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Office of the City Clerk
Taped & Televised

COMMITTEE OF THE WHOLE

Tuesday, April 9, 2024

6:30 PM

Christine Nuernberg Hall

Agenda

1. Call to Order, Roll Call
2. Approval of Meeting Minutes
 - a. March 12, 2024
3. Discussion
 - a. Discussion Regarding Implementation of Recommendations Contained in the 2022 Classification & Compensation Study
 - b. **ORDINANCE 2024-1662** An Ordinance Repealing and Recreating Article XI within Chapter 58 of the Mequon Municipal Code, as it Relates to Floodplain Zoning
4. Informational Items
 - a. Committee of the Whole Planning Calendar
5. Adjourn

Dated: April 9, 2024

/s/ Andrew Nerbun, Mayor

Notice is hereby given that a quorum of other governmental bodies may be present at this meeting to present, discuss and/or gather information about a subject over which they have decision-making responsibility, although they will not take formal action thereto at this meeting.

Persons with disabilities requiring accommodations for attendance at this meeting should contact the City Clerk's Office at 262-236-2914, twenty-four (24) hours in advance of the meeting.

Any questions regarding this agenda may be directed to the City Administrator's Office at 262-236-2941, Monday through Friday, 8:00 AM – 4:30 PM.



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COMMITTEE OF THE WHOLE

Tuesday, March 12, 2024

6:30 PM

Christine Nuernberg Hall

Minutes

1. Call to Order, Roll Call

Mayor Nerbun called the meeting to order at 6:33 PM.

Present:

Mayor Andrew Nerbun
Alderman Robert Strzelczyk
Alderman Kelly Tolocko
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Gregg Bach
Alderman Brian Parrish
Alderman Kathleen Schneider
Alderman William Gebhardt

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineering Lundeen, Assistant Director of Community Development Zader, Director of Community Development Tollefson, press and interested public.

2. Approval of Meeting Minutes

a. February 13, 2024

RESULT: Approved by Voice Acclamation [Unanimous]

MOVED BY: Alderman Mayr

SECONDED BY: Alderman Parrish

AYES: Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

Attachment: 3.12.24 (9249 : 3.12.2024)

3. Discussion

- a. Overview and Discussion Regarding Proposed Updates to the Floodplain Maps for the Milwaukee River Watershed and a Model Ordinance Regulating Activity within the City's Floodplains

Assistant Director Zader presented a detailed background on floodplains and floodplain management, including FEMA, National Flood insurance Program (NFIP), zoning, and regulations.

The City goals would include, FIRM maps, a model ordinance for FEMA to review and approve, flood storage districts, and a potential Little Menomonee river/creek study. To avoid suspension from the NFIP, the City must meet the adoption deadline of July 31st. This discussion will extend to the Planning Commission in March with a first reading in April at Common Council, and adoption in May or June to provide ample time to submit to FEMA.

The City could be impacted negatively if it does not participate in the NFIP. NFIP is not required, but FEMA would not provide financial support to affected homeowners should a flood occur. If the City decides to participate in the program, the City would be required to adopt and enforce floodplain management regulations or ordinances that meet FEMA's minimum standards and enforce federal NFIP standards through local zoning and building permit process. Implementation would have the following impacts on the community: flood designation expansions, existing LOMA's and LOMR-F superseding, and impacts to existing nonconforming buildings.

Once the discussion is brought to the Common Council, the decision to remain in NFIP, Adopt Act 175 Provisions, Adopt Community Rating System provisions, and modify current zoning districts would be addressed. The possibility of an audit was discussed including providing and estimate for follow-up discussions.

4. Adjourn

Motion to Adjourn at 7:56 PM.

RESULT: **Approved by Voice Acclamation [Unanimous]**
MOVED BY: Alderman Bach
SECONDED BY: Alderman Mayr

AYES: Nerbun, Strzelczyk, Tolocko, Mayr, Hansher, Bach, Parrish, Schneider, Gebhardt

Respectfully Submitted,

Janet Meyer
Deputy Clerk



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Office of Administration

TO: Committee of the Whole
FROM: Justin Schoenemann, Assistant City Administrator
DATE: April 1, 2024
SUBJECT: Discussion Regarding Implementation of Recommendations Contained in the 2022 Classification & Compensation Study

Background

GovHR presented its initial findings of the 2022 Classification and Compensation Study to the Common Council in January 2023, and the report was finalized in March. Subsequently, through 2023 and into 2024, the organization completed initial implementation steps, including the adoption of a new pay plan, wage adjustments for employees below their new pay grade minimums, and a one-time longevity adjustment for employees with three or more years of service to the City. The last recommendation contained in the study that has yet to be implemented is the development of a new mechanism to advance employees through the newly approved pay plan, based on individual performance.

In the third quarter of 2023, staff presented initial concepts to the Committee of the Whole on how the organization could best facilitate employees advancing through their respective pay ranges. This included a continuation of an annual merit increase program established in 2017, as well as approving annual adjustments to the compensation plan to account for increases in the cost-of-living. Additionally, staff proposed the idea of establishing bracket rate adjustments, which were intended to aid in advancing the organization's vision of recognizing the contributions of long-term employees, while serving as a backstop to the merit increase program. Such an approach was intended to address instances where if the annual merit increase program did not advance employees with consistently satisfactory or better performance as otherwise anticipated, the organization could provide rate adjustments to such employees at specific years of service milestones.

In reviewing feedback gathered from the Common Council, three general themes came to light. First, there is a desire to maintain a pay for performance system as called for in both the 2014 and 2022 Compensation Studies. Second, the organization would be well suited to having a system that provides motivation for employees, and that is easily understood. Third, the organization needs to ensure that all employees have an opportunity to advance through their pay range, based on performance. For reference purposes, a copy of the final Compensation Study Report and the July 2023 Committee of the Whole Minutes are attached.

Analysis

Prior to 2014, the organization utilized a step-based system without performance metrics to advance employee wages. From 2014 onward, the organization utilized an open range merit system that has salary ranges with minimum and maximum salary amounts, but without defined percentage increments in-between. Under such a system, employees could only advance through their salary ranges based on annual performance. Going forward into 2025, the organization needs to develop a new mechanism that advances employees based on performance while also providing a level of fiscal predictability for both employees and the organization.

As an outgrowth from the Committee of the Whole's discussion last year, one such model that could accomplish each of the three aforementioned objectives listed above would be to provide annual step increases up to the midpoint of a particular pay range, with advancement to the next step based on satisfactory or higher job performance as determined during the annual evaluation process. For employees that have either reached or exceeded the midpoint within their respective pay ranges, their total annual increase would be derived by performance, not an identified 'step'.

Further details regarding this proposed hybrid concept, which incorporates elements of the pay plans administered by the City both prior to 2014 and following completion of the last Compensation Study in 2014, will be shared with the Committee next Tuesday evening.

Based on the Committee's feedback, staff anticipates formalizing the proposed concepts and developing companion program policies, with the goal of bringing such back to the Council for formal adoption later this year. Moreover, a proposed implementation plan and attendant cost estimates for transitioning existing employees to identified steps contemplated within a further amended pay plan as described above, would be formulated and shared Council in concert with the 2025 budget development process.

Recommendation

Staff is prepared to gather feedback from Members of the Common Council during its April 9 Committee of the Whole meeting on proposed concepts to advance employees through the City's compensation plan for non-represented employees.

Attachments:

City of Mequon Classification and Compensation Study Report (PDF)
Committee of the Whole - July 2023 Minutes(PDF)



City of Mequon

CLASSIFICATION AND COMPENSATION STUDY

FINAL REPORT

March 2023



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I. INTRODUCTION

GovHR USA, LLC (GovHR) is pleased to have had the opportunity to work with the City of Mequon on this Classification and Compensation Study. Human resource management is a significant concern as governmental services continue to increase in cost and complexity, and the resources to fund local governments are constrained. Day-to-day operations present challenging administrative problems in planning, organizing, and directing human resource functions in order to achieve maximum efficiency and effectiveness in the delivery of municipal services. A properly developed and administered Classification and Compensation Plan forms the foundation for meeting these challenges. It helps to ensure that the City can not only recruit the best and brightest employees but can also retain those employees, even in a competitive marketplace. By retaining qualified and experienced employees, the City avoids the costs of re-recruitments and lost productivity, while maximizing the benefits of the investments it has made in employees and the institutional and community knowledge acquired by those employees over their tenures.

GovHR understands the high expectations that have been established in Mequon for service delivery and competitiveness in recruiting and retaining excellent employees. These factors have been taken into consideration in the analysis and reflected in the Study results.

A. Scope of Work

The scope of work called for GovHR to carry out the following:

Job Evaluation Analysis and Job Classification System

Below is a list of tasks included in this component of the Study (listed in the order that the work was performed):

- **Study preparation and project meetings.** Met with the Assistant City Administrator to discuss Study methods and expectations, and to review the current Classification and Compensation Plan and organizational structure. GovHR also met with Department Heads to review the project and scope of work.
- **Material distribution.** Prepared a memorandum of explanation, which was distributed to employees. Held meetings with employees to discuss the Job Analysis Questionnaire (JAQ) and to explain the scope and purpose of the Study. Employees were allowed about ten (10) days to complete the questionnaire. The completed questionnaires were then reviewed by each employee's Supervisor and/or Department Head. The JAQs were returned to GovHR within approximately three (3) weeks of distribution.

- **Determined comparable communities and collected compensation data.** GovHR determined a logical survey sample of “like” communities that impact the compensation market of Mequon. Then, GovHR designed and sent out the survey for the benchmark positions covered in the Study. The final list of comparable communities was reviewed in advance with Assistant City Administrator, Department Heads, and the Common Council.
- **Job Evaluation Analysis and Establishment of a Classification Plan.** Upon return of the JAQs by the City, GovHR performed the following:
 - Read each JAQ and corresponding Job Description in its entirety.
 - Conducted virtual interviews with at least one (1) employee in each position covered by the Study to further understand the scope of duties and responsibilities of the position.
 - Applied a measurement system of Job Evaluation Factors to all positions, which formed the basis for internal rankings (equity) of positions.
 - Upon completion of the Job Evaluation measurements, a new Classification Plan was developed.

Salary Survey

The following tasks were included in this component of the Study:

- Tabulated, summarized, and analyzed comparative compensation information obtained from the comparable communities. Prepared pay tabulations that compared the salary ranges of the City of Mequon to the salary ranges of its comparable communities. Prepared comparison calculations at the 50th, 60th, 65th, 75th and 80th percentiles. Displayed data for each jurisdiction and for each position and summarized the data in table form. Based on discussions with the City and the gathered data, developed salary ranges that would establish Mequon as a payer at the 50th percentile of the salary data from the comparable communities, which is consistent with past practice.
- Based on the above data, developed, and recommended new salary schedules and recommended new Job Titles for some positions.
- Analyzed and summarized the FLSA classifications.

Draft and Final Report Preparation

- A preliminary analysis of the data and recommended Classification and Compensation Plan was shared with the Assistant City Administrator and Department Heads.
- A draft report was prepared by GovHR and sent electronically to the City.
- A presentation of the draft findings was conducted for the City Council.
- This final report has been prepared and transmitted electronically.

II. EXECUTIVE SUMMARY

A Classification and Compensation Study encompasses a significant amount of information that can be time consuming to condense and organize into an abbreviated format. Therefore, GovHR has compiled this Executive Summary in order to provide a quick synopsis regarding the major components, findings and recommendations of this Study. The purpose of a well-designed Classification and Compensation Study is twofold. First, it establishes internal equity (ranking) among employees across Departments in the City. Second, it assures external equity/competitiveness by comparing the compensation of Mequon employees against market data.

A. Internal Equity - Classification Plan Development

The Study developed a new Classification Plan for approximately fifty-five (55) non-union positions in the City and Library. To complete this task, the Consultant completed a Job Evaluation. The Job Evaluation included the completion of a questionnaire by all employees covered in the Study and interviews with at least one (1) employee working in each position covered by the Study (see Appendix A). Upon the completion of those tasks, the Consultants assigned a numerical value to each position so that like positions within the organization would be grouped together in a classification to produce an internal equity hierarchy. Nine (9) factors were used for the evaluation of Mequon's positions:

- 1) Preparation and Training
- 2) Experience Required
- 3) Decision Making and Independent Judgment
- 4) Responsibility for Policy Development
- 5) Planning of Work
- 6) Contact with Others
- 7) Work of Others (Supervision Exercised)
- 8) Working Conditions
- 9) Use of Technology/Specialized Equipment

The product of this internal ranking is shown in Table 1, which lists the City's positions with their Position Score, also known as a Classification Plan. The higher the Job Evaluation Score, the higher the position is within the Classification Plan. Positions are listed in alphabetical order within each grade.

B. Job Title Changes

After conducting the Job Evaluation noted above, the Consultants observed some inconsistencies with the market and the actual duties assigned to some positions. Therefore, the following Job Title changes have been recommended based on clarification of duties and market trends.

<u>Current Title</u>	<u>Proposed New Title</u>
Sewer Foreman	Sewer Section Supervisor
Highway Section Foreman	Highway Section Supervisor
Records Clerk	Records Specialist

C. External Equity – Market Competitiveness

The next component of the Classification and Compensation Study involved establishing external competitiveness. A group of communities comparable to the City was established. The Consultants started with all cities and villages in Ozaukee, Washington, Sheboygan, Fond Du Lac, Dodge, Jefferson, Waukesha, and Milwaukee Counties, plus the communities of Sun Prairie, Middleton, and Pleasant Prairie with a population between 8,000 and 75,000. After that, a specific set of comparison criteria (e.g., total equalized value, property tax levy per capita, basic spending, etc.) was applied to each community (see Appendix B). Based on the results of this analysis, eighteen (18) communities with a total compatibility score of seventy-four (74) or greater were deemed to be most comparable to the City. In addition, the City added Grafton, Pleasant Prairie, and Sheboygan to the list because they have been used as comparables in the past and are competitors in the marketplace. The full list of the twenty-one (21) chosen comparable is listed below.

