

Higher Floodplain Standards: Going Beyond the Minimums to Protect Your Community

Nebraska Floodplain Management Division

November 18th, 2025, 1pm-2pm

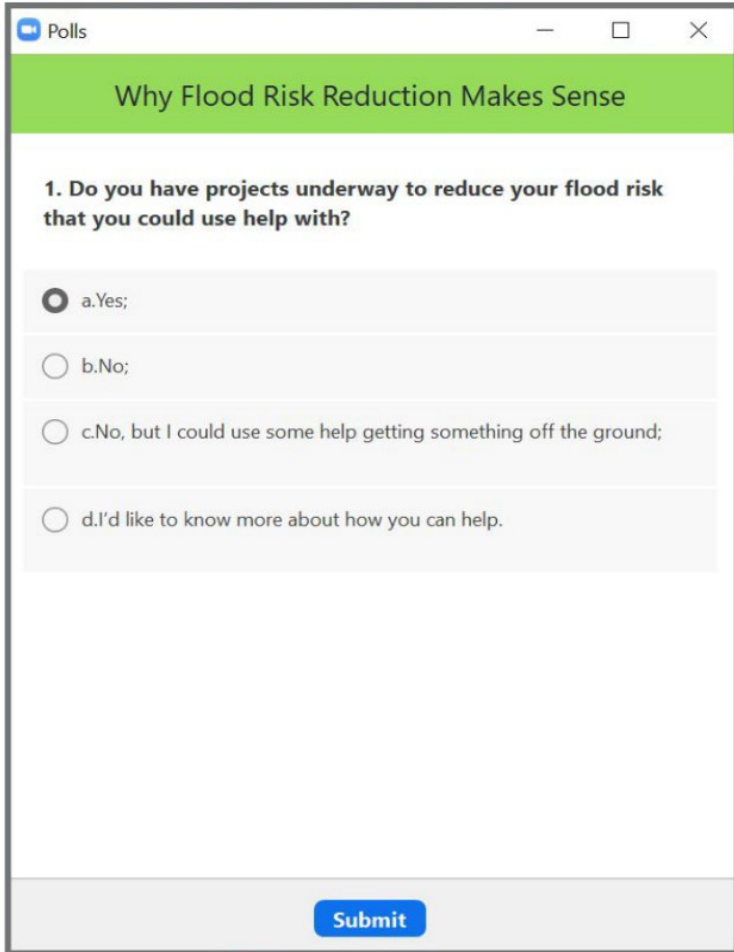
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Rules of the Road

- Attendees will be muted during the presentation
 - Use the chat to ask questions during the presentation; we will pause for questions at various points
 - If you want to share your video, please do
 - For technical difficulties, send a private chat to Michele York or email michele.york@nebraska.gov
 - We will be recording this class for those unable to attend today
- 

Poll Questions



The screenshot shows a Zoom poll window. At the top, there's a green header bar with the text "Why Flood Risk Reduction Makes Sense". Below this, the poll question is displayed: "1. Do you have projects underway to reduce your flood risk that you could use help with?". There are four radio button options: "a.Yes;", "b.No;", "c.No, but I could use some help getting something off the ground;", and "d.I'd like to know more about how you can help.". The first option, "a.Yes;", is selected. At the bottom of the poll window, there is a blue "Submit" button.

- Total of 4 poll questions. Your answers are anonymous
- If you are a Certified Floodplain Manager (CFM) or a Nebraska Municipality Treasurer requesting Continuing Education Credit (CEC) today, you must answer **all** poll questions. We will report only full participation
- Only the person registered and logged into Zoom will receive credit. If multiple people are viewing the presentation together, you will each need to log into Zoom using your unique link and answer the poll questions separately to receive credit

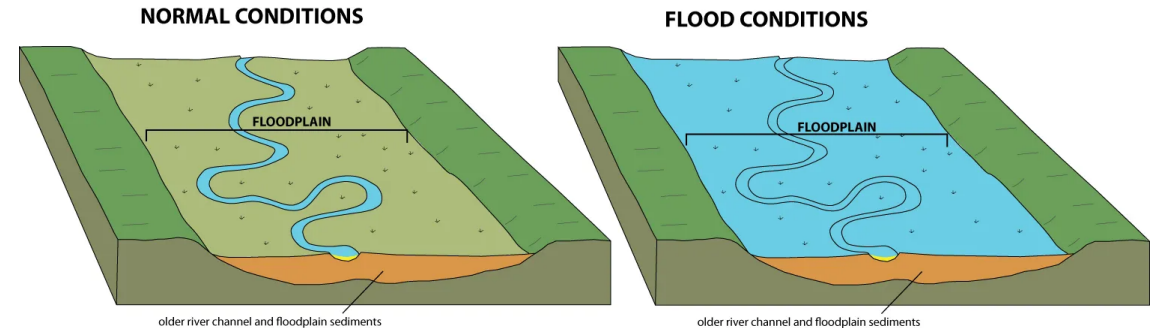
Agenda

- 01** Introduction to Floodplain Regulations
 - 02** Introduction to Higher Standards
 - 03** New Guide to Higher Standards
 - 04** Benefits of Higher Standards
 - 05** Tips for Enforcement
- 

Introduction to Floodplain Regulations

Floodplain Regulations

- Why do we regulate floodplain development?
 - Decrease damages caused by flooding
 - Reduce the risk of loss of life and property
- NFIP Agreement
 - Enables property owners in participating communities to purchase insurance as protection against flood losses
 - Participation is voluntary and is based on an AGREEMENT between local communities and the Federal Government
- Protecting floodplains
 - Preservation of flood prone areas
 - Maintaining water quality
 - Supporting plant and animal populations



Floodplain Regulations

- Federal
 - Code of Federal Regulations: Title 44, Part 60.3
- State
 - Nebraska Administrative Code: Title 455, Chapter 1
 - Nebraska has adopted higher standards than the Federal level
 - Ex. 1 foot freeboard requirement
- Local
 - Nebraska Revised Statutes: Chapter 31, Article 10
 - Participating communities are required to adopt a floodplain ordinance that meets or exceeds Federal and State minimum standards
 - All regulations are enforced at the local level



FEMA

National Minimum Standards
Established by the National
Flood Insurance Program
(44 CFR 60.3)



State Minimum Standards
that Exceed NFIP Minimums
(NAC Title 455, Chapter 1)

Local Jurisdiction

Local Ordinance with
Floodplain Standards that
Meet or Exceed State
Minimums

Local Enforcement

- Adopt regulations through a local ordinance
 - Required to join the NFIP
- Nebraska Model Ordinance is built to meet all State and Federal minimum standards
- Communities have the option to adopt higher standards
 - More individualized regulations for your community's flood risk

If you don't know where your ordinance is, reach out to our office!

ORDINANCE/RESOLUTION NO. [Number]

Floodplain Management Ordinance

Pursuant to 44 CFR 60.3(d),
Neb. Rev. Statutes Chapter 31 Article 10, and
Neb. Admin. Code Title 455 Ch. 1

AN ORDINANCE INTRODUCED BY THE [GOVERNING BODY] IDENTIFYING FLOODPLAIN, FLOODWAY, AND FLOOD FRINGE AREAS DEFINING THE SAME AND SETTING FORTH REGULATIONS THEREOF.

