

18.04 FLOODPLAIN ZONING DISTRICT. (1) GENERAL PROVISIONS FOR ALL FLOODPLAINS. (a) Areas to be Regulated. Areas regulated by this chapter shall include all areas within the incorporated limits of the Village that would be covered by the "regional flood," as defined in sec. 18.02 of this chapter.

(b) Establishment of Districts. The regional floodplain areas within the jurisdiction of this chapter are here- by divided into 3 districts defined as follows:

1. The FW Floodway District consists of the channel of a river or stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the regional flood waters.

2. The FF Flood Fringe District consists of that portion of the floodplain between the regional flood limits and the floodway.

3. The GFP General Floodplain District consists of all areas which have been or may be hereafter covered by flood water during the regional flood. It includes both the Floodway and Flood Fringe Districts.

(c) Locating Floodplain Boundaries. Where an apparent discrepancy exists between the location of the outermost boundary of the Flood Fringe District or the General Floodplain District shown on the Official Floodplain zoning Map and actual field conditions, the location of the district boundary line shall be initially determined by the zoning Administrator using the criteria set forth in subpars. 1. and 2. below. Where the Zoning Administrator finds that there is a significant difference between the district boundary shown on the map and the actual field conditions, the map shall be amended using the procedures established in par. (i) below. Disputes between the Zoning Administrator and an applicant over the location of the district boundary line shall be settled by the Board of Zoning Appeals according to sec. 18.06(5) of this chapter.

1. Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the boundary line location shown on the map and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to immediately grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The zoning Administrator shall be responsible for initiating any map amendments required under this paragraph within a reasonable period of time.

2. Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department. Where there is a significant difference between the district boundary line shown on the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Village Board and the Department, the Zoning Administrator shall have the authority to grant or deny a land use permit.

(d) Removal of Lands From Floodplain. Compliance with the provisions of this chapter shall not be grounds for removing lands from the floodplain district, unless they are removed by filling to a height of at least 2 feet above the regional flood elevation, the fill is contiguous to lands outside the floodplain district, and the map is amended pursuant to par. (i) below. To remove flood insurance requirements, FEMA must first revise the Flood Insurance Rate Map or issue a letter of map amendment or revision.

(e) Hydraulic and Hydrologic Analyses. 1. No development shall be allowed in floodplain areas which will:

a. Cause an obstruction to flow, defined in sec. 18.02 of this chapter, as any development which physically blocks the conveyance of flood waters by itself or in conjunction with future similar development causing an increase in regional flood height; or

b. Cause an increase in regional flood height due to floodplain storage area lost, which is equal to or exceeding 0.01 foot; except as provided in subpar. 2. below.

2. Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this chapter, the official floodplain zoning maps, including floodway lines and water surface profiles, according to par. (i) below and sec. 18.07 of this chapter, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream.

3. The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow or increase in regional flood height of 0.01 foot or greater.

(f) Mobile Homes and Manufactured Homes (Rev. Fed. rule Oct. 1990). 1. Owners or operators of all mobile manufactured home parks and subdivisions located in the regional floodplain shall provide for adequate surface drainage to minimize flood damage and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with the appropriate local emergency management authorities.

2. In existing mobile home parks, as defined in sec. 18.02 of this chapter, all new homes with new pads, replacement units on existing pads, and substantially improved mobile/manufactured homes and recreational vehicles that remain on-site in excess of 180 days, or are unlicensed or not ready for highway use and which are placed or improved on a site located in the regional floodplain shall:

a. Have the lowest floor elevated to the regional flood elevation.

b. Be anchored so they do not float, collapse or move laterally during a flood.

3. Outside of existing mobile home parks, including new mobile home parks, and all single units outside of existing parks, all new replacement and substantially improved mobile/ manufactured homes and recreational vehicles that remain on-site more than 180 days which are unlicensed or are not ready for high- way use shall meet the residential development standards for the flood fringe in sub. (3)(c) below.

(g) Watercourse Alterations. Prior to any alteration or relocation of a watercourse and prior to the issuance of any land use permit which may be required for the alteration or relocation of a watercourse, the Zoning Administrator shall notify adjacent municipalities, the appropriate district office of the Department and the appropriate office of FEMA and shall require the applicant to secure all necessary State and Federal permits. The flood-carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

(h) Floodproofing. 1. Where floodproofing measures are required, they shall be designed to:

a. Withstand the flood pressures, depths, velocities, uplift and impact forces and other factors associated with the regional flood.

b. Assure protection to the flood protection elevation.

c. Provide anchorage of structures to foundations to resist flotation and lateral movement.

d. Shall insure that the structural walls and floors are watertight and completely dry without human intervention during flooding to the flood protection elevation.

