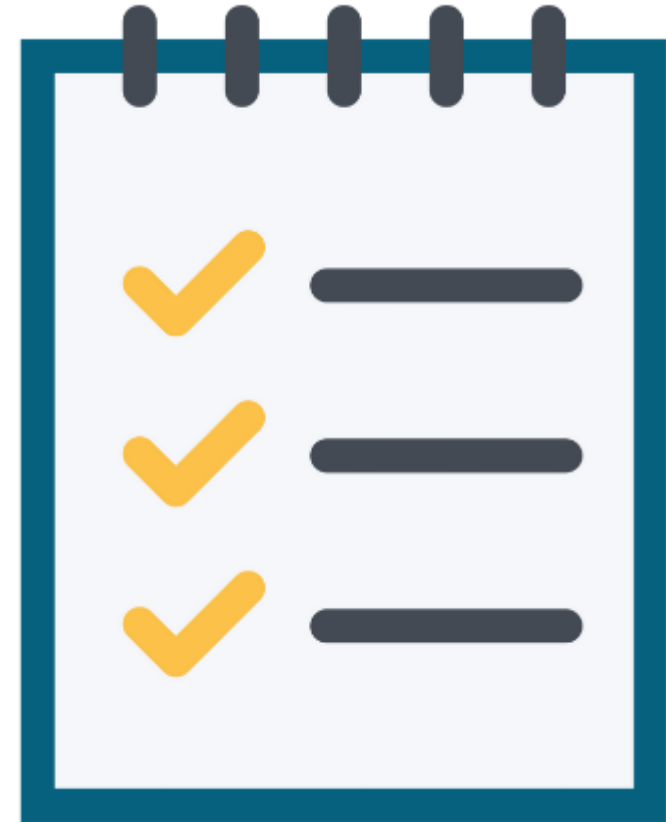


# Nebraska Model Floodplain Ordinance Update

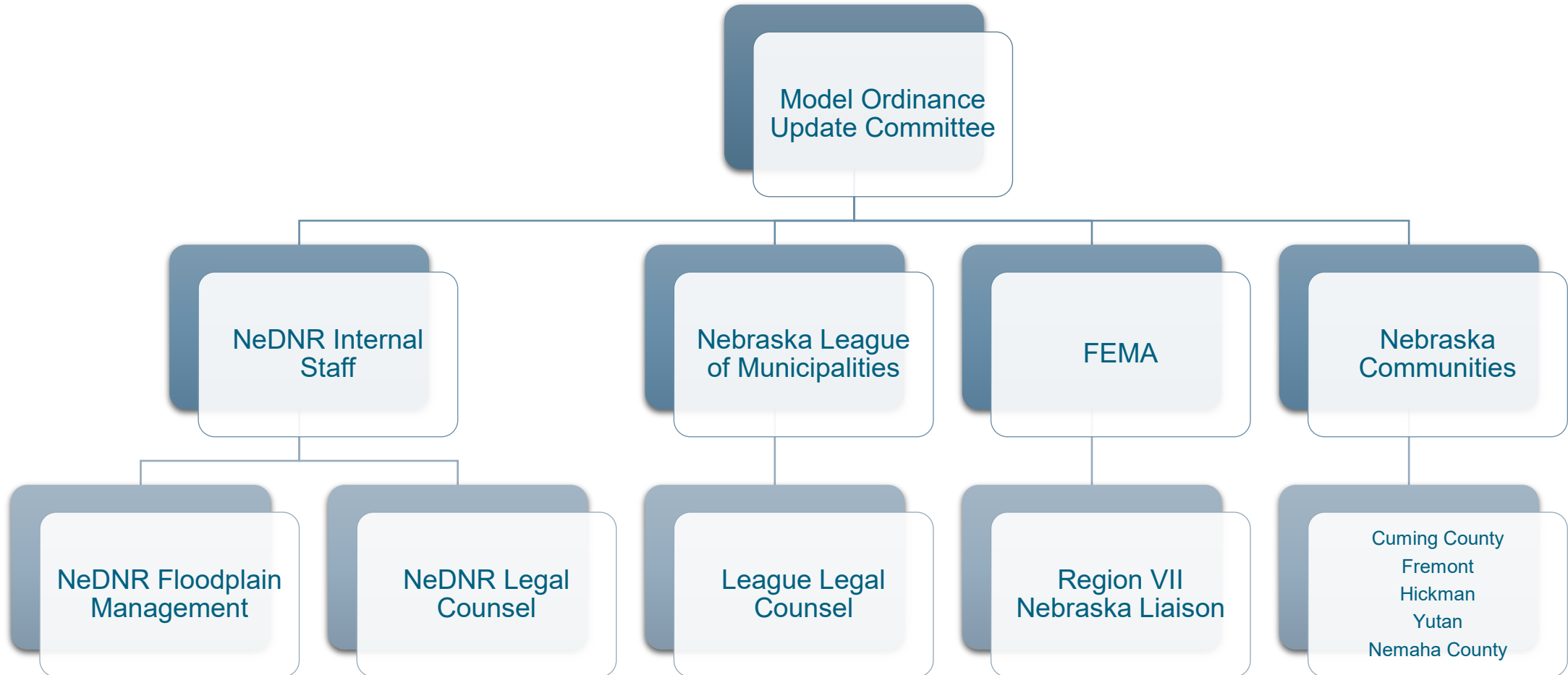
Committee Meeting #2  
November 4, 2024

# Today's Agenda

1. New Member Introductions
2. Progress Update
3. Summary of Changes
4. Introducing Draft
5. Next Steps
