

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

PLANNING & DEVELOPMENT
COMMITTEE
INITIATED BY



ANDREW BAKER, SENIOR PLANNER
DRAFTED BY

JANUARY 24, 2017
DATE DRAFTED

PLANNING & DEVELOPMENT
COMMITTEE
SUBMITTED BY

REPEALING AND RECREATING ROCK COUNTY ORDINANCE 4.4 FLOODPLAIN ZONING

1 The Rock County Board of Supervisors at its regular meeting this 23rd day of February,
2 2017, does ordain as follows:

3
4 I. Ordinance 4.4, Floodplain Zoning is hereby repealed and recreated to read as follows:

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6 **Part 4 – Floodplain Zoning**

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8 **4.401 Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General**
9 **Provisions**

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11 (1) Statutory Authorization

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13 This ordinance is adopted pursuant to the authorization in 59.69, 59.692, and 59.694 for
14 counties; and the requirements in s. 87.30, Stats.

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16 (2) Finding of Fact

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18 Uncontrolled development and use of the floodplains and rivers of this municipality would
19 impair the public health, safety, convenience, general welfare and tax base.

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21 (3) Statement of Purpose

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23 This ordinance is intended to regulate floodplain development to:

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25 (A) Protect life, health and property;

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27 (B) Minimize expenditures of public funds for flood control projects;

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29 (C) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

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31 (D) Minimize business interruptions and other economic disruptions;

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33 (E) Minimize damage to public facilities in the floodplain;

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35 (F) Minimize the occurrence of future flood blight areas in the floodplain;

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37 (G) Discourage the victimization of unwary land and homebuyers;

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39 (H) Prevent increases in flood heights that could increase flood damage and result in conflicts
40 between property owners; and

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42 (I) Discourage development in a floodplain if there is any practicable alternative to locate the
43 activity, use or structure outside of the floodplain.
44

17-2A-210

45 (4) Title

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47 This ordinance shall be known as the Floodplain Zoning Ordinance for Rock County,
48 Wisconsin.

50 (5) General Provisions

52 (A) Areas To Be Regulated

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

62 (B) Official Maps & Revisions

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64 The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on
65 the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base
66 flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway FIS
67 or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR
68 and FEMA through the Letter of Map Change process (see sec. 4.408 *Amendments*) before
69 it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall
70 be effective until approved by the DNR. These maps and revisions are on file in the office
71 of the Planning, Economic and Community Development Agency, County of Rock. If
72 more than one map or revision is referenced, the most current approved information shall
73 apply.

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75 OFFICIAL MAPS: Flood Insurance Rate Map (FIRM), Map Number 55105C0005E, 55105C0010E,
76 55105C0012E, 55105C0014E, 55105C0015E, 55105C0016E, 55105C0017E, 55105C0018E,
77 55105C0019E, 55105C0030E, 55105C0031E, 55105C0033E, 55105C0034E, 55105C0040E,
78 55105C0042E, 55105C0044E, 55105C0045E, 55105C0052E, 55105C0053E, 55105C0054E,
79 55105C0057E, 55105C0058E, 55105C0059E, 55105C0061E, 55105C0062E, 55105C0063E,
80 55105C0066E, 55105C0070E, 55105C0076E, 55105C0077E, 55105C0078E, 55105C0079E,
81 55105C0081E, 55105C0083E, 55105C0084E, 55105C0090E, 55105C0091E, 55105C0092E,
82 55015C0095E, 55105C0105E, 55105C0110E, 55105C0115E, 55105,C0120E, 55105C0130E,
83 55105C0131E, 55105C0135E, 55105C0140E, 55105C0145E, 55105C0155E, 55105C0157E,
84 55105C0160E, 55105C0161E, 55105C0162E, 55105C0164E, 55105C0166E, 55105C0168E,
85 55105C0169E, 55105C0176E, 55105C0177E, 55105C0178E, 55105C0179E, 55105C0181E,
86 55105C0183E, 55105C0184E, 55105C0186E, 55105C0187E, 55105C0188E, 55105C0189E,
87 55105C0191E, 55105C0192E, 55105C0193E, 55105C0201E, 55105C0202E, 55105C0203E,
88 55105C0204E, 55105C0208E, 55105C0209E, 55105C0211E, 55105C0212E, 55105C0216E,
89 55105C0240E, 55105C0243E, 55105C0244E, 55105C0255E, 55105C0260E, 55105C0261E,
90 55105C0262E, 55105C0263E, 55105C0264E, 55105C0266E, 55105C0267E, 55105C0268E,
91 55105C0269E, 55105C0280E, 55105C0282E, 55105C0285E, 55105C0286E, 55105C0287E,
92 55105C0288E, 55105C0289E, 55105C0291E, 55105C0292E, 55105C0293E, 55105C0294E,
93 55105C0301E, 55105C0302E, 55105C0305E, 55105C0306E, 55105C0307E, 55105C0308E,
94 55105C0309E, 55105C0312E, 55105C0313E, 55105C0314E, 55105C0316E, 55105C0318E,
95 55105C0319E, 55105C0328E, 55105C0329E, 55105C0331E, 55105C0332E, 55105C0333E,
96 55105C0334E, 55105C0336E, 55105C0337E, 55105C0338E, 55105C0339E, 55105C0341E,
97 55105C0342E, 55105C0343E, 55105C0344E, 55105C0351E, 55105C0352E, 55105C0353E,
98 55105C0354E, 55105C0356E, 55105C0357E, 55105C0358E, 55105C0359E, 55105C0361E,
99 55105C0365E, 55105C0369E, 55105C0370E, 55105C0377E, 55105C0381E, 5510C0382E,
100 55105C0406E, 55105C0407E, 55105C0426E, 55105C0431E, 55105C0432E, 55105C0452E,
101 55105C0460E, 55105C0485E, 55105CIND0B, 55105CV001B, 55105CV002B, 55105C_20150916,
102 dated September 16, 2015 with corresponding profiles that are based on the Flood Insurance Study
103 (FIS) Number 55105CV001B and 55105CV002B

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105 Approved by: the DNR and FEMA

107 (C) Establishment of Districts

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The regional floodplain areas are divided into four districts as follows:

1. The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within the AE Zones as shown on the FIRM.
2. The Floodfringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway and displayed as the AE Zones on the FIRM.
3. The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood and does not have a BFE or floodway determined, including A, AH and AO zones on the FIRM.
4. The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

(D) Locating Floodplain Boundaries

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs 1. or 2. below. If a significant difference exists, the map shall be amended according to sec. 4.408 Amendments. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to sec. 4.407(3)(C) and the criteria in 1. and 2. below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to sec 4.408.

1. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
2. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale.

(E) Removal of Lands From Floodplain

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to sec. 4.408.

Note: This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC).

(F) Compliance

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

(G) Municipalities and State Agencies Regulated

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

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(H) Abrogation and Greater Restrictions

1. This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
2. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(I) Interpretation

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

(J) Warning and Disclaimer of Liability

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

(K) Severability

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

(L) Annexed Areas for Cities and Villages

The Rock County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

4.402 General Standards

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

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in sec. 4.407(1)(B). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to

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234 minimize or eliminate flood damages.

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236 (1) Hydraulic and Hydrologic Analyses

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238 (A) No floodplain development shall:

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- 240 1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by
- 241 itself or with other development, causing any increase in the regional flood height; or
- 242
- 243 2. Cause any increase regional flood height due to floodplain storage area lost.
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245 (B) The zoning administrator shall deny permits if it is determined the proposed development

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will obstruct flow or cause any increase regional flood height, based on the officially

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adopted FIRM or other adopted map, unless the provisions of sec. 4.408 are met.

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249 Note: Additional information for the Hydraulic and Hydrologic Analysis procedure may be

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found in sec. 4.407(1)(B)3.

252 (2) Watercourse Alterations

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254 No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until

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the local official has notified in writing all adjacent municipalities, the Department and FEMA

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regional offices and required the applicant to secure all necessary state and federal permits.

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Standards of sec. 4.402(1) must be met and the flood carrying capacity of any altered or relocated

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watercourse shall be maintained.

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260 As soon as is practicable, but not later than six months after the date of the watercourse alteration

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or relocation and pursuant to sec 4.408, the community shall apply for a Letter of Map Revision

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(LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the

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DNR through the LOMC process.

265 (3) Chapter 30, 31, Wis. Stats., Development

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267 Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats.,

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such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if

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the necessary permits are obtained and amendments to the floodplain zoning ordinance are made

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according to sec. 4.408.

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272 (4) Public or Private Campgrounds

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274 Public or private campgrounds shall have a low flood damage potential and shall meet the

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following provisions:

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277 (A) The campground is approved by the Department of Health and Family Services.

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278 (B) A land use permit for the campground is issued by the zoning administrator.

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279 (C) The character of the river system and campground elevation are such that a 72-hour

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warning of an impending flood can be given to all campground occupants.

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281 (D) There is an adequate flood warning procedure for the campground that offers the

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minimum notice required under this section to all persons in the campground. This

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procedure shall include a written agreement between the campground owner, the

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municipal emergency government coordinator and the chief law enforcement official

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which specifies the flood elevation at which evacuation shall occur, personnel responsible

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for monitoring flood elevations, types of warning systems to be used and the procedures

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for notifying at-risk parties, and the methods and personnel responsible for conducting the

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evacuation.

