, prepare reports, and report violations of this ordinance to the
1114 municipal Zoning and Land Regulations committee and attorney for prosecution.
1115 Copies of the reports shall also be sent to the Department Regional office.
1116 **7.** Submit copies of amendments and biennial reports to the FEMA Regional
1117 office.
1118 **(b) LAND USE PERMIT.** A land use permit shall be obtained before any new
1119 development; repair, modification or addition to an existing structure; or change
1120 in the use of a building or structure, including sewer and water facilities, may be
1121 initiated. Application to the zoning administrator shall include
1122 **1. GENERAL INFORMATION.**
1123 **a.** Name and address of the applicant, property owner and contractor;
1124 **b.** Legal description, proposed use, and whether it is new construction or a
1125 modification;
1126 **2. SITE DEVELOPMENT PLAN.** A site plan drawn to scale shall be submitted
1127 with the permit application form and shall contain:
1128 **a.** Location, dimensions, area and elevation of the lot;
1129 **b.** Location of the ordinary highwater mark of any abutting navigable waterways;
1130 **c.** Location of any structures with distances measured from the lot lines and
1131 street center lines;
1132 **d.** Location of any existing or proposed on-site sewage systems or private water
1133 supply systems;
1134 **e.** Location and elevation of existing or future access roads;
1135 **f.** Location of floodplain and floodway limits as determined from the official
1136 floodplain zoning maps;
1137 **g.** The elevation of the lowest floor of proposed buildings and any fill using the
1138 vertical datum from the adopted study. either National Geodetic Vertical Datum
1139 (NGVD) or North American Vertical Datum (NAVD);
1140 **h.** Data sufficient to determine the regional flood elevation in NGVD or NAVD at
1141 the location of the development and to determine whether or not the
1142 requirements of s. 17.08 or 17.09 are met; and
1143 **i.** Data to determine if the proposed development will cause an obstruction to
1144 flow or an increase in regional flood height or discharge according to s. 17.07(1).

1145 This may include any of the information noted in s. 17.08(3)(a).
1146 **3. HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE**
1147 **DEVELOPMENT.** All hydraulic and hydrologic studies shall be completed under
1148 the direct supervision of a professional engineer registered in the State. The
1149 study contractor shall be responsible for the technical adequacy of the study. All
1150 studies shall be reviewed and approved by the Department.

1151 **a. Zone A floodplains:**

1152 **i. Hydrology.** The appropriate method shall be based on the standards in ch.
1153 NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of*
1154 *Regional Flood Discharge.*

1155 **ii. Hydraulic modeling.** The regional flood elevation shall be based on the
1156 standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
1157 *Determination of Regional Flood Elevation* and the following:

1158 **a)** determination of the required limits of the hydraulic model shall be based
1159 on detailed study information for downstream structures (dam, bridge,
1160 culvert) to determine adequate starting WSEL for the study.

1161 **b)** channel sections must be surveyed.

1162 **c)** minimum four foot contour data in the overbanks shall be used for the
1163 development of cross section overbank and floodplain mapping.

1164 **d)** a maximum distance of 500 feet between cross sections is allowed in
1165 developed areas with additional intermediate cross sections required at
1166 transitions in channel bottom slope including a survey of the channel at each
1167 location.

1168 **e)** the most current version of HEC_RAS shall be used.

1169 **f)** a survey of bridge and culvert openings and the top of road is required at
1170 each structure.

1171 **g)** additional cross sections are required at the downstream and upstream
1172 limits of the proposed development and any necessary intermediate locations
1173 based on the length of the reach if greater than 500 feet.

1174 **h)** standard accepted engineering practices shall be used when assigning
1175 parameters for the base model such as flow, Manning's N values, expansion
1176 and contraction coefficients or effective flow limits. The base model shall be
1177 calibrated to past flooding data such as high water marks to determine the
1178 reasonableness of the model results. If no historical data is available,
1179 adequate justification shall be provided for any parameters outside standard
1180 accepted engineering practices.

