



# FLOODPLAIN ORDINANCE ADOPTION

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NFIP Coordinator

Floodplain Zoning, Part 2 Of A 3 Part Webinar Series | March 28, 2024

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES | [DNR.WI.GOV](https://dnr.wi.gov)**

# Reasons To Update The Community Floodplain Zoning Ordinance

1. FEMA has issued a “Letter of Final Determination” or “LFD”
  - There are updated FIRMS and FIS and the community has 6 months to adopt, or the community is suspended from the NFIP and citizens with federal flood insurance no longer have coverage
2. The state has an updated model, and the community language is now out of date (Latest state update was in March 2022)
3. The community has a mixed code where the floodplain zoning ordinance is not “stand alone.”
4. There is updated regulatory data, like a CLOMR, LOMR, a flood study or a Dam failure analysis
  - NR 116 requires that the new data be adopted within 6 months
  - Federal Code requires the adoption of CLOMRs and LOMRs

# Why Does an NFIP Participating Community Need To Update?

1. Approximately 560 of 620 Wisconsin communities belong to the NFIP. Timely adoptions keep the community in good standing with the NFIP.
2. Without a DNR approved ordinance the community is at risk of being suspended from the NFIP by FEMA. A suspension results in loss of federal funding for structures in the special flood hazard area and citizens that have federal flood insurance would lose it.







# Adoption Types

1. Repeal and recreate – for when the community needs to update to the new state model language. For situations where there is a lot of language to change. If the community ordinance is older than 2012, then the community should do a repeal and recreate to update the ordinance
2. Amendment – for when there are a few sections to change. Some communities, especially counties, prefer to amend to update to new language rather than repeal and recreate. This is possible but is very time-consuming because it involves going through the ordinance word by word and identifying where the changes are needed.



# LOMR (Letter of Map Revision) And CLOMR (Conditional Letter of Map Revision)

- Once a CLOMR is issued by FEMA, the local zoning official can issue the permit **after the CLOMR is adopted into the ordinance**
- Within 6 months of the project completion, the local community must apply for a LOMR from FEMA, verifying the project was completed as planned. The community must adopt the LOMR before its effective date. The community is given a 6 month notice from FEMA
- CLOMRs and LOMRs must be adopted into the local community's floodplain ordinance.

Page 1 of 4	Issue Date: August 18, 2015	Effective Date: December 31, 2015	Case No.: 15-05-3405P	LOMR-APP
 <b>Federal Emergency Management Agency</b> Washington, D.C. 20472				
<b>LETTER OF MAP REVISION DETERMINATION DOCUMENT</b>				
<b>COMMUNITY AND REVISION INFORMATION</b>		<b>PROJECT DESCRIPTION</b>	<b>BASIS OF REQUEST</b>	
<b>COMMUNITY</b>	City of River Falls St. Croix County Wisconsin	CULVERT FILL	HYDRAULIC ANALYSIS NEW TOPOGRAPHIC DATA UPDATE	
	COMMUNITY NO.: 560330			
<b>IDENTIFIER</b>	Sterling Ponds Corporate Park/ 0204-006	APPROXIMATE LATITUDE & LONGITUDE: 44.901, -92.644 SOURCE: USGS QUADRANGLE DATUM: NAD 83		
<b>ANNOTATED MAPPING ENCLOSURES</b>		<b>ANNOTATED STUDY ENCLOSURES</b>		
<b>TYPE:</b> FIRM*	<b>NO.:</b> 05100C0346E	<b>DATE:</b> March 16, 2009	<b>DATE OF EFFECTIVE FLOOD INSURANCE STUDY:</b> March 16, 2009 PROFILE: 34P (NEW)	
<small>Enclosures reflect changes to flooding sources affected by this revision.</small>				
<b>FLOODING SOURCE &amp; REVISED REACH</b>				
Unnamed Stream - From just downstream of Newcastle Drive to approximately 2,900 feet upstream of Newcastle Drive.				
<b>SUMMARY OF REVISIONS</b>				
Flooding Source	Effective Flooding	Revised Flooding	Increases	Decreases
Unnamed Stream	Zone A Zone X (unshaded) No BFEs*	Zone AE Zone X (unshaded) BFEs	YES YES YES	YES YES YES
<small>* BFEs - Base Flood Elevations</small>				
<b>DETERMINATION</b>				
This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.				
<small>This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information Exchange toll free at 1-877-336-2527 (1-877-FEMA-MAP) or by letter addressed to the LOMC Clearinghouse, 847 South Pickell Street, Alexandria, VA 22304-4605. Additional information about the NFIP is available on our website at <a href="http://www.fema.gov/nfip">http://www.fema.gov/nfip</a>.</small>				
 Luis Rodriguez, P.E., Chief Engineering Management Branch Federal Insurance and Mitigation Administration			15-05-3405P	102-I-A-C

# Dam Failure Analyses

- All large dams in the State of Wisconsin require Dam Failure Analyses (DFA)
- NR 116.08(3)(6)(b) – Developed areas downstream of compliant dams shall be zoned and regulated
- Once a DFA is approved, the Regional Water Management Engineer will send the local community an adoption notice as well as the appropriate profiles, maps, and data table to adopt into the ordinance.
- The DFA must be adopted in the ordinance within 6 months of receiving the notice from the Department.





# Adoption Process

## 1. Crafting the ordinance update.

- The DNR has a template that can be used to update ordinance language. This model meets minimum state and federal standards
- Sometimes DNR staff will craft the full repeal and recreate for the community, especially for villages and small cities that may not have dedicated FP Zoning staff
- If a community submits an ordinance, the DNR will respond using a checklist that identifies needed changes
- **Note: Communities can deviate from model language to make their ordinance more restrictive but not less restrictive than state and federal standards.**



# Current State Model Ordinance

State Model Ordinance Includes:

- Color-coded model instead of several models
- Act 175 was enacted March 2020 and created §87.30 (1d)(d), Wis. Stats
- Coastal language
- Clarifying language in floodfringe, campground, removal of lands from the floodplain, cumulative 50% rule

<https://dnr.wisconsin.gov/topic/FloodPlains/modelZoningOrdinances.html>

WISCONSIN DEPARTMENT OF NATURAL RESOURCES MODEL  
FLOODPLAIN ORDINANCE FOR CRS and non-CRS WISCONSIN  
COMMUNITIES

Effective March 10, 2022

Please replace title with, "Floodplain Ordinance for [Name of your Community]"

Effective: Insert date ordinance was adopted by the community

A cooperative effort of  
WI Department of Natural Resource (DNR)  
and  
Federal Emergency Management Agency (FEMA)

Key for editing:

