

ORDINANCE NO: 2024-492

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH AMENDING CHAPTER SIX OF THE CODE OF ORDINANCES, AMENDMENTS TO THE FLORIDA BUILDING CODE; THE CITY OF KEY COLONY BEACH CODE OF ORDINANCES TO MODIFY CHAPTER 6 – BUILDINGS AMENDMENTS TO THE FLORIDA BUILDING CODE; AND PROVIDING FOR CODIFICATION; REPEALING ANY INCONSISTENT PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, 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 Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of the City of Key Colony Beach and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the City of Key Colony Beach was accepted for participation in the National Flood Insurance Program on July 16, 1971 and the City Commission desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

WHEREAS, Chapter 553, Florida Statutes, was adopted by the Florida Legislature to provide a mechanism for the uniform adoption, updating, amendment, interpretation and enforcement of a state building code, called the *Florida Building Code*; and

WHEREAS, Chapter 553, Florida Statutes, allows for local technical amendments to the *Florida Building Code* that provide for more stringent requirements than those specified in the Code and allows adoption of local administrative and local technical amendments to the Florida Building Code to implement the National Flood Insurance Program and incentives; and

WHEREAS, the City Commission previously adopted requirements for flood hazard areas to (1) require accumulation of costs of improvements and repairs of buildings, based on issued building permits, over a 3-year period; (2) require buildings that sustain repetitive flood damage over a 10-year period to be included in the definition of “substantial damage;” (3) to limit partitioning of enclosed areas below elevated dwellings and to limit access to such enclosed areas; (4) to require use of specific forms provided by the Federal Emergency Management Agency and

the City; and (5) to require declarations of land restriction (nonconversion agreements) for enclosures below elevated buildings; for the purposes damage reduction and the National Flood Insurance Program's Community Rating System and, pursuant to section 553.73(5), F.S., is formatting that requirement to coordinate with the *Florida Building Code*; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed local technical amendments to the *Florida Building Code* and the proposed amendments are not more stringent than necessary to address the need identified, do not discriminate against materials, products or construction techniques of demonstrated capabilities, are in compliance with section 553.73(4), Florida Statutes; and

WHEREAS, the City Commission has determined that it is in the public interest to adopt the proposed floodplain management regulations that are coordinated with the *Florida Building Code*.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KEY COLONY BEACH, FLORIDA, AS FOLLOWS:

Section 1: Recitals

The above recitals are true and correct.

Section 2: Effective Date

This Ordinance shall become effective upon approval by the City Commission.

Section 3: Amendment

Section 6-25 and 6-26 of Article I, "Amendments to the Florida Building Code, Building" and "Amendments to the Florida Building Code, Existing Building," respectively, of the City of Key Colony Beach, Florida Code of Ordinances shall be amended to read as follows:

Sec. 6-25. Amendments to the Florida Building Code, Building.

107.3.5 Minimum plan review criteria for buildings.

Commercial Buildings: Building

8. Structural requirements shall include:

Flood requirements in accordance with Section 1612, including lowest floor elevations, the City of Key Colony Beach VE-Zone Certification form, FEMA's Floodproofing Certification form (FEMA Form 086-0-34), enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

Residential (one- and two-family):

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, the City of Key Colony Beach VE-Zone Certification form, declaration of

land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

110.3 Required inspections.

Building [partial shown]

1. Foundation inspection.

- 1.1. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the FEMA Elevation Certificate (FEMA Form 086-0-33) shall be submitted to the authority having jurisdiction.

5. Final inspection.

- 5.1. In flood hazard areas, as part of the final inspection, final FEMA Elevation Certificate (FEMA Form 086-0-33) of the lowest floor elevation shall be submitted to the authority having jurisdiction.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a ~~3-year~~ 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to November 22, 2011. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Sec. 6-26. Amendments to the Florida Building Code, Existing Building.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. The term also includes flood-related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a ~~3-year~~ 1-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building or structure is permitted subsequent to November 22, 2011. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

3. Any project for improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that is the minimum necessary to assure safe living conditions.
4. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

FIRST READING by the City of Key Colony Beach City Commission this 19th day of September, 2024.

Mayor Joey Raspe	NO_____	YES_____
Vice-Mayor Freddie Foster	NO_____	YES_____
Commissioner Tom Harding	NO_____	YES_____
Commissioner Tom DiFransico	NO_____	YES_____
Commissioner Doug Colonell	NO_____	YES_____

SECOND READING AND DULY ADOPTED by the City of Key Colony Beach City Commission on this 17th day of October, 2024.

Mayor Joey Raspe	NO_____	YES_____
Vice-Mayor Freddie Foster	NO_____	YES_____
Commissioner Tom Harding	NO_____	YES_____
Commissioner Tom DiFransico	NO_____	YES_____
Commissioner Doug Colonell	NO_____	YES_____

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DULY PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF KEY COLONY BEACH, FLORIDA, this 17th day of October, 2024.

Joey Raspe, Mayor

Silvia Roussin, City Clerk

Approved as to form and legal sufficiency:

Dirk M. Smits, Esq. B.C.S., City Attorney