



Legislation Text

File #: DIS 16-139, **Version:** 1

Discussion of issues related to revisions to the existing ordinances concerning Comprehensive Flood Damage Rules and Regulations.

Summary: The City is required to adopt the most recent version of the National Flood Insurance Rate Map (FIRM) and Flood Insurance Study before January 6, 2017 which is the date the new FIRM maps become effective. This is also the appropriate time to update our current floodplain regulation ordinance since it is 20 years old and out dated.

Our current ordinance covering the comprehensive flood damage rules and regulations (Ord. 2452) was adopted in 1996. In 1998, Ordinance 2599 was adopted to amend subsections of the original ordinance. In 2007 Ordinance 3149 amended additional sections of the current Ordinance.

Administering these regulations is cumbersome since we have to look over all three ordinances in order to arrive at the correct interpretation, which causes a great deal of confusion between both the City staff and developers.

Therefore, we are proposing to repeal all three ordinances in their entirety and replace them with a single ordinance to prevent any confusion. The result would be updating our outdated ordinance with newer definitions and more current regulations that FEMA requires us to have.

For your review, you will find the current ordinance with redlined revisions as well as the attached final version of the proposed ordinance.

- Newer FEMA definitions concerning floodplain management were added to the ordinance.
- Clause is added in Article 3, Section B to adopt the latest FIRM maps dated January 6, 2017 and any revisions thereafter.
- Article 3, Section C, gives more detail concerning the establishment of a “development permit”
- Article 4, Section B and C, more responsibilities were added for the floodplain manager, as per FEMA’s current standards.
- Article 5, Section A, added the requirement that completed elevation certificates must be submitted and approved for any construction in a flood zone area, before the final building inspection or certificate of occupancy can be issued.
- Article 5, Section B, we added the requirement that all construction of both residential and non-residential structures shall have the lowest floor elevation of at least 2-feet above the centerline of the street. This was the 1998 revision (Ordinance 2599) so we are simply including it in the new revised ordinance.

- Article 5, Section B (1), (2) we are adding 1-foot of freeboard for construction within the flood zone. FEMA requires that if a structure is built within a flood zone the lowest floor elevation must be at least at the base flood elevation. We are recommending FEMA's suggestions to require "higher standards". Over the years many communities have found that the minimum floodplain management standards found in the Code of Federal Regulations (44 CFR, Section 60.3) were not sufficient to provide the level of safety against flooding they felt was necessary. Therefore, many communities have freeboard requirements. This means that any construction within the flood zone will now be required to have the lowest floor elevation at least 1-foot above the base flood elevation.
- Article 5, Section D, is referring to areas within flood zone AO/AH. Currently we don't have any areas within our jurisdiction that fits into these flood zones but we need to have this provision in our ordinance in the event FEMA ever rezones the flood areas. This requirement was already in our ordinance based on the 2007 revision of Ordinance 3149. We simply reworded it to better fit the FEMA requirements and include it with this new revised ordinance so that all requirements can be listed in one Ordinance rather than the three we currently have.

Fiscal/Budgetary Impact: No impact.

Staff recommends adoption of the revised floodplain regulation ordinance.