



## AGENDA MEMORANDUM

*Planning Department*

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**Land Development Code Subcommittee Meeting Date: July 26, 2022**

**To:** Land Development Code Subcommittee  
**From:** Kim Ruiz, Planner  
**Date:** July 19, 2022

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**SUBJECT:** Discussion of proposed amendments to the code of ordinances Chapter 94-Floods based upon the updated FEMA Flood Insurance Rate Maps (FIRM) which include the delineation of the Limit of Moderate Wave Action (LiMWA) as directed by City Council on July 19, 2022.

**BACKGROUND:**

A FEMA notification has been received indicating that the updated FIRM will become effective on November 17, 2022 (Attached). These updated maps are based on modeling that identified areas subject to wave heights of greater than 3-feet on top of a storm surge as V-Zones and identified the landward extent of areas subject to wave heights between 1.5 and 3-feet on top of a storm surge as the LiMWA. The V-Zones make up a special flood hazard area designated as *Coastal High Hazard Area*. A-Zones waterward of the LiMWA are flood hazards areas designated as *Coastal A Zone (CAZ)*.

Prior to the delineation of the LiMWA by FEMA, the City adopted a code of ordinance standard to include areas within 500-feet of coastal bodies of water as additional coastal high hazard area. The 500-foot distance was a means to recognize that this area may be subject to greater storm impacts than further landward and obtain points from FEMA toward the National Flood Insurance Program's Community Rating System (CRS). The City should consider removing the 500-foot standard from the code of ordinances based upon the delineation of the LiMWA formulated through modeling by FEMA. A comparison map is attached showing the 500-foot line, CAZ areas, and V-Zones.

The City has maintained a Community Rating System (CRS) rating of 5 during participation in the National Flood Insurance Program. The latest CRS evaluation (2021) confirmed the CRS 5 rating without including points for requiring structures within 500-feet of coastal bodies of water to be built to V-Zone standards. FEMA encourages, but does not require, local jurisdictions to apply V-Zone standards to CAZ areas when a LiMWA has been delineated on the FIRM. City Council directed the Planning Department to evaluate whether there is a public benefit to requiring CAZ areas to meet V-Zone building and site improvement standards.

*Sanibel is and shall remain a barrier island sanctuary*

**EVALUATION OF PUBLIC BENEFIT OF REQUIRING V-ZONE STANDARDS IN COASTAL A ZONES**

The City Council directed Planning staff to evaluate if there is a public benefit to requiring new and replacement structures on properties located within a Coastal A Zone (CAZ) to be constructed to V-Zone standards. In order to determine if there is a public benefit, the following questions were considered:

- 1. Would the City's CRS Class 5 credit rating be reduced resulting in a decrease in flood insurance premium discounts to property owners throughout the City, if the City does not require V-Zone building standards in Coastal A Zones?**

No, the current rating did not include points for the requiring V-Zone building standards within 500-feet of coastal waters, so the 25-percent flood insurance premium discount will not be changed.

- 2. Would this requirement improve the City's CRS credit rating resulting in an increase in flood insurance premium discounts to property owners throughout the City?**

No, there are additional requirements that would need to be met for the City to reach a CRS 4 rating with a 30-percent flood insurance premium discount.

- 3. What percentage of the Special Flood Hazard Area (6,525 acres; Federal lands not included) that is covered by the National Floodplain Insurance Program will consist of Coastal A Zone areas in locations where development is allowed within the City (i.e. landward of 1974 Coastal Construction Control Line)?**

3-percent (approximately 193 acres)

Property owners may benefit to following V-Zone standards within Coastal A Zone areas. V-Zone standards may (1) reduce the potential damage to structures from severe storms and extreme tidal events, and (2) lower flood insurance premiums. An owner may choose to build to the higher V-Zone standards without the City amending the Land Development Code to require higher standards. The downside for property owners to build to V-Zone standards is the upfront construction cost and restricting ground-level use to parking and storage.

Planning staff does not find an overall public benefit in requiring new and replacement structures to be constructed to V-Zone standards within Coastal A Zone areas.

**PROPOSED AMENDMENTS TO CHAPTER 94 – FLOODS**

Planning staff recommends Chapter 94 – Floods be amended to reflect the new Flood Insurance Study and Flood Insurance Rate Maps which include the delineation of the Limit of Moderate Wave Action (LiMWA). These revisions do not include requiring construction within Coastal A Zones to meet V-Zone building standards, except for the provisions previously adopted under Division 7. Other Development. (pages 29-31).

The proposed amendments are presented in the attached complete Chapter 94 with new language in green underline and deleted language in ~~red strike through~~. The following is a summary of the proposed amendments:

- 1. Section 94-13. Basis for establishing flood hazard areas** (page 3 of 31)
  - a. Revise the date of the Flood Insurance Study to reflect the effective date of November 17, 2022.
  - b. Delete the reference to Additional Coastal High Hazard Areas Map.
  
- 2. Section 94-124. Definitions** (pages 17 and 19 of 31)
  - a. Refine the definition of *Coastal A Zone* based upon FEMA language.
  - b. Delete the Additional Coastal High Hazard Areas reference within *Coastal High Hazard Area* definition.
  - c. In *Letter of Map Change (LOMC)* definition, replace underlining of the types of letters of map changes with numbering per State of Florida Department of Floodplain Management direction.
  - d. Add *Limit of Moderate Wave Action (LiMWA)* definition based upon FEMA language.
  
- 3. Section 94-133. Accessory structures** (page 22 of 31)
  - a. Revisions based upon guidance documents from the State of Florida Department of Floodplain Management for consistency with FEMA standards.
  
- 4. Section 94-162. Limitation on installation** (page 25 of 31)
  - a. Revision based upon comments from the State of Florida Department of Floodplain Management for consistency with FEMA standards.
  
- 5. Section 94-182. Temporary use permit required** (page 28 of 31)
  - a. Delete reference to areas within 500-feet of coastal waters.