

CITY OF LAUDERDALE LAKES

Agenda Cover Page

Fiscal Impact: No

Contract Requirement: No

Title

ORDINANCE 2024-010 OF THE CITY OF LAUDERDALE LAKES, BROWARD COUNTY, FLORIDA; AMENDING CHAPTER 14 FLOOD PREVENTION AND PROTECTION OF THE LAND DEVELOPMENT CODE TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS

Summary

This is a city initiated ordinance providing for an amendment to Chapter 14 of the Land Development Regulations (LDRs), updating the date of the flood insurance study (FIS), flood insurance rate maps and amend the definition for "Market Value".

Staff Recommendation

Background:

Staff is recommending the Mayor and the City Commission to approve the proposed amendments as they are necessary to continue to meet the requirements of Title 44 Code of Regulations sections 59 and 60.

Funding Source:

N/A

Fiscal Impact:

N/A

Sponsor Name/Department: Stephen Smith/Development Services

Meeting Date: 4/23/2024

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Ordinance 2024-010 2024 Update to date of Flood Insurance Study and Flood Insurance Rate Map	Ordinance
<input type="checkbox"/> 01-TA-24 Interoffice Memo	Backup Material

1 SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. The foregoing recitals are true and
2 correct and are incorporated herein by this reference.

3 SECTION 2. AUTHORITY AND LEGISLATIVE FINDINGS: The City Commission hereby
4 finds that Ordinance is authorized pursuant to Chapter 1, Section 1-7 of the Lauderdale Lakes
5 Code of Ordinances, Chapter 5, Section 507 of the Land Development Regulations, Lauderdale
6 Lakes and is required for compliance with State and Federal Law.

7 SECTION 3. APPLICABILITY: The City Commission hereby finds and establishes that for
8 purposes of jurisdictional applicability, this Ordinance shall apply within the corporate
9 jurisdictional limits of the City of Lauderdale Lakes, and further shall apply to all applications for
10 development, including building permit applications and subdivision proposals submitted on or
11 after the effective date of this ordinance.

12 SECTION 4. AMENDMENT. CHAPTER 14- FLOOD PREVENTION AND PROTECTION,
13 SECTION 1402.3 OF THE LAUDERDALE LAKES LAND DEVELOPMENT REGULATIONS IS HEREBY
14 AMENDED AS FOLLOWS:

15 ***

16 1402.3 *Basis for establishing flood hazard areas.* The Flood Insurance Study for Broward County,
17 Florida and Incorporated Areas dated July 31, 2024 ~~August 18, 2014~~, and all subsequent
18 amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all
19 subsequent amendments and revisions to such maps, are adopted by reference as a part of this
20 ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and
21 maps that establish flood hazard areas are on file at the development services department.

22 ***
23

24 SECTION 5. AMENDMENT: CHAPTER 14- FLOOD PREVENTION AND PROTECTION,
25 SECTION 1409.4 OF THE LAUDERDALE LAKES LAND DEVELOPMENT REGULATIONS IS HEREBY
26 AMENDED AS FOLLOWS:

27

CODING: Words, symbols, and letters ~~stricken~~ are deletions; words, symbols, and letters underlined are additions. Words, symbols, and letters double underlined are additions after first reading; words, symbols, and letters ~~double stricken~~ are deletions after first reading.

1 1409.4- *Definitions.*

2 ~~Market value means the price at which a property will change hands between a willing~~
3 ~~buyer and a willing seller, neither party being under compulsions to buy or sell and~~
4 ~~both having reasonable knowledge of relevant facts. As used in this ordinance, the~~
5 ~~term refers to the market~~ the value of buildings and structures, excluding the land and
6 other improvements on the parcel. Market value ~~may be established by a qualified~~
7 ~~independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated
8 for age, wear and tear, neglect, and quality of construction) determined by a qualified
9 independent appraiser, or tax assessment value adjusted to approximate market
10 value by a factor provided by the county property appraiser.