- → Blue highlights are instructional for the ordinance writer and can be deleted once the item is completed
- → Yellow highlights are places where the ordinance needs to be filled in with community-specific information
- → Grey highlights are ordinance additions for communities that choose to implement Act 175
- → Red highlights are ordinance additions for communities that have existing Cranberry Farms (FA-C) (when applicable)
- → Green highlights are ordinance additions for communities that have adopted a Flood Storage District (when applicable)
- → Pink highlights are ordinance additions for communities that have adopted a Coastal Floodplain District (CFD) (Great Lakes when applicable)
- → Comment bubbles indicate CRS-required higher standards



**COMMUNITY CHECKLIST FOR FLOODPLAIN ORDINANCE REVIEW – All Sections**

Form 3500-141 (8/21)

Pages 1 of 5

Community Name \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Date \_\_\_\_\_  
 Community Contact \_\_\_\_\_ Title \_\_\_\_\_ Phone \_\_\_\_\_ DNR Reviewer \_\_\_\_\_

<b>Item Description / Ordinance Requirements</b>	<b>Model Section</b>	<b>Present?</b>	<b>Local Section</b>	<b>Comments</b>
<b>Statutory Authority, Fact</b>	1.1-2	<input type="checkbox"/>		
<b>Purpose</b>	1.3	<input type="checkbox"/>		
<b>Title</b>	1.4	<input type="checkbox"/>		
<b>General Provisions</b>	1.5	<input type="checkbox"/>		
- areas to be regulated	1.5(1)	<input type="checkbox"/>		
- official maps and revisions	1.5(2)(a-b)	<input type="checkbox"/>		
- establishment of districts	1.5(3)	<input type="checkbox"/>		
- locating floodplain boundaries	1.5(4)(a-b)	<input type="checkbox"/>		
- removal of lands from floodplain	1.5(5)(a-c)	<input type="checkbox"/>		
- compliance	1.5(6)(a-c)	<input type="checkbox"/>		
- agencies regulated	1.5(7)	<input type="checkbox"/>		
- abrogation/greater restrictions	1.5(8)(a-b)	<input type="checkbox"/>		
- interpretation	1.5(9)	<input type="checkbox"/>		
- warning and disclaimer of liability	1.5(10)	<input type="checkbox"/>		
- severability	1.5(11)	<input type="checkbox"/>		
- annexed areas for cities and villages	1.5(12)	<input type="checkbox"/>		OK to eliminate if the municipality is a county
<b>General Standards – All Districts</b>	2.0	<input type="checkbox"/>		
- flood-prone area	2.0(1)(a-d)	<input type="checkbox"/>		
- subdivision in a flood-prone area	2.0(2)(a-c)	<input type="checkbox"/>		
<b>H &amp; H Analysis</b>	2.1	<input type="checkbox"/>		
- obstruction/increase	2.1(1)	<input type="checkbox"/>		
- deny if obstruct flow or cause any increase	2.1(2)	<input type="checkbox"/>		
<b>Watercourse Alterations</b>	2.2	<input type="checkbox"/>		

# Adoption Process

2. Obtain a response from DNR floodplain staff that the ordinance is ready for the next step.
  - Once the community has reviewed the ordinance and the DNR has reviewed it and determined that the language meets minimum state and federal standards, the DNR will tell the community that the ordinance is approvable if no changes are made. The ordinance is now ready for the public noticing and meeting step.



# Adoption Process

## 3. Notice the public meeting

- The DNR has templates that can be used to assist the community to craft the notice. Statute requires that the public meeting is advertised as a class 2 notice. This means:
  - 2 consecutive weeks
  - With the last week being a minimum of 7 days before the public meeting – in other words, the notice can be out for more than 7 days before the public meeting date





# Adoption Process

## 3. Notice the public meeting

- If your community has a designated official newspaper, it must publish this notice.
- An official paper is not a community newsletter
- If your community does not have an official newspaper, it may post or publish the notice



# Affidavit Of The Notice Of The Public Meeting

Examples for communities  
that publish

## AFFIDAVIT OF PUBLICATION

STATE OF WISCONSIN - ss.

Pierce

John McLoone, being duly sworn on oath, says that he is the Publisher of The Pierce County Journal, a weekly newspaper published in the County of Pierce, State of Wisconsin, and the legal notice of which the annexed text, taken from the paper, is a copy and was published in said newspaper, once each week for 2 successive week(s), and the date of the first publication was

Sept. 16, 2020 and the date of the last publication was

Sept. 23, 2020

Signature

Subscribed and sworn before me this 5 day of October, 2020

Notary Public

My commission expires July 7, 2024

MAGGIE MARY MCLOONE  
Notary Public  
State of Wisconsin

### Notice of Public Hearing

State of Wisconsin  
) ss.  
County of Pierce )

Public notice is hereby given to all persons in Pierce County, Wisconsin, that a public hearing will be held on the 7th day of October, 2020, at 6:00 pm, in the Annex Conference Room in the Courthouse Annex, in Ellsworth, WI before the Land Management Committee to consider and take action on proposed floodplain (zoning ordinance and/or map) revisions that are required by state and federal law, for Pierce County Code Chapter 238, Floodplain. All persons interested are invited to said hearing and to be heard.

BRAD ROY  
Zoning Administrator  
Pierce County, Wisconsin  
OAPH20.01  
WNAXLP

Examples for communities  
that post

## AFFIDAVIT OF POSTING

Monday August 26, 2019

STATE OF WISCONSIN

COUNTY OF SAUK

VILLAGE OF LOGANVILLE

Donna Hahn, Clerk of the Village of Loganville, Sauk County, Wisconsin, state that I personally posted All notices related to the Floodplain Ordinance, hearings and public Input from August 26, 2019 to September 10, 2019 in the following Village Posting places:

1. Loganville Village Hall, 130 West St. Loganville
2. Kindschi's Korner, 150 Main St., Loganville
3. U.S. Post Office, 245 Walnut St., Loganville

Donna Hahn

Village Clerk

# Adoption Process



4. Hold the public meeting
5. The local governing body adopts the ordinance



# Adoption Process

## 6. Notice the enacted ordinance

- The DNR has templates that can be used to assist the community to craft the notice. Statute requires a class 1 notice for the enacted ordinance. This means:
  - The notice must be accessible to the public for 1 week



# Affidavit Of The Notice Of The Enacted Ordinance (Class 1)

Examples for communities  
that publish

ORD (SEC 24.02) ENACTED

**Affidavit of Publication**

STATE OF WISCONSIN )  
COUNTY OF DANE ) SS

SANDI GARFOOT, being duly sworn, says:

That she is an authorized representative of the Middleton Times-Tribune, a weekly newspaper of general circulation, printed and published in Middleton, Dane County, Wisconsin; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:  
March 10, 2016

That said newspaper was regularly issued and circulated on those dates.  
SIGNED:


Subscribed to and sworn to me this 10th day of March 2016.

