

# 2015 through 2019 Updates to the State Model Floodplain Management Ordinance

Department of Agriculture, Conservation & Forestry/Floodplain Management Program

February 5, 2019

This document outlines the changes to the state model ordinance for communities that will be adopting Digital Flood Insurance Rate Maps. The cleanest way for communities to adopt is usually to repeal and replace your current ordinance. If your community chooses to make amendments only, you will need to review the model ordinance language section by section against your current ordinance to make sure that small wording changes, punctuation, and minor errors will be corrected.

## 2015 Updates to the State Model Ordinance

All references to the State Planning Office have been deleted.

- All dates for FEMA forms and publications (for example, the Elevation Certificate, Floodproofing Certificate, Coastal Construction Manual) have been removed as the forms always have an expiration date and publications are updated occasionally.
- A definition for North American Vertical Datum (NAVD) has been added as the elevations on all DFIRMS are now shown in this datum. They were previously shown in National Geodetic Vertical Datum (NGVD).

### Article I: Purpose and Establishment

The last paragraph of Article I has been changed to reflect adoption of the countywide Flood Insurance Study and the Digital Flood Insurance Rate Map panels for your community only.

### Article VI.K.: Floodways

Under Article VI.K.2.b.

The FEMA publication *Guidelines and Specifications for Study Contractors* is outdated. FEMA now has a web address with guidance documents, so instead of referencing a particular publication, it now says:

- b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

**Please note for future reference:** The FEMA web address for the guidelines is at

[www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping](http://www.fema.gov/guidelines-and-standards-flood-risk-analysis-and-mapping)

### Article VI.P. Coastal Floodplains

Under Article VI.P.2.b.(3) the following underlined language was added however, it was removed from the ordinance in 2019:

- (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

The regulatory side of the NFIP does not have a size limit, however, the flood insurance side of the Program assesses a higher premium for breakaway walls that enclose 300 square feet or greater. The larger the square footage of the enclosure, the higher the cost of insurance. In **2019**, we removed the size limit and have added a disclosure: ***NFIP flood insurance premiums will be higher for breakaway walls that exceed 299 square feet. The larger the square footage of the enclosure, the higher the cost of insurance. Developers are advised to inquire into flood insurance premiums rates before commencing construction.***

(over)

## 2016 Updates to the State Model Ordinance

### Article VI.J.: Accessory Structures

After discussing this with FEMA, we have removed VI.J.1. which specified a 500 square foot limit and a \$3,000 value limitation for accessory structures.

FEMA *Technical Bulletin TB-1 Openings in Foundation Walls and Walls of Enclosures* states that detached garages and detached storage buildings may be permitted without requiring them to be elevated if they comply with all of the requirements for enclosures (found under Article VI.L.) Garages and other accessory buildings must be used only for parking of vehicles and storage, utilities must be elevated, flood damage resistant materials must be used below the BFE, the requirements for flood openings must be satisfied, and they must be anchored to resist flotation, collapse, or lateral movement under flood conditions.

J. **Accessory Structures** - Accessory Structures, as defined in Article XIV, located within Zones AE, AO, AH, and A, shall be exempt from the elevation criteria required in Article VI.F. & G., if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. have unfinished interiors and not be used for human habitation;
2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
3. be located outside the floodway;
4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

## 2019 Updates to the State Model Ordinance

The primary update for 2019 is for Zone A. The ordinance has always allowed the communities to utilize base flood elevation data from federal, state, or other technical sources. If there is no existing base flood information, the applicant was required to calculate the base flood elevation. The ordinance now allows the applicant to build so that the lowest floor of the building is two feet higher than the highest adjacent grade to the building. This means no below grade crawl spaces or basements should be allowed. In a Zone A, flood insurance is rated on the elevation differential between the highest adjacent grade to the building and the lowest floor. The lower the floor is below the highest adjacent grade, the more expensive flood insurance becomes. Amendments located at Article III.H.; Article V.B.2.; and Article VI.F., G., and H.

### Accessory Structure

The definition has been changed so that it is in line with FEMA guidance.