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289 (E) This agreement shall be for no more than one calendar year, at which time the agreement

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shall be reviewed and updated - by the officials identified in sub. (D) - to remain in

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compliance with all applicable regulations, including those of the State Department of

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Health and Services and all other applicable regulations.

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293 (F) Only camping units that are fully licensed, if required, and ready for highway use are

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allowed.

- 295 (G) The camping units shall not occupy any site in the campground for more than 180
 296 consecutive days, at which time the camping unit must be removed from the floodplain
 297 for a minimum of 24 hours.
- 298 (H) All camping units that remain on site for more than 30 days shall be issued a limited
 299 authorization by the campground operator, a written copy of which is kept on file at the
 300 campground. Such authorization shall allow placement of a camping unit for a period not
 301 to exceed 180 days and shall ensure compliance with all the provisions of this section.
- 302 (I) The municipality shall monitor the limited authorizations issued by the campground
 303 operator to assure compliance with the terms of this section.
- 304 (J) All camping units that remain in place for more than 180 consecutive days must meet the
 305 applicable requirements in either sec. 4.403, 4.404 or 4.405 for the floodplain district in
 306 which the structure is located.
- 307 (K) The campground shall have signs clearly posted at all entrances warning of the flood
 308 hazard and the procedures for evacuation when a flood warning is issued.
- 309 (L) All service facilities, including but not limited to refuse collection, electrical service, gas
 310 lines, propane tanks, sewage systems and wells shall be properly anchored and placed at
 311 or floodproofed to the flood protection elevation.
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313 4.403 Floodway District (FW)

314 (1) Applicability

315 This section applies to all floodway areas on the floodplain zoning maps and those identified
 316 pursuant to sec. 4.405(1)(D)

317 (2) Permitted Uses

318 The following open space uses are allowed in the floodway district and the floodway areas of the
 319 general floodplain district, if

- 320 - they are not prohibited by any other ordinance;
 - 321 - they meet the standards in sec. 4.403(3) and 4.403(4); and
 - 322 - all permits or certificates have been issued according to sec. 4.407(1):
- 323
- 324 (A) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and
 325 wild crop harvesting.
- 326 (B) Nonstructural industrial and commercial uses, such as loading areas, parking areas and
 327 airport landing strips.
- 328 (C) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic
 329 grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms,
 330 fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and
 331 horseback riding trails, subject to the fill limitations of sec. 4.403(3)(D).
- 332 (D) Uses or structures accessory to open space uses, or classified as historic structures that
 333 comply with sec. 4.403(3) and 4.403(4).
- 334 (E) Extraction of sand, gravel or other materials that comply with sec. 4.403(3)(D).
- 335 (F) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas,
 336 culverts, navigational aids and river crossings of transmission lines, and pipelines that
 337 comply with chs. 30, 31, Stats.
- 338 (G) Public utilities, streets and bridges that comply with sec. 4.403(3)(C).

339 (3) Standards for Developments in the Floodway

340 (A) General

- 341 1. Any development in the floodway shall comply with sec. 4.402 and have low flood
 342 damage potential.
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- 358 2. Applicants shall provide the following data to determine the effects of the proposal
 359 according to sec. 4.402(1) and 4.407(1)(B)3:
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 361 a. A cross-section elevation view of the proposal, perpendicular to the
 362 watercourse, showing if the proposed development will obstruct flow; or
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 364 b. An analysis calculating the effects of this proposal on regional flood height.
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 366 3. The zoning administrator shall deny the permit application if the project will cause
 367 any increase flood elevations upstream or downstream, based on the data submitted
 368 for subd 2. above.
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370 (B) Structures

371 Structures accessory to permanent open space uses or functionally dependent on a
 372 waterfront location may be allowed by permit if the structures comply with the following
 373 criteria:
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- 375
 376 1. Not designed for human habitation, does not have a high flood damage potential and
 377 is constructed to minimize flood damage;
 378
 379 2. Shall have a minimum of two openings on different walls having a total net area not
 380 less than one square inch for every square foot of enclosed area, and the bottom of
 381 all such openings being no higher than one foot above grade. The openings shall be
 382 equipped with screens, louvers, or other coverings or devices provided that they
 383 permit the automatic entry and exit of floodwaters.
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 385 3. Must be anchored to resist flotation, collapse, and lateral movement;
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 387 4. Mechanical and utility equipment must be elevated or flood proofed to or above the
 388 flood protection elevation; and
 389
 390 5. It must not obstruct flow of flood waters or cause any increase in flood levels during
 391 the occurrence of the regional flood.
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393 (C) Public Utilities, Streets and Bridges

394 Public utilities, streets and bridges may be allowed by permit, if:
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- 396
 397 1. Adequate floodproofing measures are provided to the flood protection elevation; and
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 399 2. Construction meets the development standards of sec. 4.402(1).
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401 (D) Fills or Deposition of Materials

402 Fills or deposition of materials may be allowed by permit, if:
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- 404
 405 1. The requirements of sec. 4.402(1) are met;
 406
 407 2. No material is deposited in the navigable waters unless a permit is issued by the
 408 Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal
 409 Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if
 410 applicable, and all other requirements have been met;
 411
 412 3. The fill or other materials will be protected against erosion by riprap, vegetative cover,
 413 sheet piling or bulkheading; and
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 415 4. The fill is not classified as a solid or hazardous material.
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417 (4) Prohibited Uses

418 All uses not listed as permitted uses in sec. 4.403(2) are prohibited, including the following uses:
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- 421 (A) Habitable structures, structures with high flood damage potential, or those not associated
 422 with permanent open-space uses;
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- 424 (B) Storing materials that are buoyant, flammable, explosive, injurious to property, water
 425 quality, or human, animal, plant, fish or other aquatic life;
 426
- 427 (C) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
 428
- 429 (D) Any private or public sewage systems, except portable latrines that are removed prior to
 430 flooding and systems associated with recreational areas and Department-approved
 431 campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383,
 432 Wis. Adm. Code.
 433
- 434 (E) Any public or private wells which are used to obtain potable water, except those for
 435 recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR
 436 812, Wis. Adm. Code;
 437
- 438 (F) Any solid or hazardous waste disposal sites;
 439
- 440 (G) Any wastewater treatment ponds or facilities, except those permitted under s. NR
 441 110.15(3)(b), Wis. Adm. Code; and
 442
- 443 (H) Any sanitary sewer or water supply lines, except those to service existing or proposed
 444 development located outside the floodway which complies with the regulations for the
 445 floodplain area occupied.
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447 **4.404 Floodfringe District (FF)**

448 449 (1) Applicability

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 451 This section applies to all floodfringe areas shown on the floodplain zoning maps and those
 452 identified pursuant to sec. 4.405(1)(D)
 453

454 (2) Permitted Uses

455
 456 Any structure, land use, or development is allowed in the Floodfringe District if the standards in
 457 sec. 4.404(3) are met, the use is not prohibited by this or any other ordinance or regulation and
 458 all permits or certificates specified in sec. 4.407 (1) have been issued.
 459

460 (3) Standards for Development in Floodfringe

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 462 Sec. 4.402(1) shall apply in addition to the following requirements according to the use
 463 requested. Any existing structure in the floodfringe must meet the requirements of sec. 4.406
 464 *Nonconforming Uses*.
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466 (A) Residential Uses

467
 468 Any structure, including a manufactured home, which is to be newly erected, constructed,
 469 or moved into the floodfringe, shall meet or exceed the following standards. Any existing
 470 structure in the floodfringe must meet the requirements of sec. 4.406 *Nonconforming Uses*;
 471

- 472 1. The elevation of the lowest floor shall be at or above the flood protection elevation
 473 on fill unless the requirements of par. 2. can be met. The fill shall be one foot or
 474 more above the regional flood elevation extending at least 15 feet beyond the limits
 475 of the structure.
 476
- 477 2. The basement or crawlway floor may be placed at the regional flood elevation if it is
 478 dry floodproofed to the flood protection elevation. No basement or crawlway floor
 479 is allowed below the regional flood elevation;
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- 481 3. Contiguous dry land access shall be provided from a structure to land outside of the
 482 floodplain, except as provided in subd 4.
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- 484 4. In developments where existing street or sewer line elevations make compliance
 485 with subd 3. impractical, the municipality may permit new development and
 486 substantial improvements where roads are below the regional flood elevation, if:
 487
 488 a. The municipality has written assurance from police, fire and emergency services
 489 that rescue and relief will be provided to the structure(s) by wheeled vehicles
 490 during a regional flood event; or
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 492 b. The municipality has a DNR-approved emergency evacuation plan.
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494 (B) Accessory Structures of Uses

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 496 Accessory structures shall be constructed on fill with the lowest floor at or above the
 497 regional flood elevation.
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499 (C) Commercial Uses

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 501 Any commercial structure which is erected, altered or moved into the floodfringe area
 502 shall meet the requirements of sec. 4.404(3)(A). Subject to the requirements of subd (E),
 503 storage yards, surface parking lots and other such uses may be placed at lower elevations if
 504 an adequate warning system exists to protect life and property.
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506 (D) Manufacturing and Industrial Uses

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 508 Any manufacturing or industrial structure which is erected, altered or moved into the
 509 floodfringe area shall have the lowest floor elevated to or above the flood protection
 510 elevation or meet the flood proofing measures in sec. 4.407(5). Subject to the
 511 requirements of sub. (E) storage yards, surface parking lots and other such uses may be
 512 placed at lower elevations if an adequate warning system exists to protect life and
 513 property.
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515 (E) Storage of Materials

