



PLANNING & DEVELOPMENT COMMITTEE MEETING
THURSDAY, FEBRUARY 9, 2017 – 8:00 A.M.
COURTHOUSE CONFERENCE CENTER - (2nd FL – EAST WING)
ROCK COUNTY COURT HOUSE
JANESVILLE, WI

AGENDA

1. Call to Order
2. Adoption of Agenda
3. **Action Item:** Approval of Minutes of the Planning & Development Meeting held Thursday January 26, 2017
4. Citizen Participation, Communications and Announcements
5. Code Administration & Enforcement
 - A. **Action Item:** Review, Approval and Recommendation to the Rock County Board – Resolution for Rock County Floodplain Zoning Ordinance Revision (Repeal and Recreate)
6. Finance
 - A. Information Item: Committee Review of Payments
 - B. **Action Item:** Transfers
7. Committee Reports
8. Directors Report
 - A. Address Ordinance Amendment Schedule
9. Adjournment

Future Meetings/Work Sessions

February 23, 2017 (8:00 am)
March 9, 2017 (8:00 am)
March 23, 2017 (8:00 am)
April 13, 2017 (8:00 am)
April 27, 2017 (8:00 am)

RESOLUTION NO. _____

AGENDA NO. _____

**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 ____ day of _____,
2 2017, does ordain as follows:

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4 I. Ordinance 4.4, Floodplain Zoning is hereby repealed and recreated to read as follows:

5
6 **Part 4 – Floodplain Zoning**

7
8 **4.401 Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General**
9 **Provisions**

10
11 (1) Statutory Authorization

12
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.

15
16 (2) Finding of Fact

17
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.

20
21 (3) Statement of Purpose

22
23 This ordinance is intended to regulate floodplain development to:

24
25 (A) Protect life, health and property;

26
27 (B) Minimize expenditures of public funds for flood control projects;

28
29 (C) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

30
31 (D) Minimize business interruptions and other economic disruptions;

32
33 (E) Minimize damage to public facilities in the floodplain;

34
35 (F) Minimize the occurrence of future flood blight areas in the floodplain;

36
37 (G) Discourage the victimization of unwary land and homebuyers;

38
39 (H) Prevent increases in flood heights that could increase flood damage and result in conflicts
40 between property owners; and

41
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

45 (4) Title

46

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

49

50 (5) General Provisions

51

52 (A) Areas To Be Regulated

53

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.

61

62 (B) Official Maps & Revisions

63

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.

74

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 55105C0095E, 55105C0105E, 55105C0110E, 55105C0115E, 55105C0120E, 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, 55105C0382E,
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

104

105 Approved by: the DNR and FEMA

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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

234 minimize or eliminate flood damages.

235

236 (1) Hydraulic and Hydrologic Analyses

237

238 (A) No floodplain development shall:

239

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.

244

245 (B) The zoning administrator shall deny permits if it is determined the proposed development
246 will obstruct flow or cause any increase regional flood height, based on the officially
247 adopted FIRM or other adopted map, unless the provisions of sec. 4.408 are met.

248

249 Note: Additional information for the Hydraulic and Hydrologic Analysis procedure may be
250 found in sec. 4.407(1)(B)3.

251

252 (2) Watercourse Alterations

253

254 No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until
255 the local official has notified in writing all adjacent municipalities, the Department and FEMA
256 regional offices and required the applicant to secure all necessary state and federal permits.
257 Standards of sec. 4.402(1) must be met and the flood carrying capacity of any altered or relocated
258 watercourse shall be maintained.

259

260 As soon as is practicable, but not later than six months after the date of the watercourse alteration
261 or relocation and pursuant to sec 4.408, the community shall apply for a Letter of Map Revision
262 (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the
263 DNR through the LOMC process.

264

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

266

267 Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats.,
268 such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if
269 the necessary permits are obtained and amendments to the floodplain zoning ordinance are made
270 according to sec. 4.408.

271

272 (4) Public or Private Campgrounds

273

274 Public or private campgrounds shall have a low flood damage potential and shall meet the
275 following provisions:

276

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

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

279 (C) The character of the river system and campground elevation are such that a 72-hour
280 warning of an impending flood can be given to all campground occupants.

281 (D) There is an adequate flood warning procedure for the campground that offers the
282 minimum notice required under this section to all persons in the campground. This
283 procedure shall include a written agreement between the campground owner, the
284 municipal emergency government coordinator and the chief law enforcement official
285 which specifies the flood elevation at which evacuation shall occur, personnel responsible
286 for monitoring flood elevations, types of warning systems to be used and the procedures
287 for notifying at-risk parties, and the methods and personnel responsible for conducting the
288 evacuation.

