

Outline of Changes to Floodplain Ordinance

May 7, 2020

1. Moves the floodplain ordinance from an overlay district included in the zoning ordinance (Chapter 66) to a separate ordinance (Chapter 28) in the Town Code. This is done to make it easier to find rather than having it buried in the zoning ordinance.
2. Penalties. The proposed ordinance allows more options for penalties by using those included in Chapter 1 - General Provision, rather than those included in the floodplain overlay and zoning ordinances, which conflict. Note, there is no significant change from the maximum penalty listed in the floodplain district overlay, as both classify a violation as a Class 1 misdemeanor.
3. In the defining the term “development” the proposed ordinance adds “temporary” structures to the list of structures that are regulated. This is a requirement of FEMA regulations. See section 66-391 in the current ordinance for the current definition, and Article VII Definitions in proposed ordinance for the revised definition.
4. Adds the use of the term “freeboard” to describe a factor of safety usually expressed in feet above a flood level. This term is used to allow the Town to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions. The “freeboard” proposed in the ordinance is 18”, which is the standard most often used by localities.
5. Requires the appointment of a floodplain administrator to be responsible for “administering and enforcing” the ordinance. This role should be filled by the Town Manager. It is a new provision required by FEMA. (Article II).
6. Article III provides more a more detailed definition for the flood hazard districts.
7. Article IV provides:
 - a. Details on the permit process and the specific standards for construction in the zones.
 - b. Additional specifics on residential and non-residential construction and updates the information for utilities in those areas.
 - c. The ordinance proposes to limit accessory structures to no more than 300 square feet of floor area (see page 15 – Section 28.42.4.b and the definition in Article VII). The maximum allowed by FEMA is 600 square feet.
 - d. Base elevation data is required for all subdivisions with more than five lots or five acres. (see page 16 – Section 28.43.d). FEMA only requires the base elevation data for fifty or more lots, which seemed to large a number of lots for Mount Jackson.

8. Article V more clearly explains the criteria used to determine if an existing structure can be rebuilt.
9. Article VI is reformatted but only adds one factor for the BZA to consider when allowing a variance, accessory structures may not be larger than 300 square feet.
10. Article VII moves the definitions from the front of the chapter to the end. There are a number of new definitions including those that define some of the acronyms used in the ordinance.