PROOF OF PUBLICATION

STATE OF WISCONSIN MILWAUKEE COUNTY

ANN E. RICHMOND, being the first duly sworn on oath, says that she is the publisher as of January 1, 2004, of THE DAILY REPORTER - that the notice of which the printed one attached is a true copy, which copy was clipped from said newspaper, was inserted and published in said newspaper on

10/06/2008 10/13/2008

Subscribed and sworn to before me

October 13, 2008

Notary Public, Milwaukee County, Wisconsin My Commission Expires April 10, 2011



FILE NUMBER 080676

OFFICIAL NOTICE Published by Authority of the Common Council of the City of Milwaukee Office of the City Clerk

Notice is hereby given that an ardinance that was introduced at the September 16, 2008 meeting of the Milwaukee Common Council, the essence of which is as follows:

A substitute ordinance relating to

floodplain zoning regulations.
The Mayor and Common Council of the City of Milwaukee do ordain as fol-

Part 1. Section 295-201-205 of the code is amended to read:

295-201. Definitions. 205. FLOODPROOFING means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage >,as further described in s.295-1011-14<<

Part 2. Section 295-201-316 and 316.5 of the code is created to read: 316. LETTER OF MAP AMENDMENT means an official notification from the federal emergency management agency stating that a flood hazard boundary map or a flood insurance rate map has been amended.

316.5. LETTER OF MAP REVISION

BASED ON FILL means an official notifi-cation from the federal emergency management agency indicating that a struc-ture or parcel has been elevated on fill to an elevation at or above the re-gional flood elevation and is, therefore, excluded from being located in the floodplain as initially denoted on the city's flood hazard boundary map or

flaod insurance rate map. Part 3. Section 295-307-3-c of the

code is amended to read:
295-307. Amendments to the Zoning Text or Map.
3. PROCEDURE FOR MAP AMEND-MENT.

c. Staff Actions. The department 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 stoff report on the map amendment. In the case of any map amendment relating to a floodplain overlay zone, the department shall also submit the amendment and the notice of

public hearing to the Wisconsin department of natural resources.<<
 Part 4. Section 295-415-9-a-5 and 6

of the code is amended to read: 295-415. Nonconformities.

9. FLOODPLAIN OVERLAY ZONES.

a-5. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would >equal or<< exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a con-forming structure with a conforming use in compliance with the applicable re-quirements of this subsection. Contiguous dryland access must be provided for residential and commercial uses in compliance with s. 295-1011-10-b. The costs of elevating a nonconforming building or a building with a noncan-forming use to the flood protection elevation are excluded from the 50% provisions of this paragroph.

a-6. Except as provided in subd. a-7. if any nonconforming structure or any structure with a nonconforming use is

it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current code 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

Part 5. Section 295-415-9-c-3-c of the code is amended to read:

c. Flood Fringe Overlay Zone.

c-3-c. In combination with other previous modifications or additions to the building, the addition does not >equal or<< exceed 50% of the present equalized assessed value of the building.

Part 6. Section 295-1011-7-a, c and e of the code is repealed and recreated

295-1011. Floodplain Overlay Zones (FM, FF, FSD).

7. PROCEDURES.

a. Creation or Revisian. Creation of, or revisions ta, floodplain overlay zone boundaries or regulations shall be by amendment to the zoning map or zoning code text, pursuant to s. 295-307. Such an amendment shall not be final until opproved by both the Wisconsin depart-ment of natural resources and the federal emergency management agency. 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 floodplain. To remove land from a floadplain, the requirements of sub. 17 shall be met.

c. Other Approvals. c-1. No amendment shall become effective until it is reviewed and approved by the Wisconsin department of natural resources.

c-2. Any person petitioning for a map amendment that obstructs flow, by in-creasing regional flood height 0.01 foot or more, shall obtain flooding ease-ments or other appropriate legal ar-rangements from all adversely affected property owners and notify local units of government before the amendment can be opproved by the common coun-

Official Maps and Revisions, e-1. Official Maps Adopted. The boundaries of all floodplain overlay zones are designated as floodplains or A-Zones on the following maps and the revisions in the city of Milwaukee floodplain appen-

e-1-a. Milwaukee County flood insurance study, dated September 26, 2008, volume numbers 55079CV001A, 5507 9CV002A, 55079CV003A, 55079CV-004A and 55079CV005A

