

1 **WASHINGTON COUNTY, WISCONSIN**

2  
3 Date of enactment: \_\_\_\_\_  
4 Date of publication: \_\_\_\_\_

5 **VOTE**

6 **2013 ORDINANCE 16**

7  
8 AN ORDINANCE to amend Chapter 23 relating to: Shoreland, Wetland and Floodplain  
9 Zoning.

10  
11 *The people of the County of Washington, represented in the Board of Supervisors, do ordain*  
12 *as follows:*

13  
14 **SECTION 1.** Sections 23.02(1), (2), (3), (4), (12) and (14) of the code are amended to  
15 read:

16 **23.02 GENERAL PROVISIONS.** (1)(AM 13-16) **Areas to be Regulated - Shoreland**  
17 **District.** Areas regulated by this chapter shall include all the lands (referred to herein as  
18 shorelands) in the unincorporated areas of Washington County which are:

19 \* \* \*

20  
21 (b) Within 300 feet of the OHWM of navigable rivers or streams, or to the  
22 landward side of the floodplain, whichever distance is greater. Rivers and streams in Washington  
23 County shall be presumed to be navigable if they are shown on the approved shoreland zoning  
24 maps. When a project is proposed in the shoreland of a stream, the administrator shall inspect the  
25 project site to determine whether the stream is navigable as defined in sub. ~~23.18(68)~~ 23.18(82) of  
26 this chapter or shall contact the regional office of the Department for a determination of  
27 navigability. Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway  
28 maps, County soil survey maps or other existing County shoreland, wetland and floodplain zoning  
29 maps may be used to assist with the delineation of floodplain areas.

30 \* \* \*

31  
32 (d) Under §281.31, Wis. Stats., and Wisconsin Administrative Code NR 115,  
33 notwithstanding any other provision of law or administrative rule promulgated thereunder, this  
34 chapter does not apply to lands adjacent to farm drainage ditches if:

35  
36 1. Such lands are not adjacent to a natural navigable stream or river;  
37 and,

38  
39 2. Those parts of such drainage ditches adjacent to such lands were not  
40 navigable streams before ditching; and,

41 \* \* \*

42  
43  
44 (2)(AM 13-16) **Areas to be Regulated - Shoreland Zoning Maps.** Areas regulated by  
45 this chapter shall include all the lands in the unincorporated limits of Washington County,  
46 Wisconsin that are designated as shorelands as defined in sub. ~~23.18(88)~~ 23.18(102). The maps  
47 designated below are hereby adopted and made part of this chapter and are on file in the office of  
48 the Planning and Parks Department.  
49

1 (a) ~~Wisconsin Wetland Inventory Maps stamped "FINAL" on January 4, 1985~~  
2 ~~or that have been subsequently amended by field determinations.~~ Southeastern Wisconsin  
3 Regional Planning Commission (SEWRPC) – Department of Natural Resources (DNR) 2010  
4 Regional Wetland Inventory, Publication Date 2011-2012, and as subsequently amended by field  
5 determinations.

6  
7 \* \* \*

8  
9 (3)(AM 13-16) **Areas to be Regulated - Floodplain District.** Areas regulated by this  
10 chapter shall include all lands in the unincorporated limits of Washington County, Wisconsin, that  
11 would be covered by the "regional flood" as defined in sub. ~~23.18(84)~~ 23.18(98) and "floodplain  
12 islands" as defined in sub. ~~23.18(40)~~ 23.18(42) as shown on the Flood Insurance Rate Map (FIRM)  
13 or other maps approved by the Department. Base flood elevations are derived from the flood  
14 profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the  
15 FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE)  
16 may be derived from other studies. If more than one map or revision is referenced, the most  
17 restrictive information shall apply.

18  
19 (4)(AM 13-16) **Floodplain District Boundaries.** The boundary of the floodplain districts  
20 are designated as AE, AH, AO or A1-30 on the maps and where shown, the floodway and  
21 floodfringe districts, shall be those areas designated as 100 year floodplains, floodway or  
22 floodfringe on the "Flood Insurance Study (FIS), County of Washington, Wisconsin,  
23 Unincorporated Areas: September 1, 1983", Revision December 25, 1989, and the Washington  
24 County Zoning District Maps, September 14, 1993.

25  
26 **Official Maps: Based on the FIS**

27  
28 **Flood Insurance Rate Map (FIRM), panel numbers:**

29  
30 55131C0020D, 55131C0040D, 55131C0042D, 55131C0044D, 55131C0045D,  
31 55131C0061D, 55131C0062D, 55131C0063D, 55131C0064D, 55131C0070D,  
32 55131C0086D, 55131C0087D, 55131C0088D, 55131C0089D, 55131C0091D,  
33 55131C0093D, 55131C0110D, 55131C0120D, 55131C0127D, 55131C0130D,  
34 55131C0132D, 55131C0135D, 55131C0136D, 55131C0137D, 55131C0140D,  
35 55131C0142D, 55131C0144D, 55131C0145D, 55131C0151D, 55131C0152D,  
36 55131C0153D, 55131C0154D, 55131C0156D, 55131C0157D, 55131C0158D,  
37 55131C0159D, 55131C0161D, 55131C0162D, 55131C0163D, 55131C0164D,  
38 55131C0166D, 55131C0167D, 55131C0168D, 55131C0169D, 55131C0176D,  
39 55131C0177D, 55131C0178D, 55131C0179D, 55131C0181D, 55131C0183D,  
40 55131C0186D, 55131C0187D, 55131C0188D, 55131C0189D, 55131C0191D,  
41 55131C0193D, 55131C0208D, 55131C0209D, 55131C0210D, 55131C0216D,  
42 55131C0217D, 55131C0218D, 55131C0219D, 55131C0228D, 55131C0229D,  
43 55131C0230D, 55131C0232D, 55131C0235D, 55131C0236D, 55131C0237D,  
44 55131C0238D, 55131C0242D, 55131C0244D, 55131C0245D, 55131C0251D,  
45 55131C0252D, 55131C0253D, 55131C0254D, 55131C0256D, 55131C0257D,  
46 55131C0258D, 55131C0259D, 55131C0261D, 55131C0263D, 55131C0264D,  
47 55131C0266D, 55131C0267D, 55131C0268D, 55131C0269D, 55131C0276D,  
48 55131C0277D, 55131C0278D, 55131C0279D, 55131C0281D, 55131C0288D,  
49 55131C0290D, 55131C0306D, 55131C0310D, 55131C0329D, 55131C0330D,  
50 55131C0331D, 55131C0332D, 55131C0333D, 55131C0334D, 55131C0351D,  
51 55131C0352D, 55131C0353D, 55131C0354D, 55131C0356D, 55131C0357D,

1 55131C0358D, 55131C0359D, 55131C0376D, 55131C0377D, 55131C0378D,  
2 55131C0379D

3  
4 ~~The Flood Insurance Rate Map (FIRM), panel number 550471-0001-0090 dated September 2,~~  
5 ~~1983; November 20, 2013; with corresponding profiles that are based on the Flood Insurance~~  
6 ~~Study (FIS) dated March 1, 1983 November 20, 2013, Volume Numbers 55131CV001A,~~  
7 ~~55131CV002A; The Flood Boundary and Floodway Map (FBFW), panel number 550471-0001-~~  
8 ~~0090 dated September 1, 1983. These maps, dated September 1, 1983, Revision December 25,~~  
9 ~~1989, and the Washington County Zoning District Maps, October 27, 1993 are the official~~  
10 ~~floodplain zoning maps for the community and have been approved by the Department and the~~  
11 ~~Federal Emergency Management Agency, and are on file in the Planning and Parks Department.~~  
12 ~~If more than one (1) map is referenced, the most restrictive shall apply. If any of these maps are~~  
13 ~~amended and officially adopted, the amended map shall govern. Any changes to the base flood~~  
14 ~~elevations (BFE) or any changes to boundaries of the floodplain or floodway in the Flood Insurance~~  
15 ~~Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the~~  
16 ~~DNR Department and the Federal Emergency Management Agency (FEMA) through the Letter of~~  
17 ~~Map Change process before it is effective. No changes to the regional flood elevations (RFE's) on~~  
18 ~~non-FEMA maps shall be effective until approved by the DNR Department.~~

19  
20 **Official Maps: Based on other studies**

21  
22 100 Year Dam Failure Floodplain Map dated December 15, 2001 for the Ehne Dam in the  
23 Town of Farmington, prepared by Stormwater Solutions Engineering. Approved by the  
24 Department on August 31, 2012.

25  
26 (a) Establishment of Floodplain Zoning Districts. The regional floodplain  
27 areas within the jurisdiction of this chapter are hereby divided into 3 districts defined as follows:

28  
29 1. The Floodway District consists of the channel of a river or stream  
30 and those portions of the floodplain adjoining the channel that are required to carry and discharge  
31 the regional flood waters and are contained within AE Zones as shown on the FIRM.

32  
33 (b) ~~Locating Floodplain Boundaries. Where an apparent discrepancy exists~~  
34 ~~between the location of the outermost boundary of the floodfringe district or general floodplain~~  
35 ~~district shown on the official floodplain zoning map and actual field conditions, the location of~~  
36 ~~the district boundary line shall be initially determined by the administrator using the criteria set~~  
37 ~~forth in sub. 23.02(4)(b)1. or 2.~~

38  
39 1. ~~Where flood profiles exist, the location of the district boundary line~~  
40 ~~shall be determined by the administrator using both the scale appearing on the map and the~~  
41 ~~elevations shown on the water surface profile of the regional flood. Where a discrepancy exists~~  
42 ~~between the boundary line location shown on the map and the location indicated by the regional~~  
43 ~~flood elevations and actual field conditions, the regional flood elevation shall govern. A map~~  
44 ~~amendment is required where there is a significant discrepancy between the boundary line shown~~  
45 ~~on the map and the location indicated by the regional flood elevations. The administrator shall~~  
46 ~~have the authority to immediately grant or deny a County permit on the basis of a district~~  
47 ~~boundary derived from the elevations shown on the water surface profile of the regional flood,~~  
48 ~~whether or not a map amendment is required. The administrator shall be responsible for~~  
49 ~~initiating any map amendments required under this section within a reasonable period of time.~~

1 For soil and water conservation projects, the Washington County Land Conservation Department  
2 can prepare data to be submitted to the Department for floodplain analysis.

