



## Legislation Details (With Text)

**File #:** 150448 **Version:** 1

**Type:** Ordinance **Status:** Passed

**File created:** 7/21/2015 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 10/13/2015

**Effective date:**

**Title:** A substitute ordinance relating to various code provisions for floodplain overlay zones.

**Sponsors:** THE CHAIR

**Indexes:** ZONING

**Attachments:** 1. Zoning Code Technical Committee Letter, 2. City Plan Commission Letter, 3. Hearing Notice List, 4. Notice Published on 9-4-15 and 9-11-15, 5. Notice Published on 10-29-15

Date	Ver.	Action By	Action	Result	Tally
7/21/2015	0	COMMON COUNCIL	ASSIGNED TO		
7/23/2015	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
7/24/2015	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
8/26/2015	1	CITY CLERK	DRAFT SUBMITTED		
8/28/2015	1	CITY CLERK	PUBLISHED		
9/21/2015	1	CITY PLAN COMMISSION	RECOMMENDED FOR PASSAGE AND ASSIGNED	Pass	5:0
9/30/2015	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
9/30/2015	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	HEARING NOTICES SENT		
10/6/2015	1	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
10/13/2015	1	COMMON COUNCIL	PASSED	Pass	15:0
10/19/2015	1	MAYOR	SIGNED		
10/29/2015	1	CITY CLERK	PUBLISHED		

150448  
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to various code provisions for floodplain overlay zones.

295-1117-5-a-3 am  
295-1117-5-a-4 am  
295-1135-1-f rn  
295-1135-1-f cr  
295-1135-1-g rn  
295-1135-1-g am

295-1135-1-h rn  
295-1135-1-h am  
295-1135-1-i rn  
295-1135-1-i cr  
295-1135-1-j rn  
295-1135-1-j am  
295-1135-1-k-5 am  
295-1135-1-L-1 am  
295-1135-1-L-3 am

This ordinance revises the floodplain overlay zone code provisions to reflect the correct, most recently adopted flood insurance rate maps and studies for portions of the city in Waukesha and Washington Counties. It also makes other changes related to nonconformities in floodplains, as required by the Wisconsin department of natural resources.

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

Part 1. Section 295-1117-5-a-3 and 4 of the code is amended to read:

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

### **5. OFFICIAL MAPS AND REVISIONS.**

#### **a. Official Maps Adopted.**

a-3. Waukesha County flood insurance rate map panel numbers ~~[[55133C0114F and 55133C0227F dated November 19, 2008]]~~ >>55133C0114G and 55133C0227G dated November 5, 2014<< , with corresponding profiles that are based on the flood insurance study dated ~~[[February 19, 2014, volume number 55133CV001B, 55133CV002B and 55133CV003B]]~~ >>November 5, 2014, volume numbers 55133CV001C, 55133CV002C and 55133CV003C<< .

a-4. Washington County flood insurance rate map panel number 55131C0379D, dated November 20, 2013, with corresponding profiles that are based on the flood insurance study dated ~~[[November 20, 2013, volume number 55131CV001A and 55131CV002A]]~~ >>October 16, 2015, volume numbers 55131CV001B, 55131CV002B and 55131CV003B<< .

Part 2. Section 295-1135-1-h to j of the code is renumbered 295-1135-1-j to L.

Part 3. Section 295-1135-1-f and g of the code is renumbered 295-1135-1-g and h.

Part 4. Section 295-1135-1-f of the code is created to read:

## **295-1135. Nonconformities.**

### **1. GENERAL.**

f. Except as provided in par. g, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it shall not 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 value.

Part 5. Section 295-1135-1-g of the code is amended to read:

g. For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements are met in ~~[[pars. i and j]]~~ >>pars. k and L<< and all required permits have been granted prior to the start of construction.

Part 6. Section 295-1135-1-h of the code is amended to read:

h. A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as an historic structure, the alteration will comply with s. 295-1121-2, flood-resistant materials are used, and construction practices and floodproofing methods that comply with s. 295-1133 are used. Repair or rehabilitation of a historic structure shall be exempt from the standards of ~~[[par. i]]~~ >>par. k<< if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure.

Part 7. Section 295-1135-1-i of the code is created to read:

i. No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this code. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2.

Part 8. Section 295-1135-1-j of the code is amended to read:

j. If on a per-event basis the total value of the work being done under ~~[[par. e]]~~ >>pars. e and i<< equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this code. Contiguous dry-land access shall be provided for residential and commercial uses in compliance with s. 295-1123-2.

Part 9. Section 295-1135-1-k-5 of the code is amended to read:

k. Residential structures shall:

k-5. In AO Zones with no elevations specified, have the lowest floor, including basement, meet the standards in ~~[[s. 295-1125-4-b]]~~ >>s. 295-1127-3-b<< .

Part 10. Section 295-1135-1-L-1 and 3 of the code is amended to read:

L. Non-residential structures shall:

L-1. Meet the requirements of ~~[[subds. i 1, 2, 5 and 6]]~~ >>subds. k-1, 2, 5 and 6<< .

L-3. In AO Zones with no elevations specified, have the lowest floor, including basement, meet the standards in ~~[[s. 295-1125-4-b]]~~ >>s. 295-1127-3-b<< .

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

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

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

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

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

Department of City Development

LRB159348-2

Jeff Osterman

08/25/2015