



City of Cape Coral

National Flood Insurance Program Corrective Action Plan



FEMA



September 16, 2024

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EXECUTIVE SUMMARY

Hurricane Ian was a major disaster that tested the capabilities of every level of government. The City of Cape Coral experienced severe impacts of this storm. Although catastrophic, significant incidents such as this drive evolution and enhancement. Therefore, while the City continues to assert compliance with National Flood Insurance Program (NFIP) regulations, it also recognizes the need for further action and has launched several initiatives to enhance floodplain management.

The City's corrective action plan addresses the program deficiencies identified by FEMA and details initiatives to resolve issues related to post-Hurricane Ian development within the floodplain. It outlines modifications to processes to prevent future deficiencies, addresses individual violations, and creates a dedicated floodplain management team for the City. Furthermore, the City has restructured its floodplain review and inspection process and is proposing revisions to the Flood Plain Ordinance to reinforce commitment to the NFIP.

The plan updates the status of 70 structures previously identified as substantially damaged and details compliance efforts. Moreover, additional properties that have received a significant NFIP claim and have not yet received a permit have been identified. The City remains committed to assessing all development in the Special Flood Hazard Area (SFHA) affected by Hurricane Ian. To ensure compliance, the City continues to use its code enforcement resources for existing and newly identified violations, pursuing them to the fullest extent possible. When all options are exhausted and compliance is unachievable, non-compliant properties will be recommended for NFIP removal.

A Substantial Damage Administrative Procedures (SDAP) Plan is set to be implemented by November 18, 2024. The City is also advancing community flood resilience through several studies, plans, and initiatives. Intent to improve, the City is working with lobbyists to advocate for legislative improvements in support of the NFIP and floodplain management. With a dedicated team and comprehensive approach, the City is committed to meeting the specified deadlines and fulfilling FEMA's criteria, thereby avoiding NFIP probation and potential penalties for residents.

INTRODUCTION

Major disasters pose a multitude of challenges, but also present opportunities for improvement. Hurricane Ian exacerbated known vulnerabilities inherent to the City of Cape Coral's (City) large floodplain, which introduced complex management challenges. The City asserts that it complied with National Flood Insurance Program (NFIP) regulations for development in the Special Flood Hazard Area (SFHA) by following the City's established permit review process. The City notified property owners of permitting requirements, making substantial damage determinations following receipt of permit applications. In recognition of the outstanding Substantial Damage cases, the City has undertaken numerous initiatives to advance floodplain management, continuing to adapt and improve.

On July 19, 2024, FEMA informed the City of Cape Coral that it would retain its flood insurance discount for the time being. FEMA noted, however, deficiencies in the City's processes and set deadlines for corrective measures: a 60-day period (until September 16, 2024) to develop and submit a corrective action plan and a 121-day period (until November 18, 2024) to establish a Substantial Damage Administrative Procedures (SDAP) plan. The City is committed to adhering to the NFIP's regulations and has addressed all issues raised by FEMA. The City worked closely with FEMA staff to develop this corrective action plan, which reflects a collaborative effort to enhance community resilience.

This corrective action plan responds to the requests outlined in FEMA's July 19 letter, the Criteria for Avoiding Probation, and the City of Cape Coral Post-Disaster Compliance Status Update Report. It meets all FEMA requirements to prevent NFIP probation or a downgrade in the City's Community Rating System (CRS) classification. The plan is structured around the four action items requested by FEMA, with an additional fifth item introduced by the City to detail further resilience measures. Each FEMA action item is outlined with its definition, FEMA's issues to address, and FEMA's proposed corrective actions, along with the City's evaluation of each example and the City's responses.

The City is utilizing all available resources and has assembled a dedicated team to address these issues. The City is committed to completing the actions and meeting the deadlines specified in the plan, confident that this plan satisfies FEMA's criteria and thus avoids NFIP probation and potential penalties for our residents.

ACTION ITEM #1 - ADDRESSING PROGRAM DEFICIENCIES AND SUBSTANTIVE VIOLATIONS

FEMA Action Item #1: Develop and submit a plan that includes timelines and actions to address all identified program deficiencies and substantive violations.

1. Acknowledgement of program deficiencies and individual violations, and the timeline associated for each item; that includes a standardized process that outlines the specific requirements for accepting uniform documentation and ensures that these requirements are consistently met.
2. Issues to address: unpermitted work in the SFHA, under reported repair values, issuing permits without an understanding of the damages that occurred, missing documentation, inconsistent cost detail collection process, phased repair permits without understanding the entire scope of damage, low/inadequate labor costs, undervalued donated labor, lack of detailed estimates and invoices (lump sums), lack of a permitting process for the activities/repairs that fall outside the Florida Building Code authority (please note: FEMA data was made available to aid in identifying unpermitted work) code enforcement, inconsistent market values.

Items missing from permit files that show the communities reviewed and approved appropriate documentation to ensure compliance.

How the community plans to resolve the applicable categories for sites identified as Additional Information Needed, Community Assistance Visit Follow-up, Code Enforcement Case, and Future Compliance Engagement on the property address list.

3. Examples of Actions to Correct Program Deficiencies:
 - a. Amend floodplain management regulations to be fully compliant and correct other program deficiencies that contribute to the occurrence of violations.
 - i. **More information on this topic is contained in the City's response below.**
 - b. Establish administrative procedures for determining and documenting when applications are submitted for Substantial Improvements (SI) and repair of Substantial Damage (SD).
 - i. **More information on this topic is contained in the City's response below.**
 - c. Amend floodplain management regulations to include more effective enforcement provisions or add penalty provisions (e.g., specify issuance of notices of violation and stop work orders, specify that certificates of occupancy are withheld until required documentation is submitted).
 - i. **The City currently has sufficient enforcement provisions to uphold our floodplain management regulations. The City has utilized code enforcement for violations and will continue to do so.**

- d. Prepare or obtain Elevation Certificates or other documents and certifications that are missing from the community's file.
 - i. **Since 1993, the City has maintained a database of elevation certificates. The City also has partnered with Forerunner, to make elevation certificates accessible to the public.**
- e. Change administrative procedures to improve permitting and inspection processes (e.g., modify application, certification, or inspection forms; change the number of inspections; change instructions for inspectors).
 - i. **More information on this topic is contained in the City's response below.**
- f. Require permittees to document foundation and anchoring on forms provided by the community.
 - i. **This is part of the City's current floodplain review practices.**
- g. Establish or revise variance procedures to meet the National Flood Insurance Program (NFIP) minimum criteria for variances.
 - i. **The City of Cape Coral has no approved variances in the SFHA.**
- h. Reaffirm intent to fulfill responsibilities for participation in the NFIP by adopting a new resolution, similar to what was adopted when the community joined the NFIP.
 - i. **More information on this topic is contained in the City's response below.**
- i. Implement programs to address property owners who illegally convert enclosures below elevated buildings to uses other than allowed uses (parking of vehicles, storage, and building access).
 - i. **More information on this topic is contained in the City's response below.**
- j. Revise or reformat development permit application forms to require that applicants provide adequate information for plan review.
 - i. **More information on this topic is contained in the City's response below.**
- k. Conduct hydrologic and hydraulic engineering analyses to demonstrate that floodway development does not cause an increase in flood levels during occurrence of the base flood.
 - i. **The City has two floodways and development has not occurred within these floodways. Should plans for development within the floodway be submitted, the developer will be required to provide hydrologic and hydraulic engineering analyses as part of the permitting process.**
 - ii. **Floodways map (Appendix A).**
- l. Require community staff to attend floodplain management training sponsored by FEMA or the state.
 - i. **The City employs several certified floodplain managers, who are required to complete mandatory continuing education training. More information on this topic is contained in the City's response below.**