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 517 Materials that are buoyant, flammable, explosive, or injurious to property, water quality or
 518 human, animal, plant, fish or aquatic life shall be stored at or above the flood protection
 519 elevation or floodproofed in compliance with sec. 4.407(5) Adequate measures shall be
 520 taken to ensure that such materials will not enter the water body during flooding.
 521

522 (F) Public Utilities, Streets and Bridges

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 524 All utilities, streets and bridges shall be designed to be compatible with comprehensive
 525 floodplain development plans; and
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- 527 1. When failure of public utilities, streets and bridges would endanger public health or
 528 safety, or where such facilities are deemed essential, construction or repair of such
 529 facilities shall only be permitted if they are designed to comply with sec. 4.407(5);
 530
- 531 2. Minor roads or nonessential utilities may be constructed at lower elevations if they
 532 are designed to withstand flood forces to the regional flood elevation.
 533

534 (G) Sewage Systems

535
 536 All sewage disposal systems shall be designed to minimize or eliminate infiltration of
 537 flood water into the system, pursuant to sec. 4.407(5) to the flood protection elevation and
 538 meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.
 539

540 (H) Wells

541
 542 All wells shall be designed to minimize or eliminate infiltration of floodwaters into the
 543 system, pursuant to sec. 4.407(5), to the flood protection elevation and shall meet the
 544 provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
 545

546 (I) Solid Waste Disposal Sites

547
548 Disposal of solid or hazardous waste is prohibited in floodfringe areas.

549
550 (J) Deposition of Materials

551
552 Any deposited material must meet all the provisions of this ordinance.

553
554 (K) Manufactured Homes

555
556 Owners or operators of all manufactured home parks and subdivisions shall provide
557 adequate surface drainage to minimize flood damage, and prepare, secure approval and
558 file an evacuation plan, indicating vehicular access and escape routes, with local
559 emergency management authorities.

- 560
561 1. In existing manufactured home parks, all new homes, replacement homes on
562 existing pads, and substantially improved homes shall:
563 a. have the lowest floor elevated to the flood protection elevation; and
564 b. be anchored so they do not float, collapse or move laterally during a flood.
565
566 2. Outside of existing manufactured home parks, including new manufactured home
567 parks and all single units outside of existing parks, all new, replacement and
568 substantially improved manufactured homes shall meet the residential development
569 standards for the floodfringe in sec. 4.404(3)(A)

570
571 (L) Mobile Recreational Vehicles

572
573 All mobile recreational vehicles that are on site for 180 consecutive days or more or are
574 not fully licensed and ready for highway use shall meet the elevation and anchoring
575 requirements in sec. 4.404(3)(K) 1. and 2. A mobile recreational vehicle is ready for
576 highway use if it is on its wheels or jacking system, is attached to the site only by quick-
577 disconnect utilities and security devices and has no permanently attached additions.

578
579 **4.405 Other Floodplain Districts**

580
581 Other floodplain districts may be established under the ordinance and reflected on the floodplain
582 zoning map. These districts may include general floodplain districts and flood storage districts.

583
584 (1) General Floodplain District (GFP)

585
586 (A) Applicability

587
588 The provisions for this district shall apply to all floodplains mapped as A, AO or AH
589 zones.

590
591 (B) Permitted Uses

592
593 Pursuant to sec. 4.405(1)(D) it shall be determined whether the proposed use is located
594 within the floodway or floodfringe.

595
596 Those uses permitted in floodway (sec.4.403(2)) and floodfringe areas (sec. 4.404(2)) are
597 allowed within the general floodplain district, according to the standards of
598 sec. 4.405(1)(C) provided that all permits or certificates required under sec. 4.407(1) have
599 been issued.

600
601 (C) Standards For Development in the General Floodplain District

602
603 Sec. 4.403 applies to floodway areas, sec. 4.404 applies to floodfringe areas. The rest of
604 this ordinance applies to either district.

605
606 1. In AO/AH Zones the structure's lowest floor must meet one of the conditions listed
607 below whichever is higher:

608
609 a. at or above the flood protection elevation; or

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- b. two (2) feet above the highest adjacent grade around the structure; or
- c. the depth as shown on the FIRM.

2. In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures

(D) Determining Floodway and Floodfringe Limits

Until such time that the following determination is made regarding the floodway and floodfringe limits, all areas mapped as Zone A shall be regulated as floodway.

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

1. Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
2. Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
 - a. A Hydrologic and Hydraulic Study as specified in sec. 4.407(1)(B)3.
 - b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
 - c. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

(2) Flood Storage District

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

(A) Applicability

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

(B) Permitted Uses

Any use or development which occurs in a flood storage district must meet the applicable requirements in sec. 4.404(3).

(C) Standards for Development in Flood Storage Districts

1. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
2. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage which is lost, (compensatory

672 storage). Excavation below the groundwater table is not considered to provide an
 673 equal volume of storage.

674

675 3. If compensatory storage cannot be provided, the area may not be developed unless
 676 the entire area zoned as flood storage district – on this waterway – is rezoned to the
 677 floodfringe district. This must include a revision to the floodplain study and map
 678 done for the waterway to revert to the higher regional flood discharge calculated
 679 without flood plain storage, as per sec. 4.408(1) of this ordinance.

680

681 4. No area may be removed from the flood storage district unless it can be shown that
 682 the area has been filled to the flood protection elevation and is contiguous to other
 683 lands lying outside of the floodplain.

684

685 **4.406 Nonconforming Uses**

686

687 (1) General

688

689 (A) Applicability

690

691 If these standards conform with Wis Stat. §§ 59.69(10), 87.30 and NR116.15 State
 692 Administrative Code, they shall apply to all modifications or additions to any
 693 nonconforming use or structure and to the use of any structure or premises which was
 694 lawful before the passage of this ordinance or any amendment thereto.

695

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

698

699 1. No modifications or additions to a nonconforming use or structure shall be permitted
 700 unless they comply with this ordinance. The words "modification" and "addition"
 701 include, but are not limited to, any alteration, addition, modification, structural
 702 repair, rebuilding or replacement of any such existing use, structure or accessory
 703 structure or use. Maintenance is not considered a modification; this includes
 704 painting, decorating, paneling and other nonstructural components and the
 705 maintenance, repair or replacement of existing private sewage or water supply
 706 systems or connections to public utilities. Any costs associated with the repair of a
 707 damaged structure are not considered maintenance.

708

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

713

714 2. If a nonconforming use or the use of a nonconforming structure is discontinued for
 715 12 consecutive months, it is no longer permitted and any future use of the property,
 716 and any structure or building thereon, shall conform to the applicable requirements
 717 of this ordinance;

718

719 3. The municipality shall keep a record which lists all nonconforming uses and
 720 nonconforming structures, their present equalized assessed value, the cost of all
 721 modifications or additions which have been permitted, and the percentage of the
 722 structure's total current value those modifications represent;

723

724 4. No modification or addition to any nonconforming structure or any structure with a
 725 nonconforming use, which over the life of the structure would equal or exceed 50%
 726 of its present equalized assessed value, shall be allowed unless the entire structure is
 727 permanently changed to a conforming structure with a conforming use in
 728 compliance with the applicable requirements of this ordinance. Contiguous dry land
 729 access must be provided for residential and commercial uses in compliance with sec.
 730 4.404(3)(A). The costs of elevating the lowest floor of a nonconforming building or
 731 a building with a nonconforming use to the flood protection elevation are excluded
 732 from the 50% provisions of this paragraph;

733

- 734 5. No maintenance to any nonconforming structure or any structure with a
735 nonconforming use, the cost of which would equal or exceed 50% of its present
736 equalized assessed value, shall be allowed unless the entire structure is permanently
737 changed to a conforming structure with a conforming use in compliance with the
738 applicable requirements of this ordinance. Contiguous dry land access must be
739 provided for residential and commercial uses in compliance with sec. 4.404(3)(A).
740
- 741 6. If on a per event basis the total value of the work being done under 4. and 5. equals
742 or exceeds 50% of the present equalized assessed value the work shall not be
743 permitted unless the entire structure is permanently changed to a conforming
744 structure with a conforming use in compliance with the applicable requirements of
745 this ordinance. Contiguous dry land access must be provided for residential and
746 commercial uses in compliance with sec. 4.404(3)(A).
747
- 748 7. Except as provided in 8. below, if any nonconforming structure or any structure with
749 a nonconforming use is destroyed or is substantially damaged, it cannot be replaced,
750 reconstructed or rebuilt unless the use and the structure meet the current ordinance
751 requirements. A structure is considered substantially damaged if the total cost to
752 restore the structure to its pre-damaged condition equals or exceeds 50% of the
753 structure's present equalized assessed value
754
- 755 8. For nonconforming buildings that are substantially damaged or destroyed by a
756 nonflood disaster, the repair or reconstruction of any such nonconforming building
757 shall be permitted in order to restore it to the size and use in effect prior to the
758 damage event, provided that the minimum federal code requirements below are met
759 and all required permits have been granted prior to the start of construction.
760
- 761 a. Residential Structures
762
- 763 1. Shall have the lowest floor, including basement, elevated to or above the base
764 flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter
765 walls must meet the requirements of sec. 4.407(5)(B).
766
- 767 2. Shall be anchored to prevent flotation, collapse, or lateral movement of the
768 structure resulting from hydrodynamic and hydrostatic loads, including the
769 effects of buoyancy and shall be constructed with methods and materials
770 resistant to flood damage.
771
- 772 3. Shall be constructed with electrical, heating, ventilation, plumbing and air
773 conditioning equipment and other service facilities that are designed and/or
774 elevated so as to prevent water from entering or accumulating within the
775 components during conditions of flooding.
776
- 777 4. In A Zones, obtain, review and utilize any flood data available from a federal,
778 state or other source.
779
- 780 5. In AO Zones with no elevations specified, shall have the lowest floor,
781 including basement, meet the standards in sec. 4.405(1)(C).
782
- 783 6. In AO Zones, shall have adequate drainage paths around structures on slopes
784 to guide floodwaters around and away from the structure.
785
- 786 b. Nonresidential Structures
787
- 788 1. Shall meet the requirements of sec. 4.406(1)(B)8.a.1-6.
789
- 790 2. Shall either have the lowest floor, including basement, elevated to or above
791 the regional flood elevation; or, together with attendant utility and sanitary
792 facilities, shall meet the standards in sec. 4.407(5)(A) or (B).
793
- 794 3. In AO Zones with no elevations specified, shall have the lowest floor,
795 including basement, meet the standards in sec. 4.405(1)(C).
796

