

..Number  
240370  
..Version  
PROPOSED SUBSTITUTE A  
..Reference

..Sponsor  
THE CHAIR

..Title  
A substitute ordinance relating to shoreland-wetland and floodplain zoning regulations.

..Section  
295-1107-15.5 cr  
295-1107-72 cr  
295-1107-87 am  
295-1107-108 am  
295-1107-108.5 cr  
295-1107-113 am  
295-1107-136 cr  
295-1107-137 rn  
295-1107-147.5 cr  
295-1107-157 rn  
295-1107-159 rn  
295-1117-1 rc  
295-1117-2 rn  
295-1117-2 cr  
295-1117-3 rn  
295-1117-3 cr  
295-1117-4 cr  
295-1117-5 rn  
295-1117-5.5 rn  
295-1117-6 rn  
295-1117-6-c cr  
295-1117-6-d cr  
295-1117-7 rn  
295-1117-7-a am  
295-1117-7-b-2 am  
295-1117-7-b-3 am  
295-1117-7-b-4 am  
295-1117-7-b-5 am  
295-1117-7-b-6 am  
295-1117-7-d am  
295-1117-9-0 am  
295-1119-9 am  
295-1119-10 am  
295-1123-1 rn  
295-1123-1 cr

295-1123-2	rn
295-1123-3	rn
295-1123-4	rn
295-1123-4	am
295-1123-5	rn
295-1123-6	rn
295-1123-7	rn
295-1123-8	rn
295-1123-9	rn
295-1123-10	rn
295-1123-11	rn
295-1123-12	rn
295-1123-13	rn
295-1123-14	rn
295-1123-15	rn
295-1123-16	rn
295-1123-17	rn
295-1129-1-c	rp
295-1133-1.5	cr
295-1135-3	rc
295-1137-6	am
295-1139	rc
295-1147	rn
295-1149	rc

..Analysis

This ordinance makes various revisions to the city's shoreland-wetland and floodplain zoning regulations to bring the city's code of ordinance into compliance with current state regulations.

..Body

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-1107-15.5 and 72 of the code is created to read:

## **295-1107. Definitions.**

**15.5.** BOARD means the board of zoning appeals.

**72.** HEARING NOTICE means publication or posting meeting the requirements of ch. 985, Wis. Stats. For an appeal, a class 1 notice, published once at least 7 days before the hearing, is required. For any zoning ordinance or amendment, a class 2 notice, published twice, once each week consecutively, the last at least 7 days before the hearing, is required. A local ordinance or bylaw may require additional notice exceeding these minimums.

Part 2. Section 295-1107-87 and 108 of the code is amended to read:

**87. MAINTENANCE** means the act or process of ~~[[restoring to original soundness]]~~ >>ordinary upkeep and repairs<< , including redecorating, refinishing, non-structural repairs or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or equipment.

**108. MODERATE WAVE ACTION AREA or MoWA** means a special flood hazard area subject to the potential for breaking wave heights of greater than or equal to 1.5 feet, but less than 3 feet, where the primary source of flooding is astronomical tides, storm surges, seiches or tsunamis. A MoWA is an area within zone AE on a flood insurance rate map that is between the inland limit of zone VE and a limit of moderate wave action, where identified. >>A MoWA is also known as a "coastal A zone".<<

Part 3. Section 295-1107-108.5 of the code is created to read:

**108.5. MUNICIPALITY or MUNICIPAL** means city governmental units enacting, administering and enforcing this zoning ordinance.

Part 4. Section 205-1107-113 of the code is amended to read:

**113. NEW CONSTRUCTION** means, for floodplain management purposes, structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the city and includes any subsequent improvements to such structures. ~~[[For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial flood insurance rate map or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.]]~~

Part 5. Section 295-1107-136 of the code is created to read:

**136. SAND DUNES** means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Part 6. Section 295-1107-137 of the code is renumbered 295-201-551.

