



City of Coral Gables
CITY COMMISSION MEETING
March 9, 2021

ITEM TITLE:

Ordinance on First Reading. An Ordinance of the City Commission, repealing and replacing Chapter 113 “Flood Damage Prevention” of the City of Coral Gables Code; to adopt flood hazard maps, to designate a Floodplain Administrator, to adopt procedures and criteria for development in flood hazard areas, to adopt amendments to the Florida Building code, and for other purposes; providing for applicability; severability; and an effective date.

DEPARTMENT HEAD RECOMMENDATION:

Approval

BRIEF HISTORY:

The purpose of this ordinance is to update the City’s floodplain management regulations to comply with Section 553.73(5) Florida Statutes, and the Florida Building Code (FBC) in order to protect all properties from flooding and/or to enhance the City’s Community Rating System (CRS) program. The proposed ordinance is based on the model ordinance developed by the Florida Division of Emergency Management (FDEM) and approved by the Federal Emergency Management Agency Region IV. The FDEM State Floodplain Management Office approved this ordinance in draft form on February 16, 2021.

One of the principal requirements of the National Flood Insurance Program (NFIP) is for participating communities to adopt floodplain management regulations. The NFIP is managed by the Federal Emergency Management Agency (FEMA) through a network of approximately 60 insurance companies. According to 44 CFR 60.1, no flood insurance shall be sold or renewed under the NFIP unless the community has adopted adequate floodplain management regulations consistent with the Federal criteria. According to federal guidelines, these regulations must be legally enforceable, and applied uniformly throughout the community to all privately and publicly owned land within flood-prone, mudslide or flood erosion areas. These adopted regulations must take precedence over any less restrictive conflicting local laws, ordinances, or codes. It is important to note that the federal criteria in Section 60.3 are minimum standards for adoption of floodplain management regulations. Most communities use the federal floodplain management regulations as basic criteria to develop their own local flood requirements. FEMA determined the flood resistant provision in the Florida Building Code (FBC) meet or exceed the federal minimum standards for buildings and structures. In the City of Coral Gables, the federal floodplain management regulations and the FBC are used as baseline criteria for establishing higher standards when appropriate in the Special Flood Hazard Areas (SFHA) and/or specific locations in the City susceptible to flooding from major rain events and/or storm surge.

Miami-Dade County and its municipalities, including the City of Coral Gables, were accepted in the NFIP on September 29, 1972 by adoption of floodplain management regulations and the NFIP Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs) that were effective on that date. The purpose of the FIRM and its subsequent revisions, and regulations adopted by participating NFIP communities is to promote basic structural and non-structural standards that are consistent with federal requirements while minimizing public and private losses due to flood and/or storm surge conditions in specific areas of our community.

Due to its geographical location, the City of Coral Gables is particularly susceptible to flooding from major storm events and storm surge when our lakes and canals do not have the capacity to store the excess rainwater entering the system. As a result, after major rain events the excess rainwater will occasionally cause localized flooding in some areas of the City.

On November 10, 1992, the City adopted Resolution No. 28084 to update the existing floodplain management regulations to ensure consistency with the current Flood Insurance Rate Map (FIRM) and NFIP guidelines. Furthermore, the Resolution “assured that the City of Coral Gables will enact as necessary and maintain in force in those areas having flood or flood-related erosion hazards, adequate land use and control measures, with effective enforcement provisions consistent with the criteria set forth in Section 60 of the National Flood Insurance Program Regulations.”

On October 1, 1993, the City entered the NFIP Community Rating System (CRS) program. The CRS is administered for FEMA by the Insurance Service Office (ISO). The intent of the CRS program is to provide flood insurance discounts for property owners when their communities adopt regulations that exceed minimum NFIP criteria. These high standard regulations are expected to reduce or minimize flood damage to existing and new buildings, manage development in areas not mapped by the NFIP, protect new buildings beyond the minimum NFIP protection level, preserve and/or restore natural functions of floodplains, help insurance agents obtain flood data, and help people obtain flood insurance. The proposed ordinance retains the City’s higher standards, clarifies existing requirements, and incorporates two new higher standards that may further the City’ flood reduction goals while yielding additional credits under the CRS.

The City achieved a CRS Class 5 in May 2020. This means property owners and renters receive a 25% discount on NFIP flood insurance policies in the SFHA and a 10% discount for policies on properties outside of the SFHA. According to FEMA Policy Information by State and Community, data as of December 31, 2020, the City of Gables had 4,846 flood policies in force with a total coverage (total building and contents coverage for the policies in force) of \$1.3 billion dollars, and total annual written premium including the federal policy fee of \$3.4 million dollars. Nearly, 1,200 claims totaling \$34.3 million have been paid since 1978.