3  
4 ~~2. Where flood profiles do not exist, the location of the district  
5 boundary line shall be determined by the administrator using the scale appearing on the map.  
6 Where there is a significant difference between the district boundary line shown on the map and  
7 the aforementioned engineering document, the map shall be amended. Where a map amendment  
8 has been approved by both the County Board and the Department, the administrator shall have  
9 the authority to grant or deny a County permit. As an alternative, the applicant may provide the  
10 determination of floodplain boundary documented and sealed by a professional engineer licensed  
11 to practice in the State of Wisconsin. For soil and water conservation projects, the Land  
12 Conservation Department can prepare data to be submitted to the Department for floodplain  
13 analysis.~~

14  
15 (b) Locating Floodplain Boundaries. Discrepancies between boundaries on the  
16 official floodplain zoning map and actual field conditions shall be resolved using the criteria in  
17 sub. 1. or 2. below. If a significant difference exists, the map shall be amended according to sec.  
18 23.16. The administrator can rely on a boundary derived from a profile elevation to grant or deny  
19 a land use permit, whether or not a map amendment is required. The administrator shall be  
20 responsible for documenting actual pre-development field conditions and the basis upon which  
21 the district boundary was determined and for initiating any map amendments required under this  
22 section. Disputes between the administrator and an applicant over the district boundary line shall  
23 be settled according to sec. 23.15(6)(d) and the criteria in sub. 1. and 2. below. Where the flood  
24 profiles are based on established base flood elevations from a FIRM, FEMA must approve any  
25 map amendment or revision pursuant to sec. 23.16.

26  
27 1. If flood profiles exist, the map scale and the profile elevations shall  
28 determine the district boundary. The regional or base flood elevations shall govern if there are  
29 any discrepancies.

30  
31 2. Where flood profiles do not exist for projects, the location of the  
32 boundary shall be determined by the map scale.

33  
34 (c) Removal of Lands from Floodplain. Compliance with the provisions of this  
35 chapter shall not be grounds for removing lands from the floodplain district, unless they are  
36 removed by filling to a height of at least 2 feet above the regional flood elevation, the fill is  
37 contiguous to land lying outside the floodplain district, and the map is amended pursuant to sec.  
38 23.16 of this chapter. To remove the land from flood insurance requirements, the Federal  
39 Emergency Management Agency must first revise the flood insurance rate map and any removal  
40 from the floodplain requires a Letter of Map Revision-Final (LOMR-F) approved by FEMA.

41  
42 **(12)(AM 13-16) General Standards Applicable to all Floodplain Districts. (a)**  
43 Except as provided herein, no development shall be allowed in the floodplain which,  
44 acting in combination with existing or future similar works, will cause any increase ~~equal to or~~  
45 ~~greater than 0.01 foot~~ in the height of the regional flood or will adversely affect existing drainage  
46 courses of facilities. Any increase in the regional flood height increases equal to or greater than  
47 0.01 foot may be permitted, but only if amendments are made to this chapter in accordance with  
48 sec. 23.16 of this chapter, and only if the total cumulative ~~affect~~ effect of the proposed  
49 development will not increase the height of the regional flood more than one (1) foot for the

1 affected hydraulic reach of the stream, and any increases are only allowed if a Letter of Map  
2 Change (LOMC) is approved by FEMA. .

3  
4 (b) The County shall review all permit applications to determine whether  
5 proposed building sites will be reasonably safe from flooding. If a proposed building site is in a  
6 flood-prone area, all new construction and substantial improvements shall be designed ~~or~~  
7 ~~modified~~ and ~~adequately~~ anchored to prevent flotation, collapse, or lateral movement of the  
8 structure resulting from hydrodynamic and hydrostatic loads; be constructed with ~~materials~~  
9 flood-resistant materials to flood damage; be constructed to ~~by methods and practices that~~  
10 ~~minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and~~  
11 ~~air conditioning and, to ensure that utility and mechanical equipment is and other service~~  
12 ~~facilities~~ designed and/or located so as to prevent water from entering or accumulating within the  
13 ~~components~~ equipment during conditions of flooding. All subdivision proposals, (including  
14 manufactured home parks), shall include regional flood elevation and floodway data for any  
15 development that meets the subdivision definition of this ordinance and shall satisfy all other  
16 requirements in sub. 23.15(3). Adequate drainage shall be provided to reduce exposure to flood  
17 hazards and all public utilities and public purpose facilities, such as sewer, gas, electrical, and  
18 water systems are located and constructed to minimize or eliminate flood damages.

19  
20 \* \* \*

21  
22 (d) ~~For all projects, including subdivision proposals, as "subdivision" is~~  
23 ~~defined in §236.02(12), Wis. Stats., and other proposed developments exceeding 5 acres in area~~  
24 ~~or where the estimated cost of the proposed development exceeds \$125,000, the applicant shall~~  
25 ~~provide all computations which are required to show the effects of the proposal on flood heights,~~  
26 ~~velocities and floodplain storage. All hydraulic and hydrologic studies shall be completed under~~  
27 ~~the direct supervision of a professional engineer registered in the State of Wisconsin who shall be~~  
28 ~~responsible for the technical adequacy of the study. All studies shall be reviewed and approved~~  
29 ~~by the Department. Further, the applicant shall provide within such proposals regional flood~~  
30 ~~elevation data, and the means to provide adequate surface drainage and to minimize flood~~  
31 ~~damage. For those projects where the applicant is not required to provide computations and~~  
32 ~~where inadequate data exists, the available information may be transmitted to the Department~~  
33 ~~regional office for a determination of the flood protection elevations and for an evaluation of the~~  
34 ~~effects of the proposal on flood heights, velocities and floodplain storage. Additional~~  
35 ~~information, such as valley cross-sections or survey data may be required by the Department to~~  
36 ~~determine the effects of the proposal. This information shall be obtained from the applicant or~~  
37 ~~the applicant's agent by the County. The provisions of sub. 23.06(2) shall apply hereto. The~~  
38 ~~applicant shall provide all data and calculations for any development which would require an~~  
39 ~~amendment to the district boundaries or regional flood profiles. For projects over \$125,000 in~~  
40 ~~cost or over 5 acres in size, where the Planning and Parks Department has difficulties in~~  
41 ~~determining project impacts, the Department shall be consulted for an opinion.~~

42  
43 1. Zone A floodplains:

44  
45 a. Hydrology – Appropriate methods shall be based on the  
46 standards in ch. NR 116.07 (3), Wis. Admin. Code, Hydrologic Analysis: Determination of  
47 Regional Flood Discharge.

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

4  
5                                    i. determination of the required limits of the hydraulic  
6 model shall be based on detailed study information for downstream structures (dam, bridge,  
7 culvert) to determine adequate starting Water Surface Elevation (WSEL) for the study; and,

8  
9                                    ii. channel sections must be surveyed; and,

10  
11                                   iii. minimum four foot contour data in the overbanks shall  
12 be used for the development of cross section overbank and floodplain mapping; and,

13  
14                                   iv. a maximum distance of 500 feet between cross sections  
15 is allowed in developed areas with additional intermediate cross sections required at transitions  
16 in channel bottom slope including a survey of the channel at each location; and,

17  
18                                   v. the most current version of Hydrologic Engineering  
19 Center’s River Analysis System (HEC-RAS) shall be used; and,

20  
21                                   vi. a survey of bridge and culvert openings and the top of  
22 road is required at each structure; and,

23  
24                                   vii. additional cross sections are required at the downstream  
25 and upstream limits of the proposed development and any necessary intermediate locations based  
26 on the length of the reach if greater than 500 feet; and,

27  
28                                   viii. standard accepted engineering practices shall be used  
29 when assigning parameters for the base model such as flow, Manning’s N values, expansion and  
30 contraction coefficients or effective flow limits. The base model shall be calibrated to past  
31 flooding data such as high water marks to determine the reasonableness of the model results. If  
32 no historical data is available, adequate justification shall be provided for any parameters outside  
33 standard accepted engineering practices; and,

34  
35                                   ix. the model must extend past the upstream limit of the  
36 difference in the existing and proposed flood profiles in order to provide a tie-in to existing  
37 studies. The height difference between the proposed flood profile and the existing study profiles  
38 shall be no more than 0.00 feet.

39  
40                                   c. Mapping – A work map of the reach studied shall be  
41 provided, showing all cross section locations, floodway/floodplain limits based on best available  
42 topographic data, geographic limits of the proposed development and whether the proposed  
43 development is located in the floodway.

44  
45                                   i. If the proposed development is located outside of  
46 the floodway, then it is determined to have no impact on the regional flood elevation; and,

47  
48                                   ii. If any part of the proposed development is in the  
49 floodway, it must be added to the base model to show the difference between existing and

1 proposed conditions. The study must ensure that all coefficients remain the same as in the  
2 existing model, unless adequate justification based on standard accepted engineering practices is  
3 provided.

4  
5 2. Zone AE Floodplains

6  
7 a. Hydrology – If the proposed hydrology will change the  
8 existing study, the appropriate method to be used shall be based on ch. NR 116.07 (3), Wis.  
9 Admin. Code, Hydrologic Analysis: Determination of Regional Flood Discharge.

