

Nebraska Model Floodplain Ordinance Update

Committee Meeting #1
September 4th, 2024

Today's Agenda

1. Introductions
2. Current Model Ordinance
3. Issues with the Current Model
4. Model Ordinance Update Process
5. Discussion
6. Committee Next Steps

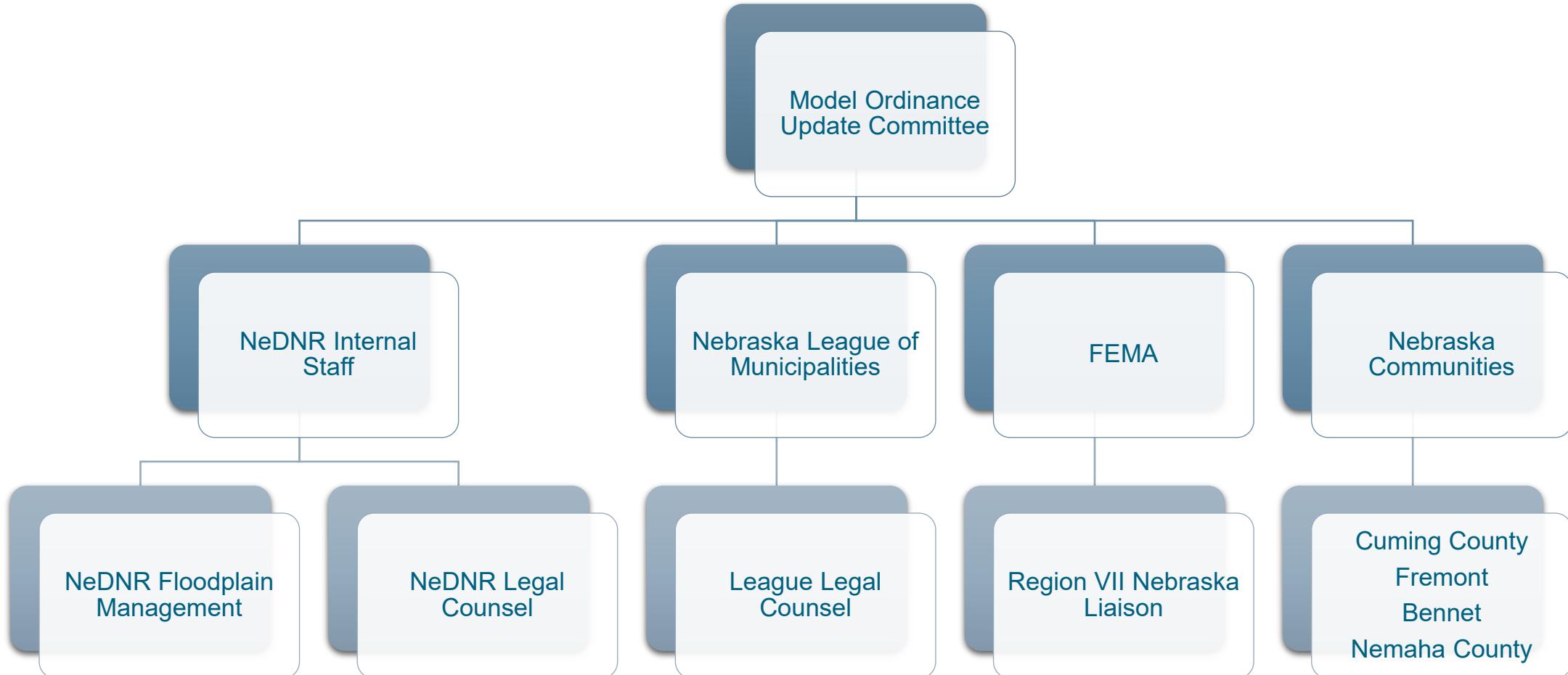


Introductions

- Name
- Community/Agency/Group
- Your Title and What You Do



Introductions



Introductions

- Everyone in this group has a unique perspective on implementing a floodplain management program
 - Legal counsels, federal agencies, cities, villages, counties, counties without zoning, CRS, communities with or without higher standards, past committee members
- Every community in this group has a floodplain ordinance based on the state model
- So... please share your ideas!
- Discussion is encouraged

The Current Model Ordinance



Suggested Provisions

*Meeting the Minimum Requirements of the
Nebraska Minimum Standards for Floodplain
Management Programs*

and

*Title 44 of the Code of Federal Regulations,
Chapter 1, Part 60.3(d)*

August 2017

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- Current version was originally produced in 2017
 - Designed by 2016 committee
- Smaller updates in 2018, 2021*, 2022, and 2023
 - * Added agricultural and large accessory structure language following FEMA Policy #104-008-03
- Designed to establish floodplain zoning districts