*Diane S Baumgartner*  
Diane S Baumgartner, Notary Public, State of Wisconsin,  
Dane County, Wisconsin  
My commission expires: September 21, 2018

# of Lines \_\_\_\_\_ # of Weeks Published \_\_\_\_\_  
Printers Fee \$ \_\_\_\_\_ Proof of Publication \$ \_\_\_\_\_  
Total \$ \_\_\_\_\_  
-or- See monthly invoice for cost   
Received Payment \_\_\_\_\_  
99100357 00324193 608-827-1080

MIKE DAVIS/ADMIN  
CITY OF MIDDLETON  
7426 HUBBARD AVE  
MIDDLETON, WI 53562

**NOTICE**  
Please take note that the City of Middleton enacted the following Ordinance on March 11, 2016:  
Ordinance to Amend Section 24.02(2)(a) to Update References to Dane Flood Insurance Studies. The Ordinance amends section 24.02(2)(a) of the Middleton, General Ordinances.  
Full text of the above ordinances may be obtained at the City Clerk's office at 7426 Hubbard Avenue. Clerk's Phone: 608-821-5350.  
Publish: 3/10/16 WNAXLP



Examples for communities  
that post

VILLAGE OF ROCKLAND  
105 W. CENTER ST., P.O. BOX 124  
ROCKLAND, WI 54653  
(608) 486-4037

## POSTING AFFIDAVIT

I, Stephanie Rowell, Village Clerk/Treasurer, do hereby certify that on the 9<sup>th</sup> day of October, 2019, I posted copies of the adopted Floodplain Ordinance in three public places in the Village of Rockland. The posting will remain in place until October 16th, 2019. The places posted are located:

- 1) The front window of the Rockland Village Hall, 105 W. Center St.
- 2) The bulletin board in the lobby of the Rockland Post Office, 102 S. Commercial St.
- 3) The bulletin board in the Rockland Stop & Go, 104 N. Commercial St.

*Stephanie Rowell*  
Stephanie Rowell, Village Clerk/Treasurer  
10/17/2019  
Date

# Adoption Process

7. The community requests the ordinance approval from the DNR by submitting the required documents

Documents required for DNR to issue the approval

- Certified Statement and copy of the ordinance/amendment
- Affidavit of the class 1 notice of the enacted ordinance
- Affidavit of the class 2 notice of the public meeting







**SHELLEY BOHL, MONROE COUNTY CLERK**

**202 SOUTH K STREET, RM 1**

**SPARTA, WISCONSIN 54656**

**PHONE: 608-269-8705**

**FAX: 608-269-8747**


**[www.co.monroe.wi.us](http://www.co.monroe.wi.us)**

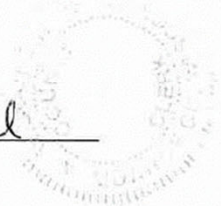
I, Shelley Bohl, County Clerk of Monroe County, Wisconsin, hereby certify that the attached

*"Monroe County Code of Ordinances Chapter 50-Zoning Floodplain"*  
Adopted September 25, 2019

has been compared by me with the original Ordinance and is on file in my office and now in my legal custody. I further certify that this copy is a true and correct copy of the original Ordinance.

In witness whereof, I sign in my office in Sparta, WI on October 24, 2019

  
\_\_\_\_\_  
Shelley Bohl  
County Clerk



# Adoption Process

Required Documents:

- Certified Statement
- A copy of what was adopted
  - This can be emailed to the DNR

# Adoption Process

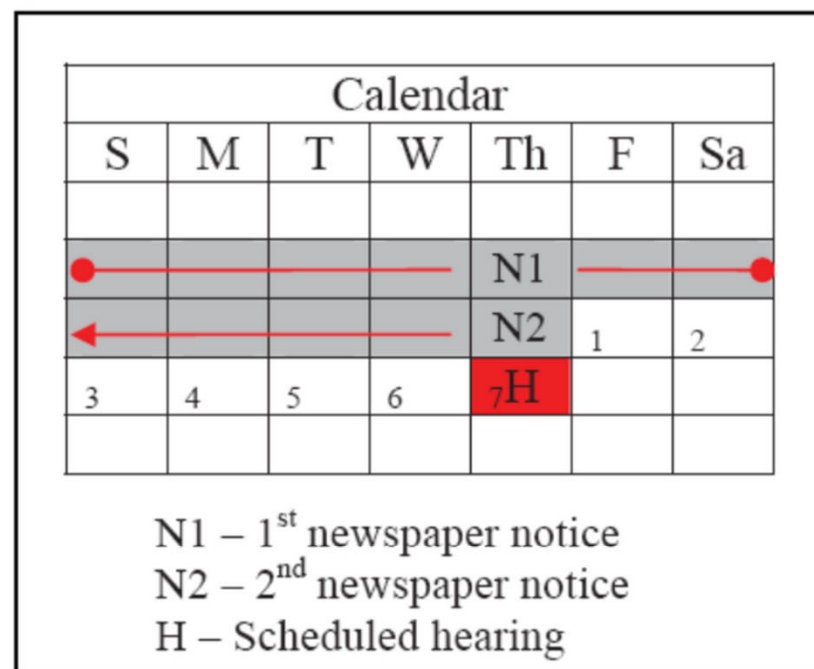


8. DNR issues the approval and secures FEMA approval for the community

# Common Ordinance Adoption Error 1

## Inadequate Notice of the Public Meeting

- Class 2 Notice
- 2 consecutive weeks - with the last week being a minimum of 7 days before the public meeting – in other words the notice can be out for more than 7 days before the public meeting date.



# Common Ordinance Adoption Error 2



Community does not seek DNR or FEMA approval for the adopted ordinance

- Approximately, 560 of 620 Wisconsin communities belong to the NFIP.
- If the community is a member of the NFIP, citizens can purchase flood insurance. If the community does not have DNR and FEMA approval the community risks suspension from the NFIP. Citizens would lose their flood insurance coverage.



## Adopting an Ordinance: A Step-By-Step Guide

### Adopting an Ordinance

- |   |   |   |
|---|---|---|
| <ol style="list-style-type: none"> <li>1. Proposal to Governing Body</li> <li>2. Notice of Public Hearing             <ul style="list-style-type: none"> <li>• Two consecutive weeks at least a week before hearing.</li> </ul> </li> <li>3. Public Hearing</li> <li>4. Decision by Governing Body</li> </ol> | <ol style="list-style-type: none"> <li>5. Ordinance Publication</li> <li>6. Prepare for DNR Approval:             <ul style="list-style-type: none"> <li>• Affidavit of Publication of Notice</li> <li>• Certified Copy of Final Ordinance Text</li> <li>• Affidavit of Publication of Enacted Ordinance</li> </ul> </li> </ol> | <ol style="list-style-type: none"> <li>7. Approval by DNR             <ul style="list-style-type: none"> <li>• This is the last step, but to speed the approval process up, submit the draft proposal to DNR before starting the ordinance adoption process.</li> </ul> </li> </ol> |
|---|---|---|

#### 1. Ordinance/Amendment Proposal

Generally, ordinance proposals are drafted by the zoning administrator, planning and zoning staff, corporation counsel or a regional planning commission at the request of the local governing body.

