



PREPARED FOR THE PLAN COMMISSION

Proposal: Zoning Text Amendment

Legistar File ID #: [86804](#) Create Chapter 21, Floodplain Regulations and Maps
[86807](#) Amend Chapter 28 to Remove Floodplain Regulations

Prepared By: Zoning Staff

These amendments create a new Chapter 21 for all floodplain zoning ordinance language and floodplain zoning maps, and delete floodplain language from Chapter 28 and add references to the new Chapter 21.

This proposed ordinance creates a new Chapter 21 of the Madison General Ordinances, which will contain the zoning floodplain regulations and maps. This change is in response to the Wisconsin Department of Natural Resources (DNR) notifying the City that our current floodplain regulations (in MGO Chapter 28) are no longer in compliance with the minimum standards required by the DNR Administrative Rule NR 116 and FEMA requirements.

Local communities must adopt minimum standards for development in the floodplain to be able to participate in FEMA's National Flood Insurance Program (NFIP). The DNR certifies to FEMA that City ordinances meet the state and federal requirements necessary for flood insurance. The new proposed Chapter 21 has been reviewed by DNR staff and has determined the code to be compliant with NR116 requirements and FEMA requirements.

The City has been a member of the National Flood Insurance Program (NFIP) since 1975 and currently has \$77.4 million of property value within 246 individual insurance policies covered through the NFIP. Not all insured structures are in the mapped floodplain area. Flooding is not limited to properties within the mapped floodplain area. Because the City is a member in the NFIP, property owners with property outside the floodplain may also purchase flood insurance. The NFIP also covers urban flooding, which is usually in areas outside of the mapped floodplain.

If FEMA suspends the City from the NFIP, it will likely substantially affect the City economically:

- No resident will be able to purchase a federal flood insurance policy or renew their current policy. Private flood insurance is difficult to get in Wisconsin.
- Federal officers and agencies are prohibited from approving financial assistance for acquisition, construction, repair, or maintenance purposes in an area of special flood hazard in the community. This affects sales of structures in the floodplain.
- During a federally declared flood disaster, public facilities and citizen-owned structures are not eligible for the full assistance that normally would be available to communities that are members of the NFIP.
- Development potential may be affected. FEMA will not approve a Letter of Map Revision based on Fill (LOMR-F) because the community acknowledgement form cannot be signed if the community is not a participant in the NFIP.

On October 9th, 2024, DNR notified the City that FEMA drew new floodplain maps and our local floodplain ordinances no longer met the minimum statutory and federal requirements. Under federal code, once FEMA releases their new maps, the maps must be adopted by the City within six months or FEMA will automatically suspend the City from the NFIP. The new maps were adopted by the City with Legistar ID No. [86288](#) and are being incorporated in the new Chapter 21. DNR has interpreted federal code to also require the City adopt

updated zoning language, or DNR will not certify to FEMA that the City complies with federal floodplain regulations required for participation in the NFIP.

Staff has worked with DNR and concluded that creating a new Chapter 21, a stand-alone floodplain zoning ordinance, is best practice to show compliance with state and federal standards. The new ordinance also includes language for participation in the FEMA Community Rating System (CRS) program, which has the effect of providing reduced floodplain insurance premiums for policyholders.

The DNR has approved the proposed Chapter 21, that, if adopted as written and on schedule, will be able to keep the City as a member in good standing with the National Flood Insurance Program.

Staff supports these amendments.