

## ORDINANCE NO. 23-5482

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA AMENDING THE FLOODPLAIN MANAGEMENT ORDINANCE NO. 22-5431, CHAPTER 2, DEFINITIONS, SECTION 202, DEFINITIONS, AMENDING THE DEFINITION OF MARKET VALUE SO AS TO COMPLY WITH GUIDANCE OF THE OFFICE OF FLOODPLAIN MANAGEMENT, FLORIDA DIVISION OF EMERGENCY MANAGEMENT; PROVIDING FOR SEVERABILITY OF THE PARTS HEREOF IF DECLARED INVALID; PROVIDING FOR READING BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Section 166.021, 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 Sarasota participates in the National Flood Insurance Program (NFIP) and participates in NIFP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements; and

WHEREAS, pursuant thereto, on September 6, 2022, the City Commission passed on second reading and finally adopted Ordinance No. 22-5431 which is the new Floodplain Management Ordinance of the City of Sarasota; and

WHEREAS, the Floodplain Management Ordinance contains a definition of market value which includes a fixed adjustment factor applied to the tax assessment value for administration of requirements for certain improvements and repairs of existing buildings in flood hazard areas; and

WHEREAS, the Office of Floodplain Management, Florida Division of Emergency Management, has determined that communities that have a fixed factor stated in the definition of market value must amend that definition to include adjustment by a factor provided by the Sarasota County Property Appraiser; and

WHEREAS, the City Commission of the City of Sarasota has determined that the terms of the Floodplain Management Ordinance, as amended herein, are in furtherance of the public health, safety and welfare.

NOW THEREFORE BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Floodplain Management Ordinance 22-5431, Chapter 2, Definitions, Section 202, Definitions, is hereby amended to amend the definition of market value. As amended, the definition of market value shall be as follows:

\* \* \*

**“Market value.** For the purpose of determining Market Value the applicant may use:

1. The Sarasota County Property Appraiser’s Office building value ~~plus 20 percent~~ adjusted by a factor provided by the Sarasota County Property Appraiser;

2. The Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) prepared by a State of Florida Certified General Appraiser;

3. An Appraisal Report prepared by a State of Florida Certified Residential Appraiser or State of Florida Certified General Appraiser which meets the requirements of the version of the Uniform Standards of Professional Appraisal Practice (“USPAP”) incorporated by reference in Florida Administrative Rule 61J1-9.001.”

\* \* \*


Section 2. It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by the valid judgment by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 3. Except as expressly set forth herein, all of the terms, covenants and conditions of the Floodplain Management Ordinance No. 22-5431 are hereby ratified and confirmed by the City of Sarasota.

Section 4. This Ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting for public viewing at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 15<sup>th</sup> day of May, 2023.

PASSED on second reading and finally adopted this 17<sup>th</sup> day of July, 2023.

  
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Kyle Scott Battie, Mayor

ATTEST:  
  
\_\_\_\_\_  
Shayla Griggs  
City Auditor and Clerk

|            |                              |
|------------|------------------------------|
| <u>Yes</u> | Mayor Kyle Scott Battie      |
| <u>Yes</u> | Vice Mayor Liz Alpert        |
| <u>Yes</u> | Commissioner Jen Ahearn-Koch |
| <u>Yes</u> | Commissioner Erik Arroyo     |
| <u>Yes</u> | Commissioner Debbie Trice    |