Grafton*	Brookfield	Brown Deer*
Cedarburg*	Franklin*	Germantown*
Greendale	Greenfield*	Menomonee Falls*
Middleton*	Muskego*	New Berlin*
Oak Creek*	Oconomowoc*	Pewaukee City*
Pleasant Prairie*	Sheboygan*	Sun Prairie*
Wauwatosa*	West Bend*	Whitefish Bay*

**Communities shown above with an asterisk responded to the survey or supplied GovHR with a copy of their Compensation Plan.*

Salary Data

GovHR then prepared and distributed a salary survey to the twenty-one (21) comparable communities. The nineteen (19) communities shown above with an asterisk responded to the survey either by directly responding to the survey or supplying GovHR with a copy of their most recent Compensation Plan. The salary summary results can be found in Table 2 and the detailed salary data can be found in Appendix C. To provide external competitiveness for the City's salaries, the salary ranges derived from this data collection were used to help establish the proposed Compensation Plan. In some cases where there was not enough salary range data, actual salaries were used. The recommended pay ranges are contained within Table 3 of the report.

Proposed Classification and Compensation Plan

The goal of this Study was to recommend a Classification and Compensation Plan that is internally equitable and externally competitive. To accomplish this, a Compensation Plan was developed using the 50th percentile comparison of the salary ranges that were acquired through the salary survey. There are three (3) separate plans: a plan for the non-union City positions, a plan/recommended compensation for the non-union Fire positions; and a plan for the Library positions.

The resulting Classification and Compensation Plan for the City consists of ten (10) pay grades; one (1) being lowest and ten (10) being highest and is broken down into three (3) bands: Grades 1 – 3, Grades 4 – 7, and Grades 8 – 10. All proposed pay ranges are open ranges. There is a 10% gradation between Grades 1 – 3; an 8% gradation between Grades 4 – 7; and a 20% gradation between Grades 8 – 9. Grades 1 – 7 have a 35% range spread from minimum to maximum and Grades 8 – 9 have a 40% range spread from minimum to maximum. Grade 10 is reserved for the City Administrator whose pay is established by contract.

The Classification and Compensation Plan for the Library consists of five (5) pay grades; one (1) being lowest and five (5) being highest and is broken down into four (4) bands: Grades 1, Grades 2 – 3, Grade 4, and Grade 5. All proposed pay ranges are open ranges. There is a 10% gradation between Grades 2 – 3. Grades 1 – 4 have a 35% range spread from minimum to maximum and Grade 5 has a 40% range spread from minimum to maximum.

The Classification and Compensation Plan for the non-union Fire positions consists of five (5) pay grades; one (1) being lowest and five (5) being highest and is broken down into two (2) bands: Grades 1 – 2, and Grades 3 – 5. All proposed pay ranges are open ranges. There is a 10% gradation between Grades 1 – 2 and a 35% range spread. Grades 3 - 5 have a 40% range spread from minimum to maximum.

Future Administration of the Classification and Compensation Plan

Within the body of this report, GovHR has outlined how the City can maintain the Classification and Compensation Plan. GovHR will supply the City with a User's Manual and all associated documents to maintain the Classification and Compensation Plan and the steps to ensure the City remains competitive with the market in the years to come.

III. JOB EVALUATION

GovHR's approach to Job Evaluation involves a quantitative point and factor comparison method, which cross-compares all positions in the organization against numerous factors such as educational requirements, experience, work conditions, etc. Therefore, all jobs in each organizational unit (e.g., Police, Administration, Finance, etc.) may be compared against each other, based upon the same factors.

In conducting the Job Evaluation exercise, it must be emphasized that the position, and not the incumbent's qualifications, performance, or years of service in the position, is evaluated. An incumbent employee may feel he/she should be placed in a higher level (i.e., receive more points) because the individual performs well, has a long tenure with the organization, and/or has additional education or skills not required to perform that job, or may feel he/she does more tasks than a similar employee in another Department, but these are not valid determinants for a position.

Before reviewing the results of the evaluation of the positions, it is important to note that the purpose of a Job Evaluation is to identify whether a job is more or less advanced than, or equal to, other jobs in the organization, based on nine (9) objective factors. While these factor definitions are guidelines, they are constructed to allow limited flexibility of interpretation while at the same time providing a strict framework and structure for comparison. The nine (9) factors used for the evaluation of Mequon's positions are as follows:

- 1) Preparation and Training
- 2) Experience Required
- 3) Decision Making and Independent Judgment
- 4) Responsibility for Policy Development
- 5) Planning of Work
- 6) Contact with Others
- 7) Work of Others (Supervision Exercised)
- 8) Working Conditions
- 9) Use of Technology/Specialized Equipment

As part of the Job Evaluation process, the duties, responsibilities, and qualification requirements for each position were reviewed via a thorough reading of the incumbent's current job description and a Job Analysis Questionnaire (JAQ) completed by each employee (Appendix A). In addition, GovHR conducted

interviews with at least one (1) employee in each of the positions covered by the Study. Points were then assigned to each factor by selecting the description that best fits the appropriate level of compliance. In other words, a position that requires a master's degree would receive more points under the "Preparation and Training" factor than positions that did not require this advanced degree. Points for each factor were then totaled for each position. Using this method, the positions were found to fall into distinguishable Job Factor Analysis (JFA) scores and Position Score levels. Table 1 contains the Classification Plan, including the Position Title, the Proposed New Title (if applicable), the Position Score, and proposed Grade for the evaluated positions. Positions are listed in alphabetical order within each grade.

As part of the service provided in the Compensation Study, GovHR makes Job Title change recommendations to either reflect a better description of the job being performed or to be consistent with trends in the organization or the marketplace. Based on this, GovHR recommends the following Job Title changes:

<u>Current Title</u>	<u>Proposed New Title</u>
Sewer Foreman	Sewer Section Supervisor
Highway Section Foreman	Highway Section Supervisor
Records Clerk	Records Specialist

A. Determination of Fair Labor Standards Act Designation

The Fair Labor Standards Act (FLSA) imposes certain minimum wage and overtime pay requirements on employers for jobs that are covered under the Act. Most jobs, including the majority of public-sector jobs, are covered under the Act and entitled to overtime pay. But certain positions, mostly office jobs, are "exempt" from coverage under the Act and therefore not entitled to overtime pay.

Employers often misclassify employees as exempt (and therefore not entitled to overtime pay) because of a misunderstanding of the law or unfamiliarity with the rules. An incorrect determination regarding whether certain positions within an organization are entitled to overtime pay can subject an employer to back pay, penalties and expensive fines if the employees file a complaint with the Department of Labor and if the Department decides to file a lawsuit against the employer. Thus, it is very important to make the proper determination regarding the status of each job within the organization, and whether that job is entitled to the rights and protections afforded to workers under the FLSA.

Before any determination can be made, it is important to become familiar with the many rules, regulations and exceptions contained in the Fair Labor Standards Act. These rules can be complex, and the determination regarding whether a particular position is covered by the Act is not always clear-cut. GovHR began its analysis by having employees complete a questionnaire that has been specifically designed to elicit responses from the employees regarding the types of duties they are required to perform on a regular basis (see Appendix A). The answers provided were generally sufficient for GovHR to determine if the position was or was not exempt under the Act. GovHR also gathered additional information during the employee interviews, including concrete examples of the types of policies the employees had been involved in formulating, or whether the employees had significant input or sole discretion on things such as hiring, firing and discipline of other employees in their departments.

It is important to note that the FLSA provides certain minimum standards that the employer must provide, and that cannot be waived or reduced by the nonexempt employee either individually or through a collective bargaining agreement. The employer can, of course, choose to also apply minimum wage and overtime pay requirements to otherwise exempt employees, or to exceed the minimum requirements for some or all of its employees by agreement.

As a result of a review of the positions covered by the Study, GovHR recommends further review by the City of the following positions to determine if the FLSA assignment of is correct:

Administrative Coordinator	Non-Exempt (currently exempt)
Inspector	Exempt (currently non-exempt)

IV. THE CLASSIFICATION PLAN

A Classification Plan provides for a systematic arrangement of positions into classifications. A position, often referred to as a job (e.g., Administrative Assistant), contains a specific set of duties and responsibilities and that is the objective of the classification process – not the person currently holding that job. A classification is a grouping of positions which have similar levels of knowledge, skills and abilities needed to perform the job. The positions are also similar in nature of work, level of work difficulty and responsibilities. Positions allocated to the same classification are sufficiently similar with respect to the types of factors enumerated above to permit them to be compensated at the same general level of pay. The positions do not have to be identical, they can be in different departments, dealing with different subject matters and performing different duties.

It is this arrangement of positions and resulting classification structure that forms the basis for the Classification Plan. As noted in the previous section, a Job Evaluation and Classification Plan is not intended to assess individual performance. To that end, a position that belongs in a certain classification is not entitled to be placed in a higher classification simply because the individual performs with a high degree of success and efficiency, nor is it placed in a lower classification simply because the incumbent performs with low competence or productivity. Variations in individual performance are not recognized by differences in classifications, instead they are management issues. Similarly, there is a tendency in some work forces to use the Classification Plan to reward longevity, even though the duties and responsibilities of individual positions may not have changed over time. Longevity is not a classification factor and the Classification Plan should not be used in this manner.

As an assessment of duties performed and of responsibilities exercised, a Classification Plan is an exceedingly useful managerial tool. It provides the fundamental rationale for the Compensation Plan and helps management identify positions which have taken on (or in some cases reduced) duties and responsibilities. Through proper maintenance of the Classification Plan, employees are assured of management's continuing concern about the nature of work that they carry out and its reward in the form of appropriate pay levels and relationships. The Classification Plan also provides the basis for recruitment, screening, and selection of employees in direct relationship to job content. Promotional ladders, as well as opportunities for lateral career development, are also evidenced by the logical grouping of allied occupational classifications and hierarchies.

V. SALARY DATA

The City initiated this Study with the objective of assuring that its Compensation Plan is both internally equitable and externally competitive. The Job Evaluation System (outlined in Section III) is performed to address the issue of internal equity. To achieve external competitiveness, a market survey of comparable jurisdictions was conducted. The following explains the labor market review and collection of salary data.

A. Selection of Comparable Jurisdictions for Data Purposes

Selecting jurisdictions for the comparison group is an important element in a Classification and Compensation Study. When selecting jurisdictions to serve as comparables, it is important to use particular criteria to evaluate the other jurisdictions to assure that those chosen as comparables will be the most similar to Mequon.

To determine which municipalities should be used for survey purposes, GovHR first considered all cities and villages in Ozaukee, Washington, Sheboygan, Fond Du Lac, Dodge, Jefferson, Waukesha, and Milwaukee Counties, plus the communities of Sun Prairie, Middleton, and Pleasant Prairie with a population between 8,000 and 75,000. Then, GovHR applied the following criteria:

<u>Criterion</u>	<u>Total Possible Points</u>	<u>Factor Weight</u>
1. Population	20	20%
2. Total Equalized Value	15	15%
3. Property Tax Revenue	15	15%
4. Basic Spending Per Capita	15	15%
5. Shared Revenues	15	15%
6. Per Capita Debt	10	10%
<u>7. Proximity</u>	<u>10</u>	<u>10%</u>
	100	100%

Within each of the seven (7) categories, ranges of compatibility were established. For example, the closer a community was to matching Mequon's estimated population, the closer the community would be to receiving the maximum of one hundred (100) points. A community whose population was significantly larger or smaller than the City's population would receive fewer or even zero (0) points. Thus, a municipality

achieving a total of one hundred (100) points would be considered most comparable to the City of Mequon. A community with zero (0) points was therefore determined to be the least comparable to Mequon. A more detailed explanation of the methodology used to determine the comparable communities is included in Appendix B.

A cut-off of seventy-four (74) points was established to select the communities most similar to Mequon across the seven (7) categories. After applying the seven (7) criteria, eighteen (18) communities achieved seventy-four (74) or more compatibility points on the comparison scale with Mequon. In addition, the City added Grafton, Pleasant Prairie, and Sheboygan to the list because they have been used as comparables in the past and are competitors in the marketplace. The full list of the twenty-one (21) chosen comparable is listed below.

Brookfield	Brown Deer*	Cedarburg*
Franklin*	Germantown*	Grafton*
Greendale	Greenfield*	Menomonee Falls*
Middleton*	Muskego*	New Berlin*
Oak Creek*	Oconomowoc*	Pewaukee City*
Pleasant Prairie*	Sheboygan*	Sun Prairie*
Wauwatosa*	West Bend*	Whitefish Bay*

**Communities listed above with an asterisk responded to the salary survey or supplied GovHR with a copy of their Compensation Plan.*

In addition, to the data collected above, GovHR also incorporated data from the Economic Research Institute's Salary Assessor tool as a private sector data point for specific positions that can be found in the private sector and available on their tool for the Mequon, WI region.

B. Salary Survey

After identifying the comparable communities, the Consultants then prepared and distributed a salary survey to the twenty-one (21) comparable communities. Nineteen (19) of the communities responded to the survey or supplied GovHR with a copy of their Compensation Plan/Union Contracts. Table 2 is a summary of the benchmark salary survey data. The detailed salary survey data for each position is contained in Appendix C. It is important to make a few observations regarding Table 2 and Appendix C.