Part 7. Section 295-1107-147.5 of the code is created to read:

**147.5. UNNECESSARY HARDSHIP** means circumstances where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Part 8. Section 295-1107-157 and 159 of the code is renumbered 295-201-681 and 683.

Part 9. Section 295-1117-1 of the code is repealed and recreated to read:

## **295-1117. Procedures.**

**1. CREATION OR REVISION.** Creation of, or revision to, floodplain overlay zone boundaries or regulations shall be by amendment to the floodplain overlay zone map or text, pursuant to s. 62.23, Wis. Stats.

Part 10. Section 295-1117-2, 3, 5, 5.5, 6 and 7 of the code is renumbered 295-1117-5, 6, 7, 8, 9 and 10.

Part 11. Section 295-1117-2 to 4 of the code is created to read:

**2. INITIATION OF FLOODPLAIN OVERLAY ZONE AMENDMENTS.** An amendment to the floodplain overlay zone map or text may be initiated upon petition of any party according to the provisions of s. 62.23, Wis. Stats. A petition for an amendment shall include all data required by s. 295-1127-4 and 295-1129.

**3. PROCEDURE FOR MAP AMENDMENT.** Consideration of a proposed floodplain overlay zone map amendment shall be in accordance with the following procedure:

- a. **Introduction of Map Amendment.** Upon receipt of a valid application and the required fee, or upon a motion of the common council, the department of city development shall prepare an ordinance and map representing the requested amendment.
- b. **Referral to City Plan Commission.** Upon introduction, the ordinance to make the map amendment shall be referred to the city plan commission pursuant to s. 62.23, Wis. Stats.
- c. **Staff Actions.** The department of city development shall establish a time and date for a public hearing, notify affected property owners at least 10 days in advance of the hearing and prepare a staff report on the floodplain overlay zone map amendment. The department shall also submit the amendment and the notice of public hearing to the regional office of the Wisconsin department of natural resources prior to the hearing.
- d. **City Plan Commission.** The commission shall hold at least one public hearing on any proposed map amendment. Notice of the public hearing shall be provided according to the commission's by-laws. Upon completion of its public hearing, the commission shall prepare a report of its findings and recommendations on the proposed map amendment and file a copy of the report with the common council.
- e. **Zoning, Neighborhoods and Development Committee.** Following notice, review and report by the city plan commission to the common council's zoning, neighborhoods and development committee shall hold a class 2 public hearing after notifying the applicant, petitioners, owners of property under consideration and owners of property immediately surrounding and within at least 200 feet thereof, including streets and alleys. Upon

conclusion of the public hearing, the committee shall prepare a recommendation for submittal to the common council.

f. Common Council. Upon receipt of the recommendation of the zoning, neighborhoods and development committee, the council shall either approve or disapprove the map amendment or refer the amendment back to the zoning, neighborhoods and development committee for additional consideration.

**4. PROCEDURE FOR TEXT AMENDMENT.** Consideration of a proposed floodplain overlay zone text amendment shall be in accordance with the following procedure:

a. Introduction of Text Amendment. Upon introduction of an ordinance to amend floodplain overlay zone code text to the common council, the city clerk shall simultaneously refer the ordinance to the city plan commission and the zoning code technical committee.

b. Zoning Code Technical Committee. The zoning code technical committee shall review each proposed zoning text amendment referred to it for legality and enforceability, administrative efficiency, and consistency with the format of the zoning code. With 30 days of the date on which the city clerk refers the proposed text amendment to the committee, the committee shall provide a report with respect to these 3 criteria, as well as any recommended changes to the proposed amendment, to the zoning, neighborhoods and development committee.

c. City Plan Commission. The city plan commission shall hold a class 2 public hearing on the proposed zoning text amendment and, after receiving a report from the department of city development, submit its report and recommendation to the zoning, neighborhoods and development committee.

d. Zoning, Neighborhoods and Development Committee. Following receipt of reports from the city plan commission and zoning code technical committee, the zoning, neighborhoods and development committee shall prepare a recommendation for the common council. The zoning, neighborhoods and development committee may provide a recommendation to the common council prior to receipt of a report from the zoning code technical committee if the 30-day period described in par. b has lapsed.

e. Common Council. Upon receipt of the report of the zoning, neighborhoods and development committee, the common council shall either approve or disapprove the text amendment or refer the amendment back to the zoning, neighborhoods and development committee for additional consideration.