Notice of public hearing (a Class 2 notice under ch. 985, Stats.) must appear in a newspaper on two consecutive weeks, the last publication at least seven days prior to the hearing date.

#### 2. Notice of Public Hearing

Communities must provide notice of the public hearing to be conducted on the proposed ordinance/amendment. Publication of the notice of public hearing must meet the Class 2 legal requirements (under Ch. 985, Stats.) in order for the zoning ordinance or amendment to be valid. Posting notice of public hearing is permitted in lieu of publication only if the municipality is not required to have an official newspaper.

#### 3. Public Hearing

In cities and villages, the hearing may be held before the designated planning and zoning committee or before the municipal governing body. In counties, hearings on proposed zoning ordinances or amendments are held by the county zoning committee before consideration of an ordinance or amendment by the county board.

#### 4. Decision of the Governing Body

In cities, two thirds of the members of the municipal governing body constitute a quorum except in cities with less than five aldermen, where a majority constitutes a quorum. In villages, a majority of the members constitute a quorum. In counties, a majority of the supervisors constitute a quorum and must be present for a legal vote on proposed zoning ordinances or amendments.

#### 5. Publication of Adopted Ordinance Text

An adopted zoning ordinance or amendment must be published once in the municipality's official newspaper as a Class I Notice Posting. Posting is an option

if the municipality is not required to have an official newspaper published in the municipality that meets the requirements.

#### 6. Ordinance/Amendment Approval

For the DNR to approve an adopted ordinance, the community must submit the following documentation:

- **An affidavit of publication from the newspaper and a copy of the published notice.** This verifies that the notice of public hearing was published or posted correctly. If the notice was posted, a notarized affidavit by the local official (i.e. clerk) stating that the notice of public hearing was posted in three public places (with date and location) is sufficient proof.
- **A certified copy of the adopted ordinance passed by the governing body.** A notarized statement by the local official (i.e. clerk) affixed to the ordinance stating that the ordinance is a true and correct copy of what was adopted by the municipality.
- **An affidavit of publication from the newspaper and a copy of the notice of the enacted ordinance.** If the enacted ordinance (or where to view enacted ordinance) was posted, a notarized affidavit by the local official (i.e., clerk) stating that it was posted in three public places (with date and location) is sufficient proof.

#### 7. Wisconsin Department of Natural Resources

The DNR reviews ordinances for compliance with the minimum state standards. Both the ordinance and adoption procedures are reviewed. When it is determined that all the requirements are met, a formal approval letter is sent to the adopting community.

Floodplain zoning ordinances and amendments do not become effective until approved by the DNR; thus formal approvals are issued each time the ordinance is amended. DNR approvals are required by FEMA for a community to maintain their flood insurance.

To minimize the time and expense associated with ordinance revisions, communities should submit a draft of the proposed language to [DNRFLOODPLAIN@wi.gov](mailto:DNRFLOODPLAIN@wi.gov). Once the DNR has reviewed the draft and the community has made any needed revisions, please follow the complete adoption process outlined in this guide. If you have questions regarding floodplain ordinance adoption, please contact DNR Floodplain staff at [DNRFLOODPLAIN@wi.gov](mailto:DNRFLOODPLAIN@wi.gov) or 608-220-5633.

January 2019

# Floodplain Ordinance Adoption Guide

**We have an approved ordinance, now what?**

# Let's go through what the ordinance says....

- 2.0 General Standards Applicable to All Floodplain Districts
- 3.0 Floodway District
- 4.0 Floodfringe District
- 5.0 Other Floodplain Districts
- 6.0 Nonconforming Uses
- 7.0 Administration
- 8.0 Amendments
- 9.0 Enforcement
- [Floodplain Zoning and Management Resources | | Wisconsin DNR](#)

## WISCONSIN DEPARTMENT OF NATURAL RESOURCES MODEL FLOODPLAIN ORDINANCE FOR CRS and non-CRS WISCONSIN COMMUNITIES

Effective March 10, 2022

Please replace title with, "Floodplain Ordinance for [Name of your Community]"

Effective: Insert date ordinance was adopted by the community

A cooperative effort of  
WI Department of Natural Resource (DNR)  
and  
Federal Emergency Management Agency (FEMA)

### Key for editing:

- Blue highlights are instructional for the ordinance writer and can be deleted once the item is completed
- Yellow highlights are places where the ordinance needs to be filled in with community specific information
- Grey highlights are ordinance additions for communities that choose to implement Act 175
- Red highlights are ordinance additions for communities that have existing Cranberry Farms (PAC) (when applicable)
- Green highlights are ordinance additions for communities that have adopted a Flood Storage District (when applicable)
- Pink highlights are ordinance additions for communities that have adopted a Coastal Floodplain District (CFD) (Great Lakes when applicable)
- Comment bubbles indicate Community Rating System (CRS)-required higher standards. CRS is a voluntary federal program. If you received this ordinance document as a pdf, the comment bubbles containing the CRS language will not show. For more information on CRS go to <https://www.fema.gov/floodplain-management/community-rating-system>. To obtain an editable version of the ordinance that shows the comment bubbles, or to obtain more information about CRS, please reach out to [DNRfloodplain@wisconsin.gov](mailto:DNRfloodplain@wisconsin.gov)

### Adoption schedule tracking

1. **Date of Public Hearing:** \_\_\_\_\_  
a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. **Date of Adoption:** \_\_\_\_\_
3. **Dates of Publication or Posting:** \_\_\_\_\_  
a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. **Date of Publication or Posting of Notice of Enacted Ordinance:** \_\_\_\_\_  
a. \_\_\_\_\_



**What is the purpose of reviewing applications in the floodplain?**




# Statement of Purpose



- Protect life, health and property;
- Minimize expenditures of public funds for flood control projects;
- Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- Minimize business interruptions and other economic disruptions;
- Minimize damage to public facilities in the floodplain;
- Minimize the occurrence of future flood blight areas in the floodplain;
- Discourage the victimization of unwary land and homebuyers;
- Prevent increases in flood heights that could increase flood damage; and
- Discourage development in a floodplain if there is any practicable alternative.


