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3 ORDINANCE BY THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE
4 PLANNING COMMITTEE AMENDING SECTION 20-1 DEFINITIONS; SECTION 20-2
5 AUTHORITY; SECTION 20-6 INTERPRETATION; SECTION 20-10 COMPLIANCE;
6 SECTION 20-10.5 MUNICIPALITIES AND STATE AGENCIES REGULATED;
7 SECTION 20-190 FLOODPLAIN NONCONFORMING USES; SECTION 20-816
8 PURPOSES; SECTION 20-1271(b) ACCESSORY; INDUSTRIAL STRUCTURES AND
9 CREATING SECTION 20-4(c) INTENT; SECTION 20-16 SEVERABILITY; SECTION
10 20-17 ZONING AGENCY; SECTION 20-18 ZONING ADMINISTRATOR; SECTION
11 20-19 DATA REQUIREMENTS TO ANALYZE FLOODPLAIN DEVELOPMENTS; SECTION
12 20-169 WARNING AND DISCLAIMER OF LIABILITY; SECTION 20-170 ANNEXED
13 AREAS FOR CITIES AND VILLAGES; SECTION 20-171 GENERAL DEVELOPMENT
14 STANDARDS; CREATE SECTION 20-186(a) (5) EXISTING NONCONFORMING USES;
15 SECTION 20-213.5 GENERAL PROVISIONS FLOODPLAIN DISTRICTS; CREATE
16 SECTION 20-819 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS; CREATE
17 SECTION 20-879 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS; CREATE
18 SECTION 20-1185 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN
19 DISTRICTS

20
21 The County Board of Supervisors of the County of Racine ordains as
22 follows:

23
24 AN ORDINANCE TO AMEND that Certain Ordinance Entitled RACINE COUNTY
25 ZONING ORDINANCE adopted December 2, 1969, found on pages 185 to
26 232 of the OFFICIAL PROCEEDINGS OF THE RACINE COUNTY BOARD OF
27 SUPERVISORS FOR THE YEAR 1969 as recodified May 28, 1991, by
28 Ordinance 91-196.

29
30 AMEND SECTION 20.1 DEFINITIONS by including the following in their
31 proper alphabetical sequence, replacing any previous definitions
32 for such words:

33
34 Add: *Accessory structure or use* shall mean a facility,
35 structure, building or use which is accessory to or incidental to
36 the principle use of a property, structure, or building.

37
38 Replace: *Base flood* shall mean the flood having a one percent
39 change of being equaled or exceeded in any given year, as published
40 by FEMA as part of a FIS and depicted on a FIRM.

41
42 Replace: *Basement* shall mean any enclosed area of a building
43 having its floor sub-grade (i.e., below ground level, on all
44 sides).

45
46 Replace: *Bulkhead line* shall mean a geographic line along a
47 reach of navigable water that has been adopted by a municipal
48 ordinance and approved by the Department pursuant to s.30.11 Stats,
49 and which allows limited filling between this bulkhead line and the
50 original ordinary high-water mark, except where such filling is
51 prohibited by the floodway provisions of this ordinance.

4 Add: *Campground* shall mean any parcel of land which is
5 designed, maintained, intended, or used for the purpose of
6 providing sites for nonpermanent overnight use by four (4) or more
7 camping units, or which is advertised or represented as a camping
8 area.

9 Add: *Camping unit* shall mean any portable device, no more
10 than four hundred (400) square feet in area, used as a temporary
11 shelter, including but not limited to, a camping trailer, motor
12 home, bus, van, pick-up truck, tent or other mobile recreational
13 vehicle.

14 Add: *Certificate of Compliance* shall mean a certification
15 that the construction and the use of land or a building, the
16 elevation of fill or the lowest floor of a structure is in
17 compliance with all of the provisions of this ordinance.

18 Replace: *Channel* shall mean a natural or artificial
19 watercourse with definite bed and banks to confine and conduct
20 normal flow of water.

21 Add: *Crawlways or crawlspace* shall mean an enclosed area below
22 the first usable floor of a building, generally less than five (5)
23 feet in height, used for limited access to plumbing and electrical
24 utilities.

25 Add: *Deck* shall mean an unenclosed exterior structure
26 that has no roof or sides, but has a permeable floor which allows
27 the infiltration of precipitation.

28 Replace: *Development* shall mean any artificial change to
29 improved or unimproved real estate, including, but not limited to,
30 the construction of buildings, structures or accessory structures;
31 the construction of additions or alterations to buildings,
32 structures or accessory structures; the repair of any damaged
33 structure or the improvement or renovation of any structure,
34 regardless of percentage of damage or improvement; the placement of
35 buildings or structures; subdivision layout and site preparation;
36 mining, dredging, filling, grading, paving, excavation or drilling
37 operations; the storage, deposition or extraction of materials or
38 equipment; and the installation, repair or removal of public or
39 private sewage disposal systems or water supply facilities.

40 Add: *Existing manufactured home park or subdivision* shall
41 mean a parcel of land, divided into two or more manufactured home
42 lots for rent or sale, on which the construction of facilities for
43 servicing the lots is completed before the effective date of this
44 ordinance. At a minimum, this would include the installation of
45 utilities, the construction of streets and either final site
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3 grading or the pouring of concrete pads.
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5 Add: *Expansion to existing manufactured home park* shall
6 mean the preparation of additional sites by the construction of
7 facilities for servicing the lots on which the manufactured homes
8 are to be affixed. This includes installation of utilities,
9 construction of streets and either final site grading, or the
10 pouring of concrete pads.
11

12 Add: *Flood insurance rate map (FIRM)* shall mean a map of
13 a community on which the Federal Insurance Administration has
14 delineated both special flood hazard areas (the floodplain) and the
15 risk premium zones applicable to the community. This map can only
16 be amended by the Federal Emergency Management Agency.
17

18 Replace: *Flood or flooding* shall mean a general and temporary
19 condition of partial or complete inundation of normally dry land
20 areas caused by one of the following:

- 21 (1) the overflow or rise of inland waters;
22 (2) the rapid accumulation of runoff of surface waters from any
23 source;
24 (3) the inundation caused by waves or currents of water exceeding
25 anticipated cyclical levels along the shore of Lake Michigan
26 or Lake Superior; or
27 (4) the sudden increase caused by an unusually high water level in
28 a natural body of water, accompanied by a sever storm, or by
29 an unanticipated force of nature, such as a seiche, or by some
30 similarly unusual event.
31

32 Add: *Flood hazard boundary map* shall mean a map
33 designating approximate flood hazard areas. Flood hazard areas are
34 designated as un-numbered A-Zones and do not contain floodway lines
35 or regional flood elevations. This map forms the basis for both
36 the regulatory and insurance aspects of the National Flood
37 Insurance Program (NFIP) until superseded by a flood insurance
38 study and a flood insurance rate map.
39

40 Add: *Floodplain* shall mean land which has been or may be
41 covered by flood water during the regional flood. It includes the
42 floodway and the floodfringe, and may include other designated
43 floodplain areas for regulatory purposes.
44

45 Add: *Floodplain island* shall mean a natural geologic land
46 formation within the floodplain that is surrounded, but not
47 covered, by floodwater during the regional flood.
48

49 Add: *Floodplain management* shall mean policy and
50 procedures to ensure wise use of floodplains, including mapping and
51 engineering, mitigation, education, and administration and
52 enforcement of floodplain regulations.

4 Add: *Floodplain nonconforming structure* shall mean an
5 existing lawful structure or building which is not in conformity
6 with the dimensional or structural requirements of this ordinance
7 for the area of the floodplain which it occupies. (For example, an
8 existing residential structure in the floodfringe district is a
9 conforming use. However, if the lowest floor is lower than the
10 food protection elevation, the structure is nonconforming.)

11 Add: *Floodplain nonconforming use* shall mean an existing
12 lawful use or accessory use of a structure or building which is not
13 in conformity with the provisions of this ordinance for the area of
14 the floodplain which it occupies, such as a residence in the
15 floodway.

16 Add: *Flood profile* shall mean a graph or a longitudinal
17 profile line showing the relationship of the water surface
18 elevation of a flood event to locations of land surface elevations
19 along a stream or river.

20 Add: *Flood protection elevation* shall mean an elevation
21 of two (2) feet of freeboard above the water surface profile
22 elevation designated for the regional flood (Also see: *freeboard*)

23 Add: *Flood storage* shall mean those floodplain areas
24 where storage of floodwaters has been taken into account during
25 analysis in reducing the regional flood discharge.

26 Add: *Habitable structure* shall mean any structure or
27 portion thereof used or designed for human habitation.

28 Add: *Land Use for floodplain management purposes* shall
29 mean any nonstructural or improved real estate.

30 Add: *High flood damage potential* shall mean damage that
31 could result from flooding that includes any danger to life or
32 health or any significant economic loss to a structure or building
33 and its contents.

34 Add: *Mobile recreational vehicle* shall mean a vehicle
35 which is built on a single chassis four hundred (400) square feet
36 or less when measured at the largest horizontal projection,
37 designed to be self-propelled, carried or permanently towable by a
38 licensed, light-duty vehicle, is licensed for highway use if
39 registration is required and is designed primarily not for use as a
40 permanent dwelling, but as temporary living quarters for
41 recreational, camping, travel or seasonal use. Manufactured homes
42 that are towed or carried onto a parcel of land, but do not remain
43 capable of being towed or carried, including park model homes, do

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3 not fall within the definition of mobile recreational homes.

4
5 Add: *NGVD or National Geodetic Vertical Datum* shall mean
6 elevations referenced to mean sea level datum, 1929 adjustment.
7

8 Add: *New construction*, for floodplain management
9 purposes, shall mean structures for which the start of
10 construction commenced on or after the effective date of floodplain
11 zoning regulations adopted by this community and includes any
12 subsequent improvements to such structures. For the purpose of
13 determining flood insurance rates, it includes any structures for
14 which the start of construction commenced on or after the effective
15 date of an initial FIRM or after December 31, 1974, whichever is
16 later, and includes any subsequent improvements to such structures.
17

18 Add: *Obstruction to flow* shall mean any development which
19 blocks the conveyance of flood waters such that this development
20 alone or together with any future development will cause an
21 increase in regional flood heights.
22

23 Add: *Official floodplain zoning map* shall mean that map,
24 adopted and made part of this ordinance, as described in Sec. 20-
25 213.5, which has been approved by the WI-DNR Department and FEMA.
26

27 Add: *Open space use for floodplain management purposes*
28 shall mean those uses having a relatively low flood damage
29 potential and not involving structures.
30

31 Add: *Private sewage system* shall mean a sewage treatment
32 and disposal system serving one structure with a septic tank and
33 soil absorption field located on the same parcel as the structure.

34 It also shall mean an alternative sewage system approved by the
35 Department of Commerce, including a substitute for the septic tank
36 or soil absorption field, a holding tank, a system serving more
37 than one structure or a system located on a different parcel than
38 the structure.
39

40 Add: *Reasonably safe from flooding* shall mean base flood
41 waters will not inundate the land or damage structures to be
42 removed from the special flood hazard area and that any subsurface
43 waters related to the base flood will not damage existing or
44 proposed buildings.
45

46 Replace: *Regional flood* shall mean a flood determined to be
47 representative of large floods known to have occurred in Wisconsin.
48 A regional flood is a flood with a one percent (1%) chance of being
49 equaled or exceeded in any given year, and if depicted on the FIRM,
50 the RFE is equivalent to the BFE.

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3 Add: *Start of construction* shall mean the date the
4 building permit was issued, provided the actual start of
5 construction, repair, reconstruction, rehabilitation, addition,
6 placement, or other improvement was within 180 days of the permit
7 date. The actual start means either the first placement of
8 permanent construction on a site, such as the pouring of slab or
9 footings, the installation of piles, the construction of columns,
10 or any work beyond initial excavation, or the placement of a
11 manufactured home on a foundation. Permanent construction does not
12 include land preparation, such as clearing, grading and filling,
13 nor does it include the installation of streets and/or walkways,
14 nor does it include excavation for a basement, footings, piers or
15 foundations or the erection of temporary forms, nor does it include
16 the installation on the property of accessory buildings, such as
17 garages or sheds not occupied as dwelling units or not part of the
18 main structure. For an alteration, the actual start of
19 construction means the first alteration of any wall, ceiling, floor
20 or other structural part of a building, whether or not that
21 alteration affects the external dimensions of the building.