797 (C) A nonconforming historic structure may be altered if the alteration will not preclude the
 798 structure's continued designation as a historic structure, the alteration will comply with
 799 sec. 4.403(3)(A), flood resistant materials are used, and construction practices and
 800 floodproofing methods that comply with sec. 4.407(5) are used. Repair or rehabilitation of
 801 historic structures shall be exempt from the development standards of sec. 4.406(1)(B)8.a.
 802 if it is determined that the proposed repair or rehabilitation will not preclude the structure's
 803 continued designation as a historic structure and is the minimum necessary to preserve the
 804 historic character and design of the structure.

805
 806 (2) Floodway District

807
 808 (A) No modification or addition shall be allowed to any nonconforming structure or any
 809 structure with a nonconforming use in a Floodway District, unless such modification or
 810 addition:
 811
 812 1. Has been granted a permit or variance which meets all ordinance requirements;
 813
 814 2. Meets the requirements of sec. 4.406(1);
 815
 816 3. Shall not increase the obstruction to flood flows or regional flood height; and
 817
 818 4. Any addition to the existing structure shall be floodproofed, pursuant to
 819 sec. 4.407(5), by means other than the use of fill, to the flood protection elevation;
 820 and
 821
 822 5. If any part of the foundation below the flood protection elevation is enclosed, the
 823 following standards shall apply:
 824
 825 a. The enclosed area shall be designed by a registered architect or engineer to allow
 826 for the efficient entry and exit of flood waters without human intervention. A
 827 minimum of two openings must be provided with a minimum net area of at least one
 828 square inch for every one square foot of the enclosed area. The lowest part of the
 829 opening can be no more than 12 inches above the adjacent grade;
 830
 831 b. The parts of the foundation located below the flood protection elevation must be
 832 constructed of flood-resistant materials;
 833
 834 c. Mechanical and utility equipment must be elevated or floodproofed to or above
 835 the flood protection elevation; and
 836
 837 d. The use must be limited to parking, building access or limited storage.

838
 839 (B) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal
 840 system, except where an addition has been ordered by a government agency to correct a
 841 hazard to public health, shall be allowed in a floodway area. Any replacement, repair or
 842 maintenance of an existing on-site sewage disposal system in a floodway area shall meet
 843 the applicable requirements of all municipal ordinances, sec. 4.407(5) and ch. SPS 383,
 844 Wis. Adm. Code.

845
 846 (C) No new well or modification to an existing well used to obtain potable water shall be
 847 allowed in a floodway area. Any replacement, repair or maintenance of an existing well in
 848 a floodway area shall meet the applicable requirements of all municipal ordinances, sec
 849 4.407(5) and chs. NR 811 and NR 812, Wis. Adm. Code.

850
 851 (3) Floodfringe District

852
 853 (A) No modification or addition shall be allowed to any nonconforming structure or any
 854 structure with a nonconforming use unless such modification or addition has been granted
 855 a permit or variance by the municipality, and meets the requirements of sec. 4.404(3),
 856 except where sec. 4.406(3)(B) is applicable.

857
 858 (B) Where compliance with the provisions of subd (A) would result in unnecessary hardship
 859 and only where the structure will not be used for human habitation or be associated with a

high flood damage potential, the Board of Adjustment, using the procedures established in sec. 4.407(3), may grant a variance from those provisions of subd (A) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

1. No floor is allowed below the regional flood elevation for residential or commercial structures;
2. Human lives are not endangered;
3. Public facilities, such as water or sewer, shall not be installed;
4. Flood depths shall not exceed two feet;
5. Flood velocities shall not exceed two feet per second; and
6. The structure shall not be used for storage of materials as described in sec. 4.404(3)(E).

(C) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, sec. 4.407(5) and ch. SPS 383, Wis. Adm. Code.

(D) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, sec. 4.407(5) and ch. NR 811 and NR 812, Wis. Adm. Code.

(4) Flood Storage District

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in sec. 4.405(2)(C) are met.

4.407 Administration

The zoning administrator, planning agency and board of adjustment appointed to administer the Rock County zoning ordinance adopted under Wis. Stats. §§ 59.69, 59.692 shall also administer this ordinance.

(1) Zoning Administrator

(A) DUTIES AND POWERS: The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

1. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
2. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
3. Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
4. Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations;
 - c. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.

- 923 d. All substantial damage assessment reports for floodplain structures.
 924
 925 e. Floodproofing certificates.
 926
 927 f. List of nonconforming structures and uses.
 928
 929 5. Submit copies of the following items to the Department Regional office:
 930
 931 a. Within 10 days of the decision, a copy of any decisions on variances, appeals
 932 for map or text interpretations, and map or text amendments;
 933
 934 b. Copies of any case-by-case analyses, and any other information required by
 935 the Department including an annual summary of the number and types of
 936 floodplain zoning actions taken.
 937
 938 c. Copies of substantial damage assessments performed and all related
 939 correspondence concerning the assessments.
 940
 941 6. Investigate, prepare reports, and report violations of this ordinance to the municipal
 942 zoning agency and attorney for prosecution. Copies of the reports shall also be sent
 943 to the Department Regional office.
 944
 945 7. Submit copies of amendments to the FEMA Regional office.
 946

947 (B) Land Use Permit
 948

949 A land use permit shall be obtained before any new development: repair, modification or
 950 addition to an existing structure; or change in the use of a building or structure, including
 951 sewer and water facilities, may be initiated. Application to the zoning administrator shall
 952 include:
 953

954 1. General Information
 955

- 956 a. Name and address of the applicant, property owner and contractor;
 957
 958 b. Legal description, proposed use, and whether it is new construction or a
 959 modification;
 960

961 2. Site Development Plan
 962

963 A site plan drawn to scale shall be submitted with the permit application form and
 964 shall contain:
 965

- 966 a. Location, dimensions, area and elevation of the lot;
 967
 968 b. Location of the ordinary highwater mark of any abutting navigable waterways;
 969
 970 c. Location of any structures with distances measured from the lot lines and
 971 street center lines;
 972
 973 d. Location of any existing or proposed on-site sewage systems or private water
 974 supply systems;
 975
 976 e. Location and elevation of existing or future access roads;
 977
 978 f. Location of floodplain and floodway limits as determined from the official
 979 floodplain zoning maps;
 980
 981 g. The elevation of the lowest floor of proposed buildings and any fill using the
 982 vertical datum from the adopted study – either National Geodetic and Vertical
 983 Datum (NGVD) or North American Vertical Datum (NAVD);
 984

- 985 h. Data sufficient to determine the regional flood elevation in NGVD or NAVD
 986 at the location of the development and to determine whether or not the
 987 requirements of secs. 4.403 or 4.404 are met; and
 988
 989 i. Data to determine if the proposed development will cause an obstruction to
 990 flow or an increase in regional flood height or discharge according to
 991 sec. 4.402(1). This may include any of the information noted in
 992 sec. 4.403(3)(A).
 993

994 3. Hydraulic and Hydrologic Studies to Analyze Development
 995

996 All hydraulic and hydrologic studies shall be completed under the direct supervision
 997 of a professional engineer registered in the State. The study contractor shall be
 998 responsible for the technical adequacy of the study. All studies shall be reviewed
 999 and approved by the Department.

