

## H. OVERLAY DISTRICTS

### 12.26-1 FPO FLOODPLAIN OVERLAY DISTRICT (6/12/12)

(a) Primary Purpose and Characteristics

The FPO Floodplain Overlay District is hereby created pursuant to the mandates of Wisconsin Statute section 87.30 for the purpose of regulating all floodplains where serious flood damage may occur. The purpose of these regulations is to provide for sound floodplain management in Kenosha County so as to:

- 1 Protect life, health and property
- 2 Minimize expenditures of public monies for costly flood control projects
- 3 Minimize rescue and relief efforts, generally undertaken at the expense of the general public
- 4 Minimize business interruptions
- 5 Minimize damage to public facilities on the floodplains, such as water mains, sewer lines, streets and bridges
- 6 Minimize the occurrence of future flood blight areas on floodplains
- 7 Discourage the victimization of unwary land and home buyers
- 8 Preserve essentially open space of natural use lands which are unsuitable for intensive development purposes due to poor natural soil conditions and periodic flood inundation
- 9 Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners
- 10 Regulate floodplain areas so as to maintain and improve water quality, protect aquatic and wildlife habitat and prohibit the location of structures on soils which are generally not suitable for such use

(b) Definitions, (See Appendix A)

(c) Designation of Floodplain Areas

The FPO Floodplain Overlay District is those areas that may be covered by floodwater during the regional flood including the floodway and are contained within AE, A, AH, and AO Zones as shown on the appropriate FEMA mapping panel of the FIRM

(d) Principal Uses

Any use of land, except structures, that is permitted in the underlying basic use district shall be permitted. Examples of such use would be croplands in any agricultural district; required yards in a residential district; or parking and loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two feet or that such areas are not subject to flood velocities greater than two feet per second upon the occurrence of a 100 year recurrence interval period. (2/6/90)

1 No floodplain development shall:

- a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- b. Cause any increase in the regional flood height due to floodplain storage area lost.

- 2 The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of 12-40-1 Amendments are met.
- (e) Conditional Uses (subject to section 12.26-1(d) 1 and 2 above) (see also section 12.29-8)
- 1 Bridges and approaches
  - 2 Filling as authorized by the Wisconsin Department of Natural Resources and the United States Army Corp of Engineers to permit the establishment of approved bulkhead lines
  - 3 Municipal water supply and sanitary sewage lines
  - 4 Park and recreational areas not including structures
  - 5 Public water measuring and control facilities done in accordance with the provisions of section NR116.17 of the Wisconsin Administrative Code
  - 6 Utility facilities (except buildings and substations) such as underground water tight conduits, telephone and electric poles, etc., constructed in conformance with section NR116.17 of the Wisconsin Administrative Code.
- (f) Lot Area  
Where a lot or parcel is located partially within a floodplain and partially within an adjoining use district, that area of the lot or parcel in the floodplain may be used to meet the lot area requirements of the adjoining district provided that at least 50 percent of the minimum lot area requirement is provided outside the floodplain where public sanitary sewerage facilities are available, and at least 40,000 square feet is provided outside the floodplain where public sanitary sewerage facilities are not available. (11/5/84)
- (g) Dumping, Filling, Excavation and Obstructions Prohibited  
Lands lying within the FPO Floodplain Overlay District shall not be obstructed in any manner, nor shall such lands be used for dumping of any material or substance (including manure) or be filled, except as authorized to permit the establishment of approved bulkhead lines or to accommodate bridge approaches. Excavation in the Floodplain area shall be prohibited, except that normal earth grading activities as defined in this ordinance to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.
- (h) Storage of Materials Prohibited  
Lands lying within the FPO Floodplain Overlay District shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, plant, fish or other aquatic life.
- (i) Incompatible Uses Prohibited  
Lands lying within the FPO Floodplain Overlay District shall not be used for any solid waste disposal site, on-site soil absorption sanitary sewage system site, wastewater treatment ponds or facilities, holding, private or public sewage systems, solid or hazardous waste disposal sites, holding tanks, or the construction of any wells used to obtain water for ultimate human consumption. The restricted confinement or permanent sheltering of animals shall be prohibited.

- (j) **Structures Prohibited**  
Except for public water measuring and control facilities, bridges and utilities, NO structures, dwellings, mobile/manufactured homes or shelters shall be located, moved or placed on lands in the FPO Floodplain Overlay District. This section shall be strictly construed and shall not be subject to variances.
- (k) **Channel Structures**  
In addition to the above structures, the erection of all structures in a channel shall require a permit issued by the DNR pursuant to ch. 30, Stats. and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable. All bulkheads, wharves and piers shall comply with bulkhead or pierhead lines established by any municipality pursuant to ch. 30, Stats. Wisconsin Statutes.
- (l) **Dam Construction**  
Dam construction, operation, maintenance and abandonment are uses requiring a public hearing before the Planning, Development & Extension Education Committee in accordance with section 12.29-5 of this ordinance. This committee shall then advise the State agency having jurisdiction under section 31.05, 31.07, 31.13 and 31.185 of the Wisconsin Statutes of its findings prior to the issuance of the required State permit. (11/5/84)
- (m) **Removal of Trees and Shrubs**  
The removal of trees, shrubs and foliage from the Floodplain Overlay District shall be prohibited unless conducted in accordance with section 12.18-2 and with the further provision that such activity is conducted in a manner so as to be consistent with sound floodplain management.