- 1) The salary data is information that was available as of October and November 2022. The new recommended salary ranges for the City were developed using this salary data from the comparable communities.
- 2) Some of the comparable municipalities provided salary range minimums and maximums for comparison purposes, while others (those that don't utilize salary ranges as part of their pay plans) provided actual salaries for surveyed positions. The salary range minimums and maximums were analyzed to determine the 50th, 60th, 65th, 75th and 80th percentiles to identify wage ranges for "average" and "above average" payers. Any actual salaries provided by the comparable municipalities were only analyzed in a few instances when there was not enough salary range information. Salary ranges are a better gauge of market salaries than an actual salary and are thus preferred to conduct analysis.
- 3) Data contained within Appendix C has been thoroughly reviewed. If the Consultants determined the data was not relevant, it was removed. Thus, if a specific position within the salary survey has two worksheets associated with it in Appendix C, then data was removed. The second data sheet will have the word "Edited" after the title of the position surveyed. If a specific data point was removed, it is highlighted on the first and second worksheets and then removed on the second worksheet associated with the position.

C. Appraisal and Use of Salary Data

While comparing Mequon's current salaries to those paid by other employers in the comparable communities, it must be noted that variations in compensation may be due to several factors, including:

- 1) Organizational size and economic conditions can have an impact on positions. In smaller organizations, employees are often asked to "wear many hats" and therefore take on more duties and responsibilities than would normally be required of a certain position. In addition, the economic downturn forced organizations to "do more with less", compelling staff to take on more

duties and responsibilities than they had in the past. Therefore, it becomes increasingly harder to compare “like” positions within organizations.

- 2) Some employers place a different relative worth on certain groups of employees. For example, some employers are forced to place a higher value on certain employees or groups of employees because of the market, and therefore, pay them more. Overall, the policies and value judgments of different employers in compensating the same kind of work can vary widely. There is rarely a single prevailing rate for any particular kind of work, even within the same labor market.
- 3) It can be difficult to make exact comparisons among the different employers of the duties and responsibilities of ostensibly similar jobs.

Nevertheless, comparative salary data is widely recognized as a good measure of the appropriate compensation rates with respect to the prevailing market. This data is also useful as an indication of prevailing opinions concerning the compensation relationships that should exist among different classifications of work. Of equal importance, however, are the internal relationships for the various positions that were accomplished in the Job Evaluation portion of this Study.

VI. COMPENSATION PLAN DEVELOPMENT AND RECOMMENDATIONS

A. Development of the Compensation Plan

A basic element in any human resources management program is adequate and equitable employee compensation. A Compensation Plan of this nature is essential if qualified employees are to be recruited and retained. To achieve this goal, there must be a reasonable and widely accepted model of Job Factors upon which the Compensation Plan rests. Application of this model was the purpose of the Job Evaluation aspect of this Study. The Plan presented in this report is designed to accomplish the Study goals by:

- 1) Providing for equal compensation for work of equivalent job content and responsibility.
- 2) Facilitating adjustments to compensation levels based on changing economic and employment conditions that impact these interrelationships.
- 3) Establishing compensation ranges that compare favorably with those of other equivalent jurisdictions within the appropriate labor market.

In preparing this Plan, the Study only looked at base compensation. The compensation associated with longevity or other fringe benefits was not analyzed or factored into the Compensation Plan.

B. Compensation Plan Options for the City's Consideration

One of the purposes of this Study was to provide an updated Compensation Plan that relates to the external market and is internally equitable. Below is a detailed explanation of three (3) different Compensation Plans:

- 1) Defined Increment Plan: This is a Compensation Plan that has salary ranges with a minimum and a maximum with defined percentage increments (e.g., 3%) in between. If an employee has a satisfactory performance evaluation, he/she systematically advances through the compensation range. The performance evaluation and resulting salary increment increase occurs annually.
- 2) Open Range Merit Plan: This is a Compensation Plan that also has salary ranges with minimums and maximums, but without defined percentage increments in between. Employees are advanced through the compensation range based on an annual satisfactory performance evaluation, with the percentage of their increase determined annually by the City.
- 3) Blended Merit Plan: This is a Compensation Plan that uses techniques from both a Defined Increment Plan and an Open Range Merit Plan.

In considering which Plan to use, it is important to understand that employees at various levels of responsibility may react differently toward, and be motivated differently by, the Compensation Plan they work under. Management personnel that are goal-oriented may have a higher acceptance of the Open Range Merit Plan, and thus tend to be more comfortable with this method of compensation. Mid to lower-level positions may want the assurance of a defined salary increase based on satisfactory performance. Possible advantages and disadvantages of each Plan are summarized below.

Defined Increment Plan

Advantages

City: A Defined Increment Plan has the advantage of creating financial predictability because it is easier for management to predict and plan for salary increases on an annual basis.

Employees: Employees like a Defined Increment Plan because it offers security and predictability for advancement through the range. Another advantage of this Plan is that it offers a high degree of internal equity and fairness – the expectation that fellow workers in this Plan are all being treated the same.

Disadvantages

City: The City may feel that a Defined Increment Plan simply rewards compensation increases on a routine basis. However, by tying the increase to a satisfactory performance evaluation, the City can be assured that only employees with acceptable performance will receive a salary increase.

Employees: Employees may feel unmotivated to perform at an above average or at a superior level, knowing their salary increase amount is pre-determined. One way to remove this negative notion is to allow an employee with a superior performance evaluation to get a two (2) increment increase. This, however, would be the exception and not the rule. Most employees would be considered “average” performers and receive a one (1) increment increase.

Open Range Merit Plan

Advantages

City: The Open Range Merit Plan tends to motivate employees to perform at a higher level, thereby achieving greater production/benefit for the City. This Plan also enables the supervising authority to reward high-performing employees with a salary increase greater than a defined increment.

Employees: Employees who are high performers like working under this Plan as they can earn a higher percentage salary increase.

Disadvantages

City: Anticipating the cost of merit increases has less financial predictability, as it is not always possible to know how many employees will be high performers in any given year. However, the City can fund a “merit increase pool” for all Open Range Merit Plan employees to receive an average percentage (i.e., a 2-3% increase), knowing that some employees will receive less (or no) increase and some employees will earn more.

Employees: An Open Range Merit Plan can create a perceived inequity regarding how individuals are granted salary increases. It is incumbent upon management to use an equitable performance evaluation system when implementing this Plan. It is also incumbent on management to ensure that the performance evaluation system is applied fairly and that supervisors receive appropriate training on conducting the evaluation and using the evaluation tool properly.

Blended Merit Plan

There are positives and negatives for both Defined Increment and Open Range Merit Plans. However, it is also possible to design a pragmatic salary system that uses elements of both Defined Increment and Open Range Merit Plans. It is becoming increasingly common for organizations to have a Blended Merit Plan for various levels of positions that reflects the particular circumstances and culture of the organization. A Plan of this type is customizable to the needs of the organization. It is also the preferred Plan for organizations that are transitioning from a Defined Increment Plan to an Open Range Merit Plan. The following is one example of a Blended Merit Plan:

Exempt: All exempt employees are in an Open Range Merit Plan.

Non-exempt: Non-exempt employees are in a Blended Merit Plan. In this Plan, salary ranges begin at the minimum with, for example, three (3) defined increments and then transition into an open range. The initial increment of the assigned range is intended as the normal hiring/promoting rate. Increments two (2) and three (3) would be awarded upon successful completion of the employee's initial evaluation period and/or after another period that is set by the City (e.g., increment two (2) after the initial evaluation and increment three (3) after an additional year of employment.) After

that, the employee may advance through the open range as a result of a successful performance evaluation.

C. Recommendation: Open Range Merit Plan

GovHR is recommending that the City adopt an Open Range Merit Plan. An Open Range Merit Plan has salary ranges with minimums and maximums, but without defined percentage increments in between. Employees are advanced through the ranges based on an annual satisfactory performance evaluation, with the percentage of their increase determined by their supervisor and City Administration. Advancement of employees in an Open Range Merit Plan is not based on longevity within a position or years of service with the City.

The Open Range Merit Plan also allows maximum flexibility for the City relative to recruitment and funding as employees can be hired within the range and the increases provided annually for meritorious performance can fluctuate based on available funding. Given Mequon's goal to recruit, reward and retain motivated, high-performing employees, the Open Range Merit Plan has been selected for recommendation.

D. Pay Philosophy and Proposed Compensation Plan

An important component in the process of developing a Compensation Plan is understanding and applying the pay philosophy of the City. GovHR worked with the City to develop a proposed Plan at the 50th for consideration. In addition, the proposed plan has a FY 2023 implementation option with an additional 3% COLA included in the ranges to stay current with the market.

Proposed Compensation Plan and Structure

The next step in this process is to combine the Position Score included in Tables 1 and 2 with the proposed salary ranges in Table 3. There are three (3) separate plans: a plan for the non-union City positions; a plan/compensation recommendations for the non-union Fire positions; and a plan for the Library positions.

The Classification and Compensation Plan for the City consists of ten (10) pay grades; one (1) being lowest and ten (10) being highest and is broken down into three (3) bands: Grades 1 – 3, Grades 4 – 7, and Grades 8 – 10. All proposed pay ranges are open ranges. There is a 10% gradation between Grades 1 – 3; an 8%

gradation between Grades 4 – 7; and a 20% gradation between Grades 8 – 9. Grades 1 – 7 have a 35% range spread from minimum to maximum and Grades 8 – 9 have a 40% range spread from minimum to maximum. Grade 10 is reserved for the City Administrator and is established by contract.

The Classification and Compensation Plan for the Library consists of five (5) pay grades; one (1) being lowest and five (5) being highest and is broken down into four (4) bands: Grades 1, Grades 2 – 3, Grade 4, and Grade 5. All proposed pay ranges are open ranges. There is a 10% gradation between Grades 2 – 3. Grades 1 – 4 have a 35% range spread from minimum to maximum and Grade 5 has a 40% range spread from minimum to maximum.

The Classification and Compensation Plan for the non-union Fire positions consists of five (5) pay grades; one (1) being lowest and five (5) being highest and is broken down into two (2) bands: Grades 1 – 2, and Grades 3 – 5. All proposed pay ranges are open ranges. There is a 10% gradation between Grades 1 – 2 and a 35% range spread. Grades 3 - 5 have a 40% range spread from minimum to maximum.

Note 1: Different compensation grades may have different ranges from minimum to maximum compensation. It is appropriate for the lower grades in a Compensation Plan to have a smaller spread from minimum to maximum as it is likely that new employees would start at the minimum compensation of the range. Conversely, it is more likely that more experienced employees or Department Head level employees may be hired at a rate above the minimum compensation of a range, thus it is necessary to have a greater spread from minimum to maximum compensation.

Note 2: Gradation refers to the relationship between the minimum compensation of one grade to the minimum compensation of the next grade. In this case, the starting compensation for employees in Grade 2 in the City's Plan is 10% higher than Grade 1 and so on. The gradation will vary depending upon the relationship between the salary data for the grade, the number of grades in the compensation band and the established compensation range.

Table 2 combines all of the classification and compensation data at the 50th percentile.

Implementation and Administration of the Compensation Plan

Implementation of the Compensation Plan, as it affects individual employees, should be under the following pattern of adjustments:

- 1) Employees whose present compensation is below the minimum compensation of the range for their classification should be raised to the minimum of the range.
- 2) The compensation of employees whose present compensation is within the range for their classification should be slotted into the new Compensation Plan at their current pay rate.
- 3) The compensation of employees whose present compensation is above the maximum compensation of the range should be held at their present rate, without a reduction in compensation, until such time that further market analysis indicates commensurate alignment with the marketplace. However, the City can consider lump sum increases for these employees, which does not impact base compensation levels, until the ranges adjust to include the individual employee compensation rates.

In other studies, GovHR has been asked for ideas on how to address the situation of long-term employees whose current compensation falls near the bottom (within 5 - 10%) of the proposed range. If this occurs, it illustrates that the position has been compensated at less than the market rate for someone with similar tenure. Thus, some communities elect to make additional adjustments for those employees at implementation. This program is discretionary for the City to adopt and only occurs one time, at the implementation of the new Classification and Compensation Plan. If the City wishes to consider such a program, an example is illustrated below:

Service	Adjustment
1 - 3 Years	0%
Over 3 and up to 8 Years	1%
Over 8 and up to 15 Years	2%
Over 15 Years	3%

Employee Advancement through the Ranges

To implement the new Compensation Plan, GovHR recommends that the starting salary of the range (minimum through 1st or 2nd quartile) is the general hiring/promoting rate. However, exceptions to this starting point can be permitted in limited situations involving:

- 1) Applicants with exceptional background and qualifications.
- 2) A promotion in which the employee's current compensation is higher than the minimum of the new range.
- 3) In the case of a labor market situation where it is impossible to recruit qualified candidates at the minimum.

In these cases, employees may be appointed to their positions anywhere within the defined range (generally up to the midpoint), depending on their experience and qualifications, and based on the provisions of the City's policies (if applicable). Employees should not be hired below the minimum of their compensation range.

Salary advancement between the hiring rate and the top of the range (maximum) is done throughout the employee's tenure with the organization. Advancement through the range would be done on an annual basis and be dependent on a satisfactory performance evaluation. Incumbents progressing through the range should understand that standards of performance would become more exacting or controlling as compensation levels advance. Typical movement through the range could be in increments of 1% to 3%, depending on the employee's performance evaluation and goal attainment, as well as the financial resources of the City. Cost of living adjustments (COLA) could be given annually when the ranges are adjusted and would be outside of the 1-3% merit increase. In addition, the City could choose to apply market rate adjustments to positions at the implementation of this plan and every x number of years (i.e., every five (5) years market rate adjustments would be made to ensure employees are progressing steadily through the ranges based on their position and the market).