1000 a. Zone A floodplains:
 1001

1002 1. Hydrology - The appropriate method shall be based on the standards in
 1003 ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of*
 1004 *Regional Flood Discharge*.
 1005

1006 2. Hydraulic modeling - The regional flood elevation shall be based on the
 1007 standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
 1008 *Determination of Regional Flood Elevation* and the following:
 1009

1010 (a) determination of the required limits of the hydraulic model shall be
 1011 based on detailed study information for downstream structures (dam,
 1012 bridge, culvert) to determine adequate starting WSEL for the study.
 1013

1014 (b) channel sections must be surveyed.
 1015

1016 (c) minimum four foot contour data in the overbanks shall be used for
 1017 the development of cross section overbank and floodplain mapping.
 1018

1019 (d) a maximum distance of 500 feet between cross sections is allowed
 1020 in developed areas with additional intermediate cross sections required
 1021 at transitions in channel bottom slope including a survey of the channel
 1022 at each location.
 1023

1024 (e) the most current version of HEC_RAS shall be used.
 1025

1026 (f) a survey of bridge and culvert openings and the top of road is
 1027 required at each structure.
 1028

1029 (g) additional cross sections are required at the downstream and
 1030 upstream limits of the proposed development and any necessary
 1031 intermediate locations based on the length of the reach if greater than
 1032 500 feet.
 1033

1034 (h) standard accepted engineering practices shall be used when
 1035 assigning parameters for the base model such as flow, Manning's N
 1036 values, expansion and contraction coefficients or effective flow limits.
 1037 The base model shall be calibrated to past flooding data such as high
 1038 water marks to determine the reasonableness of the model results. If no
 1039 historical data is available, adequate justification shall be provided for
 1040 any parameters outside standard accepted engineering practices.
 1041

1042 (i) the model must extend past the upstream limit of the difference in
 1043 the existing and proposed flood profiles in order to provide a tie-in to
 1044 existing studies. The height difference between the proposed flood
 1045 profile and the existing study profiles shall be no more than 0.00 feet.
 1046
 1047

1048 3. Mapping - A work map of the reach studied shall be provided, showing
 1049 all cross section locations, floodway/floodplain limits based on best available
 1050 topographic data, geographic limits of the proposed development and whether
 1051 the proposed development is located in the floodway.

1052 (a) If the proposed development is located outside of the floodway,
 1053 then it is determined to have no impact on the regional flood elevation.
 1054

1055 (b) If any part of the proposed development is in the floodway, it must
 1056 be added to the base model to show the difference between existing
 1057 and proposed conditions. The study must ensure that all coefficients
 1058 remain the same as in the existing model, unless adequate justification
 1059 based on standard accepted engineering practices is provided.
 1060

1061 b. Zone AE Floodplains
 1062

1063 1. Hydrology - If the proposed hydrology will change the existing study, the
 1064 appropriate method to be used shall be based on ch. NR 116.07(3), Wis.
 1065 Admin. Code, *Hydrologic Analysis: Determination of Regional Flood*
 1066 *Discharge*.
 1067

1068 2. Hydraulic model - The regional flood elevation shall be based on the
 1069 standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
 1070 *Determination of Regional Flood Elevation* and the following:
 1071

1072 (a) Duplicate Effective Model.

1073 The effective model shall be reproduced to ensure correct transference
 1074 of the model data and to allow integration of the revised data to provide
 1075 a continuous FIS model upstream and downstream of the revised reach.
 1076 If data from the effective model is available, models shall be generated
 1077 that duplicate the FIS profiles and the elevations shown in the
 1078 Floodway Data Table in the FIS report to within 0.1 foot.
 1079

1080 (b) Corrected Effective Model.

1081 The Corrected Effective Model shall not include any man-made
 1082 physical changes since the effective model date, but shall import the
 1083 model into the most current version of HEC-RAS for Department
 1084 review.
 1085

1086 (c) Existing (Pre-Project Conditions) Model.

1087 The Existing Model shall be required to support conclusions about the
 1088 actual impacts of the project associated with the Revised (Post-Project)
 1089 Model or to establish more up-to-date models on which to base the
 1090 Revised (Post-Project) Model.
 1091

1092 (d) Revised (Post-Project Conditions) Model.

1093 The Revised (Post-Project Conditions) Model shall incorporate the
 1094 Existing Model and any proposed changes to the topography caused by
 1095 the proposed development. This model shall reflect proposed
 1096 conditions.
 1097

1098 (e) All changes to the Duplicate Effective Model and subsequent
 1099 models must be supported by certified topographic information, bridge
 1100 plans, construction plans and survey notes.
 1101

1102 (f). Changes to the hydraulic models shall be limited to the stream
 1103 reach for which the revision is being requested. Cross sections
 1104 upstream and downstream of the revised reach shall be identical to
 1105 those in the effective model and result in water surface elevations and
 1106 topwidths computed by the revised models matching those in the
 1107 effective models upstream and downstream of the revised reach as
 1108 required. The Effective Model shall not be truncated.
 1109

3. Mapping - Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

(a) Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

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

(c) Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

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

(e) The revised floodplain boundaries shall tie into the effective floodplain boundaries.

(f) All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.

(g) Both the current and proposed floodways shall be shown on the map.

(h) The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

4. Expiration

All permits issued under the authority of this ordinance shall expire 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(C) Certificate of Compliance

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

1. The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
2. Application for such certificate shall be concurrent with the application for a permit;
3. If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
4. The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or registered architect that the requirements of sec. 4.407(5) are met.

(D) Other Permits

1173
 1174 Prior to obtaining a floodplain development permit the applicant must secure all necessary
 1175 permits from federal, state, and local agencies, including but not limited to those required
 1176 by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control
 1177 Act, Amendments of 1972, 33 U.S.C. 1344.

1178
 1179 (2) Zoning Agency

1180
 1181 (A) The Rock County Planning and Development Committee shall:

- 1182
 1183 1. oversee the functions of the office of the zoning administrator; and
 1184
 1185 2. review and advise the governing body on all proposed amendments to this
 1186 ordinance, maps and text.

1187
 1188 (B) This Rock County Planning and Development Committee shall not

- 1189
 1190 1. grant variances to the terms of the ordinance in place of action by the Board of
 1191 Adjustment; or
 1192
 1193 2. amend the text or zoning maps in place of official action by the governing body.

1194
 1195 (3) Board of Adjustment

1196
 1197 The Board of Adjustment, created under s. 59.694, Stats., for counties, is hereby authorized or
 1198 shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers
 1199 conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning
 1200 administrator shall not be the secretary of the Board.

1201
 1202 *Refer to the Latest Version of the Rock County Board of Adjustment Rule and Procedures*
 1203 *Handbook for the Current Procedural Standards*

1204
 1205 (A) Powers and Duties

1206
 1207 The Board of Adjustment/Appeals shall:

- 1208
 1209 1. Appeals - Hear and decide appeals where it is alleged there is an error in any order,
 1210 requirement, decision or determination made by an administrative official in the
 1211 enforcement or administration of this ordinance.
 1212
 1213 2. Boundary Disputes - Hear and decide disputes concerning the district boundaries
 1214 shown on the official floodplain zoning map.
 1215
 1216 3. Variances - Hear and decide, upon appeal, variances from the ordinance standards.

1217
 1218 (B) Appeals to the Board

1219
 1220 1. Appeals to the board may be taken by any person aggrieved, or by any officer or
 1221 department of the municipality affected by any decision of the zoning administrator
 1222 or other administrative officer. Such appeal shall be taken within 30 days unless
 1223 otherwise provided by the rules of the board, by filing with the official whose
 1224 decision is in question, and with the board, a notice of appeal specifying the reasons
 1225 for the appeal. The official whose decision is in question shall transmit to the board
 1226 all records regarding the matter appealed.

1227
 1228 2. Notice and Hearing for Appeals Including Variances

1229
 1230 a. Notice - The board shall:

- 1231
 1232 1. Fix a reasonable time for the hearing; and
 1233
 1234 2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the
 1235 date, time, place and subject of the hearing;

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3. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
 - b. Hearing - Any party may appear in person or by agent. The board shall:
 1. Resolve boundary disputes according to sec. 4.407(3)(C);
 2. Decide variance applications according to sec. 4.407(3)(D); and
 3. Decide appeals of permit denials according to sec. 4.407(4).
 3. Decision: The final decision regarding the appeal or variance application shall:
 - a. Be made within a reasonable time;
 - b. Be sent to the Department Regional office within 10 days of the decision;
 - c. Be a written determination signed by the chairman or secretary of the Board;
 - d. State the specific facts which are the basis for the Board's decision;
 - e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and
 - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

1266 (C) Boundary Disputes

1267
1268 The following procedure shall be used by the Board in hearing disputes concerning
1269 floodplain district boundaries:

- 1270
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1281
1. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;
 2. The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 3. If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to sec.4.408 Amendments.

1282 (D) Variance

- 1283
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1298
1. The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
 - a. Literal enforcement of the ordinance will cause unnecessary hardship;
 - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
 - c. The variance is not contrary to the public interest; and
 - d. The variance is consistent with the purpose of this ordinance in sec. 4.401(3)
 2. In addition to the criteria in subd 1., to qualify for a variance under FEMA regulations, the following criteria must be met:

- 1299
- 1300 a. The variance shall not cause any increase in the regional flood elevation;
- 1301
- 1302 b. Variances can only be granted for lots that are less than one-half acre and are
- 1303 contiguous to existing structures constructed below the RFE; and
- 1304
- 1305 c. Variances shall only be granted upon a showing of good and sufficient cause,
- 1306 shall be the minimum relief necessary, shall not cause increased risks to
- 1307 public safety or nuisances, shall not increase costs for rescue and relief efforts
- 1308 and shall not be contrary to the purpose of the ordinance.
- 1309
- 1310 3. A variance shall not:
- 1311
- 1312 a. Grant, extend or increase any use prohibited in the zoning district.
- 1313
- 1314 b. Be granted for a hardship based solely on an economic gain or loss.
- 1315
- 1316 c. Be granted for a hardship which is self-created.
- 1317
- 1318 d. Damage the rights or property values of other persons in the area.
- 1319
- 1320 e. Allow actions without the amendments to this ordinance or map(s) required in
- 1321 sec. 4.408(1) Amendments; and
- 1322
- 1323 f. Allow any alteration of an historic structure, including its use, which would
- 1324 preclude its continued designation as an historic structure.
- 1325
- 1326 4. When a floodplain variance is granted the Board shall notify the applicant in writing
- 1327 that it may increase risks to life and property and flood insurance premiums could
- 1328 increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the
- 1329 variance record.
- 1330