10  
11 b. Hydraulic model – The regional flood elevation shall be  
12 based on the standards in ch. NR 116.07(4), Wis. Admin. Code, Hydraulic Analysis:  
13 Determination of Regional Flood Elevation and the following:

14  
15 i. Duplicate Effective Model – The effective model  
16 shall be reproduced to ensure correct transference of the model data and to allow integration of  
17 the revised data to provide a continuous FIS model upstream and downstream of the revised  
18 reach. If data from the effective model is available, models shall be generated that duplicate the  
19 FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1  
20 foot; and,

21  
22 ii. Corrected Effective Model – The corrected effective  
23 model shall not include any man-made physical changes since the effective model date, but shall  
24 import the model into the most current version of HEC-RAS for Department review; and,

25  
26 iii. Existing (Pre-Project Conditions) Model – The  
27 existing model shall be required to support conclusions about the actual impacts of the project  
28 associated with the Revised (Post-Project) Model or to establish more up-to-date models on  
29 which to base the Revised (Post-Project) Model; and,

30  
31 iv. Revised (Post-Project Conditions) Model – The  
32 revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed  
33 changes to the topography caused by the proposed development. This model shall reflect  
34 proposed conditions; and,

35  
36 v. All changes to the Duplicate Effective Model and  
37 subsequent models must be supported by certified topographic information, bridge plans,  
38 construction plans and survey notes; and,

39  
40 vi. Changes to the hydraulic models shall be limited to  
41 the stream reach for which the revision is being requested. Cross sections upstream and  
42 downstream of the revised reach shall be identical to those in the effective model and result in  
43 water surface elevations and topwidths computed by the revised models matching those in the  
44 effective models upstream and downstream of the revised reach as required. The Effective  
45 Model shall not be truncated.

46  
47 c. Mapping – Maps and associated engineering data shall be  
48 submitted to the Department for review which meet the following conditions:

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

5  
6 ii. Certified topographic map of suitable scale, contour  
7 interval, and a planimetric map showing the applicable items. If a digital version of the map is  
8 available, it may be submitted in order that the FIRM may be more easily revised; and,

9  
10 iii. Annotated FIRM panel showing the revised 1% and  
11 0.2% annual chance floodplains and floodway boundaries; and,

12  
13 iv. If an annotated FIRM and/or FBFM and digital  
14 mapping data Geographic Information Systems (GIS) or Computer Aided Design & Drafting  
15 (CADD) are used then all supporting documentation or metadata must be included with the data  
16 submission along with the Universal Transverse Mercator (UTM) projection and State Plane  
17 Coordinate System in accordance with FEMA mapping specifications; and,

18  
19 v. The revised floodplain boundaries shall tie into the  
20 effective floodplain boundaries; and,

21  
22 vi. All cross sections from the effective model shall be  
23 labeled in accordance with the effective map and a cross section lookup table shall be included to  
24 relate to the model input numbering scheme; and,

25  
26 vii. Both the current and proposed floodways shall be  
27 shown on the map; and,

28  
29 viii. The steam centerline, or profile baseline used to  
30 measure stream distances in the model shall be visible on the map.

31  
32 (e) Prior to any alteration or relocation of a watercourse, and prior to the  
33 issuance of any County permit which may be required for the alteration or relocation of a  
34 watercourse, the Planning and Parks Department shall notify adjacent municipalities, the  
35 appropriate regional office of the Department and the appropriate office of the Federal  
36 Emergency Management Agency, and shall require the applicant to secure all necessary State and  
37 Federal permits. The standards of sub. 23.02(12) must be met and the flood carrying capacity  
38 within the altered or relocated portion of any watercourse shall be maintained. As soon as is  
39 practical, but no later than six months after the date of the water course alteration or relocation,  
40 the administrator shall notify FEMA of the changes by submitting appropriate technical or  
41 scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM's risk  
42 premium rates and floodplain management regulation as required and pursuant to sub. 23.16, the  
43 community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations  
44 must be reviewed and approved by FEMA and the Department through the Letter of Map Change  
45 (LOMC) process.

46  
47 (f) Development which requires a permit from the Department, pursuant to  
48 Wisconsin Statutes, such as docks, piers, wharves, bridges, culverts, dams, fences and  
49 navigational aids may be allowed provided the necessary County permits are obtained and



1 necessary amendments to the ~~floodway lines, water surface profiles, BFE's established in the FIS,~~  
2 ~~or other data from the officially adapted FIRM, or other floodplain zoning maps or floodplain~~  
3 zoning ordinance, are made according to sec. 23.16 of this chapter.

4  
5 (g) Public or Private Campgrounds. Public or private campgrounds shall have  
6 a low flood damage potential and shall meet the following provisions:

7  
8 \* \* \*

9 3. The character of the river system and the ~~elevation of the~~  
10 campground elevation are such that a 72-hour warning of an impending flood can be given to all  
11 campground occupants.

12  
13 \* \* \*

14 5. Only camping units that are fully licensed, if required, and ready  
15 for highway use as defined in this chapter are allowed.

16  
17 6. Camping units ~~may~~ shall not occupy any site in the campground  
18 for more than 180 consecutive days, at which time the camping unit must be removed from the  
19 floodplain for a minimum of 24 hours.

20  
21 \* \* \*

22 9. All camping units that remain in place for more than 180  
23 consecutive days must meet the applicable requirements in either ~~sec. 23.04 or sec. 23.05 or~~  
24 sec. 23.06 for the floodplain district in which the structure is located.

25  
26 (14)(AM 13-16) **Annexations to a City or Village.** (b) The Washington County  
27 floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall  
28 be enforced by the municipality for all annexed areas until the municipality adopts and enforces  
29 an ordinance which meets or exceeds the requirements of ch. NR116, Wisconsin Administrative  
30 Code, 44 Code of Federal Regulations, Parts 59 through 72, and the National Flood Insurance  
31 Program (NFIP). These annexed lands are described on the municipality's official zoning map.  
32 County floodplain zoning provisions are incorporated by reference for the purpose of  
33 administering this section and are on file in the office of the Washington County Planning and  
34 Parks Department. All plats or maps of annexation shall show the regional flood elevation and  
35 the floodway location of the floodway.

36  
37 **SECTION 2.** Sections 23.04(1), (2), (3), (4) and (5) of the code are amended to read:

38 **23.04 FLOODWAY DISTRICT.** (1)(AM 13-16) **Applicability.** The provisions of this  
39 section apply to all areas mapped as floodway ~~district~~ as defined in sub. ~~23.18(43)~~ 23.18(45) and  
40 shown on the official floodplain zoning maps, and to those portions of the general floodplain  
41 district determined to be floodway pursuant to the procedures contained in sub. 23.06(2).

42  
43 (2)(AM 13-16) **Permitted Uses.** The following open space uses are allowed within the  
44 ~~floodway district~~ Floodway District, and in the floodway portion of the ~~general floodplain district~~  
45 General Floodplain District, provided that they are not prohibited by any other chapter, that the  
46 standards contained in sub. (3) are met, and that all County permits or certificates required under  
47 sub. 23.15(3), (4) and (5) have been issued:

48  
49 (3)(AM 13-16) **Standards for Developments in the Floodway Areas.** Any development

1 in the floodway areas shall:

2  
3 (4)(AM 13-16) **Structures.** Only structures which are accessory to permitted open space  
4 uses, or are essential for historical areas, may be allowed by County permit, providing the structures  
5 meet all of the following criteria:

6  
7 (a) The structures are not designed or used for human habitation and are not  
8 associated with high flood damage potential and are constructed to minimize flood damage.

9  
10 (b) The structures are constructed and placed on the site so as to offer minimum  
11 obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the  
12 longitudinal axis parallel to the direction of flow of flood waters, and shall be placed with their  
13 longitudinal axis approximately on the same line as those adjoining structures. Structures shall  
14 have a minimum of two openings on different walls having a total net area not less than one square  
15 inch for every square foot of enclosed area, and the bottom of all such openings being no higher  
16 than one foot above grade. The openings shall be equipped with screens, louvers, or other  
17 coverings or devices provided that they permit the automatic entry and exit of floodwaters. The  
18 parts of the foundation located below the flood protection elevation must be constructed of flood-  
19 resistant materials.

20  
21 (c) The structures ~~are~~ must be firmly anchored to prevent them from floating  
22 away and restricting bridge openings or other restricted sections of the stream or river.

23  
24 (d) The structures shall have all service facilities such as electrical and heating  
25 equipment at or above the flood protection elevation for the particular area.

26  
27 (5)(AM 13-16) Public utilities, streets and bridges may be allowed by County permit,  
28 provided that:

29  
30 (a) Adequate floodproofing measures as described in sub. 23.06(13) are  
31 provided to the flood protection elevation as defined in ~~23.18(36)~~ sub. 23.18(38).

32  
33 (b) Construction does not cause an increase ~~of 0.01 foot or greater~~ in the  
34 height of the regional flood, except that reasonable increases up to 1 foot may be approved if the  
35 amendment procedures and all conditions of sub. 23.16(5) are met, and meet LOMC  
36 requirements.

37  
38 (c) Mining, dredging, filling, grading, paving, excavation, drilling operations,  
39 ~~deposition of material or structures in an area greater than 450 square feet or on slopes in excess~~  
40 ~~of 20 percent,~~ provided that:

41  
42 \* \* \*

43 2. The fill or deposition of materials ~~does is~~ is not deposited eneroach in  
44 navigable waters on the channel area between the OHWM on each bank of the waterbody unless  
45 a permit has been granted by the department Department pursuant to Wisconsin Statutes and the  
46 U.S. Army Corps of Engineers has been notified of the project application pursuant to Federal  
47 Water Pollution Control Act Section 404, as amended, and the other requirements of this section  
48 are have been met.

1  
2       **SECTION 3.** Sections 23.05(1), (2), (3), (4), (5), (6), (7), (9), (10) and (11) of the code  
3 are amended to read:

4  
5       **23.05 FLOODFRINGE DISTRICT.** (1)(AM 13-16) **Applicability.** The provisions of  
6 this section apply to all areas within the floodfringe ~~district~~ as defined in sub. ~~23.18(38)~~  
7 23.18(40) and shown on the official floodplain zoning maps.