BE IT ORDAINED by the [Title of Chief Executive Officer] of [Community], Nebraska as follows:

SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSE

1.1 STATUTORY AUTHORIZATION

The Nebraska Legislature delegated the responsibility to local governmental units to adopt regulations designed to protect the public health, safety, general welfare, and property of the people of the state. In Neb. Rev. Stat. §§ 31-1001 to 31-1023, the Nebraska Legislature further delegated the responsibility to such local governments to adopt, administer, and enforce floodplain management regulations which meet or exceed the standards adopted by the Nebraska Department of Water, Energy, and Environment (DWE). Therefore, the [Governing Body] of [Community Name], Nebraska ordains as follows:

1.2 FINDINGS OF FACT

1.21 Flood Losses Resulting from Periodic Inundation

The flood hazard areas of [Community Name], Nebraska are subject to inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
(Neb. Rev. Stat. §31-1001)

1.22 General Causes of Flood Losses

These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities as well as the occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others that are inadequately elevated or otherwise unprotected from flood damages.
(Neb. Rev. Stat. §§ 31-1001, 31-1015)

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance/regulation to promote the public health, safety, and general welfare and to minimize those losses described in Section 1.2 by applying the provisions of this ordinance/regulation to:

1.31 Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;

Nebraska Model Floodplain Management Ordinance 60.3(d) | Page 6

Authority to Adopt Higher Standards

31-1019. Local government; flood plain management; duties.

When the department, a federal agency, or any other entity has provided a local government with sufficient data and maps with which to reasonably locate within its zoning jurisdiction any portion of the flood plain for the base flood of any watercourse or drainway, it shall be the responsibility of such local government to adopt, administer, and enforce flood plain management regulations **which meet or exceed** the minimum standards adopted by the department pursuant to subdivision (5) of section 31-1017.

Nebraska Revised Statutes §31-1019

Authority to Adopt Higher Standards

31-1023. State agencies, boards, and commissions; flood plain management duties.

[...] If a local government with jurisdiction over the land upon which any such facility is to be located or constructed is enforcing flood plain management regulations pursuant to section 31-1019 or 31-1021, the state agency, board, or commission locating or constructing such facility shall comply with such regulations unless such compliance is specifically waived by the department.

Nebraska Revised Statutes §31-1023



Introduction to Higher Standards

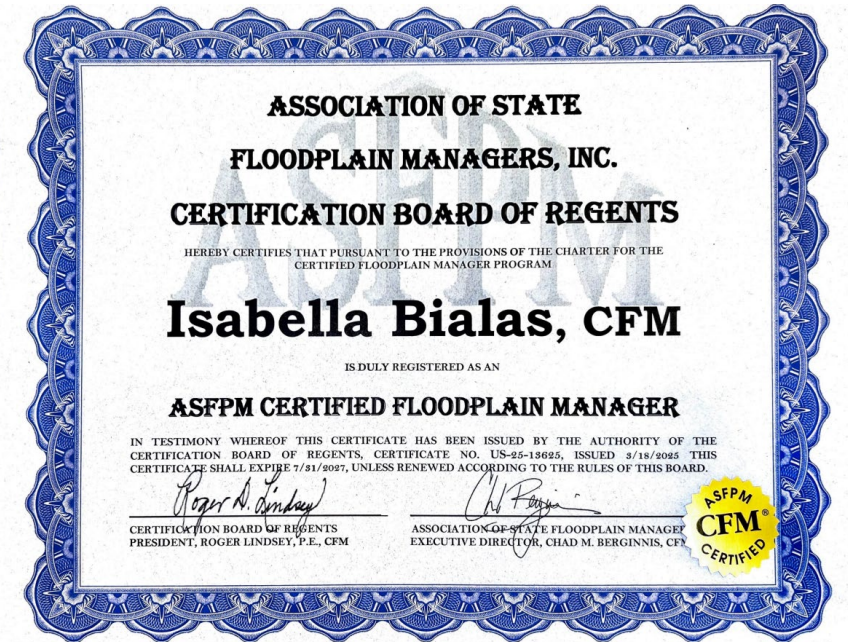
Introducing Higher Standards

1) Administrative	Standards that establish additional administrative procedures and influence <i>how</i> a community processes and reviews floodplain development permit applications.
2) Developmental/Construction	Set higher construction standards for new development. May include elevation standards, limitations on acceptable elevation methods, or regulations on critical facilities.
3) Prohibitory	Fully restrict certain activities within the floodplain, floodway, or both.
4) Existing/Nonconforming Use	Adjust the definitions for substantial improvement and substantial damage.

Administrative Higher Standards

Certified Floodplain Manager requirement for the Floodplain Administrator

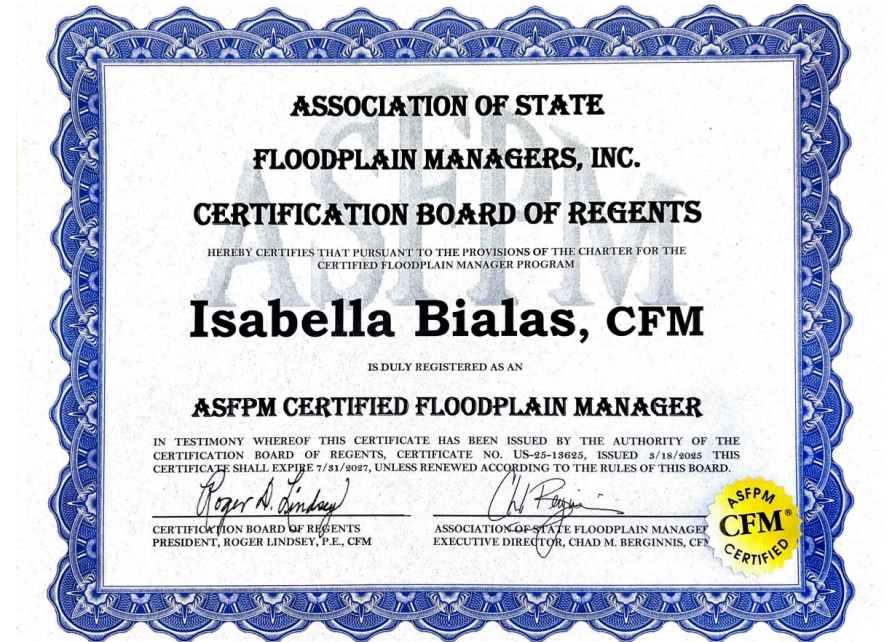
- Requires the FPA to become a CFM after start of employment
 - CFM Exam
 - 273 Class
- FPA must attend continuing education training to maintain the credential
 - Majority of the NE Floodplain Management classes offer CECs for CFMs and municipality/county Treasurers
- Ensures the position is filled with a qualified, well trained floodplain manager!