1331 (4) To Review Appeals of Permit Denials

1332

- 1333 (A) The Zoning Agency (sec. 4.407(2)) or Board shall review all data related to the appeal.
- 1334 This may include:
- 1335
- 1336 1. Permit application data listed in sec. 4.407(1)(B);
- 1337
- 1338 2. Floodway/floodfringe determination data in sec. 4.405(1)(D);
- 1339
- 1340 3. Data listed in sec.4.403(3)(A)2.b. where the applicant has not submitted this
- 1341 information to the zoning administrator; and
- 1342
- 1343 4. Other data submitted with the application, or submitted to the Board with the appeal.
- 1344
- 1345 (B) For appeals of all denied permits the Board shall:
- 1346
- 1347 1. Follow the procedures of sec.4.407(3);
- 1348
- 1349 2. Consider zoning agency recommendations; and
- 1350
- 1351 3. Either uphold the denial or grant the appeal.
- 1352
- 1353 (C) For appeals concerning increases in regional flood elevation the Board shall:
- 1354
- 1355 1. Uphold the denial where the Board agrees with the data showing an increase in flood
- 1356 elevation. Increases may only be allowed after amending the flood profile and map
- 1357 and all appropriate legal arrangements are made with all adversely affected property
- 1358 owners as per the requirements of sec. 4.408 Amendments; and
- 1359
- 1360 2. Grant the appeal where the Board agrees that the data properly demonstrates that the
- 1361 project does not cause an increase provided no other reasons for denial exist.

1362

1363 (5) Floodproofing Standards for Nonconforming Structures or Uses

1364

1365 (A) No permit or variance shall be issued for a non-residential structure designed to be
 1366 watertight below the regional flood elevation until the applicant submits a plan certified by
 1367 a registered professional engineer or architect that the floodproofing measures will protect
 1368 the structure or development to the flood protection elevation and submits a FEMA
 1369 Floodproofing Certificate.

1370

1371 (B) For a structure designed to allow the entry of floodwaters, no permit or variance shall be
 1372 issued until the applicant submits a plan either:

1373

1374 1. certified by a registered professional engineer or architect; or

1375

1376 2. meets or exceeds the following standards:

1377

1378 a. a minimum of two openings having a total net area of not less than one square
 1379 inch for every square foot of enclosed area subject to flooding;

1380

1381 b. the bottom of all openings shall be no higher than one foot above grade; and

1382

1383 c. openings may be equipped with screens, louvers, valves, or other coverings or
 1384 devices provided that they permit the automatic entry and exit of floodwaters.

1385

1386 (C) Floodproofing measures shall be designed, as appropriate, to:

1387

1388 1. Withstand flood pressures, depths, velocities, uplift and impact forces and other
 1389 regional flood factors;

1390

1391 2. Protect structures to the flood protection elevation;

1392

1393 3. Anchor structures to foundations to resist flotation and lateral movement;

1394

1395 4. Minimize or eliminate infiltration of flood waters; and

1396

1397 5. Minimize or eliminate discharges into flood waters.

1398

1399

1400 (6) Public Information

1401

1402 (A) Place marks on structures to show the depth of inundation during the regional flood.

1403

1404 (B) All maps, engineering data and regulations shall be available and widely distributed.

1405

1406 (C) All real estate transfers should show what floodplain zoning district any real property is in.

1407

1408

1409 **4.408 Amendments**

1410

1411 Obstructions or increases may only be permitted if amendments are made to this ordinance, the
 1412 official floodplain zoning maps, floodway lines and water surface profiles, in accordance with
 1413 sec. 4.408(1).

1414

1415 In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the
 1416 applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made
 1417 to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles,
 1418 in accordance with sec. 4.408(1). Any such alterations must be reviewed and approved by
 1419 FEMA and the DNR.

1420

1421 In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant
 1422 receives a Conditional Letter of Map Revision from FEMA and amendments are made to this
 1423 ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance
 1424 with sec. 4.408(1).

1425

1426 (1) General

1427

1428 The governing body shall change or supplement the floodplain zoning district boundaries and
 1429 this ordinance in the manner outlined in sec. 4.408(2) below. Actions which require an
 1430 amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but
 1431 are not limited to, the following:

1432

1433 (A) Any fill or floodway encroachment that obstructs flow, increasing regional flood height:

1434

1435 (B) Any change to the floodplain boundaries and/watercourse alterations on the FIRM:

1436

1437 (C) Any change to any other officially adopted floodplain maps listed in 4.401(5).

1438

1439 (D) Any fill in the floodplain which raises the elevation of the filled area to a height at or
 1440 above the flood protection elevation and is contiguous to land lying outside the floodplain.

1441

1442 (E) Correction of discrepancies between the water surface profiles and floodplain zoning
 1443 maps.

1444

1445 (F) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm.
 1446 Code, or otherwise required by law, or for changes by the municipality.

1447

1448 (G) All channel relocations and changes to the maps to alter floodway lines or to remove an
 1449 area from the floodway or the floodfringe that is based on a base flood elevation from a
 1450 FIRM requires prior approval by FEMA.

1451

1452 (2) Procedures

1453

1454 Ordinance amendments may be made upon petition of any party according to the provisions of s.
 1455 59.69, Stats., for counties. Such petitions shall include all data required by secs. 4.405(1)(D)
 1456 and 4.407(1)(B). The Land Use Permit shall not be issued until a Letter of Map Revision is
 1457 issued by FEMA for the proposed changes.

1458

1459 (A) The proposed amendment shall be referred to the zoning agency for a public hearing and
 1460 recommendation to the governing body. The amendment and notice of public hearing
 1461 shall be submitted to the Department Regional office for review prior to the hearing. The
 1462 amendment procedure shall comply with the provisions of s. 59.69, Stats., for counties.

1463

1464 (B) No amendments shall become effective until reviewed and approved by the Department.

1465

1466 (C) All persons petitioning for a map amendment that obstructs flow causing any increase in
 1467 the regional flood height, shall obtain flooding easements or other appropriate legal
 1468 arrangements from all adversely affected property owners and notify local units of
 1469 government before the amendment can be approved by the governing body.

1470

1471 **4.409 Enforcement and Penalties**

1472

1473 Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred
 1474 to the municipal attorney who shall expeditiously prosecute all such violators. Any person, firm, or
 1475 corporation who fails to comply with or violates the provisions of this Ordinance shall, upon
 1476 conviction, thereof, forfeit a penalty of not more than \$50.00 (fifty dollars), together with taxable cost
 1477 of such action, or as authorized by 87.30 Stats, per offense. Each day of continued violation shall
 1478 constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation
 1479 may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or
 1480 any citizen thereof pursuant to s. 87.30, Stats.

1481

1482 (1) The Planning & Development Agency Director, Zoning Administrator or their designees are
 1483 authorized to issue an ordinance citation, pursuant to Chapter 21 of the County Code of
 1484 Ordinances to any person, firm, association or corporation for engaging in activities that are in
 1485 violation of this ordinance. Each day of violation, and each section violated, shall be considered
 1486 a separate offense and subject to additional enforcement action, including, but not limited to the

- 1487 issuance of additional ordinance citations. Issuing a citation shall not release the applicant from
 1488 full compliance with this ordinance nor from prosecution for violation of this ordinance.
 1489
- 1490 (2) The Planning & Development Agency shall notify the landowner/permit holder by certified mail
 1491 of any non-complying activity or structure. The notice shall describe the nature of the violation,
 1492 remedial actions needed, a schedule for remedial action, and additional enforcement action that
 1493 may be taken.
 1494
- 1495 (3) Upon receipt of written notification from the Planning & Development Agency under paragraph
 1496 (2) the landowner/permit holder shall comply with the remedial actions described in the notice.
 1497
- 1498 (4) If a landowner/permit holder does not comply with the provisions of a notice of non-compliance,
 1499 the Planning & Development Agency may issue a citation(s) and/or revoke the permit.
 1500
- 1501 (5) If non-compliance with this ordinance is determined by the Planning & Development Agency as
 1502 likely to result in damage to adjacent property, public facilities, or waters of the state, the
 1503 Planning & Development Agency may post a stop-work order at the time of notification.
 1504
- 1505 (6) If the landowner/permit holder does not comply with the provisions of a notice of non-
 1506 compliance, or violates a stop-work order, the Planning & Development Agency may request the
 1507 Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.
 1508
- 1509 (7) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless
 1510 retracted by the Planning and Development Agency, Board of Adjustment, or by a court with
 1511 jurisdiction.
 1512

1513 **4.410 Definitions**

1514
 1515 Unless specifically defined, words and phrases in this ordinance shall have their common law meaning
 1516 and shall be applied in accordance with their common usage. Words used in the present tense include
 1517 the future, the singular number includes the plural and the plural number includes the singular. The
 1518 word "may" is permissive, "shall" is mandatory and is not discretionary.
 1519

1520 A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated
 1521 by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may
 1522 or may not be reflective of flood profiles, depending on the availability of data for a given area.
 1523

1524 AH ZONE – See “AREA OF SHALLOW FLOODING”.

1525
 1526 AO ZONE – See “AREA OF SHALLOW FLOODING”.