The City may also wish to provide a merit bonus for exemplary performance after an employee reaches the maximum compensation for the range. If this option is exercised, then an employee would be eligible to receive a payment after a successful performance evaluation each year. This payment should not be worked into the base salary. It can be in the form of a lump sum payment that is a set amount calculated each year and the same for all employees, such as \$500 for meeting expectations and \$1,000 for exceeding expectations. Another option is to calculate a percentage of the employee's base compensation and provide a lump sum payment equivalent to that amount, such as 1% for meeting expectations and 2% for exceeding expectations.

It is recommended that the City set aside a "merit pool" every year, to fund increases for employees in this Plan. This money would then serve as the pool for merit payments, knowing that some employees will be high performers, getting a higher percentage, and some employees will be lower performers, getting a lower percentage.

Again, it should also be noted that the implementation and use of a formal performance evaluation process for all staff members is a key component to the success of this Plan. Equally, if not more important, is that supervisors are adequately trained to perform the formal performance evaluation process.

E. Future Administration of the Compensation Plan

To maintain competitive salary levels there should be an annual review of the City's salary ranges. The twenty-one (21) communities used in the survey group for this Study have been determined to be comparable jurisdictions to the City. Therefore, Mequon can continue to use these jurisdictions as a comparable salary survey group for annual salary comparison purposes, until it is determined that they are no longer valid comparables. As mentioned earlier, the salary levels for these comparables are current as of October and November 2022. It is GovHR's recommendation that an annual survey of these communities be conducted to determine the percentage increase each organization in the comparable group is granting, either as an annual across-the-board increase to their employees or as a general adjustment to their compensation ranges. The City may wish to provide an across-the-board increase to all employees based on the information received from the comparable communities. If this is the case, then the increases would be granted separately from any merit increase that would be awarded as a result of a successful performance evaluation.

It is the further recommendation of GovHR that the compensation ranges for each grade be increased by the average percentage increase of the comparable group, even if an across-the-board increase is not given to all employees. Employees would continue to advance through the compensation ranges (provided that the employee is not at the maximum of the compensation range) by virtue of a merit increase granted for satisfactory or above satisfactory performance of their job duties. Finally, it is recommended that the City review the compatibility of the municipalities after five (5) years.

The administration of a Classification Plan is an ongoing process. It must be recognized that it is not static and is not intended to affix positions permanently into classifications. Instead, the Plan must be administered continually to adapt it to changing conditions.

Three (3) specific types of changes in the Plan itself are possible: abolition of a position, creation of a position, or a revision of a position.

- 1) When a position in a classification is eliminated or when a position has significantly changed work duties and responsibilities to the extent that the position becomes inappropriate or inaccurate, the position should be abolished.
- 2) New positions should be created when new work situations arise that are not covered by the established positions. However, caution should be exercised in this respect, particularly to assure that new positions are justified, are not merely duplicating established positions, cannot be accommodated through changes in existing positions, and reflect substantially permanent rather than temporary situations.
- 3) The adjustment or revision of a position should be done when there are substantial changes to the requirements of the position or to the nature and complexities of the duties being performed. In this instance, a position may need to be re-scored and move up or down into a new classification.

All changes should be thoroughly evaluated for their effect on employee morale and the integrity of the classification relationships established in the Classification and Compensation Plan. City Administration has been provided with the Job Analysis Questionnaire as well as the Job Factor Scoring Sheet, enabling the City to grade a newly created or revised position. GovHR provides scoring assistance in such cases free of charge for one (1) year after the delivery of this report.

Appreciation

GovHR has appreciated the opportunity to work with the City of Mequon on this Classification and Compensation Study. A special thank you to the employees for all of the information provided to allow for the analysis and to the Assistant City Administrator for the significant amount of work and support dedicated to the project.

Current Job Title	Recommended Job Title Change	Grade	Position Score
City Administrator		10	790+
Assistant City Administrator		9	735-785
Director of Community Development			
Director of Public Works/City Engineer			
Finance Director			
Police Chief			
Assistant City Engineer		8	680-730
Assistant Community Development Director			
City Clerk			
Deputy Director of Public Works			
Deputy Director of Utilities			
IT Manager			
Police Captain			
Buildings Superintendent		7	625-675
Highway Superintendent			
Inspections Supervisor			
Parks & Forestry Superintendent			
Sewer Superintendent			
Assistant to the Finance Director		6	570-620
Fleet Superintendent			
Associate Planner		5	515-565
Inspector			
Public Safety IT Specialist			
Administrative Coordinator		4	460-510
Engineering Field Coordinator			
Engineering Technician			
Executive Assistant - Communications			
Highway Foreman	Highway Section Supervisor		
Mechanic			
Sewer Foreman	Sewer Section Supervisor		
Accounting Specialist		3	405-455
Buildings Maintenance Worker			
Equipment Operator			
Forestry Worker			
Highway Worker			
Human Resource Coordinator			
Parks Worker			
Permit Coordinator			
Sewer Maintenance Worker			
Accounts Receivable Specialist		2	350-400
Administrative Assistant			
Administrative Clerk			
Assessment Technician			
Deputy Clerk			
Librarian			
Records Clerk	Records Specialist		
No Positions in Grade		1	Up to 345

City of Mequon, WI
Table 2 - Comprehensive Table 50th Percentile City Positions

Job Title	New Grade	Position Score	50th Percentile Salary Survey Data		Current Salary Range		Current Salary	Proposed Salary Range 50th Percentile			Proposed Salary Range 50th Percentile for 2023 Implementation		
								Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
City Administrator	10	790+						Established by Contract			Established by Contract		
Assistant City Administrator	9	735-785	100,160	140,192	79,143	112,709	97,273	99,000	118,800	138,600	101,970	122,364	142,758
Director of Community Development			93,309	116,899	104,735	137,812	128,282						
Director of Public Works/City Engineer			95,153	125,311	104,735	137,812	130,267						
Finance Director			95,254	118,856	104,735	137,812	128,125						
Police Chief			102,711	138,088	104,735	137,812	129,930						
Assistant City Engineer	8	680-730	75,863	97,487	79,143	112,709	79,088	82,500	99,000	115,500	84,975	101,970	118,965
Assistant Community Development Director			75,497	97,999	79,143	112,709	110,454						
City Clerk			79,360	102,699	79,143	112,709	98,373						
Deputy Director of Public Works			76,980	100,612	79,143	112,709	92,032						
Deputy Director of Utilities			76,980	100,612	79,143	112,709	85,779						
IT Manager			78,617	103,016	72,511	96,631	85,000						
Police Captain			91,437	115,688	79,143	112,709	106,800						
Buildings Superintendent	7	625-675	68,686	93,994	66,132	89,471	72,000	71,804	84,369	96,935	73,958	86,900	99,843
Highway Superintendent			68,058	93,399	66,132	89,471	80,496						
Inspections Supervisor			75,372	97,099	66,132	89,471	80,017						
Parks & Forestry Superintendent			65,255	88,094	66,132	89,471	78,709						
Sewer Superintendent			73,931	96,882	66,132	89,471	81,698						
Assistant to the Finance Director	6	570-620	67,454	84,240	61,234	82,846	67,442	66,485	78,120	89,754	68,479	80,463	92,447
Fleet Superintendent			66,126	89,473	66,132	89,471	74,137						
Associate Planner	5	515-565	62,976	79,477	56,697	76,709	75,001	61,560	72,333	83,106	63,407	74,503	85,599
Inspector			64,501	89,419	56,697	76,709	76,710						
Public Safety IT Specialist			60,053	81,071	56,697	76,709	63,000						
Administrative Coordinator	4	460-510	51,855	69,722	56,697	76,709	66,726	57,000	66,975	76,950	58,710	68,984	79,259
Engineering Field Coordinator			58,927	79,030	56,697	76,709	72,779						
Engineering Technician			53,467	72,159	56,697	76,709	67,662						
Executive Assistant - Communications			55,327	74,888	48,406	65,766	54,350						
Highway Section Supervisor			56,166	74,318	52,499	71,027	66,186						
Mechanic			52,572	70,546	48,406	65,766	65,770						
Sewer Section Supervisor			56,586	74,214	52,499	71,027	68,910						
Accounting Specialist	3	405-455	48,516	63,617	41,674	56,384	50,003	50,820	59,714	68,607	52,345	61,505	70,665
Buildings Maintenance Worker			48,443	65,374	48,406	65,766	48,609						
Equipment Operator			50,024	66,213	48,406	65,766	55,141						
Forestry Worker			49,211	67,894	48,406	65,766	49,525						
Highway Worker			46,049	60,996	48,406	65,766	48,610						
Highway/Parks Worker			45,883	60,939	48,406	65,766	48,610						
Human Resource Coordinator			57,668	78,447	41,674	56,384	51,168						
Parks Worker			45,718	60,882	48,406	65,766	48,610						
Permit Coordinator			44,224	57,420	41,674	56,384	53,955						
Sewer Maintenance Worker			51,091	67,255	48,406	65,766	65,770						
Accounts Receivable Specialist	2	350-400	42,952	56,000	41,674	56,384	44,013	46,200	54,285	62,370	47,586	55,914	

Table 3 - Proposed Pay Ranges City Positions

50th Percentile - Proposed Pay Ranges Implementation 2023			
20% Between Each Grade and a 40% Range Spread			
Grade	Minimum	Midpoint	Maximum
10	Established by Employment Contract		
9	101,970	122,364	142,758
8	84,975	101,970	118,965
8% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
7	73,958	86,900	99,843
6	68,479	80,463	92,447
5	63,407	74,503	85,599
4	58,710	68,984	79,259
10% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
3	52,345	61,505	70,665
2	47,586	55,914	64,241
1	43,260	50,831	58,401

50th Percentile - Proposed Pay Ranges Original			
20% Between Each Grade and a 40% Range Spread			
Grade	Minimum	Midpoint	Maximum
10	Established by Employment Contract		
9	99,000	118,800	138,600
8	82,500	99,000	115,500
8% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
7	71,804	84,369	96,935
6	66,485	78,120	89,754
5	61,560	72,333	83,106
4	57,000	66,975	76,950
10% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
3	50,820	59,714	68,607
2	46,200	54,285	62,370
1	42,000	49,350	56,700

Job Title	New Grade	Position Score	50th Percentile Salary Survey Data		Current Salary Range		Current Salary	Proposed Salary Range 50th Percentile			Proposed Salary Range 50th Percentile for 2023 Implementation		
								Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
Fire Chief	5	735-785	102,167	129,299	104,735	137,812	136,962	99,000	118,800	138,600	101,970	122,364	142,758
Deputy Chief	4	680-730	87,235	118,691	79,143	112,709	108,637	82,500	99,000	115,500	84,975	101,970	118,965
Battallion Chief	3	625-675	85,940	109,864	77,137	104,361	95,838	77,137	92,564	107,992	79,451	95,341	111,232
Administrative Assistant	2	350-400	43,964	58,273	41,674	56,384	46,238	46,200	54,285	62,370	47,586	55,914	64,241
No Positions in Grade	1	Up to 345						42,000	49,350	56,700	43,260	50,831	58,401

Table 3 - Proposed Pay Ranges Fire Positions

50th Percentile - Proposed Pay Ranges Implementation 2023			
40% Range Spread			
Grade	Minimum	Midpoint	Maximum
5	101,970	122,364	142,758
4	84,975	101,970	118,965
3	79,451	95,341	111,232
10% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
2	47,586	55,914	64,241
1	43,260	50,831	58,401

50th Percentile - Proposed Pay Ranges Original			
40% Range Spread			
Grade	Minimum	Midpoint	Maximum
5	99,000	118,800	138,600
4	82,500	99,000	115,500
3	77,137	92,564	107,992
10% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
2	46,200	54,285	62,370
1	42,000	49,350	56,700

Job Title	New Grade	Position Score	50th Percentile Salary Survey Data		Current Salary	Proposed Salary Range 50th Percentile			Proposed Salary Range 50th Percentile for 2023 Implementation		
						Minimum	Midpoint	Maximum	Minimum	Midpoint	Maximum
Library Director	5	680-730	82,760	110,033	98,850	82,500	99,000	115,500	84,975	101,970	118,965
Access Services Manager - Library	4	460-510	54,444	74,069	57,000	57,000	66,975	76,950	58,710	68,984	79,259
Patron Services Manager - Library			62,405	82,456	68,557						
Business Manager - Library			50,461	66,504	62,130						
Librarian	3	405-455	50,597	67,689	50,561	50,820	59,714	68,607	52,345	61,505	70,665
Access Services Technician - Library	2	350-400			20.34	46,200	54,285	62,370	47,586	55,914	64,241
Access Services Associate - Library			34,747	49,859	15.45 and 16.17	22.21	26.10	29.99	22.88	26.88	30.89
Patron Services Associate - Reference Associate					16.22 and 19.29						
Library Page	1	Up to 345			10.00 and 10.50	10.50	12.34	14.18	10.82	12.71	14.60

Table 3 - Proposed Pay Ranges Library Positions

50th Percentile - Proposed Pay Ranges Implementation 2023			
8.5% Between Each Grade and a 40% Range Spread			
40% Range Spread			
Grade	Minimum	Midpoint	Maximum
5	84,975	101,970	118,965
35% Range Spread			
Grade	Minimum	Midpoint	Maximum
4	58,710	68,984	79,259
10% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
3	52,345	61,505	70,665
2	47,586	55,914	64,241
35% Range Spread			
Grade	Minimum	Midpoint	Maximum
1	10.82	12.71	14.60

50th Percentile - Proposed Pay Ranges Original			
40% Range Spread			
Grade	Minimum	Midpoint	Maximum
5	82,500	99,000	115,500
35% Range Spread			
Grade	Minimum	Midpoint	Maximum
4	57,000	66,975	76,950
10% Between Each Grade and a 35% Range Spread			
Grade	Minimum	Midpoint	Maximum
3	50,820	59,714	68,607
2	46,200	54,285	62,370
35% Range Spread			
Grade	Minimum	Midpoint	Maximum
1	10.50	12.34	14.18



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Office of the City Clerk
Taped & Televised

COMMITTEE OF THE WHOLE

Tuesday, July 11, 2023

6:30 PM

Christine Nuernberg Hall

Minutes

1. Call to Order, Roll Call

Mayor Nerbun called the meeting to order at 6:34 PM.

