



PLANNING & DEVELOPMENT COMMITTEE MEETING
THURSDAY, JANUARY 26, 2017 – 8:00 A.M.
COURTHOUSE CONFERENCE CENTER - (2nd FL – EAST WING)
ROCK COUNTY COURT HOUSE
JANESVILLE, WI

AGENDA

Amended
1-23-17

1. Call to Order
2. Adoption of Agenda
3. **Action Item:** Approval of Minutes of the Planning & Development Meeting held Thursday January 12, 2017
4. Citizen Participation, Communications and Announcements
5. Code Administration & Enforcement
 - A. **Action Item:** Public Hearing – Rock County Floodplain Zoning Ordinance Revision (Repeal and Recreate)
 - B. **Action Item:** Request for Shoreland Conditional Use Permit Extension – Scott Traynor Revocable Trust Bridge Project - CUP 2015 002
 - C. **Action Item:** Citizen Objection to Rock County Address Ordinance Sec. 4.604 Address Numbering and Sec 4.605 Address Signs
 - Robert & Anna Danielson
 - Bruce & Anita Prinner
6. Finance
 - A. Information Item: Committee Review of Payments
 - B. **Action Item:** Transfers
7. Community Development
 - A. **Action Item:** Project ID: 80 (Lead Hazard Control Grant) = \$45,065
 - B. **Action Item:** Project ID: 81 (Lead Hazard Control Grant) = \$35,235

C. **Action Item:** CDBG Remediation Project – Loan ID 09733811

D. Information Item: Project ID: 73 Change Order = +\$1,645

E. Information Item: Project ID 74 Change Order = +\$950

8. Committee Reports

9. Directors Report

A. Floodplain Outreach Project

10. Adjournment

Future Meetings/Work Sessions

February 9, 2017 (8:00 am)

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)



Public Notice

ROCK COUNTY FLOODPLAIN ZONING ORDINANCE REVISION

The Rock County Planning and Development Agency has drafted revisions to the Rock County Floodplain Zoning Ordinance consistent with state and federal law based on the model ordinance developed by the State of Wisconsin Department of Natural Resources. The draft ordinance is available at the P&D Agency offices at the Courthouse or at the Agency's webpage, <http://www.co.rock.wi.us/planning> . The proposed revisions pertain to the unincorporated portions of Rock County only.

All communities participating in the National Flood Insurance Program (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.

The proposed 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.

A Public Hearing will take place in the Courthouse Conference Center, second floor, east wing of the Rock County Courthouse, 51 S. Main Street, Janesville, WI at 8:00 AM on **Thursday, January 26, 2017** at the regular meeting of the Rock County Planning and Development Committee. Interested parties are welcome to attend and/or submit comments prior to the meeting.

Please contact the Rock County Planning & Development Agency with any questions at 608-757-5587.



Public Hearing Draft Ordinance

ROCK COUNTY FLOODPLAIN ZONING ORDINANCE REVISION

The Rock County Planning and Development Agency has drafted revisions to the Rock County Floodplain Zoning Ordinance consistent with state and federal law based on the model ordinance developed by the State of Wisconsin Department of Natural Resources. The draft ordinance is available at the P&D Agency offices at the Courthouse or at the Agency's webpage, <http://www.co.rock.wi.us/planning> . The proposed revisions pertain to the unincorporated portions of Rock County only.

All communities participating in the National Flood Insurance Program (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.

The proposed 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.

A Public Hearing will take place in the Courthouse Conference Center, second floor, east wing of the Rock County Courthouse, 51 S. Main Street, Janesville, WI at 8:00 AM on **Thursday, January 26, 2017** at the regular meeting of the Rock County Planning and Development Committee. Interested parties are welcome to attend and/or submit comments prior to the meeting.

Please note that the attached document has not yet been reviewed by Corporation Counsel, therefore revisions may be made prior to the Public Hearing.

Please contact the Rock County Planning & Development Agency with any questions at 608-757-5587.

Part 4 – Floodplain Zoning

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

(1) Statutory Authorization

This ordinance is adopted pursuant to the authorization in ~~ss. 61.35 and 62.23, for villages and cities;~~ 59.69, 59.692, and 59.694 for counties; and the requirements in s. 87.30, Stats.

(2) Finding of Fact

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

(3) Statement of Purpose

This ordinance is intended to regulate floodplain development to:

- (A) Protect life, health and property;
- (B) Minimize expenditures of public funds for flood control projects;
- (C) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (D) Minimize business interruptions and other economic disruptions;
- (E) Minimize damage to public facilities in the floodplain;
- (F) Minimize the occurrence of future flood blight areas in the floodplain;
- (G) Discourage the victimization of unwary land and homebuyers;
- (H) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (I) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

(4) Title

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

(5) General Provisions

(A) Areas To Be Regulated

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

~~Note: Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map.~~

(B) Official Maps & Revisions

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

OFFICIAL MAPS: Flood Insurance Rate Map (FIRM), Map Number 55105C0005E, 55105C0010E, 55105C0012E, 55105C0014E, 55105C0015E, 55105C0016E, 55105C0017E, 55105C0018E, 55105C0019E, 55105C0030E, 55105C0031E, 55105C0033E, 55105C0034E, 55105C0040E, 55105C0042E, 55105C0044E, 55105C0045E, 55105C0052E, 55105C0053E, 55105C0054E, 55105C0057E, 55105C0058E, 55105C0059E, 55105C0061E, 55105C0062E, 55105C0063E, 55105C0066E, 55105C0070E, 55105C0076E, 55105C0077E, 55105C0078E, 55105C0079E, 55105C0081E, 55105C0083E, 55105C0084E, 55105C0090E, 55105C0091E, 55105C0092E, 55015C0095E, 55105C0105E, 55105C0110E, 55105C0115E, 55105C0120E, 55105C0130E, 55105C0131E, 55105C0135E, 55105C0140E, 55105C0145E, 55105C0155E, 55105C0157E, 55105C0160E, 55105C0161E, 55105C0162E, 55105C0164E, 55105C0166E, 55105C0168E, 55105C0169E, 55105C0176E, 55105C0177E, 55105C0178E, 55105C0179E, 55105C0181E, 55105C0183E, 55105C0184E, 55105C0186E, 55105C0187E, 55105C0188E,