22
23 Replace: *Structure* shall mean any manmade object with form,
24 shape and utility, either permanently or temporarily attached to,
25 placed upon or set into the ground, stream bed or lake bed,
26 including, but not limited to, roofed and walled buildings, gas or
27 liquid storage tanks, bridges, dams and culverts. Additionally, in
28 the APO district, a structure also includes a mobile object such as
29 a crane, earthworks and overhead transmission lines.

30
31 Add: *Violation* shall mean the failure of a structure or
32 other development to be fully compliant with the floodplain zoning
33 ordinance. A structure or other development without required
34 permits, lowest floor elevation documentation, floodproofing
35 certificates or required floodway encroachment calculations is
36 presumed to be in violation until such time as that documentation
37 is provided.

38
39 Add: *Watershed* shall mean the entire region contributing
40 runoff or surface water to a watercourse or body of water.

41
42 Add: *Water surface profile* shall mean a graphical
43 representation showing the elevation of the water surface of a
44 watercourse for each position along a reach of river or stream at a
45 certain flood flow. A water surface profile of the regional flood
46 is used in regulating floodplain areas.

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48 Add: *Well* shall mean an excavation opening in the ground
49 made by digging, boring, drilling, driving or other methods, to
50 obtain groundwater regardless of its intended use.
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3 AMEND SECTION 20-2 AUTHORITY as follows:

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5 This chapter is adopted under the authority granted by
6 W.S.A. §§ ~~59.97~~ 59.69, ~~59.971~~ 59.694, 87.30(2) and ~~144.26~~ 281.31.
7 Uncontrolled development and use of the floodplains and rivers
8 of Racine County would impair the public health, safety,
9 convenience, general welfare, and tax base.

10
11 CREATE SECTION 20-4(c) INTENT as follows:

12
13 (c) This chapter is intended to regulate floodplain development to:

- 14 (1) protect life, health, and property;
- 15 (2) minimize expenditures of public funds for flood-control
- 16 projects;
- 17 (3) minimize rescue and relief efforts undertaken at the
- 18 expense of the taxpayers;
- 19 (4) minimize business interruptions and other economic
- 20 disruptions;
- 21 (5) minimize damage to public facilities in the floodplain;
- 22 (6) minimize the occurrence of future flood blight areas in
- 23 the floodplain;
- 24 (7) discourage the victimization of unwary land and
- 25 homebuyers;
- 26 (8) prevent increases in flood heights that could increase
- 27 flood damage and result in conflicts between property
- 28 owners; and
- 29 (9) discourage development in a floodplain if there is any
- 30 practicable alternative to locate the activity, use or
- 31 structure outside of the floodplain.

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33
34 AMEND SECTION 20-6 INTERPRETATION by deleting the last sentence
35 as follows:

36
37 ~~The effective dates of these codes as they apply to the county~~
38 ~~are October 1980 (NR115) and July 1977 (NR116).~~

39
40 AMEND SECTION 20-10 COMPLIANCE by adding Paragraph (d):

41
42 (d) Any development or use within the floodplain areas
43 regulated by this chapter shall be in compliance with the
44 floodplain provisions of this chapter, and other applicable
45 local, state, and federal regulations.
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4 AMEND SECTION 20-10.5 MUNICIPALITIES AND STATE AGENCIES REGULATED
5 as follows:

6 Unless specifically exempted by law, all cities, villages,
7 towns, and counties are required to comply with this ordinance and
8 obtain all required permits. State agencies are required to comply
9 if W.S.A. § 13.48(13) applies. The construction, reconstruction,
10 maintenance and repair of state highways and bridges by the
11 Wisconsin Department of Transportation are exempt from compliance
12 when W.S.A. ~~§ 30.13(4)(a)~~ 30.2022 applies.

13
14 CREATE SECTION 20-16 SEVERABILITY as follows:

15
16 Should any portion of this chapter be declared
17 unconstitutional or invalid by a court of competent jurisdiction,
18 the remainder of this ordinance shall not be affected.

19
20 CREATE SECTION 20-17 ZONING AGENCY as follows:

21
22 (a) The Economic Development and Land Use Planning Committee
23 shall:

24
25 (1) oversee the functions of the office of the zoning
26 administrator; and

27
28 (2) review and advise the Racine County Board of Supervisors
29 on all proposed amendments to this ordinance, maps and
30 text.

31
32 (3) review and approve conditional uses and site plans;

33
34 (4) such other functions as established by the Racine County
35 Board of Supervisors

36
37 (b) This Committee shall not:

38
39 (1) grant variances to the terms of the ordinance in place of
40 action by the Board of Adjustment/Appeals; or

41
42 (2) amend the text or zoning maps in place of official action
43 by the Board of Supervisors.

44
45 CREATE SECTION 20-18 ZONING ADMINISTRATOR as follows:

46
47 The zoning administrator is authorized to administer this
48 chapter and shall have the following duties and powers:

1 (a) Advise applicants of the chapter provisions, assist in
2
3 preparing permit applications and appeals, and assure that the
4 regional flood elevation for any proposed floodplain development is
5 shown on all such permit applications.
6

7
8 (b) Issue permits and inspect properties for compliance with
9 provisions of this chapter, and issue certificates of compliance
10 where appropriate.
11

12 (c) Inspect all damaged floodplain structures and perform a
13 substantial damage assessment to determine if substantial damage to
14 the structures has occurred.
15

16 (d) Keep records of all official actions such as:

17
18 (2) All permits issued, inspections made, and work approved;
19

20 (3) Documentation of certified lowest floor and regional
21 flood elevations for floodplain development;
22

23 (4) Records of water surface profiles, floodplain zoning maps
24 and ordinances, nonconforming uses and structures
25 including changes, appeals, variances and amendments;
26

27 (5) All substantial damage assessment reports for floodplain
28 structures.
29

30 (e) Submit copies of the following items to the Department of
31 Natural Resources Regional office:
32

33 (1) Within ten (10) days of the decision, a copy of any
34 decisions on variances, appeals for map or text
35 interpretations, and map or text amendments;
36

37 (2) Copies of any case-by-case analyses, and any other
38 information required by the Department of Natural
39 Resources, including an annual summary of the number and
40 types of floodplain zoning actions taken.
41

42 (3) Copies of substantial damage assessments performed and
43 all related correspondence concerning the assessments.