6. Questions/Discussion



# Introductions



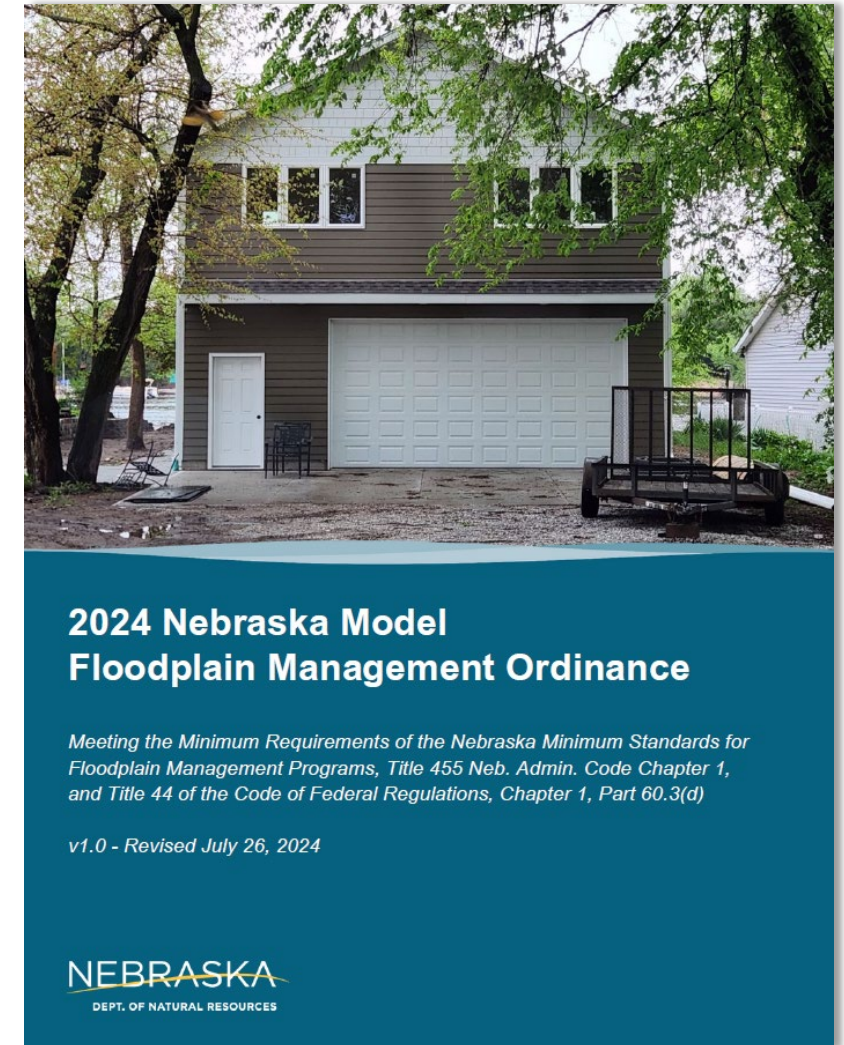
# Progress Update

- Draft has been completed
- Draft is currently being reviewed by NeDNR's legal counsel
- All comments received from committee members have been addressed
- Summary document tracking changes has been created