On August 25, 1998, the City of Coral Gables’ City Commission, by Resolution No. 29575, authorized the City of Coral Gables to become part of the LMS Working Group to develop the multijurisdictional Miami-Dade County Local Mitigation Strategy as part of

the City's floodplain management effort. The current LMS was adopted by Resolution No. 2018-25 on January 23, 2018. The LMS is updated semi-annually on June 30th and December 31st for each year, and is available to the public on the Miami-Dade Office of Emergency Management website at <http://www.miamidade.gov/fire/mitigation.asp>

This ordinance is also consistent with and furthers the goals, objectives, and policies of several elements of the City's Comprehensive Master Development Plan (CMDP), including but not limited to, Future Land Use, Natural Resources, Public Safety, Capital Improvements, and Coastal Management Elements.

Future Land Use Element

Policy FLU-1.10.2. The City shall continue to maintain regulations consistent with the Comprehensive Plan which regulate the use and development of land in a manner which, at a minimum, provides for land use consistent with the Future Land Use Plan map series, interpretive text and Land Use Element goal, objectives and policies; regulate the subdivision of land; regulate signage; regulate development and use in areas subject to seasonal or periodic flooding; provide for stormwater management; regulate open space; and regulate on-site traffic flow and parking.

Natural Resource Element

Policy NAT-1.4.4. Protect and conserve the natural functions of existing soils, fisheries, rivers, lakes, floodplains, estuarine marshes, native habitats/plant materials/ecosystems, and marine habitats through enforcement of existing local, state, and federal regulations designed to protect and conserve these functions (see NAT-1: Soils and Minerals Map and NAT-2: Natural Resources Map).

Public Safety Element:

Policy SAF-2.1.1. Public expenditures for infrastructure improvements shall be located outside flood prone areas, to the extent practicable, to keep floodways as unobstructed as possible.

Capital Improvement Element:

Drainage LOS. The minimum acceptable Flood Protection LOS standards for the City shall be protection from the degree of flooding that would result for duration of one day from a ten-year storm. All structures shall be constructed at, or above, the minimum floor elevation specified in the Flood Insurance Rate Maps for Coral Gables in Miami-Dade County, Florida. All new development must retain at least the first one (1") inch of storm water runoff on-site, or other non-public sites as may be secured for permanent services. Designs to meet this first inch criterion will be reviewed for design solutions to meet actual site conditions. The burden for the construction of such facilities shall be borne by the developer and/or owner of such sites. Failure of such facilities and any subsequent corrections shall also be the responsibility of the developer and owner. The City may require greater than the first one-inch on-site retention where the City establishes more

restrictive rules in the public interest.

Coastal Management Element

Goal CMT-2. Promote best practices and procedures to minimize peril of flood.

Objective CMT-2.1. Reduce natural hazard impacts through compliance with federal Emergency Management Agency (FEMA) regulations and by targeting repetitive flood loss and vulnerable properties for mitigation, evaluation of the economic impact, or designation as preservation.

Policy CMT-2.1.1. Review the Land Development Code to update for requirements on flood elevations throughout the City of Coral Gables.

Policy CMT-2.1.2. Establish regulations to minimize the disturbance of natural shorelines that provide stabilization and protect landward areas from storm impacts.

Policy CMT-2.1.3. Participate in the Federal Emergency Management Agency’s Nation Flood Insurance Program. CMT Coastal Management ADM GOV FLU DES COM HOU EDU MOB NAT REC HIS SAF CIE GRN CMT 3

Policy CMT-2.1.4. Maintain records consistent with the Federal Insurance Administration’s listing of community selection factors.

Policy CMT-2.1.5. Initiate steps to aid in post-disaster wetland recovery.

LEGISLATIVE ACTION:

Date.	Resolution/Ordinance No.	Comments
November 10, 1992	Resolution No. 28084	Adoption of floodplain management regulations consistent with the criteria set forth in Sec. 60 NFIP. Also authorized building and zoning department to carry out the program objectives.
August 25, 1998	Resolution No. 29575	Authorized the City to enter into Inter-Local Agreement and become part of the LMS Working Group.
January 23, 2018	Resolution No. 2018-25	City adopted Local Mitigation Strategy of Miami-Dade County.

FINANCIAL INFORMATION: (If Applicable)

No.	Amount	Source of Funds
N/A	N/A	N/A

ATTACHMENT(S):

1. **Draft Updated Flood Damage Prevention Ordinance**
2. **Resolution No. 28084**

- 3. Resolution No. 29575**
- 4. Resolution No. 2018-25**