



# Ordinance 96-22





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- Revises Article 11 and Article 12, LDC
- Article 11: Revises “market value” definition
- Article 11: Revises “substantial improvement” definition to remove references to cumulative impact
- Article 12: Revises Florida Building Code amendments to remove references to cumulative impact

# FEMA 50% rule

- Structures that do not meet current floodplain standards may be affected by the 50% rule if they receive 50% or greater damage (by market value)
- If a structure is 50% or greater damaged, it may only be rebuilt to the required flood standards (elevation)

# FEMA 50% rule

- This affects structures in the Special Flood Hazard Area (SFHA) only
- This affects structures in the SFHA below the required elevation
- Surveyor or elevation certificate can help determine elevation of structure
- Commercial structures can dry flood proof at existing grade; not an option for residences

# Ordinance 96-22 – Market Value Discussion

- Staff reviewed possibility of putting in a flat 30% in the “market value” definition but were strongly advised by FDEM not to do so;
- The market value definition does permit us to use Lee County Property Appraiser’s Tax Roll Value Letter; many of the figures provided by that letter are above the proposed 30% adjustment anyway

# Ordinance 96-22 – SI Discussion

- Current substantial improvement regs require the City to review not only damages from an event but improvements and repairs from the past 5 years;
- These regs have been in the Code for years to provide the City with CRS points
- As this is a local regulation and not a Federal requirement, we can remove the regulation to reduce burdens on storm-damaged residences that are close to 50% damaged

# Ordinance 96-22 - Effects

- This will result in a small reduction in the CRS points;
- However, Cape Coral is well into the CRS Class 5 range (2500-2999) of points so a loss of CRS class is not expected
- By removing the cumulative impact, this will assist homeowners near the 50% calculation from going above 50% due to impacts NOT caused by Hurricane Ian

**THANK YOU**  
any questions?

