



# *City of Tarpon Springs, Florida*

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**November 15, 2022**

**To: Mayor, Vice-Mayor, and Commissioners**

**From: Mark G. LeCouris, City Manager**

**Subject: Ordinance 2022-34 Designation of Flood Plain Administrator**

**Recommendation:**

That the Board of Commissioners approve Ordinance 2022-34.

**Background:**

This Ordinance addresses who designates the City's Floodplain Administrator. At present, the Building Official is empowered with the ability to delegate duties to other employees. The revised ordinance allows the City Manager to be the one who designates the Floodplain Administrator.

I have attached a brief memo from the Building Official, Kevin Powell, and Fire Chief Scott Young explaining the reason for this proposed change. A resolution with a position/job description change and reorganization would follow the ordinance change in December. Mr. Powell and Chief Young will explain in detail the future plan which we believe will be very beneficial and cost effective.

ORDINANCE NO. 2022-34

AN ORDINANCE OF THE CITY OF TARPON SPRINGS, FLORIDA, AMENDING THE CITY OF TARPON SPRINGS CODE OF ORDINANCES CHAPTER 6, SECTION 6-64.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF TARPON SPRINGS, FLORIDA; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

**WHEREAS**, the City of Tarpon Springs (the City) maintains a Floodplain Management Ordinance; and is required to have a designated Floodplain Administrator,

**WHEREAS**, the current regulations designate the Building Official as the City's Floodplain Administrator; and,

**WHEREAS**, the Board of Commissioners of the City of Tarpon Springs has determined that it is in the interest of the City to provide flexibility in the assignment of Floodplain Administrator function;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA:**

**SECTION 1.** That Chapter 6, Section 6-64.3 of the Tarpon Springs Code of Ordinances is hereby amended as follows:

§ 6-64.3. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

- (a) *Designation.* ~~The Building Official is designated as the Floodplain Administrator. The Building Official is designated as the Floodplain Administrator shall be appointed by the City Manager. The Floodplain Administrator may delegate performance of certain duties to other employees.~~
- (b) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to § 6-64.7 of this article.
- (c) *Applications and permits.* The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;
  3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
  4. Provide available flood elevation and flood hazard information;
  5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
  6. Review applications to determine whether proposed development will be reasonably safe from flooding;
  7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and
  8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.
- (d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:
1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
  2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
  3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
  4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this article is required.

- (e) *Modifications of the strict application of the requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to § 6-64.7 of this article.
- (f) *Notices and orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.
- (g) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in § 6-64.6 of this article for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.
- (h) *Other duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:
  1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to § 6-64.3(d) of this article;
  2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
  3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
  4. Review required design certifications and documentation of elevations specified by this article and the *Florida Building Code* and this article to determine that such certifications and documentations are complete;
  5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Tarpon Springs are modified; and
  6. Advise applicants for new buildings and structures, including substantial improvements that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

- (i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the *Florida Building Code*, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection pursuant to applicable state and federal laws.

## SECTION 2.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

## SECTION 3.

This Ordinance shall become effective upon final passage and adoption.



# Tarpon Springs Fire Rescue

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To: Mark LeCouris, City Manager

From: Scott Young, Fire Chief   
Kevin Powell, CBO, CFM, Building Development Director

Date: November 9, 2022

RE: Request to Change to Ordinance: Article VI. Floodplain Management

After the recent events of Hurricane Ian, many key factors were brought to the forefront that showed it would be in the City's best interest to tie Emergency Management and Floodplain Management together in a cohesive manner. Currently, there is no delegated person in the Emergency Management Department to create or coordinate internal and external daily processes before and after storm events. These processes are imperative to Emergency Management and directly coincide with FEMA and NFIP (National Floodplain Insurance Program) requirements.

Changing the Floodplain Coordinators' title to a Floodplain Administrator under the direction of the City Manager and reporting to the Fire Chief; can be done by not creating a new position, but will move the position to the fire department comparable to many other municipalities. It is common for the two roles to be combined into one as they work hand in hand.

As we always strive to do a better job for our citizens, our priority is their safety and well-being. Being a coastal community, Emergency Management and Floodplain Management are synonymous; one does not work to the fullest potential without the other. Making this change will not influence the production of the building department but, as a result, have a positive effect on the overall efficiency in both Floodplain Management and Emergency Management capabilities moving forward.

Please consider this change, and if you have any questions, please let us know.