11 ***

12 SECTION 6. CONFLICT: All previously adopted ordinances, resolutions or Code
13 provisions that are in conflict with this ordinance are hereby repealed.

14 SECTION 7. SEVERABILITY: If any section, subsection, sentence, clause, phrase or
15 portion of this Ordinance is for any reason held invalid or unconstitutional by any court of
16 competent jurisdiction, such portion shall be deemed a separate, distinct and independent
17 provision and such holding shall not affect the validity of the remaining portions of this
18 Ordinance.

19 SECTION 8. INCLUSION IN THE CODE OF ORDINANCES: It is the intention of the City
20 Commission of the City of Lauderdale Lakes that the provisions of this Ordinance shall become
21 and be made a part of the Code of Ordinances in the City of Lauderdale Lakes and that the
22 sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be
23 changed to "Chapter," "Section," "Article" or such other appropriate word or phrase, the use of
24 which shall accomplish the intentions herein expressed; provided, however, that Section 1 hereof
25 or the provisions contemplated thereby shall not be codified.

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1 SECTION 9. EFFECTIVE DATE: This Ordinance shall become effective immediately upon
2 passage on second reading.

3 PASSED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES ON FIRST
4 READING AT ITS REGULAR COMMISSION MEETING ON THE 23RD DAY OF APRIL 2024.

5 PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF LAUDERDALE LAKES
6 ON SECOND READING AT ITS REGULAR COMMISSION MEETING ON THE ____ DAY OF _____
7 2024.

8 _____
9 VERONICA EDWARDS PHILLIPS, MAYOR
10

11 ATTEST:

12 _____
13
14 VENICE HOWARD, CMC, CITY CLERK
15

16
17 Approved as to form and legality
18 for the use of and reliance by the
19 City of Lauderdale Lakes only:
20

21 _____
22 Sidney C. Calloway, City Attorney
23

24
25
26 Sponsored by:
27

28
29 **VOTE:**
30

31 Mayor Veronica Edwards Phillips _____ (For) _____ (Against) _____ (Other)
32 Vice-Mayor Mark Spence _____ (For) _____ (Against) _____ (Other)
33 Commissioner Tycie Causwell _____ (For) _____ (Against) _____ (Other)
34 Commissioner Karlene Maxwell-Williams _____ (For) _____ (Against) _____ (Other)
35 Commissioner Sharon Thomas _____ (For) _____ (Against) _____ (Other)

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Interoffice Memorandum to the City Commission

April 23, 2024

App No.
01-TA-24

TO:	Treaasa Brown-Stubbs City Manager	Dates	Boards
		October 30, 2023	Application Received
THRU:	Tanya Davis-Hernandez, AICP Development Services Director	March 28, 2024	Planning & Zoning Board
		April 22, 2024	City Commission Workshop (Pending)
		April 23, 2024	City Commission Regular Meeting (Pending)
FROM:	Stephen Smith Planner II		

RE: Text Amendment: Flood Plain Regulations

I. PROJECT DESCRIPTION

<p><u>Project Name:</u> LDR Text Amendment</p> <p><u>Project Location:</u> Citywide</p> <p><u>Project Applicant:</u> City of Lauderdale Lakes</p> <p><u>Project Planner:</u> Stephen Smith, Planner II</p> <p><u>Prior Approvals:</u> Ordinance 2014-012</p>	<p><u>Project Request: 01-TA-24</u></p> <p>Amend the following sections of Chapter 14 Flood Prevention and Protection to remain consistent with the requirements of Title 44 Code of Federal Regulations, sections 59 and 60:</p> <ul style="list-style-type: none"> • Section 1402.3 Basis for establishing flood hazard areas, to change the prior Florida Insurance Study (FIS) effective date to the revised one. • Section 1409 Definitions, to update the definition for “market value”. 	<p><u>Staff Recommendation:</u></p> <p>Staff recommends for the P&Z Board to make a recommendation of approval of the application as it meets the standards set forth in Chapter 5 section 507.</p>
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II. PROJECT OVERVIEW

REQUEST:

On February 12, 2024, the City received correspondence from the Florida Department of Emergency Management (FDEM) that the Federal Emergency Management Agency (FEMA) issued a Letter of Final Determination on January 31, 2024 for the revised Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) for Broward County. The FIS report and the FIRM for community will become effective on July 31, 2024.