55105C0189E, 55105C0191E, 55105C0192E, 55105C0193E, 55105C0201E, 55105C0202E, 55105C0203E, 55105C0204E, 55105C0208E, 55105C0209E, 55105C0211E, 55105C0212E, 55105C0216E, 55105C0240E, 55105C0243E, 55105C0244E, 55105C0255E, 55105C0260E, 55105C0261E, 55105C0262E, 55105C0263E, 55105C0264E, 55105C0266E, 55105C0267E, 55105C0268E, 55105C0269E, 55105C0280E, 55105C0282E, 55105C0285E, 55105C0286E, 55105C0287E, 55105C0288E, 55105C0289E, 55105C0291E, 55105C0292E, 55105C0293E, 55105C0294E, 55105C0301E, 55105C0302E, 55105C0305E, 55105C0306E, 55105C0307E, 55105C0308E, 55105C0309E, 55105C0312E, 55105C0313E, 55105C0314E, 55105C0316E, 55105C0318E, 55105C0319E, 55105C0328E, 55105C0329E, 55105C0331E, 55105C0332E, 55105C0333E, 55105C0334E, 55105C0336E, 55105C0337E, 55105C0338E, 55105C0339E, 55105C0341E, 55105C0342E, 55105C0343E, 55105C0344E, 55105C0351E, 55105C0352E, 55105C0353E, 55105C0354E, 55105C0356E, 55105C0357E, 55105C0358E, 55105C0359E, 55105C0361E, 55105C0365E, 55105C0369E, 55105C0370E, 55105C0377E, 55105C0381E, 55105C0382E, 55105C0406E, 55105C0407E, 55105C0426E, 55105C0431E, 55105C0432E, 55105C0452E, 55105C0460E, 55105C0485E, 55105CIND0B, 55105CV001B, 55105CV002B, 55105C_20150916, dated September 16, 2015 with corresponding profiles that are based on the Flood Insurance Study (FIS) Number 55105CV001B and 55105CV002B

Approved by: the DNR and FEMA

(C) Establishment of Districts

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, ~~visual on-site inspection and any information provided by the Department.~~

~~Note: Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to sec. 4.408(1)(F).~~

(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.

(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; ~~s. 62.23 for cities; or s. 61.35 for villages;~~ or s. 87.30, Stats., which relate to floodplains. ~~A If another ordinance is more restrictive than this ordinance, that 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 ~~scientific~~ 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~~ ~~Nor does 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.

(L) ~~General Development 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 or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components 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.~~

4.402 General Standards ~~Applicable to All Floodplain Districts~~

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 minimize or eliminate flood damages.

(1) Hydraulic and Hydrologic Analyses

(A) Except as allowed in par. (C) below, ~~no~~No floodplain development shall:

1. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increasing increase in the regional flood height; or
2. Cause any increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 feet.

(B) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of ~~sub. (C)~~sec. 4.408 are met.

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

~~(C) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with sec. 4.408.~~

~~Note: This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR.~~

(2) Watercourse Alterations

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

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to sec 4.408, the zoning administrator/community shall notify/apply for a Letter of Map Revision (LOMR) from FEMA, of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

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

Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to ~~the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted~~

~~FIRM, or other floodplain zoning maps~~ or the floodplain zoning ordinance are made according to sec. 4.408.

(4) Public or Private Campgrounds

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

- (A) The campground is approved by the Department of Health and Family Services.
- (B) A land use permit for the campground is issued by the zoning administrator.
- (C) The character of the river system and ~~the elevation of the~~ campground elevation ~~are is~~ such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (D) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation.
- (E) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (D) - to remain in compliance with all applicable regulations, including those of the ~~S~~state ~~D~~department of ~~H~~health and ~~S~~family services and all other applicable regulations.
- (F) Only camping units that are fully licensed, if required, and ready for highway use are allowed.
- (G) The camping units ~~shall may~~ not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours.
- (H) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section.
- (I) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.
- (J) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either sec. 4.403, ~~or see.~~ 4.404 or 4.405 for the floodplain district in which the structure is located.
- (K) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued.
- (L) All service facilities, including but not limited to refuse collection, electrical service, ~~natural~~ gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

4.403 Floodway District (FW)

(1) Applicability

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

(2) Permitted Uses

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

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

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

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

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

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

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

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

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

(3) Standards for Developments in the Floodway Areas

(A) General

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

2. Applicants shall provide the following data to determine the effects of the proposal according to sec. 4.402(1) and 4.407(1)(B)3:
 - a. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
 - b. An analysis calculating the effects of this proposal on regional flood height.
3. The zoning administrator shall deny the permit application if the project will cause any increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subd par. 2. above.

(B) Structures

Structures accessory to permanent open space uses, ~~classified as historic structures,~~ or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

1. ~~The structures are n~~Not designed for human habitation, and does not have a high flood damage potential and is constructed to minimize flood damage;
2. ~~The structures are constructed and placed on the building site so as to increase flood heights less than 0.01 foot and minimally obstruct the flow of floodwaters. Structures shall be constructed with the long axis parallel to the flow of floodwaters and on the same line as adjoining structures; Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~
3. ~~The structures are properly~~Must be anchored to resist flotation, collapse, and lateral movement prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river; and
4. ~~The structures have all service facilities at or above the flood protection elevation. Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and~~
5. It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(C) Public Utilities, Streets and Bridges

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

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

(D) Fills or Deposition of Materials

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

1. The requirements of sec. 4.402(1) are met;
2. No material is deposited in the navigable waters channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all the other requirements have been of this section are met;
3. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
4. The fill is not classified as a solid or hazardous material.