City of Cape Coral – Action Item #1: Corrective Action Plan

1. *Program Deficiencies:*

This section provides an overview of the nine (9) deficiencies identified by FEMA. The City addresses the specific areas where FEMA has alleged the City has failed to meet or address development within the floodplain after Hurricane Ian and how the City is modifying its processes to ensure that these deficiencies do not occur in the future. Many of the items are

covered in greater detail in other sections of the Corrective Action Plan, and a comprehensive approach to future events will be included in the Substantial Damage Administrative Procedures (SDAP) plan.

a. Inconsistent Market Value: 3 properties

- i. The City has been working diligently to restructure the floodplain review process. As part of this restructuring and as part of the corrective action plan provided to FEMA, the City has enhanced and expanded the training of plan reviewers. Training is supplemented with the addition of a floodplain management team to serve as subject matter experts regarding development in the floodplain and to provide additional support for Plans Examiners. Specific training will be provided to reviewers on determining market value as generally accepted under FEMA regulations. This training will provide guidance on reading and understanding private appraisals, including but not limited to pre-incident value, depreciation, and identified cash value of the structure without non-structural improvements. The baseline property values established by the City for substantial damage are the value of the structure at the time of the event, prior to the impact of the event, set forth by the Lee County Property Appraiser. For substantial improvement, the baseline property values are the current year's tax roll value set forth by the Lee County Property Appraiser. Alternatively, an independent appraisal from a licensed appraiser can be submitted to determine structure value based at the time of the event or up to one year prior. More detailed information on reviewing market values, including cumulative impact application, can be found in the Standard Operating Procedure for the Review of Substantial Improvement/Substantial Damage (Appendix B). The additional training and SOP guideline will establish a standard among reviewers.
- ii. Timeline for implementation
 1. Substantial Improvement/Substantial Damage Application complete and implemented (August 2024)
 2. Substantial Improvement/Substantial Damage Standard Operating Procedure complete and implemented (September 16, 2024)
 3. Training will be offered quarterly to Plans Examiners and floodplain review staff on the topic of floodplain development and management.

b. Missing Repair Permits (Known Damage Individual Assistance/Insurance): 71 properties

- i. The City has contracted with Hagerty Consulting to complete a Substantial Damage Administrative Procedure (SDAP) plan. This plan will be complete by November 18, 2024, and will significantly improve the City's post-disaster response, specifically as it addresses damage determinations. This plan will include a comprehensive process for identifying damaged properties immediately following incidents. As part of this process, the City will have an established timeline for requesting and reviewing individual assistance and insurance data on a regular basis. This information will be cross-referenced

with data obtained by teams in the field, building, and code compliance inspectors, as well as the City's permit management system, to ensure that proper permits are being obtained. Further, the SDAP includes a communication component aimed at the general public and building industry partners to convey permitting requirements.

ii. Timeline for Implementation

1. The development of the SDAP is currently underway and will be completed and submitted to FEMA on November 18, 2024

c. Missing Detailed Cost Info: 125 properties

- i. The City has overhauled its Substantial Improvement/Substantial Damage Application, replacing the "FEMA Packet" previously used. The new Substantial Improvement/Substantial Damage application was implemented in August 2024. This application package further lists specific repair items in order to provide additional detail for determining the cost of repairs or improvements. The City has developed a Standard Operating Procedure for the Review of Substantial Improvement/Substantial Damage Applications (see Appendix B). Specific training will be provided to reviewers to ensure that they are properly trained on reviewing these applications. As part of this training, reviewers are directed to reject incomplete applications that fail to provide detailed cost information. Staff will continue to compare the cost estimates with industry standards and local cost data for similar projects and refer to the Substantial Damage/Substantial Improvement Estimator, standard construction cost databases, and local contractor estimates if needed. Additionally, staff will validate that the overhead, profit, and labor costs are reasonable and reflect current market conditions.

ii. Timeline for implementation

1. Substantial Improvement/Substantial Damage Application complete and implemented (August 2024)
2. Substantial Improvement/Substantial Damage Standard Operating Procedure complete and implemented (September 16, 2024)
3. Training will be offered quarterly to plans examiners and floodplain review staff on the topic of floodplain development and management.

d. Low & Inadequate Labor Costs: 1 property

- i. One property was identified as having low and inadequate labor costs. In accordance with 4.4.3 of the SI/SD Desk Reference, the City has established an SI/SD Estimator prepared by the City's Building Official using professional judgment and knowledge of local and regional labor costs. This estimator will be updated at a minimum annually to adjust for market changes. Staff will also cross-reference labor costs provided by applicants with estimating programs such as Homewyse, Homeguide, RS Means, and construction industry invoices and utilize their professional judgment and knowledge of local costs to ensure applications are complete and reasonable. Implementing standard

operating procedures and providing further training will also serve to resolve this issue.

ii. Timeline for Implementation

1. Substantial Improvement/Substantial Damage Application complete and implemented (August 2024)
2. Substantial Improvement/Substantial Damage Standard Operating Procedure complete and implemented (September 16, 2024)
3. Training will be offered quarterly to plans examiners and floodplain review staff on the topic of floodplain development and management

e. Permits Issued Without Total Repair Costs: 82 properties

- i. The City has completed a comprehensive overhaul of the Substantial Improvement/Substantial Damage Application, replacing the previously used "FEMA Packet." This new application package includes a detailed list of specific repair items to better determine the cost of repairs or improvements. Additionally, the City has developed a Standard Operating Procedure for the Review of Substantial Improvement/Substantial Damage Applications (see Appendix B). As a standard practice, the City will request FEMA insurance claims and individual assistance data every 90 days, regardless of a flooding incident. This practice will improve the City's awareness of possible development in the floodplain. After a flooding event, the City will request FEMA insurance claims and individual assistance data every seven days for the first 90 days and then every 14 days for an additional 60 days. The City has also developed a new reporting tool from the permitting system that pulls cumulative permit data with values for individual properties, which will also assist in addressing this point (See graphic below).

