

## Review of Florida Post-Disaster Redevelopment Plans

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### INTRODUCTION

As part of the research for developing post-disaster redevelopment planning guidance for Florida communities, a review of existing post-disaster redevelopment plans (PDRPs) in Florida was conducted. Based on the local government survey responses received and plan searches conducted, ten Florida PDRPs or post-disaster redevelopment ordinances were obtained and reviewed. In addition, two long-term community recovery plans drafted after the 2004 hurricanes were reviewed.

### COMPARISON SUMMARY OF THE PDRPs REVIEWED

**Type of Plans** - Of the ten Post-Disaster Redevelopment Plans reviewed, four were municipal plans – Anna Maria Island (covering Anna Maria, Holmes Beach and Bradenton Beach), Brooksville, Destin, and Dunedin, and six were county plans – Collier, Escambia, Hillsborough, Lee, Okaloosa, and Palm Beach. Of the county plans, Palm Beach was the only one with a process for including the incorporated areas of the county into the plan.

**Adoption** – The PDRPs developed by City of Brooksville, Collier County, City of Destin, Escambia County, Okaloosa County, Lee County, and Hillsborough County were adopted by ordinance or have a separate ordinance that gives the force of law to key elements of the PDRP. Note that the Lee County and Brooksville Plans are incorporated into the Comprehensive Emergency Management Plan and the Okaloosa Plan is incorporated into the Local Mitigation Strategy, which is adopted by Ordinance. Palm Beach County's plan was adopted by resolution only.

**Revisions** – Most of the plans were completed in late 1990s or early 2000s and we have at present no record that they were ever revised. The exception is Lee County, which revised and readopted its PDRP in 2007 and Okaloosa who revised their plan and incorporated it into the Local Mitigation Strategy in 2005. Hillsborough is currently revising their plan.

**Plan Oversight** – All of the PDRPs, except for Brooksville, create an advisory body or task force working in parallel with emergency management to implement the plan after a disaster. Each plan specified the membership, which included department heads or their designee and chaired by the city or county manager. The Okaloosa, Hillsborough, Dunedin, Escambia, Palm Beach, and Lee Plans create an ongoing body to conduct the pre-event (blue-sky) planning to develop the plan and guide long-term implementation. None emphasized the need for public involvement in plan implementation.

**Plan Coordination** – All of the plans, except Brooksville, recognize the requirements of Ch. 163, F.S. and Rule 9J-5, F.A.C regarding Post-Disaster Redevelopment Planning and the relationship between the Comprehensive Emergency Management Plan, the Comprehensive Plan and the Local Mitigation Strategy although none go into the relationships in any detail except for Palm Beach County.

**Vulnerability Analysis** – Outside of a reference to the LMS, the PDRPs reviewed do not give much importance to conducting a vulnerability analysis to identify and anticipate potential trouble spots or opportunities for redevelopment. There is, however, significant emphasis given to damage assessment and the imposition of moratoria to buy time for potential redevelopment strategies.

**Damage Assessment and Moratoria** – All of the plans emphasize the importance of the damage assessment and use the same structural damage criteria to distinguish between minor, major, and destroyed structures. All contain provisions for imposing (or recommending) an immediate, short-term moratorium on all construction, reconstruction and repairs excepting emergency repairs with a more extended moratoria on repairs to structures determined to have major damage and reconstruction of those structures that are destroyed.

**Short-Term Recovery: Land Use Decisions** – Most of the plans discussed emergency debris clearance (generally in great detail) and a few included references to FEMA's emergency housing program. None

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raised concern that sites identified for emergency storage of debris or emergency housing be consistent with the future land use element in recognition that in a major event emergency (short-term) uses can extend for a significant period of time and interfere with long-term recovery or redevelopment efforts.

### Long-Term Recovery

- **Redevelopment of Vulnerable Areas** – All of the plans make some recognition of the potential need for redevelopment in highly vulnerable areas as a public safety issue. Generally, this redevelopment refers to repair or reconstruction in accordance with the current code, but there is some recognition that changes in densities or use in high risk areas are good mitigation strategies. The identification of these areas is mentioned as a responsibility of the Task Force and several of the plans list some standard planning tools for reducing density or otherwise shifting development away from vulnerable areas. Several of the plans provide a series of policies covering direct purchase of property and most contained policies dealing with the reconstruction or relocation of public structures or infrastructure in high hazard areas. The Destin Plan has an extensive list of recommended policies and strategies dealing with existing and proposed developments. None of the plans identified specific areas for redevelopment other than the Coastal High Hazard Area or developments seaward of the Coastal Construction Control Line, except the Anna Maria Island Plan in reference to trailer parks in areas subject to severe flooding. The greatest redevelopment concern in all the plans was the need to adhere to strict safety requirements when permitting the repair or rebuilding of legally non-conforming structures.
- **Economic Recovery** – Only two of the PDRPs reviewed do not mention business recovery. The others assign this responsibility to a sub-committee of the Recovery Task Force. The Hillsborough Plan assigns a specific coordinator for business recovery with specific tasks as does the Lee County Plan, which also assigns a coordinator for tourism recovery. In general, none of the plans direct assistance from government other than coordination, SBA loans and in one case, provision of temporary business space (which should also be coordinated with the future land use element). The Palm Beach County PDRP economic recovery element is not discussed here as it merits a report of its own.
- **Housing Replacement** – While about half of the plans mention the FEMA disaster housing program and one mentions the need for group sites, only the Palm Beach County PDRP mentions the need to plan for the replacement of lost low and middle income housing and the redevelopment opportunities that might be incorporated into this effort. The literature review indicates that failure to develop a pre-disaster plan for replacement of low-income housing will guarantee either resumption of the previous pattern or in a catastrophic event, loss of residents with attendant loss of work force and tax base.

**Agency Responsibilities (Specific Assignments)** – All of the plans assigned responsibilities for conducting broadly stated activities generally to the Task Force in general or to a sub-committee; in some cases to an individual such as a department head. Any more explicit assignments and time frames would presumably be left to the responsible party, but the plans generally did not specify when such action plans must be completed. However, the plans generally specified that the Task Force was responsible for developing an action plan with time frames for the actions. The Lee County Plan includes a Community Recovery Checklist with action items and steps to completion with broad time frames and the assignment of responsibility to a particular department or group or committee and it is set up so that more specific responsibilities and time frames can be specified during implementation. Palm Beach County has a detailed action matrix assigning oversight responsibility to working groups of the PDRP Executive Committee and assigning a timeframe for completion.