(4) Prohibited Uses

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

- (A) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;
- (B) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (C) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (D) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. ~~COMM~~SPS 383, Wis. Adm. Code.
- (E) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

- (F) Any solid or hazardous waste disposal sites;
- (G) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and
- (H) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

4.404 Floodfringe District (FF)

(1) Applicability

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

(2) Permitted Uses

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

(3) Standards for Development in Floodfringe Areas

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

(A) Residential Uses

Any ~~habitable~~ structure, including a manufactured home, which is to be newly erected, constructed, ~~reconstructed, altered,~~ or moved into the floodfringe area, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of sec. 4.406 Nonconforming Uses;

1. The elevation of the lowest floor, ~~excluding the basement or crawlway,~~ shall be at or above the flood protection elevation on fill unless the requirements of par. 2. can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. ~~The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance impractical and the Board of Adjustment/Appeals grants a variance;~~

2. The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
3. Contiguous dry land access shall be provided from a structure to land outside of the floodplain, except as provided in ~~par. subd~~ 4.
4. In developments where existing street or sewer line elevations make compliance with ~~par. subd~~ 3. impractical, the municipality may permit new development and substantial improvements where ~~access~~ roads are at or below the regional flood elevation, if:
 - a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
 - ~~b. The municipality has a DNR-approved emergency evacuation plan The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.~~

(B) Accessory Structures of Uses

~~An accessory structure or use not connected to a principal structure shall be constructed with its lowest floor no more than two feet below the regional flood elevation, subject to flood velocities of no more than two feet per second, and shall meet all the provisions of sec. 4.403(3)(B) 1,2,3,4, and sub. (F) below. Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation~~

(C) Commercial Uses

Any commercial structure which is erected, altered or moved into the floodfringe area shall meet the requirements of sec. 4.404(3)(A). Subject to the requirements of ~~subd-sub. (EF)~~, storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(D) Manufacturing and Industrial Uses

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe area shall ~~be protected~~ have the lowest floor elevated to or above to the flood protection elevation using fill, levees, floodwalls, or other ~~meet the flood~~ proofing measures in sec. 4.407(5). Subject to the requirements of sub. (EF) storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(E) Storage of Materials

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

(F) Public Utilities, Streets and Bridges

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

1. When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction ~~of and~~ substantial improvements or repair of ~~to such facilities shall may only be~~ permitted if they are designed to comply ~~floodproofed in compliance~~ with sec. 4.407(5) ~~to the flood protection elevation;~~
2. Minor roads or nonessential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(G) Sewage Systems

~~All on-site sewage disposal systems shall be floodproofed, pursuant to sec. 4.407(5) to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code. All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to sec. 4.407(5) to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.~~

(H) Wells

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

(I) Solid Waste Disposal Sites

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

(J) Deposition of Materials

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

(K) Manufactured Homes

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

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

(L) Mobile Recreational Vehicles

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

4.405 Other Floodplain Districts

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

(1) General Floodplain District (GFP)

(A) Applicability

~~The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and floodfringe districts shall be delineated when adequate data is available.~~ The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

(B) Permitted Uses

Pursuant to sec. 4.405(1)(D) it shall be determined whether the proposed use is located within the a-floodway or floodfringe area.

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

(C) Standards For Development in the General Floodplain District

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

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

- a. at or above the flood protection elevation; or
- 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 limites, 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 typical valley cross-section showing the stream channel, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information; 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. Profile showing the slope of the bottom of the channel or flow line of the stream;~~
 - cd. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- ~~3. Transmit one copy of the information described in pars. a. and b. above to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of sec. 4.407(1)(B)3. apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.~~

(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 storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
3. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without flood plain storage, as per sec. 4.408(1) of this ordinance.
4. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

4.406 Nonconforming Uses

(1) General

(A) Applicability

If these Insofar as these standards conform with s. 59.69(10), 87.30 Stats and NR 116.15 State Administrative Code-, for counties, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

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

1. No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. ~~Ordinary maintenance repairs are not considered an extension, modification or addition~~ Maintenance is not considered a modification; this these includes painting, decorating, paneling ~~and the replacement of doors, windows and other nonstructural components~~ and the maintenance, repair or replacement of existing private sewage or

water supply systems or connections to public utilities. ~~Ordinary maintenance repairs do not include~~ Any costs associated with the repair of a damaged structure are not considered maintenance.

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

2. If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
3. The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;
4. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure 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). The costs of elevating the lowest floor of -a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
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 sed. 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 sed. 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.

1. Residential Structures

- a. 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).
- b. 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.
- c. 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.
- d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sed. 4.405(1)(C).
- f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

a. Shall meet the requirements of sec. 4.406(1)(B)(8)1a-f.

b. 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).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in sec. 4.405(1)(C).

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

~~5. a. Except as provided in sub. b., if any noneconforming 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.~~

~~b. For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the noneconforming building will meet all of the minimum requirements under 44 CFR Part 60, or under the regulations promulgated thereunder.~~

~~6. A noneconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with sec. 4.403(3)(A) flood resistant materials are used, and construction practices and floodproofing methods that comply with sec. 4.407(5) are used.~~

(2) Floodway AreasDistrict

(A) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway areaFloodway District, unless such modification or addition:

1. Has been granted a permit or variance which meets all ordinance requirements;

2. Meets the requirements of sec. 4.406(1);
3. ~~Shall~~ Will not increase the obstruction to flood flows or regional flood height; and
4. Any addition to the existing structure shall be floodproofed, pursuant to sec. 4.407(5), by means other than the use of fill, to the flood protection elevation; and-
5. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
 - b. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials;
 - c. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - d. The use must be limited to parking, building access or limited storage.

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

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

(3) Floodfringe AreasDistrict

(A) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and ~~the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in~~

~~compliance with the standards for that particular use meets the requirements of in~~
sec. 4.404(3), except where sec. 4.406(3)(B) is applicable.

(B) Where compliance with the provisions of ~~par. subd~~ (A) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment, using the procedures established in sec. 4.407(3), may grant a variance from those provisions of ~~par. subd~~ (A) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

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

~~(C) If neither the provisions of par. (A) or (B) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the floodfringe, if the addition:~~

- ~~1. Meets all other regulations and will be granted by permit or variance;~~
- ~~2. Does not exceed 60 square feet in area; and~~
- ~~3. In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.~~

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

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

(4) Flood Storage Areas ~~District~~

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

4.407 Administration

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

(1) Zoning Administrator

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

1. Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
2. Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.
- ~~2m3.~~ 3. Inspect and assess all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- ~~34.~~ 4. Keep records of all official actions such as:
 - a. All permits issued, inspections made, and work approved;
 - b. Documentation of certified lowest floor and regional flood elevations ~~for floodplain development;~~
 - c. ~~Records of water~~ Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 - d. All substantial damage assessment reports for floodplain structures.
 - e. Floodproofing certificates.
 - f. List of nonconforming structures and uses.