1527
 1528 ACCESSORY STRUCTURE OR USE - A facility, structure, building or use which is accessory or
 1529 incidental to the principal use of a property, structure or building.
 1530

1531 ALTERATION – An enhancement, upgrading or substantial change or modifications other than an
 1532 addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and
 1533 other systems within a structure.
 1534

1535 AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a
 1536 community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of
 1537 flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the
 1538 path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is
 1539 characterized by ponding or sheet flow.
 1540

1541 BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in any
 1542 given year, as published by FEMA as part of a FIS and depicted on a FIRM.
 1543

1544 BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level,
 1545 on all sides.
 1546

1547 BUILDING - See STRUCTURE.
 1548

1549 BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by a
 1550 municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows
 1551 limited filling between this bulkhead line and the original ordinary highwater mark, except where
 1552 such filling is prohibited by the floodway provisions of this ordinance.

1553
 1554 CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the
 1555 purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is
 1556 advertised or represented as a camping area.

1557
 1558 CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary
 1559 shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent that
 1560 is fully licensed, if required, and ready for highway use.

1561
 1562 CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a
 1563 building, the elevation of fill or the lowest floor of a structure is in compliance with all of the
 1564 provisions of this ordinance.

1565
 1566 CHANNEL - A natural or artificial watercourse with definite bed and banks to confine and
 1567 conduct normal flow of water.

1568
 1569 CRAWLWAYS or CRAWL SPACE - An enclosed area below the first usable floor of a building,
 1570 generally less than five feet in height, used for access to plumbing and electrical utilities.

1571
 1572 DECK - An unenclosed exterior structure that has no roof or sides, but has a permeable floor
 1573 which allows the infiltration of precipitation.

1574
 1575 DEPARTMENT - The Wisconsin Department of Natural Resources.

1576
 1577 DEVELOPMENT - Any artificial change to improved or unimproved real estate, including, but not
 1578 limited to, the construction of buildings, structures or accessory structures; the construction of
 1579 additions or alterations to buildings, structures or accessory structures; the repair of any damaged
 1580 structure or the improvement or renovation of any structure, regardless of percentage of damage or
 1581 improvement; the placement of buildings or structures; subdivision layout and site preparation;
 1582 mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition
 1583 or extraction of materials or equipment; and the installation, repair or removal of public or private
 1584 sewage disposal systems or water supply facilities.

1585
 1586 DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and
 1587 which connects land located in the floodplain to land outside the floodplain, such as a road with its
 1588 surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

1589
 1590 ENCROACHMENT - Any fill, structure, equipment, building, use or development in the floodway.

1591
 1592
 1593 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that
 1594 administers the National Flood Insurance Program.

1595
 1596 FLOOD INSURANCE RATE MAP (FIRM) - A map of a community on which the Federal
 1597 Insurance Administration has delineated both the floodplain and the risk premium zones applicable
 1598 to the community. This map can only be amended by the Federal Emergency Management Agency.

1599
 1600 FLOOD or FLOODING - A general and temporary condition of partial or complete inundation of
 1601 normally dry land areas caused by one of the following conditions:

- 1602
- 1603 • The overflow or rise of inland waters,
 - 1604
 - 1605 • The rapid accumulation or runoff of surface waters from any source,
 - 1606
 - 1607 • The inundation caused by waves or currents of water exceeding anticipated cyclical levels along
 1608 the shore of Lake Michigan or Lake Superior, or
 - 1609

- 1610 • The sudden increase caused by an unusually high water level in a natural body of water,
1611 accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by
1612 some similarly unusual event.

1613
1614 FLOOD FREQUENCY - The probability of a flood occurrence which is determined from statistical
1615 analyses. The frequency of a particular flood event is usually expressed as occurring, on the
1616 average, once in a specified number of years or as a percent (%) chance of occurring in any given
1617 year.

1618
1619 FLOODFRINGE - That portion of the floodplain outside of the floodway which is covered by flood
1620 waters during the regional flood and associated with standing water rather than flowing water.

1621
1622 FLOOD HAZARD BOUNDARY MAP - A map designating approximate flood hazard areas.
1623 Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or
1624 regional flood elevations. This map forms the basis for both the regulatory and insurance aspects
1625 of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a
1626 Flood Insurance Rate Map.

1627
1628 FLOOD INSURANCE STUDY - A technical engineering examination, evaluation, and
1629 determination of the local flood hazard areas. It provides maps designating those areas affected by
1630 the regional flood and provides both flood insurance rate zones and base flood elevations and may
1631 provide floodway lines. The flood hazard areas are designated as numbered and unnumbered
1632 A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis
1633 for both the regulatory and the insurance aspects of the National Flood Insurance Program.

1634
1635 FLOODPLAIN - Land which has been or may be covered by flood water during the regional flood.
1636 It includes the floodway and the floodfringe, and may include other designated floodplain areas for
1637 regulatory purposes.

1638
1639 FLOODPLAIN ISLAND - A natural geologic land formation within the floodplain that is
1640 surrounded, but not covered, by floodwater during the regional flood.

1641
1642 FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains,
1643 including mapping and engineering, mitigation, education, and administration and enforcement of
1644 floodplain regulations.

1645
1646 FLOOD PROFILE - A graph or a longitudinal profile line showing the relationship of the water
1647 surface elevation of a flood event to locations of land surface elevations along a stream or river.

1648
1649 FLOODPROOFING - Any combination of structural provisions, changes or adjustments to
1650 properties and structures, water and sanitary facilities and contents of buildings subject to flooding,
1651 for the purpose of reducing or eliminating flood damage.

1652
1653 FLOOD PROTECTION ELEVATION - An elevation of two feet of freeboard above the water
1654 surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

1655
1656 FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into
1657 account during analysis in reducing the regional flood discharge.

1658
1659 FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the
1660 channel required to carry the regional flood discharge.

1661
1662 FREEBOARD - A safety factor expressed in terms of a specified number of feet above a calculated
1663 flood level. Freeboard compensates for any factors that cause flood heights greater than those
1664 calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings
1665 and floodways, the effects of watershed urbanization, loss of flood storage areas due to
1666 development and aggregation of the river or stream bed.

1667

1668 HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human
1669 habitation.

1670

1671 HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For
1672 appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required.
1673 For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week
1674 consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may
1675 require additional notice, exceeding these minimums.

1676

1677 HIGH FLOOD DAMAGE POTENTIAL - Damage that could result from flooding that includes
1678 any danger to life or health or any significant economic loss to a structure or building and its
1679 contents.

1680

1681 HISTORIC STRUCTURE - Any structure that is either:

1682

- 1683 • Listed individually in the National Register of Historic Places or preliminarily determined by
1684 the Secretary of the Interior as meeting the requirements for individual listing on the National
1685 Register,
- 1686
- 1687 • Certified or preliminarily determined by the Secretary of the Interior as contributing to the
1688 historical significance of a registered historic district or a district preliminarily determined by
1689 the Secretary to qualify as a registered historic district,
- 1690
- 1691 • Individually listed on a state inventory of historic places in states with historic preservation
1692 programs which have been approved by the Secretary of the Interior, or
- 1693
- 1694 • Individually listed on a local inventory of historic places in communities with historic
1695 preservation programs that have been certified either by an approved state program, as
1696 determined by the Secretary of the Interior; or by the Secretary of the Interior in states without
1697 approved programs.

1698

1699 INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood
1700 elevation, equal to or greater than 0.00 foot, based on a comparison of existing conditions and
1701 proposed conditions which is directly attributable to development in the floodplain but not
1702 attributable to manipulation of mathematical variables such as roughness factors, expansion and
1703 contraction coefficients and discharge.

1704

1705 LAND USE - Any nonstructural use made of unimproved or improved real estate. (Also see
1706 DEVELOPMENT.)

1707

1708 LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the
1709 exterior walls of a building.

1710

1711 LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An
1712 unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or
1713 storage in an area other than a basement area is not considered a building's lowest floor; provided
1714 that such enclosure is not built so as to render the structure in violation of the applicable non-
1715 elevation design requirements of 44 CFR 60.3.

1716

1717 MAINTENANCE – The act or process of restoring to original soundness, including redecorating,
1718 refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment
1719 with equivalent fixtures, systems or structures

1720

1721 MANUFACTURED HOME - A structure transportable in one or more sections, which is built on a
1722 permanent chassis and is designed to be used with or without a permanent foundation when
1723 connected to required utilities. The term "manufactured home" includes a mobile home but does
1724 not include a "mobile recreational vehicle."

1725

1726 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous
1727 parcels) of land, divided into two or more manufactured home lots for rent or sale.

1728

1729 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land,

1730 divided into two or more manufactured home lots for rent or sale, on which the construction of
 1731 facilities for servicing the lots is completed before the effective date of this ordinance. At a
 1732 minimum, this would include the installation of utilities, the construction of streets and either final
 1733 site grading or the pouring of concrete pads.

1734
 1735 MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of
 1736 additional sites by the construction of facilities for servicing the lots on which the manufactured
 1737 homes are to be affixed. This includes installation of utilities, construction of streets and either
 1738 final site grading, or the pouring of concrete pads.

1739
 1740 MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square
 1741 feet or less when measured at the largest horizontal projection, designed to be self-propelled,
 1742 carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if
 1743 registration is required and is designed primarily not for use as a permanent dwelling, but as
 1744 temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes
 1745 that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried,
 1746 including park model homes, do not fall within the definition of "mobile recreational vehicles."