8  
9       (2)(AM 13-16) **Permitted Uses.** Any structures, land use or development, including  
10 accessory structures and uses, are allowed within the ~~floodfringe district~~ Floodfringe District and  
11 floodfringe portions of the general floodplain district, provided that the standards contained in sub.  
12 (3) are met, that the use is not prohibited by this or any other chapter or any other local, State or  
13 Federal regulation and that all County permits or certificates required under sub. 23.15(3), (4) and  
14 (5) have been issued by the administrator.

15  
16       (3)(AM 13-16) **Standards for Development in Floodfringe Areas.** Mobile Homes and  
17 Manufactured Homes.

18  
19               \* \* \*

20       (c) Outside of existing manufactured home parks, including new manufactured  
21 home parks and all single units outside of existing parks, all new, replacement and substantially  
22 improved manufactured homes and mobile recreational vehicles that remain on-site more than 180  
23 consecutive days or more, which are unlicensed or are not ready for highway use shall meet the  
24 residential development standards for the floodfringe in ~~see sub.~~ sub. 23.05(4) and sub. 23.05(5). A  
25 mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is  
26 attached to the site only by quick-disconnect utilities and security devices and has no permanently  
27 attached additions.

28  
29       (d) Any existing structure in the floodfringe must meet the requirements of sub.  
30 23.13 for nonconforming uses.

31  
32       (4)(AM 13-16) **Residential Uses.** Any newly constructed structure ~~used for human habita-~~  
33 ~~tion, which is to be erected, constructed, reconstructed, altered or a structure~~ moved into the  
34 floodfringe area shall meet or exceed the following standards:

35  
36       (a) The lowest floor including the basement, except where sub. (b) is applicable,  
37 shall be placed on fill at or above the flood protection elevation (which is a point 2.0 feet above the  
38 regional flood elevation) unless the requirements of sub. 23.05(4)(b) can be met. The fill elevation  
39 shall be 1 foot or more above the regional flood elevation and shall extend at such elevation at least  
40 15 feet beyond the limits of any such structure erected thereon.

41  
42       (b) The basement or crawlway floor may be placed at the regional flood  
43 elevation providing it is dry floodproofed as described in sub. 23.06(13) to the flood protection  
44 elevation. No County permit or variance shall allow any basement or crawlway below the regional  
45 flood elevation.

46  
47               \* \* \*

1 (d) In developments where existing street or sewer line elevations make  
2 compliance with par. (c) impractical, the municipality may permit new ~~development~~ structure and  
3 substantial improvements where ~~access roads are at or below the regional flood elevation, if:~~

4  
5 1. The municipality and the County ~~has~~ have written assurances from  
6 police, fire and emergency services that rescue and relief will be provided to the structure(s) by  
7 wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood  
8 event, or:

9  
10 2. The municipality has a ~~natural disaster plan approved by Wisconsin~~  
11 ~~Emergency Management and the Department~~ Department approved emergency evacuation plan.

12  
13 (e) Any existing structure in the floodfringe must meet the requirements of sub.  
14 23.13.

15  
16 (5)(AM 13-16) **Accessory Structures or Uses.** An accessory structure or use (~~not~~  
17 ~~connected to a principal structure~~) shall meet all the applicable provisions of sub. 23.04(3) and (4).  
18 A lesser degree of protection, compatible with these criteria and the criteria in sub. (6) may be  
19 permissible for an accessory structure or use providing that the site on which the structure is placed  
20 shall not be:

21 \* \* \*

22  
23  
24 (6)(AM 13-16) **Commercial Uses.** In commercial areas, any structure which is to be  
25 erected, constructed, reconstructed, altered or moved into the floodfringe ~~area~~ shall meet the  
26 requirements of sub. 23.05(4). Storage yards, parking lots and other accessory land uses may be at  
27 lower elevations, subject to the requirements of sub. (8) and if an adequate warning system exists to  
28 protect life and property. However, no such area in general use by the public shall be inundated to a  
29 depth greater than 2 feet upon the occurrence of the regional flood.

30  
31 (7)(AM 13-16) **Manufacturing, Agricultural and Industrial Uses.** Any manufacturing,  
32 agricultural or industrial structure which is to be erected, constructed, reconstructed, altered or  
33 moved into the floodfringe ~~area~~ shall ~~be protected to~~ have the lowest floor elevated to or above the  
34 flood protection elevation ~~utilizing fill, levees, floodwalls, or~~ adequate floodproofing  
35 ~~measures in accordance with sub. 23.06(13) or any combination thereof.~~ On streams or rivers  
36 having prolonged flood durations, greater protection may be required to minimize interference with  
37 normal plant operations. A lesser degree of protection, compatible with the criteria in sub. (6) and  
38 (8) may be permissible for storage yards, parking lots and other similar uses if an adequate warning  
39 system exists to protect life and property. Agricultural animal waste control practices built  
40 according to the technical standards adopted by the Washington County Land Conservation  
41 Committee which include operation and management practices shall be allowed.

42 \* \* \*

43  
44  
45 (9)(AM 13-16) **Public Utilities, Streets and Bridges.**

46  
47 (a) When failure or interruption of public utilities, streets and bridges would  
48 result in danger to the public health or safety or where such facilities are essential to the orderly  
49 functioning of the area, construction of and substantial improvements to such facilities may only be

1 permitted if they are floodproofed, in compliance designed to comply with sub. 23.06(13) ~~to the~~  
2 ~~flood protection elevation~~. Minor or auxiliary roads or nonessential utilities may be constructed at  
3 lower elevations providing they withstand flood forces to the regional flood elevation.  
4

5 (10)(RR 00-23) **Sewage Systems.** All private on-site wastewater treatment systems shall  
6 be ~~floodproofed~~ designed to minimize or eliminate infiltration of flood water into the system  
7 pursuant to sub. 23.06(13) to the flood protection elevation and shall meet the applicable provisions  
8 of all local ordinances and the Wisconsin Administrative Code.  
9

10 (11)(RR 00-23)(AM 05-33) **Wells.** All wells, whether public or private, shall be  
11 ~~floodproofed~~ designed to minimize or eliminate infiltration of flood waters into the system to the  
12 flood protection elevation, pursuant to sub. 23.06(13) and shall meet the applicable provisions of  
13 the Wisconsin Administrative Code as administered by the Department or other authorized agency.  
14

15 **SECTION 4.** Sections 23.06(1), (2), (4), (6) and (13) of the code are amended to read:

16 **23.06 GENERAL FLOODPLAIN DISTRICT.** (1)(AM 13-16) **Applicability.** The  
17 provisions of this district shall apply to all floodplains in the County ~~for which "regional flood"~~  
18 ~~data, as defined in sub. 23.18(84), are not available or where regional flood data are available but~~  
19 ~~floodways have not been delineated. As adequate regional flood data becomes available and~~  
20 ~~floodways are delineated for portions of this district, such portions shall be placed in the~~  
21 ~~floodfringe district or floodway district, as appropriate. mapped as A, AO or AH zones.~~  
22 Subsection 23.06(2) of this chapter outlines the procedures to determine floodway and floodfringe  
23 limits.  
24

25 (2)(AM 13-16) **Procedures for Determining Floodway and Floodfringe Limits.**

26 \* \* \*

27  
28 (b) Upon receiving an application for development within the general floodplain  
29 district, the administrator shall:  
30

31 1. Require the applicant to submit, at the time of application for the  
32 conditional use permit, 2 copies of an aerial photograph, or a plan which accurately locates the  
33 proposed development with respect to the general floodplain district limits, channel of stream,  
34 existing floodplain developments, together with all pertinent information such as the nature of the  
35 proposal, legal description of the property, fill limits and elevations, structure floor elevations, ~~and~~  
36 floodproofing and the flood zone as shown on the FIRM.  
37

38 2. Require the applicant to furnish any of the following additional  
39 information as is deemed necessary by the department for evaluation of the effects of the proposal  
40 upon flood flows, to determine the boundaries of the floodway and, where applicable, the regional  
41 flood elevation:  
42

43 a. ~~A typical valley cross section showing the channel of the~~  
44 ~~stream, the floodplain adjoining each side of the channel, the cross sectional area to be occupied~~  
45 ~~by the proposed development and all historic highwater information. A Hydrologic and~~  
46 Hydraulic Study as specified in sub. 23.15(3)(b)7.  
47

48 \* \* \*

49 e. ~~Profile showing the slope of the bottom of the channel or~~

1 ~~flow line of the stream.~~

2  
3 ~~c. d.~~ Specifications for structure construction and materials,  
4 floodproofing, filling, dredging, channel improvement, storage of materials, water supply and  
5 sanitary facilities.

6  
7 ~~3. Transmit one copy of the information described in subdiv. 1. and 2.~~  
8 ~~to the appropriate regional office of the Department along with a written request to have that~~  
9 ~~agency provide technical assistance to establish regional flood elevations and, where applicable,~~  
10 ~~floodway data. Where the provisions of sub. 23.02(12)(c) apply, the applicant shall provide all~~  
11 ~~required information and computations.~~

12  
13 \* \* \*

14 (4)(AM 13-16) **Standards for Developments in General Floodplain Areas.** Any  
15 development in general floodplain areas shall:

- 16  
17 (a) Meet all of the provisions of sub. 23.02(12); and  
18  
19 (b) Not obstruct flood flows; and  
20  
21 (c) Have a low flood damage potential; and

22  
23 (d) In AO/AH Zones, the applicant must provide plans showing adequate  
24 drainage paths to guide floodwaters around structures and the structure's lowest floor must meet  
25 one of the conditions listed below, whichever is higher:

- 26  
27 1. At or above the flood protection elevation; or  
28  
29 2. Two (2) feet above the highest adjacent grade around the structure;  
30 or  
31  
32 3. The depth as shown on the FIRM.

33  
34 (e) In AO/AH zones, provide plans showing adequate drainage paths to guide  
35 floodwaters around structures.

