

MARCO ISLAND CITY COUNCIL ORDINANCE NO. 99- 16

AN ORDINANCE AMENDING ORDINANCE 98-18, WHICH IS THE CITY'S FLOODPLAIN MANAGEMENT ORDINANCE, BY AMENDING SECTIONS IN CHAPTERS 1, 2, AND 6, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted Ordinance 98-18, establishing and creating the Floodplain Management Regulations; and

WHEREAS, the regulations contained in Ordinance 98-18 are more restrictive than the minimum standards required by the National Flood Insurance Program; and

WHEREAS, Section 1.01 of the Marco Island City Charter empowers the City to adopt, amend, or repeal ordinances, resolutions, and codes as may be required for the good governing of the City; and

NOW THEREFORE, be it ordained by the City Council for the City of Marco Island, Florida:

SECTION ONE: AMENDMENTS

Chapter 1, Section 103.1, entitled "General" is hereby amended to read as follows:

Structures and uses of structures which lawfully existed prior to September 14, 1979 which do not conform with the provisions of this standard and structures which were built to compliance but have become non-compliant due to a FIRM revision, may be continued subject to the following conditions:

Chapter 1, Section 103.1, Paragraph (4) entitled "General" is hereby amended to read as follows:

(4) Any addition of square footage or conversion of non-air-conditioned space into air-conditioned space which does not constitute a substantial improvement of an existing structure within a floodplain which is not in compliance with the provisions of this standard shall ~~meet the standards for new construction set forth in this standard~~ be elevated to the elevation of the lowest floor of the existing structure.

Chapter 1, Section 103.1, entitled "General" is hereby amended by adding thereto the following:

(6) A structure which is not in compliance with the provisions of this standard and has sustained substantial damage must meet the standards for new construction set forth in this standard.

Chapter 2, Section 202, entitled "Definitions" is hereby amended by adding thereto the following:

Substantial Damage: Damage of any origin sustained by a building whereby the cost of restoring the building to its before-damaged condition would equal or exceed 50 percent of the market value of the building before the damage occurred. Structures which have sustained substantial damage must meet the criteria set forth for new construction.

Chapter 2, Section 202, entitled "Definitions" is hereby amended to read as follows:

Substantial Improvement: means any ~~repair~~, reconstruction, rehabilitation, or improvement of a structure where the actual value of the improvement ~~or repair of the structure to its pre-damage condition~~ equals or exceeds, over a five (5) year period, a cumulative total of ~~fifty (50) percent~~ 49.9% of the market value of the structure either (a) before the improvement ~~or repair~~ is started; ~~or (b) if the structure has been damaged and is being restored, before the damage occurred.~~ The cumulative total value does not include nonstructural interior furnishings, base molding, nonstructural substrates, drywall, plaster, decorative masonry, paint interior doors, tile, cabinets, moldings and millwork, decorative metal work, vanities, electrical receptacles, electrical switches, electrical fixtures, intercoms, communications and sound systems, security systems, HVAC grills and decorative trim, freestanding fireplaces, appliances, water closets, tubs and shower enclosures, lavatories, water heaters or roof coverings, except when determining whether a structure has been substantially improved as a result of a single improvement or repair. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:

1. Any project for improvement of a building to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Chapter 6, Section 601.1, entitled "Location of the Lowest Structural Member" is hereby amended to read as follows:

601.1 Location of the Lowest ~~Structural Member~~ Floor

The ~~lowest horizontal structural members of the lowest floor, including basements, but excluding footings, pilings, columns, pile caps, nonstructural slabs, bracing and grade beams~~ shall be elevated above the base flood elevation in the following types of buildings:

Chapter 6, Section 603.1, entitled "Construction Elevations" is hereby amended to read as follows:

All new construction or substantial improvement of residential structures and nonresidential structures within the special flood hazard areas must have the ~~lowest horizontal structural member of the lowest floor including basement~~ elevated to or above the base flood level as specified in 600.1

Chapter 6, Section 603.3, entitled "Uses Below Base Flood Elevation" is hereby amended to read as follows:

For all new construction and substantial improvements, the enclosed area below an elevated building shall be used solely for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, and access to the elevated living area. Access to the lower enclosed area shall be the minimum necessary to allow the above uses. The interior portion of the lower enclosed area shall not be partitioned or finished into separate rooms. The enclosed area below the base flood elevation used for access to the elevated living area shall not exceed 299 square feet. Under the NFIP Insurance regulations, enclosed areas below the base flood elevation, which are greater than 300 square feet, can result in the lowest floor of the structure to be that of the enclosed area.

SECTION TWO: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption by the Marco Island City Council.

Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 19th day of July 1999.

MARCO ISLAND CITY COUNCIL
MARCO ISLAND, FLORIDA

By: 
David Brandt, Chairman

Attest:



A. William Moss
City Manager/City Clerk

Approved as to Form and legality:



Kenneth B. Cuyler
City Attorney

Naples Daily News
Naples, FL 34102

Affidavit of Publication
Naples Daily News

CITY OF MARCO ISLAND
ATT: DEE PHILLIPS
950 N COLLIER BLVD #308
MARCO ISLAND FL 34145

REFERENCE: 054361
57902714 98-18 SECOND READING

State of Florida
County of Collier

Before the undersigned authority, personally appeared B. Lamb, who on oath says that she serves as the Assistant Corporate Secretary of the Naples Daily News, a daily newspaper published at Naples, in Collier County, Florida; that the attached copy of advertising was published in said newspaper on dates listed.

Affiant further says that the said Naples Daily News is a newspaper published at Naples, in said Collier County, Florida, and that the said newspaper has heretofore been continuously published in said Collier County, Florida, each day and has been entered as second class mail matter at the post office in Naples, in said Collier County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or coporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 07/09

AD SPACE: 30.000 INCH
FILED ON: 07/09/99

Signature of Affiant

B. Lamb

Sworn to and Subscribed before me this 10th day of July 1999

Personally known by me Chanel A McDonald

98-18
SECOND READING &
PUBLIC HEARING
ORDINANCE
CITY OF
MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m., on July 19, 1999, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:
AN ORDINANCE
AMENDING ORDINANCE 98-18, WHICH IS THE CITY'S FLOOD-PLAIN MANAGEMENT ORDINANCE, BY AMENDING SECTIONS IN CHAPTERS 1, 2, AND 6, AND PROVIDING AN EFFECTIVE DATE.
Members of the Public are invited to make oral or written comments in regard to this Ordinance.
July 9 No. 1441513



Chanel A. McDonald
MY COMMISSION # CC850752 EXPIRES
June 29, 2003
BONDED THRU TROY FAIN INSURANCE, INC.