Legislation Details (With Text)

File #:	86804	**Version:**	1	**Name:**	Create Flood Chapter
Type:	Ordinance			**Status:**	Passed
File created:	1/21/2025			**In control:**	Attorney's Office
On agenda:	3/11/2025			**Final action:**	3/11/2025
Enactment date:	3/21/2025			**Enactment #:**	ORD-25-00012

Title: Creating Chapter 21 of the Madison General Ordinances related to Zoning Floodplain Regulations and Maps.

Sponsors: Satya V. Rhodes-Conway

Indexes:

Code sections:

Attachments: 1. 86804 Body, 2. Staff Comments

Date	Ver.	Action By	Action	Result
3/11/2025	1	COMMON COUNCIL	Adopt and Close the Public Hearing	Pass
3/3/2025	1	PLAN COMMISSION	RECOMMEND TO COUNCIL TO ADOPT - PUBLIC HEARING	Pass
1/28/2025	1	COMMON COUNCIL	Refer For Public Hearing	Pass
1/21/2025	1	Attorney's Office	Referred for Introduction	

Fiscal Note

No City appropriation required.

Title

Creating Chapter 21 of the Madison General Ordinances related to Zoning Floodplain Regulations and Maps.

Body

DRAFTER'S ANALYSIS: This proposed ordinance creates a new Chapter 21 of the Madison General Ordinances, which will now 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 and the federal FEMA code. Local communities must have 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 City has been a member of the NFIP since 1975 and currently has $77.1 million of property value within 246 individual insurance policies in force through the NFIP. 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 hard 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.
- Public facilities and citizen-owned structures, during a federally declared flood disaster, 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

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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 statutory and federal minimum requirements. Under federal code, once FEMA releases their new maps, the maps must be adopted by the City within six (6) months or FEMA will automatically suspend the City from the NFIP. 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 the best practice to show compliance with state and federal standards. The new ordinance also includes language for participation in the FEMA CRS Community Rating System program, which has the effect of providing reduced 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 of NFIP. Any referral delays or language changes may compromise the schedule and jeopardize the City's flood insurance policy holders.

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Please see Legistar File No. 86804 Body in Attachments