



**CITY OF FORT LAUDERDALE
City Commission Agenda Memo
REGULAR MEETING**

#14-0613

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: June 3, 2014

TITLE: Ordinance – Amending Chapter 14 – Flood Damage Prevention

Recommendation

It is recommended the City Commission introduce an ordinance on first reading to amend Chapter 14 – Flood Damage Prevention to incorporate appropriate flood management language that will make the City of Fort Lauderdale consistent with the State of Florida requirements for compliance with the National Flood Insurance Program (NFIP) as well as the Florida Building Code (FBC).

Background

As indicated in Commission Memorandum 14-065 (**Exhibit 1**) the City was notified by the Federal Emergency Management Agency (FEMA) that final flood elevations have been determined for the City of Fort Lauderdale and that FEMA's Flood Insurance Rate Map (FIRM) has identified flood hazard areas which are subject to inundation.

While FEMA was undertaking efforts to update the FIRM, the State of Florida saw an opportunity to have communities update their floodplain regulations by creating a State Model Floodplain Ordinance. This model ordinance would be compliant with National Flood Insurance Program (NFIP) standards as well as the FBC, which in 2010, adopted floodplain management into the code.

The challenge many communities faced was the conflict between local codes with higher regulatory standards, and the FBC, which preempted those higher regulatory standards. This would cause those communities in the Community Rating System (CRS) to be negatively impacted, which may result in changes to the insurance discounts communities receive for participating in the CRS. In other communities, like Fort Lauderdale, the local codes were less restrictive than the new requirements of the FBC, causing additional confusion and conflicting regulations.

As a result a massive collaboration was undertaken to have the State reexamine the model ordinance in light of higher regulatory standards. The result of those efforts culminated in a Broward County version of the State Model Floodplain Ordinance that is

compliant with NFIP and the FBC, allowing the higher regulatory standards to apply.

To address the requirements of the State and the NFIP the Department of Sustainable Development in collaboration with Public Works has been working with a certified flood plain manager consultant from FEMA to develop a revision to the City's Code of Ordinances that will address the revised flood plain requirements. Staff is proposing to repeal the current language within Chapter 14 of the City Code of Ordinances and adopting new ordinance language in Chapter 14 based on the Broward County version of the State Model Floodplain Ordinance.

In order to meet the requirements and standards of the NIFP the City must adopt or show evidence of adoption of floodplain management regulations that meet the standards of the NFIP regulations, which requires adoption of the current Flood Insurance Study and Flood Insurance Rate Map in a legally enforceable document by August 18, 2014

The NFIP CRS is a voluntary incentive program that recognizes and encourages floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS:

1. Reduce flood damage to insurable property;
2. Strengthen and support the insurance aspects of the NFIP, and
3. Encourage a comprehensive approach to floodplain management.

To address this incentive program staff is proposing higher regulatory standards in the proposed ordinance that can earn the City additional CRS points to potentially further lower the insurance rates. These higher regulatory standards are as follows:

1. Adopting higher standards to impose certain limitations on enclosed areas below elevated buildings and requiring a non-conversion agreement for enclosures greater than four feet in height. This regulation will accomplish two objectives. First, it will protect the structural integrity of the building from wave action meaning the water will be able to freely flow underneath the structure without jeopardizing the stability of the structure to the greatest extent possible. Second, it will discourage property owners from finishing the area below the base flood elevation and storing valuable or hazardous items in that area that may cause contamination to environmental sources.
2. Adopting higher standards on new buildings and substantial improvements of buildings. Requiring the lowest floor, including basement, elevated to or above the elevation required in the *Florida Building Code*, the base flood elevation plus one foot, 18 inches above the nearest crown of road whichever is higher (commonly referred to a freeboard). This higher standard adds height above the base flood elevation to provide an extra margin of protection to account for waves, debris, miscalculations, or lack of

data. A freeboard requirement of one foot means that the level of protection for the lowest floor of the structure, associated machinery and equipment, etc. is one foot above the base flood elevation.

3. Adopting a higher standard to prohibit the use of fill to elevate buildings and structures. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios, walkways, and similar ancillary uses. The use of fill to elevate buildings has advantages that make it desirable for developers and homeowners. However, there are problems with using fill: it reduces floodplain storage capacity (the ability to maintain storm water on-site) and it has an adverse impact on native vegetation, wetlands, drainage, and water quality.

This revision to the Code of Ordinances includes a provision for substantial improvements, which is defined as follows:

Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

This amendment will require the City's Flood Plain Manager to make a determination of a Substantial Improvement based on an estimate of market value, cost comparison of the work being performed, an evaluation of previous permits issued as well as notification to the applicant of the determination of a Substantial Improvement. Should projects meet the Substantial Improvement criteria the remaining portions of the building will be required to address the flood resistant construction requirements of the FBC which include waterproofing the existing structure or raising the elevation of the entire structure for single-family homes.

To review the proposed amendment in its entirety please refer to the Flood Damage Prevention ordinance attached as **Exhibit 2**.

Staff realizes these new requirements and the proposed amendment to the Code is a considerable change from the existing language and requirements and there may be many questions from the public and development community regarding impacts to proposed development, redevelopment, and alterations to existing structures. To address this staff made a presentation to the Council of Civic Associations on Tuesday, May 13th and will be advertising a series of Flood Prevention Workshops where members of the public and development community can come into the Department of Sustainable

Development and receive firsthand information on the requirements as well as the potential impacts of this amendment as well as have staff address any questions they may. Staff will also be putting together a one-sheet notice with development applications that will quickly explain the amendment and give contact information for any questions or assistance that may be needed. Staff is also making a standard comment on all Development Review Committee (DRC) items so ensure the applicants are aware of the requirements as early as possible in an effort to avoid any confusion during the building permit process.

Resource Impact

There is no fiscal impact associated with this action.

Strategic Connections

This item corresponds to *Press Play Fort Lauderdale Strategic Plan 2018* initiative, included within the **Be a sustainable and resilient community** specifically advancing:

- **Goal 2:** Be a sustainable and resilient community.
- **Objective 2:** Reduce flooding and adapt to sea level rise
- **Initiative 1:** Incorporate sea level rise and resiliency projections into the Stormwater management Plan and the Flood Hazard Mitigation Program.

Attachments:

Exhibit 1 – Flood Plain Ordinance Commission Memo 14-065

Exhibit 2 – Proposed Ordinance

Prepared by: Anthony Greg Fajardo, Zoning Administrator

Department Director: Greg Brewton, Department of Sustainable Development
Jenni Morejon, Director Designee