

CHAPTER 330  
OF THE VILLAGE OF ELM GROVE CODE OF ORDINANCES  
FLOODPLAIN ZONING

THE VILLAGE BOARD OF THE VILLAGE OF ELM GROVE DO ORDAIN AS FOLLOWS:

**Section 1:** §330-5 is hereby amended by the addition of underlined text and deletion of ~~strikethrough~~ text.

A. Areas to be regulated. This chapter regulates all areas that would be covered by the regional flood or base flood.

B. Official maps and revisions. The boundaries of all floodplain districts are designated as floodplains or A Zones on the maps listed below and the revisions in the Village of Elm Grove Floodplain Appendix. Any change to the base flood elevations (BFEs) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFEs) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Village Clerk, Village of Elm Grove. If more than one map or revision is referenced, the most ~~current approved~~ restrictive information shall apply.

Official maps. Based on Waukesha County Flood Insurance Study (FIS) dated November 19, 2008; volume numbers 55133CV001A and 55133CV002A and 55133CV003A. Waukesha County Flood Insurance Rate Map (FIRM), panel numbers 55133C0236F and 55133C0237F dated November 19, 2008; with corresponding profiles that are based on the FIS.

**Section 2:** §330-20 is hereby amended by the addition of underlined text and deletion of ~~strikethrough~~ text.

C. The existing lawful use of a structure or its accessory use that is not in conformity with the provisions of this chapter may continue, subject to the following conditions:

(4) 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 current 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 chapter. Contiguous dry land access must be provided for residential and commercial uses in compliance with § 330-15. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the fifty-percent provisions of this paragraph.

(5) Except as otherwise provided in Article VI, if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current chapter requirements. A structure is considered substantially damaged if the total cost to restore the structure to its predamaged condition equals or exceeds 50% of the structure's current assessed value. For nonconforming buildings that are damaged or destroyed by a non-flood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the non-flood disaster, provided that the nonconforming building will meet all of the minimum requirements under 44 CFR Part 60 or under the regulations promulgated thereunder.

**Section 3:** §330-22 is hereby amended by the addition of underlined text and deletion of ~~strikethrough~~ text.

C. If neither the provisions of Subsection A nor Subsection B above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood-fringe, if the addition:

- (1) Meets all other regulations and will be granted by permit or variance;
- (2) Does not exceed 60 square feet in area; and

(3) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the current assessed value of the building.

**Section 4:** If any section, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of such ordinance.

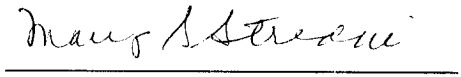
**Section 5:** This ordinance shall take effect and be in full force from and after its passage.

VILLAGE OF ELM GROVE

Passed and approved this 19<sup>th</sup> day of November 2008

A handwritten signature in cursive script, appearing to read "Neil H. Palmer", is written above a horizontal line.

Neil H. Palmer, Village President

A handwritten signature in cursive script, appearing to read "Mary S. Stredni", is written above a horizontal line.

Mary S. Stredni, Village Clerk