44 NOTE: Information on conducting substantial damage
45 assessments is available on the Department of Natural
46 Resources (DNR) website

47 <http://dnr.wi.gov/org/water/wm/dsfm/flood/title.htm>
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4 (f) Investigate, prepare reports, and report violations of
5 this chapter to the Economic Development and Land Use Planning
6 Committee and Corporation Counsel for prosecution. Copies of the
7 reports shall also be sent to the DNR Regional office.

8 (g) Submit copies of text and map amendments and biennial
9 reports to the FEMA Regional office.

10 (h) Conduct public information activities.

11 (1) Cause marks to be placed on structures to show the depth
12 of inundation during the regional flood.

13 (2) Ensure that all maps, engineering data, and regulations
14 shall be available and widely distributed.

15 (3) Encourage all real estate transfers to show within what
16 floodplain zoning district any real property is located.

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22 **CREATE SECTION 20-19 DATA REQUIREMENTS TO ANALYZE FLOODPLAIN**
23 **DEVELOPMENTS as follows:**

24
25 The applicant shall provide all survey data and computations
26 required to show the effects of the project on flood heights,
27 velocities and floodplain storage, for all subdivision proposals,
28 as "subdivision" is defined in s. 263, Stats., and other proposed
29 developments exceeding five (5) acres in area or where the
30 estimated cost exceeds \$125,000. The applicant shall provide:

31
32 (a) An analysis of the effect of the development on the
33 regional flood profile, velocity of flow and floodplain storage
34 capacity;

35
36 (b) A map showing location and details of vehicular access
37 to lands outside the floodplain; and

38
39 (c) A surface drainage plan showing how flood damage will be
40 minimized. The estimated cost of the proposal shall include all
41 structural development, landscaping, access and road development,
42 utilities, and other pertinent items, but need not include land
43 costs.

44
45 **CREATE SECTION 20-169 WARNING AND DISCLAIMER OF LIABILITY as**
46 **follows:**

47
48 The flood protection standards in this chapter are based on
49 engineering experience and scientific research. Larger floods may
50 occur or the flood height may be increased by man-made or natural
51 causes. This chapter does not imply or guarantee that non-

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3 floodplain areas or permitted floodplain uses will be free from
4 flooding and flood damages, nor does this chapter create liability
5 on the part of, or a cause of action against, the county or any
6 office or employee thereof for any flood damage that may result
7 from reliance on this chapter.

8
9 CREATE SECTION 20-170 ANNEXED AREAS FOR CITIES AND VILLAGES as
10 follows:

11
12 The Racine County floodplain zoning provisions in effect on
13 the date of annexation shall remain in effect and shall be enforced
14 by the municipality for all annexed areas until the municipality
15 adopts and enforces an ordinance which meets the requirements of
16 ch. NR116, Wis. Adm. Code, and the National Flood Insurance Program
17 (NFIP). These annexed lands are described on the municipality's
18 official zoning map. County floodplain zoning provisions are
19 incorporated by reference for the purpose of administering this
20 section and are on file in the office of the municipal zoning
21 administrator. All plats or maps of annexation shall show the
22 regional flood elevations and the location of the floodway.

23
24 CREATE SECTION 20-171 GENERAL DEVELOPMENT STANDARDS as follows:

25
26 Racine County shall review all permit applications to
27 determine whether proposed building sites will be reasonably safe
28 from flooding. If a proposed building site is in a flood prone
29 area, all new construction and substantial improvements shall be
30 designed or modified and adequately anchored to prevent flotation,
31 collapse, or lateral movement of the structure resulting from
32 hydrodynamic and hydrostatic loads; be constructed with materials
33 resistant to flood damage; be constructed with electrical, heating,
34 ventilation, plumbing, and air-conditioning equipment and other
35 service facilities designed and/or located so as to prevent water
36 from entering or accumulating within the components during
37 conditions of flooding. Subdivisions shall be reviewed for
38 compliance with the above standards. All subdivision proposals
39 (including manufactured home parks) shall include regional flood
40 elevation and floodway data for any development that meets the
41 subdivision definition of this ordinance.

42
43 CREATE SECTION 20-186(a) (5) as follows:

44
45 The construction of a deck that does not exceed two hundred
46 (200) square feet and that is adjacent to the exterior wall of a
47 principal structure is not an extension, modification or addition.
48 The roof of the structure may extend over a portion of the deck in
49 order to provide safe ingress and egress to the principal
50 structure.

4 AMEND SECTION 20-190 FLOODPLAIN NONCONFORMING USES as follows:

5 (a) Floodland nonconforming uses repaired or altered under
6 the nonconforming use provisions of this chapter shall provide for
7 floodproofing to those portions of the structures involved in such
8 repair or alteration. Certification of floodproofing shall be made
9 to the zoning administrator and shall consist of a plan or document
10 certified by a
11 registered professional engineer that the floodproofing measures
12 are consistent with the flood velocities, forces, depths, and other
13 factors associated with the one-hundred-year recurrence interval
14 flood.

15
16 (b) Nonconforming mobile homes, mobile home parks, and mobile
17 home subdivisions shall comply with the requirements for
18 nonconforming residential structures. Existing mobile homes in a
19 floodland district that have been substantially damaged shall be
20 elevated on a permanent foundation or pad such that the elevation
21 of the foundation or pad is at or above the one-year recurrence
22 interval flood elevation; the first floor of the mobile home is at
23 or above the floodplain protection elevation; and the mobile home
24 shall be securely anchored to the foundation system to resist
25 floatation, collapse, and lateral movement. Recreational vehicles
26 shall not be considered to be mobile homes (manufactured homes).