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### INDIVIDUAL POST-DISASTER REDEVELOPMENT PLAN REVIEWS

#### Islandwide Post-Disaster Redevelopment Plan for Anna Maria Island, May 1999

Because of the integrated nature of the major issues (transportation, drainage, etc.) the Anna Maria Island PDRP covers the three municipalities of Anna Maria, Bradenton Beach, and Holmes Beach that make up the island. The Plan focuses exclusively on long-term recovery and mitigation, mentioning the adoption by all three municipalities of the Manatee County CEMP and the existence of specific municipal response SOPs that include short term recovery. There is no discussion of the impact of immediate short-term decisions on long-term recovery, but temporary land fill sites are located in the county and not on the island so they were probably not concerned. Emergency housing in the form of travel trailers or mobile homes is not discussed.

The plan has five major sections as well as an introduction and a bibliography. The first section describes the island including current and future land use maps for each of the municipalities and a discussion of the major planning issues: Land Use, Transportation, Drainage, Redevelopment and Post-Disaster Planning.

The section provides a thorough description of existing land-use at the time it was published (1998) and states that because all three communities are built out and current land uses generally conform to the dictates of the Comprehensive Plan, the communities see no need for a major redevelopment project. However, many structures were built before current codes, adoption of the Comprehensive Plan and changes to the CCCL and in that sense are non-conforming and must be mitigated. Drainage is a problem throughout the island and although a Master Drainage Plan was completed it had not been implemented. As for transportation, the roads generally do not exceed their adopted level of service, but there are points of congestion and congestion will be a significant problem during a mass evacuation.

The next section deals with hazard mitigation and provides an analysis of the impact of their three major hazards: storm surge, high wind and rain including a description of historical damage up to Hurricane George with recommendations for specific mitigation projects to be considered in preparing mitigation plans.

This is followed by a detailed description of the flooding problems in each municipality with capital drainage options including costs for mitigating the flooding. The section also contains the results of a joint state/federal study on pollution in Sarasota and Tampa Bays with options for the island to reduce runoff and subsequent pollution of the bays that could also be incorporated into a PDRP.

Next is a list of post-disaster redevelopment plan requirements for 9J-5 FAC and the results of a survey of planning and elected officials from the three cities concerning changes in policy or new policies necessary to meet the needs of the post-disaster recovery. The concerns of the general public were not addressed.

The next section brings all the previous information together into a plan for post-disaster redevelopment. Because of the varied nature of the disasters that might activate the plan, the Manatee County Emergency Management Office and all three communities opted for a policy oriented plan to preserve flexibility while still giving direction to the effort. The balance of the document describes each issue and provides alternatives that should be considered in developing a post-disaster strategy. However, in striving to preserve flexibility the Plan may provide too many alternatives to meet the pace of the recovery process in the aftermath of a large disaster. Local officials need to make some pre-event decisions on alternatives to narrow the range.

The planning steps are:

- Identifying the hurricane vulnerability zones and the coastal high-hazard areas and developing a process for updating this information following a storm. Note that all of Santa Maria Island is in the CHHA.
- Identifying the location, nature and extent of damage (Damage assessment).
- Identifying for the decision makers a range of alternatives relevant to the impact of the disaster.

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- Identifying the redevelopment opportunities present after the disaster.
- Describing the post-storm decision-making process.

This is followed by a brief overview of recovery, which is divided into three phases: 1) an Intermediate Emergency Period of several days focusing on immediate life-saving needs such as search and rescue and clearance of debris for emergency vehicle access; 2) the Short Range Restoration Period focused on the repair of minor and moderately damaged structures, damage assessment, receipt of a Presidential declaration and the initiation of the Individual Assistance and Public Assistance Programs; and 3) the Long Range Reconstruction Period, which includes the full restoration of services and the repair and reconstruction of severely damaged homes and businesses, all of which could take several years.

Next, the Plan provides a description of each of the issues addressed, relevant policies and alternatives to aid in guiding implementation actions:

- Restoration of Essential Services – The overall priority will be critical facilities and concentrations of population and not necessarily areas with the greatest damage. This is followed by specific priorities including communication between Island and Manatee County emergency management, access to the island for emergency crews, communication between the three island communities and restoration of power, water and sewer, and telephones.
- Damage Assessment – The Plan stresses that recovery must not be rushed, but to initiate recovery in an orderly fashion, reconstruction permitting procedures must be put into place. The plan recommends a three-tiered approach based on classifying the damaged structures using the following three criteria:
  1. Major damage areas where damage equals 50% or more of market value; these structures would be prohibited from commencing reconstruction.
  2. Moderate damage areas where damage equals over 25% but under 50% of market value; these structures would be prohibited in the short term from commencing reconstruction, but the prohibition could be lifted upon further assessment.
  3. Minor damage areas where damage equals less than 25% of market value; reconstruction could commence immediately on these structures.In a later section the plan proposed an alternative to the above approach – an immediate moratorium, either community wide or island wide with an exemption for emergency repairs. The moratorium can be lifted using the above categories as public officials have a chance to review alternatives.
- Damage Assessment Team (DAT) – Damage assessment should commence as soon as access to the island is available. Team composition could be local qualified personnel or county/state based on availability after the event. In addition to classifying the damage as described above, the DAT should document the type and location of the storm forces and identify the likely cause of damage to the facilities i.e., poor construction, proximity to the coast, etc. Generally three assessments take place: an initial assessment to determine extent and the need for an emergency declaration and the implementation of a building moratorium. The second is a more detailed assessment with different crews focused on different types of damage. Finally, a federal/state/local team to assist in preparing project work sheets required for federal assistance. These teams would also conduct a human needs assessment. All of this information would be turned over to the Recovery task Force.
- Recovery Task Force – Formation and Responsibilities – The Plan recommends formation of a Recovery Task Force in part to take the pressure for immediate action from local officials and to provide expert opinion and recommendations on post-disaster issues. The recommendation is that it be island wide and composed of an elected official, a public works director and/or a building official, a city attorney, a planning commission representative, representatives from police sheriff and fire, and the Chamber. Responsibilities would include recommendations on over all recovery strategies, recommendations on imposing and lifting reconstruction moratoria, and initiating negotiations for relocation and acquisition of property.

