



MEMORANDUM

Date: May 14 2014

To: Board of County Commissioners

Via: Ty Harris, Director, Community Development
Kelly Shoemaker, Deputy County Administrator

From: Claire Jubb, Customer Service Manager, Community Development

Subject: Revisions to the local floodplain ordinance

The local floodplain ordinance has been in place since 2003 and forms the basis of all regulations relating to construction within the Special Flood Hazard Area (SFHA) for both new construction and existing buildings.

In the 2010 Florida Building Code (Adopted March 15 2012), the state incorporated, for the first time, floodplain regulations into the code. These regulations were the minimum requirements of the National Flood Insurance Program.

To ensure no conflicts, local jurisdictions were strongly recommended to review their local ordinances and, where needed, make the required amendments to the local floodplain ordinance and, where needed, make technical and administrative amendments to the Florida Building Code (FBC).

The State recognized that this would impact the majority of jurisdictions in Florida as there were some minor conflicts between the adopted Florida Building Code and the minimum requirements of the National Flood Insurance Program (NFIP) which needed to be handled through an administrative amendment to the FBC.

To help facilitate this process, the state developed a model code and model language to add frequently used higher standards. In addition, they developed language to ensure the required amendments were included to the FBC. The model language has been reviewed by FEMA and by the Florida Building Commission as compliant with both the NFIP and the FBC.

To further ensure that there are no conflicts, the State Department of Emergency Management is reviewing all proposed floodplain ordinances before they go for adoption by the local jurisdiction. They requested that, where possible, the draft that is sent is based on the model ordinance with any changes tracked in the document. There is no fee to the County for this review and reviews are being handled expeditiously by the State.

Therefore, when drafting the revised ordinance, staff based the new ordinance on the model issued by the State and utilized the State's model language for the majority of the changes. This model ordinance complete with redline changes is included for your review.

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However, as the new ordinance is very different from the existing ordinance, it is difficult to compare the two documents. The minimum provisions stay the same between the two documents but there are higher regulatory standards specific to Charlotte County which needed to be incorporated. Therefore below is an overview of the higher standards already in place in Charlotte County and details of some additional standards proposed to be added.

Higher regulatory standards that are currently in place in Charlotte County and are proposed to remain in place in the new ordinance:

- Five year cumulative substantial improvement/substantial damage
- Enclosure limitations below elevated structures (non conversion agreement, access requirements, no subdivision of space)
- Limiting installation of mobile homes in a V Zone to existing mobile home parks only
- Requiring piling foundation for mobile homes in a V zone

Higher standards for consideration are as follows:

- Introduction of a one foot freeboard – this is already added in the FBC to V Zone construction and commercial construction – this change will only impact AE zone residential structures. Please note that this is a pre-requisite should the County wish to improve its current CRS rating.
- Coastal A Zone Standards – this applies V zone standards to areas seaward if the LiMWA (Line of Moderate Wave Action.) –We do not yet have a delineated line but will get one when we are next mapped. This is in preparation for this change but will give us CRS points in the meantime.
- Changes SD to include language that will assist citizens with obtaining increased cost of compliance insurance.
- Restricting the creation of new residential lots within new subdivisions inside the regulatory floodways.
- Addition of language limiting fill in an A Zone to 1 ft. This is clarification of an existing policy.

Higher regulatory standards are important to Charlotte County because we have a significant percentage of our built environment is within the SFHA (69% of structures). We have threats of flooding from rain events, riverine flooding and coastal flooding and because there is very little change in elevation, inundation in one area of the County could have an impact through much of the County. These higher standards make us more resilient to flooding and will help our community recover faster should we have a flooding event.

In addition to the minimization of losses, simply having these additional standards is of benefit to every Charlotte County citizen currently purchasing flood insurance. Our continued success in the Community Ratings System is as a result of how well we, as the local jurisdiction, regulate development in the SFHA. By having these higher standards adopted into our ordinances, we are able to demonstrate that we are committed to minimizing losses and provide a 25% discount to all flood insurance premiums. This equates to a \$6.4million savings per year.

Adding the new higher standards puts Charlotte County in a position to move up a class and achieve even more discounts for our citizens. There are many factors contributing to improving a class but these changes set the framework for staff to work with. Should we be successful, our citizens would see an addition 5% reduction in their flood insurance premiums; we would be the first jurisdiction in Florida to obtain the higher rating and one of only four jurisdictions east of the Mississippi.

This draft has been online for several months and staff has presented the details to the Chamber of Commerce for their input. Unfortunately, the changes with the NFIP over the past eighteen months have put the emphasis on the NFIP as a whole and not the local ordinance. NFIP has stabilized somewhat which allows focus to be placed elsewhere in floodplain management and take the next steps with this proposed ordinance.

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