




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 34 entitled "Floodplain Management" to update ordinances following the 2021 FEMA Community Rating System requirements.**

Introduction

The purpose of this ordinance is to amend the City's Floodplain Management Regulations to provide clear and consistent direction on what constitutes "substantial improvement" in residential and nonresidential structures, removal of waterway references not specific to Key West, to reduce the City of Key West Substantial Improvement timeline to one year, update Manufactured Homes requirements in the floodplain, 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 provided guidance for development of structures within the Special Flood Hazard Area. The City of Key West's participation in the CRS allows for residents to obtain National Flood Insurance Program insurance rates with discounts for policies at full risk value. The City of Key West is a Class 5, allowing for up to a 25% discount for the residents. The

amendments to the current ordinance will ensure the city maintains a Class 5 rating and niay allow an increase to Class 4.

Enclosures below base flood elevation 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.

Manufactured Homes are prohibited in the coastal high hazard areas and coastal A zones but are permitted in the A zone. The most recent guidance requires all manufactured homes that are placed, replaced, moved, or substantially improved in flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one (1) foot.

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.

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