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- Redevelopment of Public Facilities and Infrastructure - Recognizing the importance of public facilities and infrastructure to an orderly recovery, this section provides some recommended criteria for evaluating repairs and structural mitigation against relocation and redevelopment of the property.
- Economic Recovery – The Plan indicates that all three cities are concerned about loss of tax base, and especially during Recovery. All three have the vast majority of their land in residential or recreational uses. Commercial structures are particularly important as only 3 to 5 percent of the land on the island is commercial. Because the entire island is in an A or V flood zone the entire island in the coastal High Hazard Area and in Anna Maria, one third of the city is seaward of the Coastal Construction Control Line (CCCL). Therefore, the Island has a lot of non-conforming structures and the communities are concerned that the cost of conforming may cost them residents. This section of the plan recommends a Comprehensive Plan revision based on a revision approved for Holmes Beach that will ease restrictions on permitting and repairing non-conforming structures where they were conforming before some regulatory change made them non-conforming (such as NFIP adoption, change in the CCCL or adoption of the FLUE). Under this amendment, all but those caught by NFIP become **legal** non-conforming uses and eligible for reconstruction or repair permits with certain conditions. The NFIP 50% rule is a particular concern but the plan indicates that the inflated value of the properties will provide some protection against the need to elevate post-disaster. This is a surprising stance and at odds with the tone of most of the plan language with regard to mitigation. In addition, the 50% rule applies only to the value of the structure and not the land and improvements like swimming pools. For older coastal properties, it is generally the land that has appreciated and not the structure. In the early 1990s, houses on Key Biscayne in Miami sold for \$1 million and the buyers promptly tore the houses down and rebuilt.
- Strategies for Post-Hurricane Mitigation – This section lists some of the standard strategies for mitigation for consideration by the Task Force as they formulate the recovery plan including moving development away from the V Zone, reducing densities, reconstructing to a higher building code, and property acquisition. It also provides some guide lines for acquisitions.
- Locally Identified Post-disaster Redevelopment Measures – This section contains a series of measures to be considered to aid in post-disaster recovery that were suggested by planning and elected officials from the island, Manatee County Public Safety and the Tampa Bay Estuary Program. They include regulatory, mitigation, infrastructure, drainage and human services measures.

The remainder of the plan contains the mitigation measures from the LMS, and recommended improvements suggested by the Mitigation staff at Division of Emergency Management.

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### City of Brooksville, Comprehensive Emergency Management Plan (CEMP) Recovery Annex, 2007

The City of Brooksville chose to include their Post-Disaster Redevelopment Plan in the Recovery Annex of their CEMP. This plan bears a closer resemblance to a Recovery Annex than a Post-Disaster Redevelopment Plan, but does include the local planning agency in the plan and is a good effort on the part of the city, as the CEMP is not required for cities and since they aren't coastal they are not required to do a PDRP either.

Below are the responsibilities of the Community Development Department and Public Works Department that relate to PDRP.

#### Community Development Department

- *Participate in Initial Impact Assessments for private property.*
- *Provide damage assessment information to the Emergency Management Office.*
- *Develop a list of suitable facilities to be used as recovery centers, etc.*
- *Provide a list of structures considered substantially damaged. (Greater than 50%).*
- *Permit and control new development and demolition of old structures.*
- *Oversee revision of building regulations and codes.*
- *Enforce building codes.*
- *Conduct building safety inspections and condemnation procedures.*
- *Assist the Emergency Management Office to identify mitigation opportunities.*
- *Review land use and zoning variances.*
- *Provide community data.*
- *Develop map products for recovery and mitigation activities.*
- *Redevelopment of existing areas.*
- *Planning of new redevelopment projects.*

#### Public Works Department

- *Participate in Initial Impact Assessments for public property and infrastructure.*
- *Provide damage assessment information to the Emergency Management Office.*
- *Determine floodwater elevation for impacted areas.*
- *Make temporary and permanent repairs to roads, waterways, and public infrastructure.*
- *Assist in responding to infrastructure complaints, e.g., drainage issues, etc.*
- *Assist the Emergency Management Office in identifying mitigation opportunities.*

The plan also contains a section on Long Term Recovery, which includes a list of the areas for long-range recovery and redevelopment (see below):

*The goal of long-term recovery is to restore facilities to a pre-disaster condition. The long-range recovery phase may last for months or years depending on the size of the disaster event and area(s) affected. Long-term recovery includes restoration or reconstruction of public facilities, disaster response cost recovery, and hazard mitigation activities. The areas for long-range completion are as follows:*

- *Review of recovery construction throughout the City*
- *Review of building codes and zoning laws*
- *Condemnation of buildings and properties*
- *Debris disposal*
- *Economic recovery*
- *Complete restoration of all utility services*
- *Review of Risk Management*
- *Review of health analysis*
- *Hazard mitigation review and implementation*
- *Infrastructure repair*

The plan also acknowledges the fact that there will be damages to the economy and that there needs to be ways to help out these members of the community.

#### Economic Injury

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*Both private and public enterprises will feel an economic impact in most disaster situations. Often, businesses do not receive physical damages but instead, receive indirect damages due to loss of business. This type of damage is the most difficult to assess since there are no physical signs for team members to examine. In addition, economic injury does not become apparent until much later in the recovery process.*

*Damage assessment teams should record the name and location of businesses in the impact area, and whether physical damage is visible or not.*

*The EMD will coordinate with the Economic Development Council, Chamber of Commerce, local business associations, community leaders, etc., to evaluate economic impacts and their extent.*

*The Finance Director will assess the economic impact on City government using established governmental budgetary and accounting methods.*

The plan also contains a section on debris removal, financial considerations and assistance and other recovery measures.

### **Collier County Ordinance [to be added]**

#### **The City of Destin's Post-Disaster Redevelopment Plan, September 2000**

Destin's Post-Disaster Redevelopment Plan (PDRP) was adopted as Ordinance 359 on November 6, 2000, and contains eight articles. The first two articles provide historical background, review the requirement for a PDRP in rule 9J-5 FAC and their Comprehensive Plan, describe the need for the plan and provide its purpose, "...to assist the City when considering alternative policies to guide redevelopment."