Part 12. Section 295-1117-6-c and d of the code is created to read:

**6. OTHER APPROVALS.**

c. In the case of a floodplain overlay zone boundary change, the federal emergency management agency will determine if an official letter of map amendment or a letter of map amendment based on fill will be required. These letters are waivers of federal insurance requirements and do not fulfill minimum requirements for removing land from the flood plain.

d. To remove land from a floodplain, the requirements of s. 295-1141 shall be met.

Part 13. Section 295-1117-7-a, b-2 to 6 and d of the code is amended to read:

## 7. OFFICIAL MAPS AND REVISIONS.

a. Introduction. Special flood hazard areas are designated as zones A, A1-30, AE, AH ~~[[and]]~~ >>AO<< VE, V1-30, and V<< on the flood insurance rate maps based on flood hazard analyses summarized in the flood insurance study. Additional flood hazard areas subject to regulation under this subchapter are identified on maps based on studies approved by the Wisconsin department of natural resources. These maps and revisions are on file in the department of neighborhood services.

b-2. Flood insurance study >>(FIS)<< ~~[[volumes 55079CV001B, 55079CV002B, 55079CV003B, 55079CV004B, 55079CV005B and 55079CV006B]]~~ for Milwaukee county, dated October 24, 2024.

b-3. Flood insurance rate map >>(FIRM)<< panel numbers 55133C0114H and 55133C0227H, dated October 19, 2023.

b-4. Flood insurance study >>(FIS)<< ~~[[volumes 55133CV001D, 55133CV002D, 55133CV003D, 55133CV004D and 55133CV005D]]~~ for Waukesha county, dated October 19, 2023.

b-5. Flood insurance rate map >>(FIRM)<< panel number ~~[[55131C0379D]]~~ >>55131C0379E<< , dated ~~[[November 20, 2013]]~~ >>February 20, 2026<< .

b-6. Flood insurance study >>(FIS)<< ~~[[volumes 55131CV001C, 55131CV002C, 55131CV003C, 55131CV004C, 55131CV005C and 55131CV006C]]~~ for Washington county, dated ~~[[February 25, 2022]]~~ >>February 20, 2026<< .

d. Official Maps Based on Other Studies. Any map referenced in this paragraph shall be approved by the Wisconsin department of natural resources and be more restrictive than the map based on the flood insurance study at the site of the proposed development. The city adopts city of Milwaukee flood storage districts, ~~[[panels 3, 6 and 8]]~~ >>panel 3<<, effective October 24, 2024, >>and city of Milwaukee flood storage districts panels 6 and 8 effective October 25<sup>th</sup>, 2024,<< approved by the Wisconsin department of natural resources.

Part 14. Section 295-1117-9-0 of the code is amended to read:

**9. LOCATING FLOODPLAIN BOUNDARIES.** Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in pars. a and b. If a significant difference exists, the map shall be amended according to ~~[[s. 295-307]]~~ >>sub. 3<< . The commissioner may rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The commissioner shall document actual pre-development field conditions and the basis upon which the district boundary was determined, and initiate any map amendments required under this subsection. Disputes between the commissioner and an applicant over a district boundary line shall be settled according to s. 295-1149-4 and the following criteria:

Part 15. Section 295-1119-9 and 10 of the code is amended to read:

**295-1119. Standards Applicable to All Floodplain Overlay Zones.**

**9.** No river or stream shall be altered or relocated until a floodplain overlay zone zoning map amendment is approved by the common council in accord with ~~[[s. 295-307]]~~ >>s. 295-1117-3<< .