The City of Lauderdale Lakes was accepted for participation in the National Flood Insurance Program (NFIP) on December 4, 1979, and the City Commission of the City of Lauderdale Lakes desires to continue to meet the requirements of Title 44 Code of Federal Regulations, sections 59 and 60, necessary for such participation. As a condition of continued eligibility in the NFIP, the City has to adopt or show evidence of adoption of the flood plain management regulations within 6 months from the date of the letter.

FDEM provided three options (3) that City could choose to comply with NFIP requirements:

- 1) Your community may want to modify the ordinance to show the new FIS effective date and make a change to the definition of “Market Value” that has been adopted by nearly 200 communities in recent years.
- 2) Your community may want to revise the FIS date and adopt other amendments.
- 3) Your community may elect to rely on “auto-adopt,” which refers to the phrase “and all subsequent amendments and revisions” found in your ordinance section titled “Basis for establishing flood hazard areas.

Staff opted to bring forth the amendments outlined under option 1 which will amend sections 1402.3 and 1409 of Chapter 14 of the City’s Land Development Regulations as it relates to floodplain regulations.

III. BACKGROUND

NATIONAL FLOOD INSURANCE PROGRAM:

The National Flood Insurance Program (NFIP) is a program run by the Federal Emergency Management Agency (FEMA). It was established in 1968 to provide federally supported (subsidized) flood insurance for properties with significant flood risk. In return, supported communities must meet minimum flood plain management standards. Risk areas are designated and mapped by FEMA with their Flood Insurance Rate Maps (FIRMs). Depicted on the maps are special Flood Hazard Areas (SFHAs). These are areas with a 1% or greater risk of annual flooding.

As maps are updated communities must adopt them and enact minimum standards to regulate development in flood designated areas. If a community does not adopt their FIRMs or does not maintain their standards they can be put on probation or suspended from the Program. If a community does not participate with the NFIP, properties within those boundaries cannot purchase reduced rate flood insurance. Individuals in these areas can also face challenges receiving federal disaster assistance in flood hazard areas, or in receiving federally backed mortgages.

Overall, the program reduces the socio-economic impact of disasters by promoting the purchase and retention of Risk Insurance in general, and National Flood Insurance in particular.

FLORIDA DIVISION OF EMERGENCY MANAGEMENT:

The Florida Division of Emergency Management serves as the State Coordinating Agency of the NFIP to work with Florida municipalities and counties to administer local flood damage reduction regulations.

IV. ANALYSIS

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The proposed amendments have been reviewed for compliance with the City's Comprehensive Plan and is consistent with the following policies listed under the Future Land Use (FLU), Housing (HOU) and Intergovernmental Coordination (ING) Elements:

(FLU)(Policy 1.8.1): Lauderdale Lakes shall continue to enforce its flood damage prevention regulations.

(HOU)(Policy 1.7.2): The City should participate in the Federal Emergency Management Agency's Community Rating System (CRS) program and implement a program that will help to reduce flood insurance costs for residents in the City. The program should reflect a reduced flood risk resulting from community actions meeting the three goals of the CRS:

1. Reduce flood losses;
2. Facilitate accurate insurance rating; and
3. Promote the awareness of flood insurance.

(ING)(Policy 1.1.15): The City shall expand its coordination efforts with the Federal Emergency Management Agency (FEMA) to participate in the Community Rating System (CRS) program to increase community awareness in relation to flood losses and insurance costs.