The Current Model Ordinance

There are 4 model ordinances:

1. 60.3(a): for unmapped communities
2. 60.3(b): for communities that only have basic zones (Zone A)
3. 60.3(c): for communities with any AE, AO, or AH, but NO FLOODWAY
4. 60.3(d): for communities that have any of the above zones and floodway

Issues with the Current Model

- Language can be difficult to find
 - Structural/development regulations are at the back
 - Variance and violation language is at the front
- With the additions of new optional language, the model is becoming cluttered
- Difficult to reference sections
- General language deficiencies or errors

Issues with the Current Model

- Communities without zoning authority find it difficult to use
- Some undefined terms (1% annual chance flood hazard)
- Formatting issues with the Word document have developed over time

Model Ordinance Update Process

- SOP for model update revised this year
- Model to be reviewed every year for small changes, and every 3 years for significant changes
- Establishes a 6-year maximum lifespan for the model ordinance
- Significant updates require consultation from committee

[Nebraska Department of Natural Resources Standard Operating Procedure for Reviewing and Updating the State Model Floodplain Development Ordinances](#)

Purpose

The Nebraska Department of Natural Resources (NeDNR) Floodplain Management Division has been providing Nebraska communities with model ordinances since at least as early as 1971 (as evidenced in State correspondence records). There are currently four (4) Model Ordinances for communities. These Model Ordinances are:

- 60.3(a) Ordinance: For unmapped communities with no published Flood Insurance Rate Maps (FIRMs).
- 60.3(b) Ordinance: for communities with a basic study showing Zone A with no base flood elevations on the FIRM.
- 60.3(c) Ordinance: for communities with an enhanced study showing Zone AE without floodway.
- 60.3(d) Ordinance: for communities with an enhanced study showing Zone AE with floodway.

The Model Ordinances provide communities with suggested provisions that incorporate both the minimum standards for the State of Nebraska and the National Flood Insurance Program (NFIP) for local floodplain management programs. Communities may use the Model Ordinances to establish their local regulations for development in the floodplain, and are also provided with optional higher standards they may choose to include to address their local flood hazards.

The last significant update of the model ordinances was performed in 2017. The model ordinances have been updated several times prior, with other significant updates occurring in 1992, 1998, 2002, 2005, and 2008.

Updates to the Model Ordinances are necessary to ensure communities are adopting compliant and applicable floodplain regulations. These ordinances must promote public safety and welfare while also meeting the needs of the community by establishing effective administrative procedures. As NeDNR works with communities through compliance audits, training courses, and general technical assistance, feedback is often provided on the usability of the Model Ordinance on where adjustments can be made. It is NeDNR's responsibility to provide communities with Model Ordinances that will help their local floodplain management programs.

2017 Review and Update. In 2016, NeDNR formed the *Model Ordinance Revision Advisory Committee*, comprising professionals in floodplain management. Local level representation comprised a building official, zoning official, an engineer, a surveyor, a city clerk, and a member of the Nebraska Floodplain and Stormwater Managers Association. The FEMA Nebraska Liaison also participated. An in-person meeting was held on March 15th, 2017. FEMA approved the model ordinance in August 2017.

