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2525 Estero Blvd., Fort Myers Beach, Fla. 33931

Garage on Estero Boulevard doesn't meet state, FEMA regulations

Town of Fort Myers Beach, FL – Town leaders and staff have been working through a situation with a property owner on Estero Boulevard that is drawing a lot of attention. Inaccurate information about this situation is spreading widely.

The situation is that a resident built a garage in 2019 that survived Hurricane Ian in 2022 but unfortunately does not comply with current Florida Building Code, FEMA floodplain, and other regulations that have changed. This building must be brought into current compliance. Town staff and leaders have consulted with officials from the state and FEMA, met with the parties involved, and collectively determined that these are the options for the property owners:

- 1) A new single-family home can be built with the garage connected to the new home. The home's rebuilding must be built to current regulations, and the surviving garage portion must also be brought up to current standards (Coastal A Zone, FBC 8th Ed).
- 2) Convert the surviving garage into a stand-alone accessory structure (storage and parking only) and build a new detached single-family home. The home would be treated as new construction, and the garage must be brought up to current accessory structure standards (Coastal A Zone, FBC 8th Ed, flood ordinance) and must meet local zoning regulations as well.
- 3) Demolish the surviving garage and rebuild a new home with a new garage as new construction, meeting current regulations.

The Town must follow floodplain regulations and building codes that govern construction throughout the State of Florida, as well as through FEMA. Since the Town has agreed to be a participating community in the National Flood Insurance Program, which reduces flood insurance costs for residents, consistently following the rules is critical to maintain the Town's good standing.

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The Town of Fort Myers Beach is on Estero Island off the southwest Florida coast of the Gulf of Mexico. The beach stretches for seven miles and the Town has a variety of parks and recreational facilities, shops and restaurants. The Town has been incorporated since 1995.

Maintaining the Town’s good standing impacts post-disaster FEMA funding and mortgage availability for all residents. The state and federal agencies that watch over these programs pay very close attention to the Town’s adherence to their rules.

Every local government that participates in the FEMA Community Rating System (CRS) has a Class rating from Class 1 to Class 10. Flood insurance premium discounts in CRS communities range from 5% to 45% and are discounted in increments of 5%. A Class 10 community is not participating in the CRS and receives no discount. A Class 9 community receives a 5% discount for all policies, a Class 8 community receives a 10% discount, etc., all the way to a Class 1 community, which receives a 45% premium discount.

The Town’s new attorney also represents the City of Anna Maria that was impacted by Hurricane Irma in 2017. When FEMA discovered some non-compliance with the 50% Rule by that city, its CRS rating went from a Class 5 (with a 25% discount) to a Class 7 (with a 15% discount). The City lost 10% in flood insurance discounts resulting in many millions of dollars in lost discounts to property owners.

Historically, the Town of Fort Myers Beach has had a CRS rating of Class 7 which provides a 15% discount on flood insurance. If Fort Myers Beach does not strictly enforce the 50% Rule, there is the strong possibility that the property owners in the Town could end up losing 10% of their FEMA flood insurance discount. Since flood insurance is required to obtain a mortgage, that extra cost could make rebuilding in the Town even more financially difficult.

Following are links to information on the Town’s website that give more details about building codes and floodplain regulations:

1) National Flood Insurance Program (NFIP) and Florida Building Code (FBC):

https://library.municode.com/fl/fort_myers_beach/codes/code_of_ordinances?nodeld=PTIIOC OOR CH6MACOBUCOCORE ARTIVFLRE DIV4PE

2) Building Services FAQ (Frequently asked questions):

<https://www.fortmyersbeachfl.gov/Faq.aspx?TID=23>

3) “FEMA’s 50% Rule” FAQs:

<https://www.fortmyersbeachfl.gov/1254/FEMAs-50-Rule>

4) Building Services Resource Library

<https://www.fortmyersbeachfl.gov/1257/Resource-Library>

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