CONFORMANCE WITH THE LAND DEVELOPMENT REGULATIONS (LDRs):

Pursuant to Chapter 5 section 507.8 of the LDRs, when deciding to recommend approval of a proposed text amendment, the Administration, Planning and Zoning Board and the City Commission shall consider compliance with the following standards. Staff has provided their finds for each standard below:

A. The proposed amendment is legally required.

Staff Response: Staff agrees with the above. To remain compliant with the terms of the NFIP each participating community must comply with the updates set forth by FEMA.

B. The proposed amendment is consistent with the goals and objectives of the comprehensive plan.

Staff Response: Staff agree with the above. The proposed amendments are consistent with the goals and objectives of the comprehensive plan as provided above.

C. The proposed amendment is consistent with the authority and purpose of the LDR.

Staff Response: Staff agrees. Section 102 of the LDRs expresses the purpose of the LDRs, which is to, "... further implement the comprehensive plan of the City by establishing regulations, procedures and

standards to foster and preserve the public health, safety, procedures and equitable in terms of the rights of property owners and the consideration for the interests of the citizens of the City”. Continuing our participation of the NFIP is aligned with public safety, health and aids in the progressive development and redevelopment of the City.

D. The proposed amendment furthers the orderly development of the city.

Staff Response: Staff agrees. The updated flood maps will benefit Community planners and local officials by providing us with a greater understanding of the flood hazards and risks that affect Broward County. It will also aid home and business owners by providing them with the ability to make better financial decisions about protecting their properties.

E. The proposed amendment improves the administration or execution of the development process.

Staff Response: Staff agrees. The updated flood maps will improve the administration/execution of the development process by providing more detailed information for making decisions on where to build and how construction can affect local flood hazard areas.

APPLICABLE FLOOD INSURANCE RATE MAP CHANGES:

Staff reviewed the latest flood maps to better understand the total amount of parcels in the City that were affected by FEMA’s most recent study. Below is a table (see Table 1) which summarizes Staff’s findings:

City of Lauderdale Lakes – Flood Map			
		Higher Risk	Lower Risk
Total # of Parcels	6505		
Total Affected	55		
Total Residential	48	50	
Other	7		5
% Change		91%	9%

TABLE 1

PROPOSED CODE LANGUAGE:

The draft code changes have been attached as an exhibit to this report (see Exhibit B). The amendments are subject to final review and approval by the City Attorney’s Office. New language is **underlined** and eliminated language is **strikethrough**.

V. STAFF RECOMMENDATION

Based upon the assessment and findings contained within this report, Staff is recommending for the Planning and Zoning Board to approve the application as it complies with the provisions set forth in the City’s Comprehensive Plan and Land Development Regulations.

VI. PLANNING AND ZONING BOARD RECOMMENDATION

At its March 28, 2024 regular meeting, the Planning and Zoning Board forwarded a recommendation of approval (Motion carried 3-0) to the City Commission. The Board also had some follow-up questions regarding the NFIP (see below):

- 1) How many communities in Florida are non-participating communities in the National Flood Insurance Program?
- 2) How much of a discount is provided off of flood insurance for participating communities.

Which Staff has provided correspondence from FDEM in response to those comments attached as Exhibit C to this report.

VII. EXHIBITS

- A. Location Map
- B. Proposed Amendments to Chapter 14 (Strikethrough/Underline)
- C. FDEM Planning and Zoning Board Response