2. No permit or variance shall be issued until the applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequately designed to protect the structure or development to the flood protection elevation for the particular area.

3. Floodproofing measures could include:

a. Reinforcement of walls and floors to resist rupture or collapse caused by water pressure or floating debris.

b. Addition of mass or weight to structures to prevent flotation.

c. Placement of essential utilities above the flood protection elevation.

d. Surface or subsurface drainage systems, including pumping facilities, to relieve external foundation wall and basement floor pressures.

e. Construction of water supply wells and waste treatment systems to prevent the entrance of flood waters into such systems.

f. Cut-off valves on sewer lines and the elimination of gravity flow basement drains.

(i) Amendments. 1. When amendments are required, the procedures in sec. 18.07 of this chapter shall apply. Actions which require an amendment include, but are not limited to, the following:

a. Any change to the official floodplain map, including the floodway line, or boundary of the floodplain area.

b. Correction of significant discrepancies between the water surface profiles and floodplain zoning maps.

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

d. Any fill or encroachment into the floodplain that will obstruct flow or cause an increase of 0.01 foot or more in the height of the regional flood.

e. Any upgrading of this chapter required by Wis. Adm. Code NR 116 or otherwise required by law, or by changes by the Village.

2. No amendment to the maps or text of this chapter shall become effective until reviewed and approved by the Department.

3. All persons petitioning for a map amendment which involves an obstruction to flow causing an increase in the height of the regional flood of 0.01 foot or more shall obtain flooding easements, or other appropriate legal arrangements, from all affected local units of government and property owners before the Village may approve an amendment which would result in such an increase to the regional flood elevation.

4. When considering amendments to the Official Floodplain Zoning Map in areas where no water surface profiles exist, the Plan Commission shall consider data submitted by the Department, the Zoning Administrator's visual on-site inspections and other available information. (See par. (c) above)

(2) FW FLOODWAY DISTRICT. (a) Applicability. The provisions of this subsection apply to all areas mapped as floodway on the Official Floodplain Zoning Maps and to those portions of the General Floodplain District determined to be floodway.

(b) Permitted Uses. The following open space uses are allowed within the Floodway District and in the floodway portion of the General Floodplain District, provided that they are not prohibited by any other regulations, that the standards contained in par. (c) below are met, and that all permits or certificates required under this chapter have been issued:

1. Agricultural uses such as general farming, pasturing, outdoor plant nurseries, horticulture, silviculture, truck farming, forestry, sod farming and wild crop harvesting.

2. Nonstructural industrial and commercial uses such as loading areas, parking areas and airport landing strips.

3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.

4. Uses or structures accessory to open space uses or essential for historical areas, providing they are not in conflict with the provisions in pars. (c) and (d) below.

5. Extraction of sand, gravel or other materials, according to par. (c)4. below.

6. Functionally water-dependent uses such as docks, piers or wharves, including those used as part of a marina, and other water related uses such as dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines may be allowed if all other necessary local, State and Federal permits are secured, including permits issued by the Department under Chs. 30 or 31, Wis. Stats.

7. Public utilities, streets and bridges, according to par. (c)3. below.

(c) Standards for Developments in Floodway Areas. 1. Any development in floodway areas shall:

a. Meet all the provisions of sub. (1) above and have a low flood damage potential.

b. Applicants shall provide the following data for the Zoning Administrator to determine the effects of the proposal according to sub. (1)(e) above:

i. A cross-section elevation view of the proposal, perpendicular to the watercourse, indicating whether the proposed development will obstruct flow.

ii. An analysis calculating the effects of this proposal on regional flood height.

c. The Zoning Administrator shall deny the permit application where it is determined the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for subpar. b. above.

2. Only structures which are accessory to permitted open space uses, or are essential for historical areas, or are functionally dependent on a water front location may be allowed by permit, providing the structures meet all of the following criteria:

a. The structures are not designed for human habitation.

b. The structures are constructed and placed on the building site to cause less than 0.01 foot increase in flood height and offer minimum obstruction to the flow of flood waters. Structures shall be constructed with the longitudinal axis parallel to the direction of flow of flood waters and approximately on the same line as those of adjoining structures.

c. The structures are firmly anchored to prevent them from floating away and restricting bridge openings or other restricted sections of the stream or river.