SD/SI Report For						
All Permits						
Total Valuation	Permit No	Status	Permit Type	Work Class	Type of Work	Applied
\$24,000.00	BLDTR24-003058	Closed	Trades	BLD - Re-Roof Shingle or Metal		3/20/2024
Work Completed						
Total Valuation	Permit No	Status	Permit Type	Work Class	Type of Work	Applied
\$24,000.00	BLDTR24-003058	Closed	Trades	BLD - Re-Roof Shingle or Metal		3/20/2024
In Work						
Total Valuation	Permit No	Status	Permit Type	Work Class	Type of Work	Applied

Emergency permits are limited to life safety-related repairs and those issued in the SFHA all receive a floodplain review. In the case where damage has occurred, the property is permitted to secure the structure and limit further damage. However, permits are always required for the actual repairs and these permits are reviewed to ensure compliance with the City's floodplain regulation.

ii. Timeline for Implementation

1. Substantial Improvement/Substantial Damage Application complete and implemented (August 2024)
 2. Substantial Improvement/Substantial Damage Standard Operating Procedure complete and implemented (September 16, 2024)
 3. Cumulative permit report complete and implemented (June 2024)
 4. Training will be offered quarterly to plans examiners and floodplain review staff on the topic of floodplain development and management.
- f. Failure to Capture Complete Scope of Work: 80 properties
- i. As indicated in item b above, the City's Substantial Damage Administrative Procedure addresses this issue. As part of the SDAP, there will be a central dashboard post-incident that contains data collected from various sources and is specific to each location. This information includes data related to Substantial Damage assessments, debris data, direct housing data, individual assistance data, and claim data. Having a centralized location reviewers can utilize to confirm the level of damage on a property to ensure that the entire scope of work has been included in the Substantial Damage/Substantial Improvement application will ensure that there is a firm understanding of the complete scope of work when reviewing the Substantial Damage Application.
 - ii. Timeline for Implementation
 1. Substantial Improvement/Substantial Damage Application complete and implemented (August 2024)
 2. Substantial Improvement/Substantial Damage Standard Operating Procedure complete and implemented (September 16, 2024)
 3. Training will be offered quarterly to plans examiners and floodplain review staff on the topic of floodplain development and management.
- g. After the Fact Permits: 15 properties
- i. The City is dedicated to upholding rigorous permitting practices. While our refined processes are designed to address this issue effectively, it is important to acknowledge that some homeowners may still undertake work without permits. The City's Code Compliance Division manages strong enforcement Ordinances and procedures to minimize unpermitted work. Individuals found guilty of permit violations by the Special Magistrate and who do not comply will be subject to the 1316 process and will be barred from obtaining future permits. The City continues to be committed to communicating the importance of permits in both blue and grey skies. Public outreach emphasizing the consequences of after-the-fact permits is crucial for ensuring community members understand the potential legal, financial, and practical ramifications of proceeding with construction or modifications without prior authorization. The City uses various methods to inform and engage the public, including web resources, print media, and social media.
- h. After the Fact Notice of Violation: 145 properties

- i. The Substantial Damage Administrative Procedure will address this issue by outlining processes and procedures. Implementing a plan to identify damage within the SFHA and regular monitoring will help reduce the incidence of after-the-fact notices of violation. Although it may not eliminate such findings, as some individuals may work without permits, effective communication regarding permitting in the SFHA and increased visibility for Code Compliance should reduce violations. The City remains dedicated to highlighting the importance of obtaining permits. Educating the public about the risks of undertaking construction or modifications without prior approval is essential for helping community members grasp the potential legal, financial, and practical consequences. The City employs various communication channels to reach residents effectively, including online resources, printed materials, and social media platforms.
- i. Floodplain Permit Needed When Building Permit Does Not Apply: 3 properties
 - i. This deficiency initially identified three properties in this category. Upon review, it was discovered that one property was misclassified; it is actually at BFE +1 with appropriate flood vents (ID045). To address this issue, the City has introduced a revised BLD-Remodel permit type, which requires detailed information based on the level of alteration proposed. This new permit type facilitates easier submission of applications for work that falls below Florida Building Code thresholds, such as painting and minor drywall work. As with all structural permits in the City's Special Flood Hazard Area, the BLD-Remodel permit mandates a comprehensive floodplain review if the structure is located within the SFHA.
 - ii. Timeline for implementation
 1. Revised permit for remodels that include level of alteration will be live no later than October 1, 2024.

2. Individual Substantive Violations:

Based on FEMA analysis of the 206 properties, 123 properties were found to have violations. The City has analyzed these violations and developed actions for each violation below. Specific timelines and additional information for each property are detailed in Appendix C.

- a. Community Assistance Visit (CAV) Follow-up: 8 properties
 - i. Insufficient opening - seven properties were identified for a CAV follow-up due to insufficient openings. The City of Cape Coral took into consideration the permit construction dates of the structures and compared them to the initial mandate date for flood openings to determine if the building is in or out of compliance with the regulations applicable at the time. The seven structures (ID #001, 062, 082, 092, 120, 157, 159) were built in compliance with the flood opening requirements but are no longer in compliance. The City will send these property owners a letter to inform them of the deficiency. The

letter will identify that they have 30 days to respond and/or take action to remediate the insufficient flood openings.

1. After the 30-day deadline:
 - a. If the owners provide evidence of sufficient flood openings, they will be deemed compliant, and no further action will be required.
 - b. If the owners do not have sufficient flood openings but apply for the necessary permit(s) within 30 days, the permit will be tracked and followed until compliant.
 - c. If the owners fail to respond or take action to comply, a code case will be created within ten business days of the letter deadline. The code case will follow the established City process.
 2. ID #089 has been moved to code enforcement, and a case has been opened due to evidence of development activity without a permit. The structure will be required to obtain an interior remodel permit and submit an SI/SD application. The code case will follow the established City process.
- b. Code Enforcement Case: 103 properties
- i. Complied: 92 properties
 1. The property was originally found guilty of one or both of the charges at an evidentiary hearing (City Ordinance 9.3.1.: failure to complete an SI/SD packet or Florida Building Code 105.1: development activity without a required permit). Following the evidentiary hearing, a compliance hearing was held before the Special Magistrate. During the compliance hearing, the property owner submitted sufficient evidence for compliance by completing an SI/SD packet and/or obtaining the necessary permits. The Special Magistrate found these property owners to be in compliance at that time, and no further action is being pursued.
 - ii. Non-compliance: 8 properties
 1. The property was originally found guilty of one or both of the charges at an evidentiary hearing (City Ordinance 9.3.1.: failure to complete an SI/SD packet or Florida Building Code 105.1: development activity without a required permit). Following the evidentiary hearing, a compliance hearing was held before the Special Magistrate. During the compliance hearing, the property owner did not complete the necessary corrective measure(s) for compliance. The property owner began to incur daily fines and a lien on the property. Code Compliance will check these properties every 90 days to ensure the structures are safe, no unpermitted work has occurred, or there has been no change of ownership. This is the maximum extent of the City's code enforcement process.

