

CITY OF SANIBEL
ORDINANCE 16-002

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 94 FLOODS, ARTICLE I., IN GRENERAL; SECTION 94-2. DEFINITIONS, SUBSTANTIAL IMPROVEMENT, BY ELIMINATING REFERENCES MADE TO THE 5-YEAR ACCUMMULATIVE COST OF IMPROVEMENTS IMMEDIATELY PRECEDING THE DATE THAT AN APPLICATION IS FILED AND TO INCREASING THE FLOOR AREA OF STRUCTURES BY 50 PERCENT OR MORE OVER THE FLOOR AREA OF THE STRUCTURE ON SEPTEMBER 18, 1990; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sanibel over the years has been able to achieve and maintain a Class 5 Community Rating Score as administered under the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP); and

WHEREAS, the City of Sanibel recently acquired the services of a professional flood consultant firm to provide options on how the City could improve to a Class 4 or remain at a Class 5; and

WHEREAS, the consultants were also asked to examine the Sanibel Code of Ordinance definition for "Substantial Improvement" which contained higher regulatory prohibitions than is required by FEMA; and

WHEREAS, the consultants advise City Council that the higher prohibitions could be eliminated from the City's definition for "Substantial Improvement" without jeopardizing the City's Class 5 Community Rating Score; and

WHEREAS, the definition for substantial improvement will continue to comply with FEMA's 50 percent rule, without the higher regulatory requirements for the 5-year cumulative cost period of improvements or the 50 percent or more increase in floor area for existing structures on September 18, 1990; and

WHEREAS, the removal of these two higher regulatory standards that are not required by FEMA will allow property owners to make certain improvements that will enhance the wind safety and energy efficiency of structures in a more timely fashion; and

WHEREAS, all required public notices and public hearings for this amendment have been properly given and held;

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Sanibel, Florida:

SECTION 1. The Sanibel Code of Ordinances, Part II, Subpart B, Land Development Code, Chapter 94 Floods, Article I., In General; Section 94-2. Definition, Substantial Improvement”, is hereby created with additions indicated by underlining and deletions by strikethrough, to read as follows:

Land Development Code Section. 94-2. - Definitions.

Substantial improvement (SI) means any repair, reconstruction, rehabilitation, addition or other improvement, or combination or accumulation of any repair, reconstruction, rehabilitation, addition or other improvement of a structure, ~~taking place since February 16, 1988,~~ in which the ~~cumulative~~ cost of the improvements equals or exceeds 50 percent of the market value of the structure at the time of ~~that the an~~ an application is filed. ~~The accumulation of costs shall be for the five year period immediately preceding the date of the application.~~ For structures which have sustained damage, including substantial damage, the value shall be determined as of the time immediately before the damage occurred. ~~As a further limitation, the term "substantial improvement" means and includes any addition, or combination or accumulation of additions, to a structure, taking place since September 18, 1990, which increases the floor area of a structure by 50 percent or more over the floor area of the structure on September 18, 1990, regardless of cost.~~ Notwithstanding anything to the contrary, however, where the start of construction has preceded the filing of the application, the date for determining ~~accumulation of either the costs of the improvements and for determining or the market value of the structure~~ shall be the date immediately preceding the start of construction.

SECTION 2. Codification.

In Part II, Subpart B, Land Development Code, Chapter 94 Floods, Article I., In General; Section 94-2. Definition, Substantial Improvement” is hereby amended. This ordinance shall be deemed an amendment to the Sanibel Code of Ordinances and shall be codified in the Sanibel Code of Ordinances as such an amendment.

SECTION 3. Conflict.

All ordinances and parts of ordinances in conflict herewith shall be and the same are hereby repealed. If any part of this ordinance conflicts with any other part, it shall be severed and the remainder shall have full force and effect and be liberally construed.

SECTION 4. Severance.

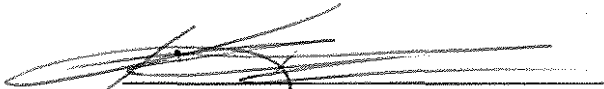
If any section, subsection, sentence, clause, phrase or portion of this ordinance, or application hereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion or application hereof.

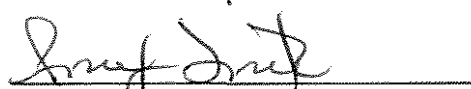
SECTION 5. Effective Date.


This ordinance shall be effective immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 19 day of July, 2016.

AUTHENTICATION:


Kevin Ruane, Mayor


Pamela Smith, City Clerk

APPROVED AS TO FORM: 
Kenneth B. Cuyler, City Attorney

7/13/16
Date

Publication and Hearing Dates:

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| First Reading | June 07, 2016 |
| Publication Date | July 07, 2016 |
| Second Reading | July 19, 2016 |

Vote of Council Members:

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| Ruane | <u>yea</u> |
| Denham | <u>yea</u> |
| Goss | <u>yea</u> |
| Harrity | <u>yea</u> |
| Jennings | Excused |

Date Filed with City Clerk: July 19, 2016