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

3. Public utilities, streets and bridges may be allowed by permit, provided that:

a. Adequate floodproofing measures are provided to the flood protection elevation.

b. Construction does not cause an increase in the height of the regional flood according to sub. (1)(e) above, except where the water surface profiles, floodplain zoning maps and this chapter are amended as needed to reflect any changes resulting from such construction.

4. Fills or deposition of materials may be allowed by permit, provided that:

a. The requirements of sub. (1) above are met.

b. The fill or deposition of materials does not encroach on the channel area between the ordinary high-water mark on each bank of the stream unless a permit has been granted by the Department pursuant to Ch. 30, Wis. Stats., and a permit pursuant to Sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334 has been issued, if applicable, and the other requirements of this subsection are met.

c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading sufficient to prevent erosion.

d. Such fills are not associated with private or public solid waste disposal.

(d) Prohibited Uses. All uses not listed as permitted uses in par. (b) above are prohibited, in addition to the following uses which are always prohibited, in floodways and the floodway portions of the general floodplain:

1. The storage of any materials that are buoyant, flammable, explosive or injurious to property; water quality; or human, animal, plant, fish or other aquatic life.

2. Any uses which are not in harmony with, or which may be detrimental to, the uses permitted in the adjoining districts.

3. All private or public on-site sewage disposal systems, except portable latrines that are removed during flooding, and systems associated with public recreational areas and Department-approved campgrounds, that meet the applicable provisions of Wis. Adm. Code COMM 83.

4. All wells, whether public or private, which are used to obtain water for ultimate human consumption, except those for recreational areas that meet the requirements of local ordinances and Wis. Adm. Code Chs. NR 111 and 112.

5. All solid or hazardous waste disposal sites, whether public or private.

6. All waste water treatment ponds or facilities, except those permitted under Wis. Adm. Code NR 110.15(3)(b).

7. All sanitary sewer or water lines, except those used to service existing or proposed development outside of the floodway which complies with the regulations for the floodplain area occupied.

(3) FF FLOOD FRINGE DISTRICT. (a) Applicability. The provisions of this subsection apply to all areas within the Flood Fringe District, as shown on the Official Floodplain zoning Maps, and to those portions of the General Floodplain District that are determined to be in the flood fringe area.

(b) Permitted Uses. Any structures, land use or development, including accessory structures and uses, or those classified as historic structures are permitted within the Flood Fringe District and flood fringe portions of the General Floodplain District, provided that the standards contained in sub. (1) above and par. (c) below are met, that the use is not prohibited by any other ordinance or local, State or Federal regulation and that all permits or certificates required under this chapter have been issued.

(c) Standards For Development in Flood Fringe Areas. All of the provisions of sub. (1) above shall apply in addition to the following requirements according to the use requested:

1. Residential Uses. Any structure or building used for human habitation which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet or exceed the following standards:

a. The lowest floor, excluding the basement or crawlway, shall be placed on fill at or above the flood protection elevation, which is a point 2 feet above the regional flood elevation, except where subpar. b. below is applicable. The fill elevation shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures where existing streets or sewer lines are at elevations which make compliance impractical provided the Board of Zoning Appeals grants a variance due to dimensional restrictions.

b. The basement or crawlway floor may be placed at the regional flood elevation providing it is floodproofed to the flood protection elevation. No permit or variance shall allow any floor, basement or crawlway below the regional flood elevation.

c. Contiguous dryland access defined in sec. 18.02 of this chapter as a vehicular access route above regional flood elevation shall be provided from a structure or building to land which is outside the floodplain, except as provided in subpar. d. below.

d. In existing developments where existing streets or sewer lines are at elevations which make compliance with subpar. c. above impractical, the Village may permit new development and substantial improvements where access roads are at or below the regional flood elevation, provided:

i. The Village has written assurance from the appropriate local units of police, fire and emergency services that rescue and relief will be provided to the structures by wheeled vehicles, considering the anticipated depth, duration and velocity of the regional flood event; or

ii. The Village has an adequate natural disaster plan concurred with the Division of Emergency Government and approved by the Department.

2. Accessory Structures or Uses. An accessory structure or use, not connected to a principal structure, including nonresidential agricultural structures, shall meet all the applicable provisions of sub. (2)(c)1., 2. and 4. and par. (d) above. A lesser degree of protection, compatible with these criteria and the criteria in subpar. 3. below, may be permissible for an accessory structure or use provided that the site is not inundated to a depth greater than 2 feet or subjected to flood velocities greater than 2 feet per second during the regional flood.