Administrative Higher Standards

Certified Floodplain Manager requirement for the Floodplain Administrator. **Why adopt this language?**

- Ensures the position is filled with a qualified, well trained floodplain manager!
- FPA is trained to:
 - Calculate BFEs
 - Follow the floodplain permitting process
 - Understand the NFIP minimum standards
 - Be a trusted resource in the community



Administrative Higher Standards

Administrative Procedures for Reviewing LOMR-F Applications

- Requires developers to follow FEMA's Technical Bulletin 10 when building on fill to ensure development is "reasonably safe from flooding"
- Provides written procedures for communities considering signing a Community Acknowledgement Form
- Clearly establishes local expectations for building on filled land



Reasonably Safe from Flooding Requirement for Building on Filled Land

Removed From the Special Flood Hazard Area
in Accordance with the National Flood Insurance Program

NFIP Technical Bulletin 10 / March 2023



FEMA

Administrative Higher Standards

Administrative Procedures for Reviewing LOMR-F Applications. **Why adopt this language?**

- Communities are required to sign off on any LOMR-F applications certifying these statements:
 - The community is aware that fill was placed in the SFHA
 - The development has been permitted
 - The fill is NOT in the regulatory floodway
 - All current and future development will be “reasonably safe from flooding”
- This language creates a standard procedure within the ordinance for reviewing each statement



Reasonably Safe from Flooding Requirement for Building on Filled Land

Removed From the Special Flood Hazard Area
in Accordance with the National Flood Insurance Program
NFIP Technical Bulletin 10 / March 2023



FEMA

Administrative Higher Standards

Time Limits for Permit Validity

- Generally, a developer has 180 days after a floodplain development permit is approved to begin work on a project, then...
- Permit will be good for the life of the project unless otherwise specified by the community
- However, communities have the authority to set time limits to complete a project after permit issuance



Administrative Higher Standards

Time Limits for Permit Validity

- Align this time limit with those of other existing permit timelines (zoning, building, utility)
 - 6 months, 1 year, etc.
- Ensures consistency across other administrative procedures
- Requires reapplication for a new permit after time expires, or developer may request for an extension of the existing permit



Administrative Higher Standards

Time Limits for Permit Validity. Why Adopt this Language?

- Some projects may take months or years to complete
- Helps community monitor for changing conditions over time
 - Changing scopes of work
 - New floodplain maps
- Perfect for continuous operations



Administrative Higher Standards

Time Limits for Permit Validity. Why Adopt this Language?

- Ensures developers are routinely aware of floodplain requirements over time
- Helps avoid communication breakdowns between the community and the developer



Example of Model Language

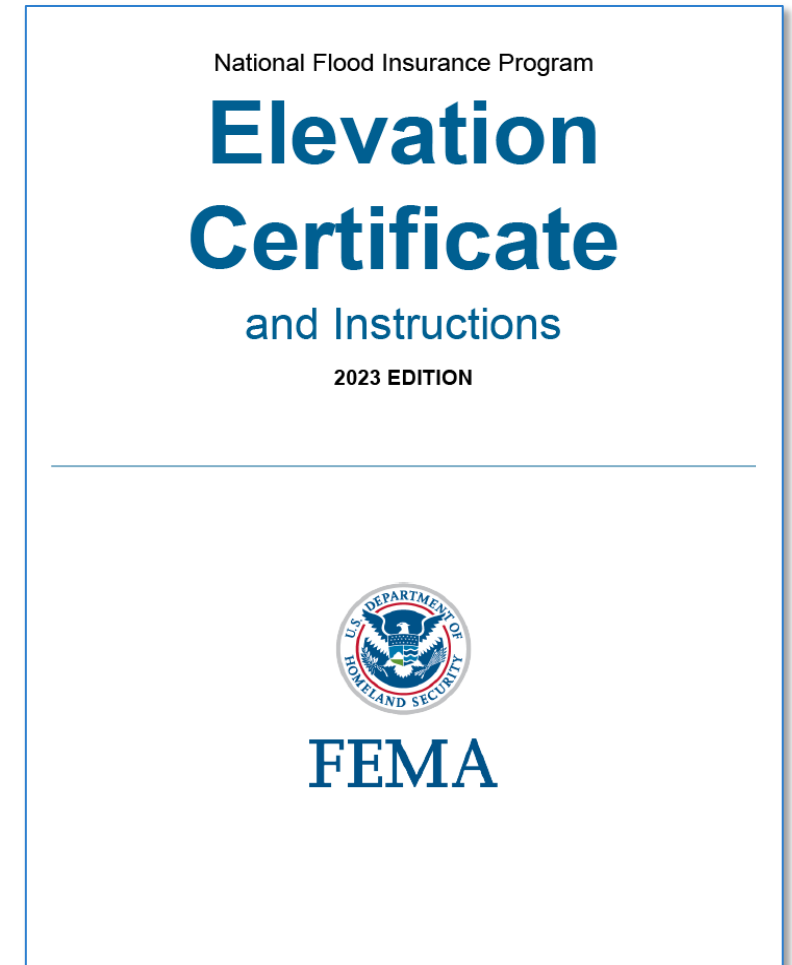
“Completion of the development shall occur within [Time Period (i.e. one (1) year)] from the date the floodplain development permit is issued by the floodplain administrator or a time limit commensurate with the project construction timeline. The applicant may request an extension for up to [Extension Time Period (i.e. one (1) year)]. The request must be made at least 30 days prior to the permitted completion deadline;”



Administrative Higher Standards

Time Limits for Proof of Compliance

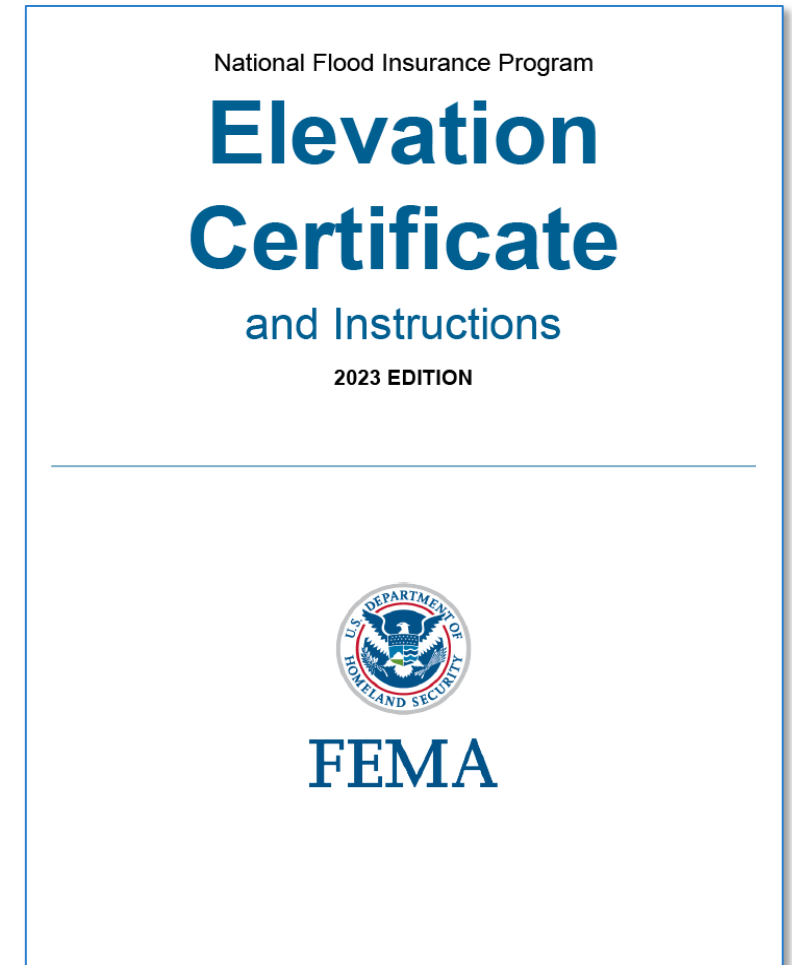
- Similar concept regarding permit time limits
- Requires post-construction certifications to be provided within a certain timeframe after construction is complete
 - Proof of elevations/Elevation Certificate
 - Proof of project completion
 - Site inspection
 - Photographs
 - Letters of Map Change
 - Etc.
- Ensures projects are completed in compliance with the issued permit



Administrative Higher Standards

Time Limits for Proof of Compliance. Why adopt this language?