Article Three covers definitions including the composition and function of the city Damage Assessment Team(s) and the Post-Disaster Reconstruction Task Force, the former to assess losses to property immediately after a disaster and the latter to advise and make recommendations to the City Council on post-storm reconstruction and redevelopment issues. Composition of the Task Force is designed to represent a broad base of community interests..

Article Four discusses the activities that generally occur during the four phases of emergency management including a description of the mitigation elements in the adopted building codes, land development regulations, etc.

Article Five contains a list of potential policies to promote hazard mitigation. The first set of proposed policies concern future development or redevelopment. This includes modification of development regulations, land acquisition, transfer of development rights, tax and fiscal incentives, special assessments and impact fees. The second series of recommendations relate to capital facilities and public infrastructure, and include policies to avoid extending capital facilities into high risk areas, policies to mitigate capital investments by relocating or strengthening them after a hurricane (but not before). The article closes with a brief discussion of the advisability of implementing education programs for consumers on hurricane preparedness, recovery and redevelopment, and for builders and developers, programs on design, orientation and construction of structures in vulnerable areas.

Article six concerns damage assessment and its role in securing a Presidential Disaster Declaration and the emergency authority provided to the city through the declaration of a local state of emergency including enforcement of re-entry procedures, invocation of mutual aid and the waiving of certain procedures that would delay the response to an emergency. It also discusses the Hazard Mitigation Grant Program (HMGP) and the Public Assistance Program (PA).

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Article Seven deals with disaster reconstruction and redevelopment. The first issue is the imposition of an immediate moratorium on all construction, except emergency repairs, upon the simultaneous declaration of a local state of emergency by the mayor and the inclusion of the city or county in an emergency declaration by the Governor or the President. There follows a description of the types of moratoria imposed based on the level of damage to the structure (minor, major or destroyed). Imposition of the initial moratorium is also the trigger for creation of the Reconstruction Task Force. The primary function of the Task Force is to review the damage assessment for mitigation opportunities identified prior to the storm (the LMS is the only document referenced), and recommend the lifting or extension of the building moratoria and issuing permits as appropriate for the orderly recovery of the city. Their responsibilities also include making recommendations on alternative redevelopment approaches based on the proposed policies contained in Article Five. Finally, the Task Force may make recommendations on “non-mitigative” reconstruction projects aimed at increasing recreation or open space, public access to the shoreline, restoration of natural ecosystems and so on. The article concludes with policies on the repair or reconstruction of public facilities, limits on extending infrastructure into the CHHA, and acquisition of property.

Section Eight describes the federal public and individual assistance programs available in the aftermath of a Presidential Disaster Declaration.

Due to the age of the document, all information related to building codes and federal programs is out of date. The terms CHHA and Flood Inundation Areas are defined in Article Three, but there are multiple references to vulnerable or high risk areas that are not defined and there is no reference indicating that they refer only to the two mentioned above. The implication is that in the aftermath of an event, the TF will know a vulnerable zone when they see it. The LMS is referenced as a guide to be used by the Reconstruction Task Force in developing mitigation proposals, and it would provide some guidance from the vulnerability and risk analysis and the project list, but it is a county wide plan and predates the requirements of the Disaster Mitigation Act of 2000 (DMA2K). In fact there is no reference to the prior planning required in 9J-5 for the Coastal Element of the Comp Plan, i.e. identification of possible areas for redevelopment, identification of public infrastructure in the CHHA and possibilities for relocating such, existing and proposed land use in the CHHA and history of damage, and so on. The Plan creates a Task Force, which is activated only in the aftermath of a disaster, provides a damage assessment, a building moratorium and a list of possible policies to aid redevelopment and directs the Task Force to create a long-term recovery plan in the aftermath of a disaster almost entirely without the benefit of prior pre-disaster (blue-sky) planning identifying potential problem areas and predetermining hard policies with triggers to deal with these problems.

### **City of Dunedin, Post-Disaster Redevelopment Plan, June 2001**

The introduction to the Plan indicates it, “...should address the prioritization of repair and cleanup actions, the relocation, where possible, of habitable structures incurring significant damage, shoreline stabilization and the prohibition of new seawalls...”. “This plan should also “...further mitigate potential recurring infrastructure and private property losses.” The use of the word *should*, permeates the entire plan, which seems to indicate that in the aftermath of a disaster, this plan, while containing some useful information, is not a controlling document.

It is characterized as an “action plan” and for the sake of consistency borrows heavily from the CEMP, especially for the vulnerability and risk analysis and the description of the federal programs, all of which is out of date. Under the plan, the Post-Disaster Recovery Committee, composed of the major Department Heads and the Assistant City Manager, is responsible for pre and post-disaster redevelopment planning as well as the pre-disaster (blue-sky) implementation. In the event of a disaster, however, the Emergency Operations Committee takes over the responsibilities of the Post-Disaster Recovery Committee and has virtually the same composition with the addition of the City Manager and the Commission. The duties and



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responsibilities of each are broadly described, but no details are provided on how carry them out. Presumably they have developed SOPs for this, but they are not referenced.

The plan does stress the importance of the Damage Assessment and specifies the number of teams, their composition and the types of damage they will inspect. It also includes sections on debris disposal sites, building permit moratoria, re-development of public facilities, and criteria for purchasing damaged land and property to aid the Committee in making its recommendations, but with little detail and a lot of cautious phrases such as:

*The one criterion that would need to be met to justify City purchase of damaged properties during the post-disaster period, based on available funds and grants, should be the identification of a public use for the parcel(s).*

No mention is made of the Redevelopment Commission, which is focused on restoring the downtown area.

The Plan does address economic activity and responsibility is assigned for gathering data on damage to the business community, but no solutions are offered other than steering them to the SBA programs.

Tables 5 through 8 are informative, providing a discussion of each hazard and alternative solutions with related issues grouped by category of solution, i.e. Construction Standards, Land Use alternatives, Acquisition, and Public Utilities. The balance of the plan contains organizational charts, forms and some excellent maps identifying the location of critical structures and infrastructure in the CHHA.

The plan appears to be a preliminary document, awaiting action on the part of the Commission to provide adopted policies guiding each of the issue and as such is a good first step.