3. Commercial Uses. Any commercial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall meet the requirements of par. (c)1. above. Storage yards, parking lots and other accessory land uses may be at lower elevations, subject to the requirements of subpar. 5. below. However, no such area in general use by the public shall be inundated to a depth greater than 2 feet or subjected to flood velocities greater than 2 feet per second during the regional flood. Inundation of such yards or parking areas to depths greater than 2 feet may be approved provided an adequate warning system exists to protect life and property.

4. Manufacturing and Industrial Uses. Any manufacturing or industrial structure or building which is to be erected, constructed, reconstructed, altered or moved into the flood fringe area shall be protected to the flood protection elevation utilizing fill, levees, flood walls or other adequate floodproofing measures according to sub. (1)(h) above, or any combination of these. On streams or rivers having prolonged flood durations, greater protection may be required to minimize interference with normal plant operations. A lesser degree of protection, compatible with the criteria in subpar. 3. above and subpar. 5. below may be permissible for storage yards, parking lots and other similar uses.

5. Storage or Processing of Materials. The storage or processing of materials that are buoyant, flammable, explosive or which, in times of flooding, could be injurious to human, animal or plant life shall be at or above the flood protection elevation for the particular area or floodproofed in compliance with sub. (1)(h) above. Adequate measures shall be taken to assure that these materials will not enter the river or stream during flooding.

6. Public Utilities, Streets and Bridges. Public utilities, streets and bridges should be designed to be compatible with the local comprehensive floodplain development plans and:

a. When failure or interruption of public utilities, streets and bridges would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed to the flood protection elevation in compliance with sub. (1)(h) above..

b. Minor or auxiliary roads or non-essential utilities may be constructed at lower elevations providing they withstand flood forces to the regional flood elevation.

7. Sewage Systems, Wells and Solid Waste Sites. a. All on-site sewage disposal systems shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of all local ordinances and Wis. Adm. Code COMM 83.

b. All wells, whether public or private, shall be floodproofed to the flood protection elevation and shall meet the applicable provisions of Wis. Adm. Code NR III and 112.

c. All solid or hazardous waste disposal sites, whether public or private, are prohibited.

8. Deposition of Materials. Deposition of materials for any purpose may only be allowed if the provisions of this chapter are met.

(4) GFP GENERAL FLOODPLAIN DISTRICT. (a) Applicability. The provisions for this district shall apply to all floodplains for which regional flood data is not available or where regional flood data is available, but floodways have not been delineated. As adequate regional flood data becomes available and floodways are delineated for portions of this district, such portions shall be placed in the Flood Fringe District or the Floodway District, as appropriate.

(b) Permitted Uses. The General Floodplain District encompasses both floodway and flood fringe areas. Therefore, a determination shall be made pursuant to par. (d) below to determine whether the proposed use is located within a floodway or flood fringe area. Those uses permitted in sub. (2) above for floodways and sub. (3) above for flood fringe areas are allowed within the General Floodplain District, according to the standards of par. (c) below and provided that all permits or certificates required under this chapter have been issued.

(c) Standards For Development in the General Floodplain District. Once it is determined, according to par. (d) below, that a proposed use is located within a floodway, the provisions of sub. (2) above shall apply. Once determined that the proposed use is located within the flood fringe, the provisions of sub. (3) above shall apply. All provisions of the remainder of this chapter apply to either district.

(d) Determining Floodway and Flood Fringe Limits. Upon receiving an application for development within the General Floodplain District, the Zoning Administrator shall:

1. Require the applicant to submit, at the time of application, 2 copies of an aerial photograph or a plan which accurately locates the proposed development with respect to the General Floodplain District limits, channel of stream, existing floodplain developments, together with all pertinent information such as the nature of the proposal, legal description of the property, fill limits and elevations, building floor elevations and floodproofing measures.

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

a. A typical valley cross-section showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and all historic high water information.

b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply and sanitary facilities; soil types; and other pertinent information.

c. Profile showing the slope of the bottom of the channel or flow line of the stream.

d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage of materials, water supply and sanitary facilities.

3. Transmit one copy of the information described in subpars. 1. and 2. above to the Department along with a written request to have that agency provide technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of sec. 18.06(2)(b)3. of this chapter apply, the applicant shall provide all required information and computations.