36  
37 \* \* \*

38 (6)(AM 13-16) Public utilities, streets and bridges may be allowed by County permit,  
39 provided that:

40  
41 \* \* \*

42 (b) Construction does not cause any increase of ~~0.01 foot or greater~~ in the  
43 height of the regional flood, except that reasonable increases up to 1 foot may be approved if the  
44 amendment procedures and all conditions of sub. 23.16(5) are met, and meet LOMC requirements.

45  
46 \* \* \*

47 (13)(AM 13-16) **Floodproofing.** (1) No permit or variance shall be issued for a structure  
48 designed to be watertight below the regional flood elevation until the applicant submits a plan  
49 certified by a registered professional engineer or architect that the floodproofing measures will

1 protect the structure or development to the flood protection elevation and submits a FEMA  
2 Floodproofing Certificate. Where floodproofing measures, as defined in sub. 23.18(42) 23.18(44)  
3 are required by conditional use permit, ~~they~~ the floodproofing shall be designed to withstand the  
4 flood pressures, depths, velocities, uplift and impact forces, and other factors associated with the  
5 regional flood, to assure protection to the flood protection elevation. In addition, all floodproofing  
6 measures shall provide anchorage of structures to foundations to resist flotation and lateral  
7 movement, and minimize or eliminate discharges into flood waters.~~shall insure that the structural~~  
8 ~~walls and floors are watertight (i.e., completely dry without human intervention during flooding)~~  
9 ~~to the flood protection elevation, as defined in sub. 23.18(36).~~ The applicant shall submit a plan  
10 or document certified by a registered Wisconsin professional engineer or architect that the  
11 floodproofing measures are adequately designed to protect the structure or development to the  
12 flood protection elevation for the particular area. ~~Floodproofing measures could include:~~

13  
14 (a) ~~Reinforcement of walls and floors to resist rupture or collapse caused by~~  
15 ~~water pressure or floating debris.~~

16  
17 (b) ~~Addition of mass or weight to structures to prevent flotation.~~

18  
19 (c) ~~Placement of essential utilities above the flood protection elevation.~~

20  
21 (d) ~~Surface drainage systems, including pumping facilities, to relieve external~~  
22 ~~foundation wall and basement floor pressures.~~

23  
24 (e) ~~Construction of water supply wells and waste treatment systems so as to~~  
25 ~~prevent the entrance of flood waters into such systems. Top of wells, manhole risers and vents~~  
26 ~~shall be at or above the flood protection elevation.~~

27  
28 (f) ~~Cutoff valves on sewer lines and the elimination of gravity flow basement~~  
29 ~~drains.~~

30  
31 (2) For a structure designed to allow the entry of floodwaters, no permit or variance  
32 shall be issued until the applicant submits a plan;

33  
34 (a) Certified by a registered professional engineer or architect; or

35  
36 (b) Meets or exceeds the following standards;

37  
38 1. A minimum of two openings having a total net area of not less than  
39 one square inch for every square foot of enclosed area subject to flooding; and

40  
41 2. The bottom of all openings shall be no higher than one foot above  
42 grade; and

43  
44 3. Openings may be equipped with screens, louvers, valves, or other  
45 coverings or devices provided that the openings permit the automatic entry and exit of floodwaters.

46  
47 **SECTION 5.** Sections 27.03(2) and (4) of the code are amended to read:  
48 **23.07 LAND DIVISION REVIEW AND SANITARY REGULATIONS.** (2)(AM 13-  
49 **16) Conditional Use Permit to Achieve Reduced Lot Sizes and Setbacks.**

1  
2 (a) Purpose. In some instances where an individual lot or small tract of land has  
3 unique characteristics, such as unique terrain, which would result in unnecessary hardship as  
4 defined in sub. ~~23.18(102)~~ 23.18(117), if the owner were required to comply with 1 or more of the  
5 requirements for minimum lot sizes, width and setback, the County Board of Adjustment may grant  
6 a variance that will not be contrary to the public interest. In other instances where larger areas are  
7 involved, the appropriate method for seeking a relaxation of the same minimum standards is by a  
8 planned unit development or condominium conditional use permit. The conditional use permit is  
9 intended to permit smaller lots and setbacks where the physical layout of the lots is so arranged  
10 (often by setting them back farther from navigable water) as to better assure the control of pollution  
11 and preservation of ground cover than would be expected if the lots were developed with the  
12 normal lot sizes and setbacks and without special conditions placed upon the planned unit  
13 development or condominium at the time of its approval. A condition of all planned unit  
14 development or condominium conditional use permits is the preservation of certain open space,  
15 preferably on the shoreland, permanently.

16  
17 \* \* \*

18 (4)(AM 13-16) **Backlot Development.** No backlot development as defined in sub.  
19 ~~23.18(5)~~ 23.18(9) shall be permitted on any lands fronting on a waterbody, except as may be  
20 specifically allowed under the terms of a conditional use permit for a planned unit development or  
21 condominium.

22  
23 **SECTION 6.** Section 23.08(2) of the code is amended to read:

24 **23.08 LOT DIMENSIONS.** (RR 00-23) Lands located under public waters cannot be  
25 included when calculating minimum lot dimensions and square footage requirements for  
26 compliance with this chapter. Waterbody criteria and classes are described in sub. 23.02(5) and the  
27 appendices to this chapter.

28  
29 (2)(AM 13-16) **Lots to be Created Served by Public Sanitary Sewer.**

30  
31 (a) Minimum Area and Width for all 1<sup>st</sup> tier lots as defined in sub. ~~23.18(100)~~  
32 23.18(115) to be created in the unincorporated or incorporated areas of the County that have  
33 approved stormwater plans.

34  
35 (b) Minimum area and width for all 2<sup>nd</sup> tier lots as defined in sub. ~~23.18(100)~~  
36 23.18(115) in the unincorporated or incorporated areas of the County that have approved  
37 stormwater plans.

38  
39 (c) Minimum area and width for all 3<sup>rd</sup> tier lots as defined in sub. ~~23.18(100)~~  
40 23.18(115) and beyond in the shoreland district in the unincorporated or incorporated areas of the  
41 County that have approved stormwater plans.

42  
43 (d) Minimum area and width for all 1<sup>st</sup> tier lots as defined in sub. ~~23.18(100)~~  
44 23.18(115) in areas of the County that have been annexed within joint boundary or  
45 intergovernmental agreement areas and that also have approved stormwater plans.

46  
47 (e) Minimum area and width for all 2<sup>nd</sup> tier lots as defined in sub. ~~23.18(100)~~  
48 23.18(115) in areas of the County that have been annexed within joint boundary or  
49 intergovernmental agreement areas and that also have approved stormwater plans.



1  
2 (f) Minimum area and width for all 3<sup>rd</sup> tier lots as defined in sub. ~~23.18(100)~~  
3 23.18(115) in areas of the County that have been annexed within joint boundary or  
4 intergovernmental agreement areas and that also have approved stormwater plans.

5  
6 **SECTION 7.** Sections 23.13(1), (2), (3), (4) and (5) of the code are amended to read:

7 **23.13 LEGAL NONCONFORMING USES AND STRUCTURES.** (1)(AM 13-16)

8 **General Provisions.** The lawful use of a structure or property which existed at the time this  
9 chapter was adopted, or an applicable amendment to this chapter, took effect and which is not in  
10 conformity with the provisions of this chapter, including the routine maintenance of such a  
11 structure, may be continued, subject to the following conditions:

12  
13 \* \* \*

14 (h) The reconstruction of a legal nonconforming structure, in a Shoreland or  
15 Shoreland/Wetland Zoning District only, damaged or destroyed by wind, vandalism, fire, flood, ice,  
16 snow, mold or infestation may be allowed by permit as specified in §59.692(1s)(a), Wis. Stats.

17  
18 (2)(AM 13-16) **Shoreland, Wetland or Floodplain Areas.** Insofar as the standards in this  
19 section are not inconsistent with the provisions of §59.69, Wis. Stats., they shall apply to all legal  
20 nonconforming uses and legal nonconforming structures. These regulations apply to the  
21 modification of, or addition to, any structure and to the use of any structure or premises which was  
22 lawful before the passage of this chapter or any amendment thereto. The existing lawful use of a  
23 structure or its accessory use which is not in conformity with the provisions of this chapter may be  
24 continued subject to the following conditions:

25  
26 (a) No modifications or additions to a legal nonconforming use or a legal  
27 nonconforming structure shall be allowed unless the modification or addition is made in conformity  
28 with the provisions of this Chapter. For the purpose of this section, the words "modification" and  
29 "addition" shall include, but not be limited to, any alteration, addition, modification, structural  
30 repair, rebuilding or replacement of any such existing use, structure or accessory structure or use.  
31 ~~Ordinary maintenance~~ Maintenance and repairs ~~are~~ is not considered modifications or additions;  
32 ~~such ordinary maintenance repairs include and includes~~ internal and external painting, decorating,  
33 paneling and the replacement of doors, windows and other nonstructural components.

34  
35 \* \* \*

36 (c) No existing structure shall be allowed to further encroach or be expanded in  
37 any manner and in any direction in the shoreland setback area as defined in sub. ~~23.18(87)~~  
38 23.18(101).

39  
40 (d) ~~Ordinary~~ Maintenance and Repairs of an existing structure within the  
41 shoreland setback area is allowed, provided that there are no structural components being replaced  
42 as defined in sub. ~~23.18(96)~~ 23.18(110). Structural expansion means any increase in the shape,  
43 volume or dimensions of the structure. Ordinary maintenance or repair is not considered  
44 modifications or additions. ~~Ordinary maintenance~~ Maintenance or repairs ~~includes~~ internal and  
45 external painting, decorating, paneling and the replacement of doors, windows and other  
46 nonstructural components.

47  
48 (3)(AM 13-16) **Floodway Areas** District.

