

CITY OF MARCO ISLAND
ORDINANCE NO. 98-18

AN ORDINANCE ADOPTING BY REFERENCE THE STANDARD BUILDING CODE STANDARD FOR FLOODPLAIN MANAGEMENT, 1997 EDITION, AS AMENDED BY THIS ORDINANCE, AS THE CITY OF MARCO ISLAND FLOODPLAIN MANAGEMENT ORDINANCE, PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, PROVIDING FOR PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; 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,

WHEREAS, the City of Marco Island, being a barrier island, is vulnerable to natural disasters that could result in substantial damage and loss of life; and,

WHEREAS, the National Flood Insurance Act of 1968 was enacted to provide flood insurance protection to property owners, and that communities wishing to participate in the flood insurance program under the Act must adopt floodplain management regulations complying with, or exceeding, adopted minimum standards; and,

WHEREAS, the incorporated City of Marco Island must adopt floodplain management regulations for continued participation in the National Flood Insurance Program; and,

WHEREAS, the Standard Building Code Standard for Floodplain Management, 1997 Edition, provides the minimum standards for compliance; and,

WHEREAS, City Council has found that it is in the best interest of the citizenry of Marco Island to adopt floodplain management regulations to insure the availability of flood insurance coverage for property owners.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MARCO ISLAND, FLORIDA:

SECTION ONE: Standard for Floodplain Management

- (a) Adoption. There is hereby adopted by reference the Standard for Floodplain Management, 1997 edition, as published by the Southern Building Code Congress International, Inc.
- (b) Amendments. The Standard for Floodplain Management, 1997 edition, adopted in this section, is hereby amended as follows:

Chapter 1, Section 102.3, entitled "Establishing the Area of Special Flood Hazard" is hereby amended to read as follows:

The areas of special flood hazard as identified by the federal insurance administrator in an engineering report entitled "The Flood Insurance Study for Collier County, Florida", dated June 3, 1986, with accompanying Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps (FBFM) and related supporting data along with any revisions thereto, are adopted by reference and declared to be a part of this standard.

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, may be continued subject to the following conditions:

Paragraph (4) of Chapter 1, Section 103.1, entitled "General" is hereby amended by deleting and replacing it with the following:

- (4) Any addition of square footage or conversion of non-air-conditioned space into air-conditioned space 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.

Paragraph (5) of Chapter 1, Section 103.1, entitled "General" is hereby amended by adding thereto the following:

- (5) Any addition which is designed to be structurally independent of the existing building must comply with the provisions of this Standard and will not be counted as a substantial improvement.

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

Accrued depreciation: the losses in value due to all forms of depreciation including physical deterioration, functional obsolescence, and environmental or economic obsolescence.

Historic structure: any structure that is:

1. Listed individually in the National Register of Historic Places, a listing maintained by the Department of the Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register of Historic Places;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Market Value of a structure: the replacement cost of the structure, not including the land or any detached accessory structures, minus the accrued appreciation.

Replacement cost: the cost of construction at current prices of a building equal to the building being appraised but built with modern materials, and according to current construction standards.

Existing definitions within Chapter 2, Section 202, entitled "Definitions" are hereby amended to read as follows:

Area of special flood hazard: the land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. These areas are designated on the Flood Insurance Rate Map (FIRM).

Existing construction: any structure for which the "start of construction" commenced before September 14, 1979. Existing construction may also be referred to as "existing structures".

New construction: structures for which the "start of construction" commenced after September 14, 1979.

Substantial Improvement: means any repair, reconstruction, rehabilitation, or improvement of a structure where the actual cost 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 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 cost does not include nonstructural interior furnishings including, but not limited to, finished floors and floor coverings, base molding, nonstructural substrates, drywall, plaster, paneling, wall covering, tapestries, window treatments, 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 3, Section 302.2, entitled "Construction" is hereby amended to read as follows:

As part of the permit process, the applicant shall provide the elevation of the lowest horizontal structural member of the lowest floor, including basements, but excluding footings, pilings, columns, pile caps, nonstructural slabs, bracing, and grade beams, or floodproofing certification, once the lowest floor is complete. Upon placement of the lowest horizontal structural members of the lowest floor, the applicant shall submit to the Building Services Division certification of the elevation of the lowest horizontal structural member of the lowest floor as built in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the applicant's risk. The Building Services Division shall review the submitted elevation data, and any deficiencies found shall be corrected by the permit holder immediately and prior to any further work being permitted to proceed.