1181 **i)** the model must extend past the upstream limit of the difference in the
1182 existing and proposed flood profiles in order to provide a tie-in to existing
1183 studies. The height difference between the proposed flood profile and the
1184 existing study profiles shall be no more than 0.00 feet.

1185 **iii. Mapping.** A work map of the reach studied shall be provided, showing all
1186 cross section locations, floodway/floodplain limits based on best available
1187 topographic data, geographic limits of the proposed development and
1188 whether the proposed development is located in the floodway.

1189 **a)** If the proposed development is located outside of the floodway, then it is
1190 determined to have no impact on the regional flood elevation.

- 1191 **b)** If any part of the proposed development is in the floodway, it must be
 1192 added to the base model to show the difference between existing and
 1193 proposed conditions. The study must ensure that all coefficients remain
 1194 the same as in the existing model, unless adequate justification based on
 1195 standard accepted engineering practices is provided.
- 1196 **b.** Zone AE Floodplains
- 1197 **i.** *Hydrology.* If the proposed hydrology will change the existing study, the
 1198 appropriate method to be used shall be based on ch. NR 116.07(3), Wis.
 1199 Admin. Code, Hydrologic Analysis: Determination of Regional Flood
 1200 Discharge.
- 1201 **ii.** *Hydraulic model.* The regional flood elevation shall be based on the
 1202 standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis:
 1203 Determination of Regional Flood Elevation and the following:
- 1204 **a)** *Duplicate Effective Model.* The effective model shall be reproduced to
 1205 ensure correct transference of the model data and to allow integration of the
 1206 revised data to provide a continuous FIS model upstream and downstream of
 1207 the revised reach. If data from the effective model is available, models shall
 1208 be generated that duplicate the FIS profiles and the elevations shown in the
 1209 Floodway Data Table in the FIS report to within 0.1 foot.
- 1210 **b)** *Corrected Effective Model.* The Corrected Effective Model shall not
 1211 include any man-made physical changes since the effective model date, but
 1212 shall import the model into the most current version of HEC-RAS for
 1213 Department review.
- 1214 **c)** *Existing (Pre-Project Conditions) Model.* The Existing Model shall be
 1215 required to support conclusions about the actual impacts of the project
 1216 associated with the Revised (Post-Project) Model or to establish more up-to-
 1217 date models on which to base the Revised (Post-Project) Model.
- 1218 **d)** *Revised (Post-Project Conditions) Model.* The Revised (Post-Project
 1219 Conditions) Model shall incorporate the Existing Model and any proposed
 1220 changes to the topography caused by the proposed development. This
 1221 model shall reflect proposed conditions.
- 1222 **e)** All changes to the Duplicate Effective Model and subsequent models must
 1223 be supported by certified topographic information, bridge plans, construction
 1224 plans and survey notes.
- 1225 **f)** Changes to the hydraulic models shall be limited to the stream reach for
 1226 which the revision is being requested. Cross sections upstream and
 1227 downstream of the revised reach shall be identical to those in the effective
 1228 model and result in water surface elevations and topwidths computed by the
 1229 revised models matching those in the effective models upstream and
 1230 downstream of the revised reach as required. The Effective Model shall not
 1231 be truncated.
- 1232 **iii.** *Mapping.* Maps and associated engineering data shall be submitted to the
 1233 Department for review which meet the following conditions:
- 1234 **g)** Consistency between the revised hydraulic models, the revised floodplain
 1235 and floodway delineations, the revised flood profiles, topographic work map,

1236 annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs),
1237 construction plans, bridge plans.

1238 **h)** Certified topographic map of suitable scale, contour interval, and a
1239 planimetric map showing the applicable items. If a digital version of the map is
1240 available, it may be submitted in order that the FIRM may be more easily
1241 revised.

1242 **i)** Annotated FIRM panel showing the revised 1% and 0.2% annual chance
1243 floodplains and floodway boundaries.