1 (a) No modification or addition shall be allowed to any legal nonconforming  
2 structure or any structure with a legal nonconforming use in a ~~floodway area~~ Floodway District,  
3 unless such modification or addition has been granted a County permit or variance and meets all of  
4 the following criteria:

5  
6 1. The modification or addition to the existing structure ~~will~~ shall not  
7 increase the amount of obstruction to flood flows as provided in sub. 23.02(12)(a).

8  
9 \* \* \*

10 3. Subject to the provisions of §87.30(1d), Wis. Stats., if any legal  
11 nonconforming structure or any structure with a legal nonconforming use is destroyed or is  
12 substantially damaged that it cannot be practically restored, it cannot be replaced, reconstructed or  
13 rebuilt unless the provisions of sec. 23.04 of this chapter are met. For the purpose of this  
14 subsection, substantially damaged is where the total cost to restore the structure to its predamaged  
15 condition exceeds 50% of the structure's present equalized assessed value as determined by the  
16 local assessor. No structural alteration, addition or repair to any structure with a legal  
17 nonconforming use or any legal nonconforming structure, over the life of the structure, shall exceed  
18 50% of its present equalized assessed value as determined by the local assessor. The costs of  
19 elevating the lowest floor of a nonconforming building or a building with a nonconforming use to  
20 the flood protection elevation are excluded from the 50% provisions of this paragraph.

21  
22 (b) No new private on-site wastewater treatment system, or addition to an  
23 existing on-site sewage disposal system, except where an addition has been ordered by a  
24 government agency to correct a hazard to public health, shall be allowed in a ~~floodway area~~  
25 Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal  
26 system in a floodway shall meet the applicable requirements of all land use ordinances and the  
27 Wisconsin Administrative Code.

28  
29 (c) No new well used to obtain water for ultimate human consumption, shall be  
30 allowed in a ~~floodway area~~ Floodway District. Any replacement, repair or maintenance of an  
31 existing well in a ~~floodway area~~ Floodway District shall meet the applicable requirements of this  
32 chapter and the Wisconsin Administrative Code.

33  
34 (d) Nonflood Disaster. The owner of a legal nonconforming structure that is  
35 damaged or destroyed by a nonflood disaster and that is authorized to be restored to its pre-disaster  
36 condition under §87.30(1d), Wis. Stats, shall meet the following standards:

37  
38 1. For legal nonconforming structures that are substantially damaged or  
39 destroyed by a nonflood disaster, a floodplain zoning ordinance shall permit the repair,  
40 reconstruction or improvement of any such legal nonconforming structure in order to restore it ~~after~~  
41 the nonflood disaster to the size and use in effect prior to the damage event, except as provided in  
42 sub. 23.13(3)(d)2., and will meet the minimum federal code requirements below and all required  
43 permits have been granted prior to the start of construction.

44  
45 2. ~~A floodplain zoning ordinance may not permit the repair,~~  
46 ~~reconstruction or improvement of a legal nonconforming structure if the legal nonconforming~~  
47 ~~structure after repair, reconstruction or improvement will fail to meet 1 or more of the minimum~~  
48 ~~requirements applicable to such a legal nonconforming structure under Federal regulations 44~~  
49 ~~CFR Part 60 or under the regulations promulgated thereunder.~~

1  
2 2. Residential Structures

3  
4 a. Shall have the lowest floor, including basement, elevated to  
5 or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter  
6 walls must meet the requirements of sub. 23.06(13).

7  
8 b. Shall be anchored to prevent flotation, collapse, or lateral  
9 movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects  
10 of buoyancy, and shall be constructed with methods and materials resistant to flood damage.

11  
12 c. Shall be constructed with electrical, heating, ventilation,  
13 plumbing and air conditioning equipment and other service facilities that are designed and/or  
14 elevated so as to prevent water from entering or accumulating within the components during  
15 conditions of flooding.

16  
17 d. In A Zones, obtain, review and utilize any flood data  
18 available from a federal, state or other source.

19  
20 e. In AO Zones with no elevations specified, shall have the  
21 lowest floor, including basement, meet the standards in sub. 23.06(4).

22  
23 f. In AO Zones, shall have adequate drainage paths around  
24 structures on slopes to guide floodwaters around and away from the structure.

25  
26 3. Nonresidential Structures - Shall meet the requirements of sub.  
27 23.13(3)(d) 2., a., b. and e.

28  
29 (4)(AM 13-16) **Floodfringe Areas District.**

30  
31 (a) No modification or addition shall be allowed to any legal nonconforming  
32 structure or any structure with a legal nonconforming use in the floodfringe area unless such  
33 modification or addition has been granted a County permit or variance and, except where sub. (b)  
34 is applicable, ~~the modification or addition is placed on fill or is floodproofed to the flood~~  
35 ~~protection elevation in compliance with the applicable regulations for that particular use in a~~  
36 ~~floodfringe area~~ Floodfringe District as contained in sub. 23.05(3)-(13) ~~and (4)~~. If any legal  
37 nonconforming structure or any structure with a legal nonconforming use is destroyed or is  
38 substantially damaged that it cannot be practically restored, it cannot be replaced, reconstructed  
39 or rebuilt unless the provisions of sec. 23.05 of this chapter are met. For the purpose of this  
40 subsection, substantially damaged is where the total cost to restore the structure to its  
41 predamaged condition exceeds 50% of present equalized assessed value as determined by the  
42 local assessor. No structural alteration, addition or repair to any structure with a legal  
43 nonconforming use or any legal nonconforming structure over the life of the structure, shall  
44 exceed 50% of its present equalized assessed value as determined by the assessor. The costs of  
45 elevating the lowest floor of a nonconforming building or a building with a nonconforming use to  
46 the flood protection elevation are excluded from the 50% calculation provisions of this  
47 paragraph.

1 (b) Where compliance with the provisions of sub. (a) would result in  
2 unnecessary hardship, and only where the structure will not be used for human habitation or be  
3 associated with a high flood damage potential, the County Board of Adjustment, using the  
4 procedures established in sub. 23.15(6), may grant a variance from those provisions, using the  
5 criteria listed below. Modifications or additions which are protected to elevations lower than the  
6 flood protection elevation may be permitted if:

7  
8 \* \* \*

9  
10 2. Public facilities, such as water or sewer, ~~are~~ shall not ~~to~~ be  
11 installed.

12  
13 3. Flood depths ~~will~~ shall not exceed 24 feet, except where the  
14 purpose of the project is for soil and water conservation practices.

15  
16 4. Flood velocities ~~will~~ shall not exceed 2 feet per second.

17  
18 5. The structure ~~will~~ shall not be used for storage of materials  
19 described in sub. 23.05(8).

20  
21 \* \* \*

22 ~~\_\_\_\_\_ (c) If neither the provisions of par. (a) or (b) above can be met, one addition to~~  
23 ~~an existing room in a nonconforming building or a building with a nonconforming use may be~~  
24 ~~allowed in the floodfringe, if the addition:~~

25  
26 ~~\_\_\_\_\_ 1. Meets all other regulations and will be granted by permit or~~  
27 ~~variance;~~

28  
29 ~~\_\_\_\_\_ 2. Does not exceed 60 square feet in area; and~~

30  
31 ~~\_\_\_\_\_ 3. In combination with other previous modifications or additions to~~  
32 ~~the building, does not exceed 50% of the present equalized assessed value of the building.~~

33  
34 ~~(d c)~~ Any new private on-site wastewater treatment system, or addition to,  
35 replacement, repair or maintenance of a private on-site wastewater treatment system, in a  
36 floodfringe area shall meet all the applicable provisions of all local ordinances and Wisconsin  
37 Administrative Code.

38  
39 ~~(e d)~~ Any new well, or addition to, replacement, repair or maintenance of a  
40 well, in a floodfringe area shall meet the applicable provisions of this chapter and Wisconsin  
41 Administrative Code.

42  
43 **(5)(AM 13-16) General Floodplain Areas.**

44  
45 (a) No modification or addition shall be allowed to any legal nonconforming  
46 structure or any structure with a legal nonconforming use in a general floodplain area, unless  
47 such modification or addition has been granted a County permit or variance and meet all of the  
48 following criteria:

1                   3.     If any legal nonconforming structure or any structure with a legal  
2 nonconforming use is destroyed or is substantially damaged that it cannot be practically restored,  
3 it cannot be replaced, reconstructed or rebuilt unless the provisions of sec. 23.04 of this chapter  
4 are met. For the purpose of this subsection, substantially damaged is where the total cost to  
5 restore the structure to its predamaged condition exceeds 50% of present equalized assessed  
6 value as determined by the local assessor. No structural alteration, addition or repair to any  
7 structure with a legal nonconforming use or any legal nonconforming structure, over the life of  
8 the structure, shall exceed 50% of the present equalized assessed value as determined by the local  
9 assessor. The costs of elevating the lowest floor of a nonconforming building or a building with  
10 a nonconforming use to the flood protection elevation are excluded from the provisions of this  
11 paragraph.

12  
13                   4.     Contiguous dryland access must be provided for residential and  
14 commercial uses in compliance with 23.05(4).

15  
16                   (d)     A nonconforming historic structure may be altered if the alteration will not  
17 preclude the structure's continued designation as a historic structure, the alteration will comply  
18 with s. 23.04(3), flood resistant materials are used, and construction practices and floodproofing  
19 methods that comply with s. 23.06(13) are used. Repair or rehabilitation of historic structures  
20 shall be exempt from the development standards of sub. 23.13(3)(d)2., if it is determined that the  
21 proposed repair or rehabilitation will not preclude the structure's continued designation as a  
22 historic structure and it is the minimum necessary to preserve the historic character and design of  
23 the structure.

24  
25                   **SECTION 8.** Section 23.14(3) of the code is amended to read:

26                   **23.14 MITIGATION.** (3)(AM 13-16) The following mitigation practices may be used to  
27 obtain the necessary mitigation points. Existing buffer zones may be used to meet the mitigation  
28 point totals.

29  
30                   (a)     Buffer Zone Options.