| Section  | New Section | Language Changes  |
|--|-------------|---|
| <b>1.0 Statutory Authorization, Findings of Fact, and Purposes</b> |             |   |
| 1.1 Statutory Authorization  |             |   |
|  |             | Addition of "Be it ordained by the [Community Chief Executive Officer] of [Community], Nebraska as follows: |
| 1.2 Findings of Fact   |             |   |
| 1.3 Statement of Purpose   |             |   |
| 1.4 Adherence to Regulations                                       |             |   |
|  |             | Added statement requiring ordinance review by NeDNR.  |
| <b>2.0 General Provisions</b>                                      |             |   |
| 2.1 Lands to Which Ordinance Applies                               | 3.1         |   |
|  |             | Removed reference to "zoning districts"   |
|  |             | Clarified how to structure adoption language for FIRMs  |
| 2.2 Rules for Interpretation of District Boundaries                |             |   |
|  |             | Added "floodplain". Previously just stated "flood fringe and floodway"                                      |
| 2.3 Compliance   |             |   |
|  |             | Changed "floodplain" to "special flood hazard areas"  |
| 2.4 Abrogation and Greater Restrictions                            |             |   |
| 2.5 Interpretation   |             |   |
|  |             | Removed reference to "zoning districts"   |
| 2.6 Warning and Disclaimer of Liability                            |             |   |
| 2.7 Severability   |             |   |
| <b>3.0 Establishment of Zoning Districts</b>                       |             |   |
|  |             | Moved "Lands to Which Ordinance Applies" to section 3.0.  |
|  |             | Establishment of Flood Hazard Area Boundaries, rather than zoning districts                                 |
|  | 3.3         | Floodway area now identified in this section  |

