

CITY OF SANIBEL

ORDINANCE NO. 21-005

AN ORDINANCE AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 94, FLOODS, ARTICLE II, DEFINITIONS, AND ARTICLE III, FLOOD-RESISTANT DEVELOPMENT; SPECIFYING ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING CRITERIA FOR ACCESSORY STRUCTURES IN FLOOD HAZARD AREAS; PROVIDING FOR APPLICABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR 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, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements, achieving a CRS rating of Class 5; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better and to satisfy the prerequisite and for the City to maintain the current CRS rating, all manufactured homes installed or replaced in special flood hazard areas must be elevated such that the lowest floors are at or above at least the base flood elevation plus 1 foot, which necessitates modification of the existing requirements in the Land Development Code; and

WHEREAS, the City Council determined that it is in the public interest to amend the floodplain management regulations to better protect owners and occupants of manufactured homes and to continue participating in the Community Rating System at the current class rating; and

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

WHEREAS, the City Council has determined it appropriate to adopt regulations that are consistent with the FEMA Policy to allow issuance of permits for wet floodproofed accessory structures that are not larger than the sizes specified in the FEMA Policy.

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

Section 1. The Code of Ordinances of the City of Sanibel, Chapter 94, Floods, Article II, Definitions, and Article III, Flood-Resistant Development, are hereby amended with underlining indicating additions and ~~striketrough~~ indicating deletions, to read as follows:

ARTICLE II. - DEFINITIONS

DIVISION 1. - GENERAL

Sec. 94-121. - Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this division.

Sec. 94-122. - Terms defined in the Florida Building Code.

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

Sec. 94-123. - Terms not defined.

Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 94-124. - Definitions.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Accessory structure. A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

ASCE 24. A standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

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 and three feet. The inland limit of the coastal A Zone is the limit of moderate wave action if delineated on a FIRM.

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, and include areas designated on the maps entitled "City of Sanibel Additional Coastal High Hazard Areas: Areas Within 500-Feet of Coastal Bodies of Water."

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before April 16, 1979. [Also defined in FBC, B, Section 202.]

~~*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before April 16, 1979.~~

~~*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

- (1) The overflow of inland or tidal waters.

- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area (also see "Special flood hazard area"). The greater of the following two areas: [Also defined in FBC, B, Section 202.]

- (1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas. The Florida Building Code is sometimes referred to as "FBC".

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings which defines a historic structure as a building or structure that is:

- (1) Individually listed in the National Register of Historic Places; or
- (2) A contributing resource within a National Register of Historic Places listed district; or

- (3) Designated as historic property under an official municipal, county, special district or state designation, law, ordinance or resolution either individually or as a contributing property in a district; or
- (4) Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic Places, either individually or as a contributing property in a district.

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:

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.

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.

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.

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.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. The lowest floor includes, but is not limited to, any floor containing:

- (1) A toilet or similar sanitary plumbing fixture, a floor drain, or a sink or stationary tub equipment with a floor drain; or
- (2) Uses as kitchen, bathroom, office, dining room, living room, family or recreation room, bedroom, professional studio or commercial occupancy shall be deemed a lowest floor. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market~~ The value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, is the actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after April 16, 1979 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after April 16, 1979.~~

North American Vertical Datum of 1988 (NAVD). The vertical control datum established for vertical control surveying in North America. Elevations indicated in National Geodetic Vertical Datum, previously used to administer the National Flood Insurance Program, can be converted to NAVD 88.

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

Recreational vehicle. A vehicle, including a park trailer, which is: [See F.S. § 320.01.]

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and

- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Screen room. An accessory structure adjacent to, but not permanently attached to, a manufactured home or recreational vehicle. The screen room may have a floor and a roof but must be open on the side adjacent to the manufactured home or recreational vehicle. The other sides may be enclosed but only with screening material, except for the area below 30 inches above the floor. Aluminum or vinyl encasements for window enclosures may be added to the screen portion of the accessory structure.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this chapter, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Secs. 94-125—94-130. - Reserved.

ARTICLE III. - FLOOD-RESISTANT DEVELOPMENT

DIVISION 1. - BUILDINGS AND STRUCTURES

Sec. 94-131. - Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 94-53 of this chapter, buildings, structures and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of article III, division 7, of this chapter.