- Post-construction documentation is sometimes forgotten after a permit is provided
- Ensures expectation is clearly communicated and codified
- Helps community obtain proof of compliance within a reasonable timeframe
- Provides additional legal backing for enforcement if documentation isn't provided



Example of Model Language

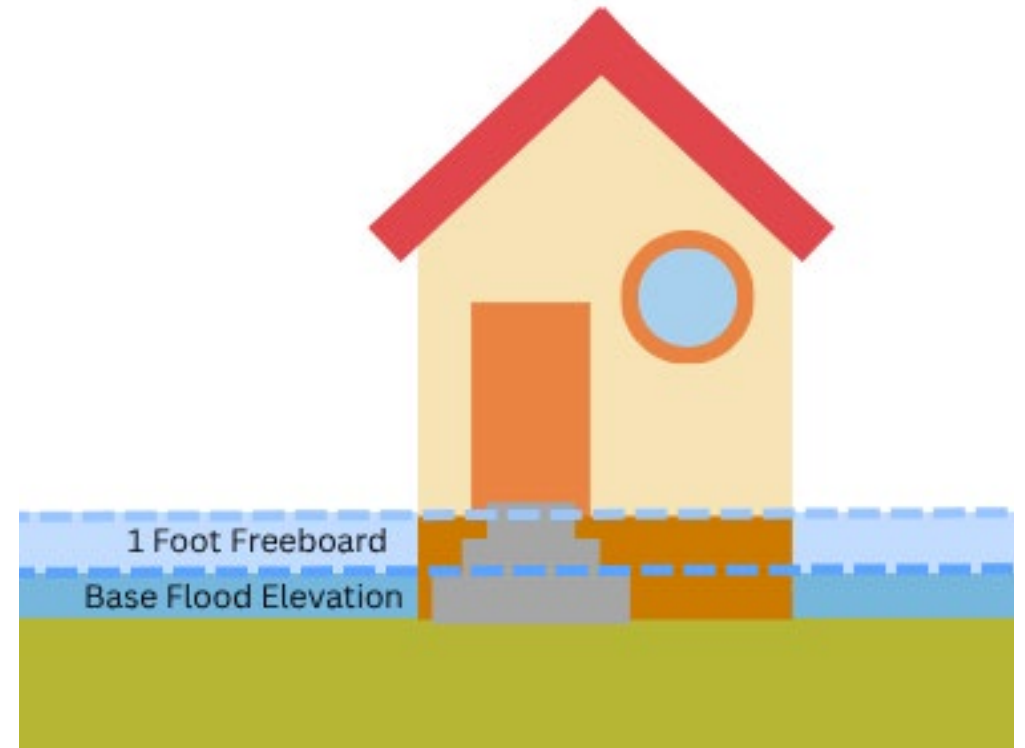
“For all new construction, substantial improvements, or repairs to substantial damage, an elevation certificate based upon the finished construction certifying the elevation of the lowest floor, including basement, and other relevant building components shall be provided to the floodplain administrator. Such certification shall be completed by a licensed surveyor, engineer, or architect within [Time Period (i.e. 30 days)] of finished construction.”

Developmental Higher Standards

Higher Freeboard Requirements

Freeboard- A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

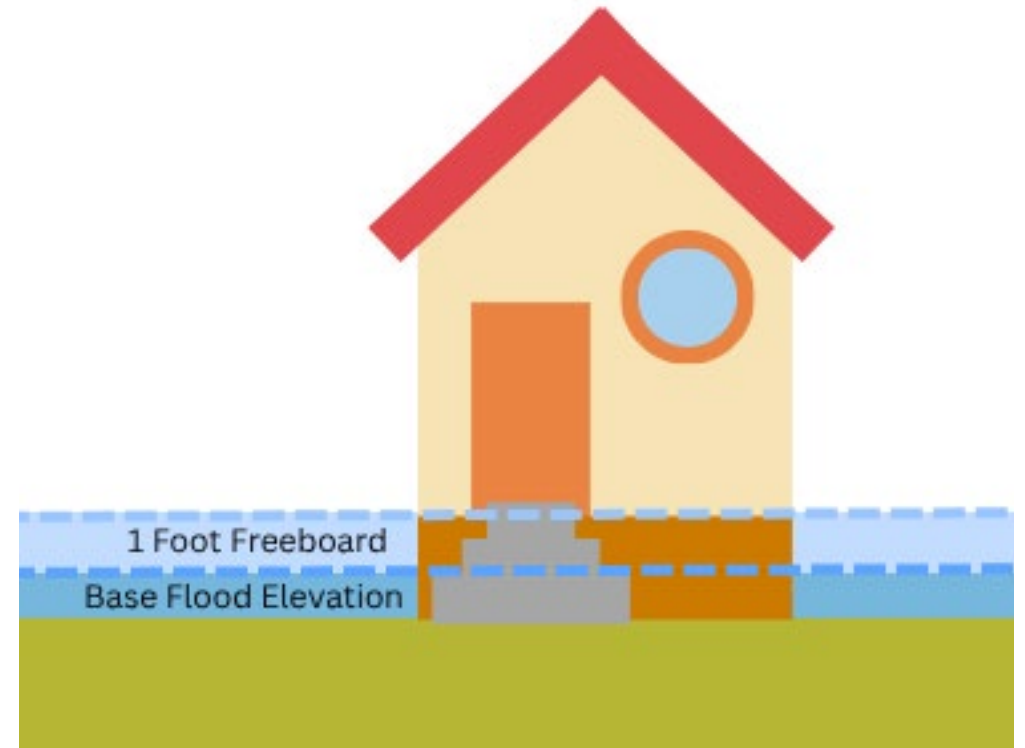
Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the watershed.



Developmental Higher Standards

Higher Freeboard Requirements

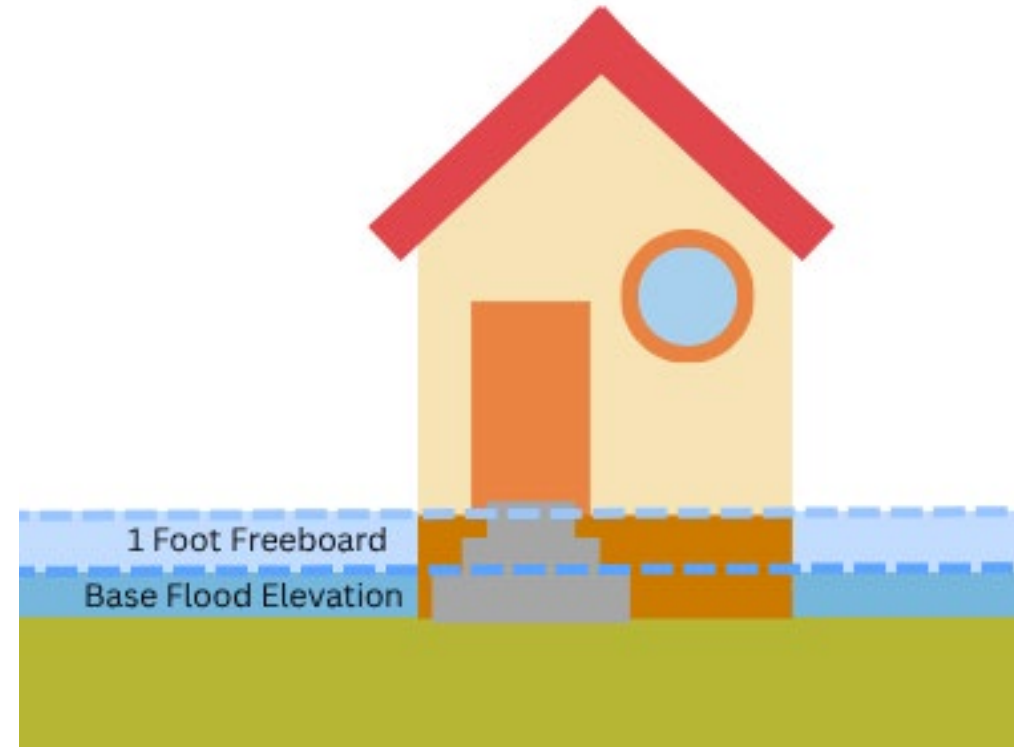
- Nebraska minimum standards require 1ft freeboard statewide
- Communities can require additional freeboard of their choosing (1.5ft, 2ft, etc.)
- Freeboard applies to elevated and dry-floodproofed structures