~~4.5~~ Submit copies of the following items to the Department Regional office:

- a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
- b. Copies of any case-by-case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
- c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

~~5.6~~ Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

~~6.7~~—Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

(B) Land Use Permit

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

1. General Information

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

2. Site Development Plan

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

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;

- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic and Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of secs. 4.403 or 4.404 are met; and
- i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to sec. 4.402(1). This may include any of the information noted in sec. 4.403(3)(A).

3. ~~Data Requiriements to Analyze Developments~~

~~a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in s. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:~~

~~1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;~~

~~2. A map showing location and details of vehicular access to lands outside the floodplain; and~~

~~3. A surface drainage plan showing how flood damage will be minimized.~~

~~The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.~~

3. Hydraulic and Hydrologic Studies to Analyze Development

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

a. Zone A floodplains:

i. Hydrology

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

ii. Hydraulic modeling

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:

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

2. channel sections must be surveyed.

3. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
4. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
5. the most current version of HEC_RAS shall be used.
6. a survey of bridge and culvert openings and the top of road is required at each structure.
7. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
8. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
9. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

iii. 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.

1. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.
2. 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

i. 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.*

ii. 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:

1. 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.

2. 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.

3. 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.

4. 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.

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

6. 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.

iii. Mapping

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

1. 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.
2. 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.
3. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
4. 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.
5. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
6. 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.
7. Both the current and proposed floodways shall be shown on the map.
8. 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 ~~one year~~ 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 ~~floodproofing measures meet the~~ requirements of sec. 4.407(5) are met.

(D) Other Permits

~~Prior to obtaining a floodplain development permit the~~ 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 ~~g~~Governing body on all proposed amendments to this ordinance, maps and text.

(B) ~~This zoning agency~~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 ~~g~~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 ~~may~~ 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;
 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. ~~In all cases, the~~ 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 ~~provisions~~ 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 ~~par.~~ subd 1., to qualify for a variance under FEMA regulations, the following criteria must be met:
 - a. The variance shall not ~~may 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 and risks to life and property. 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 equal to or greater than 0.01 foot 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 ~~equal to or greater than 0.01 foot~~ provided no other reasons for denial exist.

(5) Floodproofing Standards for Nonconforming Structures or Uses

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

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

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

2. meets or exceeds the following standards:

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

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

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

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

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

2. Protect structures to the flood protection elevation;

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

4. Minimize or eliminate infiltration of flood waters; and

5. Minimize or eliminate discharges into flood waters.

~~(A) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.~~

~~(B) Floodproofing measures shall be designed to:~~

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

- ~~2. Protect structures to the flood protection elevation;~~
- ~~3. Anchor structures to foundations to resist flotation and lateral movement; and~~
- ~~4. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.~~

~~(C) Floodproofing measures could include:~~

- ~~1. Reinforcing walls and floors to resist rupture or collapse caused by water pressure or floating debris.~~
- ~~2. Adding mass or weight to prevent flotation.~~
- ~~3. Placing essential utilities above the flood protection elevation.~~
- ~~4. Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.~~
- ~~5. Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.~~
- ~~6. Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.~~

(6) Public Information

- (A) Place marks on structures to show the depth of inundation during the regional flood.
- (B) All maps, engineering data and regulations shall be available and widely distributed.
- (C) All real estate transfers should show what floodplain zoning district any real property is in.

4.408 Amendments

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

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

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

(1) General

The governing body ~~shall may~~ change or supplement the floodplain zoning district boundaries and this ordinance in the manner ~~provided by law~~ 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:

- (A) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height:
- (B) Any change to the floodplain boundaries and/watercourse alterations on the FIRM:
- (C) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area listed in 4.401(5).
- ~~(A)(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.
- ~~(E)~~ Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- ~~(C)~~ 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.
- ~~(D)~~ Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- ~~(E)~~ 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.
- ~~(H)~~ 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.

(2) Procedures

Ordinance amendments may be made upon petition of any interested party according to the provisions of s. 59.69, Stats., for counties. Such petitions shall include all necessary 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.

- (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.
- (B) No amendments shall become effective until reviewed and approved by the Department.
- (C) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height 0.01 foot or more, 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.
- ~~(D) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the zoning administrator's visual on-site inspections and other available information. (See sec. 4.401(5)(D))~~

4.409 Enforcement and Penalties

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. Any person, firm, or corporation who fails to comply with or violates the provisions of this Ordinance shall, upon conviction, thereof, forfeit a penalty of not more than \$50.00 (fifty dollars), together with taxable cost of such action, or as authorized by 87.30 Stats, per offense. these amounts as established by reference in Resolution 08-8A-054 and any subsequent amendments thereto. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

- (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 issuance of additional ordinance citations. Issuing a citation shall not

release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

- (2) The Planning & Development Agency shall notify the landowner/permit holder by certified mail of any non-complying activity or structure. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
- (3) Upon receipt of written notification from the Planning & Development Agency under paragraph (2) the landowner/permit holder shall comply with the remedial actions described in the notice.
- (4) If a landowner/permit holder does not comply with the provisions of a notice of non-compliance, the Planning & Development Agency may issue a citation(s) and/or revoke the permit.
- (5) If non-compliance with this ordinance is determined by the Planning & Development Agency as likely to result in damage to adjacent property, public facilities, or waters of the state, the Planning & Development Agency may post a stop-work order at the time of notification.
- (6) If the landowner/permit holder does not comply with the provisions of a notice of non-compliance, or violates a stop-work order, the Planning & Development Agency may request the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.
- (7) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the Planning and Development Agency, Board of Adjustment, or by a court with jurisdiction.

