

ORDINANCE 2023-_____

AN ORDINANCE FOR THE PURPOSE OF AMENDING CHAPTER 16, CONSTRUCTION, REHABILITATION AND PROPERTY MAINTENANCE REGULATIONS, OF THE CODE OF ORDINANCES, CITY OF NAPLES, UPDATING SECTION 16-145(2) TO UPDATE THE DATE OF THE FLOOD INSURANCE STUDY AND FLOOD INSURANCE RATE MAPS AND APPLYING THE LARGER HORIZONTAL EXTENT AND THE HIGHER OF THE BASE FLOOD ELEVATIONS AS DEPICTED BY FLOOD INSURANCE STUDY FOR COLLIER COUNTY, FLORIDA AND INCORPORATED AREAS DATED MAY 16, 2012, AND THE FLOOD INSURANCE STUDY FOR COLLIER COUNTY, FLORIDA AND INCORPORATED AREAS DATED FEBRUARY 8TH, 2024; PROVIDING A SEVERABILITY CLAUSE; A REPEALER PROVISION AND PROVIDING 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 Federal Emergency Management Agency ("FEMA") has identified special flood hazard areas within the boundaries of the City of Naples, which are subject to periodic inundation resulting in the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, an extraordinary public expenditure for flood protection and relief, and the impairment of the tax base; and

WHEREAS, on July 2, 1971, the City of Naples became a participant in FEMA's National Flood Insurance Program and the City Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation: and

WHEREAS, compliance with the National Flood Insurance Program is facilitated by regulations contained in the Florida Building Code and local codes and floodplain management regulations; and

WHEREAS, the Federal Emergency Management Agency has revised and reissued the Flood Insurance Study for Collier County, Florida and Incorporated Areas, with an effective date of February 8, 2024; and

WHEREAS, in some locations the base flood elevations (BFE's) have been lowered on the updated February 8, 2024 maps;

- WHEREAS,** to provide an increased level of resiliency for the City of Naples, the higher of the 2012 maps and the 2024 maps will be the governing horizontal extent and elevation for floodplain management and flood design; and
- WHEREAS,** the Naples City Council has determined that it is in the best interest of the residents of the City of Naples and promotes the health, safety and welfare of the City to amend Chapter 16, Section 145(2) of floodplain management ordinance to identify the effective date of the revised Flood Insurance Study and Flood Insurance Rate Map; and
- WHEREAS,** an advertisement of the public hearing for adoption of the proposed ordinance was published in the Naples Daily News on the 8th day of December, 2023 as required by Section 166.041, Florida Statutes and City of Naples Code of Ordinances; and
- WHEREAS,** a Business Impact Statement was not prepared and posted on the City's website since the ordinance is exempt from the requirement of Section 166.041(4), Florida Statutes, because it is a requirement for compliance with Federal and State regulation; and
- WHEREAS,** for purposes of this Ordinance, underlined type shall constitute additions to the original text, *** shall constitute ellipses to omitted original text, and strikethrough shall constitute deletions to the original text;

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

- Section 1.** The above "Whereas" clauses are ratified, confirmed, and incorporated by reference as if set forth herein as the City Council's legislative findings.
- Section 2.** That Chapter 16 – Construction, Rehabilitation and Property Maintenance Regulations, Article IV – Floodplain Management – Applicability. Section 16-145(2), generally, of the Code of Ordinances, City of Naples, is hereby amended to read as follows (with underlining indicating additions and ~~strikethrough~~ indicating deletions):

Sec. 16-145. Applicability.

- (2) Basis for establishing the areas of special flood hazard. The larger horizontal extent and the higher of the base flood elevations as depicted by Flood Insurance Study for Collier County, Florida and Incorporated Areas dated May 16, 2012, and the Flood Insurance Study for Collier County, Florida and Incorporated Areas dated February 8th, 2024 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as part of this article

and will serve as the minimum basis for establishing flood hazard areas and for identifying Zone X areas. The inland limit of the Coastal A Zone is the further most landward limit of moderate wave action (LiMWA) delineated on the Flood Insurance Rate Maps. Studies and maps that establish flood hazard areas are on file at the office of the city clerk located at City Hall, 735 8th Street South, Naples, Florida, 34102.

* * *

Section 3. That if any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional, invalid, or ineffective, the same shall not affect the validity of any remaining portions of this Ordinance. In such event, the pre-existing word, phrase, clause, subsection, or section, will be revived.

Section 4. That all sections or parts of sections of the Code of Ordinances, City of Naples, and all resolutions or parts of resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict. This Ordinance shall be codified and made a part of the official Code of Ordinances of the City of Naples.

Section 5. That this Ordinance will take effect immediately upon adoption.

APPROVED AT FIRST READING THIS 6th DAY OF DECEMBER 2023.

ADOPTED AT SECOND READING AND DURING A PUBLIC HEARING BY THE CITY COUNCIL ON THIS 18th DAY OF DECEMBER 2023.

Attest:

Patricia L. Rambosk, City Clerk

Teresa Lee Heitmann, Mayor

Approved as to form and sufficiency:

/s/ James Stokes, Esq.
Interim Deputy City Attorney

Date filed with City Clerk:_____