Developmental Higher Standards

Higher Freeboard Requirements. **Why adopt this language?**

- Acknowledges larger floods may occur
- Helps to compensate for increased flood heights caused by other developments
- Ensures structures are built with a margin of safety above the BFE
- Reduces the risk of flood damages and the loss of life or property
- Reduced insurance rates! More on this later...



Example of Model Language

“In Zones A, AE, A1-30, and AH, all new construction, substantially improved, or substantially damaged residential structures shall have the lowest floor, including basement, elevated to or above [additional freeboard] above the base flood elevation.”

Developmental Higher Standards

Elevating or Floodproofing HVAC and Mechanical Equipment

- Common practice but not required by State or Federal minimum standards
- Requirement for new construction to reduce risks of property damage and loss of services to the building
- Can reduce flood insurance costs



Developmental Higher Standards

Regulating Critical Facilities

- Establishes specific regulations for facilities “critical to the continuous operation of the community in times of disaster”
- Hospitals, first responder facilities, retirement homes, facilities that store hazardous materials, other community lifelines
- Regulates vertically (additional freeboard) and horizontally (within both the 1% and 0.2% annual chance floodplain)



Critical Facilities

Regulating Critical Facilities

- Also requires the facility to have at least one access road connected to land outside of the 1% and 0.2% annual chance floodplain
- Road must be capable of carrying emergency support vehicles
- Top of the access road must be no lower than the flood protection elevation (freeboard above 1% and 0.2% annual chance floodplain)



Developmental Higher Standards

Regulating Critical Facilities. Why adopt this language?

- Ensures higher development standards for hospitals, first responder facilities, retirement homes, etc.
- Keeps the community functional during and after a flood event
- Increases community resiliency
- When a larger flood occurs, these are the facilities that will need to respond. Make sure they can!



Developmental Higher Standards

Setbacks

- An expansion of the regulated area under the floodplain ordinance
- Developments are required to be located a set distance away from a watercourse or floodplain/floodway boundary



Developmental Higher Standards

Setbacks

Communities can choose:

- Which watercourses the setbacks will apply to
- Where the setback will be measured from
 - Floodway boundary
 - Top of the channel bank
 - Centerline of a watercourse
- How large the setback area will be
- What types of developments will be prohibited in the setback area



Developmental Higher Standards

Setbacks. Why adopt this language?

- Ensures safe development practices on stream or floodplain adjacent land
- Preserves the natural functions of the floodplain
- For communities without a floodway, can help create an area that is “set-aside” to convey floodwaters, similar to a floodway



Developmental Higher Standards

Non-Conversion Agreements for Enclosures Below Lowest Floor

- State and Federal minimum standards require these spaces to only be used for limited storage, parking, or access to upper floors
- Communities can require a signed non-conversion agreement between the community and property owner to better ensure these areas aren't converted post-construction
- Deed restrictions filed with the county office of the Register of Deeds



Developmental Higher Standards

Non-Conversion Agreements for Enclosures Below Lowest Floor. **Why adopt this language?**

- Ensures expectation is clearly communicated and codified
- Expectation is communicated during transfer of ownership
- Provides additional legal backing for enforcement



Non-conversion Agreements

- An agreement between the property owner and the community
- May allow for inspections to ensure the use of the structure is compliant with the permit
- Three types
 - A: Requires an annual inspections
 - B: Community has the right to inspect at any time
 - C: No mention of inspections

Example A. Annual Inspections

NONCONVERSION AGREEMENT FOR CERTAIN STRUCTURES IN THE FLOODPLAIN

Whereas, Permit # _____ has been issued to construct, improve, or repair the property at _____ [address] in the City of _____ [state], and

Whereas, the permitted building has the lowest floor elevated above the [design flood elevation/base flood elevation plus ____feet] and the design and construction of the building meets current building code and flood damage prevention ordinance requirements, and

Whereas, as a condition of a Certificate of Occupancy, the owner must agree to not alter the building at a later date so as to violate the building code or flood damage prevention ordinance requirements,

Now, therefore, the undersigned owner of said property hereby agrees to the following:

1. That the enclosed area below the lowest floor shall be used solely for parking of vehicles, limited storage, or access to the building and will never be used for human habitation without first becoming fully compliant with the flood damage prevention ordinance in effect at the time of conversion.
2. That all interior walls, ceilings, and floors below the [design flood elevation/base flood elevation plus ____feet] shall be unfinished or constructed of flood-resistant materials.
3. That mechanical, electrical, or plumbing devices that service the building shall not be installed below the [design flood elevation/base flood elevation plus ____feet].
4. That the openings in the walls of the enclosed area below the lowest floor shall not be blocked, obstructed, or otherwise altered to reduce the size of the openings or restrict the automatic entry and exit of floodwater.
5. That any variation in construction beyond what is permitted shall constitute a violation of this agreement and Section ____ of Ordinance # ____.
6. That the owner and subsequent owners agree to allow a representative of the City of _____ in the premises to verify compliance with this agreement at least once each year. The City representative will provide at least 48 hours notice of such visit.
7. That this Agreement shall be recorded with the deed to the above property so that subsequent owners are made aware of these restrictions.

Signature of Property Owner _____

Witness _____

Printed name: _____

Printed name: _____

Date: _____

Date: _____

This space reserved for deed recording notations.

June 1, 2013

Developmental Higher Standards

Limiting Size of Enclosures Below Lowest Floor

- Limits the size of garages/storage areas/stairwells below the lowest floor of a building
- Community may choose size limits
- Can regulate square footage and vertical heights of such areas



Developmental Higher Standards

Limiting Size of Enclosures Below Lowest Floor. **Why adopt this language?**

- Reduces the structure's footprint below the Base Flood elevation, reducing the overall impact on floodwater elevations
- Minimizes the quantity of stored items or vehicles in harm's way



Prohibitory Higher Standards

- Prohibit All Development in the Floodway
- Prohibit Manufactured Homes in the Floodplain
- Prohibit Recreational Vehicles in Floodways and or Floodplains
- Prohibit New or Replacement On-site Waste Disposal Systems
- Prohibit the Use of Fill
- Prohibit Dry- floodproofing for Non-residential Structures
- Prohibit Enclosures Below the Lowest Floor



Existing/Nonconforming Use Higher Standards



Lower Substantial Damage/Substantial Improvement Threshold

- Federal and State regulations set a 50% threshold
- Communities can lower the percentage threshold for what is considered “new construction”

Implement Cumulative Tracking

- Tracking cost of repairs and/or improvements over a set period of time
- Will need additional administrative procedures for tracking permit applications

Existing/Nonconforming Use Higher Standards



Why adopt a lower threshold?