31  
32                   1.     Primary Active Buffer Zone – Shore buffer zone within 35 feet of  
33 the OHWM, including trees, shrubbery, ground cover and other natural vegetation, and subject to  
34 the conditions in sub. 23.14(3)(b). A shoreline recreational area as defined in sub. ~~23.18(90)~~  
35 23.18(104) is allowed. Three points.

36  
37                   4.     Passive Buffer Zone – Shoreland vegetation buffer area within 35  
38 feet of the OHWM, including unmowed grass or other ground cover vegetation, but without the tree  
39 and shrub layers required to meet the 3 point mitigation standard. A shoreline recreational area as  
40 defined in sub. ~~23.18(90)~~ 23.18(104) is allowed. Two points.

41  
42                   **SECTION 9.** Sections 23.15(2), (3), (6) and (8) of the code are amended to read:

43                   **23.15 ADMINISTRATIVE PROVISIONS.** This section provides for the appointment of  
44 appropriate boards and staff and the development of necessary policies and procedures to  
45 administer this chapter, in accordance with this section.

46  
47                   \* \* \*

48                   (2)(AM 13-16) **Administrator.** The administrator, or designees with the Planning and  
49 Parks Department staff, is hereby authorized to administer the provisions of this chapter. The

1 administrator shall have the following duties and powers:

2  
3 \* \* \*

4 (c) Keep the official records of all water surface profiles, shoreland, wetland  
5 and floodplain zoning maps, shoreland, wetland and floodplain ordinances, legal nonconforming  
6 uses and legal nonconforming structures and changes thereto, records of all permit applications,  
7 permits issued, inspections made, appeals, variances and ordinance amendments related to this  
8 chapter, work approved, Floodproofing Certificates (Certificate of Compliance) and other official  
9 actions.

10  
11 \* \* \*

12 (f) Submit copies of ~~text~~ amendments and annual reports to Federal Emergency  
13 Management Agency, on request. Submit an annual summary of the number and types of  
14 floodplain zoning actions taken to the DNR.

15  
16 \* \* \*

17 (h) Inspect and assess all damaged floodplain structures ~~and perform a~~  
18 ~~substantial damage assessment~~ to determine if substantial damage to the structures has occurred.  
19 Submit a copy of ~~substantial damage~~ assessments performed and all related correspondence  
20 concerning the assessments to the DNR.

21  
22 (3)(AM 13-16) **Zoning Permits.**

23  
24 (a) When Required. Except where another section of this chapter specifically  
25 exempts certain types of development from this requirement, a zoning permit shall be obtained  
26 from the administrator before any new development, as defined in sub. ~~23.18(23)~~ 23.18(27) of this  
27 chapter, or any change in the use of an existing structure, is initiated for appeals or administrative  
28 permits or conditional use permits shall be made to the administrator.

29  
30 (b) Application. An application for a zoning permit shall be made to the  
31 administrator upon forms furnished by the County and shall include for the purpose of proper en-  
32 forcement of these regulations, the following data:

33  
34 \* \* \*

35 7. If the application involves property adjacent to or within the  
36 floodplain, data provided from a hydraulic and hydrologic study shall be submitted that is sufficient  
37 to determine the regional flood elevation at the location of the development and to determine  
38 whether or not the requirements of sub. 23.02(12) are met. This may include any of the information  
39 noted in sub. 23.06(2)(b).

40  
41 \* \* \*

42 (6)(AM 13-16) **County Board of Adjustment.** The County Board Chairperson shall  
43 appoint a County Board of Adjustment consisting of 5 members under §59.694, Wis. Stats. The  
44 County Board of Adjustment shall elect its own Chairperson, Vice Chairperson and Secretary. The  
45 County Board of Adjustment Chairperson shall designate a minimum of 3 members of the County  
46 Board of Adjustment to attend scheduled meetings and hearings. Two members shall represent a  
47 simple majority or quorum for business before the Board. The Zoning Administrator shall not be  
48 the Secretary of the Board. The County Board shall adopt such rules for the conduct of the business  
49 of the County Board of Adjustment as required by §59.694(3), Wis. Stats.

1  
2 \* \* \*

3 (d) Boundary Disputes. The following procedure shall be used by the County  
4 Board of Adjustment in hearing disputes concerning the district boundaries shown on the official  
5 floodplain zoning map:

6  
7 \* \* \*

8 2. ~~In all cases, the~~ The person contesting the location of the district  
9 boundary shall be given a reasonable opportunity to present arguments and technical evidence to  
10 the County Board of Adjustment. Where it is determined that the district boundary is incorrectly  
11 mapped, the Board should either inform the Planning, Conservation and Parks Committee to  
12 proceed to petition the County Board of Supervisors or inform the person contesting the location of  
13 the boundary to petition the County Board for a map amendment pursuant to sub. 23.16(4).

14  
15 (e) Variance. Any deviation from the standards of this chapter, for which a  
16 County permit has been denied by the administrator, may be allowed only upon written request for  
17 a variance submitted to the administrator, after a public hearing and the issuance of a variance by  
18 the County Board of Adjustment. The Board may authorize in specific cases such variance from the  
19 terms of the chapter as will not be contrary to the public interest where, owing to special conditions  
20 affecting a particular property, a literal enforcement of the provisions of this chapter would result in  
21 unnecessary hardship as defined in sub. ~~23.18(102)~~ 23.18(117). A variance shall:

22  
23 \* \* \*

24 2. Not permit a lower degree of flood protection in the floodway area  
25 than the flood protection elevation, as defined in sub. ~~23.18(32)~~ 23.18(38). In the floodfringe area,  
26 a lower degree of flood protection than the flood protection elevation may only be allowed pursuant  
27 to sub. 23.13(4)(b).

28  
29 \* \* \*

30 11. The variance ~~may~~ shall not cause any increase in the regional flood  
31 elevation.

32  
33 \* \* \*

34 14. When a floodplain variance is granted, the Board shall notify the  
35 applicant in writing that it may increase ~~flood insurance premiums and risks to life and property~~  
36 and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall  
37 be maintained with the variance record.

38  
39 \* \* \*

40 (8)(AM 13-16) **Public Information.**

41  
42 \* \* \*

43 (c) ~~All real~~ Real estate transfers should show what ~~floodplain zoning district~~  
44 Floodplain District any real property is in.

45  
46 **SECTION 10.** Sections 23.16(4) and (5) of the code are amended to read:

47 **23.16 CHANGES AND AMENDMENTS.** The County Board may from time to time  
48 alter, supplement or change the boundaries of use districts and the regulations contained in the  
49 shoreland, wetland or floodplain section of this chapter in accordance with the requirements of

1 §59.69, Wis. Stats., Wisconsin Administrative Code Ch. NR 115, 116 and sub. 23.03(5) of this  
2 chapter where applicable.

3 \* \* \*

4  
5 (4)(AM 13-16) **Floodplain Amendments.** Amendments to this chapter shall be made as  
6 provided by law. ~~No change~~ Obstructions to the floodplain or increases to the regional flood  
7 elevation may only be permitted if amendments to the in official floodway lines, water surface  
8 profiles, floodplain zoning maps or text shall be made without formal amendment. are made in  
9 accordance with sub. 23.16(4)(a)-(g). In AE Zones with a mapped floodway, no obstructions to the  
10 floodplain or increases to the regional flood elevation shall be permitted unless the applicant  
11 receives a Conditional Letter of Map Revision from FEMA and amendments are made to this  
12 ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in  
13 accordance with sub. 23.16(4)(a)-(g). Any such alterations must be reviewed and approved by  
14 FEMA and the Department. In A Zones increases equal to or greater than 1.0 foot may only be  
15 permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and  
16 amendments are made to this ordinance, the official floodplain maps, floodway lines, and water  
17 surface profiles, in accordance with sub. 23.16(4)(a)-(g). Actions which require an amendment to  
18 the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to  
19 the following:

20  
21 (a) ~~Any change in the official floodway line or boundary of the general~~  
22 ~~floodplain area.~~ Any fill or floodway encroachment that obstructs flow causing any increase in the  
23 regional flood height.

24  
25 (b) ~~Correction of significant discrepancies between the water surface profiles~~  
26 ~~and floodplain zoning maps.~~ Any change to the floodplain boundaries and/or watercourse  
27 alterations on the FIRM.

28  
29 (c) ~~Any fill in the floodplain~~ Fill which raises the elevation of the filled area to  
30 a height at or above the flood protection elevation and is contiguous to land lying outside the  
31 floodplain.

32  
33 (d) ~~Any fill or encroachment into the floodplain that will cause a change,~~  
34 ~~equal to or greater than 0.01 foot, in the height of the regional flood.~~ Correction of discrepancies  
35 between the water surface profiles and floodplain maps.

36 \* \* \*

37  
38 (g) Any changes to any other officially adopted floodplain maps listed in sub.  
39 23.02(4).

40  
41 (5)(AM 13-16)) **Amendment Procedures.** Amendment to this chapter may be made  
42 upon petition of any ~~interested~~ party in accordance with the provisions of the Wisconsin Statutes  
43 §59.69. ~~Such~~ The petitions shall include any necessary data required by sub. 23.06(2)(b) and  
44 23.02(12)(c). The Zoning Permit shall not be issued until a Letter of Map Revision is issued by  
45 FEMA for the proposed changes.

46 \* \* \*

47  
48 (c) All persons petitioning for a map amendment ~~which involves an increase~~  
49 ~~in the~~ that obstructs flow causing any increase in the height of the regional flood of 0.01 foot or



1 ~~more~~ shall obtain flooding easements, or other appropriate legal arrangements, from all affected  
2 local units of government and property owners ~~before the County may approve~~ prior to the  
3 County's approval of an amendment which would result in such an increase to the regional flood  
4 elevation.