1747
 1748 MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors
 1749 that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate
 1750 Effective Model, or incorporates more detailed topographic information than that used in the
 1751 current effective model.

1752
 1753 MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS
 1754 and referred to as the effective model.

1755
 1756 MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current
 1757 effective Flood Insurance Study.

1758
 1759 MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or
 1760 Corrected Effective Model to reflect any man made modifications that have occurred within the
 1761 floodplain since the date of the effective model but prior to the construction of the project for which
 1762 the revision is being requested. If no modification has occurred since the date of the effective
 1763 model, then this model would be identical to the Corrected Effective Model or Duplicate Effective
 1764 Model.

1765
 1766 MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions
 1767 Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project
 1768 conditions.

1769
 1770 MUNICIPALITY or MUNICIPAL - The county, city or village governmental units enacting,
 1771 administering and enforcing this zoning ordinance.

1772
 1773 NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea
 1774 level datum, 1988 adjustment.

1775
 1776 NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea
 1777 level datum, 1929 adjustment.

1778
 1779 NEW CONSTRUCTION - For floodplain management purposes, "new construction" means
 1780 structures for which the start of construction commenced on or after the effective date of floodplain
 1781 zoning regulations adopted by this community and includes any subsequent improvements to such
 1782 structures. For the purpose of determining flood insurance rates, it includes any structures for
 1783 which the "start of construction" commenced on or after the effective date of an initial FIRM or
 1784 after December 31, 1974, whichever is later, and includes any subsequent improvements to such
 1785 structures.

1786
 1787 NONCONFORMING STRUCTURE - An existing lawful structure or building which is not in
 1788 conformity with the dimensional or structural requirements of this ordinance for the area of the
 1789 floodplain which it occupies. (For example, an existing residential structure in the floodfringe
 1790 district is a conforming use. However, if the lowest floor is lower than the flood protection
 1791 elevation, the structure is nonconforming.)

1792

- 1793 NONCONFORMING USE - An existing lawful use or accessory use of a structure or building
1794 which is not in conformity with the provisions of this ordinance for the area of the floodplain which
1795 it occupies. (Such as a residence in the floodway.)
1796
- 1797 OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters such
1798 that this development alone or together with any future development will cause an increase in
1799 regional flood height.
1800
- 1801 OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance, as
1802 described in sec. 4.401(5), which has been approved by the Department and FEMA.
1803
- 1804 OPEN SPACE USE - Those uses having a relatively low flood damage potential and not involving
1805 structures.
1806
- 1807 ORDINARY HIGHWATER MARK - The point on the bank or shore up to which the presence and
1808 action of surface water is so continuous as to leave a distinctive mark such as by erosion,
1809 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other
1810 easily recognized characteristic.
1811
- 1812 PERSON - An individual, or group of individuals, corporation, partnership, association,
1813 municipality or state agency.
1814
- 1815 PRIVATE SEWAGE SYSTEM - A sewage treatment and disposal system serving one structure
1816 with a septic tank and soil absorption field located on the same parcel as the structure. It also
1817 means an alternative sewage system approved by the Department of Safety and Professional
1818 Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system
1819 serving more than one structure or a system located on a different parcel than the structure.
1820
- 1821 PUBLIC UTILITIES - Those utilities using underground or overhead transmission lines such as
1822 electric, telephone and telegraph, and distribution and collection systems such as water, sanitary
1823 sewer and storm sewer.
1824
- 1825 REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land
1826 or damage structures to be removed from the floodplain and that any subsurface waters related to
1827 the base flood will not damage existing or proposed buildings.
1828
- 1829 REGIONAL FLOOD - A flood determined to be representative of large floods known to have
1830 occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or
1831 exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
1832
- 1833 START OF CONSTRUCTION - The date the building permit was issued, provided the actual start
1834 of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement
1835 was within 180 days of the permit date. The actual start means either the first placement of
1836 permanent construction on a site, such as the pouring of slab or footings, the installation of piles,
1837 the construction of columns, or any work beyond initial excavation, or the placement of a
1838 manufactured home on a foundation. Permanent construction does not include land preparation,
1839 such as clearing, grading and filling, nor does it include the installation of streets and/or walkways,
1840 nor does it include excavation for a basement, footings, piers or foundations or the erection of
1841 temporary forms, nor does it include the installation on the property of accessory buildings, such as
1842 garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration,
1843 the actual start of construction means the first alteration of any wall, ceiling, floor or other
1844 structural part of a building, whether or not that alteration affects the external dimensions of the
1845 building.
1846
- 1847 STRUCTURE - Any manmade object with form, shape and utility, either permanently or
1848 temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but
1849 not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
1850
- 1851 SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.
1852
- 1853 SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure, whereby the cost of
1854 restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the
1855 equalized assessed value of the structure before the damage occurred.

1856

1857 SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or
 1858 improvement of a building or structure, the cost of which equals or exceeds 50 percent of the
 1859 equalized assessed value of the structure before the improvement or repair is started. If the
 1860 structure has sustained substantial damage, any repairs are considered substantial improvement
 1861 regardless of the work performed. The term does not, however, include either any project for the
 1862 improvement of a building required to correct existing health, sanitary or safety code violations
 1863 identified by the building official and that are the minimum necessary to assure safe living
 1864 conditions; or any alteration of a historic structure provided that the alteration will not preclude the
 1865 structure’s continued designation as a historic structure.

1866

1867 UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which
 1868 were not self-created, have made strict conformity with restrictions governing areas, setbacks,
 1869 frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the
 1870 ordinance.

1871

1872 VARIANCE - An authorization by the board of adjustment or appeals for the construction or
 1873 maintenance of a building or structure in a manner which is inconsistent with dimensional
 1874 standards (not uses) contained in the floodplain zoning ordinance.

1875

1876 VIOLATION - The failure of a structure or other development to be fully compliant with the
 1877 floodplain zoning ordinance. A structure or other development without required permits, lowest
 1878 floor elevation documentation, floodproofing certificates or required floodway encroachment
 1879 calculations is presumed to be in violation until such time as that documentation is provided.

1880

1881 WATERSHED - The entire region contributing runoff or surface water to a watercourse or body of
 1882 water.

1883

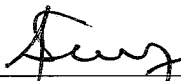
1884 WATER SURFACE PROFILE - A graphical representation showing the elevation of the water
 1885 surface of a watercourse for each position along a reach of river or stream at a certain flood flow.
 1886 A water surface profile of the regional flood is used in regulating floodplain areas.

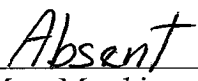
1887

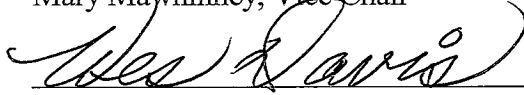
1888 WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or
 1889 other methods, to obtain groundwater regardless of its intended use.


Respectfully submitted:


PLANNING & DEVELOPMENT COMMITTEE


 Alan Sweeney, Chair


 Mary Mayhinney, Vice Chair

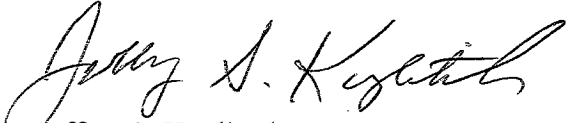

 Wes Davis


 Wayne Gustina


 Jason Heidenreich

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes section 59.02(2).



Jeffrey S. Kuglitsch
Corporation Counsel

FISCAL NOTE:

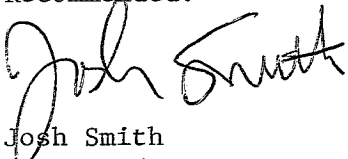
No fiscal impact.



Sherry Oja
Finance Director

ADMINISTRATIVE NOTE:

Recommended.



Josh Smith
County Administrator



Executive Summary

Repeal and Recreate Section 4.4 of the Rock County Code of Ordinances - Floodplain Zoning

Revisions to the Rock County Floodplain Zoning Ordinance have been drafted to conform to Wisconsin Administrative Code NR 116, the most recent state model ordinance and the minimum standards of the National Flood Insurance Program (NFIP). All communities participating in the NFIP must comply with both federal and state requirements. The purpose of the floodplain regulations are to: protect life, health and property; minimize public expenditures for costly flood control projects; minimize rescue and relief efforts; minimize business interruptions; minimize damage to public facilities; minimize the occurrence of future flood blight areas; discourage the victimization of unwary land and home buyers; and prevent increases in the regional flood from occurring.

In general, without an approved Floodplain Zoning Ordinance federal flood insurance would not be available in unincorporated Rock County. More specifically, failure to update the Ordinance when deemed necessary and maintain general compliance with the NFIP may prohibit federal officers or agencies from approving any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, and disaster assistance loan or grant, for acquisition or construction purposes with floodplain areas.

Through this action, Section 4.4 of the Rock County Code of Ordinances will be repealed and recreated. The revisions include both what would be considered formatting changes and substantive changes. Examples of substantive changes that are being made relate to the required elevation of new accessory structures in the floodfringe, maintenance and modification to nonconforming structures, standards for hydraulic and hydrologic studies, procedures for map amendments and definitions.

The draft revisions have been reviewed and approved by the Wisconsin DNR. The official Floodplain Zoning Maps were updated in 2015 and are not amended as part of this action.