Present:

Mayor Andrew Nerbun
Alderman Kelly Tolocko
Alderman Dale Mayr
Alderman Jeffrey Hansher
Alderman Gregg Bach
Alderman Kathleen Schneider
Alderman William Gebhardt
Alderman Robert Strzelczyk - **Absent**
Alderman Brian Parrish - **Absent**

Also present: City Administrator Jones, Assistant City Administrator Schoenemann, City Attorney Sajdak, City Clerk Fochs, Director of Public Works/City Engineering Lundeen, Director of Community Development Tollefson, press and interested public.

2. Approval of Meeting Minutes

a. June 13, 2023

RESULT: **Approved by Roll Call Vote [Unanimous]**
MOVED BY: Alderman Hansher
SECONDED BY: Alderman Mayr

AYES:	Nerbun, Tolocko, Mayr, Hansher, Bach, Schneider, Gebhardt
ABSENT:	Strzelczyk, Parrish

3. Discussion

a. Policy Discussion Related to Industrial Land Uses

Director of Community Development Tollefson gave an overview of the study with updates and next steps. Before moving forward, Ms. Tollefson and the Economic Board are requesting Council feedback and guidance.

A lengthy discussion ensued within the Committee. Agreeably, the Southwest corner and South-central locations are favorable and zoning and planning for the space is critical. Concerns and considerations relating to long-term planning included public water and sewer availability, tax rates, and development versus costs and consultation. Overall, the Committee is favorable for the study, but expressed the importance of more public input prior to any decisions and further market analysis.

In addition, the Council discussed the existing industrially zoned business in the area south of Donges Bay Road in the central portion of the city, and contemplated future uses. This area has seen several instances of residential developments proposed in the last few years and potential future residential uses were discussed for this area. The Council further agreed to advance draft zoning districts for residential land uses in this area prior to the end of the year.

b. Proposed Implementation Plan - 2022 Classification & Compensation Study

Assistant City Administrator Schoenemann presented a brief update on the 2022 Compensation Study and the goal to maintain equity within inflation ranges.

The Committee provided feedback and recommendations.

4. Informational Items
 - a. Committee of the Whole Planning Calendar
 - b. 2024 Budget Development Calendar
 - c. Town Center TID #3 Project Expenditure Update
5. Future Policy Items for Discussion/Consideration/Analysis
6. Adjourn

Motion to adjourn at 7:58 PM.

RESULT: Approved by Voice Acclamation [Unanimous]
MOVED BY: Alderman Bach
SECONDED BY: Alderman Hansher

AYES:	Nerbun, Tolocko, Mayr, Hansher, Bach, Schneider, Gebhardt
ABSENT:	Strzelczyk, Parrish

Respectfully Submitted,

Janet Meyer
Deputy Clerk



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Office of Community Development

TO: Committee of the Whole
FROM: Kim Tollefson, Director of Community Development
DATE: April 9, 2024
SUBJECT: ORDINANCE 2024-1662 An Ordinance Repealing and Recreating Article XI within Chapter 58 of the Mequon Municipal Code, as it Relates to Floodplain Zoning

Background

Recently, the Federal Emergency Management Agency (FEMA) released updated draft floodplain maps and corresponding Flood Insurance Studies for all communities in Ozaukee County. In order to remain in the National Flood Insurance Program, the City is required to adopt the new maps by July 31, 2024. In addition, the Wisconsin Department of Natural Resources (WDNR) is requiring the City to adopt an updated model floodplain ordinance and flood storage district maps as part of this process.

Analysis

Based on the feedback received at the Committee of the Whole's meeting on March 12, staff presented the draft floodplain ordinance to the Planning Commission on March 18, 2024. The ordinance includes provisions of Act 175 and those associated with being a part of the Community Rating System. Act 175 gives communities an option to eliminate the "50% rule" for structural alterations to a dwelling, provided that certain steps are undertaken, including the elevation of the structure above the base flood elevation.

The provisions related to the Community Rating System are more stringent than what the model ordinance requires but would allow for the potential of lower insurance rates for the community if the City decided to participate in the program (see attached pamphlet for more information). Other changes to the Ordinance that were recommended by the Planning Commission include the following:

- Clarifying which City Department is responsible for enforcing provisions of the updated Ordinance
- Codifying requirements that are addressed in other parts of the Code
- Eliminating provisions that would permit certain uses in the floodplain
- Further clarifying vague language within the model ordinance

The proposed draft ordinance has been sent to the WDNR for their review. If the Common Council makes any further changes to the proposed ordinance as a result of the Committee of the Whole discussion scheduled for April 9, those changes will be sent to WDNR, with the

anticipation that they will be reviewed and approved prior to Common Council action in May.

The attached ordinance in track-changes format shows modifications made by staff in blue and by the City Attorney in red. Highlighted areas of the ordinance in yellow, pink and blue were created by WDNR as areas that need to be addressed by the City.

Fiscal Impact

The fiscal impact is neutral.

Recommendation

The Planning Commission recommended approval of the proposed ordinance at its March 18, 2024, meeting by a vote of 8-0.

Attachments:

Exhibit A: Draft Model Ordinance (DOCX)

Exhibit B: CRS Guide(PDF)

COMMON COUNCIL
OF THE
CITY OF MEQUON

ORDINANCE 2024-1662

An Ordinance Repealing and Recreating Article XI within Chapter 58 of the Mequon Municipal Code, as it Relates to Floodplain Zoning

RECITALS

A. The Common Council previously adopted Article XI within Chapter 58 of the Mequon Municipal Code, which regulates development in floodplains within the City pursuant to Wis. Stat. §§ 62.23 and 87.30.

B. The Federal Emergency Management Agency prepared and adopted revised floodplain maps for the Milwaukee River watershed, which must be adopted by July 31, 2024.

C. As part of the adoption of the revised floodplain maps, the Wisconsin Department of Natural Resources (WDNR) requires the adoption of a floodplain zoning ordinance substantially similar to the model ordinance the Department has prepared.

D. The Planning Commission recommended approval of the proposed ordinance on March 18, 2024.

E. Based upon the Planning Commission's recommendation, and all public input provided at the public hearing before the Common Council, the Common Council finds that development and use of the floodplains and rivers of the City would impair the public health, safety, convenience, general welfare and tax base, and that reasonable regulation of such development is necessary.

BASED UPON THE FOREGOING RECITALS, the Common Council of the City of Mequon, Ozaukee County, State of Wisconsin, do ordain as follows:

SECTION I

Article XI of Chapter 58 of the Mequon Municipal Code is repealed and recreated to read as shown on the attached Exhibit A.

SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION III

All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION IV

This Ordinance shall become effective the day after its publication as provided by law.

Approved by: Andrew Nerbun, Mayor

Date Approved: April 9, 2024

I certify that the foregoing Ordinance was adopted by the Common Council of the City of Mequon, Wisconsin, at a meeting held on April 9, 2024.

Caroline Fochs, City Clerk

Published: _____

Floodplain Ordinance for City of Mequon

Effective: **Date**

A cooperative effort of
 WI Department of Natural Resource (~~DNR~~WDNR)
 and
 Federal Emergency Management Agency (FEMA)

Adoption schedule tracking

1. **Date of Public Hearing:** _____
 a. (Requires a Class 2 Hearing Notice of Publication or Posting)
2. **Date of Adoption:** _____
3. **Dates of Publication or Posting:** _____
 a. (Second/last date must be at least 7 days before hearing, see definition, Ch 985 Stats)
4. **Date of Publication or Posting of Notice of Enacted Ordinance:** _____
 a. _____

!! Instructional Information Only !!

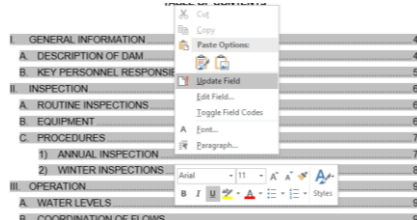
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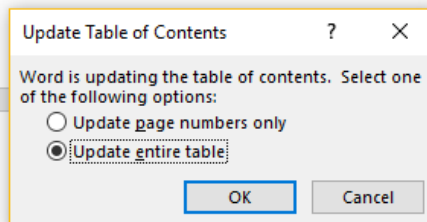
1. Click anywhere in the table of contents so that gray shows up behind the words.

I. GENERAL INFORMATION	
A. DESCRIPTION OF DAM	
B. KEY PERSONNEL RESPONSIBILITIES	
II. INSPECTION	
A. ROUTINE INSPECTIONS	
B. EQUIPMENT	

2. Right click anywhere in the table of contents so that a window pops up. Select "Update Field"



3. Select "Update entire table" so that both the headings and page numbers update. If you changed heading names you may notice that some of the headings will not be capitalized correctly – you will need to find them in the document for formatting and then repeat steps 1-3.



If you make further changes (like deleting this page) and just need to update the page numbers, repeat steps 1-3...this time, you can select "Update page numbers only".

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinancearticle is adopted pursuant to the authorization in s. ~~61.35 and~~ 62.23; and ~~the requirements in~~ s. 87.30, Stats.

1.2 FINDING OF FACT

~~The common council finds that~~ Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base, and that reasonable regulation of such development is necessary.

1.3 STATEMENT OF PURPOSE

This ordinancearticle is intended to regulate floodplain development to:

- (1) Protect life, health and property.
- (2) Minimize expenditures of public funds for flood control projects.
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers.
- (4) Minimize business interruptions and other economic disruptions.
- (5) Minimize damage to public facilities in the floodplain.
- (6) Minimize the occurrence of future flood blight areas in the floodplain.
- (7) Discourage the victimization of unwary land and homebuyers.
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

1.4 TITLE

This ordinancearticle shall be known as the Floodplain Zoning Ordinance for Mequon, Wisconsin.

1.5 GENERAL PROVISIONS

(1) AREAS TO BE REGULATED

This ordinancearticle regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, on the Flood Insurance Rate Map. Additional areas identified on maps approved by the Department of Natural Resources (~~DNR~~WDNR) and local community may also be regulated under the provisions of this ordinancearticle, where applicable.

(2) OFFICIAL MAPS & REVISIONS

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd. (a) below. Additional flood hazard areas subject to regulation under this ordinancearticle are identified on maps based on studies approved by the ~~DNR~~WDNR and listed in subd. (b) below. These maps and revisions are on file in the office of the Department of Community Development, City of Mequon. If more than one map or revision is referenced, the most restrictive information shall apply. In the event that the maps adopted by this article are in conflict with previously adopted maps, the most restrictive information and provisions shall apply.

(a) OFFICIAL MAPS: Based on the Flood Insurance Study (FIS)

1. Flood Insurance Rate Map (FIRM), panel number 165, 168, 169, 188, 189, 193, 194, 230, 231, 232, 233, 234, 251, 252, 253, 254, 256, 257, 258, 259 dated 7/31/2024

2. Flood Insurance Study (FIS) for Ozaukee County, dated 7/31/2024).

(b) **OFFICIAL MAPS:** Based on other studies. Any maps referenced in this section must be approved by the ~~DNR~~WDNR and be more restrictive than those based on the FIS at the site of the proposed development.

1. Floodplain study for Little Menomonee Creek and Little Menomonee River completed by Laura Herrick, SEWRPC and approved by the Department of Natural Resources on 1/14/2022.

2. Flood Storage Map, panel number 8 dated 7/31/24 approved by the ~~DNR~~WDNR.

(3) **ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS**

The ~~flood hazard areas~~ regulated ~~by this ordinance~~SFHA within the city are divided into districts as follows:

- a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s. 5.1(5).
- b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s. 5.1(5), within A Zones shown on the FIRM.

c) The Flood Storage District (FSD) is that area of the floodplain where storage of floodwaters is calculated to reduce the regional flood discharge.

e)d) —The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM.

(4) **LOCATING FLOODPLAIN BOUNDARIES**

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 8.0 *Amendments*. The ~~zoning administrator~~Director of Community Development can 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 ~~zoning administrator~~Director of Community Development shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined ~~and for initiating any map amendments required under this section~~. Disputes between the ~~zoning administrator~~Director of Community Development and an applicant over the district boundary line shall be settled according to s. 7.3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 8.0 *Amendments*.

- a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b) Where flood profiles do not exist for projects, including any boundary of zone A, AO, the

location of the boundary shall be determined by the map scale, visual on-site inspection,
and any information provided by the WDNR.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

All or a portion of a property may be removed from the floodplain boundary and thus regulation
under this article by one of the following methods;

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- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 8.0 *Amendments*.
- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 1. The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation.
 2. The fill must be contiguous to land outside the floodplain; Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F.
- c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e) ~~§~~, Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. ~~70.70~~. Does not need to comply with Section (a) above.