27
28 (c) No modification or addition shall be allowed to any
29 nonconforming structure or any structure with a nonconforming use
30 unless such modification or addition has been granted a permit or
31 variance by Racine County and the modification or addition shall be
32 placed on fill or floodproofed to the flood protection elevation in
33 compliance with the standards of this chapter.

34
35
36 (d) Where compliance with the provisions of par. (c) would
37 result in unnecessary hardship and only where the structure will
38 not be used for human habitation or be associated with a high flood
39 damage potential, the Board of Adjustment, using the procedures
40 established herein, may grant a variance from those provisions of
41 par. (d) for modifications or additions, using the criteria listed
42 below. Modifications or additions which are protected to
43 elevations lower than the flood protection elevation may be
44 permitted if:

- 45
46 (1) no floor is allowed below the regional flood elevation
47 for residential or commercial structures;
48
49 (2) human lives are not endangered;
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3 (3) public facilities, such as water or sewer, will not be
4 installed;

5
6 (4) flood depths will not exceed two (2) feet;

7
8 (5) flood velocities will not exceed two (2) feet per second;
9 and

10
11 (6) the structure will not be used for storage of materials
12 as described herein.

13
14 (e) If neither the provisions of par. (c) or (d) above can
15 be met, one addition to an existing room in a nonconforming
16 building or a building with a nonconforming use may be allowed in
17 the floodfringe, if the addition:

18
19 (1) meets all other regulations and will be granted by
20 permit or variance;

21
22 (2) does not exceed sixty (60) square feet in area; an

23
24 (3) in combination with other previous modifications or
25 additions to the building, does not exceed fifty (50)
26 percent of the equalized assessed value of the building.

27
28 (f) All new private sewage disposal systems, or addition to,
29 replacement, repair or maintenance of a private sewage disposal
30 system shall meet all the applicable provisions of all local
31 ordinances and ch. COMM 83, Wis. Adm. Code.

32
33 (g) All new wells, or addition to, replacement, repair or
34 maintenance of a well shall meet the applicable provisions of this
35 chapter and ch. NR 811 and NR 812, Wis. Adm. Code.

36
37 (h) No modification to a floodland nonconforming use or
38 structure shall be permitted that would, over the life of the
39 nonconforming use or structure, exceed fifty (50) percent of the
40 current equalized value of the structure, unless the entire
41 structure is changed to a conforming structure with a conforming
42 use. The zoning administrator shall maintain records of all
43 floodland nonconforming uses and structures and modifications made
44 to floodland nonconforming uses and structures. Records shall
45 reflect the current equalized value of nonconforming structures,
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2
3 the costs of any modifications that are permitted, and the
4 percentage of the structures' current value that those
5 modifications represent. Illustration No. 1 reflects a method by
6 which the zoning administrator may determine when modifications
7 exceed the fifty (50) percent limit.
8

9 (1)

ILLUSTRATION NO. 1

10 Is It Fifty (50) Percent Yet?
11

12 *Sample Problem:* Assume that the owner of a nonconforming
13 house wishes to add a room to the house. If the house
14 had an equalized assessed value of \$20,000.00, the
15 property owner would be able to make improvements valued
16 at fifty (50) percent of the present equalized assessed
17 value of the house or \$10,000.00. The improvement would
18 have to be built to zoning standards. Any further
19 additions or structural alterations could not be allowed
20 unless the entire structure was changed to meet the
21 requirements for a new structure.
22

23 (2)

24 Additions and modifications which are permitted are
25 based upon a time period over the life of the structure
26 as shown above. Therefore, if, in the example above, the
27 property owner constructed a \$10,000.00 addition, no
28 further additions could be allowed because the fifty (50)
29 percent improvement limit had been reached. However,
30 assume that the addition was valued at \$4,000.00 or
31 twenty (20) percent of the equalized assessed value of
32 the structure (\$20,000.00). Five years later, the
33 property owner again wishes to add an attached
34 greenhouse. In the meantime, the present equalized
35 assessed value of the house has increased from \$20,000.00
36 to \$30,000.00. The value of the greenhouse is \$3,000.00
37 or ten (10) percent of the current equalized assessed
38 value of the structure.

39 (3)

40 The property owner has now accumulated twenty (20)
41 percent plus ten (10) percent of the allowable additions.

42 (4)

43 Finally, three years later, when the assessed value of
44 the house is \$40,000.00, the property owner wishes to
45 modify the house to the extent of \$10,000.00. \$10,000.00
46 is twenty-five (25) percent of \$40,000.00; therefore, the
47 property owner could not make the modification since
48 there were accumulated modifications totaling thirty (30)
49 percent of the equalized value and an additional twenty-
five (25) percent would be greater than the fifty (50)

4 percent allowed. However, the property owner could make
5 modifications equal to twenty (20) percent of the current
6 equalized assessed value of the home, or \$8,000.00.

7 (5) This example is further clarified in the following table:
8 (Note: The base for calculation is not the original
9 value of the home at the time the ordinance is enacted,
10 but is the value of the home at each time the home is
11 modified.)
12

Year	Assessed Value of Home	Value of Modification	Percent of Modification	Cumulative Percentage
1977	\$20,000	\$4,000	20%	20%
1982	\$30,000	\$3,000	10%	30%
1985	\$40,000	\$10,000	25%	55%
	\$40,000	\$8,000	20%	50%

13 (Code 1975, § 7.085; Ord. No. 94-155, § 2, 11-10-94)

14
15 (i) No modification or addition to any nonconforming
16 structure or any structure with a nonconforming use, which over the
17 life of the structure would exceed 50% of its present equalized
18 assessed value, shall be allowed unless the entire structure is
19 permanently changed to a conforming structure with a conforming use
20 in compliance with the applicable requirements of this ordinance.
21 Contiguous dry land access must be
22 provided for residential and commercial uses in compliance with
23 Sec. 20-1268. The costs of elevating a nonconforming building or a
24 building with a nonconforming use to the flood protection elevation
25 are excluded from the 50% provisions of the paragraph.
26

27 (j) Except as provided below, if any nonconforming structure
28 or any structure with a nonconforming use is destroyed or is
29 substantially damaged, it cannot be replaced, reconstructed or
30 rebuilt unless the use and the structure meet the current ordinance
31 requirements. A structure is considered substantially damaged if
32 the total cost to restore the structure to its pre-damaged
33 condition exceeds fifty (50) percent of the structure's present
34 equalized assessed value.
35

36 (k) For nonconforming buildings that are damaged or destroyed
37 by a non-flood disaster, the repair or reconstruction of any such
38 nonconforming building may be permitted in order to restore it
39 after the non-flood disaster, provided that the nonconforming
40 building will meet all of the minimum requirements under 44 CFR
41 Part 60, or under the regulations promulgated thereunder.