1244 **j)** If an annotated FIRM and/or FBFM and digital mapping data (GIS or
1245 CADD) are used then all supporting documentation or metadata must be
1246 included with the data submission along with the Universal Transverse
1247 Mercator (UTM) projection and State Plane Coordinate System in accordance
1248 with FEMA mapping specifications.

1249 **k)** The revised floodplain boundaries shall tie into the effective floodplain
1250 boundaries.

1251 **l)** All cross sections from the effective model shall be labeled in accordance
1252 with the effective map and a cross section lookup table shall be included to
1253 relate to the model input numbering scheme.

1254 **m)** Both the current and proposed floodways shall be shown on the map.

1255 **n)** The stream centerline, or profile baseline used to measure stream
1256 distances in the model shall be visible on the map.

1257 **4. EXPIRATION.** All permits issued under the authority of this ordinance
1258 shall expire no more than 180 days after issuance. The permit may be extended
1259 for a maximum of 180 days for good and sufficient cause.

1260 **5. CERTIFICATE OF COMPLIANCE.** No land shall be occupied or used, and
1261 no building which is hereafter constructed, altered, added to, modified, repaired,
1262 rebuilt or replaced shall be occupied until a certificate of compliance is issued by
1263 the zoning administrator, except where no permit is required, subject to the
1264 following provisions:

1265 **a.** The certificate of compliance shall show that the building or premises or
1266 part thereof, and the proposed use, conform to the provisions of this ordinance;

1267 **b.** Application for such certificate shall be concurrent with the application for
1268 a permit;

1269 **c.** If all ordinance provisions are met, the certificate of compliance shall be
1270 issued within 10 days after written notification that the permitted work is
1271 completed;

1272 **d.** The applicant shall submit a certification signed by a registered
1273 professional engineer, architect or land surveyor that the fill, lowest floor and
1274 floodproofing elevations are in compliance with the permit issued. Floodproofing
1275 measures also require certification by a registered professional engineer or
1276 architect that the requirements of s. 17.12(5) are met.

1277 **(c) OTHER PERMITS.** Prior to obtaining a floodplain development permit the
1278 applicant must secure all necessary permits from federal, state, and local
1279 agencies, including but not limited to those required by the U.S. Army Corps of
1280 Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments
1281 of 1972, 33 U.S.C. 1344.

1282 **(2) ZONING AND LAND REGULATIONS COMMITTEE**
1283 **(a)** The Dane County Zoning and Land Regulation Committee shall:
1284 1. oversee the functions of the office of the zoning administrator; and
1285 2. review and advise the county board on all proposed amendments to this
1286 ordinance, maps and text.
1287 **(b)** The Dane County Zoning and Land Regulation Committee shall not:
1288 1. grant variances to the terms of the ordinance in place of action by the
1289 Board of Adjustment/Appeals; or
1290 2. amend the text or zoning maps in place of official action by the county
1291 board.
1292 **(3) BOARD OF ADJUSTMENT.** The Board of Adjustment, created under s.
1293 59.694, Stats, is hereby authorized or shall be appointed to act for the purposes
1294 of this ordinance. The Board shall exercise the powers conferred by Wisconsin
1295 Statutes and adopt rules for the conduct of business. The zoning administrator
1296 shall not be the secretary of the Board.
1297 **(a) POWERS AND DUTIES.** The Board of Adjustment/Appeals shall:
1298 1. Appeals - Hear and decide appeals where it is alleged there is an error in
1299 any order, requirement, decision or determination made by an administrative
1300 official in the enforcement or administration of this ordinance;
1301 2. Boundary Disputes - Hear and decide disputes concerning the district
1302 boundaries shown on the official floodplain zoning map; and
1303 3. Variances - Hear and decide, upon appeal, variances from the ordinance
1304 standards.
1305 **(b) APPEALS TO THE BOARD.**
1306 1. Appeals to the board may be taken by any person aggrieved, or by any
1307 officer or department of the county affected by any decision of the zoning
1308 administrator or other administrative officer. Such appeal shall be taken within 30
1309 days unless otherwise provided by the rules of the board, by filing with the official
1310 whose decision is in question, and with the board, a notice of appeal specifying
1311 the reasons for the appeal. The official whose decision is in question shall
1312 transmit to the board all records regarding the matter appealed.
1313 2. **NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES**
1314 **a.** Notice - The board shall:
1315 i. Fix a reasonable time for the hearing;
1316 ii. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date,
1317 time, place and subject of the hearing; and
1318 iii. Assure that notice shall be mailed to the parties in interest and the Department
1319 Regional office at least 10 days in advance of the hearing.
1320 **a.** Hearing - Any party may appear in person or by agent. The board shall:
1321 i. Resolve boundary disputes according to s. 17.12(3)(c);
1322 ii. Decide variance applications according to s. 17.12(3)(d); and
1323 iii. Decide appeals of permit denials according to s. 17.12(4).
1324 3. **DECISION:** The final decision regarding the appeal or variance application
1325 shall:
1326 i. Be made within a reasonable time;
1327 ii. Be sent to the Department Regional office within 10 days of the decision;