(6) COMPLIANCE

- a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and

repair of state highways and bridges by the Wisconsin Department of Transportation (WisDOT) is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, WisDOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then 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: the applicant provides documentation to the community development department that the proposed project is a culvert or bridge replacement having a span of less than 20 feet, the relocation is in the same location, the project is exempt from a WDNR permit under Wis. Stat. § 30.123(6)(d), the water flow capacity through or under the replacement structure is not decreased, the road profile and grade is not raised. The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

- a) This ordinancearticle supersedes all the provisions of any municipal zoning ordinance enacted under s. 62.23 for cities or s. 87.30, Stats. which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.
- b) This ordinancearticle is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinancearticle imposes greater restrictions, the provisions of this ordinancearticle shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinancearticle shall be held to be are the minimum requirements and shall be liberally construed in favor of the governing bodycity and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinancearticle, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinancearticle or in effect on the date of the most recent text amendment to this ordinancearticle.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinancearticle are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinancearticle does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinancearticle does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinancearticle.

(11) SEVERABILITY

Should any portion of this ordinancearticle be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinancearticle shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Ozaukee County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116,

Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal ~~zoning administrator~~Director of Community Development. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The ~~community-city~~ shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding as defined in 44.65.2 (c) 44 C.F.R. § 65.2 and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- 1) If a proposed building site is in a flood-prone area, as defined in 44 C.F.R. § 59.1, all new construction and substantial improvements shall:
 - a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy if the structure is less than two feet above the base flood elevation.
 - b. be constructed with flood-resistant materials.
 - c. be constructed by methods and practices that minimize flood damages if the lowest finished floor structure is less than two feet above the base flood elevation; and
 - d. Mechanical and utility equipment must be elevated to or one foot above the flood protection elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 2) A subdivision or other proposed new development that is in a flood-prone area, as defined in 44 C.F.R. § 59.1, shall:
 - a. be designed to ensure that the lowest finished floor elevation of any structure will be constructed a minimum of two feet above the flood protection elevation;
 - b. be designed in a manner that is consistent with the need to minimize flood damage within the flood-prone area;
 - c. be designed to ensure that all public utilities and facilities such as sewer, gas, electric, and water systems will be located and constructed to minimize or eliminate flood damage;
 - d. be designed to ensure that adequate drainage is provided to reduce exposure to flood hazards;
 - e. include regional flood elevation and floodway data for any development that meets the definition of a subdivision in this article, including manufactured home parks; and
 - f. be designed and constructed in compliance with the terms of this article. If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that the lowest finish floor is two feet above the base flood elevation and:
 - a. such proposed subdivision or other proposed new development is consistent with the

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need to minimize flood damage within the flood-prone area.

b. ~~public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and~~

c. ~~adequate drainage is provided to reduce exposure to flood hazards.~~

~~All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 7.1(2).~~

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

1) No floodplain development shall:

- a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or
- b. Cause any increase in the regional flood height due to floodplain storage area lost.

2) ~~The zoning administrator~~Director of Community Development shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 8.0 *Amendments* are met.

2)3) ~~All design and methods of construction shall be conducted and certified by a professional engineer licensed in the State of Wisconsin and meet the requirements of this document and the Wisconsin Administrative Code NR 116.~~

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 2.1 must 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 six months after the date of the watercourse alteration or relocation and pursuant to s. 8.0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the ~~DNR~~WDNR through the LOMC process.

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the ~~floodplain zoning ordinance~~is article are made according to s. 8.0 *Amendments*.

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2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

- 1) ~~The campground is approved by the Department of Agriculture, Trade and Consumer Protection.~~
- 2) ~~A land use permit for the campground is issued by the zoning administrator~~Director of Community Development.
- 3) ~~The character of the river system and the campground elevation are such that a 72-hour warning of an impending flood can be given to all campground occupants.~~
- 4) ~~There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the floodplain zoning agency or zoning administrator~~Director of Community Development, ~~the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;~~
- 5) ~~This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated – by the officials identified in sub. (4) – to remain in compliance with all applicable regulations, including those of the state Department of Agriculture, Trade and Consumer Protection and all other applicable regulations.~~
- 6) ~~All mobile recreational vehicles placed on site must meet one of the following:~~
 - a. ~~Be fully licensed, if required, and ready for highway use; or~~
 - b. ~~Not occupy any site in the campground for more than 180 consecutive days, at which time the recreational vehicle must be removed from the floodplain for a minimum of 24 hours; or~~
 - c. ~~Meet the requirements in either s. 3.0, 4.0, 5.1, or for the floodplain district in which the structure is located.~~

~~A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.~~
- 7) ~~All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit consistent with 2.4(6) and shall ensure compliance with all the provisions of this section.~~
- 8) ~~The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section.~~
- 9) ~~The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and~~
- 10) ~~All service facilities, including but not limited to refuse collection, electrical service, gas lines,~~

propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation; and

11) Standards for structures in a campground:

- a. All structures must comply with section 2.4 or meet the applicable requirements in ss. 3.0, 4.0, 5.1, or for the floodplain district in which the structure is located.
- b. Deck/landing—a portable landing may be allowed for a camping unit for each entry provided that the landing is not permanently attached to the ground or camping unit, is no more than 200 square feet in size, shall be portable, contain no walls or roof, and can be removed from the campground by a truck and/or trailer. Sections of such portable landings may be placed together to form a single deck not greater than 200 square feet at one entry point. Provisions for the removal of these temporary landings during flood events must be addressed within the written agreement with the municipality compliant with section 2.4(4). Any such deck/landing structure may be constructed at elevations lower than the flood protection elevation but must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- c. Decks/patios that are constructed completely at grade may be allowed but must also comply with applicable shoreland zoning standards.
- d. Camping equipment and appurtenant equipment in the campground may be allowed provided that the equipment is not permanently attached to the ground or camping unit, is not used as a habitable structure, and must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Provisions for the removal of this equipment during flooding events shall be addressed within the written agreement with the municipality compliant with section 2.4(4).
- e. Once a flood warning in the written agreement has been issued for the campground, the campground owner or the designated operator shall ensure that all persons, camping units, decks, camping equipment and appurtenant equipment in the campground shall be evacuated within the timelines specified within the written agreement with the municipality compliant with section 2.4(4).

12) A land use permit shall be obtained as provided under 7.1(2) before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated.

1.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance.
- they meet the standards in s. 3.3 and 3.4; and
- all permits or certificates have been issued according to s. 7.1.

1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture, and wild crop

harvesting.

~~2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.~~

~~3)2) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 3.3(4).~~

~~4)3) Uses or structures accessory to permanent public open space uses or classified as historic structures that comply with s. 3.3 and 3.4.~~

~~5)4) Extraction of sand, gravel or other materials that comply with s. 3.3(4).~~

~~6)5) Functionally water-dependent public uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.~~

~~7)6) Public utilities, streets and bridges that comply with s. 3.3(3).~~

~~8) Portable latrines that are removed prior to flooding and systems associated with recreational areas and Department approved campgrounds that meet the applicable provisions of local ordinances and Ch. SPS 383, Wis. Adm. Code.~~

~~9)7) Public or private wells used to obtain potable water for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.~~

~~10) Wastewater treatment ponds or facilities permitted under s. NR 110.15(3)(b), Wis. Adm. Code.~~

~~11)8) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied.~~

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1) GENERAL

a. Any development in the floodway shall comply with s. 2.0 and have a low flood damage potential.

b. Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s. 2.1 and 7.1(2)(c). The analysis must be completed by a registered professional engineer in the state of Wisconsin.

~~c. Any encroachment in the regulatory floodway is prohibited unless the data submitted for subd. 3.3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s. 1.5(5).~~

~~c.d. All setbacks, offsets and lot coverage requirements in the FW district shall be the same as the regulations found in the comparable residential zoning district with a minimum lot size smaller than, but closest in size to, the property.~~

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2) STRUCTURES

Structures accessory to permanent [public](#) open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:

- a. Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage.
- b. Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards:
 1. Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding.
 2. Have structural components capable of meeting all provisions of Section 3.3(2)(g) and.
 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3.3(2)(g).
- c. Must be anchored to resist flotation, collapse, and lateral movement.
- d. Mechanical and utility equipment must be elevated to or above the flood protection elevation; and
- e. Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- f. For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s. 3.3(2)(a) through 3.3(2)(e) and meets or exceeds the following standards:
 1. The lowest floor must be elevated to or above the regional flood elevation.
 2. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 3. the bottom of all openings shall be no higher than one foot above the lowest adjacent grade; openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open.
 4. The use must be limited to parking, building access or limited storage.
- g. Certification: Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood:
 1. Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup.

2. Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3.4(4) and 3.4(5).
 3. Subsurface drainage systems to relieve external pressures on foundation walls and basement floors.
 4. Cutoff valves on sewer lines or the elimination of gravity flow basement drains; and
 5. Placement of utilities to or above the flood protection elevation.
- 3) PUBLIC UTILITIES, STREETS AND BRIDGES
Public utilities, streets and bridges may be allowed by permit, if:
- a. Adequate floodproofing measures are provided to the flood protection elevation; and
 - b. Construction meets the development standards of s. 2.1.
- 4) FILLS OR DEPOSITION OF MATERIALS
Fills or deposition of materials may be allowed by permit, if:
- a. The requirements of s. 2.1 are met.
 - b. No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met.
 - c. The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
 - d. The fill is not classified as a solid or hazardous material.

3.4 PROHIBITED USES

All uses not listed as permitted uses in s. 3.2 are prohibited, ~~including the following uses:~~

~~Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses.~~

~~Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life.~~

~~Uses not in harmony with or detrimental to uses permitted in the adjoining districts.~~

~~Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code.~~

~~Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.~~

~~Any solid or hazardous waste disposal sites.~~

~~Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and~~

~~Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.~~

4.0 **FLOODFRINGE OVERLAY DISTRICT (FFO)**

4.1 **APPLICABILITY**

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 5.1(5).

4.2 **PERMITTED USES**

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 4.3 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in s. 7.1 have been issued.

4.3 **STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE**

~~In addition to the requirements of the underlying base zoning district and division 2 of this article, the following requirements according to the use requested shall also apply. In the event of a conflict between the requirements of the base zoning district, and the provisions below, the more restrictive provision shall apply. Section 2.0 shall apply in addition to the following requirements, in addition to the base zoning district, according to the use requested.~~ Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*.

(1) **RESIDENTIAL USES**

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of s. 6.0 *Nonconforming Uses*;

- a) All new construction, including placement of manufactured homes, and substantial improvement of residential structures, shall have the lowest floor elevated to or above the flood protection elevation on fill. The fill around the structure shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. No area may be removed from the floodfringe district unless it can be shown to meet s. 1.5(5).
- b) Notwithstanding s. 4.3 (1)(a), a basement or crawlspace floor may be placed ~~at the regional flood elevation~~ if the basement or crawlspace is designed to make all portions of the structure below the flood protection elevation watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. No floor of any kind is allowed below the regional flood elevation.
- c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).
- d) In developments where existing street or sewer line elevations make compliance with subd. (c) impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:
 1. The municipality has written assurance from police, fire and emergency services that rescue, and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

Commented [CVH1]: Replace with "one (1) foot above regional flood elevation" for CRS communities.
BFE +1 required for CRS.

2. The municipality has a ~~DNR~~WDNR-approved emergency evacuation plan that follows acceptable hazard mitigation planning guidelines.

(2) ACCESSORY STRUCTURES OR USES

~~In addition to s. 2.0, n~~New construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

~~In addition to s. 2.0, u~~Unless otherwise prohibited, any commercial structure which is erected, altered, or moved into the floodfringe shall meet the requirements of s. 4.3(1). Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

~~In addition to s. 2.0, u~~Unless otherwise prohibited, any manufacturing or industrial structure which is erected, altered, or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s 7.5. Subject to the requirements of s. 4.3(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish, or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 7.5. Adequate measures as determined by the Department of Community Development shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 7.5.
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 7.5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 7.5(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES

Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS

Any deposited material must meet all the provisions of this ~~ordinance article and Section 58.603-~~ [ordinance article and Section 58.603-](#)

(11) MANUFACTURED HOMES

- a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval, and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
- b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
 1. have the lowest floor elevated to the flood protection elevation; and
 2. be anchored so they do not float, collapse, or move laterally during a flood.
- c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 4.3(1).

(12) MOBILE RECREATIONAL VEHICLES

All mobile recreational vehicles must be on site ~~for less in accordance with 58.441 (11) than 180 consecutive days~~ and be either:

- a) fully licensed and ready for highway use; or
- b) shall meet the elevation and anchoring requirements in s. 4.3 (11)(b) and (c).

A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

5.0 OTHER FLOODPLAIN DISTRICTS

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

1) APPLICABILITY

The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s. 1.5(2)(a).

2) **FLOODWAY BOUNDARIES**

For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s. 1.5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s. 5.1(5). If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s. 3.0. If the development is located entirely within the floodfringe, the development is subject to the standards of s. 4.0.

3) **PERMITTED USES**

Pursuant to s. 5.1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe. Those uses permitted in the Floodway (s. 3.2) and Floodfringe (s. 4.2) Districts are allowed within the General Floodplain District, according to the standards of s. 5.1(4) provided that all permits or certificates required under s. 7.1 have been issued.

4) **STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT**

Section 3.0 applies to floodway areas, determined to pursuant to 5.1(5); Section 4.0 applies to floodfringe areas, determined to pursuant to 5.1(5).

- a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated:
 - 1. To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade; or
 - 2. If the depth is not specified on the FIRM, two (2) above the highest adjacent natural grade or higher.
- b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures.
- d) All development in zones AO and zone AH shall meet the requirements of s. 4.0 applicable to flood fringe areas.

5) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator~~Director of Community Development~~ shall:

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM.
- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.
 - 1. A Hydrologic and Hydraulic Study as specified in s. 7.1(2)(c).

Commented [CVH2]: Add: "plus one additional foot of freeboard."

The CRS prerequisite applies to AO zones as well as AE zones where a specific elevation is required by NFIP minimum standards.

