

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ORDINANCE AMENDMENT, Amend Title IV, Volume III of the Code of Ordinances, Flood Damage Prevention Ordinance, to bring Ordinance into Compliance with National Flood Insurance Program Standards (City Plan Director).**

REPORT: 1479-02

ADVICE: Approval

BACKGROUND

Before the Board is a proposed Amendment to the Code of Ordinances amending Title IV, Volume III of the Code, entitled Flood Damage Prevention Ordinance (FDPO), which incorporates references to new Flood Insurance Rate Maps (FIRMs) and a revised Flood Study into the Ordinance. The purpose of the Flood Damage Prevention Ordinance is to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas of the City. Its objectives are to protect human life and health, minimize public expenditure and the need rescue and relief efforts associated with flooding, to minimize prolonged business interruptions and damage to public facilities and utilities, to help maintain a stable tax base and to keep home owners and potential buyers aware of flood boundary locations.

On January 8, 2013, the Federal Emergency Management Agency (FEMA) issued a final letter of determination regarding modified flood hazard determinations (FHDs) for the City of New Haven which required that municipalities adopt revised floodplain management regulations within six months, prior to July 8, 2013. As a condition of continued eligibility in the National Flood Insurance Program (NFIP), the City is required to adopt or show evidence of adoption of revised floodplain regulations that meet the NFIP standards. Included in the revised regulations is a reference to the 11 new FIRMs and to 4 FIRMS still in effect from December 17, 2010. Also referenced is a revised Flood Insurance Study (FIS) for New Haven County dated July 8, 2013. Concurrently before the Board of Aldermen is a companion piece, an Amendment to Section 56 of the Zoning Ordinance, covered in CPC Report 1479-01.

Last revised in December 2010 (CPC 1442-11, 07/21/10) and before that in 1998 and 1983, the Flood Damage Prevention Ordinance was first incorporated into the Building Code in 1980. In 1991 when a Connecticut Uniform Building Code superseded the New Haven Building Code, the FDPO was placed in the Code of Ordinances as Title IV of Volume III.

PLANNING CONSIDERATIONS

In the wake of Hurricane Irene and super storm Sandy which recently impacted New Haven and other coastal communities, coupled with empirical evidence of increasing average global air and ocean temperatures and rising global average sea level, it is in the City's best interest to improve existing regulations to prepare for sea level rise and what the future will bring. The Flood Insurance Rate Map panels and Flood Insurance Study have been updated by FEMA to reflect the most up-to-date identification of coastal flood risk using the best available scientific data and methodologies, superior to that which was used to create the currently effective digital FIRMs. Proposed changes to the FDPO are summarized as follows:

- Individual flood map (FIRM) numbers are listed (Section 3.2) and reference is made to the revised Flood Study with new effective dates of July 8, 2013;
- Definitions of "substantial improvement" (Section 2.1.38), "Substantial damage" (Section 2.1.37) and "Variance" (Section 2.1.39) are clarified;

- New requirement for new construction and substantial improvements within the coastal flood hazard area to elevate the bottom of the lowest structural horizontal member to no lower than one foot above the base flood elevation (Section 5.3.4.2). The change is reflected also in Sections 2.1.16, 5.3.2, and 5.1.9.1;
- Redefines the mean high tide line as the “Connecticut Coastal Jurisdiction Line” in accord with State law (Section 5.3.4.1).

These changes are fully compliant with the minimum standards of the National Flood Insurance Program and in some cases reflect higher standards. In particular, the addition of the requirement of the one foot of freeboard is a higher standard strongly encouraged by FEMA and the Connecticut DEEP. Many Connecticut coastal communities have already adopted additional freeboard requirements or have offered incentives for building at higher elevations. The additional freeboard can also provide homeowners with a reduction in flood insurance.

Listing of the Flood Map (FIRM) numbers in the FDPO (Section 3.2) allows for no question as to which maps are current, in effect and required to be used in determining areas of special flood hazard. This information is available at a number of City resources as well as on the FEMA website.

Reference to the “Coastal Jurisdiction Line” (CJL) rather than the “mean high tide line” promotes ease in the permitting process. The federal minimum required language is “located landward of the reach of the mean high tide”, a point which varies and may be difficult to determine. In the process of establishing a CJL, CT DEEP has determined New Haven’s elevation referenced to NAVD88 is 4.6’. For waters upstream of a tide gate, such as the West River or Morris Creek, the CJL is the elevation of mean high water found at the device’s downstream location.

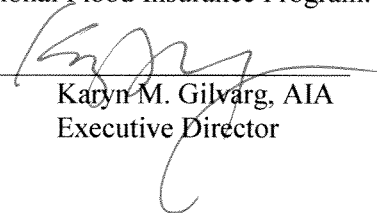
Review of definitions is an ongoing process, and clarifying language is proposed to promote ease in the permitting process.

Public Hearing: At the May 28, 2013 public hearing, Planner Joy Ford stressed the importance of making the regulations as clear as possible for all parties to interpret. Adding the foot of freeboard above the base flood elevation was a positive step for New Haven to better protect its flood zone residents as well as to give some relief in the cost of flood insurance premiums.

ADVICE

The Commission is fully supportive of clarifying and new language in the Flood Damage Prevention Ordinance which bolsters the community’s ability to prepare for future potential hazards, to better protect the citizens and property owners of the City. It therefore recommends approval of the proposed Amendment and the companion Ordinance Amendment before July 8, 2013 in order to maintain New Haven’s eligibility in the National Flood Insurance Program.

ADOPTED: May 28, 2013
Edward Mattison
Chair

ATTEST: 
Kathryn M. Gilvarg, AIA
Executive Director