## 2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS



The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

	<b>BUILDING &amp; SAFETY DIVISION</b> CITY OF WAUWATOSA 7725 WEST NORTH AVENUE WAUWATOSA, WISCONSIN 53213 (414) 479-8907 PHONE (414) 479 8986 FAX	OFFICE USE
		PERMIT NO.:
		APPROVED: <input type="checkbox"/> YES <input type="checkbox"/> NO
		ISSUED: _____ EXPIRES: _____

### FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

OWNER AND PROPERTY INFORMATION	
Applicant/Owner Name:	Phone:
Address:	Fax:
City: _____ State: _____	ZIP Code: _____
Engineer/Contractor Name:	
Address:	Fax:
City: _____ State: _____	ZIP Code: _____
I hereby certify that the proposed work is authorized by the owner of record and that I, acting as agent, have been authorized by the owner to make this application.	
Signature of Applicant _____	Date of Application _____
CONSTRUCTION, DEVELOPMENT OR IMPROVEMENT INFORMATION	
Construction or Development Type:	Construction or Development Details:
<input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Public Utility <input type="checkbox"/> Government/Muni	Utilities: <input type="checkbox"/> Above-ground <input type="checkbox"/> Underground
<input type="checkbox"/> New Construction <input type="checkbox"/> Addition <input type="checkbox"/> Floodproofing <input type="checkbox"/> Alteration	Sewer & Water: <input type="checkbox"/> Public <input type="checkbox"/> Private Private Well On-Site: <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Repair/Replacement <input type="checkbox"/> Demolition/Moving <input type="checkbox"/> Filling/Grading/Excavating <input type="checkbox"/> Other: _____ (please specify)	Additional Facilities: _____
PROPOSED DEVELOPMENT INFORMATION	
Address or Location:	
City: _____ State: _____	Zip: _____
<input type="checkbox"/> Is NOT located in a Special Flood Hazard Area <input type="checkbox"/> Is partially located in a SFHA, but building/development is NOT <input type="checkbox"/> Is located in a Special Flood Hazard Area (Floodfringe of Flood Storage)	
Firm Panel No: _____	Firm Zone Designation: _____
100-year flood elevation at most upstream corner of site: _____ ft. (NGVD 29)	
<input type="checkbox"/> Is located in the Floodway (if yes, please submit Floodway Encroachment Analysis addressing City and State standards)	
Firm Panel No: _____	Firm Zone Designation: _____
100-year flood elevation at most upstream corner of site: _____ ft. (NGVD 29)	

	<b>DANE COUNTY PLANNING &amp; DEVELOPMENT</b>	Zoning Division Room 116, City-County Building 210 Martin Luther King Jr. Blvd. Madison, Wisconsin 53703-3342 Phone: (608) 266-4266 Fax: (608) 267-1540
		<b>Floodplain Development Application</b>
Items required to be submitted with application:		
<ul style="list-style-type: none"> <li><b>Site Development Plans</b> Plans shall include scaled drawings of existing topography of the area and proposed final grades of development. All topographical information shall be in NAVD 1988 and be referenced to a known benchmark. The plan shall show all existing and proposed building footprints and elevations of lowest floor elevations. The plans shall include dimensions of ditches, culverts, or other structures existing or proposed. All plans shall be stamped and signed by a professional engineer or architect.</li> <li><b>Engineering Analysis</b> The analysis shall include calculations or modeling that shows that the development will not obstruct flow or will not increase the floodwater elevation 0.01 of a foot or more. All calculations shall be stamped and signed by a professional engineer or architect.</li> </ul>		
Owners Name _____	Contractor's Name _____	
Address _____	Address _____	
Phone _____	Phone _____	
Email _____	Email _____	
Parcel numbers affected: _____ Town: _____ Section: _____		
Property Address: _____		
FEMA Panel Map: _____ Floodplain District: _____ Flood Elevation: _____		
Scope of work: (Describe development in detail) _____		
I authorize that I am the owner or have permission to act on behalf of the owner of the property. Submitted By: _____ Date: _____		

	<b>La Crosse Fire Department</b> Division of Community Risk Management inspection@cityoflacrosse.org (P) 608.789.7330 (F) 608.789.7589 http://www.cityoflacrosse.org/your-government/departments/fire-department	
Application Number _____ Date _____ Parcel Number: _____		
OWNER INFORMATION		
Name: _____		
Address of Above: Street _____ City _____ State _____ Zip Code _____		
Phone: _____	Cell: _____	Fax: _____ Email: _____
CONTRACTOR INFORMATION		
Name: _____		
Address of Above: Street _____ City _____ State _____ Zip Code _____		
Phone: _____	Cell: _____	Fax: _____ Email: _____
PROJECT INFORMATION		
Project Address: _____		
Construction Cost: \$ _____	Description of Work: _____	
Project Type: <input type="checkbox"/> Building <input type="checkbox"/> Addition <input type="checkbox"/> Sign <input type="checkbox"/> Alteration/Remodel <input type="checkbox"/> Demolition		
Architect/Engineer Name: _____	Architect/Engineer Phone: _____	Level of Alteration (per IEBC): _____
PROPERTY INFORMATION		
Zoning: _____	Nbr. Dwling Units: _____	Flood Plain: <input type="checkbox"/> Yes <input type="checkbox"/> No
		Fire Limits: <input type="checkbox"/> Yes <input type="checkbox"/> No
		Archaeological District: <input type="checkbox"/> Yes <input type="checkbox"/> No
Building Construction Type: _____		Occupancy Type: _____
FEE INFORMATION		
Copies: \$ _____	Plan Review: \$ _____	Permit: \$ _____
	Record Mto: \$ _____	Other: \$ _____
		Total: \$ _____
<small>IT IS HEREBY AGREED between the applicant, owner, agent or servant, and the City of La Crosse that for and in consideration for the premises and of the present to construct, erect, alter, move, use, or install and the occupancy of building or property or other structure, to be used and governed by the Permit and Building Safety of the City of La Crosse, that the work herein set forth shall be in accordance with the description set forth in this permit, and as more fully described in the specifications and plans herewith filed, and it is further agreed to construct, erect, alter, move, use or install and occupy in strict compliance with the ordinances of the City of La Crosse, and to keep up and all parts thereof the Permittee and Building Safety of the City of La Crosse and State of Wisconsin laws relating to the construction, alteration, repair, removal and safety building and other structure and professional building employees.</small>		
Agent/Contractor: _____ (Print)	_____ (Sign)	_____ (Date) (WT Cred./Qual)
Owner: _____ (Print)	_____ (Sign)	_____ (Date)
OFFICE USE ONLY		
Application Approved: _____	Inspector: _____	Date: _____

### **3.0 FLOODWAY DISTRICT (FW)**

#### **3.1 APPLICABILITY**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

#### **3.2 PERMITTED USES**

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other [ordinance](#);
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