Commented [VHMAD(3)]: Change to " three (3) feet above the flood protection elevation."

The CRS prerequisite applies to AO zones as well as AE zones where a specific elevation is required by NFIP minimum standards.

2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information.
3. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

5.2 FLOOD STORAGE DISTRICT

The flood storage district delineates that portion of the floodplain where storage of floodwaters has been taken into account and is relied upon to reduce the regional flood discharge. The district protects the flood storage areas and assures that any development in the storage areas will not decrease the effective flood storage capacity which would cause higher flood elevations.

(1) APPLICABILITY

The provisions of this section apply to all areas within the Flood Storage District (FSD), as shown on the official floodplain zoning maps.

(2) PERMITTED USES

Any use or development which occurs in a flood storage district must meet the applicable requirements in s. 4.3.

(3) STANDARDS FOR DEVELOPMENT IN FLOOD STORAGE DISTRICTS

- a. Development in a flood storage district shall not cause an increase equal or greater than 0.00 of a foot in the height of the regional flood.
- b. No development shall be allowed which removes flood storage volume unless an equal volume of storage as defined by the pre-development ground surface and the regional flood elevation shall be provided in the immediate area of the proposed development to compensate for the volume of storage, which is lost, (compensatory storage). Excavation below the groundwater table is not considered to provide an equal volume of storage.
- c. If compensatory storage cannot be provided, the area may not be developed unless the entire area zoned as flood storage district – on this waterway – is rezoned to the floodfringe district. This must 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, as per s. 8.0 Amendments of this [ordinance article](#).
- d. No area may be removed from the flood storage district unless it can be shown that the area has been filled to the flood protection elevation and is contiguous to other lands lying outside of the floodplain.

2.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s. 87.30, Stats. and §§ NR 116.12-14, Wis. Adm. Code and 44 CFR 59-72., these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any

amendment thereto. A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created.

- b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings.
- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance article may continue subject to the following conditions:

- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance article. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion 16 square feet of the deck at a doorway in order to provide safe ingress and egress to the principal structure.

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance article.
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent.
- d) 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 conforming structure with a conforming use in compliance with the applicable requirements of this ordinance article. If the cost exceeds 50% as defined above, Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph.
- e) No maintenance on a per event basis 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 ordinance article. If the cost exceeds 50% as defined above, Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.

- f) If on a per event basis the total value of the work being done under (d) and (e) 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 [ordinance article](#). Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 4.3(1).
- g) Except as provided in subd. (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged [by a flood](#), it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance 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.
- h) 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 in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction:

1. Residential Structures

- a. Shall have the lowest floor, including basement, elevated to [or above the base flood elevation](#) using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s. 7.5(2).
- b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage.
- c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source.
- e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- f. [in AO Zones](#), shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

[f.g. Contiguous dryland access is not required.](#)

2. Nonresidential Structures

- a. Shall meet the requirements of s. 6.1(2)(h)1a-f.
- b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 7.5 (1) or (2).

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- c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 5.1(4).
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 3.3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 7.5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 6.1 (2)(h)1 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.
- 4) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if:
- Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
 - The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
 - The nonconforming building is permanently changed to conform to the applicable requirements of 2.0;
 - If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3.3(1), 3.3(2)(b) through (e), 3.3(3), 3.3(4), and 6.2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4);
 - If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4.3 and 6.3;
 - Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation;
 - Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy:
 - Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s. 6.1(4)(g) above.
 - The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed;

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- h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:
- i. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area.
 - ii. The bottom of all openings must be no higher than one foot above the adjacent grade.
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters;
- i) ~~Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;~~
- j) ~~Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement;~~
- k) ~~Recreational vehicles placed on sites within zones A1-30, AH, and AE shall be must either:~~
- i. ~~Comply with the provisions of sec. 58-441(11) Be on site for fewer than 180 consecutive days; in accordance with 58.441 (11) or and~~
 - ii. ~~Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or~~
 - iii. ~~Meet the elevation and anchoring requirements for manufactured homes in s. 6.1(4)(i) above;~~
- l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase

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in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

m)k) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet ss. 6.1(4)(f) through (l) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

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n)l) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity;

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o)m) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity; or

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p)n) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s. 6.1(4)(g) above. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity.

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6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:
 - a) Has been granted a permit or variance which meets all ordinance requirements.
 - b) Meets the requirements of s. 6.1.
 - c) Shall not increase the obstruction to flood flows or regional flood height.
 - d) Any addition to the existing structure shall be floodproofed, pursuant to s. 7.5, by means other than the use of fill, to the flood protection elevation; and,
 - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. 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 two openings must 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 can be no more than 12 inches above the adjacent grade.
 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 4. The use must be limited to parking, building access or limited storage.
- 2) 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 the Floodway District. Any replacement, repair, or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and Ch. SPS 383, Wis. Adm. Code.
 - 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 7.5(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

6.3 FLOODFRINGE DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s. 4.3 except where s. 6.3(2) is applicable.
- 2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Appeals, using the procedures established in s. 7.3, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:
 - a) No floor is allowed below the regional flood elevation for residential or commercial structures.
 - b) Human lives are not endangered.
 - c) Public facilities, such as water or sewer, shall not be installed.
 - d) Flood depths shall not exceed two feet.
 - e) Flood velocities shall not exceed two feet per second; and
 - f) The structure shall not be used for storage of materials as described in s. 4.3(5).
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s. 7.5 (3) and ch. SPS 383, Wis. Adm. Code.

- 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance article, s. 7.5 (3) and ch. NR 811 and NR 812, Wis. Adm. Code.

6.4 FLOOD STORAGE DISTRICTS

No modifications or additions shall be allowed to any nonconforming structure in a flood storage area unless the standards outlined in 5.2(3) are met.

7.0 ADMINISTRATION

~~Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under ss. 62.23(7), Stats., these officials shall also administer this ordinance. The department of community development shall administer this article.~~

1.17.1 DIRECTOR OF COMMUNITY DEVELOPMENT

1) DUTIES AND POWERS

The Director of Community Development or its designee is authorized to administer this ordinance article and shall have the following duties and powers:

- a) Advise applicants of the ordinance provisions of this article, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- b) Issue permits and inspect properties for compliance with provisions of this ordinance article and issue certificates of compliance where appropriate.
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.
- d) Keep records of all official actions such as:
 1. All permits issued, inspections made, and work approved.
 2. Documentation of certified lowest floor and regional flood elevations.
 3. Floodproofing certificates.
 4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
 5. All substantial damage assessment reports for floodplain structures.
 6. List of nonconforming structures and uses.
- e) Submit copies of the following items to the Department Regional office:
 1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments.
 2. Copies of case-by-case analyses and other required information.
 3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

- f) Investigate, prepare reports, and report violations of this [ordinance article](#) to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
 - g) Submit copies of amendments to the FEMA Regional office.
- 2) **BUILDING PERMIT**
A building permit shall be obtained before any development; repair, modification, or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the department of community development shall include:
- a) **GENERAL INFORMATION**
 - 1.Name and address of the applicant, property owner and contractor.
 - 2.Legal description, proposed use, and whether it is new construction or a modification.
 - b) **SITE DEVELOPMENT PLAN**
A site plan drawn to scale shall be submitted with the permit application form and shall contain:
 - 1.Location, dimensions, area and elevation of the lot.
 - 2.Location of the ordinary highwater mark of any abutting navigable waterways.
 - 3.Location of any structures with distances measured from the lot lines and street center lines.
 - 4.Location of any existing or proposed on-site sewage systems or private water supply systems.
 - 5.Location and elevation of existing or future access roads.
 - 6.Location of floodplain and floodway limits as determined from the official floodplain zoning maps.
 - 7.The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD).
 - 8.Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
 - 9.Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 2.1. This may include any of the information noted in s. 3.3(1).
 - c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT**
All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains and in AE zones within which a floodway is not delineated:

a. Hydrology

- i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic modeling

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.
- ii. channel sections must be surveyed.
- iii. minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.
- iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.
- v. the most current version of HEC-RAS shall be used.
- vi. a survey of bridge and culvert openings and the top of road is required at each structure.
- vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.
- viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.
- ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

- i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

- ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge*.

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

- i. **Duplicate Effective Model**
The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.
- ii. **Corrected Effective Model.**
The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review.
- iii. **Existing (Pre-Project Conditions) Model.**
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.
- iv. **Revised (Post-Project Conditions) Model.**
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.
- v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.
- vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping

Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

- i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.
- ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.
- iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.
- iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.
- v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.
- vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme.
- vii. Both the current and proposed floodways shall be shown on the map.
- viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

d) EXPIRATION

All permits issued under the authority of this [ordinance article](#) shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the [zoning administrator](#) [Director of Community Development](#), except where no permit is required, subject to the following provisions:

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this [ordinance article](#);
- b) Application for such certificate shall be concurrent with the application for a permit;
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;
- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 7.5 are met.

- e) Where applicable pursuant to s. 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- f) Where applicable pursuant to s. 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s. 5.1(4).

4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 AGENCY THE DEPARTMENT OF COMMUNITY DEVELOPEMENT

- 1) The Department of Community Development shall:
 - a) oversee the functions of the office and
 - b) review and advise the governing body on all proposed amendments to this ~~ordinance~~ article, maps, and text.
 - c) publish adequate notice pursuant to Ch. 985, Stats., specifying the date, time, place, and subject of the public hearing.
- 2) The Department of Community Development shall not:
 - a) grant variances to the terms of this ~~se article ordinance~~ in place of action by the Board of Appeals; or
 - b) amend the text or zoning maps in place of official action by the governing body.

7.3 BOARD OF APPEALS

The Board of Appeals, created under s.62.23(7)(e), Stats., is hereby authorized or shall be appointed to act for the purposes of this ~~ordinance~~ article. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Director of Community Development shall not be the secretary of the Board.

1) POWERS AND DUTIES

The Board of Appeals shall:

- a) Appeals - 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 ~~ordinance~~ article.
- b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and
- c) Variances - Hear and decide, upon appeal, variances from the ~~ordinance~~ standards of this article.

2) APPEALS TO THE BOARD

- a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the ~~zoning administrator~~ Director of Community Development or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
- b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES
1. Notice - The board shall:
 - a. Fix a reasonable time for the hearing.
 - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing; and
 - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
 2. Hearing - Any party may appear in person or by agent. The board shall:
 - a. Resolve boundary disputes according to s. 7.3(3).
 - b. Decide variance applications according to s. 7.3(4); and
 - c. Decide appeals of permit denials according to s. 7.4.
- c) DECISION: The final decision regarding the appeal or variance application shall:
1. Be made within a reasonable time.
 2. Be sent to the Department Regional office within 10 days of the decision.
 3. Be a written determination signed by the chairman or secretary of the Board.
 4. State the specific facts which are the basis for the Board's decision.
 5. 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 variance application; and
 6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- 3) BOUNDARY DISPUTES
- The following procedure shall be used by the Board in hearing 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) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and
 - c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 8.0 *Amendments*.

4) VARIANCE

- a) The Board may, upon appeal, grant a variance from the standards of this ordinancearticle if an applicant convincingly demonstrates that:
1. Literal enforcement of this ordinance-article will cause unnecessary hardship.
 2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended.
 3. The variance is not contrary to the public interest; and
 4. The variance is consistent with the purpose of this ordinancearticle in s. 1.3.
- b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met:
1. The variance shall not cause any increase in the regional flood elevation.
 2. The applicant has shown good and sufficient cause for issuance of the variance.
 3. Failure to grant the variance would result in exceptional hardship.
 4. Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 5. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
- c) A variance shall not:
1. Grant, extend or increase any use prohibited in the zoning district.
 2. Be granted for a hardship based solely on an economic gain or loss.
 3. Be granted for a hardship which is self-created.
 4. Damage the rights or property values of other persons in the area.
 5. Allow actions without the amendments to this ordinancearticle or map(s) required in s. 8.0 *Amendments*; and
 6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- d) When a floodplain variance is granted, the Board shall-may notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25.00 per \$100.00 of coverage. A copy shall be maintained with the variance record.

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s. 7.2) or Board shall review all data related to the appeal. This may include:

- a. Permit application data listed in s. 7.1(2).
 - b. Floodway/floodfringe determination data in s. 5.1(5).
 - c. Data listed in s. 3.3(1)(b) where the applicant has not submitted this information to the ~~zoning administrator~~[Director of Community Development](#); and
 - d. Other data submitted with the application or submitted to the Board with the appeal.
- (2) For appeals of all denied permits the Board shall:
- a. Follow the procedures of s. 7.3.
 - b. Consider zoning agency recommendations; and
 - c. Either uphold the denial or grant the appeal.
- (3) For appeals concerning increases in regional flood elevation the Board shall:
- a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s. 8.0 *Amendments*; and
 - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

7.5 FLOODPROOFING STANDARDS

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss. 2.0, 3.0, 4.0, or 5.1.
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:
- a. certified by a registered professional engineer or architect; or
 - b. meeting or exceeding the following standards:
 - 1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
 - 2. the bottom of all openings shall be no higher than one foot above grade; and
 - 3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Floodproofing measures shall be designed, as appropriate, to:
- a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors.
 - b. Protect structures to the flood protection elevation.
 - c. Anchor structures to foundations to resist flotation and lateral movement.

- d. Minimize or eliminate infiltration of flood waters.
- e. Minimize or eliminate discharges into flood waters.
- f. Placement of essential utilities to or above the flood protection elevation; and
- g. If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
 - 1. 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 two openings must 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 can be no more than 12 inches above the adjacent grade.
 - 2. The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials.
 - 3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
 - 4. The use must be limited to parking, building access or limited storage.