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

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

1. Residential buildings including manufactured homes.
2. All other use group buildings, except that buildings in this category need not meet this requirement if the building and its utility and sanitary facilities are floodproofed to or above the base flood elevation

in accordance with the flood proofing provisions of Chapter 9.

Chapter 6, Section 603.2, entitled "Walls Below Base Flood Elevation" is hereby amended to read as follows:

All new construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls. Designs for meeting this requirement must either be certified by a professional engineer or meet the following minimum criteria: a minimum of two openings on different sides of each enclosed area having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. If a building has more than one enclosed area, each area must have openings on exterior walls to allow floodwater to directly enter. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions. Wall constructed in coastal high hazard areas shall comply with 802.4.

Chapter 8, Section 801.2, entitled "Location of the Lowest Structural Member" is hereby amended to read as follows:

In coastal high hazard areas, the lowest portion of the structural members of the lowest floor, excluding the pilings or columns, pile caps, nonstructural slab, bracing and grade beams of all construction shall be elevated to or above the base flood elevation.

SECTION TWO: INCORPORATION, CONFLICT AND SEVERABILITY

[1] It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article", or other appropriate word.

[2] All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County Ordinances or parts of ordinances and all Collier County Resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.

[3] If any word, phrase, clause, subsection or section of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance

SECTION THREE: PENALTIES FOR VIOLATION

[1] Pursuant to Section 162.22 Florida Statutes, a person found to be in violation of this Ordinance may be charged a fine, not to exceed \$500.00, and may be sentenced to a definite term of imprisonment, not to exceed 60 days.

[2] Violations of this Ordinance may also be prosecuted before a Code Enforcement Board established by the City of Marco Island.

SECTION FOUR: EFFECTIVE DATE

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

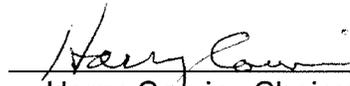
Passed in open and regular session through roll call vote by the City Council of the City of Marco Island, Florida, this 21st day of September, 1998.

Attest:

CITY OF MARCO ISLAND, FLORIDA



A. William Moss
City Manager/City Clerk

By: 
Harry Cowin, Chairman

Approved as to form and
Legal sufficiency:



Kenneth B. Cuyler
City Attorney

Naples Daily News
Naples, FL 33940

Affidavit of Publication
Naples Daily News

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

REFERENCE: 054301
57746522 SECOND READING & PUB

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 corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

PUBLISHED ON: 09/09

AD SPACE: 36.000 INCH
FILED ON: 09/02/98

Signature of Affiant *B. Lamb*

Sworn to and Subscribed before me this 10 day of Sept 1998

Personally known by me *Judith A. Flanigan*

SECOND READING & PUBLIC HEARING
ORDINANCE NO. 98-18
CITY OF MARCO ISLAND
The City Council of Marco Island, meeting in regular session at 6:00 p.m. on September 21, 1998, at the Marco Island YMCA, 101 Sand Hill Street, Marco Island, Florida, will consider:

AN ORDINANCE ADOPTING BY REFERENCE THE STANDARD BUILDING CODE STANDARD FOR FLOODPLAIN MANAGEMENT, 1997 EDITION, AS AMENDED BY THIS ORDINANCE, AS THE CITY OF MARCO ISLAND FLOODPLAIN MANAGEMENT ORDINANCE, PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY, PROVIDING FOR PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

Members of the Public are invited to make oral or written comments in regards to this Petition.
September 9 No. 1269974



Judith A. Flanigan
MY COMMISSION # CC508787 EXPIRES
February 19, 2000
BONDED THRU TROY FAIN INSURANCE, INC.