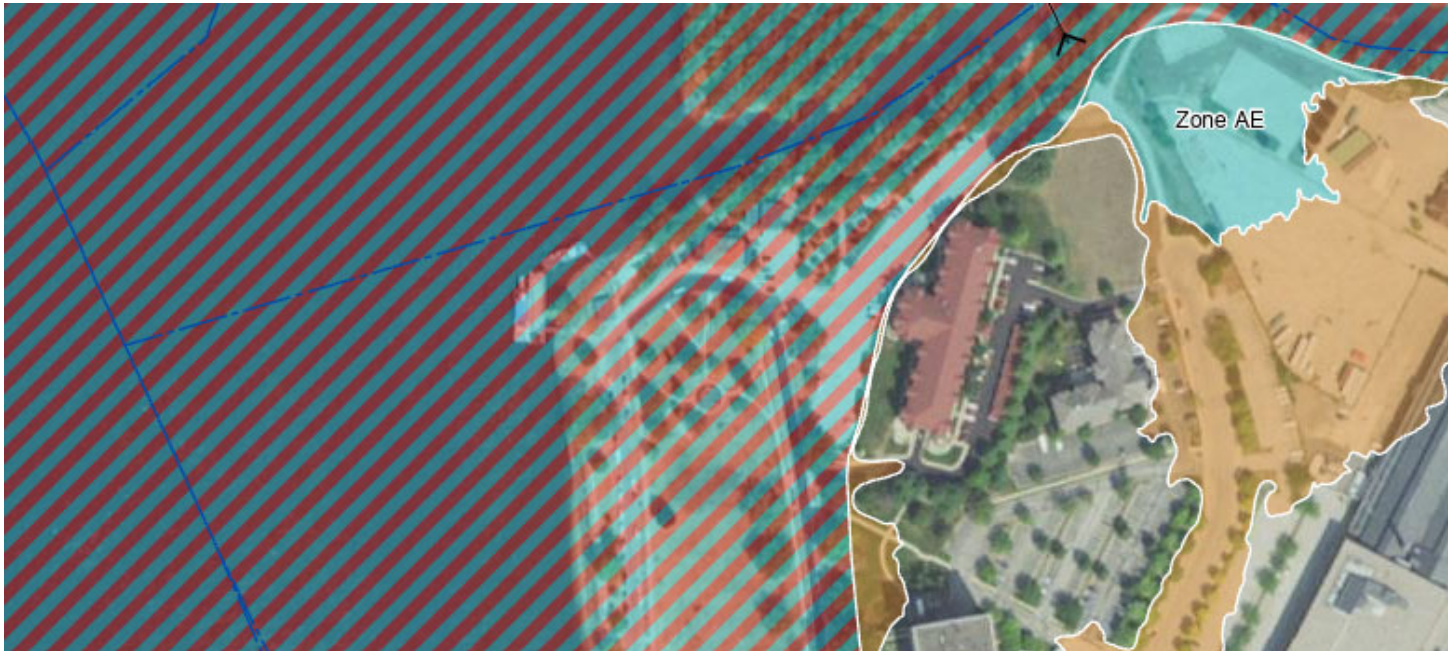
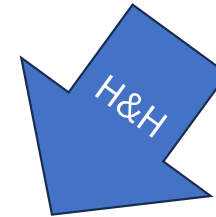
- 1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting.
- 2) [Nonstructural](#) industrial and commercial uses, such as loading areas, parking areas and airport landing strips.
- 3) [Nonstructural](#) recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).
- 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s. 3.3 and 3.4.
- 5) Extraction of sand, gravel or other materials that comply with s. 3.3(4).
- 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with [chs. 30 and 31](#), Stats.
- 7) Public utilities, streets and bridges that comply with s. 3.3(3).
- 8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.
- 9) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and [chs. NR 811 and NR 812](#), Wis. Adm. Code.
- 10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.
- 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.



### 3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

#### 1) GENERAL

- a. Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.
- b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.
- c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).





# Floodway Project Scenario

Riprap installation in floodway...

Does this need a local permit?

If so, what kind of documentation would be needed?



# Floodway Project Scenario

Riprap installation in floodway...

- You will need plans for this project
- You will also need to verify that this is not going to create a rise, by H&H analysis
- A local permit is still necessary because this is development in the floodplain



# 4.0 Floodfringe District

## 4.0 FLOODFRINGE DISTRICT (FF)

### 4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

### 4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

### 4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

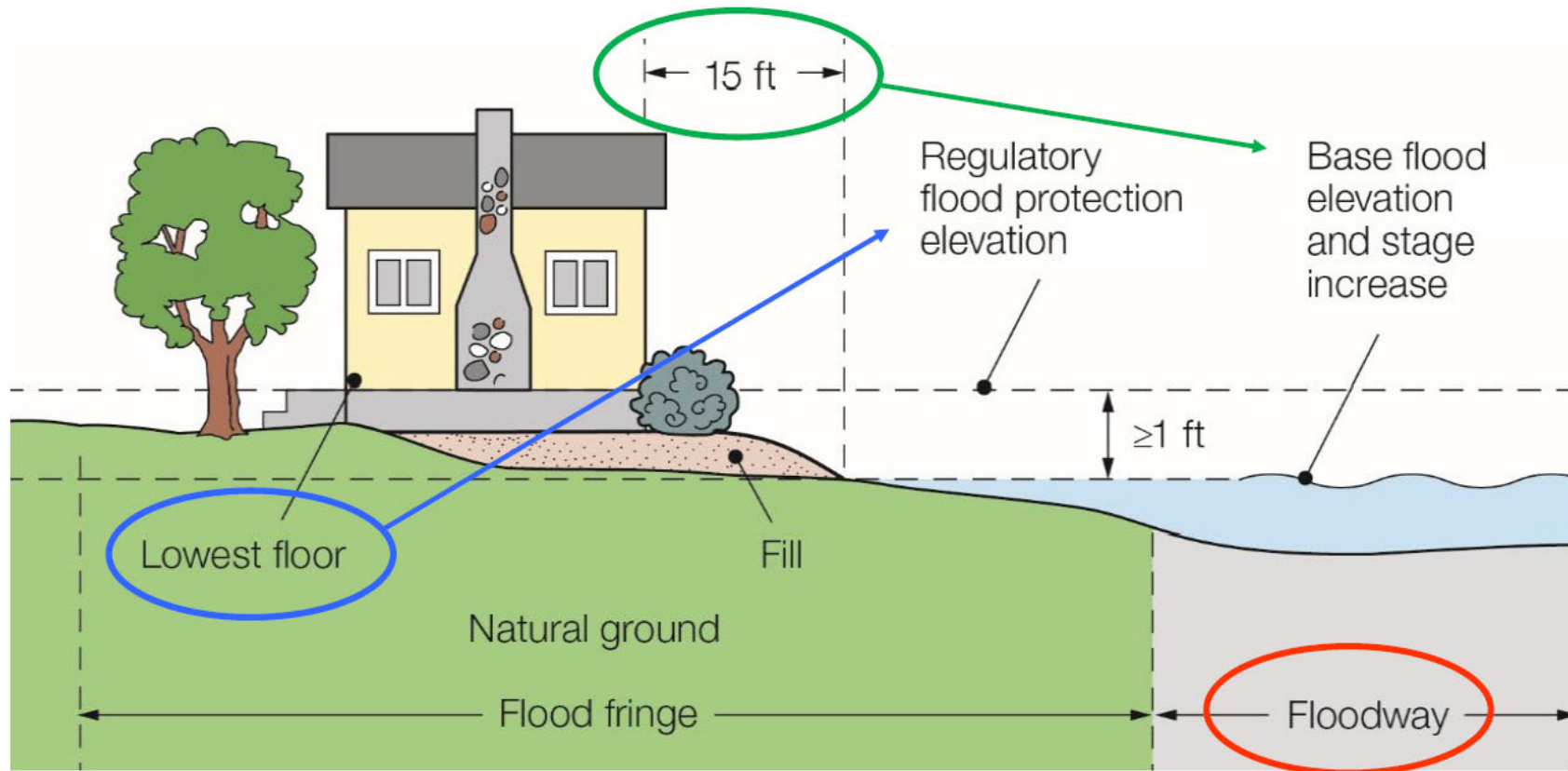
Section 2.0 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*:

#### (1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*:

- a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5).
- b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be placed at the regional flood elevation if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
- c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
  1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or
  2. The municipality has a DNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

# State Minimums For Structures In Flood Fringe



Flood Protection Elevation (FPE) = 100-year flood (RFE) + 2' freeboard (minimum)

WISCONSIN DEPARTMENT OF NATURAL RESOURCES | [DNR.WI.GOV](http://DNR.WI.GOV)



**5.1 GENERAL FLOODPLAIN DISTRICT (GFP)**

1) **APPLICABILITY**

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

2) **FLOODWAY BOUNDARIES**

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.

3) **PERMITTED USES**

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.

4) **STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

Section 3.0 applies to floodway areas, determined pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined pursuant to 5.1(5).

a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:

1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
2. If the depth is not specified on the FIRM, ~~two (2) above~~ the highest adjacent natural grade or higher.

b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.

c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.

d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.

5) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall:

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
  1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).
  2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
  3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

# Zone A – What do we need to know before approving a residential permit here?



- Floodway/Floodfringe
- BFE

This will need an H&H before approving the build. This is assuming that the H&H shows the build site as floodfringe in which case it would follow the development requirements of the floodfringe in the ordinance.

What if the H&H shows this is floodway?

## 6.0 NONCONFORMING USES

### 6.1 GENERAL

#### 1) Applicability

a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.

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

a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

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

b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use or structure, shall conform to the applicable requirements of this ordinance.

c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, and the percentage of the structure's total current value those modifications represent.

d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming structure for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming structure shall be provided for and excluded from the 50% provisions of this paragraph.

e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the structure shall be provided for and excluded from the 50% provisions of this paragraph.

g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

49. Maintenance – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems, or equipment with equivalent fixtures, systems, or structures.

# PROPERTY VALUE – EQUALIZED ASSESSED VALUE

- Equalized values are needed since property is assessed in different taxing districts at different percentages of market value.
- Uniform values are called equalized values because local levels of assessment are equalized.

Data Updated - November 12, 2017 5:00pm

[Home](#) [Search Results](#) [New Search](#)

VALUATION INFORMATION ?		
Assessment Year	2017	2016
Assessment Acres	0.230	0.230
Assessed Land Value	\$33,000	\$32,900
Assessed Improved Value	\$148,000	\$163,300
Total Value	\$181,000	\$196,200

Current year valuations are subject to change until Board of Review final adjournment

[Assessment Detail](#)

TAX INFORMATION ?	
<a href="#">2016</a> <a href="#">2015</a> <a href="#">2014</a> <a href="#">2013</a> <a href="#">2012</a> <a href="#">2011</a> <a href="#">2010</a> <a href="#">2009</a>	▼
2016 Tax Values	Not Delinquent

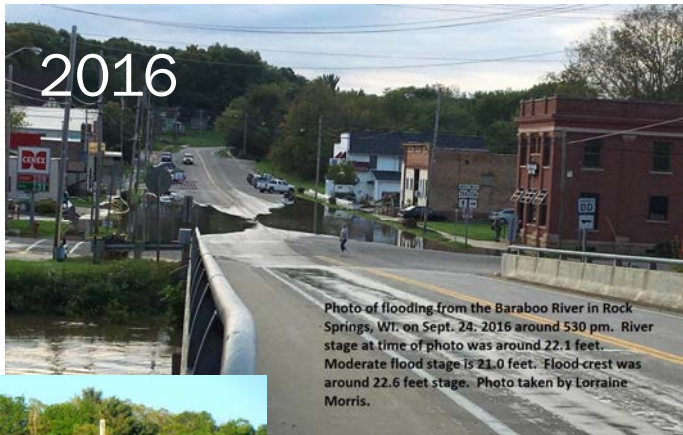


# EQUALIZED ASSESSED VALUE

- Use the present assessed value of the STRUCTURE ONLY. Equalized assessed value is calculated by dividing the property's assessed value by the average assessment ratio. In this example it is \$148,000 (house only) for 2017. Then, take the equalized assessment ratio for your community.
- Example 1 = 148,000 divided by 0.9899 (Cold Spring ratio below) = \$149,510
- Example 2 = 148,000 divided by 1.0237 (Aztalan ratio below) = \$144,574 in this case it is less because they are assessed over 100%.

MUNICIPALITY		SCHOOL	TAX RATES	PER 1000	\$100,000	RATIO	EQUALIZED PER \$1000	EQUALIZED \$100,000
<b>TOWNS</b>								
AZTALAN	1	2702 JEFFERSON	0.017541211	\$17.54	\$1,754.12	1.0237	\$17.96	\$1,795.69
	2	2730 JOHNSON CREEK	0.018933319	\$18.93	\$1,893.33		\$19.38	\$1,938.20
	3	2898 LAKE MILLS	0.016782271	\$16.78	\$1,678.23		\$17.18	\$1,718.00
COLD SPRING	1	1883 FORT ATKINSON	0.016802688	\$16.80	\$1,680.27	0.9899	\$16.63	\$1,663.30
	2	4221 PALMYRA-EAGLE	0.015953705	\$15.95	\$1,595.37		\$15.79	\$1,579.26
	3	6461 WHITEWATER	0.017100174	\$17.10	\$1,710.02		\$16.93	\$1,692.75
CONCORD	1	2702 JEFFERSON	0.017457736	\$17.46	\$1,745.77	0.9683	\$16.90	\$1,690.43
	2	2730 JOHNSON CREEK	0.018966850	\$18.97	\$1,896.67		\$18.37	\$1,836.54
	3	4060 OCONOMOWOC	0.015791223	\$15.79	\$1,579.12		\$15.29	\$1,529.06
	4	6125 WATERTOWN	0.015703529	\$15.70	\$1,570.35		\$15.21	\$1,520.57

# CUMULATIVE SUBSTANTIAL IMPROVEMENT/DAMAGE



# SUBSTANTIAL DAMAGE ASSESSMENT

Cumulative substantial damage tracking (example)

- 2008 - \$20,000 damage / \$100,000 = 20% damage
- 2011 - \$10,000 damage / \$120,000 = 8% damage
- 2017 - \$28,600 damage / \$130,000 = 22% damage
  
- 50% cumulative damage
- Building must be brought into compliance with floodplain ordinance!