EXHIBIT A

LOCATION MAP

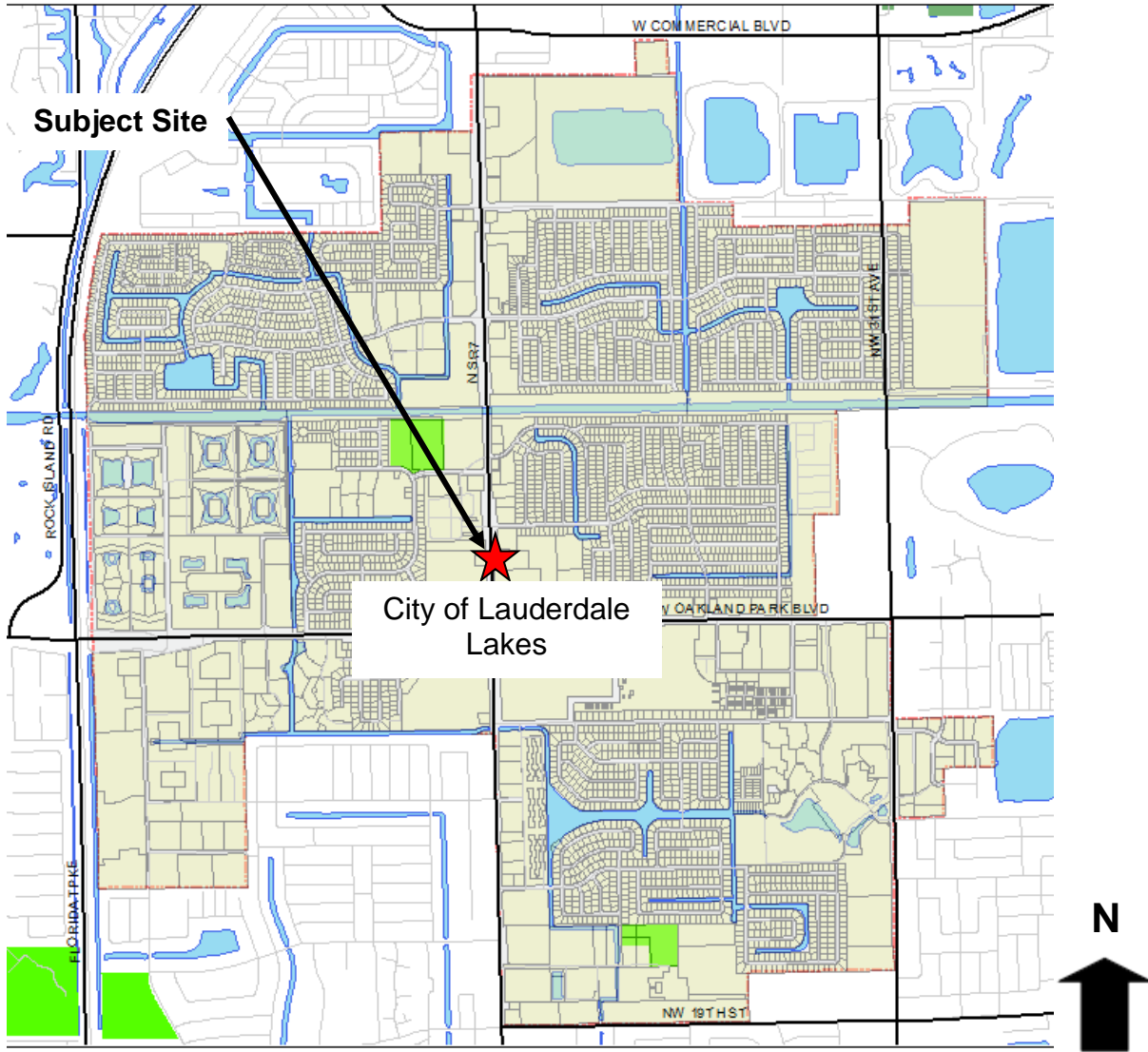


EXHIBIT B

Sec. 1402. Applicability.

1402.1. *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

1402.2. *Areas to which this ordinance applies.* This ordinance shall apply to all flood hazard areas within the City of Lauderdale Lakes, as established in subsection 1402.3 of this ordinance.

1402.3. *Basis for establishing flood hazard areas.* The Flood Insurance Study for Broward County, Florida and Incorporated Areas dated August 18, 2014 July 31st, 2024, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the development services department.

1402.3.1. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 1405 of this ordinance the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

- (1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the Florida Building Code.
- (2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

1402.4. *Other laws.* The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

1402.5. *Abrogation and greater restrictions.* This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

1402.6. *Interpretation.* In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 2014-12, § 2, 5-27-2014)

Sec. 1409. Definitions.