4.410 Definitions

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

- 1) A ZONES - Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2) AH ZONE – See “AREA OF SHALLOW FLOODING”.
- 3) AO ZONE – See “AREA OF SHALLOW FLOODING”.

- 4) ACCESSORY STRUCTURE OR USE - A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.
- 5) ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- 2)6) AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- 3)7) BASE FLOOD - Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
- 4)8) BASEMENT - Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.
- 5)9) BUILDING - See STRUCTURE.
- 6)10) BULKHEAD LINE - A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.
- 7)11) CAMPGROUND - Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- 8)12) CAMPING UNIT - Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle that is fully licensed, if required, and ready for highway use.
- 9)13) CERTIFICATE OF COMPLIANCE - A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.
- 10)14) CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

- ~~11)~~15) CRAWLWAYS or CRAWL SPACE - An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.
- ~~12)~~16) DECK - An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.
- ~~13)~~17) DEPARTMENT - The Wisconsin Department of Natural Resources.
- ~~14)~~18) DEVELOPMENT - Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- ~~15)~~19) DRYLAND ACCESS - A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.
- ~~16)~~20) ENCROACHMENT - Any fill, structure, equipment, building, use or development in the floodway.
- ~~17) EXISTING MANUFACTURED HOME PARK OR SUBDIVISION~~ - A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads
- ~~18) EXPANSION TO EXISTING MOBILE/MANUFACTURED HOME PARK~~ - The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- ~~19)~~21) FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) - The federal agency that administers the National Flood Insurance Program.
- ~~20)~~22) FLOOD INSURANCE RATE MAP (FIRM) - A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

~~21)~~23) _____ FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

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

~~22)~~24) _____ FLOOD FREQUENCY - The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

~~23)~~25) _____ FLOODFRINGE - That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

~~24)~~26) _____ FLOOD HAZARD BOUNDARY MAP - A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

~~25)~~27) _____ FLOOD INSURANCE STUDY - A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

~~26)~~28) _____ FLOODPLAIN - Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

~~27)~~29) _____ FLOODPLAIN ISLAND - A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

- ~~28)~~30) _____ FLOODPLAIN MANAGEMENT - Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
- ~~29)~~31) _____ FLOOD PROFILE - A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
- ~~30)~~32) _____ FLOODPROOFING - Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.
- ~~31)~~33) _____ FLOOD PROTECTION ELEVATION - An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)
- ~~32)~~34) _____ FLOOD STORAGE - Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
- ~~33)~~35) _____ FLOODWAY - The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
- ~~34)~~36) _____ FREEBOARD - A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
- ~~35)~~37) _____ HABITABLE STRUCTURE - Any structure or portion thereof used or designed for human habitation.
- ~~36)~~38) _____ HEARING NOTICE - Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.
- ~~37)~~39) _____ HIGH FLOOD DAMAGE POTENTIAL - Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
- ~~38)~~40) _____ HISTORIC STRUCTURE - Any structure that is either:

- ✓ Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
- ✓ Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
- ✓ Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- ✓ Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

~~39)41)~~ INCREASE IN REGIONAL FLOOD HEIGHT - A calculated upward rise in the regional flood elevation, equal to or greater than 0.004 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

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

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

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

~~40)45)~~ MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures

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

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

- 48) MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- 41)49) MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.
- 50) MOBILE RECREATIONAL VEHICLE - A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 51) MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- 52) MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- 53) MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- 54) MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- 42)55) MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- 43)56) _____ MUNICIPALITY or MUNICIPAL - The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

57) NGVD or NATIONAL GEODETIC VERTICAL DATUM - Elevations referenced to mean sea level datum, 1988 adjustment.

44)58) NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

45)59) _____ NEW CONSTRUCTION - For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

46)60) _____ NONCONFORMING STRUCTURE - An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

47)61) _____ NONCONFORMING USE - An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

48)62) _____ OBSTRUCTION TO FLOW - Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

49)63) _____ OFFICIAL FLOODPLAIN ZONING MAP - That map, adopted and made part of this ordinance, as described in sec. 4.401(5)+5(2), which has been approved by the Department and FEMA.

50)64) _____ OPEN SPACE USE - Those uses having a relatively low flood damage potential and not involving structures.

51)65) _____ ORDINARY HIGHWATER MARK - The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

52)66) _____ PERSON - An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

~~53)~~67) PRIVATE SEWAGE SYSTEM - A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the ~~Department of Commerce~~ Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

~~54)~~68) PUBLIC UTILITIES - Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

~~55)~~69) REASONABLY SAFE FROM FLOODING - Means base flood waters will not inundate the land or damage structures to be removed from the floodplain special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

~~56)~~70) REGIONAL FLOOD - A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

~~57)~~71) START OF CONSTRUCTION - The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

~~58)~~72) STRUCTURE - Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

~~59)~~73) SUBDIVISION - Has the meaning given in s. 236.02(12), Wis. Stats.

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

~~60~~75) SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure’s continued designation as a historic structure.

~~61~~76) UNNECESSARY HARDSHIP - Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

~~62~~77) VARIANCE - An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

~~63~~78) VIOLATION - The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

~~64~~79) WATERSHED - The entire region contributing runoff or surface water to a watercourse or body of water.

~~65~~80) WATER SURFACE PROFILE - A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

~~66~~81) WELL - means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.



ROCK COUNTY GOVERNMENT
Planning & Development Agency

INTEROFFICE MEMORANDUM

TO: Rock County Planning and Development Committee

FROM: Planning & Development Agency Staff

SUBJECT: Request for Permit Extension – Shoreland CUP 2015 002
Traynor Revocable Trust Bridge Project over Otter Creek
7030 E Co Rd N, Milton Township

MEETING DATE: January 26, 2017

Summary:

The Planning and Development Committee approved a Shoreland Conditional Use Permit on April 9, 2015 for the landowner to conduct a nonmetallic mining operation within the Shoreland Zoning District, which included the construction of a new bridge over Otter Creek to access the site. That Permit was appealed to the Rock County Board of Adjustment (BOA) by neighboring landowners. In the final action on that appeal, the BOA approved the bridge project (with conditions) but denied the ability to mine within the Shoreland Zoning District. The final decision was made on September 16, 2015.

