

Floodplain Management

Community Development Department

9220 Bonita Beach Road, Suite 111, Bonita Springs, FL 34135 | (239) 444-6150 | permitting@cityofbonitaspringscd.org



SUBSTANTIAL IMPROVEMENT / SUBSTANTIAL DAMAGE NOTICE TO PROPERTY OWNERS

Repairing your building after damage? Conducting additions, renovations, or remodeling your building?

Here's what YOU need to know about the "50% Rule."

If the lowest floor of your home or business is below the design flood elevation (FEMA's base flood elevation plus one foot) there are floodplain management requirements that may affect how you repair, renovate, or remodel the building. These requirements also allow non-residential buildings to be dry floodproofed rather than elevated. These requirements are consistent with the requirements of the National Flood Insurance Program, which protect public safety and investments from future flood damage.

Save yourself time, aggravation and money. Please read the following information:

SUBSTANTIAL DAMAGE means damage of any origin sustained by a building by a building or structure whereby the cost of restoring the building to its before damage condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. (Note: The cost of the repairs must include all costs necessary to fully repair the building to its before damage condition).

SUBSTANTIAL IMPROVEMENT means any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, taking place during a five-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is stated. The five year period of accumulation begins when the first improvement or repair of each building is permitted subsequent to November 18, 1992. The cost of replacing windows and doors with impact-rated products, installation of impact-resistant storm shutter, or replacement roofs with code-compliant materials and methods, shall be assessed in the cumulative cost for only a one-year period. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed.

A permit is required, regardless of who is performing the work. Should the cumulative total of work (current application plus other applicable applications over a five year period) not equal or exceed the 50 percent threshold, a permit may be approved. Each permit is reviewed for compliance with the 50 percent allowance at time of permit application. Following National Flood Insurance Program requirements, Bonita has the responsibility to determine "substantial damage" and "substantial improvement", described here:

1. The City of Bonita Springs estimates the Market Value of a building by using the Lee County Property Appraiser's tax assessment value of the building (excluding the land and accessory features), plus 20 percent. Should you disagree with the valuation determined listed above you may hire a State Licensed Real Estate Appraiser and submit documentation of the market value of the building (like-kind replacement cost depreciated for age).
2. You must obtain and submit a detailed and complete cost estimate (all materials and labor) for the addition, remodeling, reconstruction, and/or repair of all damage incurred to your building with the permit application. The Building Department will evaluate the cost of improvements or cost of repairs and determine if they are fair and reasonable. For repair of storm or flood damage, pre-storm prices and rates will be used. The cost of improvements or repairs does not include items not considered a permanent part of the building (i.e., plans, surveys, sidewalks, pools, screens, sheds, gazebos, fences. Etc.).

If a building is “substantially damaged” or “substantially improved”, it must be brought into compliance with the floodplain management requirements in the Florida Building Code, including elevating the building to or above the elevation required by the Florida Building Code.

3. If the existing floor is below the base flood elevation, the building must be elevated to or above the minimum elevation requirement outlined by the Florida Building Code. Likewise, all electrical and mechanical equipment (heating and cooling, etc.), bathrooms and laundry rooms must be elevated to or above that requirement. Only parking (garages), building access (stairs and elevators) and limited incidental storage is allowed below the elevated building, but only if the walls enclosing those areas comply with the Florida Building Code requirements, including flood openings. If engineering analysis indicate dry floodproofing is feasible, non-residential buildings may be dry floodproofed instead of being elevated.

If the building is found to be in compliance with all of the Florida Building Code requirements and the City’s Flood Hazard Reduction Program for the flood zone in which it is located, repairs and improvements may be performed provided they maintain conformance with the minimum requirements. This means if the lowest floor, electrical and mechanical equipment, laundry and bathrooms are already above the required elevation; if the type of foundation is permitted in the flood zone; if enclosures below the elevated building comply; and if all other aspects of the building conform to the Florida Building Code requirements, no additional flood related requirements may be imposed.

4. Building plans must be prepared to show how the building is to be elevated and brought into compliance with all flood-related requirements. If located in Zone V (Coastal High Hazard Area) or in the Coastal A Zone, or if the building is to be dry floodproofed, the plans must be prepared and certified by a registered professional engineer or architect (V Zone Design Certificate).
5. Following a Presidential disaster declaration, the Small Business Administration may make loans available for both home and business owners for purposes of bringing buildings into compliance. Proof that your building incurred “substantial damage” is required.

BUILDING REPAIRS OR IMPROVEMENTS SUBJECT TO DETERMINATION OF SUBSTANTIAL DAMAGE/IMPROVEMENT

All structural elements including:

- Foundation footings and pilings
- Concrete slabs
- Bearing walls, tie beams and trusses
- Wood or reinforced decking or roofing
- Floors and ceilings
- Structurally attached decks and porches
- Interior partition walls
- Exterior wall finishes (brick, stucco, siding) including painting and decorative moldings
- Windows and doors
- Re-shingling or retiling a roof
- Hardware
- Chimneys or flue pipes

All interior finish elements, including:

- Tiling, linoleum, stone or carpet
- Bathroom tiling and fixtures

- Wall finishes (e.g. insulation, drywall, painting, stucco, plaster, paneling, marble or other decorative finishes)
- Kitchen, utility and bathroom cabinets
- Built in bookcases, cabinets and furniture
- Hardware

All utility and service equipment, including:

- HVAC equipment
- Repair or reconstruction of plumbing and electrical services
- Electrical panels, devices, light fixtures and ceiling fans
- Built in kitchen appliances

Also:

- Labor and other costs associated with demolishing, removing or altering building components
- Overhead and profit