



Floodplain

- ▶ Ordinance Updates

Important Acronyms

FEMA- Federal Emergency Management Agency

NFIP- National Flood Insurance Program

FIRMs- Flood Insurance Rate Maps

FIS- Flood Insurance Study

BFE- Base Flood Elevation

CFD- Coastal Floodplain District

Background

- ▶ City must adopt FIRMs and enforce floodplain zoning code in order to be eligible for federal floodplain insurance under the NFIP
- ▶ FEMA and the Department of Natural Resources periodically update floodplain maps and regulations
- ▶ In April of 2023, the Plan Commission reviewed preliminary FIRMs and decided not to appeal any of the maps.
- ▶ The City has since received the final maps and now must update our ordinance, Chapter 23 of the Municipal Code, to match what is required by FEMA and to match the updated maps.
- ▶ The Wisconsin Department of Natural Resources has sent the City a model ordinance to follow.
 - ▶ The City is allowed to edit the language of the model ordinance so long as the adopted ordinance is at least as restrictive as the model ordinance.



► What is new?

Coastal Floodplain District

- ▶ There is a new floodplain district known as the coastal floodplain district, this is used for coastal zones which are shown as V/VE zones on the FIRMs.
- ▶ The coastal zones show areas that can be hit by 3-foot-tall waves.
- ▶ There is no fill allowed in these zones and any structures will need to be installed on pilings.
- ▶ The estimated impact is very low due to the areas that are being changed to CFD. The majority of these areas are within the 25-foot navigable water setback that is required by the City, so nothing is likely to be built in these areas anyways.

Floodway district

- ▶ The floodway is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
 - ▶ The only mapped floodway is along Little Creek between Michigan Street and the bay
- ▶ In the model ordinance, areas located within the floodway or located where the floodway is not delimited (zone A) will be required to conduct hydraulic and hydrologic analyses to determine if there is any impact to flood storage or the regional flood height.
- ▶ The current ordinance allows increases in BFE up to 0.01 feet.
- ▶ The new model ordinance allows no increase in BFE.
- ▶ In general, the floodway rules are stricter than the current ordinance however the overall impact on Sturgeon Bay is minor.

Act 175

- ▶ Act 175 was enacted March 2020 and impacts how local governments can regulate nonconforming structures in the floodplain by adding an option to rebuild structures.
- ▶ The current code has a 50% rule which does not allow any modification or addition to any nonconforming structure (or nonconforming use) which would equal or exceed 50% of its equalized assessed value unless the structure is permanently changed to be conforming.
- ▶ Overall, by adopting Act 175 the requirements for nonconforming structures are less restrictive if the need to repair or rebuild occurs. If the City is OK allowing nonconforming structures to remain in the floodplain if floodproofed, then it should include the Act 175 provisions
- ▶ If the goal of the city is to eventually eliminate any nonconforming structures from the floodplain then the City should not adopt the Act 175 provisions.

Act 175 Continued

- ▶ If Act 175 is incorporated- the City may allow nonconforming structures to exceed the 50% rule if there are certain requirements met. There will then be two classes of nonconforming structures.
 - ▶ a. Class 1: Nonconforming structures that do not meet Appendix A minimum requirements and continued to be subject to the State's 50% Rule.
 - ▶ b. Class 2: Nonconforming structures meeting Appendix A minimum requirements and no longer subject to the State's 50% Rule.
- ▶ If Act 175 is not incorporated- the City is restricted to the 50% rule for nonconforming structures.
 - ▶ a. No modification, addition, maintenance, or repair can be made on a structure in the floodway if the cost exceeds 50% of the present equalized assessed value of the structure;
 - ▶ b. If a structure in the floodway is substantially damaged by a flood, it must be removed from the floodway;
 - ▶ c. No modification, addition, maintenance, or repair can be made on a structure in the floodfringe if the cost exceeds 50% of the present equalized assessed value of the structure unless the structure is modified to conform to the floodplain ordinance;
 - ▶ d. In addition all standards for nonconforming structures in the floodplain, listed in Nonconforming Uses in Section 6.0 of the state model, must be followed.

Summary of Other Significant Changes

- ▶ The model ordinance has stricter standards and procedures for removing lands from the floodplain.
- ▶ There are detailed provisions relating to campgrounds and other uses that are not currently applicable to the City.
- ▶ Standards for development in the general floodplain district have been expanded upon.
- ▶ In general, greater detail was added to the “nonconforming uses” section
- ▶ The model ordinance has more details on procedures for administering the floodplain code.
- ▶ Permits for projects in the floodplain will expire after 180 days rather than 2- years like a standard building permit.
- ▶ Increased detail pertaining floodproofing standards
- ▶ More detail in the Amendments section of the code
- ▶ 22 new definitions added
- ▶ If anyone wishes to see a highlighted version of the ordinance that shows all the changes before the public hearing, please let me know.

Map Changes

- ▶ Overall, portions of the inner bay will have their BFE decrease, and portions of the outer bay will have the BFE increase.
- ▶ <https://fema.maps.arcgis.com/apps/webappviewer/index.html?id=e7a7dc3ebd7f4ad39bb8e485bb64ce44>

Recommendation

- ▶ There is no formal action required for this meeting, however City Staff would like direction whether to incorporate Act 175 in the ordinance.