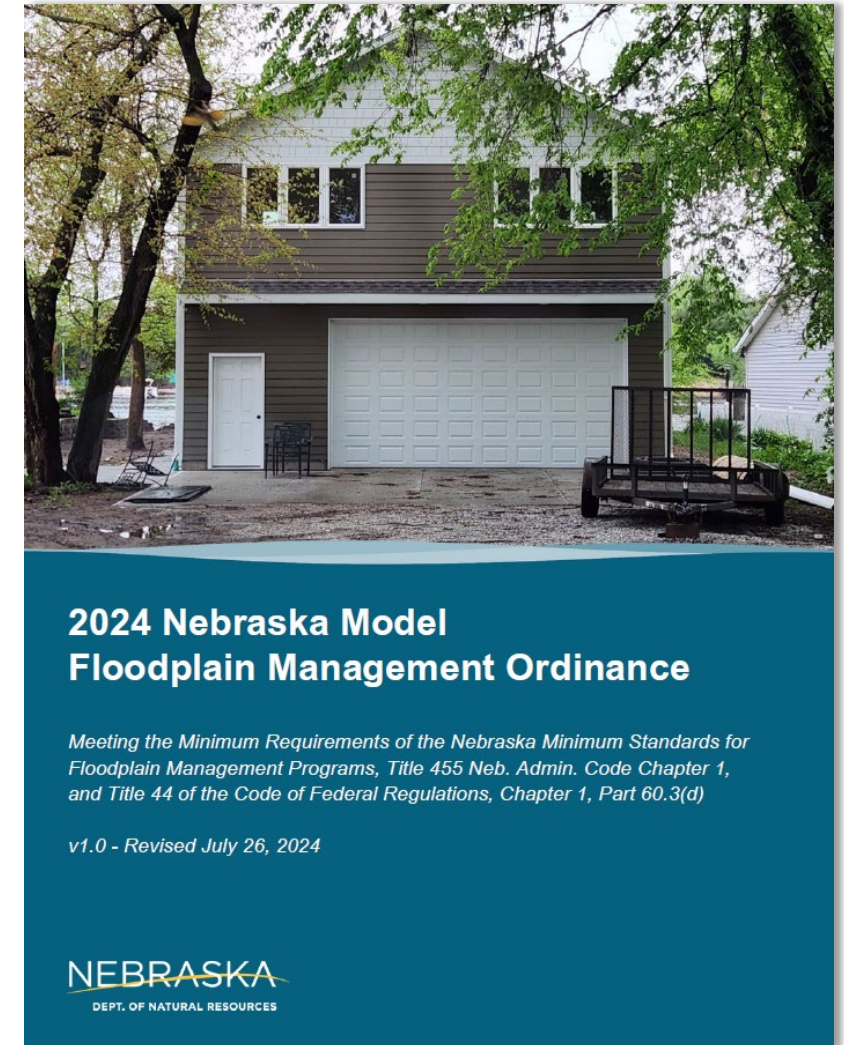
# Progress Update

- Key Changes:
  - Model ordinance has been completely reorganized for better usability
  - Higher standards have been relocated to a separate document (in development)
  - Statute references included in EVERY paragraph
  - New numbering system
  - Improved alignment with State and Federal standards
  - New administrative procedure language for substantial damage/substantial improvements



# Progress Update

- New Format:
  - Title Page
  - Table of Contents
  - Cover Letter
  - Drafting Instructions
  - Model Ordinance
  - Appendices:
    - Amendment Template
    - Optional Language/Higher Standards



# Summary of Changes

2.1 Lands to Which Ordinance Applies

2.2 Rules for Interpretation of District Boundaries

3.0 Establishment of Zoning Districts

4.5 Flood Data Required

5.1 Alteration or Relocation of a Watercourse

5.1 Floodway Overlay District

3.0 Regulated Flood Hazard Areas

3.1 Lands to Which Ordinance Applies

3.2 Establishment of Flood Hazard Area Boundaries

3.3 Establishment of the Floodway

3.4 Flood Data Required

3.5 Rules for Interpretation of Boundaries

3.6 Alteration of Regulated Flood Hazard Area

3.7 Annexation or Detachment

# Summary of Changes

- New administrative procedures for the floodplain administrator in times of disaster (Section 4.32)


Regarding the implementation of Neb. Admin. Code Title 455 Ch. 1 §002.21 “Substantial Damage”, duties of the floodplain administrator in times of disaster shall include, but not be limited to the following:

- Review areas within the regulatory floodplain for damages
- Review, approve, or deny all applications for floodplain development permits to complete any repairs
- Estimate the market value of the building or structure before the damage occurred
- Compare the cost to repair a damaged building to its pre-damaged condition
- Determine and document whether the proposed work constitutes repair of substantial damage;
- Notify the applicant if it is determined that the work constitutes repair of substantial damage

# Summary of Changes

- New administrative procedures for the floodplain administrator for improvements (Section 4.33)

Regarding the implementation of Neb. Admin. Code Title 455, Ch. 1 §002.22 “Substantial Improvement”, duties of the floodplain administrator reviewing permits to improve structures, including additions, alterations, reconstruction, or improvements of any kind including repairs, shall include, but not be limited to the following:

- Estimate the market value of the building or structure before the start of construction
  - Compare the cost to perform the improvement to the market value of the building or structure
  - Determine and document whether the proposed work constitutes substantial improvement
  - Notify the applicant if it is determined that the work constitutes substantial improvement
- 

# Summary of Changes

- New permit application procedures for continuous development

For all development involving storage of materials or equipment, the applicant shall provide the floodplain administrator with plans and specifications for the operation consistent with Section 5.26 “Storage of Materials and Equipment”.

(Neb. Admin. Code, Ch. 1, §004.15)

For all development involving the placement of recreational vehicles, the applicant shall provide plans and specifications for the operation consistent with the provisions of Section 5.27 “Recreational Vehicles”.