A copy of the “Findings of Fact, Conclusions of Law and Decision” document written by the Attorney for the BOA is enclosed for reference. Effectively, this document serves as the written permit approval for the project. The duration of the permit was not specifically enumerated in the conditions of approval, though it was referenced on page 5 in the paragraph titled “Expiration of permit,” which states, “Any privilege granted by this decision must be exercised within 12 months of the date of this decision after obtaining the necessary building, zoning and other permits for the proposed construction. This period shall be extended if this decision is stayed by the order of any court or operation of law.”

The permit duration of one year is the standard for all permits unless requested and approved otherwise in the permitting process.

Following the action by the BOA in 2015, the landowner and operator/lessee of the proposed site at the time chose not to proceed with an appeal to Circuit Court of the decision to deny the Conditional Use Permit to mine within the Shoreland Zoning District. In the fall of 2016, a new operator/lessee began revising the plans to mine the portion of the original proposed site outside of the Shoreland Zoning District. The operator plans to utilize the permit approval granted by the BOA in 2015, but the newly submitted bridge (and approach) design is altered from that approved

by the BOA. Staff has been working with the operator to ensure that the revised plan meets the standards for Shoreland and Floodplain Zoning and is consistent with approvals by other Agencies. In this particular case, the main determination to make is that the new bridge will have no impact on the floodplain.

Recommendation(s) or Action(s):

In consideration of the fact that a new operator/lessee is involved and the project has not yet commenced on site, Staff recommends approving a permit extension for Shoreland CUP 2015 002 until September 1st, 2017 subject to the original conditions of approval. Staff also recommends that a prorated permit fee of \$50 per month be approved for this extension.

Alternatively, the Committee may deny the permit extension request and require that a new Shoreland CUP application be submitted. A new application would require public notice and hearing for the project, but would not change the standards that have to be met for approval.

ROCK COUNTY BOARD OF ADJUSTMENT

In re Appeal of Russ and Sandy Caley, et al.¹

Application No. BOA 2015 006

Appeal of April 9, 2015, Rock County Planning & Development Committee's Grant of Conditional Approval for Operation of a Gravel Pit and Wash Plant to Harold Traynor Revocable Living Trust

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

On April 10, 2015, pursuant to Sec. 4.1207 of the Rock County Code of Ordinances ("Code"), the Appellants filed a Board of Adjustment Application ("Appeal") appealing the Rock County Planning & Development Committee's April 9, 2015, decision to conditionally approve the operation of a gravel pit and wash plant on the Harold Traynor Revocable Living Trust ("Applicant") property located at 7030 E. County Road N, Milton, Wisconsin, located in the township of Milton ("Property"), all as more particularly set forth in the March 5, 2015, Shoreland Conditional Use Permit Application ("Application") and Appeal filings. Pursuant to Sec. 4.1208 of the Code, the Board conducted an initial Public Hearing on May 27, 2015, convened for purposes of deliberations on June 24, 2015, conducted a site visit on August 26, 2015, conducted a second Public Hearing on August 26, 2015, followed by continued deliberations and convened for purposes of deliberations on September 16, 2015.

The Public Hearings and deliberations were transcribed by a court reporter pursuant to Sec. 4.1208(E) of the Code. In addition to the testimony provided by participants in the Public Hearings, the Board received into evidence the following documents:

Exhibit 1 – Recordings of March 26, 2015, and April 9, 2015, Planning & Development Committee Meetings

Exhibit 2 – May 27, 2015, Board of Adjustment Agenda Packet

Exhibit 3 – Bluewater Consulting Traynor Property PowerPoint Presentation

Exhibit 4 – Court Reporter Transcripts

Exhibit 5 – Traynor Mine Site Map 1 (produced by County P&D Staff)

Exhibit 6 – Traynor Mine Site Map 2 (produced by County P&D Staff)

¹ All Appellants names and addresses are listed on Exhibit A attached to this Decision.

Exhibit 7 – Blue water Consulting PowerPoint presentation from August 26, 2015, meeting

FINDINGS OF FACT APPLICABLE TO ENTIRE APPEAL

Having heard the testimony and considered the evidence presented, the Board determines the facts of this case to be:

1. The Applicant, Harold Traynor Revocable Living Trust c/o Mr. Scott Traynor, is the owner of the following described property which is the subject of the appeal: S1/2 of Section 12 and the NW1/4 of Section 13 in the Town of Milton, Rock County, known as 7030 E. County Road N, Milton, Wisconsin.
2. The property is presently in use for purposes consistent with the A-1 zone as established by the Town of Milton's zoning code.
3. The Applicant has obtained an Amended Conditional Use Permit from the Town of Milton to operate a gravel pit and related activities, as more particularly set forth in Exhibit 2.
4. Pursuant to Sec. 4.202(1)(A) of the Code, Rock County regulates the use of lands in the unincorporated areas of Rock County which are within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages and pursuant to Sec. 4.202(1)(B) of the Code, Rock County regulates the use of lands in the unincorporated areas of Rock County which are within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater.
5. Exhibits 5 and 6 of the record identify and delineate the area of the Property that is subject to regulation under the Code.
6. Pursuant to Sec. 4.208(2) of the Code, the Applicant has obtained a Conditional Use Permit from the Rock County Planning & Development Committee for: (a) the replacement of the bridge over Otter Creek on the subject property; and (b) mineral extraction and related activities, as more particularly set forth at pages 100-102 of the Planning & Development Committee's action. The Planning & Development's Committee's action in approving the Conditional Use Permit for both replacement of the Otter Creek bridge and mineral extraction is the subject of the Appeal.
7. The Appellants request that the Planning & Development Committee's grant of the Conditional Use Permit be overturned.
8. The Board bifurcated the Appeal and Application so as to allow the Board to consider the portion of the Conditional Use Permit Application for replacement of the Otter Creek bridge separate from consideration of the portion of the Conditional Use Permit Application for mineral extraction and related activities.