5  
6 ~~(d) — When considering amendments to the official floodplain zoning map, in~~  
7 ~~areas where no water surface profiles exist, the Planning, Conservation and Parks Committee~~  
8 ~~shall consider data submitted by the Department, the administrator's visual on-site inspections~~  
9 ~~and other available information. (See sub. 23.02(4)(b)2. of this chapter.)~~

10  
11 **SECTION 11.** Sections 23.18(1) through (126) of the code are amended to read:

12 **23.18 DEFINITIONS.** (AM 13-16) Unless specifically defined below, words and phrases  
13 used in this chapter shall be interpreted so as to give them the same meaning as they have at  
14 common law and to give this chapter its most reasonable application. Words used in the present  
15 tense include the future. Words used in the singular number include the plural and words in the  
16 plural number include the singular. The word "may" is permissive. The word "shall" is mandatory  
17 and not discretionary. All distances, unless otherwise specified, shall be measured horizontally.

18  
19 (1) **"A Zones."** Those areas shown on a municipality's "Official Floodplain Zoning  
20 Map" [see sub. ~~23.18(73)~~ 23.18(87)] which would be inundated by the "base flood" or "regional  
21 flood" as defined herein. These areas may be numbered as A0, A1 to A30, A99 or be unnumbered  
22 A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability  
23 of data for a given area.

24  
25 (2) **"AH Zone."** High flood risk. Base flood elevations have been determined. Flood  
26 insurance is mandatory and local floodplain development codes apply. These properties have a one  
27 (1) percent annual chance of shallow flooding, usually in the form of a pond, with an average depth  
28 of one to three feet.

29  
30 (3) **"AO Zone."** High flood risk. Flood insurance is mandatory and local floodplain  
31 development codes apply. River or stream flood hazard areas, and areas with a one (1) percent or  
32 greater chance of shallow flooding each year, usually in the form of sheet flow, with an average  
33 depth of one to three feet. These areas have a 26 percent chance of flooding over the life of a 20-  
34 year mortgage.

35  
36 Sections (2), (3) and (4) are renumbered (4), (5) and (6), respectively.

37  
38 (7) **"Alteration."** An enhancement, upgrading or substantial change or modification  
39 other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilation, air  
40 conditioning and other systems within a structure.

41  
42 (8) **"Area of Shallow Flooding."** A designated AO, AH, AR/AH, or VO zone on a  
43 community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of  
44 flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the  
45 path of flooding is unpredictable, and where flood velocity may be evident. Such flooding is  
46 characterized by ponding or sheet flow.

47  
48 Sections (5) through (12) are renumbered (9) through (16), respectively.

1           ~~(17) (13)~~ **"Camping Unit."** Any portable device, no more than 400 square feet in area,  
2 used as a temporary shelter, including, but not limited to, a camping trailer, motor home, bus, van,  
3 pickup truck, or tent or other mobile recreational vehicle that is fully licensed, if required, and  
4 ready for highway use.

5  
6           Sections (14) through (26) are renumbered (18) through (30), respectively.

7  
8           ~~(27) "Existing Manufactured Home Park or Manufactured Home Subdivision." A~~  
9 ~~parcel (or contiguous parcels) of land divided into 2 or more manufactured home lots for rent or~~  
10 ~~sale on which the construction of facilities for servicing the lots (including, at a minimum, the~~  
11 ~~installation of utilities, either final site grading or the pouring of concrete pads and the~~  
12 ~~construction of streets) is completed before the effective date of this chapter.~~

13  
14           ~~(28) "Expansion to Existing Mobile/Manufactured Home Park." The preparation of~~  
15 ~~additional sites by the construction of facilities for servicing the lots on which the manufactured~~  
16 ~~homes are to be affixed. This includes installation of utilities, construction of streets and either~~  
17 ~~final site grading, or the pouring of concrete pads.~~

18  
19           Sections (29), (30) and (31) are renumbered (31), (32) and (33), respectively.

20  
21           ~~(34) (32)~~ **"Flood Insurance Rate Map (FIRM)."** A map of a community on which the  
22 Federal Insurance Administration has delineated both ~~special flood hazard area (the 100 year~~  
23 ~~floodplain)~~ and the risk premium zones applicable to the community. This map can only be  
24 amended by the Federal Emergency Management Agency.

25  
26           Sections (33) through (50) are renumbered (35) through (52), respectively.

27  
28           ~~(52) "Highest Adjacent Grade." The highest natural elevation of the ground surface~~  
29 ~~prior to construction next to the proposed walls of a structure.~~

30  
31           Sections (51) through (55) are renumbered (53) through (59), respectively.

32  
33           ~~(59) (56)~~ **"Increase in Regional Flood Height."** A calculated upward rise in the  
34 regional flood elevation, ~~equal to or~~ greater than 0-01 foot, resulting from a comparison of  
35 existing conditions and proposed conditions which is directly attributable to development in the  
36 floodplain, but not attributable to manipulation of mathematical variables such as roughness  
37 factors, expansion and contraction coefficients and discharge.

38  
39           Sections (57) through (61) are renumbered (60) through (64), respectively.

40  
41           ~~(65) "Lowest Adjacent Grade." Elevation of the lowest ground surface that touches~~  
42 ~~any of the exterior walls of a building.~~

43  
44           ~~(66) "Lowest Floor." The lowest floor of the lowest enclosed area (including~~  
45 ~~basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles,~~  
46 ~~building access or storage in an area other than a basement area is not considered a building's~~  
47 ~~lowest floor; provided that such enclosure is not built so as to render the structure in violation of~~  
48 ~~the applicable non-elevation design requirements of 44 Code of Federal Regulations Section~~  
49 ~~60.3.~~

1  
2 (67) “Maintenance.” The act or process of restoring to original soundness, including  
3 redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems  
4 or equipment with equivalent fixtures, systems or structures.

5  
6 Sections (62) through (64) are renumbered (68) through (70), respectively.

7  
8 (71) “Mobile/Manufactured Home Park or Subdivision.” A parcel (or contiguous  
9 parcels) of land, divided into two or more manufactured home lots for rent or sale.

10  
11 (72) “Mobile/Manufactured Home Park or Subdivision, Existing.” A parcel of  
12 land, divided into two or more manufactured home lots for rent or sale, on which the construction  
13 of facilities for servicing the lots is completed before the effective date of this ordinance. At a  
14 minimum, this would include the installation of utilities, the construction of streets and either  
15 final site grading or the pouring of concrete pads.

16  
17 (73) “Mobile/Manufactured Home Park, Expansion to Existing.” The preparation  
18 of additional sites by the construction of facilities for servicing the lots on which the  
19 manufactured homes are to be affixed. This includes installation of utilities, construction of  
20 streets and either final site grading, or the pouring of concrete pads.

21  
22 Section (65) is renumbered (74).

23  
24 (75) “Model, Corrected Effective.” A hydraulic engineering model that corrects any  
25 errors that occur in the Duplicative Effective Model, adds any additional cross sections to the  
26 Duplicative Effective Model, or incorporates more detailed topographic information than that  
27 used in the current effective model.

28  
29 (76) “Model, Duplicative Effective.” A copy of the hydraulic analysis used in the  
30 effective FIS and referred to as the effective model.

31  
32 (77) “Model, Effective.” The hydraulic engineering model that was used to produce  
33 the current effective Flood Insurance Study.

34  
35 (78) “Model, Existing (Pre-Project).” A modification of the Duplicative Effective  
36 Model or Corrected Effective Model to reflect any man made modifications that have occurred  
37 within the floodplain since the date of the Effective Model but prior to the construction of the  
38 project for which the revision is being requested. If no modification has occurred since the date  
39 of the Effective Model, then this model would be identical to the Corrected Effective Model or  
40 Duplicative Effective Model.

41  
42 (79) “Model, Revised (Post-Project).” A modification of the Existing or Pre-Project  
43 Conditions Model, Duplicative Effective Model or Corrected Effective Model to reflect revised  
44 or post-project conditions.

45  
46 Sections (66) through (81) are renumbered (80) through (95), respectively.

47  
48 (96) (82) “Reasonably Safe from Flooding.” Means base flood waters will not  
49 inundate the land or damage structures to be removed from the ~~special flood hazard area~~

1 floodplain and that any subsurface waters related to the base flood will not damage existing or  
2 proposed buildings.

3  
4 Sections (83) through (99) are renumbered (97) through (113), respectively.

5  
6 (114) “Substantial Improvement.” Any repair, reconstruction, rehabilitation, addition  
7 or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the  
8 equalized assessed value of the structure before the improvement or repair is started. If the  
9 structure has sustained substantial damage, any repairs are considered substantial improvement  
10 regardless of the work performed. The term does not, however, include either any project for the  
11 improvement of a building required to correct existing health, sanitary or safety code violations  
12 identified by the building official and that are the minimum necessary to assure safe living  
13 conditions; or any alteration of a historic structure provided that the alteration will not preclude  
14 the structure’s continued designation as a historic structure.

15  
16 Sections (100) through (111) are renumbered (114) through (126), respectively.

17  
18 **SECTION 12. EFFECTIVE DATE.** This ordinance shall become effective upon  
19 passage by the Board of Supervisors and publication as provided by law.

20  
21 **SECTION 13. SUMMARY.** Revisions to Chapter 23 of the Washington County Code  
22 to adopt certain floodplain management measures required by 44 CFR Section 60.3(d).

23  
24  
25  
26 VOTE REQUIREMENT FOR PASSAGE: Majority

27  
28 APPROVED:  
29 (signed by Kimberly A. Nass)  
30 Kimberly A. Nass, County Attorney  
31 Dated 11/20/13

Introduced by members of the PLANNING,  
CONSERVATION and PARKS COMMITTEE  
as filed with the County Clerk.  
(signed by Michael R. Miller)  
Michael R. Miller, Chairperson

32  
33 Considered 11/19/13

34 Adopted 11/19/13

35 Ayes 24 Noes 0 Absent 6

36 Voice Vote \_\_\_\_\_

37 Countersigned:

38  
39 \_\_\_\_\_  
40 Herbert J. Tennies  
41 County Board Chairperson  
(No fiscal effect.)