1409.1. *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

1409.2. *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

1409.3. *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

1409.4. *Definitions.* For the purposes of this ordinance, the following words, terms and phrases shall have the meanings attached to them, except where the context clearly indicates a different meaning or where a specific definition is contained within an individual chapter, section or subsection.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Design flood means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before December 4, 1979. [Also defined in FBC, B, Section 1612.2.]

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before December 4, 1979.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 1612.2.]

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11 Historic Buildings.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA) means an amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Conditional letter of map revision (CLOMR) means a formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Letter of map revision (LOMR) means a revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F) means a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Light-duty truck, as defined in 40 C.F.R. 86.082-2, means any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the nonelevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the ~~price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect and quality of construction), determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction means, for the purposes of administration of this ordinance and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after December 4, 1979, and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 4, 1979.

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in 320.01, F.S.]

Recreational vehicle means a vehicle, including a park trailer, which is: [See section 320.01, F.S.)

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area means an area in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement means 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 either: [Also defined in FBC, B, Section 1612.2.]

- (1) 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.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See instructions and notes.]

Variance means a grant of relief from the requirements of this ordinance, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. 2014-12, § 2, 5-27-2014)

EXHIBIT C

Stephen Smith

From: Hailey Anderson <Hailey.Anderson@em.myflorida.com>
Sent: Monday, April 1, 2024 10:43 AM
To: Stephen Smith
Cc: Michael Burchette
Subject: [EXTERNAL] RE: LFD Lauderdale Lakes- P&Z questions

Follow Up Flag: Follow up
Flag Status: Flagged

Stephen,

To answer your first question, please visit this link: <https://www.fema.gov/flood-insurance/work-with-nfip/community-status-book> and scroll down to the list of states, select Florida -> PDF, and scroll down to the last page. This shows that 10 communities in Florida do not participate in the NFIP. You can also see participating communities with their CRS discounts.

To answer your second question, let me first clarify the purpose of the NFIP. The National Flood Insurance Program was created to provide government-backed flood insurance to reduce the socio-economic impacts of flooding. The NFIP simply provides access, not discounts. Discounts are a separate can of worms!

Please review the fact sheet below to see how non-participation in the NFIP can impact future disaster assistance opportunities:

https://www.fema.gov/sites/default/files/documents/fema_non-participating-communities-fact-sheet.pdf

The Community Rating System (CRS) was created to award discounts on flood insurance premiums to communities that implement higher standards in their floodplain management program. They assess a community's ranking based on point accumulations in various categories and award flood insurance premium discounts according to ranking. **A community cannot be in CRS without being in the NFIP!**

I don't have the information readily available at this moment, but if you are a CRS community, you can reach out to your ISO/Verisk specialist to see what your current ranking is and the associated discount.

I hope this helps!

Respectfully,



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Under Florida law, correspondence with the Florida Division of Emergency Management concerning agency business that is neither confidential nor exempt according to Florida Statutes is a public record that will be made available to the public upon request.

From: Stephen Smith <stephens@lauderdalelakes.org>
Sent: Monday, April 1, 2024 10:10 AM
To: Hailey Anderson <Hailey.Anderson@em.myflorida.com>
Cc: Michael Burchette <Michael.Burchette@em.myflorida.com>
Subject: LFD Lauderdale Lakes- P&Z questions

You don't often get email from stephens@lauderdalelakes.org. [Learn why this is important](#)

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Ms. Anderson,

I hope this email finds you well. I am reaching out to you as a following-up to a Planning and Zoning Board hearing conducted last week and some questions that arose from the meeting:

- 1) How many communities in Florida are non-participating communities in the National Flood Insurance Program.
- 2) How much of a discount is provided off of flood insurance for participating communities.

If possible, can you please provide answers to the above questions or let me know where I can find the information, so I can provide those findings to the City Commission.

Let me know if you have any questions regarding the above,

Thank you in advance,

Stephen Smith

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