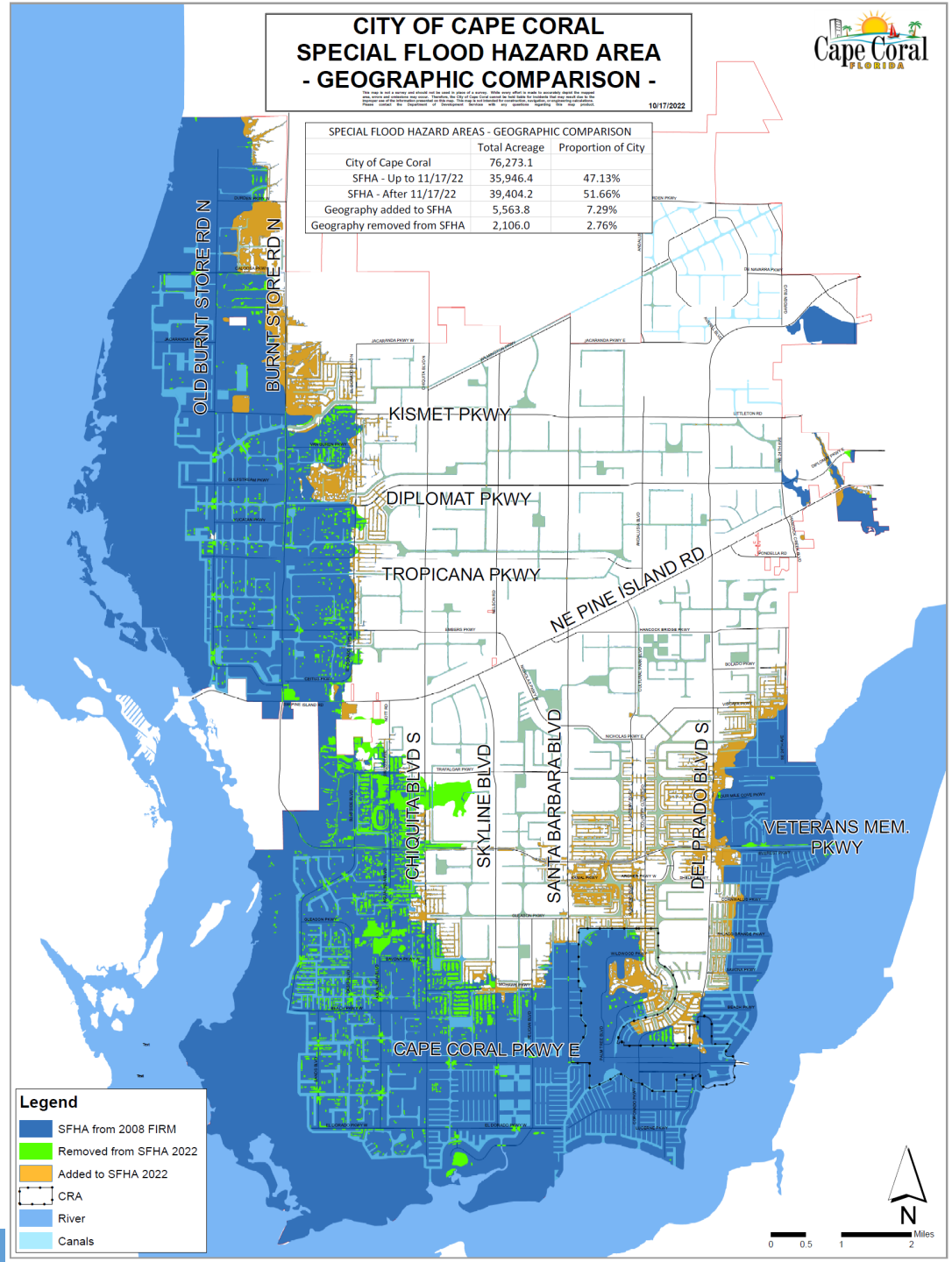
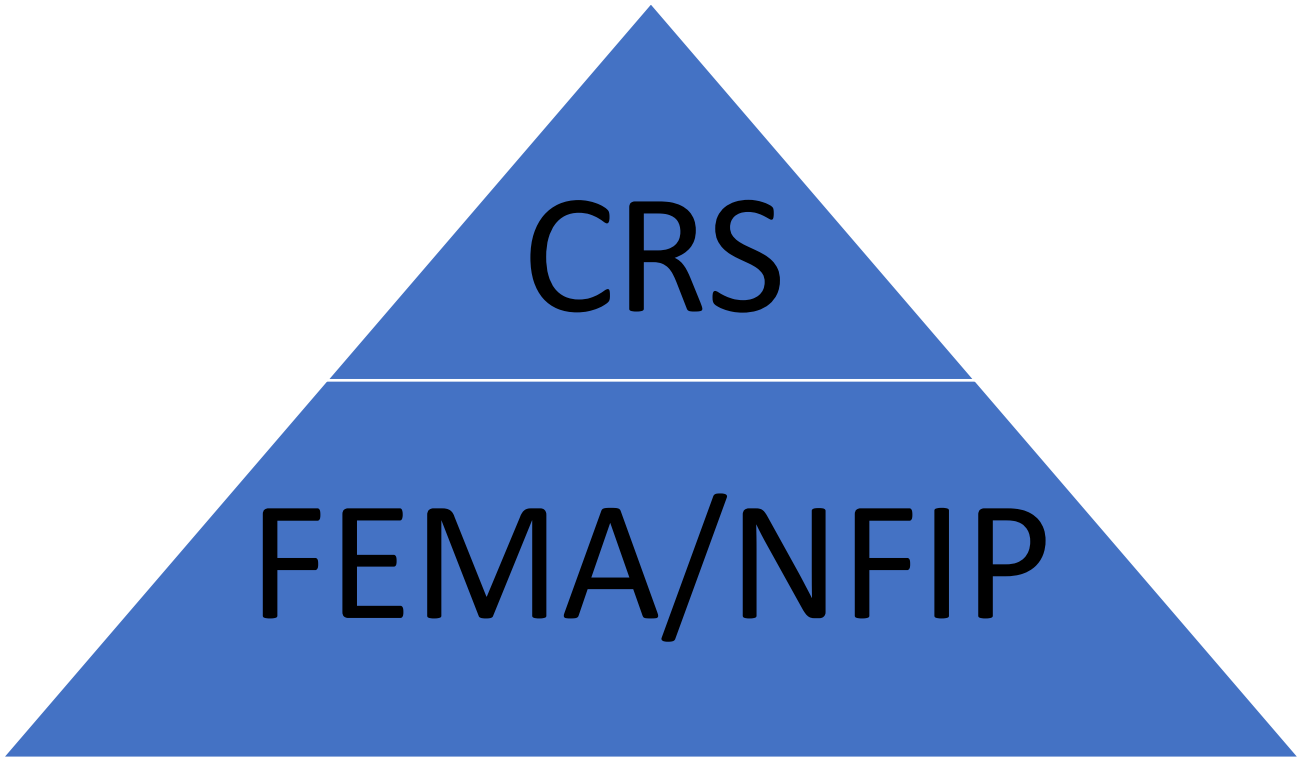
Substantial Improvement/Substantial Damage FEMA Regulations

