

FLOOD DAMAGE PREVENTION ORDINANCE

The following is provided to assist in developing an ordinance that will comply with the minimum participating of the National Flood Insurance Program (NFIP). It is recommended that the community's attorney make necessary additions and include all required information and delegations to the model that is provided. It is not intended that this model, if adopted, will serve all of a community's needs as related to floodplain management, land use, or zoning. **Be advised that a community's ordinance may be subject to a determination of compliance by FEMA and Division of Water staff.** It is recommended that the community coordinate with the appropriate FEMA and Division of Water staff to insure adequacy of the ordinance.

Notice to all communities planning to adopt this ordinance in its entirety:

1. Your community's name, address, or name of the responsible party, as appropriate must be inserted where **<brackets occur>**;
2. Insert the amount of freeboard (feet above base flood elevation a structure must be built to) into to **< >**;
3. Communities that do not have certain special flood hazard zones identified on their Flood Insurance Rate Maps (FIRMs) may find it necessary to modify the model ordinance as follows:
 - No areas of shallow flooding (Zones AO or AH):
 - i. In Article 2, delete the definition of "AH Zone", "AO Zone", "area of shallow flooding" and in the definition of "special flood hazard area" delete the terms "AH" and "AO".
 - ii. In Article 5 Section A (6), delete the phrase which begins "Within Zones AH and AO...".
 - iii. Delete Article 5 Section D and renumber Sections E and F to D and E.

Freeboard

Sec B. 1a

(The Commonwealth of Kentucky recommends that the lowest floor be elevated above the highest adjacent grade to a height exceeding the depth number specified in feet on the FIRM by at least one foot, or elevated at least three feet above the highest adjacent grade if no depth number is specified.)

Sec B. 1b, c,
2a, c, f
4a, b

Sec F. 4

(The Commonwealth of Kentucky recommends the lowest floor be elevated at least one foot above the base flood elevation.)

** Freeboard. Freeboard requirements add height above the base flood elevation to account for future flood fringe development, uncertainties inherent with the methodologies, lack of data, debris that accompanies the base flood, and flood levels higher than that of the base flood. A freeboard requirement means that new construction and substantial improvements of existing structures will be protected to a level higher than the base flood elevation.

Freeboard may be applied not just to the elevation of the lowest floor or floodproofing level, but also to the level of protection provided to all components of the structure. All structure utilities, including ductwork, must be elevated or protected to the freeboard level and all portions of the structure below the freeboard level must be constructed using materials resistant to flood damage. If the lowest floor of garages or accessory structures is below the freeboard level, the structure must meet the opening requirements of Article 5, Section B (3).

Two references on these requirements are Protecting Building Utilities from Flood Damage, FEMA-348, and Flood Resistant Materials Requirements, FIA-TB-2