- 1328 **iii.** Be a written determination signed by the chairman or secretary of the Board;
- 1329 **iv.** State the specific facts which are the basis for the Board's decision;
- 1330 **v.** Either affirm, reverse, vary or modify the order, requirement, decision or
- 1331 determination appealed, in whole or in part, dismiss the appeal for lack of
- 1332 jurisdiction or grant or deny the variance application; and
- 1333 **vi.** Include the reasons for granting an appeal, describing the hardship
- 1334 demonstrated by the applicant in the case of a variance, clearly stated in the
- 1335 recorded minutes of the Board proceedings.
- 1336 **(c) BOUNDARY DISPUTES.** The following procedure shall be used by the Board
- 1337 in hearing disputes concerning floodplain district boundaries:
- 1338 **1.** If a floodplain district boundary is established by approximate or detailed
- 1339 floodplain studies, the flood elevations or profiles shall prevail in locating the
- 1340 boundary. If none exist, other evidence may be examined;
- 1341 **2.** The person contesting the boundary location shall be given a reasonable
- 1342 opportunity to present arguments and technical evidence to the Board; and
- 1343 **3.** If the boundary is incorrectly mapped, the Board should inform the zoning
- 1344 committee or the person contesting the boundary location to petition the county
- 1345 board for a map amendment according to s. 17.13.
- 1346 **(d) VARIANCE.**
- 1347 **1.** The Board may, upon appeal, grant a variance from the standards of this
- 1348 ordinance if an applicant convincingly demonstrates that:
- 1349 **a.** Literal enforcement of the ordinance will cause unnecessary hardship;
- 1350 **b.** The hardship is due to adoption of the floodplain ordinance and unique
- 1351 property conditions, not common to adjacent lots or premises. In such case the
- 1352 ordinance or map must be amended;
- 1353 **c.** The variance is not contrary to the public interest; and
- 1354 **d.** The variance is consistent with the purpose of this ordinance in s. 17.03.
- 1355 **2.** In addition to the criteria in subd. 1., to qualify for a variance under FEMA
- 1356 regulations, the following criteria must be met:
- 1357 **a.** The variance shall not cause any increase in the regional flood elevation;
- 1358 **b.** Variances can only be granted for lots that are less than one-half acre and
- 1359 are contiguous to existing structures constructed below the RFE; and
- 1360 **c.** Variances shall only be granted upon a showing of good and sufficient
- 1361 cause, shall be the minimum relief necessary, shall not cause increased risks to
- 1362 public safety or nuisances, shall not increase costs for rescue and relief efforts
- 1363 and shall not be contrary to the purpose of the ordinance.
- 1364 **3.** A variance shall not:
- 1365 **a.** Grant, extend or increase any use prohibited in the zoning district;
- 1366 **b.** Be granted for a hardship based solely on an economic gain or loss;
- 1367 **c.** Be granted for a hardship which is self-created.
- 1368 **d.** Damage the rights or property values of other persons in the area;
- 1369 **e.** Allow actions without the amendments to this ordinance or map(s)
- 1370 required in s. 17.13 *Amendments*; and
- 1371 **f.** Allow any alteration of an historic structure, including its use, which would
- 1372 preclude its continued designation as an historic structure.
- 1373 **4.** When a floodplain variance is granted the Board shall notify the applicant