4 (1) A nonconforming historic structure may be altered if the
5 alteration will not preclude the structure's continued designation
6 as an historic structure, the alteration will comply with Sec. 20-
7 819 flood resistant materials are used, and construction practices
8 and flood proofing methods that comply with Sec. 20-1068 are used.

9 (m) No new on-site sewage disposal system, or addition to an
10 existing on-site sewage disposal system, except where an addition
11 has been ordered by a government agency to correct a hazard to
12 public health, shall be allowed in a floodplain area. Any
13 replacement, repair or maintenance of an existing on-site sewage
14 disposal in a floodplain area shall meet the applicable
15 requirements of all municipal ordinances and ch. COMM 83, Wis. Adm.
16 Code.

17 (n) No new well or modification to an existing well used to
18 obtain potable water shall be allowed in a floodplain area. Any
19 replacement, repair or maintenance of an existing well in a
20 floodplain area shall meet the applicable requirements of all
21 municipal ordinances and chs. NR811 and NR812, Wis. Adm. Code.

22 (o) No modification or addition shall be allowed to any
23 nonconforming structure or any structure with a nonconforming use
24 in a floodway area, unless such modification or addition:

25 (1) has been granted a permit or variance which meets all
26 ordinance requirements;

27 (2) meets the requirements of paragraphs (a) through (n) as
28 listed above; and

29 (3) will not increase the obstruction to flood lows or
30 regional flood height during the occurrence of the
31 regional flood.

32 (4) Any addition to the existing structure shall be
33 floodproofed, pursuant to Sec. 20-1068 by means other
34 than the use of fill, to the flood protection elevation.

35 (5) Mechanical and utility equipment must be elevated to or
36 above the regional flood elevation.

37 (6) Its use must be limited to parking and/or limited
38 storage.

2
3 CREATE SECTION 20-213.5 GENERAL PROVISIONS FLOODPLAIN DISTRICTS as
4 follows:

5
6 (a) Areas to be regulated

7
8 This chapter regulates all areas that would be covered by
9 the regional flood or base flood, including floodplain islands
10 unless actual dry land access can be obtained.

11
12 Note: Base flood elevations are derived from the flood
13 profiles in the Flood Insurance Study. Regional flood
14 elevations may be derived from other studies. Areas covered
15 by the base flood are identified as A-zones on the Flood
16 Insurance Rate Map.

17
18 (b) Official maps and revisions

19
20 The boundaries of all floodplain districts are designated
21 as floodplains or A-zones on the maps listed below and the
22 revisions as listed in Section 20-213. Any change to the base
23 flood elevations (BFE) in the Flood Insurance Study (FIS) or
24 on the Flood Insurance Rate Map (FIRM) must be reviewed and
25 approved by the DNR and FEMA before it is effective. No
26 changes to regional flood elevations (RFE's) on non-FEMA maps
27 shall be effective until approved by the DNR. These maps and
28 revisions are on file in the office of the Planning and
29 Development Department, Racine County. If more than one map
30 or revision is referenced, the most current approved
31 information shall apply.

32
33 (c) Official maps: Based on the FIS

34
35 (1) Flood Insurance Rate Map (FIRM), panel number 550347
36 0001-0085, dated April 1, 1982, with corresponding
37 profiles that are based on the Flood Insurance Study
38 (FIS) dated April 1, 1982; and

39
40 (2) Flood Boundary and Floodway Map (FBFW), panel number
41 550347 0001-0085, dated April 1, 1982;

42
43 Approved by the DNR and FEMA

44
45 (d) Official maps: Based on other studies as listed in
46 Section 20-213

47
48 All have been approved by the DNR.
49

4 (e) Locating floodplain boundaries

5 Discrepancies between boundaries on the official
6 floodplain zoning map and actual field conditions shall be
7 resolved using the criteria in paragraphs (1) and (2) below.
8 If a significant difference exists, the map shall be amended
9 according to this chapter. The zoning administrator can rely
10 on a boundary derived from a profile elevation to grant or
11 deny a land use permit, whether or not a map amendment is
12 required. The zoning administrator shall be responsible for
13 documenting actual pre-development field conditions and the
14 basis upon which the district boundary was determined and for
15 initiating any map amendments required under this chapter.
16 Disputes between the zoning administrator and an applicant
17 over the district boundary line shall be settled according to
18 Article II and the criteria in (1) and (2) below.

19
20 (1) If flood profiles exist, the map scale and the profile
21 elevations shall determine the district boundary. The
22 regional or base flood elevations shall govern if there
23 are any discrepancies.

24
25 (2) Where flood profiles do not exist, the location of the
26 boundary shall be determined by the map scale, visual
27 on-site inspection and any information provided by the
28 Department.

29
30 Note: Where the flood profiles are based on established base
31 flood elevations from a FIRM, FEMA must also approve any map
32 amendment involving channel relocations and changes to the
33 maps to alter floodway lines or to remove an area from the
34 floodway or the floodfringe.