2. Non-complaint property owners were sent a certified letter on August 21, 2024, notifying them that the City has exhausted all possible remedies and will recommend that their structure be removed from the NFIP through the Section 1316 process. Property owners were given 30 days to comply.
 3. If the property is still non-compliant, on September 22, 2024, the City will send the property owner a certified letter. The letter will inform the property owner that the City is recommending their property be removed from the NFIP. The City will submit the required documentation per the 1316 packet to FEMA Region 4 for consideration for NFIP removal, by October 4, 2024.
 4. The City is developing an SOP for addressing properties that are non-compliant with floodplain regulations. This SOP will be completed by November 18, 2024.
 - iii. Withdrawn: All previously withdrawn cases have been reissued through the established code enforcement process.
 1. Some properties were previously shown as withdrawn. This was due to a change in ownership or one wrong address. For change of ownership, cases were brought forward when the change in ownership was recorded in the property records. The property with the wrong address was corrected, and a new case has been brought forward. These cases will follow the City's established code enforcement process and timelines.
 - iv. Compliance Hearing Continued: 3 properties
 1. Some property owners have been granted an extension for compliance by the Special Magistrate. Justification for these extensions includes the additional time needed for international travel to appear at the hearing and extra time to secure financing and contractor services. However, these property owners have communicated with the City and have expressed a desire to comply.
 2. Compliance hearings will occur for each of these properties, and they will either show compliance or begin the non-compliance process stated above.
 - c. Future Compliance Engagement: 12 properties
 - i. Permits for all repairs: 6 properties
 1. For three properties (IDs #011, 132, and 160), the property owner will be sent a letter advising them of the need to revise their SI/SD packet and apply for an additional permit(s) or provide additional documentation within 30 days.
 - a. After the 30-day deadline:
 - i. If the owners have revised their SI/SD packet and received the necessary permits or have provided sufficient detail to show compliance, they will be

- deemed compliant, and no further action will be required unless deemed substantially damaged.
 - ii. If the owners fail to comply, a code case will be created within ten business days of the letter deadline. The code case will follow the established City process.
- 2. ID #160 was built in compliance with the flood opening requirements but is no longer in compliance. The property will also follow the process for insufficient opening, as described in the CAV section.
- 3. ID #004 experienced water intrusion but the property owner was prompt in treating their property by using mitigation techniques to address the moisture, avoiding the need to remove any materials or finishes. The City has reviewed and inspected the interior of the structure. An updated substantial damage estimate for the structure has been completed. No further action is required at this time.
- 4. ID #022 has received the required permit identified on the SI/SD application. However, this structure was built in compliance with the flood opening requirements but is no longer in compliance. The property will also follow the process for insufficient opening, as described in the CAV section.
- 5. ID #058 has received the required permit and an SI/SD application with the cost valuation. No further action is required at this time.
- ii. No work completed to date: 1 property
 - 1. ID #012 has been deemed unsafe, and a code case was created. The code case will follow the established City process.
- iii. Confirm Demo: 2 properties
 - 1. ID #007 and #148: No demolition permits have been applied for at this time. These property owners will be sent letters asking the owner to clarify or restate their intention to apply for a demolition permit. A permit hold has been placed on the parcel in the City's permit software, and Code Compliance will check these properties every 90 days to ensure the structures are safe, no unpermitted work has occurred, or there has been no change of ownership.
- iv. Itemized/detailed cost information: 3 properties
 - 1. ID #030 has been moved to code enforcement, and a case has been opened due to evidence of development activity without a permit. The structure will be required to obtain an interior remodel permit and submit an SI/SD application. The code case will follow the established City process.
 - 2. ID #090 has provided the City with a revised itemized/detailed cost breakdown and a private appraisal. The City completed a new SD determination using the updated information provided by the owner. No further action is required at this time.

3. ID #125 received an NFIP claim, which was >50% of the value of the structure. The City has placed a hold on the parcel hold. The property owner will be sent a letter advising them of the need to revise their SI/SD packet and apply for an additional permit(s) or provide additional documentation within 30 days, or a code case will commence.
4. ID #012 was deemed unsafe, and a code case was created. The code case will follow the established City process.

3. Ordinance Revisions:

The City continues its unwavering commitment to the National Flood Insurance Program. City staff will propose revisions to the City's Floodplain Ordinance for the City Council's consideration and adoption. The City's Floodplain ordinance is contained within the City's Land Development Code. The City is proposing to make improvements to the floodplain ordinance, including:

1. Implementing non-conversion agreements for elevated structures with enclosures below the required finished floor elevation;
2. Increasing minimum elevation requirements to Base Flood Elevation +2', for new construction and Substantial Improvement/Damage-affected construction. This standard aligns with the Federal Flood Risk Management Standard (FFRMS); and
3. Codifying limitations on fill.

Proposed Adoption Timeline:

1. Present draft language to Council (non-voting meeting): October 23, 2024
2. Make changes according to Council direction: early November 2024
3. Review by State and FEMA: late November 2024
4. Planning and Zoning Commission: December 4, 2024
5. Council Adoption Hearings: January 2025

4. Improvements to the City's Floodplain Management Processes:

To enhance the efficiency and effectiveness of floodplain management, the City of Cape Coral has undertaken significant improvements in its floodplain review and permitting processes.

a. Floodplain review and inspection:

The City of Cape Coral has restructured its floodplain review/inspection process for all development in the Special Flood Hazard Area (SFHA). Effective earlier this year, all new structural permits now include a dedicated floodplain review step, separate from the building review. This reconfiguration of the City's permitting system allows for better tracking and load balancing for this critical floodplain management function and clearly informs applicants of their property's SI/SD status.

BLD - Residential Remodel • 0 of 2 Reviews Completed

Submittal Status

In Review

Due Date

09/24/2024

Start Date

08/26/2024

Bluebeam Session ID

530-009-608

Item reviews

Name	User	Status	Assigned	Due	Complete
BLD - Building	Damaris Ismail	In Review	08/26/2024	09/24/2024	
No comments yet...					
BLD - Floodplain Review	Damaris Ismail	In Review	08/26/2024	09/24/2024	
No comments yet...					

To facilitate the summation of values used in SI/SD calculations, the City's Information Technology Services Department has developed a new valuation tool to be used by the City's floodplain reviewers to add structural permit values. This new tool enables reviewers to pass or fail floodplain reviews efficiently, as they no longer have to open each permit record to retrieve valuation information manually.

The City has also developed detailed guidelines for both permit applicants and City reviewers. The current version of these guidelines is provided in Appendix D of this corrective action plan.

Along with new tools and a restructured floodplain review process, the City of Cape Coral has also increased the staff resources being utilized to ensure compliance with floodplain regulations. The City has contracted with two third-party plan review firms to complete floodplain reviews. Both firms have Certified Floodplain Manager (CFM) reviewers integrated into the City's permit review workflow, enabling the City to complete these reviews more efficiently. The City currently assigns approximately 350 floodplain reviews to these firms each month. Additional information on staffing and training is provided in the following section.

b. Interior remodel permit clarification.

The City has implemented a revised BLD-Remodel permit type that requires information based on the proposed alteration level. This new permit type enables permit applicants to more easily submit permit applications for work below the thresholds of the Florida Building Code, including painting and minor drywall work. As with all structural permits in the City's Special Flood Hazard Area, the BLD-Remodel permit requires a full floodplain review if the structure is located within the SFHA. As indicated in Section 1 above, this is anticipated to be launched by October 1, 2024.

c. SI/SD application revision

The City has implemented a revised SI/SD form, to be submitted with every structural permit application for properties within the Special Flood Hazard Area (SFHA). This new form is more concise, includes additional guidelines, and is designed for simplified completion by property owners and contractors. As indicated in section 1 above, this change has been effectuated.