1374 in writing that it may increase risks to life and property and flood insurance
1375 premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be
1376 maintained with the variance record.

1377 **(4) TO REVIEW APPEALS OF PERMIT DENIALS.**

1378 **(a)** The Board shall review all data related to the appeal. This may include

- 1379 **1.** Permit application data listed in s. 17.12(1)(b);
1380 **2.** Floodway/floodfringe determination data in s. 17.05(4);
1381 **3.** Data listed in s. 17.08(3)(a)2. where the applicant has not submitted this
1382 information to the zoning administrator; and
1383 **4.** Other data submitted with the application, or submitted to the Board with
1384 the appeal.

1385 **(b)** For appeals of all denied permits the Board shall:

- 1386 **1.** Follow the procedures of s. 17.12(3);
1387 **2.** Consider Zoning and Land Regulations committee recommendations; and
1388 **3.** Either uphold the denial or grant the appeal.

1389 **(c)** For appeals concerning increases in regional flood elevation the Board
1390 shall:

- 1391 **1.** Uphold the denial where the Board agrees with the data showing an
1392 increase in flood elevation. Increases may only be allowed after amending the
1393 flood profile and map and all appropriate legal arrangements are made with all
1394 adversely affected property owners as per the requirements of s. 17.13

1395 *Amendments*; and

- 1396 **2.** Grant the appeal where the Board agrees that the data properly
1397 demonstrates that the project does not cause an increase provided no other
1398 reasons for denial exist.

1399 **(5) FLOODPROOFING STANDARDS FOR NONCONFORMING STRUCTURES**
1400 **OR USES.**

1401 **(a)** No permit or variance shall be issued for a non-residential structure
1402 designed to be watertight below the regional flood elevation until the applicant
1403 submits a plan certified by a registered professional engineer or architect that the
1404 floodproofing measures will protect the structure or development to the flood
1405 protection elevation and submits a FEMA Floodproofing Certificate.

1406 **(b)** For a structure designed to allow the entry of floodwaters, no permit or
1407 variance shall be issued until the applicant submits a plan either:

- 1408 **1.** certified by a registered professional engineer or architect; or
1409 **2.** meets or exceeds the following standards:
1410 **a.** a minimum of two openings having a total net area of not less than one
1411 square inch for every square foot of enclosed area subject to flooding;
1412 **b.** the bottom of all openings shall be no higher than one foot above grade;
1413 and

1414 **c.** openings may be equipped with screens, louvers, valves, or other
1415 coverings or devices provided that they permit the automatic entry and exit of
1416 floodwaters.

1417 **(c)** Floodproofing measures shall be designed, as appropriate, to:

- 1418 **1.** Withstand flood pressures, depths, velocities, uplift and impact forces and
1419 other regional flood factors;