7.6 PUBLIC INFORMATION

- (1) All maps, engineering data and regulations shall be available and widely distributed.

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this [ordinancearticle](#), the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1.

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this [ordinancearticle](#), the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 8.1. Any such alterations must be reviewed and approved by FEMA and the [DNRWDNR](#).
- (2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this [ordinancearticle](#), the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 8.1.

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this [ordinancearticle](#) in the manner outlined in s. 8.2 below. Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height.

- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM.
- (3) Any changes to any other officially adopted floodplain maps listed in s. 1.5 (2)(b).
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (5) Correction of discrepancies between the water surface profiles and floodplain maps.
- (6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats. The petitions shall include all data required by s. 5.1(5) and 7.1(2). The Building Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats.
- (2) No amendments shall become effective until reviewed and approved by the Department.
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

9.0 ENFORCEMENT AND PENALTIES

~~10.0 Any violation of the provisions of this article by any person or entity shall be unlawful and an offense under this article, punishable as provided in section 1-7 of this code. Each day of continued violation shall constitute a separate offense. Every violation of this article is declared to be a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the City of Mequon, the state, or any citizen thereof pursuant to Wis. Stat. § 87.30. Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty in accordance with Section... of not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.~~

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10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ~~ordinance article~~ shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary. ~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
2. AH ZONE – See “AREA OF SHALLOW FLOODING”.
3. AO ZONE – See “AREA OF SHALLOW FLOODING”.
4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
5. ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
7. BASE FLOOD or BASE FLOOD EVENT (BFE) – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.
8. BASEMENT – Any enclosed area of a building having more than one-half of the story height below grade its floor sub-grade on all sides.
9. BUILDING – See STRUCTURE.
10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance article.
11. CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use.
13. CERTIFICATE OF COMPLIANCE – A certification issued by the department of community development that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance article.
14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

16. DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation.
17. DEPARTMENT – The Wisconsin Department of Natural Resources.
18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged building, structure, or accessory structure, or the improvement or renovation of any building, structure, or accessory structure, regardless of percentage of damage or improvement; the placement of buildings, structures, or accessory structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.
19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and which is wide enough for wheeled rescue and relief vehicles.
20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.
21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.
22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.
23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one or more of the following conditions:
 - The overflow or rise of inland waters.
 - The rapid accumulation or runoff of surface waters from any source.
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.
24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.
25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.
26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.
27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and

determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes.
29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.
30. FLOODPLAIN MANAGEMENT – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.
31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.
32. FLOODPROOFING – 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.
33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the Regional Flood Elevation. (Also see: FREEBOARD.)
34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.
35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.
36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.
37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.
38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums. The requirements of sec. 58-43 of this code shall also apply as applicable.
39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.
40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

41. HISTORIC STRUCTURE – Any structure that is either:
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs.
42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.
43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)
44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.
45. MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures.
46. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
47. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ~~ordinance~~ ~~article~~. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
49. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
50. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational

vehicles."

51. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
52. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
53. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
54. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
55. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
56. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
57. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.
58. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.
59. NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures.
60. NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood.
61. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this [ordinance article](#) for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
62. NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this [ordinance article](#) for the area of the floodplain which it occupies. (Such as a residence in the floodway.)
63. OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.
64. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this [ordinance article](#), as described in s. 1.5(2), which has been approved by the Department and

FEMA.

65. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.
66. ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.
67. PERSON – An individual, or group of individuals, corporation, limited liability company, partnership, association, municipality, or state agency.
68. PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.
69. PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer.
70. REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
71. REGIONAL FLOOD or REGIONAL FLOOD EVENT (RFE) – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.
72. START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
73. STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
74. SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.
75. SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the

equalized assessed value of the structure before the damage occurred.

76. **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
77. **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of ~~this article~~ ordinance.
78. **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
79. **VIOLATION** – The failure of a structure or other development to be fully compliant with ~~the floodplain zoning ordinance~~ this article. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
80. **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
81. **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.
82. **WELL** – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.



National Flood Insurance Program Community Rating System

A Local Official's Guide to
Saving Lives, Preventing Property Damage, and
Reducing the Cost of Flood Insurance

FEMA B 573 / 2018



FEMA

The Community Rating System Works

Every year, flooding causes hundreds of millions of dollars' worth of damage to homes and businesses around the country. Standard homeowners and commercial property insurance policies do not cover flood losses. To meet the need for this vital coverage, the Federal Emergency Management Agency (FEMA) administers the National Flood Insurance Program (NFIP).

The NFIP offers reasonably priced flood insurance to all properties in communities that comply with minimum standards for floodplain management.

The NFIP's Community Rating System (CRS) credits community efforts beyond those minimum standards by reducing flood insurance premiums for the community's property owners. The CRS is similar to—but separate from—the private insurance industry's programs that grade communities on the effectiveness of their fire suppression and building code enforcement efforts.

CRS discounts on flood insurance premiums range from 5% up to 45% (see Table 1), based on CRS credit points that are awarded to

communities. The discounts provide an incentive for communities to implement new flood protection activities that can help save lives and property when a flood occurs.

The CRS provides credit under 19 public information and floodplain management activities described in the *CRS Coordinator's Manual*.

You're probably already doing many of these activities. To get credit, community officials will need to prepare documentation that verifies these efforts.

The CRS assigns credit points for each activity. Table 2 lists the activities and the possible number of credit points for each one. The table also shows the average number of credit points communities earn for each activity. These averages may give you a better indication than the maximums of what your community can expect.

To be eligible for a CRS discount, your community must do Activity 310, Elevation Certificates. If you're a designated repetitive loss community, you must also do Activity 510, Floodplain Management Planning. Other activities are optional.



Based on the total number of points your community earns, the CRS assigns you to one of ten classes. Your discount on flood insurance premiums is based on your class.

For example, if your community earns 4,500 points or more, it qualifies for Class 1, and property owners in the in the Special Flood Hazard Area (SFHA) get a 45% discount on their insurance

premiums. If your community earns as little as 500 points, it's in Class 9 and property owners in the SFHA get a 5% discount. If a community does not apply or fails to receive at least 500 points, it's in Class 10, and property owners get no discount.

Table 1, below, shows the number of points required for each class and the corresponding discount.

Table 1.
How much discount property owners in your community can get

Rate Class	Discount for SFHA *	Discount for Non-SFHA **	Credit Points Required
1	45%	10%	4,500 +
2	40%	10%	4,000–4,499
3	35%	10%	3,500–3,999
4	30%	10%	3,500–3,499
5	25%	10%	3,000–2,999
6	20%	10%	2,500–2,499
7	15%	5%	1,500–1,999
8	10%	5%	1,000–1,499
9	5%	5%	500–999
10	0	0	0–499

* Special Flood Hazard Area

** Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage. The Preferred Risk Policy does not receive premium rate credits under the CRS because it already has a lower premium than other policies. Although they are in SFHAs, Zones AR and A99 are limited to a 5% discount. Premium reductions are subject to change.

Table 2.

What You Can Do to Get Credit

The CRS grants credit for 19 different activities that fall into four series:

Series 300	Public Information	Maximum Points*	Average Points	
	This series credits programs that advise people about the flood hazard, flood insurance, and ways to reduce flood damage. The activities also provide data insurance agents need for accurate flood insurance rating.			
310	Elevation Certificates Maintain FEMA elevation certificates for new construction in the floodplain. (At a minimum, a community must maintain certificates for buildings built after the date of its CRS application.)	116	38	
320	Map Information Service Provide Flood Insurance Rate Map information to those who inquire, and publicize this service.	90	73	
330	Outreach Projects Distribute outreach projects with messages about flood hazards, flood insurance, flood protection measures, and/or the natural and beneficial functions of floodplains.	350	87	
340	Hazard Disclosure - Real estate agents advise potential purchasers of flood-prone property about the flood hazard. - Regulations require notice of the hazard.	80	14	
350	Flood Protection Information The public library and/or community’s website maintains references on flood insurance and flood protection.	125	38	
360	Flood Protection Assistance Give inquiring property owners technical advice on how to protect their buildings from flooding, and publicize this service.	110	55	
370	Flood Insurance Promotion Assess flood insurance coverage within the community and implement a plan to promote flood insurance.	110	39	
Series 300		Total	981	3448

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Attachment: Exhibit B: CRS Guide (ORDINANCE 2024-1662 : FEMA Model Ord)

Series 500	Flood Damage Reduction	Maximum Points*	Average Points
	This series credits programs that reduce the flood risk to existing development.		
510	Floodplain Management Planning • Prepare, adopt, implement, and update a comprehensive flood hazard mitigation plan using a standard planning process. • Prepare an analysis of the repetitive flood loss areas within the community. <i>Note: category C repetitive loss communities must receive credit for either the floodplain management plan or the repetitive loss area analysis, above.</i> • Prepare, adopt, implement, and update a plan to protect natural functions within the community's floodplain.	622	175
520	Acquisition and Relocation • Acquire and/or relocate floodprone buildings so that they are out of the floodplain.	2,250	195
530	Flood Protection • Protect existing floodplain development by floodproofing, elevation, or minor flood control projects.	1,600	73
540	Drainage System Maintenance • Have a program for and conduct annual inspections of all channels and detention basins; remove debris as needed.	570	218
Series 500	Total	5,042	661

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Series 600	Flood Preparedness	Maximum Points*	Average Points
	This series credits flood warning, levee safety, and dam safety projects.		
610	Flood Warning and Response • Provide early flood warnings to the public, and have a detailed flood response plan keyed to flood crest predictions.	395	254
620	Levees • Annually inspect and maintain existing levees; have a system for recognizing the threat of levee failure and/or overtopping, disseminating warnings, and providing emergency response; and coordinate with operators of critical facilities.	235	157
630	Dams • Have a high-hazard-potential dam that could affect the community; have a system for recognizing the threat of dam failure, disseminating warnings, planning and practicing emergency responses; and coordinating with operators of critical facilities.	160	35
Series 600 Total		790	446
All Series Total		12,654	2,53

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Additional Credit

Your community can get additional credit for regulating development outside the SFHA to the same standards as development inside the SFHA. There is also credit for assessing future flood conditions, including the impacts of future development, urbanization, and changing weather patterns. See the *CRS Coordinator's Manual* for full details.

Many communities can qualify for what the CRS calls “state-based credit,” based on the activities or regulations a state or regional agency implements within communities. For example, some states have disclosure laws eligible for credit under Activity 340 (Hazard Disclosure). Any community in those states can receive the state-based credit.

Your community may want to consider floodplain management activities not listed in the *CRS Coordinator's Manual*. You should evaluate these activities for their ability to increase public safety, reduce property damage, avoid economic disruption and loss, and protect the environment. In addition, you can request a review of these activities to determine whether they could be eligible for CRS credit. FEMA welcomes innovative ways to prevent or reduce flood damage.

How to Apply

Participation in the CRS is voluntary. If your community is in full compliance with the rules and regulations of the NFIP, you may apply. There's no application fee, and all CRS publications are free.

Your community's chief executive officer (your mayor, city manager, or other top official) must appoint a CRS coordinator to serve as the liaison between the community and FEMA. The coordinator should know the operations of all departments that deal with floodplain management and public information. And the coordinator should be able to speak for the community's chief executive officer.

To begin the application process, your community submits a letter of interest to your FEMA Regional Office and documents that you are implementing floodplain management activities that warrant at least 500 CRS credit points. On the [CRS Resources website](http://www.CRSresources.org) (www.CRSresources.org) you can find a sample letter; the CRS Quick Check, a tool that helps you assess your community's possible credit points; and further instructions.

You may also want to download from that website a copy of the *CRS Coordinator's Manual*, which describes the program in full and provides specific information, including eligible activities, required documentation, and resources for assistance.

Help is also available through the contact information below.

CRS-related materials and many more resources are available at the [CRS Resources website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) and on [FEMA's website](http://www.fema.gov/national-flood-insurance-program-community-rating-system) (https://www.fema.gov/national-flood-insurance-program-community-rating-system).

After your community applies for a CRS classification, the CRS will verify the information and arrange for flood insurance premium discounts.

For more info, write, phone, or fax:

NFIP/CRS

P.O. Box 501016

Indianapolis, IN 46250-1016

(317) 848-2898

Fax: (201) 748-1936

e-mail: nfipcrs@iso.com

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COMMITTEE OF THE WHOLE PLANNING CALENDAR - 2024

ITEM	PRINCIPAL	TIME
January 9		
Community Development Operational Analysis	Tollefson	30
February 13		
South Central Zoning Options	Tollefson	45
March 12		
Updated FEMA Floodplain Maps & DNR Model Floodplain Ordinance	Zader	60
April 9		
2022 Compensation Analysis Implementation	Schoenemann	40
Updated FEMA Floodplain Maps & DNR Model Floodplain Ordinance	Zader	20
May 14		
Port Washington Road Real Estate Market Analysis	Tollefson	30
Port Washington Road Streetscape Design Update	Tollefson	30
June 11		
SOFD Update	Bialk	30
Electronic Poll Books Implementation	Fochs	15
July 9		
Lakeshore Bluff Construction	Tollefson	45

COMMITTEE OF THE WHOLE PLANNING CALENDAR - 2024

August 13		
Brush Site Project Overview	Lundeen	30
ITEM	PRINCIPAL	TIME
September 10		
Land Management System Update	Project Team	45
October 8		
Right-of-Way Asset Management Study Update	Lundeen	60
November 12		
Parks Master Plan Update	Gies	45
December 10		
Facilities Study Update	Lundeen	60
Future/Other Policy Items for Discussion/Consideration/Analysis		
Employee Handbook; Community Survey; Fleet Study Update, Etc.		

Attachment: COTW PLANNING CALENDAR (9268 : COTW calendar)