CAPE CORAL CITY COUNCIL
COMMITTEE OF THE WHOLE
MAY 31, 2023



- Affects properties in the Special Flood Hazard Area (SFHA)
- AE and VE-flood zones

FEMA/NFIP/Cape Coral Regulations How they Interact reference CODES



Substantial Improvement/Substantial Damage

1.) SI/SD -- The “FEMA 50% rule”

2.) Compares market value of improvements or damages (or both) versus market value of structure

3.) Pertains to structures in the SFHA that are below base flood elevation

4.) If the cost of improvements/damages meet or exceed 50% of the market value of the structure, the rule applies – structure must be brought into compliance with current floodplain requirements

Cape Coral FLORIDA

SI/SD Examples

1.) Rehabilitation or remodel of building with or without modifying external dimensions

2.) Lateral or vertical additions

3.) Foundation repair

4.) Restoration or repair of damage of any origin necessary to restore building to pre-damage state (most prevalent trigger recently)

SI/SD for Commercial Buildings

Three options exist to bring commercial buildings into compliance:

A.) Raise the building, add fill or stem wall construction or deepened mono-slab to bring finished floor elevation to base flood elevation plus one foot (at minimum)

B.) Raze the building, to be rebuilt at base flood elevation plus one foot (at minimum)

C.) Dry-floodproof the building - this includes installation of floodproof materials and installing gates or panels for every means of egress, protecting HVAC, etc. City requirement is that these materials be installed to base flood elevation plus two feet

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Exemptions and Variances

1.) There are historic building exemptions and there is a floodplain variance process

2.) Floodplain variances are presented to Hearing Examiner, there are 10 considerations (Section 9.6.7, Land Development Code)

3.) The City has not approved any floodplain variances in the past decade; it is possible that the City has never approved a floodplain variance

4.) Approving too many floodplain variances could imperil the City's NFIP standing

Exemptions and Variances

Historical Buildings have their own exemption language:

A. Cape Coral's current definition of SI: "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; and any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure."

B. Second, they can issue variances for historic structures. However, the improvement must not preclude the structures continued designation as a historic structure and must be the minimum necessary to preserve its historic character.

Any Questions?