

## M E M O R A N D U M

**TO:** Howard Tipton, Town Manager  
**FROM:** Allen Parsons, Planning Zoning Building Director  
**REPORT DATE:** November 20, 2023  
**MEETING DATE:** December 4, 2023  
**SUBJECT:** Ordinance 2024-01, Amending Chapter 154, Flood Control

### **Recommendation**

Forward Ordinance 2024-01 to the January 8, 2024 Regular Meeting for second reading and public hearing.

### **Background**

The Town participates in the National Flood Insurance Program (NFIP) and the supporting Community Rating System (CRS) program. Among other benefits, participation provides significant NFIP Policy discounts for the Town's citizens. The Town is currently rated a "Class 6" community, providing 20% discounts on applicable policies.

On September 27, 2023, the Town was notified by a letter from Luis Rodriguez, Director of the Engineering and Modeling Division, of the Federal Insurance and Mitigation Administration, a branch of the Federal Emergency Management Agency (FEMA), that a newly adopted Flood Insurance Study (FIS)<sup>1</sup> and Flood Insurance Rate Maps (FIRMs)<sup>2</sup> for Sarasota County would become effective on March 27, 2024. These maps are updated by the NFIP and FEMA on an ongoing basis because flood risks change over time.

The flood maps depict areas at high risk of flooding. These maps also establish base flood elevations (BFEs)<sup>3</sup>, that can have a significant impact on building requirements and flood insurance costs. The Town's participation in the NFIP requires a structure's lowest floor to be elevated or floodproofed above the BFE. The Town also requires an additional 1 foot (or 3+ feet along the Gulf of Mexico) of freeboard<sup>4</sup> be added to the BFE elevation to establish the first habitable level of new structures in the Town.

---

<sup>1</sup> A FIS is a report prepared by FEMA that summarizes an analysis of the flood hazards in a community. The FIS report contains detailed flood elevation data in flood profiles and data tables. The analysis used to prepare a FIS is also used to prepare a FIRM (see footnote below).

<sup>2</sup> FIRMs show a community's risk of flooding. Specifically, flood maps show a community's flood zones, floodplain boundaries, and base flood elevations. Different flood insurance and building requirements apply to differing flood hazard areas.

<sup>3</sup> The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

<sup>4</sup> An additional amount of height above the Base Flood Elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed.

FEMA's newly adopted maps for the Sarasota County portion of the Town will require an amendment to the Town Flood Control Code (Chapter 154, Section 154.102(C)) to reflect the new effective date (per the Code of Federal Regulations; 44 60.3). Ordinance 2024-01, addresses this straightforward change. In addition, staff has taken the opportunity to address a handful of minor, non-substantive changes for overall Town Code consistency in terms of capitalization and the defining of acronyms in their first usage.

As a preview for the Commission, staff will also be reviewing the Flood Control Code for opportunities to identify additional amendments that could positively affect the Town's CRS rating, which would have the benefit of increasing insurance discounts for NFIP policy holders and contributing to the resiliency of structures within the Town. A listing of a number of these potential additional amendments is provided below. Timing of these potential amendments will be evaluated in the context of recently passed legislation, starting the "SB 250," which established a moratorium on "more restrictive or burdensome amendments" to comprehensive plans and land development regulations to October 2024 and, more recently, "SB 2-C: Disaster Relief," which expires on October 1, 2026.

List of Potential Amendments to the Flood Control Ordinance or Other Actions to Increase CRS Points:

- Raise Freeboard requirement from 1 feet to  $\geq 2$  feet. Note: The updated FEMA BFE elevations, in general are 2 or more feet lower than existing BFE elevations.
- Require Non-Conversion Agreements be recorded at the Clerk of the Courts in Manatee and Sarasota Counties. Once this is enforced, it becomes a deed restriction that runs with the property.
- Mandate that any new substantially improved properties seaward of the Limit of Moderate Wave Action (LiMWA) line to Velocity Zones be constructed to V-Zone standards.
- Reduce Substantial Improvement threshold from 50% to 49%-45%.
- Investigate establishing a Severe Repetitive Loss (SRL) Program.
- Raise the minimum Seawall Height to 4.5 feet NAVD for all new or rebuilt seawalls in the Town. Note: This is a recommendation of the Sea Level Rise & Resiliency Comprehensive Adaptation Plan that staff will also be working on.

### **Staff Recommendation**

Forward Ordinance 2024-01 to the January 8, 2024 Regular Meeting for second reading and public hearing.

### **Attachments**

- A. Ordinance 2024-01, Town Code Chapter 154 (Available in Town Clerk's Office)
- B. FEMA Notice of Revised Sarasota County Flood Maps (Available in Town Clerk's Office)

**End of Agenda Item**