(Neb. Admin. Code, Ch. 1, §004.13)



# Summary of Changes

5.2.H Existing Structures (Improvements)

6.0 Nonconforming Use

A. Discontinued Use

B. Substantial Damage



6.0 Existing and Nonconforming Use Structures


6.1 Damage to Existing or Nonconforming Use Structures

6.2 Improvements to Existing or Nonconforming Use Structures

6.3 Discontinued Use

# New Definitions

1% Annual Chance Flood Hazard, Addition, Alteration, Appeal, Base Flood Elevation Determination, Community, Drainway, Existing Construction, Flood or Flooding (aligned), Flood Fringe (aligned), FIRM (aligned), FIS (aligned), Floodplain Management, Floodplain Management Regulations, Letters of Map Change, Mobile Home, New Construction, Residential Structure, Start of Construction (aligned), Variance (aligned)



# Model Ordinance Update Process

**July**

**February**

NeDNR  
reviews  
existing model

Advisory  
Committee  
formed

Model Draft  
Submitted to  
FEMA for  
Approval

NeDNR  
distributes new  
model

NeDNR hosts  
trainings and  
provides  
assistance

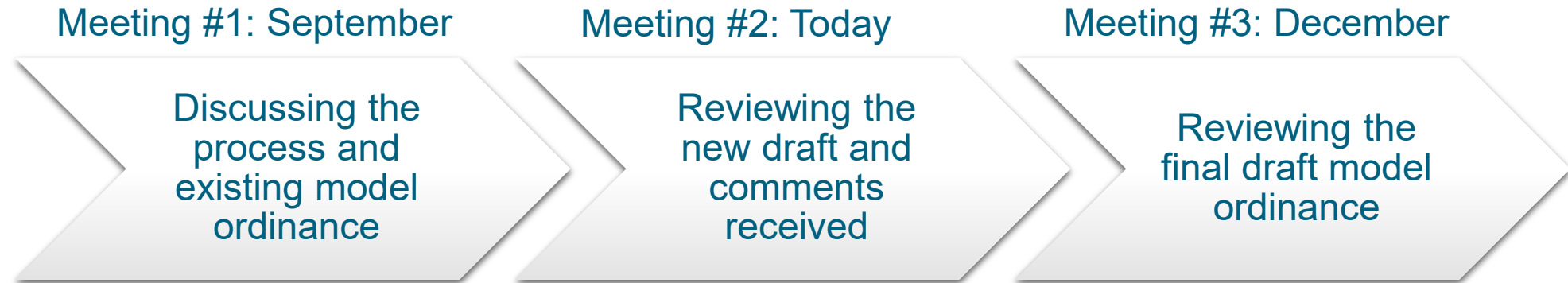
Committee  
Meeting #1

Committee  
Meeting #2

Committee  
Meeting #3

# Model Ordinance Update Process

- Committee meets at least three times



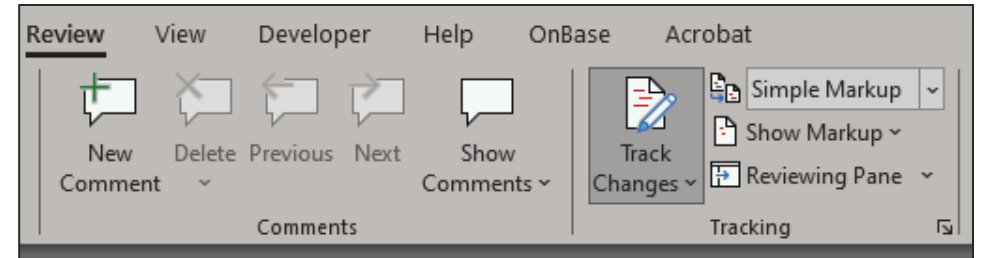
# QUESTIONS SO FAR?

# Discussion

1. Concerns regarding format of the ordinance? Zoning vs. Standalone?
2. Definitions at the beginning or the end?

# Committee Action Items

- Once we have an approved draft, I will send it to the group
- Then, same as before, comment and make changes as you see fit
- Return your comments two weeks before the next meeting



# Scheduling Meeting #3



# QUESTIONS?

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