

CITY OF SANIBEL
ORDINANCE 22-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO PROVIDE FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS AND TO SPECIFY ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS BY AMENDING CHAPTER 94, FLOODS, ARTICLE I, ADMINISTRATION, DIVISION 2, APPLICABILITY, SECTION 94-13, BASIS FOR ESTABLISHING FLOOD HAZARDS; ARTICLE II, DEFINITIONS, DIVISION 1, GENERAL, SECTION 94-124, DEFINITIONS;; ARTICLE III, FLOOD RESISTANT DEVELOPMENT, DIVISION 1, BUILDINGS AND STRUCTURES, SECTION 94-133, ACCESSORY STRUCTURES, DIVISION 4, MANUFACTURED HOMES, SECTION 94-162, LIMITATIONS ON INSTALLATION; AND DIVISION 5, RECREATIONAL VEHICLES AND PARK TRAILERS, SECTION 94-182, TEMPORARY USE PERMIT REQUIRED, CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Sanibel participates in the National Flood Insurance Program (NFIP) and participates in the NFIP's Community Rating System (CRS), a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 5, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP's CRS established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, to satisfy the prerequisite and for the City of Sanibel to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated to or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements; and

WHEREAS, the Federal Emergency Management Agency (FEMA) released Policy #104-008-03 Floodplain Management Requirements for Agricultural Structures and Accessory Structures; and

WHEREAS, the City Council of the City of Sanibel determined that it is in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the CRS at the current class rating.

WHEREAS, FEMA completed an updated Flood Insurance Study for Lee County, Florida and Incorporated Areas (including the City of Sanibel, Florida) resulting in revisions to the Flood Insurance Rate Maps (FIRMs) which will become effective November 17, 2002; and

WHEREAS, the revised FIRMs include the delineation of the Limit of Moderate Wave Action (LiMWA) based upon detailed modeling which better defines areas that may be subject to damage from wave action during a tidal surge associated with a hurricane than the City's

existing additional coastal high hazard areas based upon an arbitrary distance of properties within 500-feet of coastal bodies of water.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA:

SECTION 1. Chapter 94, Floods, is hereby amended to read as follows, with additions indicated by underlining and deletions indicated by ~~striketrough~~:

Chapter 94 – FLOODS

ARTICLE I. – ADMINISTRATION

DIVISION 1. – GENERAL

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Sec.94-13. - Basis for establishing flood hazard areas.

The Flood Insurance Study for Lee County, Florida and Incorporated Areas (including the City of Sanibel, Florida), dated ~~August 28, 2008,~~ November 17, 2022, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, ~~and the City of Sanibel Additional Coastal High Hazard Areas Map, dated February 21, 2018, and all subsequent amendments and revisions to such map,~~ are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Sanibel City Hall, 800 Dunlop Road, Sanibel Florida 33957.

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ARTICLE II. – DEFINITIONS

DIVISION 1. – GENERAL

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Sec. 94-124. Definitions

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Coastal A Zone. ~~Special Flood hazard areas, landward of a Zone V that have been delineated by FEMA as subject to wave heights between 1-1/2 feet (457 MM) and three feet (914 MM). The inland limit of the coastal A Zone is the limit of moderate wave action if delineated on a FIRM. Such areas are seaward of the Limit of Moderate Wave Action shown on the Flood Insurance Rate Map.~~

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V_x, ~~and include areas designated on the maps entitled "City of Sanibel Additional Coastal High Hazard Areas: Areas Within 500-Foot of Coastal Bodies of Water."~~

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Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) *Letter of map amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) *Letter of map revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) *Letter of map revision based on fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) *Conditional letter of map revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

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Limit of moderate wave action (LiMWA). Line shown on FIRMS to indicate the inland limit of the 1 ½-foot (457 mm) breaking wave height during the base flood.

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ARTICLE III. – FLOOD-RESISTANT DEVELOPMENT

DIVISION 1. – BUILDINGS AND STRUCTURES

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Sec. 94-133. – Non-elevated Accessory structures.

Accessory structures are permitted below the base flood elevations required by Florida Building Code provided ~~they comply with the following standards~~ the accessory structures are used only for parking or storage and:

- (1) In Zone A/AE, garages shall be one story and shall not exceed 600 square feet, and shall:
 - a. Be securely anchored to resist flotation, collapse, or lateral movement resulting from flood loads;
 - b. Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential;

- c. Be used exclusively for the parking of vehicles and passive storage;
 - d. Be accessible by driveway from a street;
 - e. Be equipped with garage doors or openings for vehicular access;
 - f. Have all interior wall, floor, and ceiling materials located below the base flood elevation plus one foot unfinished and/or resistant to flood damage; and
 - g. Have ~~no mechanical, plumbing, and electrical or other utility connections systems, including plumbing fixtures, elevated to or above below~~ the base flood elevation plus one foot; and
 - h. ~~Have no plumbing connections or fixtures below the base flood elevation.~~
- (2) In Zone AE, storage buildings shall be one story and shall not exceed 150 square feet, and in Zone VE, storage buildings shall be one story and shall not exceed 100 square feet, and in both zones shall:
- a. Be securely anchored to resist flotation, collapse, or lateral movement resulting from flood loads;
 - b. Not be located under elevated buildings in Zone VE;
 - c. Be used exclusively for passive storage;
 - d. Have all interior wall, floor, and ceiling materials located below the base flood elevation plus one foot unfinished and/or resistant to flood damage;
 - e. Have ~~no mechanical, plumbing, and electrical or other utility connections systems, including plumbing fixtures, below~~ elevated to or above the base flood elevation plus one foot; and
 - f. ~~Have no plumbing connections or fixtures.~~ Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

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DIVISION 4. – MANUFACTURED HOMES

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Sec.94-162. - Limitations on installation.

The placement of manufactured homes shall be prohibited in the coastal high hazard area (VE Zones), ~~and in areas within 500 feet of San Carlos Bay, Pine Island Sound, Blind Pass, or the Gulf of Mexico,~~ except as may be authorized by a temporary use permit issued during a state of emergency due to a hurricane or other natural disaster causing substantial damage to residential structures. Such temporary use permits are limited to a duration of 180 consecutive days from date of declared state of emergency.

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Sec. 94-182. - Temporary use permit required.

The placement of recreational vehicles shall be prohibited in the coastal high hazard area (VE Zones), ~~and areas within 500 feet of San Carlos Bay, Pine Island Sound, Blind Pass, or the Gulf of Mexico,~~ except as may be authorized by a temporary use permit indicating compliance with section 94-181.

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SECTION 2. Codification. The City Manager is hereby authorized and directed to indicate these amendments in future City Code publications.

SECTION 3. Conflict. All ordinances and parts of ordinances in conflict herewith shall be and the same 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 8. Effective date. This Ordinance shall be effective immediately upon adoption.

APPROVED AT FIRST READING THE 1ST DAY OF NOVEMBER 2022.

ADOPTED AT SECOND READING AND PUBLIC HEARING IN OPEN AND REGULAR SESSION OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA THIS 6TH DAY OF DECEMBER 2022.

Attest:

Scotty Lynn Kelly, City Clerk

Holly Smith, Mayor

Approved as to form and legality:

John D. Agnew, City Attorney

Date filed with City Clerk: _____

Vote of Council Members:

Smith _____
Johnson _____
Crater _____
Henshaw _____
Miller _____

First Reading: November 1, 2022

Publication Date: _____

Second Reading: _____