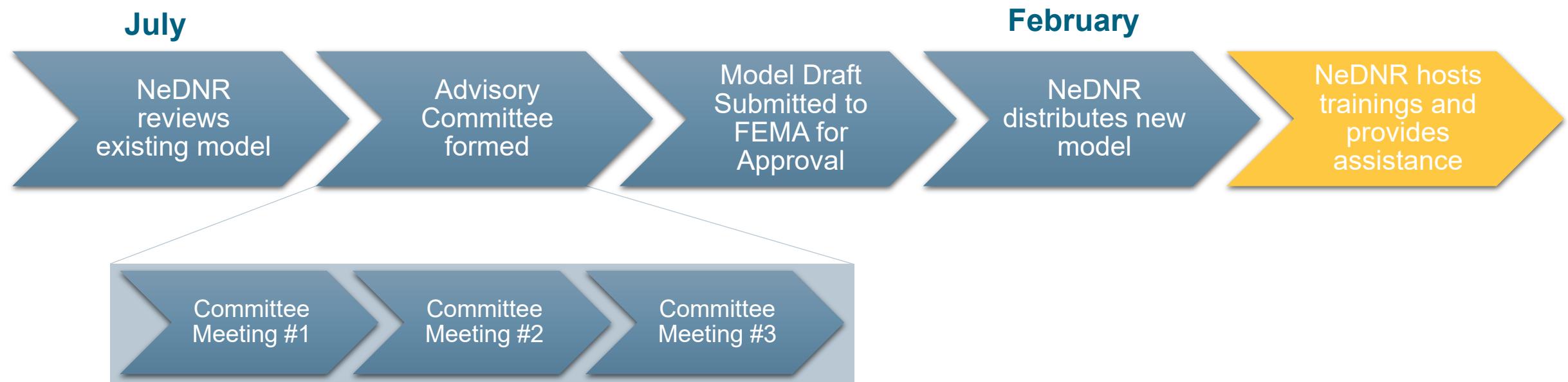
Authority

Local Authority. Neb Rev. Stat. § 31-1020 establishes that when a local government has been provided with sufficient data and maps to locate any portion of the floodplain, it is the local government's

Model Ordinance Update Process

- What does the committee do?
 - Reviews the existing model ordinance and provides comments/suggestions
 - Organizes committee meetings discussing possible changes
 - Reviews the final draft of the new model ordinance to ensure it meets expectations
 - Represents floodplain administrators across Nebraska

Model Ordinance Update Process



Model Ordinance Update Process

- Committee meets at least three times



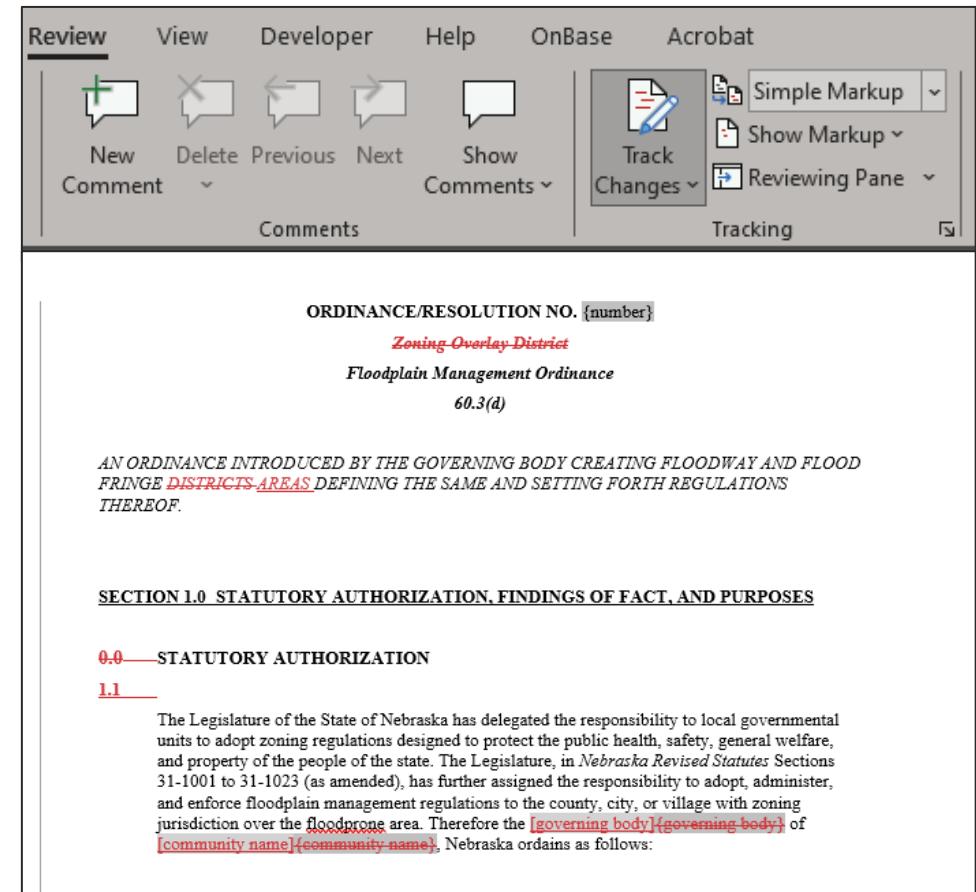
QUESTIONS SO FAR?

Discussion

- What are your favorite parts about the current model ordinance?
- What are your least favorite parts about the current model ordinance?
- Has there ever been a time you struggled to use your floodplain ordinance?
- If you could only recommend one change to the current model, what would it be?

Committee Action Items

- Take the current Model Ordinance (will be provided as a Word Document) and tear it up!
 - Use the “track changes” function in the Word document
- Your comments will be addressed in the first draft of the new model ordinance, to be presented at the next meeting
- Provide your edits at least 2 weeks prior to the next meeting



Scheduling Meeting #2



QUESTIONS?

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