Sec. 94-132. - Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

- (1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential, Section R322.
- (2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

Sec. 94-133. - Accessory structures.

Accessory structures are permitted below the base flood elevation provided they comply with of the types described below shall be designed and constructed to comply with the requirements of the Florida Building Code, Residential, Section R309.3, Section R322, and the following standards:

- (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 or lateral movement;
 - b. Have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential; Comply with the standards of Florida Building Code, Residential, Section R322.2.2; and if located in a VE zone, or within 500 feet of the Gulf of

~~Mexico, Blind Pass, San Carlos Bay, or Pine Island Sound, shall also comply with the standards of Florida Building Code, Residential, Section R322.3.4;~~

- 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 unfinished and/or resistant to flood damage;
 - g. Have no electrical or other utility connections below the base flood elevation; and
 - h. Have no plumbing connections or fixtures below the base flood elevation.
- (2) In Zone AE S storage buildings shall not exceed 150 square feet, and in Zone VE storage buildings shall not exceed 100 square feet, and in both Zones shall:
- a. Be securely anchored to resist flotation or lateral movement;
 - b. ~~Not be located under elevated buildings in Zone VE; Comply with the standards of the Florida Building Code, Residential, Section R322.2.2; and if located in a VE Zone, or within 500 feet of the Gulf of Mexico, Blind Pass, San Carlos Bay, or Pine Island Sound, shall also comply with the standards of Florida Building Code, Residential, Section R322.3.4;~~
 - c. Be used exclusively for passive storage;
 - d. Have all interior wall, floor and ceiling materials located below the base flood elevation unfinished and/or resistant to flood damage;
 - e. Have no electrical or other utility connections below the base flood elevation; and
 - f. Have no plumbing connections or fixtures.

Secs. 94-134—94-140. - Reserved.

DIVISION 2. - SUBDIVISIONS

Sec. 94-141. - Minimum requirements.

Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 94-142. - Subdivision plats.

Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
- (2) Compliance with the site improvement and utilities requirements of article III, division 3, of this chapter.

Sec. 94-143. - Coastal construction setback line limitations.

No person shall divide land into lots or parcels if any lot or parcel created by such division would be situated so that:

- (1) All or any part of a dwelling unit on such lot or parcel is located or developed seaward of the city's 1974 Coastal Construction Setback Line; or
- (2) All or any part of a dwelling unit on such lot or parcel could only be developed seaward of the city's 1974 Coastal Construction Setback Line.

Secs. 94-144—94-150. - Reserved.

DIVISION 3. - SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 94-151. - Minimum requirements.

All proposed new development shall be reviewed to determine that:

- (1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- (2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Sec. 94-152. - Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

Sec. 94-153. - Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

~~Sec. 94-154. - County electric cooperative meters.~~

~~County electric cooperative meters are permitted below the base flood elevation if at least approximately five feet, six inches above grade. Where an electrical equipment room is provided, the meter shall be installed in the equipment room.~~

94-154. ~~Sec. 94-155.~~ - Limitations on placement of fill.

Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

94-156. ~~Sec. 94-156.~~ - Limitations on sites in coastal high hazard areas (Zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 94-72 of this chapter demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 94-205(3) of this chapter.

Secs. 94-157—94-160. - Reserved.

DIVISION 4. - MANUFACTURED HOMES

Sec. 94-161. - General.

All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

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.

Sec. 94-163. - Foundations.

All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

- (1) In flood hazard areas (Zone A) other than coastal high hazard areas and coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.2 and this chapter. ~~Foundations for manufactured homes subject to section 94-167 of this chapter are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

- (2) In coastal high hazard areas (Zone V) and coastal A Zones, are designed in accordance with the foundation requirements of the Florida Building Code, Residential, Section R322.3 and this chapter.

Sec. 94-164. - Anchoring.

All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance. Special requirements shall be that:

- (1) Over-the-top ties must be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations. Manufactured homes less than 50 feet long and recreational vehicles require only one additional tie per side.
- (2) Frame ties must be provided at each corner of the manufactured home with five additional ties per side at intermediate points. Manufactured homes less than 50 feet long and recreational vehicles require only four additional ties per side.
- (3) All components of the anchoring system must be capable of withstanding a force of 4,800 pounds.
- (4) Any additions to the manufactured home must be similarly anchored.
- (5) Adequate surface drainage and access for a hauler must be provided.