35
36 AMEND SECTION 20-816 PURPOSES as follows:

37
38 Sec. 816. Purposes

39
40 The FW Urban Floodway District is intended to be used to
41 protect people and property in urban areas within the county from
42 flood damage by prohibiting the erection of structures that would
43 impede the flow of water during periodic flooding. Prohibiting
44 development of the floodway will serve to diminish damages in the
45 broader floodplain by not increasing flood stages. In delineating
46 the FW district, the effects of development within the associated
47 flood fringe shall be computed. No increase in flood stage shall
48 be permitted that is equal to or greater than 0.01 feet unless the
49 board of supervisors has made appropriate legal arrangements with
50 all affected units of government and all property owners affected

2
3 by the stage increase, and until all such affected units of
4 government have amended their water surface profiles, and floodland
5 zoning maps to reflect the increased flood elevations. ~~No urban~~
6 ~~floodway district changes shall be permitted where the cumulative~~
7 ~~effect of changes increases flood stages by more than 1.0 foot~~
8 ~~unless a waiver is secured from the Federal Emergency Management~~
9 ~~Agency (FEMA).~~ The FW district shall only be utilized in areas of
10 the county where public sanitary sewerage facilities are currently
11 available or are programmed to be made available within twenty-four
12 (24) months and where the elevation of the one-hundred -year
13 recurrence interval flood has been increased by two (2) or more
14 feet since such elevation was originally established.

15
16 CREATE SECTION 20-819 STANDARDS FOR DEVELOPMENTS IN FLOODWAY AREAS
17 as follows:

18
19 (a) General

- 20
21 (1) Any development in floodway areas shall comply with Sec.
22 20-1185 and have a low flood damage potential.
23
24 (2) Applicants shall provide the following data to determine
25 the effects of the proposal according to Sec. 20-1185(a).
26
27 1. A cross-section elevation view of the proposal,
28 perpendicular to the watercourse, showing if the
29 proposed development will obstruct flow; or
30
31 2. An analysis calculating the effects of this proposal
32 on regional flood height.
33
34 (3) The zoning administrator shall deny the permit
35 application if the project will increase flood elevations
36 upstream or downstream 0.01 foot or more, based on the
37 data submitted for par. (2) above.

38
39 (b) Structures

40
41 Structures accessory to permanent open space uses,
42 classified as historic structure, or functionally dependent
43 on a waterfront location may be allowed by conditional use
44 permit if the structures comply with the following criteria:

- 45
46 (1) The structures are not designed for human habitation and
47 do not have a high flood damage potential;
48

4 (2) The structures are constructed and placed on the building
5 site so as to increase flood heights less than 0.01 foot
6 and minimally obstruct the flow of floodwaters.
7 Structures shall be constructed with the long axis
8 parallel to the flow of floodwaters and on the same line
9 as adjoining structures;

10 (3) The structures are properly anchored to prevent them from
11 floating away and restricting bridge openings or other
12 restricted sections of the stream or river; and

13 (4) The structures have all service facilities at or above
14 the flood protection elevation.

15 (c) Public utilities, streets and bridges

16 Public utilities, streets and bridges may be allowed by
17 conditional use permit if:

18 (1) Adequate flood proofing measures are provided to the
19 flood protection elevation; and

20 (2) Construction meets the development standards of Sec. 20-
21 1185.

22 (d) Fills or deposition of materials

23 Fills or deposition of materials may be allowed by
24 conditional use permit if:

25 (1) The requirements of Sec. 20-1185(a) are met.

26 (2) No material is deposited in the navigable channel unless
27 a permit is issued by the Department pursuant to ch. 30
28 Stats., and a permit pursuant to s. 404 of the Federal
29 Water Pollution Control Act, Amendments of 1972, 33
30 U.S.C. 1344 has been issued, if applicable, and the other
31 requirements of this section are met;

32 (3) The fill or other materials will be protected against
33 erosion by rip-rap, vegetative cover; sheet piling or
34 bulkheading; and

35 (4) The fill is not classified as a solid or hazardous
36 material.

2
3 CREATE SECTION 20-879 DETERMINING FLOODWAY AND FLOODFRINGE LIMITS
4 as follows:

5
6 Development within the GFO General Floodplain Overlay District
7 is generally prohibited. However, in those limited situations
8 where development may be possible and where the location of the
9 floodway is not readily obtainable from an adopted comprehensive
10 watershed plan, the zoning administrator shall:

11
12 (a) Require the applicant to submit two (2) copies of an
13 aerial photograph or a plan which shows the proposed development
14 with respect to the general floodplain district limits, stream
15 channel, and existing floodplain developments, along with a legal
16 description of the property, fill limits and elevations, building
17 floor elevations and flood proofing measures;

18
19 (b) Require the applicant to furnish any of the following
20 information deemed necessary by the department to evaluate the
21 effects of the proposal upon flood height and flood flows, regional
22 flood elevation and to determine floodway boundaries:

23
24 (1) A typical valley cross-section showing the stream
25 channel, the floodplain adjoining each side of the
26 channel, the cross-sectional area to be occupied by the
27 proposed development, and all historic high water
28 information;

29
30 (2) Plan (surface view) showing elevations or contours of the
31 ground; pertinent structure, fill or storage elevations;
32 size, location and layout of all proposed and existing
33 structures on the site; location and elevations of
34 streets, water supply, and sanitary facilities; soil
35 types and other pertinent information;

36
37 (3) Profile showing the slope of the bottom of the channel or
38 flow line of the stream;

39
40 (4) Specifications for building construction and materials,
41 flood proofing, filling, dredging, channel improvement,
42 storage of materials, water supply and sanitary
43 facilities;

44
45 (5) Transmit one (1) copy of the information described in
46 pars. (1) and (2) to the department regional office,
47 along with a written request for technical assistance to
48 establish regional flood elevations and, where
49 applicable, floodway data. Where the provisions of
50 Section 20-18 apply the applicant shall provide all

4 required information and computations to delineate floodway
5 boundaries and the effects of the project on flood elevations.

6 CREATE SECTION 20-1185 GENERAL STANDARDS APPLICABLE TO ALL
7 FLOODPLAIN DISTRICTS as follows:

8
9 (a) Hydraulic and hydrologic analyses

10
11 (1) Except as allowed in par. (3) below, no floodplain
12 development shall:

13
14 a. Obstruct flow, defined as development which blocks
15 the conveyance of floodwaters by itself or with other
16 development, increasing regional flood height; or

17
18 b. Increase regional flood height due to floodplain
19 storage area lost, which equals or exceeds 0.01 foot.