- Further helps to reduce the number of nonconforming/at-risk structures in the floodplain over time
- Your community may have lower thresholds for grandfathered/non-conforming use conditions in other ordinances

Why adopt a cumulative tracking system?

- Helps the community track “phased” improvements
- Helps mitigate structures that routinely experience flood losses below the substantial threshold

Existing/Nonconforming Use Higher Standards

Including “Repetitive Loss” in the definition for Substantial Damage

- Repetitive loss structures are those that have a history of being damaged by flooding
- A structure that is repetitively flood damaged must be brought into compliance with the local ordinance, similar to those that experience “substantial damage”
- This definition is established locally, and will likely be different than the NFIP insurance definition of repetitive loss

**Key
Term:**

A repetitive loss structure is one that has experienced any flood related damage on two separate occasions during a ten-year period, where the cost to repair after each event averages 25% of the structures market value

Existing/Nonconforming Use Higher Standards

Including “Repetitive Loss” in the definition for Substantial Damage. **Why adopt this language?**

- NFIP policyholders that meet the “substantially damaged” threshold qualify for Increased Cost of Compliance (ICC) Coverage
 - Allows for up to an additional \$30,000 on top of any flood insurance claim
 - NFIP will help pay the added cost of bringing structures into compliance with the local ordinance for new construction
- NFIP recognizes locally adopted thresholds and standards for substantial damage, including the addition of “repetitive loss”

New Higher Standards Guide

An aerial photograph showing a residential property completely surrounded by floodwater. A large, light-colored house with a dark roof is the central focus. In the yard and driveway, several vehicles are partially submerged, including a white pickup truck, a dark SUV, and a yellow tractor. Various pieces of construction equipment, such as a yellow excavator and a green generator, are also visible. The water is a deep, dark blue-grey color, and the sky is overcast.

Guide to Higher Standards

- Optional language now separated into guidance document
- Allows room for descriptions of each standard
- Plug-and-play functionality
- Identifies Community Rating System class pre-requisites

Guide to Optional or Higher Standards for Floodplain Administration

Introduction

Nebraska Administrative Code Title 455 Chapter 1 "Nebraska Minimum Standards for Floodplain Management Programs" establishes the standards that all Nebraska communities participating in the National Flood Insurance Program (NFIP) must enforce in their floodplain areas. Nebraska's standards include provisions that exceed the federal minimum standards in the Code of Federal Regulations Title 44 Part 60.3. Such higher standards include:

- 1-foot of freeboard (additional elevation of protection above the Base Flood Elevation).
- Prohibited development of structures for human habitation in the floodway.
- Prohibited storage of hazardous materials in any floodplain.

Nebraska's standards, while higher than federal standards, are the *minimum* required for Nebraska communities and are found in the State of Nebraska Model Floodplain Ordinance. However, as flood frequency and severity increases, communities across Nebraska are recognizing the need to further reduce flood risk through the establishment of local higher standards for development in flood hazard areas. Communities are granted the authority to adopt such higher standards through Nebraska Revised Statute § 31-1019.

Communities may also choose to adopt *optional* standards that expand the permitting options for new developments or implement new administrative procedures. While these standards may not be higher than state or federal minimums, they allow for flexibility within permitting procedures by defining optional structure types or permit review procedures.

Based on common practices in other states and communities, this document includes a wide range of possible additional standards that communities may choose to implement. The standards included in this document may be inserted into the draft floodplain regulations using the section numbers as they correspond to the State of Nebraska Model Floodplain Ordinance.

This guide should not be seen as a comprehensive list of every possible higher standard for floodplain development. Your community may choose to customize your floodplain ordinance with other local higher standards not included in this document to best address specific flood hazards.

C. Drainage

- i. Within Zones AO and AH, adequate drainage paths around structures on slopes shall be required in order to guide floodwaters around and away from proposed structures.

D. Water Supply and Sanitary Sewer Systems

- i. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
- ii. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
- iii. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.

iv. [OPTIONAL: New or replaced septic systems in floodplains are prohibited.]

E. Other Utilities

- i. All other utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.

F. Storage of Materials

- i. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- ii. The storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

G. Recreational Vehicles

[OPTIONAL: Within any floodplain, recreational vehicles and recreational vehicle parks shall be prohibited.]

[OPTIONAL: Within any floodway, recreational vehicles and recreational vehicle parks shall be prohibited.]

- i. Recreational vehicles to be placed on sites within the floodplain shall:
 - a. Be on site for fewer than 180 consecutive days; and
 - b. Be fully licensed and ready for highway use, which shall mean it is on its wheels or jacking system, is attached to the site by only quick-disconnect type utilities and security devices, and no permanently attached additions; or
 - c. Meet the permit requirements and the elevation and anchoring requirements for manufactured homes of this ordinance.

- C. All new construction and substantial improvements, including repairs to substantial damage, must be constructed with electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
(Neb. Admin. Code, Title 455, Ch. 1 §004.02 (iv)) (44 CFR 60.3(a)(3)(iv))

6.33 Drainage

- A. Within Zones AO and AH, adequate drainage paths around structures on slopes are required in order to guide floodwaters around and away from proposed structures.
(44 CFR 60.3(c)(11))
- B. Within any flood prone area, subdivision proposals or other new development proposals including manufactured or mobile home parks or subdivisions must have adequate drainage to reduce exposure to flood hazards.
(44 CFR 60.3(a)(4)(iii))

6.34 Water Supply and Sanitary Sewer Systems

- A. All new or replacement water supply and sanitary sewer systems shall be located, designed, and constructed to minimize or eliminate flood damages to such systems and the infiltration of floodwaters into the systems.
(Neb. Admin. Code, Title 455, Ch. 1, §004.04) (44 CFR 60.3(a)(5))
- B. All new or replacement sanitary sewage systems shall be designed to minimize or eliminate discharge from the system into floodwaters.
(Neb. Admin. Code, Title 455, Ch. 1, §004.05) (44 CFR 60.3(a)(6)(i))
- C. On-site waste disposal systems shall be located and designed to avoid impairment to them or contamination from them during flooding.
(Neb. Admin. Code, Title 455, Ch. 1, §004.06) (44 CFR 60.3(a)(6)(ii))

6.35 Other Utilities

- A. All public utilities such as gas lines, electrical, telephone, and other utilities shall be located and constructed to minimize or eliminate flood damage to such utilities and facilities.
(Neb. Admin. Code, Title 455, Ch. 1, §004.03) (44 CFR 60.3(a)(4)(ii))
- B. Recreational vehicles placed in flood prone areas must only be attached to the site by quick-disconnect type utilities as established in Section 6.37 of this ordinance.
(Neb. Admin. Code, Title 455, Ch. 1, §004.13) (44 CFR 60.3(c)(14))

6.36 Storage of Materials

- A. The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- B. The storage of other material or equipment may be allowed if the stored materials or equipment:



Guide to Higher Standards

- Descriptions of each optional standard

Wet-floodproofing of Agricultural Structures

The NFIP and state minimum standards delineate structural development by residential or nonresidential, and do not directly define agricultural structures. However, the [Federal Emergency Management Agency \(FEMA\) Policy #104-008-03](#) issued February 2020 allows communities to define agricultural structures and establish variance procedures for such structures to utilize wet-floodproofing as a floodplain development compliance option. For agricultural structures to use wet-floodproofing as a compliance option, the developer must request and have an approved variance from the community's governing body responsible for variance review. **Communities do not need to adopt this language if the community intends to require elevation or dry-floodproofing as the only acceptable compliance options for agricultural and accessory structures.**

Adopting this language will allow the community to have flexibility when establishing the floodplain design requirements for a proposed structure that is exclusively used for agricultural purposes. Communities should note that placing a structure with the lowest floor below one (1) foot above the base flood elevation leaves the contents of the structure at risk of flood damages.