Sec. 94-165. - Elevation.

All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A) or Section R322.3 (Zone V). ~~Manufactured homes that are placed, replaced, or substantially improved shall comply with sections 94-166 or 94-167 of this chapter, as applicable.~~

~~Sec. 94-166. — General elevation requirement.~~

~~Unless subject to the requirements of section 94-167 of this chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, Section R322.2 (Zone A) or Section R322.3 (Zone V).~~

~~Sec. 94-167. — Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to section 94-166 of this chapter, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

- ~~(1) — Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential, Section R322.2 (Zone A) or Section R322.3 (Zone V); or~~
- ~~(2) — Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

Sec. 94-166. ~~Sec. 94-168.~~ - Enclosures.

Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential, Sections R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

Sec. 94-167. ~~Sec. 94-169.~~ - Utility equipment.

Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential, Section R322, as applicable to the flood hazard area.

Sec. 94-168. ~~Sec. 94-170.~~ - Site-built additions.

Site-built additions to manufactured homes that are elevated above grade ~~in accordance with the requirements of subsection 94-167(2)~~ are permitted only if the following standards are met:

- (1) The addition is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement;
- (2) The addition is not a substantial improvement;
- (3) The total floor area of the addition does not exceed 400 square feet;
- (4) The maximum height of the addition does not exceed the height of the manufactured home; and
- (5) Only one site-built addition is permissible for any manufactured home.

Sec. 94-169. ~~Sec. 94-171.~~ - Screen rooms.

Screen rooms as accessory structures to manufactured homes and recreational vehicles are not subject to elevation requirements of this section if:

- (1) The structure is used exclusively as an accessory use:
 - a. No electrical wiring or outlets are permitted;
 - b. No plumbing or plumbing fixtures are permitted; and

- c. No mechanical heating or cooling is permitted.
- (2) The structure is not a substantial improvement;
- (3) The structure is self-supporting;
- (4) The floor of the structure is elevated at or higher than the floor of the manufactured home or recreational vehicle;
- (5) The maximum height of the structure does not exceed the height of the manufactured home or recreational vehicle;
- (6) The structure does not extend beyond the front, where the hitch is or was located, or rear of the manufactured home or recreational vehicle;
- (7) The total floor area of the structure does not exceed 400 square feet;
- (8) The structure is not permanently attached to the manufactured home or recreational vehicle;
- (9) The structure is built with materials resistant to flood damage;
- (10) Any solid enclosure of the structure does not extend more than 30 inches above the floor; however, aluminum or vinyl encasements for window enclosures may be added to the screened portion of the structure.

Sec. 94-170 ~~Sees. 94-172—94-180.~~ - Reserved.

SECTION 2. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Sanibel. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this ordinance.

SECTION 3. CODIFICATION.

It is the intent of the City Council of the City of Sanibel that the provisions of this ordinance shall become and be made a part of the Sanibel Code of Ordinances immediately upon the effective date of this ordinance. The City Manager is authorized and directed to indicate these amendments in future City Code publications.

SECTION 4. 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 5. SEVERABILITY.

If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, declared by a court of competent jurisdiction to be unconstitutional or invalid, such

decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect on September 1, 2021.

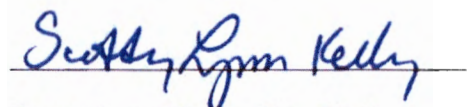
DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this

24th day of August, 2021.

AUTHENTICATION:

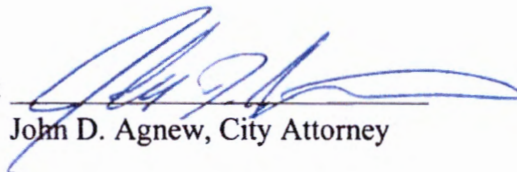


Holly D. Smith, Mayor



Scotty Lynn Kelly, City Clerk

APPROVED AS TO FORM:



John D. Agnew, City Attorney

8/24/21
Date

First Reading: July 20, 2021

Publication Notice: August 13, 2021

Second Reading: August 24, 2021

Vote of Council Members:

Smith Yea

Johnson Yea

Crater Yea

Henshaw Nay

Miller Yea

Date filed with City Clerk: August 24, 2021