



TO: City Plan Board **Item Number:** 3

FROM: Planning & Development Services Department **DATE:** April 24, 2014
Staff

SUBJECT: Petition PB-14-10 TCH. City of Gainesville. Amend the Land Development Code Sections 30-280 through 30-299 Flood Control District to repeal the existing Flood Control District code and replace it with model code language provided by the Federal Emergency Management Agency (FEMA).

Recommendation

Approve Petition PB-14-10 TCH.

Discussion

This petition proposes to replace the Flood Control District sections of the Land Development Code (Sec 30-280 through 30-299) with the Florida Building Code (FBC) model Floodplain Ordinance approved by the Federal Emergency Management Agency (FEMA) in January 2013. The 2010 Florida Building Code became effective on March 15, 2012. The 2010 code included new floodplain management regulations. The new regulations require Florida's local jurisdictions to revise their existing flood control ordinances for consistency with the new 2010 Florida Building Code. To facilitate this process, the Florida Division of Emergency Management has developed a model Floodplain Ordinance for local jurisdictions to adopt.

Adoption of the model Floodplain Ordinance is necessary for several reasons:

- The model Floodplain Ordinance will provide regulations for all development in special flood hazard areas that are equal to the protections found in the existing flood control regulations in the Land Development Code.
- Adopting the model Floodplain Ordinance will streamline regulations and eliminate overlaps or inconsistencies between the City's Flood Control District regulations and the flood control provisions of the 2010 Florida Building Code.
- The model Floodplain Ordinance is by default compliant with the requirements of the Nation Flood Insurance Program (NFIP) and consistent with the 2010 Florida Building Code and will not require additional FEMA review.
- The model ordinance provides flexibility to include local amendments and/or adopt higher standards than are included in the base ordinance. Using the model ordinance along with adopting higher standards may improve the City's NFIP Community Rating System (CRS) standing thereby reducing flood insurance premiums for property owners.

Petition PB-14-10 TCH
 April 24, 2014

- Alachua County adopted the model Floodplain Ordinance in 2013. Adoption of the model ordinance by the City will create a consistent floodplain regulatory framework across both jurisdictions.

The existing Flood Control District sections of the Land Development Code that are proposed for deletion are shown in Exhibit A-1 as strike-through. The proposed model Floodplain Ordinance is included in Exhibit B-1.

Background

The Florida Building Code and the NFIP

To participate in the NFIP, communities must have enforceable floodplain management regulations that are consistent with minimal requirements for land management and use. These requirements are now included in the 2010 Florida Building Code, which in turn is based on the International Building Code and International Residential Code. The IBC provided a national model building code that included comprehensive flood provisions. These provisions, along with some Florida-specific amendments, are included in the Florida Building Code. The Florida Building Code has been effective since March 15, 2012. FEMA approved the Florida Building Code in January 2013, noting that the code was NFIP compliant and fulfilled the minimum requirements.

By law, the Florida Building Code (FBC) contains all laws and rules that pertain to and govern the design and construction of buildings. This means that the flood provisions of the 2010 FBC that govern the flood-resistant design of buildings in mapped flood hazard areas supersede local regulations that are not consistent with the FBC. By adopting the FBC as its model Floodplain Ordinance, the City will in effect be streamlining its regulatory activities. Also by default the City will be in NFIP compliance without any further exhaustive review. The FBC also has provisions for local amendments and modifications, including adopting higher standards beyond that which the NFIP requires. Using the FBC model plus Higher Standards could also bring additional CRS points which could assist in moving the City of Gainesville into a higher class.

Because of these reasons, the State Floodplain Management office, along with FEMA, are encouraging NFIP/CRS communities to adopt the FBC model ordinance as their own local ordinance to insure that coordination between the FBC and local ordinances is done as quickly as possible. Inconsistencies and possible conflicts occur if local floodplain management regulations are not coordinated. The model ordinance, which also includes language for local administrative and local technical code amendments, is specifically designed to repeal and replace existing regulations, to satisfy the NFIP, to coordinate with the FBC, and to meet the requirements of section 553.73(5), F.S.

553.73 Florida Building Code.—

(1)(a) The commission shall adopt, by rule pursuant to ss.120.536 (1) and 120.54, the Florida Building Code which shall contain or incorporate by reference all laws and rules which pertain to and govern the design, construction, erection, alteration, modification,

Petition PB-14-10 TCH
April 24, 2014

repair, and demolition of public and private buildings, structures, and facilities and enforcement of such laws and rules, except as otherwise provided in this section

The National Flood Insurance Program and Community Rating System:

In 1968, Congress created the National Flood Insurance Program (NFIP) to help provide a means for property owners to financially protect themselves. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the NFIP. Participating communities agree to adopt and enforce ordinances that meet or exceed FEMA requirements to reduce the risk of flooding.

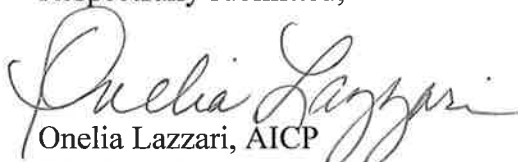
The City of Gainesville chose to participate in the NFIP starting in October 1971. In addition, the National Flood Insurance Program's (NFIP's) Community Rating System (CRS) is a voluntary incentive program that recognizes communities for implementing floodplain management practices that exceed the Federal minimum requirements of the NFIP to provide protection from flooding.

In exchange for a community's proactive efforts to reduce flood risk, policyholders can receive reduced flood insurance premiums for buildings in the community. These reduced premiums reflect the reduced flood risk resulting from community efforts toward achieving the three CRS goals:


- Reduce flood damage to insurable property
- Strengthen and support the insurance aspects of the NFIP
- Encourage a comprehensive approach to floodplain management

The City of Gainesville entered the CRS on October 1, 1992, and is currently a class 7, which provides a 15% discount for policies in the Special Flood Hazard Area (SFHA), and a five percent discount for all others.

Respectfully submitted,


Onelia Lazzari, AICP
Principal Planner

Prepared by:


Andrew Persons, LEED GA
Senior Planner

Petition PB-14-10 TCH
April 24, 2014

List of Exhibits

Exhibit A-1: Deleted Flood Control District (shown as strike-through)

Exhibit B-1: Proposed model Floodplain Ordinance

Exhibit C-1: Application