20
21 (2) The zoning administrator shall deny permits if it is
22 determined the proposed development will obstruct flow or
23 increase regional flood heights 0.01 foot or more, based
24 on the officially adopted FIRM or other adopted map,
25 unless the provisions of sub. (3) are met.

26
27 (3) Obstructions or increases equal to or greater than 0.01
28 foot may only be permitted if amendments are made to this
29 ordinance, the official floodplain zoning maps, floodway
30 lines and water surface profiles, in accordance with Art.
31 IV.

32
33 (b) Watercourse alterations

34
35 No land use permit to alter or relocate a watercourse in
36 a mapped floodplain shall be issued until the local official
37 has notified in writing all adjacent municipalities, the
38 Department and FEMA regional offices and required the
39 applicant to secure all necessary state and federal permits.
40 The flood carrying capacity of any altered or relocated
41 watercourse shall be maintained. As soon as is practicable,
42 but not later than six months after the date of the
43 watercourse alteration or relocation, the zoning administrator
44 shall notify FEMA of the changes by submitting appropriate
45 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.

(c) 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 ordinances are made according to s. 8.0.

(d) Public or private campgrounds

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

- (1) The campground is approved by the Department of Health and Family Services;
- (2) A conditional use permit for the campground is issued by the zoning administrator;
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants.
- (4) 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.
- (5) This agreement shall be for no more than one (1) calendar year, at which time the agreement shall be reviewed and updated [by the officials identified in sub. (4)] to remain in compliance with all applicable regulations, including those of the state department of health and family services and all other applicable regulations.

- 4 (6) Only camping units are allowed.
- 5 (7) The camping units may not occupy any site in the
6 campground for more than one hundred eighty (180)
7 consecutive days, at which time the camping unit must be
8 removed from the floodplain for a minimum of twenty-four
9 (24) hours.
- 10 (8) All camping units that remain on site for more than
11 thirty (30) days shall be issued a limited authorization
12 by the campground operator, a written copy of which is
13 kept on file at the campground. Such authorization shall
14 allow placement of a camping unit for a period not to
15 exceed one hundred eighty (180) days and shall ensure
16 compliance with all the provisions of this section.
- 17 (9) The municipality shall monitor the limited authorization
18 issued by the campground operator to assure compliance
19 with the terms of this section.
- 20 (10) All camping units that remain in place for more than one
21 hundred eighty (180) consecutive days must meet the
22 applicable requirements in either s. 3.0 or s. 4.0 for
23 the floodplain district in which the structure is
24 located.
- 25 (11) The campground shall have signs clearly posted at all
26 entrances warning of the flood hazard and the procedures
27 for evacuation when a flood warning is issued.
- 28 (12) All service facilities, including but not limited to
29 refuse collections, electrical service, natural gas
30 lines, propane tanks, sewage systems and wells shall be
31 properly anchored and placed at or flood proofed to the
32 flood protection elevation.

33 AMEND SECTION 20-1271(b)ACCESSORY; INDUSTRIAL SRUCTURES as follows:

34 (b) Accessory structures associated with agricultural,
35 residential, commercial, institutional, or industrial uses in the
36 FFO urban floodplain fringe overlay district are permitted,
37 provided that all structures, when permitted, are not attached to
38 the principal structure, are not designed for human occupancy or
39 the confinement of animals, have a low flood damage potential, are
40 constructed and placed to provide minimum obstruction to flood
41 flows (whenever possible, accessory structures shall be placed with
42 their longitudinal axis parallel to the flow of floodwaters), are
43 firmly anchored to prevent them from floating away and restricting

4 bridge openings, and have all service facilities (such as
5 electrical and heating equipment) at an elevation at least two (2)
6 feet above the 100-year recurrence interval floodplain. ~~Accessory
7 structures in the FFO urban floodplain fringe overlay district
8 shall not be subject to inundation depths greater than two (2) feet
9 or flood velocities greater than two (2) feet per second upon the
10 occurrence of a 100-year recurrence interval flood.~~

11 (1) Except as provided in paragraph 2, an accessory structure
12 which is not connected to the principal structure may be
13 constructed with its lowest floor at or above the regional
14 flood elevations.

15 (2) An accessory structure which is not connected to the
16 principal structure and which is less than six hundred
17 (600) square feet in size and valued at less than ten
18 thousand dollars (\$10,000) may be constructed with its
19 lowest floor no more than two (2) feet below the regional
20 flood elevations if it is subject to flood velocities of
21 no more than two (2) feet per second, it meets all the
22 provisions of Section 20-819(b) (1) (2) (3) and (4), and
23 materials that are buoyant, flammable, explosive, or
24 injurious to property, water quality or human, animal,
25 plant, fish or aquatic life be stored at or above the
26 flood protection elevation or floodproofed. Adequate
27 measures shall be taken to ensure that such materials
28 will not enter the water body during flooding.

29
30
31 The Racine County Clerk is directed to transmit duplicate copies of
32 this ordinance by registered mail to all affected Town Clerks and
33 the Wisconsin Department of Natural Resources within seven (7) days
34 after this ordinance is adopted.

35
36 Respectfully submitted,
37 ECONOMIC DEVELOPMENT & LAND USE PLANNING COMMITTEE

38
39
40
41 _____
42 Jeff Halbach, Chair

Thomas Pringle, Vice Chair

43
44
45 _____
46 Q. A. Shakoor, II, Secretary

Karen A. Nelson

47
48
49 _____
50 Mark M. Gleason

Michael J. Miklasevich

51
52
53 _____
54 Robert D. Grove

4 VOTE REQUIRED: MAJORITY

5 BOARD ACTION:

6 1st Reading _____

7 Adopted

8 For

9 2nd Reading _____

10 Against

11 Absent

12 The Certificate of Publication, in compliance with State Statutes,
13 is available at Racine County Planning.

14 FISCAL NOTE - NOT APPLICABLE

15 NOTE: The purpose of this ordinance is to bring Chapter 20,
16 Zoning, into conformance with the latest minimum federal
17 and state floodplain requirements.
18
19