CITY OF CAPE CORAL

DEVELOPMENT SERVICES DEPARTMENT

FLOODPLAIN MANAGEMENT
SUBSTANTIAL IMPROVEMENT / DAMAGE APPLICATION CHECKLIST
TO BE COMPLETED AS PART OF THE BUILDING PERMIT APPLICATION SUBMITTAL PROCESS

Minimum Application Submittal Documents for Floodplain Review

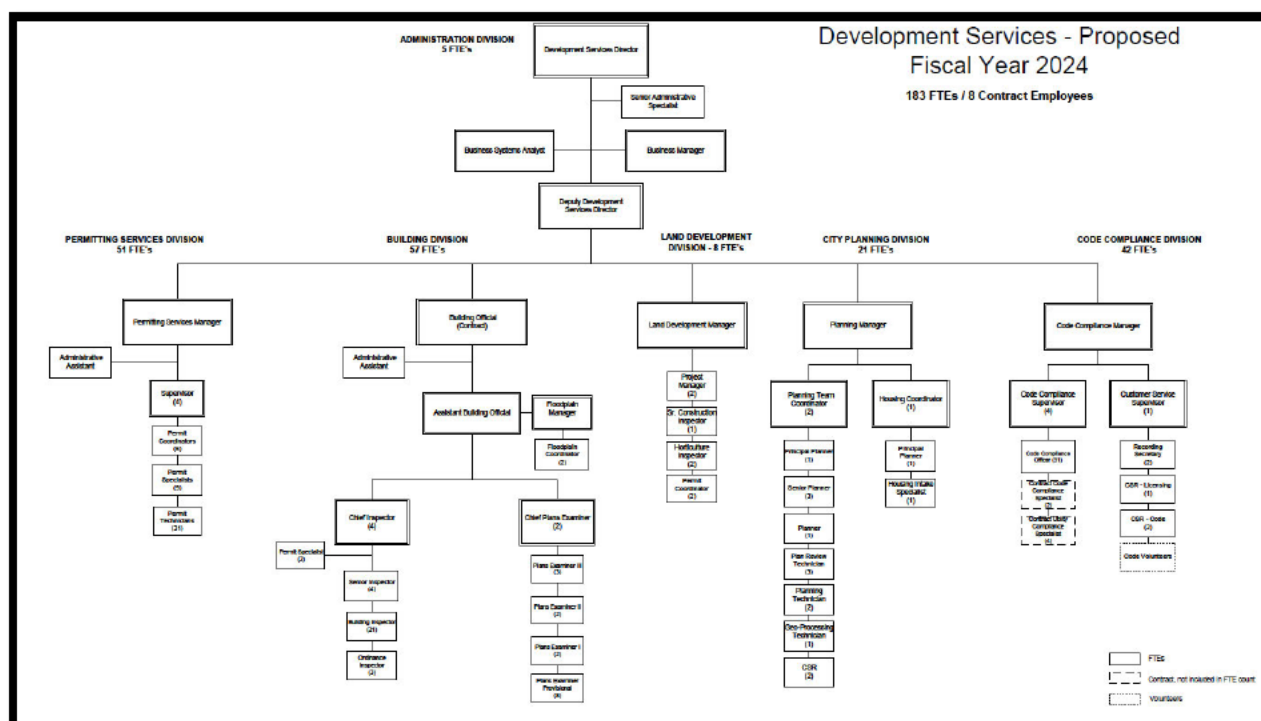
<input type="checkbox"/>	Substantial Improvement / Damage Notice	Pages 2 -3
<input type="checkbox"/>	Substantial Improvement or Repair of Substantial Damage Affidavit.....	Page 4
<input type="checkbox"/>	Cost Itemization Worksheet for Substantial Improvement / Damage.....	Pages 5 – 6
<input type="checkbox"/>	Substantial Improvement / Damage Worksheet for Floodplain Review (City Use Only).....	Page 7

5. Personnel:

- a. Cape Coral's Department of Development Services is responsible for administering floodplain management review and upholding the requirements of the NFIP. The staff in this department determine whether development activities are located in the SFHAs of Cape Coral, and they review development proposals to ensure compliance with the requirements of applicable floodplain management regulations and building codes. Development Services staff issue or deny permits for floodplain development, inspect all development in SFHAs of Cape Coral to ensure compliance, maintain records of issued permits, elevation data, inspections, and enforcement actions, and assist in preparing and revising floodplain maps. In the Development Services Department, several specific positions have floodplain management responsibilities. These include the following:

- i. Floodplain Administrator (DBA Development Services Director):
1. The Floodplain Administrator is critical and responsible for enforcing floodplain regulations.
 - a. Specific duties include reviewing permit applications for development within flood hazard areas.
 - b. The administrator ensures compliance with NFIP requirements, building codes, and floodplain management guidelines.
 - c. The administrator collaborates with other city departments and external agencies to promote flood resilience.

- ii. Building Official:
 - 1. Building Official oversees construction and development activities.
 - a. Their responsibilities extend to floodplain management, especially when reviewing building plans.
 - b. The Building Official ensures that structures are designed and constructed to withstand flood hazards.
 - c. The Building Official works closely with the Floodplain Administrator to enforce regulations.
- iii. Permit Review Specialist:
 - 1. Permit Review Specialist plays a key role in evaluating permit applications.
 - a. They assess proposed developments within flood hazard areas.
 - b. Responsibilities include verifying compliance with floodplain regulations, setback requirements, and elevation standards.
 - c. The Permit Review Specialist communicates with applicants, provides guidance, and ensures accurate documentation.
- iv. Building Inspector
 - 1. Building Inspectors conduct field inspections during various stages of development.
 - a. They verify that construction adheres to approved plans, including flood-resistant measures.
 - b. Inspections cover both residential and commercial properties.
 - c. Inspectors report findings, issue notices of violation if necessary, and ensure corrective actions.
- b. Personnel Improvements - The City is currently enhancing its organizational structure by establishing a specialized floodplain management team within the Building Division. This new team will consist of a floodplain manager overseeing the section and two dedicated floodplain coordinators. This strategic expansion is designed to implement the corrective action plan's objectives effectively. Additionally, the City will continue to utilize third-party floodplain reviewers as needed to support its efforts.
 - i. The floodplain manager position is expected to be created and filled by October 2, 2024, with the entire team fully operational by February 2025.



6. Training:

The City is committed to enhancing our training programs to promote a culture of continuous improvement.

A detailed account of the various trainings our staff has participated in since 2023 is contained in "*FEMA CRS Retrograde: Findings Report Documentation and Procedural Clarifications – City of Cape Coral / May 2024.*" However, these trainings include the Florida Floodplain Manager's Association sessions, FEMA-provided courses, and specialized trainings led by the City's Floodplain Coordinator for Plans Reviewers within the Development Services Department. The City is also expanding its training to incorporate new technologies, such as Crisis Trak for post-storm impact surveys and Forerunner.

The dedication to training extends beyond City staff to include the City's building industry partners. For instance, the City updates the industry on changes to the elevation certificate process through official notices.

To further support industry professionals, the City will host biannual training sessions focused on floodplain regulations and development within floodplain areas. These sessions will be recorded and made available on the City's Development Services website. Additionally, the City will conduct quarterly staff training, and floodplain management will be a key component of onboarding for new hires in the Building Division.

Moreover, each of the City's four Certified Floodplain Managers (CFMs) are required to complete 16 hours of certified training every 24 months to maintain their credentials.