FINDINGS OF FACT APPLICABLE TO OTTER CREEK BRIDGE REPLACEMENT

9. With regard to the portion of the Conditional Use Permit Application relating to the replacement of the Otter Creek Bridge, the Board considered the following factors pursuant to Sec. 4.213(3)(C) of the Code, all as more particularly set forth in the transcript of the proceedings:

- a. The maintenance of safe and healthful conditions.
- b. The prevention and control of water pollution including sedimentation.
- c. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- d. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- e. The location of the site with respect to existing or future access roads.
- f. The need of the proposed use in a shoreland location.
- g. Its compatibility with uses on adjacent land.
- h. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- i. Location factors under which:
 - (i) Domestic uses shall be generally preferred;
 - (ii) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - (iii) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

10. With regard to the portion of the Conditional Use Permit Application relating to the replacement of the Otter Creek Bridge, the Board finds that, following consideration of applicable factors under the Code, the Otter Creek Bridge replacement project can proceed with conditions, as more particularly set forth below.

**FINDINGS OF FACT RELATED TO MINERAL EXTRACTION
AND RELATED ACTIVITIES**

11. With regard to the portion of the Conditional Use Permit Application relating to mineral extraction and related activities, the Board considered the following factors pursuant to Sec. 4.213(3)(C) of the Code, all as more particularly set forth in the transcript of the proceedings:

- a. The maintenance of safe and healthful conditions.
- b. The prevention and control of water pollution including sedimentation.

- c. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- d. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- e. The location of the site with respect to existing or future access roads.
- f. The need of the proposed use in a shoreland location.
- g. Its compatibility with uses on adjacent land.
- h. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- i. Location factors under which:
 - (i) Domestic uses shall be generally preferred;
 - (ii) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - (iii) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

12. With regard to the portion of the Conditional Use Permit Application relating to mineral extraction and related activities, the Board finds that the proposed use would not be consistent with the applicable ordinances, all as more particularly set forth in the transcript of the proceedings.

CONCLUSIONS OF LAW RELATED TO OTTER CREEK BRIDGE REPLACEMENT

Based on the above findings of fact the Board concludes that:

1. The Board has no authority to regulate the use of the Property identified on Exhibits 5 and 6 of the record as being outside the shoreland zone. This Decision shall apply only to those areas subject to regulation under the Code.

2. The Otter Creek Bridge replacement meets the requirements of the Code such that the Applicant is required to obtain a conditional use permit to engage in the portion of the Application related to the Otter Creek Bridge replacement.

3. Provided the conditions set forth in Paragraph 4 below are followed and satisfied, the Application for a Conditional Use Permit relating to the Otter Creek Bridge replacement satisfies the criteria set forth in the Code, all as more particularly set forth in the transcript of the proceedings.

4. The Board hereby **APPROVES** the Application for a Conditional Use Permit (and denies the Appeal) in relation to the replacement of the Otter Creek Bridge subject to the following conditions:

- a. The driveway on the north and south sides of the bridge shall be a straight line and shall not intrude upon the designated shoreland district for the minimum amount

required for the driveway more than 300 feet north of the bridge nor 300 feet south of the bridge.

b. No driveway, other than that allowed under condition (a) above, shall be constructed in the designated shoreland zone.

c. Condition No. 4 from the County's Planning & Development Committee approval is adopted and incorporated by reference herein. *Chap. 30 and all other permits*

d. The bridge replacement shall be subject to all other governmental permits and approvals.

5. The Board hereby **DENIES** the Application for a Conditional Use Permit (and sustains the Appeal) in relation to mineral extraction and related activities.

Expiration of permit. Any privilege granted by this decision must be exercised within 12 months of the date of this decision after obtaining the necessary building, zoning and other permits for the proposed construction. This period will be extended if this decision is stayed by the order of any court or operation of law.

Revocation. This order may be revoked after notice and opportunity to be heard for violation of any of the conditions imposed.

Appeals. This decision may be appealed by filing an action in certiorari in the circuit court for Rock County within 30 days after the date of filing of this decision. The County assumes no liability for and makes no warranty as to reliance on this decision if construction is commenced prior to expiration of this 30-day period.

ROCK COUNTY REQUEST FOR COMMITTEE ACTION FOR REHAB LOAN

| | | | |
|-------------------------------------------|--------------------------------|---------------------------------------|----------------|
| Date: | January, 2017 | Project ID: | 80 (LHC Grant) |
| Project Recommended By: | WPHD | | |
| Project Funding Source | Lead Hazard Grants | | |
| HOUSEHOLD INFORMATION | | | |
| Household Size | 2 | Household Income | \$26,367 |
| | | Project location | Janesville |
| FAIR MARKET VALUE INFORMATION | | ASSESSED VALUE INFORMATION | |
| LAND | \$7,400 | LAND | \$7,300 |
| BUILDINGS | \$46,100 | BUILDINGS | \$45,700 |
| TOTAL | \$53,500 | TOTAL | \$53,000 |
| MORTGAGE AND LIENS | | | |
| 1. (Bank) | \$75,000 | 2. | |
| 3. | | PROPOSED ROCK COUNTY LOAN | \$45,065 |
| TOTAL MORTGAGES AND LIENS (with new loan) | \$80,575 (including HOME loan) | LOAN TO VALUE (WITH ROCK COUNTY LOAN) | NA |

| | | | |
|-------------------------------------|-------------------------------------------------------------------|-------------------------------------|-----------------------------------|
| ELIGIBILITY VERIFICATIONS | | | |
| <input checked="" type="checkbox"/> | Income less than 80% | <input checked="" type="checkbox"/> | Title in Name |
| <input checked="" type="checkbox"/> | Loan to Value less than 120% | <input checked="" type="checkbox"/> | Mortgage Current |
| <input checked="" type="checkbox"/> | Home value (after rehab) less than \$143,000 (NA for CDBG or LHG) | <input checked="" type="checkbox"/> | Taxes Current |
| <input checked="" type="checkbox"/> | Insurance | <input checked="" type="checkbox"/> | Conflict of Interest Signed |
| <input type="checkbox"/> | Flood Insurance (if required) | <input checked="" type="checkbox"/> | Lead Pamphlet received and signed |

| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| SUMMARY OF WORK: | |
| This loan of \$45,065 is matched with a HOME loan in the amount of \$5,575. Lead funds will be used for the replacement of siding and windows, and lead abatement of porch components. This loan is subject to approval from HUD as a high cost project. | |
| Requested Loan Amount: | \$45,065 |