e-1-b. Milwaukee Caunty flaod insurance rote map 55079CINDOA, panel numbers 55079C0008E 55079C0012E, 55079C0014E, 55079C0016E 55079C0017E. 55079C0018E 55079C0019E 55079C0036É 55079C0037E 55079C0038E 55079C0052E 55079C0056E 55079C0058E 55079C0066E 55079C0067E 55079C0068E 55079C0069F 55079C0076E 55079C0077E 55079C0081E 55079C0082E 55079C0084É 55079C0086E 55079C0087E 55079C0089E, 55079C0092E, 55079C0094E, 55079C0091E 55079C0093 55079C0103E 55079C0111E 55079C0131E 55079C0132E, 55079C0151E 55079C0152E 55079C0154E 55079C0153É 55079C0156F 55079C0157E, 55079C0158E 55079C0159E 55079C0162F .55079C0166E 55079C0167E and 55079C0176E dated September 26, 2008, with corresponding promes mut use pased on the hood insurance study. e-1-c. Waukesha County flood insur-

ance rate map panel numbers 55133C0114F and 55133C0227F dated November 19, 2008, with carresponding profiles that are based an the flood insurance study.

e-2. Revision of Maps. Any change to the base flaod elevatians in the flaad insurance study or on the flood insurance rate map shall be reviewed and approved by the Wisconsin department of natural resources and the federal emergency management agency before it is effective. No changes to regional flood elevations on non-federal emergency management agency maps shall be effective until approved by the department of natural resources.

e-3. Location of Maps. The maps listed in subd. I are on file in the office of the commissioner.

e-4. Mare Than One Map or Revision. Whenever more than one map or revision is referenced, the most restric-

tive information shall apply.

Part 7. Section 295-1011-7-f of the

code is amended to read: f. Variances. Pursuant to [[s.295 31] 4 [-2 et]] >s. 295-311-4-f-3-a<, the board of zoning appeals shall take no action on any application for a variance in a floodplain overlay zone for 30 days following the date of receipt of the application or until the Wisconsin department of natural resources has made its recommendation, whichever is

Part 8. Section 295-1011-9-a-8 of the code is created to read:

9. STANDARDS FOR DEVELOP-

MENT IN THE FLOODWAY OVERLAY 70NF

a. Permitted Uses.

a-8. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking and similar uses, provided the applicant can demonstrate that the water-carrying and storage capacity of the floodplain will not decrease as a result of the earth-grading activities.

Part 9. Section 295-1011-9-b-4 of code is created to read:

 General Development Standords. b-4. Parking and loading areas may be at elevations lower than the flood pratection elevation. However, no such areas in general use by the public may be inundated to a depth greater than 2 feet or subject to flood velacities greater than 2 feet per second. Such areas may be located at lower elevations if an adequate warning system

exists to protect life and property.

Part 10. Section 295-1011-9-f-9 of the code is created to read:

f. Prohibited Uses.

f-9. Parking areas for new or used motor vehicle sales ar storage.
Part 11. Section 295-1011-10-a of the

code is amended to read:

10. STANDARDS FOR DEVELOPMENT IN THE FLOOD FRINGE OVER-LAY ZONE

a. Permitted Uses. Any structure, land use or development is permitted in the flood fringe overlay zone if it meets the standards of sub. 8 and pars. b to ([m]] >o<<, is not prohibited elsewhere in this section or this code, and all permits or certificates specified in subs. 12 and have been issued.

Part 12. Section 295-1011-10-b-1 of the code is amended to read:

Residential Use Regulations.

b-1. The elevation of the lowest floar. excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be [[ene feet]] >2 feet<< or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Wisconsin department of natural resources may outhorize other floodproofing measures if the elevations or existing streets or sewer lines code is created to read: make compliance impractical and the board grants a variance.

board grants a variance.

Part 13. Section 295-1011-10-b-5 of the code is created to read:
 b-5. The floodplain overlay zone boundary shall be amended pursuant to sub. 7-b to provide for removal of the land on which the habitable structure is located in accordance with sub. 17.

Part 14. Section 295-1011-10-d and e of the code is omended to read.

of the code is omended to read: d. Commercial >and Institutional<< Uses. Any commercial >or institutional<< structure which is erected, altered or moved into a flood fringe overlay zone shall meet the requirements of par. b. Subject to the requirements of [[par. g]] >pars. f and o<< , storage yards, surface parking lots and similar uses may be placed at lower elevations if an adequate warning system exists to protect live and

e. Manufacturing and Industrial Uses. Any manufacturing or industrial struc-ture which is erected, altered or moved into a flood fringe overlay zone shall be protected to the flood protection elevation using fill, levees, floodwalls or other floodproofing measures in sub. 14. Subject to the requirements of [[par.-g]] >pars. f and o<<, storage yards, surface parking lots and similar uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