### **Escambia County Post-Disaster Redevelopment Plan, 1995**

The Escambia County plan was adopted by ordinance and is very similar to the Hillsborough County plan. As it was written prior to the Local Mitigation Strategy effort for the State of Florida, references are omitted, but the Plan does contain emergency operations components found in the Comprehensive Emergency Management Plan and land use components found in the Local Comprehensive Plan. The Escambia County plan refers to their Post-Disaster Redevelopment Plan also as a "409 Plan", which referred to Section 409 of the Federal Stafford Act concerning hazard mitigation prior to its amendment in 2000 (the Disaster Mitigation Act of 2000 or DMA2K).

The plan contains a list of repetitive loss properties to be used by the County in guiding and directing redevelopment activities including those activities associated with repairing or relocating infrastructure.

The Plan contains numerous references to the Comprehensive plan tying responsibilities, actions or policies to the Comp Plans legal authority. For example, the Plan states that as a part of the post-disaster review procedures mandated by the Escambia County Comprehensive Plan, the County's planning staff, "will reassess the current population on the coastal barrier islands and provide recommendations to the Board of County Commissioners within 6 months of the disaster which will include an assessment of future population densities and make any recommendations regarding population densities on the coastal barrier islands." (Policy 22.A.6.2"

The Recovery and Redevelopment Process laid out in this plan has been broken down into 3 Phases:

Phase I: Immediate Recovery. This phase starts immediately after an emergency and can last up to one week. It includes emergency operations procedures such as clean up functions as well as the commencement of immediate repair functions to secure safe movement of all rescue efforts. Activities include:

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1. Debris Removal: Priority is given to road clean up—especially those that lead to hospitals, public shelters and disaster areas.
2. Road and Infrastructure Repair: Priority should be to restore those services at emergency assistance shelters.
3. Water Use Restrictions: In the event of contamination.
4. Access Restrictions: No person permitted to re-enter disaster area until it is deemed safe.

Phase I also includes a temporary building moratorium during which no building permits will be issued for 72 hours following a disaster event. There is a clause that allows for emergency repairs and an exemption for public safety. The thresholds for imposing the moratorium are:

1. State or Federal disaster declaration
2. 100+ structures either destroyed or receiving major damage
3. Local disaster declaration

Phase II: Short Range Restoration. This phase begins shortly after emergency and may last several weeks. During this phase there is an operations focus on actions which will return the county to a relative state of normalcy and includes:

1. Damage Assessment: Damaged structures are classified as having Substantial Damage, Moderate Damage or Minor Damage.
2. Request for Presidential Declaration

Phase II also includes temporary building moratoria, which the Board of County Commissioners may impose where indicated by the countywide damage assessment for the purpose of prioritizing reconstruction immediately needed for public health, safety and welfare. Moratoria options include:

1. Substantially Damaged Structure Moratorium (30 days)
2. Moderate Damaged Structure Moratorium (10 days)
3. Minor Damaged Structure Moratorium (4 days)
4. New Development Moratorium (30 days)
5. Outstanding Building Permit Moratorium (30 days)
6. Outstanding Development Order Moratorium (30 days)
7. Site Plan and Plat Review Moratorium (30 days)

Phase III: Long Term Reconstruction Period. This phase of the plan includes mitigation strategies, financial assistance programs and information of the Intergovernmental Task Force. It looks very similar to the beginning steps of a Local Mitigation Strategy. This phase includes land use and zoning principles as mitigation strategies—showing a strong connection between hazard mitigation and the comprehensive plan. These strategies include:

1. Zoning; Reduction of Evacuation
2. Zoning: Clustering
3. Infrastructure Relocation
4. Impact Fees
5. Property and Land Acquisition
6. Regulation of Mobile Homes
7. Coastal Setbacks

This section also contains a description of the financial assistance programs available to residents, business owners and local governments.

The last section of the plan contains the governing policies and responsibilities of the Intergovernmental Task Force, which appear to be a mixture of the responsibilities of a typical LMS Committee and PDRP Committee. The responsibilities of this group include:

1. Review and revise plan
2. Monitor procedures to carry out County's Build Back Policy\*\*
3. Monitor policies for redeveloping repetitive loss areas
4. Establish sub-committees to deal with specific issues during recovery process

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5. Develop priorities for relocation and acquisition
6. Monitor procedures that determine reconstruction and rebuilding priorities
7. Develop procedures to promote mitigation during recovery and reconstruction.
8. Recommend changes needed to the local comprehensive plan.

County Build Back Policy: Structures which have been damaged by fire or other natural forces to the extent that the cost of their reconstruction or repairs exceeds 50% of the market value of the structure may be reconstructed at (but not to exceed) the legally documented actual use, density, and intensity existing at the time of destruction, thereby allowing such structures to be rebuilt or replaced to the size, style and type of square footage; provided, however, that the affected structure, as rebuilt or replaced, complies with all applicable federal and state regulations, and other local regulations which do not preclude reconstruction otherwise intended by this policy.

### **Hillsborough County Post-Disaster Redevelopment Ordinance, 1993**

The intent of the Hillsborough County Post-Disaster Redevelopment Ordinance is, "an ordinance to guide redevelopment and mitigation following a storm event or other natural disaster within the unincorporated area of Hillsborough County, FL."

The ordinance creates a permanent Redevelopment Task Force responsible for drafting a Post-Disaster Redevelopment Plan and overseeing its implementation. While Hillsborough should be commended in leading in this effort, the Ordinance is out of date as is currently being revised.

The following list contains select Redevelopment Task Force responsibilities:

- Receive and review damage reports and other analyses of post-disaster conditions
- Review the nature of the damages, identify and evaluate alternative program objectives for repairs and reconstruction, and formulate recommendations to guide recovery.
- Recommend and implement an economic recovery program
- Recommend rezoning changes in areas of damage
- Set a calendar of milestones for redevelopment tasks
- Recommend the repealing or extension of moratoria
- Recommend land use and land use types that will receive priority in recovery
- Recommend blanket reductions in non-vital zoning regulations and development standards
- Initiate a property owner notification program to inform non-resident property owners of damages incurred to their property; and post-disaster conditions and requirements imposed by the county.