**10.** No permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the commissioner has notified, in writing, all adjacent municipalities and the regional offices of the Wisconsin department of natural resources and the federal emergency management agency, and has required the applicant to secure all necessary state and federal permits. The standards of sub. 1 shall be met, and the flood-carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than 6 months after the date of the watercourse alteration or relocation, and pursuant to s. 295-1143, the commissioner shall, on behalf of the city, apply for a letter of map revision from the federal emergency management agency. Any such alterations shall be reviewed and approved by the federal insurance management agency and the Wisconsin department of natural resources through the letter-of-map-revision >>change<< process.

Part 16. Section 295-1123-1 to 17 of the code is renumbered 295-1123-2 to 18.

Part 17. Section 295-1123-1 of the code is created to read:

**295-1123. Standards for Development in the Flood Fringe Overlay Zone (FF).**

**1. APPLICABILITY.** This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to s. 295-1127-5.

Part 18. Section 295-1123-4 of the code is amended to read:

**4. ACCESSORY STRUCTURES >>OR USES<< .** In addition to s. 295-1119, new construction or substantial improvement of an accessory structure shall be constructed on fill with its lowest floor at or above the regional flood elevation.

Part 19. Section 295-1129-1-c of the code is repealed.

Part 20. Section 295-1133-1.5 of the code is created to read:

**295-1133. Floodproofing.**

**1.5.** Floodproofing shall not be an alternative to the development standards of s. 295-1119, s. 295-1121, s. 295-1127, s. 295-1128 or s. 295-1133.

Part 21. Section 295-1135-3 of the code is repealed and recreated to read:

**295-1135. Nonconformities.**

**3. FLOODWAY OVERLAY ZONE.** a. No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway overlay zone, unless such modification or addition meets all of the following criteria:

a-1. The modification or addition has been granted a permit or floodplain variance which meets all code requirements.

a-2. The modification or addition meets the requirements of sub. 1.

a-3. The modification or addition will not increase the obstruction to flood flows or regional flood.

a-4. The modification or addition will be floodproofed, pursuant to s. 295-1133, by means other than the use of fill, to the flood protection elevation.

a-5. If any part of the foundation below the flood protection elevation is enclosed, all of the following standards shall apply:

a-5-a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of 2 openings shall be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening shall not be more than 12 inches above the adjacent grade.

a-5-b. The parts of the foundation located below the flood protection elevation shall be constructed of flood-resistant materials.

a-5-c. Mechanical and utility equipment shall be elevated or floodproofed to or above the flood protection elevation.



a-5-d. The use shall be limited to parking, building access or limited storage.

b. No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway overlay zone shall meet the applicable requirements of this code, including s. 295-1133, and ch. SPS 383, Wis. Adm. Code, as amended.

c. No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway overlay zone. Any replacement, repair or maintenance of an existing well in a floodway overlay zone shall meet the applicable requirements of this code, including s. 295-1133, and chs. NR 811 and NR 812, Wis. Adm. Code, as amended.

Part 22. Section 295-1137-6 of the code is amended to read:

**295-1137. Administration.**

6. Investigate, prepare reports, and report violations of this section, and to remedy the violations ~~[[in accordance with the provisions of s. 295-309]]~~ . Copies of the reports and documentation of the enforcement actions shall be sent to ~~[[the commissioner of city development and]]~~ the Wisconsin department of natural resources regional office.

Part 23. Section 295-1139 of the code is repealed and recreated to read:

**295-1139. Government Agencies Regulated.** 1. Unless specifically exempted by law, the city of Milwaukee, the county of Milwaukee, the Milwaukee board of school directors, the housing authority and the redevelopment authority shall comply with all applicable provisions of this subchapter and obtain all necessary permits. State agencies shall be required to comply if s. 13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin department of transportation shall be exempt when s. 30.2022, Wis. Stats., applies. Although exempt from city zoning permit and permit fee requirements, the Wisconsin department of transportation shall provide sufficient project documentation and analysis to ensure that the city is in compliance with federal, state and city floodplain standards.