7. Ongoing Monitoring and Evaluation of the Corrective Action Plan

To ensure the corrective action plan's successful implementation, the City has established a robust framework for ongoing review. This framework will incorporate regular reviews and feedback mechanisms to track progress, pinpoint weaknesses, and maintain accountability throughout implementation. A dedicated team with personnel from the Development Services and Emergency Management Departments will oversee this monitoring. For the first 60 days after the plan's acceptance, the team will hold weekly meetings, which can be reassessed after the 60 days to determine effectiveness and if the frequency of meetings can be reduced. During City Council meetings, City leadership will be updated on the current progress of this plan.

ACTION ITEM #2 – ASSESSING FLOODPLAIN DEVELOPMENT SINCE HURRICANE IAN

FEMA Action Item #2: Assess all floodplain development from Hurricane Ian in the Special Flood Hazard Area, ensuring that permits for all repairs, construction and development were obtained consistent with local floodplain management regulations.

1. Status update on all properties previously deemed substantially damaged, provide evidence of compliance actions for structures identified as having damage by FEMA, and continue to assess and remedy any violation in the SFHA as a result of the impacts of Hurricane Ian.
2. Issues to address: undocumented damages, unpermitted repairs, repaired substantially damaged (SD) structures, demonstrated closure of demolition permits of structure deemed SD, steps the community taken or plans to take to follow-up on the SD structures, confirm SD letters sent, mitigate SD structures, confirm if SD structures waiting on grants.
3. Examples of Actions to Correct Deficiencies:
 - a. Demonstrate that a structure is not in violation by providing missing documentation such as certification of elevations, foundation design (Zone V), breakaway wall design (Zone V), or floodproofing.
 - i. **This is part of the City's current floodplain management practices.**
 - b. Rescind permits for structures not yet built or in the early stages of construction and require resubmission of plans that demonstrate compliance prior to allowing construction to proceed.
 - i. **This is part of the City's current floodplain review practices. While permit rescission is not utilized, the City would not issue a Certificate of Occupancy to a structure not in compliance.**
 - c. Coordination with the property owner(s) to determine level of damage and/or repair.
 - i. **This is part of the City's current floodplain review practices.**
 - d. Modify or retrofit non-compliant structures to be compliant or remove non-compliant structures. If a structure cannot be made fully compliant, a lesser degree of protection should be required.
 - i. **More information on this topic is contained in the City's response below.**
 - e. Seek civil/criminal penalties as provided in the local floodplain management regulations or community codes. In the case of a judgment in court against the community in such an action, the community is expected to appeal the decision if there are sufficient grounds for an appeal.
 - i. **The City's current process facilitates appeals when there are sufficient grounds (2-92 City Code of Ordinances). More information on this topic is contained in the City's response below.**

- f. Initiate licensing actions against architects, engineers, builders, or developers responsible for violations.
 - i. **When appropriate, the City will initiate such actions.**
 - g. Issue citations of violations and submit the declarations (requests) for Section 1316 (denial of NFIP flood insurance).
 - i. **More information on this topic is contained in the City's response below.**
 - h. Submit evidence that a structure cannot be cited as a violation or that further action cannot be taken (e.g., legal constraints in state or local legislation, deficiencies in the regulations).
 - i. **The City will pursue code enforcement action to the maximum extent possible, per the City's Code of Ordinances.**
 - i. Purchase NFIP flood insurance for buildings that cannot be brought into full compliance when community actions resulted in the non-compliance.
 - i. **The City's actions are to comply with NFIP regulations or utilize code enforcement to seek compliance.**
4. Submit the following:
- a. An updated tracker for the (70) structures on the substantial damage list provided by the community. This should include information based upon the issues to address above.
 - i. **Appendix E**
 - b. Documentation to show that the structures have been brought into compliance or are compliant.
 - i. **Appendix E**
 - c. A list of the addresses, with the action proposed to resolve the site and note if it would result in compliance or remedied to the maximum extent possible.
 - i. **Appendix E, F, and G**

City of Cape Coral – Action Item #2 Response

1. An updated tracker for the 70 structures on the substantially damaged list provided by the City is Appendix E. This tracker lists the address, the mitigation permit if applicable, a status update, and the future engagement, including a timeline. Of the 70 structures, 53 have been brought into compliance. The remaining 17 structures have taken no action. These properties have a hold placed on the property in the City's parcel management software (EnerGov). These structures will have a compliance check every 90 days for unsafe conditions, unpermitted work, or change of ownership. This tracker documents compliance or the City's ongoing efforts to obtain compliance.
2. In March of 2023, the City was sent a list of possible substantially damaged properties. The City has an updated tracker of these structures; Appendix F. These structures have been brought into compliance or are non-compliant and going through the code enforcement process. Non-compliant properties have a hold placed on the property in the City's parcel

management software (EnerGov). These structures will have a compliance check every 90 days for unsafe conditions, unpermitted work, or change of ownership.

Note: This list contains four addresses that are part of other lists. Two listed addresses do not exist.

3. The City conducted an analysis of the NFIP claims data. The net building payment was compared to the building value as of September 28, 2022 (the date Hurricane Ian impacted the City), the year the structure was built, the percentage damaged (claim value vs building value), and the permit status (Appendix G). The City has identified 247 properties that received an NFIP building claim greater than 50% of the building's value and have not received a permit since September 28, 2022. These property owners have been sent a letter advising them the City has record of their claims data, and they have 30 days to submit an SI/SD application and obtain the necessary permits. If property owners fail to comply by the 30-day deadline, a code enforcement case will commence. The property will be reviewed every 90 days for unpermitted work, unsafe conditions, or change of ownership. If these conditions are found, additional action will be taken.
4. The City is committed to continuing to assess development in the SFHA from Hurricane Ian. The City has engaged third-party vendors to complete additional SD inspections for ~1,200 addresses. The City has selected five areas, containing 362 properties to begin this process (Appendix H). These areas were selected based on initial impact surveys, typical construction age, high-water marks, and known water intrusion into structures. These areas are the same as the City's original WebEOC request from January 2023. The City will continue to evaluate additional areas and properties for inspection with the goal of conducting 1,200 inspections.
5. The City's primary goal is compliance for all properties. Unfortunately, some properties have failed to comply after exhaustive attempts. The City has no additional remedies for these parcels and has reached the maximum extent possible of its code enforcement. The City sent a letter to these property owners on August 21, 2024, notifying them that the City has reached the maximum extent of its code enforcement and the property has 30 days to become compliant. If they do not comply by September 20, 2024, the City will recommend the property for NFIP removal through the section 1316 process (Appendix I). The City will submit all required documentation to FEMA by October 4, 2024.