The Task Force has 3 appointed positions:

1. Disaster Recovery Coordinator: Facilitate coordination of disaster assistance from the federal government and state agencies available to the county.
2. Economic Recovery Coordinator: Facilitate the coordination of economic recovery with the business community.
3. Hazard Mitigation Coordinator: Facilitate the coordination of hazard mitigation assistance from the federal government and state and state agencies available to the county. (The LMS Coordinator would now perform these tasks)

Hillsborough County has put an emphasis on Building Moratoria in their ordinance. The following lists the different types of moratoria available to be used by the county following a disaster:

- Declaration of an Initial Moratorium: Declared immediately after a local, state or federally declared event and may be in effect for up to 72 hours.
- Destroyed Structure Moratorium: No building permit may be issued within 30 days following the declaration for the replacement of any structure which has been destroyed. When a building

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permit is issued structures damaged more than 50% of their replacement cost can be rebuilt to their original intensity and density if the developer complies with certain redevelopment standards.

- Major Damaged Structure Moratorium: No building permit for repairs of any major damaged structure may be issued for at least 10 days following the declaration of the initial moratorium. When a building permit is issued, structures damaged greater than 20% and up to and including 50% of the replacement cost can be repaired to their original condition, subject to current building and life safety codes.
- Minor Damage Moratorium: No building permits for the repair of minor damaged structures may be issued for at least 4 days following the declaration of the initial moratorium. When a building permit is issued, structures damaged 20% or less than the replacement cost at that time can be repaired to their original condition, subject to current building and life safety codes.
- New Development Moratorium: Issuance of building permits for new construction not related to the rebuilding or repairing of storm damage of a structure may not be issued for at least 30 days following the declaration of the initial moratorium.
- Outstanding Building Permit Moratorium: All building permits which were issued prior to the storm event or emergency may be suspended for a minimum period of 30 days following the expiration date of the initial moratorium, unless the Building Dept. Director determines on a case-by-case basis that sufficient inspection staff is available to adequately inspect the structures should construction begin or resume.
- Outstanding Development Order Moratorium: All development orders issued prior to a “storm event” or emergency may be suspended for a minimum period of 30 days following the expiration of the initial moratorium. Suspension of the development order shall mean that no development order work is authorized and that no development order inspections will be performed during the moratorium.
- Site Plan Review Moratorium: Review of all site plans which have been submitted to the County prior to the storm event or emergency may be suspended by the County staff or Board of County Commissioners for a period of 30 days following the declaration of the initial moratorium. New site plans, zoning requests or subdivision plats may not be accepted by the County for a period of 30 days following the declaration of the initial building moratorium.

The county also has language concerning emergency repairs which states that no construction or reconstruction may be undertaken without a building permit while a building moratorium is in effect, except for emergency repairs necessary to prevent injury, loss of life, imminent collapse or other additional damage to the structure or its contents.

There is a fine of up to \$500.00 and or imprisonment not to exceed 60 days for violation of this ordinance.

### **Lee County Post-Disaster Recovery Ordinance, June 2007**

The Lee County Post-Disaster Redevelopment Plan (PDRP) is contained in the Lee County Comprehensive Emergency Management Plan (CEMP), but the goals, objectives and policies of the PDRP, including the establishment, duties and responsibilities of the Disaster Advisory Council and the Disaster Recovery Task Force, were adopted as an ordinance (Ordinance No. 07-20) on June 12, 2007 replacing an earlier ordinance passed in 1995.

Placing the Advisory Council, the Task Force and the four Recovery Coordinators in the ordinance increases their authority and gives the other included provisions the rule of law. Incorporating the PDRP itself into the CEMP eliminates the problem of planning overlap and the need to shift from one plan to another as efforts move from response to short-term recovery and then to long-term recovery. It should also expose a larger segment of county government to the CEMP than would otherwise be the case.

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The ordinance applies to those areas of the county under the jurisdiction of the County Commissioners (the unincorporated areas), which contain roughly half of the county population. The incorporated municipalities are encouraged to adopt provisions of the county ordinance either by ordinance or inter-local agreement.

The first issue the ordinance deals with is the creation of a Disaster Advisory Council chaired by the County Manager and made up of the major department heads, community leaders, regional regulatory bodies and representatives from the municipalities. The Advisory Council meets on a regular basis and is responsible for developing the policies, procedures and management systems necessary to implement the plan as well as keeping the plan up to date.

In a disaster, the Council is responsible for overseeing the recovery and reconstruction process and is guided in this by the Post-Disaster Recovery Task Force, which is activated after a major disaster for a minimum of 60 days. The Task Force, a subset of the Advisory Council, is also chaired by the County Manager and includes the Public Safety Director, the Chief Building Official, the Public Works Director and the Coordinators for Financial Recovery, Economic Recovery, Hazard Mitigation, Tourism and Long Term Recovery. The Task Force implements the plan making recommendations to the Advisory Council on specific recovery actions or activities such as keeping or lifting moratoria, rezoning damaged areas, initiating mitigation actions, recommending acquisitions, recommending land use changes in heavily damaged areas, setting up a calendar for recovery milestones and where necessary appointing a Historic Rehabilitation Coordinator. They may also recommend changes to the Comprehensive Plan and the Land-Development Code. This section of the ordinance also identifies the position titles and the specific duties of the Coordinators.

Given the Task Force's authority to recommend land use, zoning, and Comp Plan changes it is surprising that the Planning or Zoning departments are not represented on the Task Force (they are represented on the Advisory Council).

The balance of the ordinance identifies priorities and/or policies and in some cases specific procedures for post-disaster redevelopment, restoration of essential services, debris clearance and disposal, determination of damage, build-back policy, moratoria, emergency repairs and emergency permitting, economic redevelopment and acquiring damaged property.

Some sections like Section Eight on determining degree of damage, build back policy, permitting moratoria and emergency repairs are well defined in the ordinance giving these contentious issues the rule of law (perhaps at the cost of some flexibility), while post-disaster redevelopment and economic recovery are very brief, containing just the priorities of one and policies of the other with the specific steps to carry them out left in the CEMP leaving the specific steps in the Plan itself. As a final note, a critical element in an effective plan is the assignment of specific responsibilities for carrying out the various elements. The Lee County PDRP has an annex to the CEMP called the Community Redevelopment Checklist, which assigns broad responsibilities to community departments and agencies to carry out some of the major elements addressed in the Plan and the Ordinance.

### **Okaloosa County Post-Disaster Redevelopment Plan**

The Okaloosa County Post-Disaster Redevelopment Plan shows a strong connection to other planning processes, including comprehensive planning, capital improvements planning and hazard mitigation planning. The intent of the plan is, "to provide for the health, safety and welfare of the public through sound pre-disaster and post-disaster redevelopment policies intended to reduce the potential for loss of life and property." Since the adoption of this version of the Plan it has been revised and incorporated into the Local Mitigation Strategy which has been adopted by Ordinance.