2. If a local transportation project is located within a zone A floodplain and is not a Wisconsin department of transportation project under s. 30.2022, Wis. Stats., the road project design documents, including appropriate detailed plans and profiles, may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply:

- a. The applicant provides documentation to the floodplain administrator that the proposed project is a culvert replacement or bridge replacement under 20-foot span at the same location.
- b. The project is exempt from a department of natural resources permit under s. 30.123(6)(d), Wis. Stats.
- c. The capacity is not decreased.
- d. The top road grade is not raised.
- e. No floodway data is available from a federal, state or other source. If floodway data are available in the impacted area from a federal, state or other source, that existing data shall be used by the applicant in the analysis of the project site.

Part 24. Section 295-1147 of the code is renumbered 295-1013.

Part 25. Section 295-1149 of the code is repealed and recreated to read:

**295-1149. Board of Zoning Appeals. 1. AUTHORITY.** The board of zoning appeals shall have the powers granted by state statutes, constitute a separate, independent budget control unit in city government, and may employ a secretary and other employees. The board of zoning appeals is authorized to:

- a. Interpret this subchapter.
- b. Approve, conditionally approve or deny floodplain variances.
- c. Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map.
- d. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this subchapter.
- e. Hear and decide appeals of administrative decisions of the commissioner of city development or commissioner of neighborhood services that may arise under this subchapter or state statutes.
- f. Hear and decide appeals of revocations of permits, certificates of occupancy or approvals for violations of this subchapter made pursuant to s. 200-31.

**2. FLOODPLAIN VARIANCES.** a. Application. Every application for a floodplain variance shall be made upon a form which has been furnished by the board secretary and approved by the board. The applicant shall provide all information requested on the form and any additional information requested by the board chair or secretary that is

necessary to inform the board of the facts of the floodplain variance request.

b. Public Hearing. Prior to making a determination with respect to a floodplain variance request, the board shall hold a public hearing and provide, by mail, written notice of the hearing to the petitioner, at the address provided on the floodplain variance application, and to owners of property immediately surrounding and within at least 150 feet thereof, inclusive of streets and alleys, as listed in the office of the city assessor. Such notice shall state that the board will be considering and conducting a public hearing on a request for a floodplain variance, and shall otherwise be in accordance with s. 19.84, Wis. Stats.

c. Consideration Of Input From Parties Of Interest. No variance hearing shall be held and no floodplain variance shall be granted unless the board or its staff has received a report of any comments, concerns or recommendations relating to the proposed variance from the department of public works, the department of city development, the department of neighborhood services and the common council member in whose district the premises to which the floodplain variance would apply is located. The board may proceed with its hearing and decision on the floodplain variance request regardless of whether any of these parties have submitted a report to the board, provided that 30 days have elapsed since the date on which the board's office notified each of these parties that a completed floodplain variance application had been received.

d. Findings. No floodplain variance for development or use of property in a floodplain overlay zone shall be granted unless the board of zoning appeals, after due notice to the parties of interest, finds that the following facts and conditions exist, and so indicated in the minutes of its proceedings or its decision:

d-1. The floodplain variance will not cause any increase in the regional flood elevation.

d-2. The applicant has demonstrated good and sufficient cause for granting the floodplain variance.

d-3. The floodplain variance is the minimum relief necessary to allow the proposed development or use.

d-4. The floodplain variance will not result in additional threats to public safety or extraordinary expense, create a nuisance, cause fraud on or victimize the public, or conflict with existing local laws or ordinances.

d-5. The floodplain variance shall not allow actions without the amendments to this subchapter or map or maps required in s. 295-1143

d-6. The floodplain variance shall not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

d-7. There is an exceptional hardship that is not self-created and not based solely on economic gain or loss.

d-8. Literal enforcement of the ordinance will cause unnecessary hardship as defined in s. 295-1107-147.5.