Model Language

The following language from [Floodplain Management Bulletin P-2140](#) includes the floodplain management definition for agricultural structures, the variance procedures to allow wet-floodproofing of an agricultural structure, and the design requirements for wet-floodproofing. The

Guide to Higher Standards

- Plug-and-play functionality

Model Language

To enact the requirement that all structures must have their equipment or mechanical services elevated or dry-floodproofed to the same elevation as the structure itself, the following sentences must be added to the regulations for residential and nonresidential structures as shown below:

6.21 Residential Structures

A. --

B. --

C. --

D. All machinery and equipment, such as electrical, heating, ventilation, air conditioning, plumbing, and any other service facilities, must be elevated to the same level as the lowest floor. The elevation of the lowest floor and all machinery and equipment servicing the structure shall be certified by a licensed land surveyor, professional engineer, or architect.

Guide to Higher Standards

- CRS prerequisites and other information

equipment servicing the structure shall be certified by a licensed land surveyor, professional engineer, or architect.

Additional Note: CRS Prerequisites

Communities looking to achieve a Class 8 rating or higher in the Community Rating System (CRS) are required to adopt and enforce at least a one (1) foot freeboard requirement for equipment servicing a residential structure. This requirement is described in the CRS Coordinator's Manual, 2017 Edition. The addendum can be found on the [System \(CRS\) resources page](#).

least [Inspection Period (i.e. once each year)]. The representative will provide notice at least 48 hours in advance.

7. That this agreement shall be recorded with the deed to the above property so that proper notice of such restrictions shall be made to subsequent owners.

Additional Note: Non-conversion Agreements and Accessory/Agricultural Structures

Communities should file copies of any signed non-conversion agreement with the permit files for the structure. For communities that have chosen to adopt language to allow for wet-floodproofing of accessory and/or agricultural structures, the provisions of 6.23(C)(1-7) will apply, meaning non-conversion agreements must be signed for each structure type when wet-floodproofing is utilized. Approval of a variance for such agricultural structures must be conditional upon the signing of a non-conversion agreement, and a copy of the agreement must be maintained with the variance documentation. An example non-conversion agreement form can be found on the [Community Rating System \(CRS\) resources page](#).

New Higher Standards Available!

- Limiting time for permit validity
- Limiting time for developers to provide surveyed elevations or other proof of compliance
- Elevation of HVAC and equipment
- Expansion of “substantial damage” to include repetitive loss structures
- Non-conversion agreements for enclosures

Guide to Optional or Higher Standards for Floodplain Administration

Introduction

Nebraska Administrative Code Title 455 Chapter 1 “Nebraska Minimum Standards for Floodplain Management Programs” establishes the standards that all Nebraska communities participating in the National Flood Insurance Program (NFIP) must enforce in their floodplain areas. Nebraska’s standards include provisions that exceed the federal minimum standards in the Code of Federal Regulations Title 44 Part 60.3. Such higher standards include:

- 1-foot of freeboard (additional elevation of protection above the Base Flood Elevation).
- Prohibited development of structures for human habitation in the floodway.
- Prohibited storage of hazardous materials in any floodplain.

Nebraska’s standards, while higher than federal standards, are the *minimum* required for Nebraska communities and are found in the State of Nebraska Model Floodplain Ordinance. However, as flood frequency and severity increases, communities across Nebraska are recognizing the need to further reduce flood risk through the establishment of local higher standards for development in flood hazard areas. Communities are granted the authority to adopt such higher standards through Nebraska Revised Statute § 31-1019.

Communities may also choose to adopt *optional* standards that expand the permitting options for new developments or implement new administrative procedures. While these standards may not be higher than state or federal minimums, they allow for flexibility within permitting procedures by defining optional structure types or permit review procedures.

Based on common practices in other states and communities, this document includes a wide range of possible additional standards that communities may choose to implement. The standards included in this document may be inserted into the draft floodplain regulations using the section numbers as they correspond to the State of Nebraska Model Floodplain Ordinance.

This guide should not be seen as a comprehensive list of every possible higher standard for floodplain development. Your community may choose to customize your floodplain ordinance with other local higher standards not included in this document to best address specific flood hazards.



Benefits of Higher Standards

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Why Adopt Higher Standards?

- Local enforcement authority means communities can adopt floodplain development standards that exceed State and Federal minimum standards
- Higher standards can better protect from flood risk
 - Reduce loss of life and property
 - Reduce risk of damages due to flooding
- Encourage proactive development
 - Protection before flooding instead of reacting afterwards

Why Should You Consider Adopting Higher Standards?

- Increased safety of community members
- Reduce the effects of development on the floodplain
- Maintain the floodplain's natural functions
- Reduced financial and structural damages for property owners
- Faster recovery after a disaster
- Lower flood insurance premiums



Why Should You Consider Adopting Higher Standards?

- One foot of freeboard adds only 0.25 – 1.5% to total construction costs for a new building (FEMA)
 - The cost for additional freeboard will pay for itself within the first 5-10 years of a structure's lifetime through reduced damages and insurance costs (ASFPM)
 - Property owners save around 20% per year on flood insurance costs with 1ft of freeboard (FEMA)
- Communities save around \$7 for every \$1 spent on resilience(FEMA)



Community Rating System (CRS)

- Voluntary program NFIP participating communities can opt into for discounted insurance rates
- Adopting higher standards can help communities in the CRS program earn credits and meet prerequisites for better ratings
- Class ratings determine how much of a discount communities receive on flood insurance premiums

- Example:

Freeboard Requirement	CRS Credit
1 foot above BFE	100 points
2 feet above BFE	225 points
3 feet above BFE	375 points

Examples in Nebraska Communities

- Communities with higher freeboard standards:
 - Cass County
 - Douglas County
 - City of Rulo
 - City of Lincoln
- City of Wahoo requires backflow protection for new subdivisions to prevent sewage back up
- Bennet and Scottsbluff prohibit all types of development in the floodway



When Should You Adopt Higher Standards?

- Updating your ordinance
 - Noncompliant or outdated ordinance
 - Drafting an amendment or new ordinance
- Mapping update
 - Include higher standards with your mapping updates in your ordinance
- Updating Zoning Regulations
 - Include higher floodplain standards with other community or administrative updates
- New Floodplain Administrator
 - Review your regulations



Updating Your Ordinance

Board agrees on an ordinance draft

- Review the model ordinance
- Choose to keep or remove optional language
- Assign the Floodplain Administrator position

Draft ordinance submitted to DWEE for review

- Estimate for 10 working days
- Review includes a crosscheck with State and Federal minimum standards

DWEE provides comments on draft ordinance

- Comments may include missing language, incorrect FIRM panels referenced, etc.
- Will be your community's responsibility to make changes

Ordinance forwarded to FEMA for final approval

- Again, estimate 10 working days
- If FEMA returns any comments, we will coordinate with you on the required changes

Once approved, your community may adopt the new ordinance

- We will notify you as soon as FEMA gives approval for adoption
- We will request a final signed/stamped copy of the adopted ordinance

A photograph of a flooded residential area, likely in Nebraska, showing houses and trees partially submerged in water. The image is overlaid with a semi-transparent blue filter. The title text is centered over the image.

