

CITY COUNCIL AGENDA STATEMENT



Meeting Date: September 10, 2019
From: George Garrett, Planning Director
Through: Chuck Lindsey, City Manager

- Agenda Item: Planning Update:
- Annual Review of TBR Transfers
 - Building Height & the DRAFT FEMA NFIP Floodplain Maps
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This Memorandum provides an annual update concerning the transfer of all Building Rights and gives a “heads up” concerning some of the immediate impacts surrounding the new FEMA NIFP floodplain maps.

ANNUAL REVIEW OF TRANSFER OF BUILDING RIGHTS (TBR) TRANSFERS

This was a slightly above average year for TBR transfers with results as follows:

Transfers with Payment	6	\$20,000	\$120,000
Transfers – Transient	2	Fee Exempt	\$ 0
Transfers with Affordables	4	Fee Exempt	\$ 0
Transfers in process	6	No Fees yet	\$ 0
TOTAL Transfers	18		\$120,000

The number of building rights transferred in 2018 was six (6), collecting \$120,000, with another five (5) transferred under the “in lieu of fees” provision developed for the affordable housing project of 41st Street.

In lieu of payment into the TBR fund, the development agreement for 41st Street ensured affordable housing units were constructed in the form of “in lieu of fee” credits. Instead of payment into the TBR fund, the developer agreed to build an affordable housing unit for each of ten (10) market rate transfers completed. To date, the developer has actually built fourteen (14) units, the equivalent of 140 market rate transfers. They have actually only transferred approximately fifty (50) market rate TBRs and thus have far exceeded their obligation concerning in lieu of fees.

DRAFT FEMA NFIP MAPS:

The Draft FEMA NFIP Maps were release on August 22, 2019 at meetings held in both Key West and Marathon. The Maps should be considered “Working Maps” at this juncture, but little significant change is expected upon their anticipated official release in December of this year (2019). An official appeal period of the maps will begin when the maps are released through a Legal Notice in the Federal Register, expected sometime in late January or February.

Background

To emphasize that flood risks are changing and to make sure property owners are aware that new FEMA FIRM maps will be adopted in the near future, the City of Marathon Building Department will be requiring Owner's to sign a form with permits that acknowledges the issuance of these new DRAFT coastal flood maps and the fact that these maps may indicate a future change to the required elevation of a building currently in the permit process. This is intended to help homeowners understand that what they are proposing to build today, under the existing flood maps, could become non-conforming after the new draft maps are formally adopted. This could make their flood risk and insurance costs greater. Owners should think about designing their improvements to meet the proposed draft maps to assure they are addressing potential future risk.

As the DRAFT maps are rolled out, the City is considering its options to hire a consultant that would be charged with analyzing how flood risks are changing within its municipal boundaries based on the new DRAFT FIRMs and the best available science and technology. If hired, the technical consultant would also be reviewing the maps and modeling conducted by FEMA and would be prepared to appeal any of the maps that do not appear to be correct.

To view the City's DRAFT FIRM maps, please click on the following link [DRAFT Marathon coastal flood maps](#). This link will open to an Index map of the Florida Keys which you can then utilize to navigate to individual specific maps concerning your area of the City. In order to view other DRAFT FIRM maps outside of the City of Marathon, but within Monroe County, please click the following link [HERE: DRAFT coastal flood maps](#). This link will open a FEMA FIRM Draft Maps mapping tool. Simply click in the FIRM Panel section where property is located to view the popup containing a link to the Draft Map (PDF).

IMPORTANT: These maps don't show an additional difference in elevation due to a change in mapping standards between the old and new proposed flood maps (datum NGVD29 to datum NAVD88). This means that all NGVD29 elevations (e.g., BFE, Lowest Floor Elevation) need to be converted to NAVD88. While there is no set conversion factor, as it varies throughout Monroe County, on average there is -1.5 foot conversion factor. To account for this change, ON AVERAGE you should add +1.5-feet to any apparent increase. For example: If your building was in an AE-8 flood zone and is still shown in an AE-8 zone, then it actually experienced an increase of 1.5 feet. Another example: If your building was in an AE-6 flood zone and is proposed to be in an AE-9 zone, the increase appears to be three-feet. However, the actual increase would be 4.5'-feet.

Immediate Concerns

The Draft maps show some immediate and obvious difference from the old maps. Account for the change in datum, many homes in Marathon will see an increase in their FEMA NFIP Flood Zone of from 0.5 feet to as many as 5.5 feet (See Table below)

The City is already recognizing that the release of the DRAFT Working Maps will influence current construction and the construction that we see in the coming months BEFORE the maps actually reach final adoption.

For instance, a residential permit issued today at BFE – AE 7 or 8 may become an AE 10. At that juncture, it will be 3.5 to 4.5 feet below the necessary flood level when the draft maps are adopted. Permits issued in the future will be advised that the owners should consider meeting the new flood zones NOW.

Recommendations

The new map provisions are going to strain the City’s maximum height restriction as required base elevations go up. Staff is proposing that we look at the maximum height restrictions, rather than creating a “free board” provision or enact a combination of the two so that home builders will not be constrained by the additional elevation requirements of the new maps. We would suggest that only those that agree to abide by the new map provisions NOW, would be allowed to avail themselves of any increased height provisions. We would also suggest that no addition habitable floors be allowed as part of any new Code modifications (No more than three levels & more likely two levels are achievable now). With those minimum provisions, staff is prepared to move forward drafting changes to the City’s minimum height restrictions.

Relative Flood Zones / Conversion from NGVD29 to NAVD88

	NAVD88	7	8	9	10	11	12	NEW
NGVD 29								
6		2.43	3.43	4.43	5.43	6.43	7.43	
7		1.43	2.43	3.43	4.43	5.43	6.43	
8		0.43	1.43	2.43	3.43	4.43	5.43	
9		0.57	0.43	1.43	2.43	3.43	4.43	
10		1.57	0.57	0.43	1.43	2.43	3.43	
11		2.57	1.57	0.57	0.43	1.43	2.43	
12		3.57	2.57	1.57	0.57	0.43	1.43	
13		4.57	3.57	2.57	1.57	0.57	0.43	
14		Water	Water	Water	Water	Water	Water	
15		Water	Water	Water	Water	Water	Water	
OLD								
NAVD88 = NGVD29 - 1.43' (Avg. Marathon) (Conversion Range = -1.39' to -1.47')								