This plan has three main goals:

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1. Reestablish the economic vitality and social order of Okaloosa County in a timely and orderly manner consistent with the other goals of this plan.
2. Reduce the loss of life and property in any future hurricane, flood or other disaster.
3. Provide public facilities and services which guarantee to the extent possible the health, safety and welfare of the citizens of Okaloosa County and which reduce future expenditures for public infrastructure in the CHHA.

The Plan provides for the establishment (presumably upon plan adoption) of a permanent Disaster Recovery Advisory Committee responsible for implementation of the Plan after a disaster, but also responsible for making annual recommendations to the Board on changes to development rules to mitigate the loss of life and property. The plan includes a moratorium policy that states, "Effective immediately upon the Declaration of a State of Local Emergency within Okaloosa County by the Board of County Commissioners or Governor of Florida, a moratorium shall be instituted on all previously approved development orders, building permits, and review procedures in progress for the affected areas of the county. This moratorium will be in effect during the State of Emergency (including any extension) and for 48 hours after the storm or disaster event. Nothing in this policy should be construed to delay or prevent short-term, temporary measures of an emergency nature to improve safety or limit further damage or deterioration."

If Okaloosa County is included in a disaster declaration, the moratorium will be lifted in phases, specified below:

1. Five days, or as soon as practical, after the initial moratorium, private or public facilities and infrastructure that suffered major damage and which create or aggravate a threat to the public's health, safety or welfare shall be able to apply for building permits and associated construction and development orders for repairs or demolition.
2. Private or public facilities that suffered major damage but do not constitute a threat as specified above, may apply for necessary permits and orders 14 days after the initial moratorium.
3. Thirty days after the initial moratorium, private or public facilities which were destroyed, may apply for building permits and associated construction and development orders.
4. All building permits and development orders issued for the impacted area prior to the disaster will be revoked and shall not be reissued for a minimum of 45 days after the initial moratorium.

The Okaloosa County Post-Disaster Redevelopment Plan contains policies requiring all public facilities within the Coastal High Hazard Area that were destroyed during a disaster to be relocated out of this zone. This does not include facilities requiring access to the waterfront.

Okaloosa County shows a commitment to using natural mitigation measures by including a policy that states, "Where feasible, destroyed bulkheads and seawalls will be replaced with nonstructural forms of shoreline stabilization."

The Okaloosa County Plan has strong ties to the Local Mitigation Strategy and includes a policy that states there will be a procedure established to review proposals for redevelopment of public and private structures and development policies to guide redevelopment decisions, consistent with the LMS." Furthermore it states that, "The County Manager or his designee will be the liaison to the State and Federal Mitigation Officers, and shall participate in the implementation of the Local Mitigation Strategy Plan following a disaster."

The redevelopment permitting process for destroyed structures and those that receive major and minor damage will be guided by a list of priorities which includes: relocating residential and non-residential development outside of the CHHA using relocation assistance strategies; the submission of post-disaster surveys before the issuance of building permits; bringing all destroyed structures outside of the CHHA up to code during rebuilding process; coordination with FDEP for the redevelopment of shoreline areas; make recommendations for increasing building; develop new street patterns to accommodate clustering

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of structures away from CHHA; discourage the rebuilding and relocation of mobile homes and manufactured housing in the CHHA.

The plan also states that it shall be the policy of the county to not expend public funds for the repair of damaged private roads or easements, except in conjunction with the repair and maintenance of the county's water and sewer system or public easements.

The plan links hazard mitigation and land use planning by considering the following programs and policies during the recovery process:

1. Changes from residential to commercial zoning to reduce evacuation times.
2. Reduction in residential density by increasing the minimum lot size or reducing the number of dwelling units allowed per acre.
3. Awarding bonus or incentive points that would allow increased density if developer incorporates hazard-reduction features.
4. Requests for Special Exemptions will be reviewed and considered based on the impact on population density and potential for suffering or aggravating damage to other structures in the area.
5. Reconstruction must comply with FEMA, FIRM, CRS, Florida Building and related codes.

### **Palm Beach County Post-Disaster Redevelopment Plan, 2006**

Section 1, the Introduction, briefly describes the purpose of the plan to be a single reference to guide the post-disaster recovery effort and cites the authority for developing it. It then describes how the PDRP fits in with other disaster related plans to avoid duplication or overlap, but makes the point that although the PDRP is a Recovery plan, the different stages are not always neatly delineated and some duplication is inevitable and even necessary.

Section 2 describes how the key issues addressed in the Plan were identified and prioritized. Issues were identified for each of four categories: 1) local government recovery issues; 2) economic and private sector issues; 3) social and environmental issues; and 4) redevelopment and mitigation Issues. Each category has a goal and each issue within the category has an excellent description of the issue and the inherent problems the issue represents for a community's recovery. With public input, the top 10 issues were identified to become the focus of the plan.

Section 3 deals with Plan Implementation beginning with activation and de-activation of the plan, which is done by an Executive Policy Group. Ten working groups under the direction of the PDRP Executive Committee, and chaired by members of the Committee, carry out the implementation of the Plan. Each group is responsible for one of the following ten areas of interest: Infrastructure, Finance, Land Use, Administration, Building & Housing, Environment, Government Operations, Communication & Public Education, Health & Human Services, and Economic Development. The issues identified in Section 2 including those identified as the top ten are divided among the groups and each chair invites additional members to their group based on the requirements of the issues assigned.

Section 4 contains the Action Plan set out in tabular form. One Table lists the Working Groups, the issues assigned, and the name of the Chair. The next set of Tables separates the issues into short term (blue sky) and long-term and then breaks each issue into its component parts (or sub-issues). Each component is described including the Working Group with jurisdiction, the approximate timeframe for completion and a potential source of funding. Where an issue has short and long-term components it appears in both groups and responsibility for components of a single issue may be split between groups. Although conceptually a textbook approach, the assigned timeframes are vague (before next hurricane season) and the funding sources tend to be very general (seek state assistance).

