



FEMA Region III: Delaware Model Ordinance

NFIP Consistency Review Checklist (December 2013)

NOTE: The "Item Description" is a synopsis of the regulatory requirement and should not be construed as a complete description. Refer to the actual language contained in the National Flood Insurance Program Rules and Regulations for complete descriptions of the required standards.

Item Description (Section reference to NFIP Regulations follows)	State Model		
Required provisions for all ordinances			
1. Citation of Statutory Authorization. [59.22(a)(2)]	Whereas		
2. Purpose section citing health, safety, and welfare reasons for adoption. [59.22(1)]	1.2		
3. Abrogation and Greater Restriction section. [60.1(b)]	1.5		
4. Adequate enforcement provisions including a violations/penalty section specifying community actions to assure compliance. [60.2e]	8.0		
5. Adopt or reference correct Flood Insurance Rate Map (and where applicable, Flood Boundary Floodway Map) and date. [60.2(h)]	1.4(B)		
6. Adopt or reference correct Flood Insurance Study and date. [60.2(h)]	1.4(A)		
7. Include a reference to all subsequent revisions and amendments to above-referenced flood maps and Flood Insurance Study.	1.4		
<p>8. Adopt definitions of:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Base Flood <input checked="" type="checkbox"/> Base Flood Elevation <input checked="" type="checkbox"/> Basement <input checked="" type="checkbox"/> Development <input checked="" type="checkbox"/> Dry Floodproofing <input checked="" type="checkbox"/> Flood Damage-Resistant Materials <input checked="" type="checkbox"/> Flood Insurance Rate Map <input checked="" type="checkbox"/> Flood Insurance Study <input checked="" type="checkbox"/> Floodway <input checked="" type="checkbox"/> Historic Structure <input checked="" type="checkbox"/> Highest Adjacent Grade <input checked="" type="checkbox"/> Letter of Map Change <input checked="" type="checkbox"/> Lowest Floor <input checked="" type="checkbox"/> Manufactured Home <input checked="" type="checkbox"/> New Construction <input checked="" type="checkbox"/> Recreational Vehicle <input checked="" type="checkbox"/> Special Flood Hazard Area <input checked="" type="checkbox"/> Start of Construction <input checked="" type="checkbox"/> Structure <input checked="" type="checkbox"/> Substantial Damage <input checked="" type="checkbox"/> Substantial Improvement <input checked="" type="checkbox"/> Violation <p style="text-align: right;">[59.1]</p>		<p>NOTE: State Model requires all manufactured homes to be elevated to/above the BFE; thus, definitions for <u>Existing, Expansion to An Existing, Manufactured Home Park or Subdivision or New Manufactured Home Park</u> are not required (1986 regulations).</p>	

DE Model: Basic V&A

Item Description (Section reference of NFIP Regulations follows)	State Model		
Required provisions for all ordinances (continued)			
9. Severability section. (If any section, provision or portion of the ordinance is deemed unconstitutional or invalid by a court, the remainder of the ordinance shall be effective.)	1.8		
10. Disclaimer of Liability (Degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.)	1.7		
11. Framework for administering the ordinance (permit system, establish office for administering the ordinance, recordkeeping, etc.) [59.22(b)(1)]	3.0		
12. Designate title of community Floodplain Administrator [59.22 (b)]	3.1		
13. Requirement to submit new technical data: within 6 months, notify FEMA of changes in the base flood elevation by submitting technical or scientific data so insurance & floodplain management can be based on current data. [65.3]	3.4(C)		
14. Variance section with evaluation criteria & insurance notice. [60.6(a)]	7.0		
15. For adopted ordinance: Signature of Appropriate Official & Certification. Date ordinance adopted: _____ Effective Date _____ Ordinance No. _____	SECTION 5		
60.3 (a) When no SFHA's have been identified, no water surface elevation data has been provided, and floodways and coastal high hazards areas have not been identified and the community applies for participation in the NFIP, the following are required:			
16. Require permits for all proposed construction or other development including placement of manufactured homes. [60.3(a)(1)]	3.3		
17. Assure that all other State and Federal permits are obtained. [60.3(a)(2)]	3.5(A)(3)		
18. Review subdivision proposals to assure that:			
(a) Such proposals minimize flood damage. [60.3(a)(4)(i)]	4.2(A)		
(b) Public utilities and facilities are located & constructed so as to minimize flood damage. [60.3(a)(4)(ii)]	4.2(B)		
(c) Adequate drainage is provided. [60.3(a)(4)(iii)]	4.2(C)		
19. Review permits to assure sites are reasonably safe from flooding and require for new construction and substantial improvements in flood-prone areas: [60.3(a)(3)]	3.2(D)		
(a) Anchoring (including manufactured homes) to prevent floatation, collapse, or lateral movement. [60.3(a)(3)(i)]	4.4(A)		
(b) Use of flood-resistant materials. [60.3(a)(3)(ii)]	4.4(C)		
(c) Construction methods/practices that minimize flood damage. [60.3(a)(3)(iii)]	4.4(B)		
(d) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities designed and/or located to prevent water entry or accumulation. [60.3(a)(3)(iv)]	4.4(D)		
20. Require new and replacement water supply and sanitary sewer systems to be designed to minimize or eliminate infiltration. [60.3(a)(5) & (6)]	4.3(A)		
21. Require on-site waste disposal systems be located to avoid impairment or contamination. [60.3(a)(6)(ii)]	4.3(C)		