COMMITTEE ACTION

| | | | |
|---------------------------|---------|--------------------------|------|
| <input type="checkbox"/> | APPROVE | <input type="checkbox"/> | DENY |
| LOAN AMOUNT APPROVED | | \$45,065 | |
| Signature-Committee Chair | | Date | |

ROCK COUNTY REQUEST FOR COMMITTEE ACTION FOR REHAB LOAN

| | | | |
|-------------------------------------------|-----------------------------------------|---------------------------------------|------------------------|
| Date: | January, 2017 | Project ID: | 81 (LHC Grant) |
| Project Recommended By: | WPHD | | |
| Project Funding Source | Lead Hazard Grant | | |
| HOUSEHOLD INFORMATION | | | |
| Household Size | 4 | Household Income | \$37,124 |
| | | Project location | Janesville |
| FAIR MARKET VALUE INFORMATION | | ASSESSED VALUE INFORMATION | |
| LAND | \$19,000 | LAND | \$18,800 |
| BUILDINGS | \$91,000 | BUILDINGS | \$90,100 |
| TOTAL | \$110,000 | TOTAL | \$108,900 |
| MORTGAGE AND LIENS | | | |
| 1. (Bank) | \$77,025 | 2. | |
| 3. | | PROPOSED ROCK COUNTY LOAN | \$35,235 |
| TOTAL MORTGAGES AND LIENS (with new loan) | \$118,020 (including LHG and HOME loan) | LOAN TO VALUE (WITH ROCK COUNTY LOAN) | NA (LHG is forgivable) |

| | | | |
|-------------------------------------|-------------------------------------------------------------------|-------------------------------------|-----------------------------------|
| ELIGIBILITY VERIFICATIONS | | | |
| <input checked="" type="checkbox"/> | Income less than 80% | <input checked="" type="checkbox"/> | Title in Name |
| <input checked="" type="checkbox"/> | Loan to Value less than 120% | <input checked="" type="checkbox"/> | Mortgage Current |
| <input checked="" type="checkbox"/> | Home value (after rehab) less than \$143,000 (NA for CDBG or LHG) | <input checked="" type="checkbox"/> | Taxes Current |
| <input checked="" type="checkbox"/> | Insurance | <input checked="" type="checkbox"/> | Conflict of Interest Signed |
| <input type="checkbox"/> | Flood Insurance (if required) | <input checked="" type="checkbox"/> | Lead Pamphlet received and signed |

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| SUMMARY OF WORK: | |
| This loan of \$35,235 is matched with a HOME loan in the amount of \$5,760. Lead work to be completed includes replacement of siding on the house and garage and window replacement. In addition, components of the front porch will be aluminum wrapped. | |
| Requested Loan Amount: | \$35,235 |

COMMITTEE ACTION

| | | | |
|---------------------------|---------|--------------------------|------|
| <input type="checkbox"/> | APPROVE | <input type="checkbox"/> | DENY |
| LOAN AMOUNT APPROVED | | \$35,235 | |
| | | | |
| Signature-Committee Chair | | Date | |

MEMORANDUM

Date: January 26, 2017

TO: Rock County Planning & Development Committee

FROM: Wisconsin Partnership for Housing Development,
Administrator for Rock County Homeowner Rehab Program

SUBJECT: REMEDIATION PROJECT LOAN ID – 09733811

SUMMARY:

This was a prior CDBG project that was completed in Edgerton. The homeowner subsequently contacted the contractor to repair substandard work causing leaking and rotting from the shower that was replaced. Two attempts were made under warranty. After case file review, the Wisconsin Department of Administration Staff indicated the most expedient method for remediation would entail corrective action for the homeowner via a grant.

The inspector and WPHD staff went to the property and identified the source of the problem. It stems from faulty plumbing. The resulting leaks caused significant rotting and damage to the subfloor in the upstairs bathroom and the first floor ceiling underneath the area. As a result, mold has developed in the floor and ceiling area.

Corrective action will include repair of the faulty plumbing, replacement of the subfloor, treatment of the mold and repair of the ceiling area that must be removed in order to access plumbing. Total cost for the project is estimated at \$3,365. This will be given as a grant to the homeowner.

COMMITTEE APPROVAL

| | |
|-----------------------------|------------------------------------------------------------------------|
| Grant Approved | Grant of \$3,365 to be offered to homeowner to make corrective repairs |
| | |
| Signature – Committee Chair | Date |

MEMORANDUM

Date: January 26, 2017

TO: Rock County Planning & Development Committee

FROM: Wisconsin Partnership for Housing Development,
Administrator for Rock County Homeowner Rehab Program

SUBJECT: Information Item: Change Order #1 for Project ID 73

SUMMARY:

This project is a lead and CDBG project. The CDBG loan was increased by \$1,645.00. Additional funds were required to take care of rotting subfloor identified when flooring was replaced and to install two additional bedroom doors.

COMMITTEE ACKNOWLEDGEMENT

| | |
|-----------------------------|-----------------------------------------------------------|
| Change Order Acknowledged | Allocation of additional \$1,645 to loan referenced above |
| | |
| Signature – Committee Chair | Date |

MEMORANDUM

Date: January 26, 2017

TO: Rock County Planning & Development Committee

FROM: Wisconsin Partnership for Housing Development,
Administrator for Rock County Homeowner Rehab Program

SUBJECT: Information Item: Change Order #1 for Project ID 74

SUMMARY:

This project is a CDBG project. The CDBG loan was increased by \$950.00. Additional funds were required to replace one additional damaged window and to change the size of the bathroom vanity to accommodate plumbing needs.

COMMITTEE ACKNOWLEDGEMENT

| | |
|-----------------------------|---------------------------------------------------------|
| Change Order Acknowledged | Allocation of additional \$950 to loan referenced above |
| | |
| Signature – Committee Chair | Date |