- 1420 2. Protect structures to the flood protection elevation;
1421 3. Anchor structures to foundations to resist flotation and lateral movement;
1422 and
1423 4. Minimize or eliminate infiltration of flood waters.
1424 5. Minimize or eliminate discharges into flood waters.
1425 (6) *PUBLIC INFORMATION.*
1426 (a) Place marks on structures to show the depth of inundation during the
1427 regional flood.
1428 (b) All maps, engineering data and regulations shall be available and widely
1429 distributed.
1430 (c) Real estate transfers should show what floodplain district any real property
1431 is in.
1432
1433 **17.13 AMENDMENTS.** Obstructions or increases may only be permitted if
1434 amendments are made to this ordinance, the official floodplain zoning maps,
1435 floodway lines and water surface profiles, in accordance with s.17.13(3).
1436 (1) In AE Zones with a mapped floodway, no obstructions or increases shall be
1437 permitted unless the applicant receives a Conditional Letter of Map Revision from
1438 FEMA and amendments are made to this ordinance, the official floodplain zoning
1439 maps, floodway lines and water surface profiles, in accordance with s.17.13(3).
1440 Any such alterations must be reviewed and approved by FEMA and the DNR.
1441 (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted
1442 if the applicant receives a Conditional Letter of Map Revision from FEMA and
1443 amendments are made to this ordinance, the official floodplain maps, floodway
1444 lines, and water surface profiles, in accordance with s.17.13(3).
1445 (3) *GENERAL.* The county board shall change or supplement the floodplain
1446 zoning district boundaries and this ordinance in the manner outlined in s.
1447 17.13(4) below. Actions which require an amendment to the ordinance and/ or
1448 submittal of a Letter of Map Change (LOMC) include, but are not limited to, the
1449 following:
1450 (a) Any fill or floodway encroachment that obstructs flow causing any increase
1451 in the regional flood height;
1452 (b) Any change to the floodplain boundaries and/or watercourse alterations on
1453 the FIRM;
1454 (c) Any changes to any other officially adopted floodplain maps listed in 1.5
1455 (2)(b);
1456 (d) Any floodplain fill which raises the elevation of the filled area to a height at
1457 or above the flood protection elevation and is contiguous to land lying outside the
1458 floodplain;
1459 (e) Correction of discrepancies between the water surface profiles and
1460 floodplain maps;
1461 (f) Any upgrade to a floodplain zoning ordinance text required by s. NR
1462 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the
1463 county; and
1464 (g) All channel relocations and changes to the maps to alter floodway lines or
1465 to remove an area from the floodway or the floodfringe that is based on a base

1466 flood elevation from a FIRM requires prior approval by FEMA.
1467 **(4) PROCEDURES.** Ordinance amendments may be made upon petition of any
1468 party according to the provisions of s. 62.23, Stats., for cities and villages, or
1469 59.69, Stats., for counties. The petitions shall include all data required by ss. 5.4
1470 and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map
1471 Revision is issued by FEMA for the proposed changes.

1472 **(a)** The proposed amendment shall be referred to the Zoning and Land
1473 Regulations committee for a public hearing and recommendation to the county
1474 board. The amendment and notice of public hearing shall be submitted to the
1475 Department Regional office for review prior to the hearing. The amendment
1476 procedure shall comply with the provisions of s. 59.69, Stats.

1477 **(b)** No amendments shall become effective until reviewed and approved by
1478 the Department.

1479 **(c)** All persons petitioning for a map amendment that obstructs flow causing
1480 any increase in the regional flood height, shall obtain flooding easements or other
1481 appropriate legal arrangements from all adversely affected property owners and
1482 notify local units of government before the amendment can be approved by the
1483 county board.

1484
1485 **17.14 ENFORCEMENT AND PENALTIES**

1486 Any violation of the provisions of this ordinance by any person shall be unlawful
1487 and shall be referred to the municipal attorney who shall expeditiously prosecute
1488 all such violators. A violator shall, upon conviction, forfeit to the county a penalty
1489 of not less than \$25 and not more than \$200, together with a taxable cost of such
1490 action. Each day of continued violation shall constitute a separate offense. Every
1491 violation of this ordinance is a public nuisance and the creation may be enjoined
1492 and the maintenance may be abated by action at suit of the count, the state, or
1493 any citizen thereof pursuant to s. 87.30, Stats.

1494
1495
1496 *[EXPLANATION: This amendment rescinds the existing Floodplain Zoning*
1497 *Ordinance and adopts the Model Ordinance required by the Wisconsin*
1498 *Department of Natural Resources.]*

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