DE Model: Basic V&A

Item Description (Section reference of NFIP Regulations follows)	State Model		
60.3(b) When SFHA's are identified by the publication of a community's FHBM or FIRM, but water surface elevation data have not been provided or a floodway or coastal high hazard area has not been identified, then all the above ordinance provisions for 60.3(a) and the following are required:			
22. Require permits for all proposed construction and other development within SFHAs on the FIRM. [60.3(b)(1)]	3.3		
23. Where BFE data are utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements. [60.3(b)(5)]	3.2(K)		
24. In A Zones, in the absence of FEMA BFE data and floodway data, consider other available data as basis for elevating residential structures to or above base flood level, and for floodproofing or elevating nonresidential structures to or above base flood level. [60.3(b)(4)]	3.4(A)(3)		
25. In riverine areas, notify neighboring communities of watercourse alterations or relocations. [60.3(b)(6)]	5.5(C)(4)		
26. Maintain flood carrying capacity of altered or relocated watercourse. [60.3(b)(7)]	5.5(C)(5)		
27. Require base flood elevation data for subdivision proposals or other developments greater than 50 lots or 5 acres. [60.3(b)(3)]	4.2(D)		
28. Require all manufactured homes to be elevated and anchored to resist flotation, collapse, or lateral movement. [60.3(b)(8)]	5.2(C)		
60.3(c) When final flood elevations, but no floodways or coastal high hazard areas have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a) & 60.3(b) and the following are required:			
29. Require all new and substantially improved residential structures within A1-30, AE, and AH Zones have their lowest floor (including basement) elevated to or above the BFE. [60.3(c)(2)]	5.2(A)(1)		
30. In AO Zones, require that new and substantially improved residential structures have their lowest floor (including basement) at or above the highest adjacent grade at least as high as the FIRM's depth number. [60.3(c)(7)]	5.2(A)(2)		
31. Require that new and substantially improved nonresidential structures within A1-30, AE, and AH Zones have their lowest floor elevated or floodproofed to or above the base flood elevation. [60.3(c)(3)]	5.3(A)(1)		
32. In AO Zones, require new and substantially improved nonresidential structures have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number on the FIRM. [60.3(c)(8)]	5.3(A) & 5.3(B)		
33. Require that, for floodproofed non-residential structures, a registered professional/architect certify that the design and methods of construction meet requirements at (c) (3) (ii). [60.3(c)(4)]	5.3(B)(3)		