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Section 5 on Plan Maintenance states that the plan **will** undergo a major revision every five years and a minor revision annually. It then goes on to state that each working Group **should** meet annually, review its issues and staffing and present a status report to the Executive Committee. The Committee Chair will then work with the Senior Mitigation Planner to prepare a brief status report for the County Commission due each year by June 30<sup>th</sup>, which will also be distributed to the municipalities and included in the Plan as Appendix C. Every five years the plan **should** be completely revised and all the relevant sections updated.

The time table for revision seems adequate, but the use of the word “should” when describing the Working Group’s annual and five year responsibilities does not inspire confidence that the data to make the revisions will be forthcoming. It makes the Plan appear to lack authority.

Appendix A contains an index of the issues, references, acronyms and definitions. Appendix B describes the planning area, and summarizes related plans & policies.

Appendix C contains a list of the members of the Executive Committee, which is composed of County department heads, county-wide organizations (solid waste authority, school Board, etc.), private sector representatives (League of Cities, Business Development Board, etc.) and municipal representatives (all from the League of Cities). It also contains the minutes from the public meetings and some blank forms to catalogue municipal participation.

Appendix D, “Implementation Tools and Sub-Plans”, begins with suggestions on sources for staffing the Working Groups, followed by a description of the duties and responsibilities of the Executive Committee and the Working Groups. This is followed by suggestions on visioning and community participation as a part of post-disaster redevelopment. It then discusses the idea of establishing Community Redevelopment Centers as a means of gaining citizen input before implementing a major redevelopment project. The Appendix closes with a list of relevant plans and their location, and a lengthy list of potential funding sources.

Appendix E is a re-shuffling of the Issues from the Action Plan in Section 3 in order of issue rather than Working Group, where each issue is listed with its component parts, each part indicating the responsible Working Group, time frame and funding source.

The Palm Beach County PDRP comes closest of the plans reviewed to our model of the Long-Term Recovery Plan. However, although over a year old, it does not have any amendments showing results in terms of implementing the issues and there is an obvious lack of direct participation by the municipalities, who seem to be represented as a group by the League of Cities. Of the 38 incorporated municipalities in Palm Beach County, so far none have adopted the plan but the PDRP Committee is planning to work on soliciting municipal adoption during the spring of 2008. This underscores a problem in deciding on the scope of the PDRP planning area. As many of the long-term recovery issues are county-wide (or greater), a countywide plan deals with them very well, but less well with individual municipal issues. If only because of the scale (38 municipalities in this case), a municipality could easily conclude the plan would provide little direct benefit to them and for this reason as well as other common internecine issues such as suspicion of the county motives, politics, staff limitations, etc. choose not to participate.

Where this planning process has had its greatest success is in dealing with the issue of economic recovery largely because businesses are more inclined to see their problems as cutting across jurisdictional boundaries. Although not reflected in the current plan, Palm Beach County has received national attention as a leader in this effort.



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### SELECTED LONG-TERM COMMUNITY RECOVERY PLAN REVIEWS

#### **Charlotte County Long-Term Recovery Plan, Federal Emergency Management Agency, 2004**

Similar to the Escambia County Long-Term Recovery Plan (LTRP), the Charlotte County LTRP is the result of a series of town hall-style meetings that included over one thousand stakeholders and residents from the community, gathered to discuss their needs in the aftermath of Hurricane Charlie. The citizens, business owners, local state and federal staff noticed the opportunity to improve Charlotte County in the wake of the disaster and seized this opportunity to not only look at how the county would recover, but also look at how the community will continue to prosper in the future. The plan consists of a prioritized list of projects and resources available to the community.

The following project groupings were identified:

- Economic Development
- Housing
- Community Facilities
- Environment
- Mitigation
- Transportation and Infrastructure
- Community Services
- 

Economic Development seemed to be the issue that was the most important to Charlotte County. The county identified various projects within the Charlotte Harbor Area that would improve the attractiveness of the area for both tourism and business opportunities. This plan also listed Natural Resource Preservation as being important to the community with the number one project being the Acquisition of Babcock Ranch. This very expensive acquisition project has been accomplished which demonstrates a success story for the planning effort.

Many of the issues identified during this process, such as the need for neighborhood revitalization, economic diversification, transportation improvements, hazard mitigation etc. were existing needs prior to the storm. The projects created to meet these needs would be more appropriately located in other planning documents such as the local comprehensive plan, local mitigation strategy and Post-Disaster Redevelopment Plan. While this plan is considered to be useful to the overall growth of the county, without money to fund these projects, many will not come to realization. This is the major connection that seemed to be left out of the plan in some areas, such as hazard mitigation, that will affect its ability to truly be a long-term document. Connecting these projects back to other planning mechanisms that have funding opportunities with them, would help to ensure that these ideas are not lost.

#### **Escambia County Long-Term Recovery Plan, Federal Emergency Management Agency, 2005**

The Escambia County Long-Term Recovery Plan is the result of a series of town hall-style meetings that included over one thousand stakeholders and residents from the community, gathered to discuss their needs in the aftermath of Hurricane Ivan. The citizens, business owners, local state and federal staff noticed the opportunity to improve Escambia County in the wake of the disaster and seized this opportunity to not only look at how the county would recover, but also look at how the community will continue to prosper in the future. The plan consists of a prioritized list of projects and resources available to the community.

The following project groupings were identified:

- Housing
- Economic Revitalization and Tourism Development
- Historic Waterfront Development and Revitalization
- Transportation
- Improvements to the Northern Portions of the County

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- Hazard Mitigation

Housing was identified as the major need following the disaster, due to the large amount of displaced residents. Projects were identified that would target homeowners, renters and first-time buyers. Renters are sometimes left out of the recovery process; however Escambia County identified programs specifically for renters and landlords that would help them get back into safe, repaired housing in a timely manner.

Many of the issues identified during this process, such as the need for neighborhood revitalization, economic diversification, transportation improvements, hazard mitigation etc. were existing needs prior to the storm. The projects created to meet these needs would be more appropriately located in other planning documents such as the local comprehensive plan, local mitigation strategy and Post-Disaster Redevelopment Plan. While this plan is considered to be useful to the overall growth of the county, without money to fund these projects, many will not come to realization. This is the major connection that seemed to be left out of the plan in some areas, such as hazard mitigation, that will affect its ability to truly be a long-term document. Connecting these projects back to other planning mechanisms that have funding opportunities would help to ensure that these ideas are not lost.