289 (E) This agreement shall be for no more than one calendar year, at which time the agreement
290 shall be reviewed and updated - by the officials identified in sub. (D) - to remain in
291 compliance with all applicable regulations, including those of the State Department of
292 Health and Services and all other applicable regulations.

293 (F) Only camping units that are fully licensed, if required, and ready for highway use are
294 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.

312

313 **4.403 Floodway District (FW)**

314

315 (1) Applicability

316

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

319

320 (2) Permitted Uses

321

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

324

- 325 - they are not prohibited by any other ordinance;
- 326 - they meet the standards in sec. 4.403(3) and 4.403(4); and
- 327 - all permits or certificates have been issued according to sec. 4.407(1):

328

329 (A) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and
330 wild crop harvesting.

331

332 (B) Nonstructural industrial and commercial uses, such as loading areas, parking areas and
333 airport landing strips.

334

335 (C) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic
336 grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms,
337 fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and
338 horseback riding trails, subject to the fill limitations of sec. 4.403(3)(D).

339

340 (D) Uses or structures accessory to open space uses, or classified as historic structures that
341 comply with sec. 4.403(3) and 4.403(4).

342

343 (E) Extraction of sand, gravel or other materials that comply with sec. 4.403(3)(D).

344

345 (F) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas,
346 culverts, navigational aids and river crossings of transmission lines, and pipelines that
347 comply with chs. 30, 31, Stats.

348

349 (G) Public utilities, streets and bridges that comply with sec. 4.403(3)(C).

350

351 (3) Standards for Developments in the Floodway

352

353 (A) General

354

- 355 1. Any development in the floodway shall comply with sec. 4.402 and have low flood
356 damage potential.

357

- 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:
360
361 a. A cross-section elevation view of the proposal, perpendicular to the
362 watercourse, showing if the proposed development will obstruct flow; or
363
364 b. An analysis calculating the effects of this proposal on regional flood height.
365
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.
369

370 (B) Structures

371
372 Structures accessory to permanent open space uses or functionally dependent on a
373 waterfront location may be allowed by permit if the structures comply with the following
374 criteria:
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.
384
385 3. Must be anchored to resist flotation, collapse, and lateral movement;
386
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.
392

393 (C) Public Utilities, Streets and Bridges

394
395 Public utilities, streets and bridges may be allowed by permit, if:
396

- 397 1. Adequate floodproofing measures are provided to the flood protection elevation; and
398
399 2. Construction meets the development standards of sec. 4.402(1).
400

401 (D) Fills or Deposition of Materials

402
403 Fills or deposition of materials may be allowed by permit, if:
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
414
415 4. The fill is not classified as a solid or hazardous material.
416

417 (4) Prohibited Uses

418
419 All uses not listed as permitted uses in sec. 4.403(2) are prohibited, including the following uses:
420

- 421 (A) Habitable structures, structures with high flood damage potential, or those not associated
422 with permanent open-space uses;
423
- 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.
446

447 **4.404 Floodfringe District (FF)**
448

449 (1) Applicability
450

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
461

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*.
465

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;
480
- 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.
483

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
491
492 b. The municipality has a DNR-approved emergency evacuation plan.
493

494 (B) Accessory Structures of Uses
495
496 Accessory structures shall be constructed on fill with the lowest floor at or above the
497 regional flood elevation.
498

499 (C) Commercial Uses
500
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.
505

506 (D) Manufacturing and Industrial Uses
507
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.
514

515 (E) Storage of Materials
516
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
523
524 All utilities, streets and bridges shall be designed to be compatible with comprehensive
525 floodplain development plans; and
526
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 If these standards conform with Wis Stat. §§ 59.69(10), 87.30 and NR116.15 State
691 Administrative Code, they shall apply to all modifications or additions to any
692 nonconforming use or structure and to the use of any structure or premises which was
693 lawful before the passage of this ordinance or any amendment thereto.
694
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;
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5. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 4.404(3)(A).
 6. If on a per event basis the total value of the work being done under 4. and 5. equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with sec. 4.404(3)(A).
 7. Except as provided in 8. below, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value
 8. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.
 - a. Residential Structures
 1. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of sec. 4.407(5)(B).
 2. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.
 3. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
 4. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
 5. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 4.405(1)(C).
 6. In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.
 - b. Nonresidential Structures
 1. Shall meet the requirements of sec. 4.406(1)(B)8.a.1-6.
 2. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in sec. 4.407(5)(A) or (B).
 3. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 4.405(1)(C).

