

Charlotte County Floodplain Ordinance – 2013

Overview and Summary of Changes

Introduction

Until the most recent update of the Florida Building Code, all references to flood construction standards in the Special Flood Hazard Area (SFHA) were removed from the base codes and enforcement of these standards was left to the individual jurisdictions. This was done through the adoption of local floodplain ordinances.

As part of the 2010 Florida Building Code update process, the State Floodplain Managers office, in conjunction with the Building Officials Association of Florida and the Florida Building Commission determined that it was in the best interests of public safety to retain the flood construction standards in the state wide building codes.

In order to ensure that there are no subsequent conflicts between the various regulations, the State Floodplain Manager's Office worked with all agencies to develop a model floodplain ordinance that satisfies the minimum requirements of the National Flood Insurance Program (NFIP).

The County has a floodplain ordinance regulating development within the SFHA because of its need to ensure citizens wishing to purchase structures in the SFHA can obtain a mortgage and a desire to minimize the impact of flooding on its citizens and structures. By doing this, the County earns a discount that is applied to every flood insurance policy premium. The current discount is 25% which collectively saves our citizens \$6.4million in insurance premiums every year.

The County obtains this discount by adopting and enforcing regulations that are more stringent than the minimum standards prescribed by the NFIP. These are known as Higher Regulatory Standards and must be adopted as part of the floodplain ordinance. The State has also developed standard language for many of the more commonly used higher regulatory standards. By adopting additional higher standards and more closely regulating development in the floodplain, the County has the potential of earning a higher discount in flood insurance premiums for our citizens.

In addition to adopting a new floodplain ordinance, jurisdictions must also make administrative and technical amendments to the Florida Building Codes. This is to ensure that the codes are consistent with the local regulations and that any higher regulatory standards included in the local ordinance that pertain to construction standards are also part of that community's Building Codes.

The proposed ordinance is very different from the currently adopted ordinance because of the need to be consistent with both the NFIP and the building codes. A summary of the main changes are below.

Key Changes

There are several key areas of the ordinance and the regulations that should be highlighted. They fall into three distinct categories:

- 1) Changes to the Florida Building Code Administration to ensure code is compliant with NFIP. These changes are as follows:
 - a. Exemptions from the provisions of the Florida Building Code for certain structures do not grant an exemption from the flood provisions of the Florida Building Code and will require floodplain development permits. This includes items such as nonresidential farm buildings on farms.
 - b. Preventing the Building Official from using the ability to issue permits, review plans and perform inspections based on affidavits for flood load and flood resistant construction requirements of the FBC
 - c. Allows a body to hear variances of the flood plain provisions of the FBC in accordance with the variance requirements of the local floodplain ordinance.
- 2) Higher regulatory standards that are already present in the current floodplain ordinance. These are:
 - a. Five year cumulative substantial improvement/substantial damage
 - b. Enclosure limitations below elevated structures (non conversion agreement, access requirements, no subdivision of space)
 - c. Limiting installation of mobile homes in a V Zone to existing mobile home parks only
 - d. Requiring piling foundation for mobile homes in a V zone
- 3) Proposed Higher Regulatory Standards that are not currently in the floodplain ordinance and if approved will become new regulations.
 - a. Introduction of a one foot freeboard. This would require new structures and substantially improved structures to elevate to one foot above the base flood elevation. This is a recognized higher standard that has the additional benefit of reducing the owners flood insurance premiums by an additional 10%. The provisions of the Florida Building Code have this requirement for all commercial construction and most structures in a V Zone so the change will mainly impact residential structures in AE zones.
 - b. Coastal A Zone Standards – this applies V zone standards to areas seaward of the LiMWA (Limit of moderate wave action.). The LiMWA is the limit of wave run up for waves that are between 3 and 1.5 feet above the water level. V-Zones apply when the wave run-up is projected to be 3 feet above the water level. Charlotte County does not yet have a delineated line but will get one when we are next mapped. This is in preparation for this change.
 - c. Changes in the definition of substantial damage to include language that will assist citizens with obtaining increased cost of compliance insurance.
 - d. Restricting the creation of new residential lots within new subdivisions inside the regulatory floodways.

- e. Addition of language limiting fill in an A Zone to 1 ft. This is clarification of an existing policy.

All of these changes are reflected in the attached ordinance (highlighted in yellow) and also included is the existing ordinance for reference. The proposed ordinance also includes administrative and technical amendments required to the Florida Building Code (highlighted in blue)

Next Steps

The proposed ordinance will be made available for public comment and sent to various groups for input. Other outreach activities may be held as deemed appropriate following the initial public input.

Following this, and incorporating any amendments made, the final draft will be sent to the State Floodplain Managers Office for approval. This must be done prior to adoption by the local jurisdiction.

When approval has been granted by the State, the ordinance will be brought before the Charlotte County Board of County Commissioners for input, direction and adoption if no more amendments are needed.

After the regulation has been adopted by the BCC, it must then be sent to the Florida Building Commission to review and accept the technical amendments to the Building Code.