ACTION ITEM #3 – LEVERAGING CODE ENFORCEMENT

FEMA Action Item #3: Provide documentation that demonstrates your community is leveraging its code enforcement process to address new and existing code cases for all structures not confirmed as compliant. When a violation is confirmed, remedy to maximum extent possible. This includes:

1. Provide an update on all related code cases and continue to take code enforcement action when there is evidence of a violation of the City's code of ordinances.
2. Issues to address: How the process is being used to address the structure for the above Action Item #2; as well as those structures for which damage has been identified, such as a flood insurance claim.
3. Examples of Actions Communities Can Take to Remedy Violations:
 - a. Demonstrate that a structure is not in violation by providing missing documentation such as certification of elevations, foundation design (Zone V), breakaway wall design (Zone V), or floodproofing.
 - i. **This is part of the City's current floodplain management process.**
 - b. Rescind permits for structures not yet built or in the early stages of construction and require resubmission of plans that demonstrate compliance prior to allowing construction to proceed.
 - i. **This is part of the City's current floodplain review practices. While permit recission is not utilized, the City would not issue a Certificate of Occupancy to a structure not in compliance.**
 - c. Submit engineering data showing that floodway encroachments result in "no-rise/no-increase" in BFEs.
 - i. **The City has two floodways and development has not occurred within these floodways. Should plans for development within the floodway be submitted, the developer will be required to provide hydrologic and hydraulic engineering analyses as part of the permitting process.**
 - d. Rescind improperly granted variances.
 - i. **The City has no approved variances in the SFHA.**
 - e. Modify or retrofit non-compliant structures to be compliant or remove non-compliant structures. If a structure cannot be made fully compliant, a lesser degree of protection should be required.
 - i. **The City's primary goal is compliance for all structures. For structures that fail to comply, the City will enforce its code to the maximum extent possible. Once the City has exhausted its code enforcement process, it will recommend the structure for NFIP removal through Section 1316.**
 - f. Remove or modify non-compliant floodway obstructions.
 - i. **No development has occurred within the floodways within the City.**
 - g. Seek civil/criminal penalties as provided in the local floodplain management regulations or community codes. In the case of a judgment in court against the community in such an action, the community is expected to appeal the decision if there are sufficient grounds for an appeal.

- i. **The City's current process facilitates appeals when there are sufficient grounds (2-92 City Code of Ordinances). More information on this topic is contained in the City's response below.**
- h. Initiate licensing actions against architects, engineers, builders, or developers responsible for violations.
 - i. **When appropriate, the City will initiate such actions.**
- i. Purchase NFIP flood insurance for buildings that cannot be brought into full compliance when community actions resulted in the non-compliance.
 - i. **The City's actions are to comply with NFIP regulations or utilize code enforcement to seek compliance.**
- j. Provide a list of addresses that have been deemed non-compliant and provide an update that demonstrates your community is leveraging your code enforcement process.
 - i. **Appendix C, E, F, G, H, I.**

City of Cape Coral – Action Item #3 Response

The City's Code Compliance Division mission is: "To provide our citizens with the highest quality of service and uphold and enforce Codes and Standards established to protect the Public Health, Safety, and Welfare of all residents, business owners, and visitors based upon priorities consistent with established standards..." Furthermore, their goals are:

1. To educate the public about the City's codes and ordinances and obtain voluntary compliance.
2. To protect the Health, Safety, and Welfare of all property owners, residents, tenants, businesses, and visitors.
3. To develop and establish standards and ordinances that positively affect property value, community appearance, and neighborhood pride.
4. To partner with other departments and agencies to reach our common goals.
5. To establish and maintain a proactive environment to help solve community problems and stay at the forefront of creative and effective Code Enforcement.

The City is dedicated to achieving compliance with the City's Codes. When education and requests for compliance are not effective, the City upholds its obligation to enforce our Codes. The City has actively pursued the code enforcement process for existing violations for non-compliant properties to the maximum extent possible, as illustrated in Appendix C. Furthermore, the City is committed to initiating additional code cases. For all properties in Action Item #2, a code case will be created for properties if there is evidence of development activity without an SI/SD packet and/or work without a proper permit.

A detailed review of the City's Code Compliance process is contained in "*FEMA CRS Retrograde: Findings Report Documentation and Procedural Clarifications – City of Cape Coral / May 2024*" in sections 5.5 – Code Cases and 6.1 – Code Case Example and City Ordinance 2-85.

Nevertheless, here is an overview of the City's code enforcement process: When evidence of a possible violation is found the property owner is sent a letter educating them and seeking voluntary compliance within 30 days. If compliance is not achieved by the deadline, a code

enforcement case is initiated. This is done through a Notice of Violation, which cites the alleged specific code violation(s) and necessary corrective measures. If compliance is not achieved after the Notice of Violation deadline, the property owner is issued a Notice of Hearing. This is an evidentiary hearing before the City's Special Magistrate. The Special Magistrate will consider the applicable evidence and testimony and render a decision of guilty or not guilty. For guilty parties, the Special Magistrate issues a compliance period. During this period, the property owner must bring their property into compliance or face a daily fine and possible lien on the property. If compliance is still not achieved, the property begins to accrue a daily fine, and a lien is placed on the property. Generally, this is the maximum extent of the City's code enforcement process. Non-compliant properties will be reviewed every 90 days for unpermitted work, unsafe conditions, or change of ownership. If these conditions are found, additional action will be taken. At this point, the City has exhausted all remedies, and the property owner will be noticed that the City is recommending the property for NFIP removal through the Section 1316 process.

The City will pursue all current and new violations of the City's code until compliance is achieved or the maximum extent of the Code process is reached.

ACTION ITEM #4 – IMPLEMENTATION OF A SUBSTANTIAL DAMAGE ADMINISTRATIVE PROCEDURES PLAN

FEMA Action Item #4: Put a process in place to ensure substantial damage compliance for future events. As part of this action item, the community attended the Substantial Damage Administrative Procedures Workshop and will need to submit the subsequent completed set of procedures.

1. Develop and implement a Substantial Damage Administrative Procedures (SDAP) Plan. Plan for immediate data collection and documentation, post-event; pre-plan staffing; resources; staff training and cross-training additional staff; conduct annual exercise; create list of all structures in the SFHA; build out support tools in Geographic Information System (GIS); identify funding resources; pre-positioned Memorandum of Understanding/contracts; conduct the SD assessments, outreach process, and tools; and manufactured home/trailer parks and the unique challenges related to market value and repair costs.
2. Issues to address: This plan outlines the steps, roles, and responsibilities for conducting substantial damage assessments during disasters, with a focus on NFIP compliance.
3. Items to consider including:
 - a. Planning ahead makes it easier, faster, and more effective to:
 - b. Identify and target potential substantial damage,
 - c. Focus your operations,
 - d. Judge whether you have the resources to effectively perform SD assessments and get help (if needed).
 - e. Ensure staff are trained before a disaster strikes.
 - f. Communicate local floodplain management requirements to property owners after an event.

City of Cape Coral – Action Item #4 Response

City of Cape Coral staff attended the April 2024 Substantial Damage Administrative Procedures training held for communities in Lee County; as a result of this training, staff, and City consultants began the process of creating a Substantial Damage Administrative Procedures (SDAP) plan. This plan will closely follow the template provided by FEMA and, at a minimum, will include the following: Pre-Disaster and Immediate Post Disaster Activities (regulations, communication methodology, and staffing), Post Disaster Assessments and Determinations (assessments and communication), and Post Disaster Reintegration. Also included in the plan will be a robust communications plan and a Section 1206 plan specifically to request resources to assist with substantial damage assessments.

The plan is currently being developed. A completed and compliant plan will be provided to FEMA by November 18, 2024.