Part 15. Section 295-1011-10-n and o

of the code is created to read:

n. Grading Activities. Normal earth-grading activities to permit utilization of the lands for open space, outdoor recreation, yards, parking and similar uses shall be permitted in the flood fringe overlay zone, provided the applicant can demonstrate that the water-carrying and storage capacity of the floodplain will not decrease as a result of the earth-grading activities.

o. Parking and Loading Areas. o-1. Parking and loading areas may be at elevations lower than the flood protection elevation. However, no such areas in general use by the public may be inundated to a depth greater than 2 feet or subject to flood velocities greater than 2 feet per second. Such areas may be located at lower elevations if an adequate warning system exists to protect e and property.

o-2. Parking areas for new or used motor vehicle sales or storage shall be

Part 16, Section 295-1011-11-b-2 and 3 the code is amended to read:

11. STANDARDS FOR DEVELOPMENT

IN THE FLOOD STORAGE OVERLAY

b. Other Development Standards.
b-2. [[Ne]] > Except as provided in subd. 4, no<< development which removes flood storage volume shall be allowed unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation is provided in the immediate area of the proposed development to compensate for the volume of storage. compensate for the volume of storage that is lost. Excavation below the groundwater table shall not be considered as providing an equal volume of

storage.
b-3. [[#] >Except as provided in subd. 4, if << compensatory storage connot be provided, the area shall not be developed unless the entire area in the flood storage overlay zone on this waterway is rezoned to the flood fringe overlay zone. This shall include a revision to the floodplain study and map done for the waterway to revert to the higher regional flood discharge calculated without floodplain storage, per sub. 7-b.

Part 17. Section 295-1011-11-b-4 of the code is renumbered 295-1011-11-b-5. Part 18. Section 295-1011-11-b-4 of

floodplain boundary are odjusted through implementation of a fload mitigation system plan that is designed to reduce the flood hazard to existing buildings and to not create an increase of greater than or equal to 0.01 foot in the 100-year flood profile at lacations upstream or downstream of the project reach, those portions of the flood storage overlay zone that would be re-moved from the floodplain through im-plementation of the plan can be developed, or redeveloped, even if an equal volume of compensatory storage is not provided. In such cases, the flaod storage overlay zone shall remain in effect along the waterway. For such an adjustment to the flood storage overlay zone, the flood mitigatian system plan, including engineering data and calcula-tions showing the new flood profile, shall be submitted to, and approved by, the Wisconsin department of natural resources and the federal emergency management agency, and the zoning map shall be revised to reflect the changed flood storage overlay zone boundary in accordance with the procedures of s. 295-307 and sub. 7.

b-4. If the 100-year flood profile and

Part 19. Section 295-1011-15-e-1 to 4 the code is renumbered 295-1011-15-e-2 to 5.

Part 20. Section 295-1011-15-e-1 of the code is created to read: 15. ADMINISTRATION.

e-1. At least 10 days prior to any public hearing on a proposed floodplain zoning map or text amendment or a variance or special use permit request in a floodplain overlay zone, a copy of

the notice of the public hearing.

Notice is hereby further given that
the foregoing matter will be given a public hearing by the Committee on Zoning, Neighborhoods and Develapment in Raam 301-B, City Hall, 200 East Wells Street, Milwaukee, Wisconsin, on Tuesday, October 21, 2008 at 9:00 a.m., pursuant to the provision of Sub-Section (7)(d) of Section 62.23 of the Revised Statutes of the State of

Wisconsi PLEASE NOTE: a) Members of the Common Council, and members of its Standing Committees who are not members of this Committee, may attend this meeting to participate or to gather in-farmation. Therefore, notice is given that this meeting may constitute a meet-ing of the Comman Council or any of its Standing Committees, and must be noticed as such, although they will not

take any farmal action at this meeting. b) If you have difficulty with the English language, you may bring an interpreter with you, at your own expense, so that you can answer questions and

participate in the hearing.

c) Upan reasonable notice, effarts will be made to accommodate the needs of disabled individuals through sign language, interpreters or other auxiliary aids. For additional information or to request this service, cantact the Council Services Division ADA Coordinator at 286-2998, (FAX) 286-3456, (TDD) 286-2025 or by writing to the ADA Co-ordinator at Room 205, City Hall, 200

E. Wells Street, Milwaukee, WI 53202. d) Limited parking for persons attending meetings in City Hall is availa-ble at reduced rates (5 hour limit) at the Milwaukee Center on the southwest corner of East Kilbourn and Narth Water Street. Parking tickets must be validated in Room 205, (City Clerk's Office) or the first floor Information Booth

e) This meeting will be web-cast live at www.milwaukee.gov/channel25. RONALD D. LEONHARDT,

10720901/10-6-13