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

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

- 864 1. No floor is allowed below the regional flood elevation for residential or commercial
866 structures;
- 867 2. Human lives are not endangered;
- 868 3. Public facilities, such as water or sewer, shall not be installed;
- 870 4. Flood depths shall not exceed two feet;
- 871 5. Flood velocities shall not exceed two feet per second; and
- 872 6. The structure shall not be used for storage of materials as described in sec.
873 4.404(3)(E).

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

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

880 (4) Flood Storage District

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

883 **4.407 Administration**

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

887 (1) Zoning Administrator

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

- 890 1. Advise applicants of the ordinance provisions, assist in preparing permit
891 applications and appeals, and assure that the regional flood elevation for the
892 proposed development is shown on all permit applications.
- 893 2. Issue permits and inspect properties for compliance with provisions of this
894 ordinance-and issue certificates of compliance where appropriate.
- 895 3. Inspect and assess all damaged floodplain structures to determine if substantial
896 damage to the structures has occurred.
- 897 4. Keep records of all official actions such as:
 - 898 a. All permits issued, inspections made, and work approved;
 - 899 b. Documentation of certified lowest floor and regional flood elevations;
 - 900 c. Water surface profiles, floodplain zoning maps and ordinances,
901 nonconforming uses and structures including changes, appeals, variances and
902 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
1001 a. Zone A floodplains:
1002
1003 1. Hydrology - The appropriate method shall be based on the standards in
1004 ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of*
1005 *Regional Flood Discharge*.
1006
1007 2. Hydraulic modeling - The regional flood elevation shall be based on the
1008 standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis:*
1009 *Determination of Regional Flood Elevation* and the following:
1010
1011 (a) determination of the required limits of the hydraulic model shall be
1012 based on detailed study information for downstream structures (dam,
1013 bridge, culvert) to determine adequate starting WSEL for the study.
1014
1015 (b) channel sections must be surveyed.
1016
1017 (c) minimum four foot contour data in the overbanks shall be used for
1018 the development of cross section overbank and floodplain mapping.
1019
1020 (d) a maximum distance of 500 feet between cross sections is allowed
1021 in developed areas with additional intermediate cross sections required
1022 at transitions in channel bottom slope including a survey of the channel
1023 at each location.
1024
1025 (e) the most current version of HEC_RAS shall be used.
1026
1027 (f) a survey of bridge and culvert openings and the top of road is
1028 required at each structure.
1029
1030 (g) additional cross sections are required at the downstream and
1031 upstream limits of the proposed development and any necessary
1032 intermediate locations based on the length of the reach if greater than
1033 500 feet.
1034
1035 (h) standard accepted engineering practices shall be used when
1036 assigning parameters for the base model such as flow, Manning's N
1037 values, expansion and contraction coefficients or effective flow limits.
1038 The base model shall be calibrated to past flooding data such as high
1039 water marks to determine the reasonableness of the model results. If no
1040 historical data is available, adequate justification shall be provided for
1041 any parameters outside standard accepted engineering practices.
1042
1043 (i) the model must extend past the upstream limit of the difference in
1044 the existing and proposed flood profiles in order to provide a tie-in to
1045 existing studies. The height difference between the proposed flood
1046 profile and the existing study profiles shall be no more than 0.00 feet.
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3. Mapping - A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

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

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

b. Zone AE Floodplains

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

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

(a) Duplicate Effective Model.

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

(b) Corrected Effective Model.

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

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

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

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

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

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

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

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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

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

(2) Zoning Agency

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

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

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

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

(3) Board of Adjustment

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

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

(A) Powers and Duties

The Board of Adjustment/Appeals shall:

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

(B) Appeals to the Board

1. Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
2. Notice and Hearing for Appeals Including Variances
 - a. Notice - The board shall:
 1. Fix a reasonable time for the hearing; and
 2. Publish adequate notice pursuant to Wisconsin Statutes, specifying the 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.

(C) Boundary Disputes

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

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.

(D) Variance

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:

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

(4) To Review Appeals of Permit Denials

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

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1363 (5) Floodproofing Standards for Nonconforming Structures or Uses

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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.

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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:

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

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1376 2. meets or exceeds the following standards:

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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;

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

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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.

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

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

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1391 2. Protect structures to the flood protection elevation;

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

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

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1397 5. Minimize or eliminate discharges into flood waters.