ACTION ITEM #5 – ADDITIONAL EFFORTS TO IMPROVE COMMUNITY FLOOD RESILIENCE

City of Cape Coral - Action Item #5:

In the face of climate change and increasing weather uncertainties, the City has implemented a comprehensive range of initiatives and projects to enhance its flood resilience. These initiatives include studies and plans, a variety of grants, and lobbying efforts to address flooding and stormwater management.

1. Vulnerability Assessment Study:

The Vulnerability Assessment is being conducted for the City by a consultant through the Florida Department of Environmental Protections Resilient Florida Grant Program. The purpose of the study is to develop a City-wide flood vulnerability assessment and adaptation plan through the Florida Department of Environmental Protection Office of Resilience and Coastal Protection. This study will recognize vulnerabilities within the community and allow the City to develop strategies for mitigation and apply for resilience grants through the Florida Department of Environmental Protection.

2. Watershed Management Plan:

The Watershed Management Plan is being conducted for the City by Florida Atlantic University through a grant award received from the Florida Division of Emergency Management. This plan will assist the City in its efforts to identify flooding sources and solutions. This plan is also a pre-requisite activity to achieving Class 4 CRS designation. Achieving a Class 4 CRS designation is a goal of the City.

3. Flooding and Stormwater Projects:

The City is an active member of the Lee County Joint Local Mitigation Strategy (LMS), which links the Hazard Identification and Risk Assessment and the comprehensive emergency management plans for Lee County and the City to create a multi-jurisdictional mitigation framework.

Projects:

a. Old Golf Course

- i. The City is purchasing a ~175-acre abandoned golf course (4003 Palm Tree Blvd.). This property is located in the Special Flood Hazard Area and is a brownfield site due to contamination from the previous golf course. The City intends to utilize this property to create additional stormwater capacity, improve water quality by reducing contaminants in our estuaries, and add public green space, creating sustainable resilience.
- ii. City-funded purchase of \$10.4 million.

b. Community Development Block Grant Disaster Recovery (CDBG-DR)

i. Weirs

1. The City utilizes a system of weirs to separate saltwater and freshwater canals. Weirs are important water control devices. During the City's dry season, weir gates are lifted to retain water in

- the freshwater canal system. However, during the rainy season, weir gates are lowered to increase the capacity for stormwater and reduce flooding risks. This project is to rehabilitate and improve three weirs.
2. Total project cost \$10,824,119.
- ii. North Cape Coral Drainage Basin Alternative Restoration Plan
 1. In the North Cape Coral drainage area and Charlotte Harbor intercoastal waters, several water bodies have been affected by pollutants. The City intends to develop an Alternative Restoration Plan (ARP) to restore these areas by identifying the causes and drivers of the pollutants, developing short-term and long-term management goals, objectives, and actions, and developing strategies, initiatives, and projects. To ensure success, the plan will include effective tools and actions with schedules and milestones to restore the water quality in the Charlotte Harbor Estuary Watershed water bodies.
 2. Total project cost \$558,750.
 - iii. Cape Coral Parkway Corridor Resilience Planning Study
 1. In partnership with the Florida Department of Transportation (FDOT), the Lee County Metropolitan Planning Organization, and LeeTran, the City is completing a Corridor Resiliency Planning Study. The primary objective of this planning grant is to develop a comprehensive and actionable resilience plan to assess vulnerabilities, engage stakeholders, and develop resilience strategies. The plan will also address stormwater management, resilient infrastructure plans, green infrastructure, landscape development plans, multimodal integration, innovative technology planning, and urban green space.
 2. Total project cost \$565,983.
 - c. Florida Department of Environmental Protection - Resilient Florida
 - i. Northeast 24th Avenue Evacuation Route and Drainage Improvements: The construction and installation of storm drainage infrastructure and stormwater ponds adjacent and under the evacuation route extension of NE 24th Avenue.
 1. Total project cost: \$4,563,700
 - ii. Weir Improvement Project: The rehabilitation and improvement of two weirs.
 1. Total project cost: \$3,374,900
 - d. Hazard Mitigation Grant Program (HMGP)
 - i. The City has nine active applications for HMGP-Ian, which were approved by the LMS and are in State review.
 1. Total project costs: \$69,490,036
4. The City recognizes the size, scope, and complexity of the issues around the NFIP and has a unique perspective resulting from this experience. The City is engaging in several methods for the betterment of its community and all communities that work with the NFIP. The City's objective is to work collaboratively with its community and FEMA to realize a sustainable and better-understood program. These efforts include:

- a. Lobbying to require NFIP Write Your Own (WYO) insurance companies to provide the "Proof of Loss" to FEMA, which may be requested by the local floodplain administrator, to assist in managing the floodplain for substantial damage determinations.
- b. Lobbying to require NFIP WYO insurance companies to obtain proof of compliance before a full payment is provided. This could be achieved by holding back a small portion of the claim payout until an SI/SD determination is made and a permit is issued, if applicable.
- c. Lobbying to improve possible NFIP fraud reporting and investigations.
- d. Lobbying to empower the FEMA Administrator to have authority to extend 1206 assistance for up to an additional 90 days, beyond the 180 days, based on the size, scope, and complexity of the disaster.
- e. Working with the City's community of contractors and SFHA property owners, to educate them on the development activities and costs that must be included for SI/SD consideration (section 4.4.1. of the SI/SD Desk Reference).
- f. Providing comments and recommendations for revision of FEMA P-758: Substantial Improvement/Substantial Damage Desk Reference.
- g. Providing comments and recommendations to improve NFIP processes and communication between communities and FEMA following a flooding event.
- h. Taking action to expand the City's resilience from flooding and improve its Community Rating System (CRS) score.

Through these combined efforts, we aim to build a more resilient community by addressing immediate and long-term flood risks with a multi-faceted approach. By integrating advanced studies, strategic infrastructure projects, and strong advocacy, we are working to enhance our flood management capabilities and ensure a sustainable future. This holistic approach improves our ability to manage and mitigate flooding and strengthens the Cape Coral community's overall resilience to climate change and extreme weather events. The City's commitment is to create a safer environment, protect valuable resources, and foster a better-prepared and more adaptable community in the face of future challenges.

CONCLUSION

In conclusion, Hurricane Ian served as a critical test for government capabilities at all levels and catalyzed significant evolution in floodplain management practices. The City of Cape Coral, profoundly affected by the hurricane, has acknowledged the need for substantial improvements beyond its compliance with National Flood Insurance Program (NFIP) regulations.

In response, the City has initiated a corrective action plan to address FEMA-identified deficiencies and enhance floodplain management processes. This plan includes revising the Floodplain Ordinance, restructuring the floodplain review and inspection procedures, and forming a dedicated floodplain management team.

The City has made additional progress on the previously identified substantially damaged structures and is now actively addressing other properties with substantial NFIP claims that currently lack permits. To ensure continued compliance, code enforcement efforts are being applied to both existing and newly identified violations, with recommendations for NFIP removal for properties that remain non-compliant despite exhaustive efforts.

The implementation of a Substantial Damage Administrative Procedures Plan is scheduled for November 18, 2024, and the City is advancing community flood resilience through various studies and legislative advocacy. With a committed team and a comprehensive approach, the City of Cape Coral is dedicated to meeting deadlines, fulfilling FEMA's criteria, and preventing NFIP probation and potential penalties for its residents.