

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: FLOOD DAMAGE PREVENTION ORDINANCE, Ordinance Amendment to bring the present Ordinance into compliance with National Flood Insurance Program standards (City Plan Commission).

REPORT: 1442-11

ADVICE: Approval

BACKGROUND

Before the Board of Aldermen is an amended Flood Damage Prevention Ordinance which brings the City into compliance with National Flood Insurance Program (NFIP) standards. As a result of a comprehensive review of the Ordinance by Connecticut Department of Environmental Protection officials, it was determined that changes were required to bring the Ordinance into compliance with the minimum standards of the NFIP. Last revised in 1998, the Ordinance was recently deemed to be generally in good condition by the Department of Environmental Protection except for the aforementioned changes. Once the recommended Amendment is adopted, the City will be fully compliance with program standards.

Along with the Flood Damage Prevention Ordinance Amendment, companion legislation to revise the Zoning Ordinance, Section 56, Flood Damage Prevention District was also submitted. Together, the two revised ordinances will bring the city into conformity with the revised FEMA standards.

PUBLIC HEARING: At the July 21, 2010 Public Hearing Joy Ford and Erica Rothman summarized the changes to the Flood Damage Prevention Ordinance to bring it into compliance with the NFIP standards. Richard Miller noted the importance of the change in the vertical datum to the North American Vertical Datum of 1988. No testimony was offered from any other parties.

PLANNING CONSIDERATIONS

The proposed changes are summarized as follows:

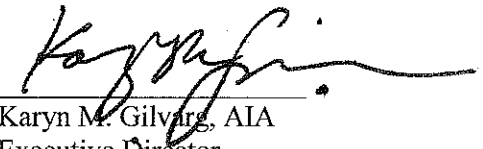
- Definitions of the following terms have been added: Base Flood Elevation, Coastal High Hazard Area, Cost, Existing Manufactured Home Park or Subdivision, Expansion to an Existing Manufactured Home Park or Subdivision, Federal Emergency Management Agency, Finished Living Space, Historic Structure, Market Value, New Manufactured Home Park or Subdivision, Violation.
- The definition of the term "Development" has been partially deleted and now has language that includes an expanded list of activities that constitute development.
- The definition of the term "Functionally Dependent Use or Facility" has been removed and replaced with language that includes an expanded list of the uses and facilities that are and are not functionally dependent.
- The definition of the term "Mean Sea Level" has had its reference to the National Geodetic Vertical Datum of 1929 removed and replaced by an updated reference to the North American Vertical Datum of 1988.
- The definition of the term "New Construction" has added language clarifying the date after which new construction is considered new.
- The definition of the term "Start of Construction" has added language clarifying which actions indicate the actual start of construction.

- The definition of the term “Water Surface Elevation” has had its reference to the National Geodetic Vertical Datum of 1929 removed and replaced by an updated reference to the North American Vertical Datum of 1988.
- Section 3.2, “Basis for Establishing the Areas of Special Flood Hazards,” has been removed and replaced with new language that identifies areas of special flood hazard and declares such areas as part of the ordinance.
- Section 5.1.9, “Manufactured Homes,” includes added language that expands the definition of manufactured homes to include recreation vehicles and their placement.
- Section 5.1.9.5 has been added. The section discusses requirements for recreational vehicles located within areas of special flood hazard and coastal high hazard.
- Section 5.1.10, “Compensatory Storage,” has been added. The section discusses the necessary compensation for reducing the water holding capacity of the floodplain.
- Section 5.1.11, “Equal Conveyance,” has been added. The section discusses the conditions under which construction may be done within the floodplain.
- Section 5.1.12, “Above-Ground Storage Tanks,” has been added. The section discusses the required elevation for above-ground storage tanks.
- Section 5.1.13, “Portion of Structure in Flood Zone,” has been added. The section states that if any portion of a structure lies within a special flood hazard area, the entire structure is considered to be in the special flood hazard area.
- Section 5.1.14, “Structures in Two Flood Zones,” has been added. The section states that if a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure.
- Section 5.1.15, “No Structures Entirely or Partially Over Water,” has been added. The section states that construction cannot be located over water unless it is a functionally dependent use or facility.
- Section 5.3.1, “Special Flood Hazard Areas,” has had its reference to areas of special flood hazard 1-30 and AH removed.
- Section 5.3.1.2.1 has had its reference to Zones A1-30, AE, and AH removed and replaced by a reference to Zones A and AE.
- Section 5.3.4, “Coastal High Hazard Areas,” has had its reference to Coastal High Hazard Area V 1-30 removed.
- Section 5.3.4.11, “Manufactured Homes Located in VE Zone,” has been added. The section discusses the elevation of manufactured homes built or renovated within VE Zones.
- Section 5.3.4.11 has been added. The section discusses the conditions under which a recreational vehicle must be ready for highway use.

ADVICE

Approval.

ADOPTED July 21, 2010
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director