

# FLOOD HAZARD MITIGATION SMARTCODE MODULE

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*Adapt or perish, now as ever, is nature's inexorable imperative.*

H. G. Wells

## **SMARTCODE ANNOTATED**

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### **FLOOD HAZARD MITIGATION STANDARDS**

Including the specific term “hazard mitigation” in the code may help municipalities qualify for Federal and State funding for planning.

Sections may require renumbering if previous Modules are not included.

**ARTICLE 1. GENERAL TO ALL PLANS****1.9 SPECIAL TREE PROVISIONS**

- 1.9.1 Each plan submitted under this Code shall include a site plan showing and describing in detail by species and size all existing trees, including any trees proposed to be removed, and all proposed new trees, shrubs and other landscape components. Compliance of the plan with the existing tree ordinance shall be subject to the approval of the [Planning Commission](#).

**1.10 PRE-EXISTING AND POST-EMERGENCY CONDITIONS**

- 1.10.1 If a building, structure, or other improvement has been or is damaged or destroyed by any event commencing or following [\[disaster date\]](#) and resulting in the declaration of an emergency or disaster applicable to the City, by the Governor of the State or President of the United States, the owner of record on the date of the event may repair or rebuild such building, structure or other improvement on the same building site and with the same building footprint by right. To qualify, the building, structure, or other improvement must have lawfully existed prior to the declaration and neither the lot, use, building, improvement, structure nor condition may be added to or altered in any way, except to remedy the effects of such damage or destruction, and/or to conform more closely with the provisions of this Code.

**ARTICLE 2. REGIONAL SCALE PLANS****2.4 (O-2) RESERVED OPEN SECTOR**

- 2.4.4 Lands in any Special Flood Hazard Area that are designated to be set aside for the purpose of hazard mitigation [shall](#) become permanent Civic Space By Right regardless of size, subject to the Special District provisions herein, and shall count toward the required Civic Space allotment for Pedestrian Sheds including them. Areas too small to be coded as Special District shall conform to the Civic Space standards of Table 13 for one or more of any adjacent habitable Transect Zone(s).

**ARTICLE 3. NEW COMMUNITY SCALE PLANS****3.5 CIVIC ZONES**

- 3.5.2 b. Lands in any Special Flood Hazard Area that are designated to be set aside for the purpose of hazard mitigation [shall](#) become permanent Civic Space regardless of size, subject to the Special District provision herein, shall be designated Civic Space Hazard Mitigation on the Community Plan, and shall count toward the required Civic Space allotment for Pedestrian Sheds including them. Areas too small to be coded as Special District shall conform to the Civic Space standards of Table 13 for one or more of any adjacent habitable Transect Zone(s).

**ARTICLE 4. INFILL COMMUNITY SCALE PLANS****4.4 CIVIC ZONES**

- 4.4.2 b. Lands in any Special Flood Hazard Area that are designated to be set aside for the purpose of hazard mitigation [shall](#) become permanent Civic Space regardless of size, subject to the Special District provision herein, shall be designated Civic Space Hazard Mitigation on the Regulating Plan, and shall count toward the required Civic Space allotment for Pedestrian Sheds including them. Areas too small to be coded as Special District shall conform to the Civic Space standards of Table 13 for one or more of any adjacent habitable Transect Zone(s).

**ARTICLE 5. BUILDING SCALE PLANS  
FLOOD HAZARD MITIGATION STANDARDS**

**5.7** FEMA Flood Insurance Rate Maps (FIRMs) and Advisory Base Flood Elevation (ABFE) maps affect and overlay the configuration of buildings, particularly regarding their elevation above sea level or ground level. These elevation requirements may be directly incorporated into the code and Regulating Plan, or alternatively may be permitted to be overlaid by reference to the FEMA standards, as is done in this provision.

**ARTICLE 5. BUILDING SCALE PLANS****5.7 BUILDING CONFIGURATION****5.7.3 SPECIFIC TO T3**

- d. All specified Building Heights may be increased by the difference between the actual lot elevation and the base elevations required by applicable FEMA standards, provided that any first level space shall be designed for use as
- (i) parking or storage space set into the structure into the second and deeper Layers, concealed from view of all streets or
  - (ii) an open market, a loggia or porch or combination thereof, or other open-air area for recreation, relaxation or gathering, to the extent permitted by applicable FEMA requirements, or other use permitted by the Planning Commission.

**5.7.5 SPECIFIC TO T4, T5, T6**

- g. All specified Building Heights may be increased by the difference between the actual lot elevation and the base elevations required by applicable FEMA standards, provided that any first level space shall be designed for use as
- (i) parking or storage space set into the structure into the second and deeper Layers, concealed from view of all streets,
  - (ii) an open market, a loggia or porch or combination thereof, or other open-air area for recreation, relaxation or gathering, or
  - (iii) enclosed Commercial or Retail space, to the extent permitted by applicable FEMA requirements, or other use permitted by the Planning Commission.

**5.19 COMPLIANCE WITH BUILDING CODE AND FEMA REQUIREMENTS**

- 5.19.1 Each structure or other improvement installed, constructed or built in the City shall comply with the [Municipality] Building Code and applicable FEMA requirements, as the same may be amended and in effect at the time of installation, construction or building.

**5.20 SPECIAL EMERGENCY PROVISIONS**

- 5.20.1 Notwithstanding anything to the contrary contained in this Article 5 or the Existing Local Codes, following any declaration of emergency or disaster by the Governor of the State or the President of the United States of America that is applicable to [Municipality], the following shall pertain:
- a. The owner of any lot whose residence is destroyed or rendered uninhabitable by the event causing the emergency may place a travel trailer on such lot for a period not to exceed **two (2)** years from the date of the event, provided that an application for a building permit is being made to the building official within one year of the time that the structure was destroyed.
  - b. Any structure pre-approved by the Planning Commission for interim housing following an emergency may be placed on such lot pending completion of the permanent structure on the lot. In addition, travel trailers may be located for no longer than two (2) years on any other location designated by the [Legislative Body] for such purposes.

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### **ARTICLE 7. DEFINITIONS OF TERMS FLOOD HAZARD MITIGATION STANDARDS**

These terms should be added to Article 7 if they appear in the calibrated code.

**ARTICLE 7. DEFINITIONS OF TERMS****FLOOD HAZARD MITIGATION STANDARDS**

**Advisory Base Flood Elevation (ABFE):** the Base Flood Elevation on a FEMA Flood Insurance Rate Map that has not yet been adopted.

**Base Flood Elevation (BFE):** the height at or above which the lowest structural member of a building must be raised, according to an adopted FEMA Flood Insurance Rate Map.

**Civic Space Hazard Mitigation:** Lands in any Special Flood Hazard Area that are designated to be set aside for the purpose of hazard mitigation.

**FEMA:** Federal Emergency Management Agency.

**Special Flood Hazard Area:** a designation by the Federal Emergency Management Agency (FEMA) that may include the V (Velocity) Zones and Coastal A Zones where building construction is forbidden, restricted, or contingent upon raising to the Base Flood Elevation. (BFE)