d-9. Exceptional, extraordinary or unusual circumstances or conditions apply to the lot or intended use that do not apply generally to other properties or uses in the same district, and the variance is not of so general or recurrent nature to suggest amendment of the regulation.

d-10. The floodplain variance is not contrary to the public interest.

d-11. The floodplain variance will not be inconsistent with the spirit, purpose and intent of the regulations for this subchapter the district in which it is requested.

d-12. The floodplain variance will not grant, extend or increase any use prohibited in the zoning district.

d-13. That the floodplain variance shall not damage the rights or property values of other persons in the area.

e. Notice of Risk. Whenever the board grants a floodplain variance for development or use of property in a floodplain overlay zone, the board shall notify the applicant in writing that the floodplain variance may increase risks to life and property and that flood insurance premiums may increase up to \$25 per \$100 of coverage. A copy of this notice shall be maintained with the floodplain variance record.

**3. ADDITIONAL PROCEDURES RELATING TO FLOODPLAIN OVERLAY ZONES.** a. Certified Floodproofing Measures. No permit or floodplain variance for development in a floodplain overlay zone shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the proposed floodproofing measures will protect the structure or development to the flood protection elevation.

b. Hearing Notifications. Notice of a hearing relating to a request for a floodplain variance or a special use permit in a floodplain overlay zone in accordance with s. 19.84, Wis. Stats., shall be mailed to the parties of interest and to the regional office of the Wisconsin department of natural resources at least 10 days in advance of the hearing. The notice shall specify the date, time, place and subject of the hearing.

c. Board Decisions. Every decision rendered by the board shall:

c-1. Be transmitted to the regional office of the Wisconsin department of natural resources within 10 days of the effective date of the decision.

c-2. State the specific facts which are the basis for the board's decision.

c-3. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction, or grant or deny the floodplain variance application.

c-4. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a floodplain variance, clearly stated in the recorded minutes of the board proceedings.

d. Conditions of Approval. The board may attach such conditions as deemed necessary to further the intent and purposes of such districts. The conditions may include specifications for: type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the board may require the applicant to furnish other pertinent information which is necessary to determine if the proposed use is consistent with the intent and purposes of such districts.

**4. REVIEW APPEALS OF PERMIT DENIALS.** The board shall review all data related to the appeal. This may include, but is not limited to, all of the following:

a. Permit application data listed in s. 295-1129.

b. Floodway or flood fringe determination data per s. 295-1127-4.

c. Data listed in s. 295-1121-2 where the applicant has not submitted this information to the commissioner.

d. Other data submitted to the board.

**5. APPEAL RELATING TO INCREASE IN REGIONAL FLOOD ELEVATION.** For an appeal of an administrative decision relating to an increase in the regional flood elevation, the board shall uphold the commissioner's decision if the board agrees with the data showing an increase in flood elevation. An increase may only be allowed after the flood profile and map have been amended and all appropriate legal arrangements with adversely affected property owners have been made, in accordance with s. 295-1143. The board may grant the appeal if it agrees that the data properly demonstrate that the project does not cause an increase in flood elevation, provided no other reasons for denial exist.

**6. FLOODPLAIN BOUNDARY DISPUTES.** The following procedures shall be used by the board in hearing and deciding disputes concerning floodplain district boundaries:

a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary.

b. In all cases, the person contesting the boundary location shall be given reasonable opportunity to present arguments and technical evidence to the board.

c. If the boundary is incorrectly mapped, the board shall direct the commissioner to initiate a map amendment in accordance with the procedures of s. 295-1117-3.

..LRB

APPROVED AS TO FORM

A handwritten signature in blue ink, reading "Jeffrey D. Osterman", is written over a horizontal line.

Legislative Reference Bureau

Date: October 6, 2025

..Attorney

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

..Requestor

Department of City Development

..Drafter

LRB180007-3

Jeff Osterman

10/06/2025