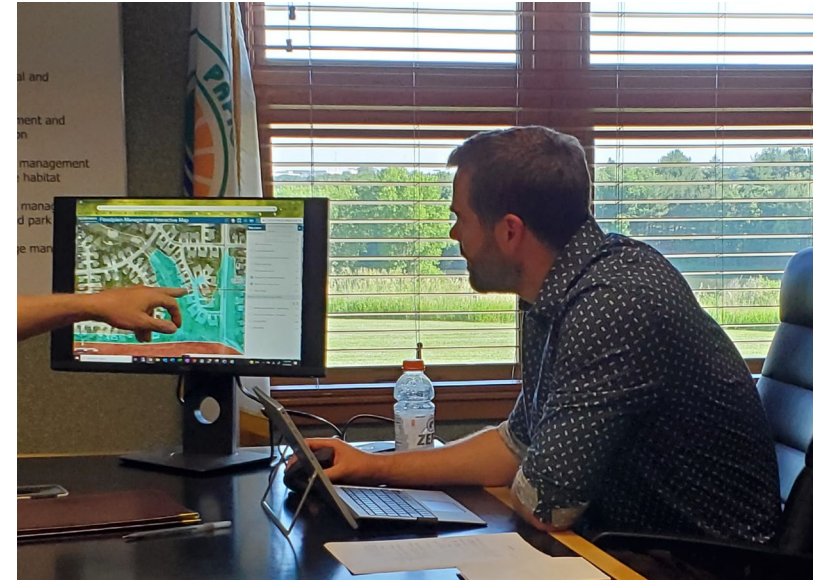
Tips for Enforcing Higher Standards

When Considering Higher Standards...

- Consider based on community's flood risk and needs
 - Some higher standards may not be applicable or reasonably enforceable in your community
 - Only consider higher standards if you are committed to enforcing them
 - Consider historical flooding and new development
 - How often does flooding occur?
 - How many properties experience frequent flooding?
 - How high have flood waters been in the past?
 - Has there been any new developments in the floodplain that could affect flood heights?
 - Choose higher standards that benefit your community
- 

When Considering Higher Standards...

- Have a plan to address existing structures
 - When new standards are adopted, existing structures can typically remain “as-is” unless it becomes substantially damaged or improved
 - The structure would then need to be brought into compliance with the current ordinance requirements
- Informing community members about the new higher standards
 - New regulations should be published and shared
 - Community website
 - Newspaper
 - Public office buildings
 - Outreach materials
 - Public meetings



Enforcement Tips

- Share outreach materials with the public
 - Educate your community members on local flood risks
 - Inform property owners about the benefits associated with higher floodplain standards
 - Use your ordinance
 - Contains your enforcement authority
 - States required regulation standards
 - Work with your governing body
 - Ask the Nebraska Floodplain Management Team for help!
 - We are available to speak with community officials or attend community meetings to help answer questions
 - All ordinance updates must be reviewed by our office prior to adoption
- 

Education

- Create & post promotional materials
 - Use materials on our website
 - Floodplain Management Higher Standards Brochure
 - Follow us on social media to see informational posts
 - Post on websites, high traffic community buildings, offices of other permitting officials, etc.
- Send mailers to property owners



Floodplain Management Updates

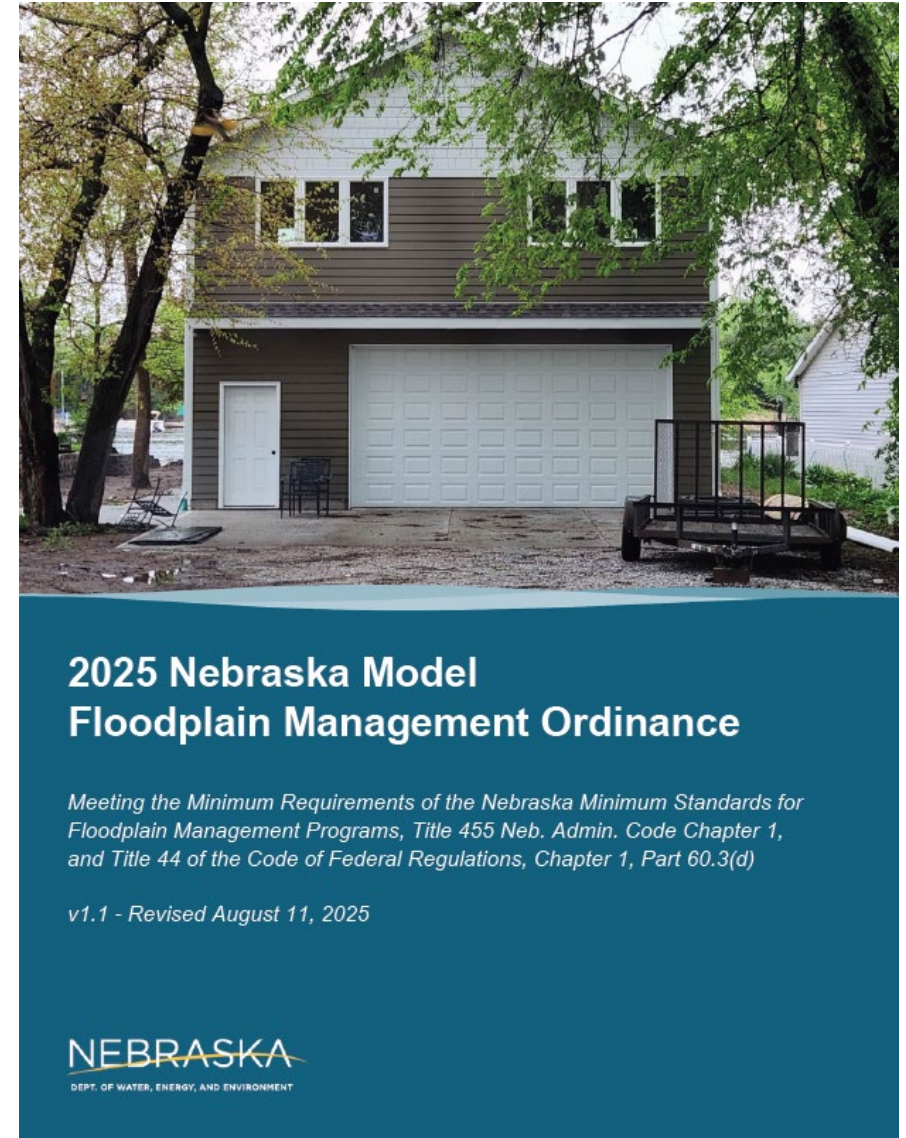
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New Model Ordinance

- Currently in a pilot period
- Four Nebraska communities are currently drafting new ordinances using the new model
- Waiting to receive final comments from FEMA before the model is released

Expecting to release the new model for community use before the end of 2025!



Upcoming Trainings

Basic Floodplain Management – Virtual

Thursday, December 11, 2025

10:00 am – 3:00 pm CT

The Substantial Damage Inspection – Interactive

Thursday, January 15, 2026

2:00 pm – 3:00 pm CT



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