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1400 (6) Public Information

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

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

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

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1409 **4.408 Amendments**

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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).

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1426 (1) General

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

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

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

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

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

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

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

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

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1452 (2) Procedures

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

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

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

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

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1471 **4.409 Enforcement and Penalties**

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

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- 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.
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- 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.
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- 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.
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- 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

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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”.

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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.
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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.
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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.
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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.
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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:
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- 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 Mawhinney, Vice Chair

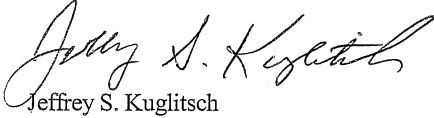
Wes Davis

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:

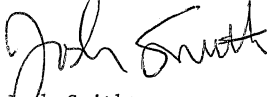
No fiscal impact.



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.

COMMITTEE REVIEW REPORT
FOR THE MONTH OF DECEMBER 2016

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
13-1730-0000-62420	MACH & EQUIP RM	P1603464	12/28/2016	TOPCON SOLUTIONS STORE	80.00
SURVEYOR PROG TOTAL					80.00

I have reviewed the preceding payments in the total \$80.00

Date: _____ Dept _____
Committee _____

COMMITTEE REVIEW REPORT
FOR THE MONTH OF DECEMBER 2016

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
64-6400-0000-63100	OFC SUPP & EXP	P1600308	10/26/2016	OFFICE PRO INC	106.09
64-6400-0000-63107	PUBL & LEGAL	P1600225	12/31/2016	JANESVILLE GAZETTE INC	121.20
PLANNING PROG TOTAL					227.29
64-6460-0000-63110	ADMIN.EXPENSE	P1603413	11/30/2016	BELOIT DAILY NEWS	72.00
HOUSING GRANT CLEARING ACCOUNT PROG TOTAL					72.00

I have reviewed the preceding payments in the total **\$299.29**

Date: _____ Dept _____
 _____ Committee _____

COMMITTEE REVIEW REPORT
FOR THE MONTH OF JANUARY 2017

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
10-1720-0000-63200	PUBL/SUBCR/DUES	P1700662	01/05/2017	WISCONSIN REAL PROPERTY LISTER	60.00
REAL PROPERTY DESCRIPTION PROG TOTAL					60.00

I have reviewed the preceding payments in the total \$60.00

Date: _____ Dept _____
Committee _____

COMMITTEE REVIEW REPORT
FOR THE MONTH OF JANUARY 2017

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
13-1730-0000-64200	TRAINING EXP				
		P1700100	01/01/2017	UNIVERSITY OF WISCONSIN STEVEN	240.00
		P1700626	01/01/2017	KALAHARI RESORT CONVENTION	198.00
				SURVEYOR PROG TOTAL	438.00

I have reviewed the preceding payments in the total \$438.00

Date: _____ Dept _____
Committee _____

COMMITTEE REVIEW REPORT
FOR THE MONTH OF JANUARY 2017

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
64-6400-0000-63200	PUBL/SUBCR/DUES	P1700802	01/06/2017	WISCONSIN COUNTY CODE ADMINIST	100.00
				PLANNING PROG TOTAL	100.00
64-6420-0000-63200	PUBL/SUBCR/DUES		01/09/2017	OTTERSTEIN,JAMES	325.00
		P1700227	01/01/2017	DODGE DATA AND ANALYTICS LLC	371.00
64-6420-0000-64200	TRAINING EXP		01/09/2017	OTTERSTEIN,JAMES	250.00
				ECONOMIC DEVELOPMENT PROGRAM PROG TOTAL	946.00
64-6460-0000-63116	HA ADMIN.EXPENSE	P1700234	01/01/2017	AMERICAN FAMILY INSURANCE	215.00
				HOUSING GRANT CLEARING ACCOUNT PROG TOTAL	215.00
64-6910-0000-64313	RC RESOURCE/TOUR	P1700801	01/12/2017	ROCK COUNTY TOURISM COUNCIL	3,000.00
64-6910-0000-64317	CO-OP WI TOURISM	P1700801	01/12/2017	ROCK COUNTY TOURISM COUNCIL	2,500.00
				ROCK CO.TOURISM COUNCIL PROG TOTAL	5,500.00

COMMITTEE REVIEW REPORT
FOR THE MONTH OF JANUARY 2017

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
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I have reviewed the preceding payments in the total \$6,761.00

Date: _____ Dept _____

Committee _____