# SUBSTANTIAL IMPROVEMENT ASSESSMENT

Cumulative substantial improvement tracking (example)

- 2008 - \$20,000 addition / \$100,000 = 20% improvement
- 2011 - \$10,000 bathroom remodel/ \$120,000 = 8% improvement
- 2023 - \$28,600 main floor renovation/ \$130,000 = 22% improvement
  
- 50% cumulative improvement
- Can you approve the renovation?
- Approving the 2023 renovation as is would violate \_\_\_\_\_.
  - a) NFIP
  - b) State
  - c) both NFIP and State
  - d) Neither NFIP nor State



# SUBSTANTIAL SI/SD ASSESSMENT

Cumulative substantial improvement/damage tracking (example)

- 2008 - \$20,000 damage/ \$100,000 = 20% damage
- 2011 - \$10,000 bathroom remodel/ \$120,000 = 8% improvement
- 2015 - \$3,660 furnace replacement/ \$122,000 = 3% improvement
- 2018 - \$2,560 damage/\$128,000 = 2% damage
- 2023 - \$32,400 main floor renovation/ \$180,000 = 18% improvement
  
- Can you approve the renovation?
- Would this violate the NFIP minimum standards?

# This is your job description...

## 7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of **adjustment/appeals** **[counties have a board of adjustment, cities/villages have a board of appeals]** has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

## 7.1 ZONING ADMINISTRATOR

### 1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d) Keep records of all official actions such as:
  1. All permits issued, inspections made, and work approved;
  2. Documentation of certified lowest floor and regional flood elevations;
  3. Floodproofing certificates.
  4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
  5. All substantial damage assessment reports for floodplain structures.
  6. List of nonconforming structures and uses.
  7. **In the Coastal Floodplain District, documentation of the certified elevation of the bottom of the lowest horizontal structural member of new construction and substantial improvements.**
  8. **In the Coastal Floodplain District, certification by a licensed professional engineer or architect where required for new construction and substantial improvement under s. 5.3**
- e) Submit copies of the following items to the Department Regional office:
  1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
  2. Copies of case-by-case analyses and other required information.
  3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.
- f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- g) Submit copies of amendments to the FEMA Regional office.

# Letters of Map Change

## 8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the DNR.
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

## 8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height.
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
- (3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b).
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and
- (5) Correction of discrepancies between the water surface profiles and floodplain maps.
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

### (5) REMOVAL OF LANDS FROM FLOODPLAIN

- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.
- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
  1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation.
  2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-E.
- c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

## 8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages/s. 59.69, Stats., for counties [choose one]. The petitions shall include all data required by s. 5.1(5) and 7.1(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages/s. 59.69, Stats., for counties. [choose one]
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

# Letters of Map Change(LOMC)

MT-1

- LOMA
- LOMA-OAS
- CLOMA
- eLOMA
- LOMR-F\*
- CLOMR-F\*

MT-2

- LOMR\*
- CLOMR\*
- PMR\*

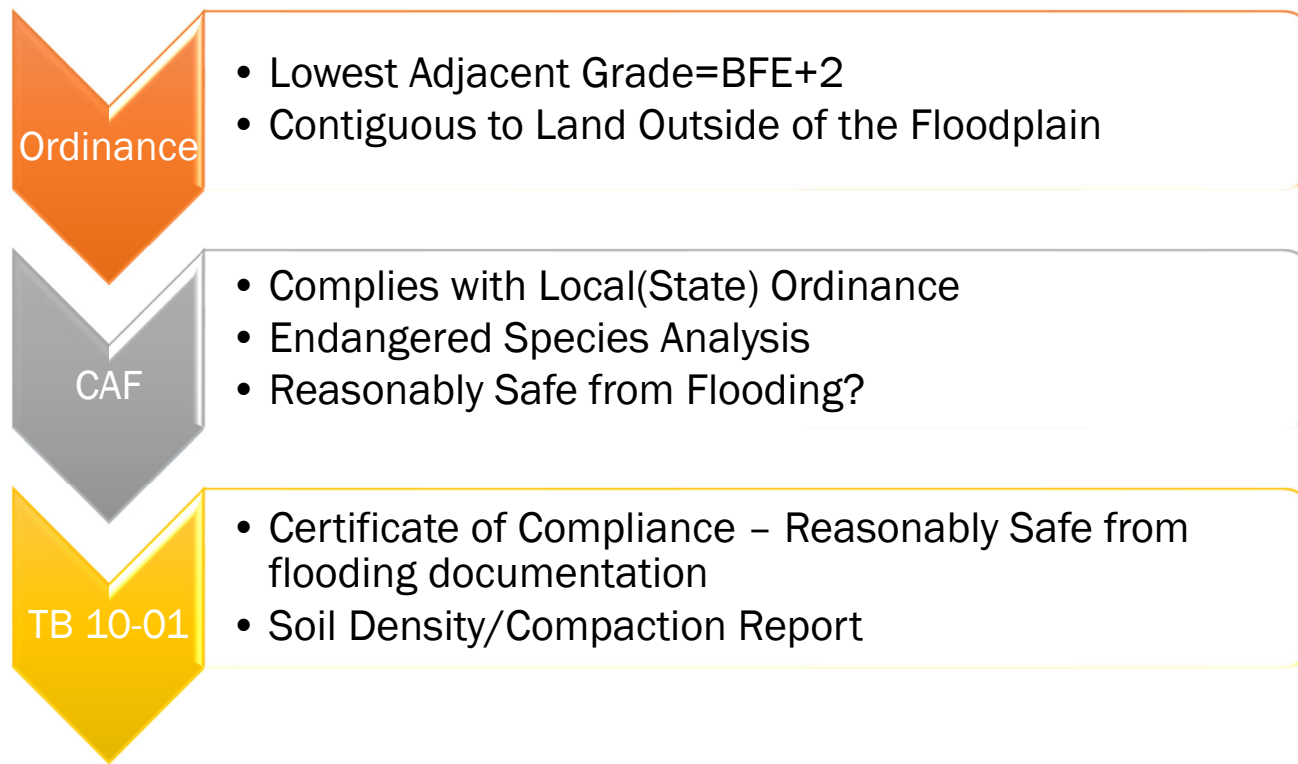
\*Requires a Community Acknowledgement Form



# What is a Community Acknowledgement Form?

The Community Acknowledgement Form is documentation that states a project has complied with local floodplain management ordinances and is *reasonably safe from flooding*.

# What do we need to sign the CAF?



## 9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, [Stats](#)

### Violation Identified

- Owner sent written notification with a compliance date

### Follow-up

- Check to see if violation has been remediated
- If not, try to make contact with owner
- Owner sent written notification granting more time and notification of forthcoming citations for failure to comply by date
- Citations continue until compliance is met

### Litigation

- Litigation begins, work with your attorney to provide evidence to build the case
- Judge will make a ruling
- If Judge rules in favor of the owner, notify State and FEMA of the violation and all enforcement actions. FEMA can use section 1316 to keep the violation from impacting the community's participation in the NFIP.

# CONNECT WITH US

## QUESTIONS?

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OFF THE RECORD"