



MEMORANDUM

Date: September 14, 2023

To: Honorable Mayor and Commissioners

Via: Albert P. Childress 
City Manager

From: Raj Ramsingh
Chief Building Official

Subject: **A request to approve the proposed text amendment to Section 14 entitled "*Buildings and Building Regulations*" to update definitions, cumulative substantial improvement, and non-conversion agreements.**

Introduction

The purpose of this ordinance is to amend the City's Building Regulations regarding Floodplain Management to provide clear and consistent direction on what constitutes "substantial improvement" in residential and nonresidential structures, to reduce the City of Key West Substantial Improvement timeline to one year and increase oversight for enclosures below base flood including the use of non-conversion agreements. The proposed text amendment was developed by the Floodplain Manager and Florida Department of Emergency Management Ordinance Team with FEMA approval and coordination with the Legal Department and is recommended to be approved by the City Commission.

Background

In 2021, the Community Rating System (CRS) Addendum was published with update requirements for communities to meet minimum requirements for Class 8 (10% discount). Among the many requirements that will be discussed, the new ordinances must be in the approval process before the next CRS Cycle Visit.

The City of Key West Floodplain Management Ordinance extensive revision is pending a separate review by the City Commission with additional support for amendments including the status of the City's CRS program.

Substantial Improvement will now be defined as any combination of repair, reconstruction, rehabilitation, alteration, addition, or other improvement or alteration of a building or structure, taking place during a

one-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 started. For each building or structure, the one-year period begins on the date when a permit is closed.

Reduction of the city's cumulative substantial improvement to one year will have no effect on the CRS Class Rating. As the City continues to look for benefits to our homeowners, the next step is to complete our Storm Water Management Plan with a vulnerability assessment to achieve Class 4 and a 30% discount.

Enclosures below base flood elevation (BFE) are permitted within the City of Key West but must be wet proofed up to BFE+1. The recommended amendment will require property owners to sign a Declaration of Land Restriction (Non-Conversion Agreement) for any enclosure greater than 100 sq ft. The enclosure is not permitted to have finishes and must be used for parking, storage, and/or access to a structure.

The first reading of this proposed text amendment was at the July 13, 2023, City Commission meeting. There were not any changes between the first and second reading.

Procurement

The proposed text amendment would not have any financial impact on the City.

Recommendation

The City Manager's Office recommends approval of the proposed text amendments to Section 34 entitled "Floodplain Management" of the General Ordinances, as outlined in the attached draft ordinance and non-conversion agreement.

Exhibits:

Exhibit A - Non-Conversion Agreement for Certain Structures in the Floodplain