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Item Description (Section reference of NFIP Regulations follows)	State Model		
60.3(c) (continued)			
34. Within Zones A1-30 and AE without a designated floodway, new development shall not be permitted unless it is demonstrated that the cumulative effect of all past and projected development will not increase the BFE by more than 1 foot. [60.3(c)(10)]	5.5(B)		
35. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage have permanent openings designed to allow the entry and exit of flood waters in accordance with specifications of 60.3(c)(5) .	5.2(B)		
36. In Zones AO and AH, require drainage paths around structures on slopes to guide water away from structures. [60.3(c)(11)]	5.2(A)(2) & 5.3(A)(2)		
37. Require that manufactured homes placed or substantially improved within A1-30, AH, and AE Zones, which meet one of the following location criteria, to be elevated such that the lowest floor is at or above the BFE and be securely anchored: i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood. [60.3(c)(6)]	5.2(C)	<input checked="" type="checkbox"/> State Model requires elevation of all manufactured homes placed/substantially improved to the BFE (1986 regulations).	
38. In A1-30, AH, and AE Zones, require that manufactured homes to be placed or substantially improved in an <u>existing</u> manufactured home park to be elevated so that: i. the lowest floor is at or above the BFE <u>or</u> ii. the chassis is supported by reinforced piers no less than 36 inches above grade and securely anchored. [60.3(c)(12)]	5.2(C)	<input checked="" type="checkbox"/> State Model requires elevation of all manufactured homes placed/substantially improved to the BFE (1986 regulations).	
39. In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must be elevated and anchored <u>or</u> be on the site for less than 180 consecutive days <u>or</u> be fully licensed and highway ready. [60.3(c)(14)]	4.7		
60.3(d) When final flood elevations and floodway delineations have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a), 60.3(b) & 60.3(c) and the following are required:			
40. In a regulatory floodway, prohibit any encroachment which would cause any increase in the base flood level unless hydrologic and hydraulic analyses prove that the proposed encroachment would not increase flood levels during the base flood discharge. [60.3(d)(3)]	5.5(A)		

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<p>60.3(e) When final flood elevations & coastal high hazard areas have been provided on a community's FIRM, then all the above ordinance provisions for 60.3(a), 60.3(b) & 60.3(c) & the following are required: NOTE: If a community has both floodways & coastal high hazard areas, it must meet the requirements of both 60.3(d) & (e).</p>			
41. In V1-30, VE, and V Zones, obtain and maintain the elevation of the bottom of the lowest horizontal structural member of the lowest floor of all new and substantially improved structures. [60.3(e)(2)]	3.2(K) & 6.3(B)		
42. In V1-30, VE, and V Zones, require that all new construction and substantial improvements: (a) Are elevated on pilings/columns so that the bottom of the lowest horizontal structural member is at or above the BFE and the piles/column foundation/structure are anchored to resist flotation, collapse & lateral movement. [60.3(e)(4)]	6.3(A)(1) & 6.3(B)(1)		
(b) A registered professional engineer/architect shall develop/ review structural design, specs & plans; and shall certify that the design and methods of construction meet elevation and anchoring requirements at (e)(4)(i) and (ii). [60.3(e)(4)]	3.4(A)(8)(c) & 6.3(E)		
(c) Have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls. Such enclosed space shall be useable solely for parking, building access, or storage. [60.3(e)(5)]	6.3(B)(3) & 6.3(C)		
(d) All new construction is landward of the reach of mean high tide. [60.3(e)(3)]	6.2(B)		
(e) Prohibit use of fill for structural support. [60.3(e)(6)]	6.2(A)		
(f) Prohibit alteration of sand dunes and mangrove stands which would increase potential flood damage. [60.3(e)(7)]	6.2(C)		
43. Require that manufactured homes placed or substantially improved within V1-30, VE, and V Zones, which meet one of the following location criteria, meet the V Zone standards in 60.3(e)(2) through (e)(7): i. outside a manufactured home park or subdivision; ii. in a new manufactured home park or subdivision; iii. in an expansion to an existing manufactured home park or subdivision; iv. on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood. [60.3(e)(8)]	<input checked="" type="checkbox"/> State Model requires elevation of all manufactured homes placed/substantially improved to the BFE (1986 regulations). 6.3(D)		
44. In V1-30, VE and V Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that: i. the lowest floor is at or above the BFE, or ii. the chassis is supported by reinforced piers no less than 36" above grade and securely anchored. [60.3(e)(8)(iv); 60.3(c)(12)]		<input checked="" type="checkbox"/> State Model requires elevation of all manufactured homes placed/substantially improved to the BFE (1986 regulations). 6.3(D)(2)	
45. In V1-30, VE, and V Zones, all recreational vehicles to be placed on a site must be elevated and anchored or be on the site for less than 180 consecutive days or be fully licensed & highway ready. [60.3(e)(9)]	4.7		