



2019 SENATE BILL 637

January 8, 2020 - Introduced by Senators MARKLEIN, CRAIG, KAPENGA, OLSEN, NASS, STROEBEL and TESTIN, cosponsored by Representatives PRONSCHINSKE, OLDENBURG, DITTRICH, HORLACHER, KNODL, NOVAK, TRANEL, TUSLER and VANDERMEER. Referred to Committee on Utilities and Housing.

1 **AN ACT to create** 87.30 (1d) (d) of the statutes; **relating to:** the regulation of
2 nonconforming buildings in a floodplain.

Analysis by the Legislative Reference Bureau

Under this bill, if modifications made to a nonconforming building bring the building into conformity with federal standards under federal laws relating to floodplain land use, the Department of Natural Resources may not prohibit further modifications based on cost.

Current law prohibits any person from placing or maintaining any structure, building, fill, or development within any floodplain in violation of a floodplain zoning ordinance adopted by a county, city, or village or by a Department of Natural Resources order or determination. Current law prohibits a county, city, or village under a floodplain zoning ordinance from permitting the repair, reconstruction, or improvement of a nonconforming building if the nonconforming building, after repair, reconstruction or improvement, will fail to meet any minimum requirement applicable to a nonconforming building under the federal statutes and regulations governing the National Flood Insurance Program (NFIP). Under DNR rule, a nonconforming building is an existing lawful building that is not in conformity with the dimensional or structural requirements of a floodplain zoning ordinance for the area of the floodplain that it occupies.

Current DNR rule prohibits the modification or addition to a nonconforming building that over the life of the building would exceed 50 percent of its present equalized assessed value unless the entire building is permanently changed to a conforming building with a conforming use in compliance with DNR rules. Under

