



# MEMORANDUM

## Village of Key Biscayne Building & Zoning Department

**To:** Architects, Contractors and Home Owners  
**From:** Eugenio M. Santiago, P.E., *Chief Building Official*  
**Reference:** ENCLOSURES BELOW BASE FLOOD ELEVATION.  
**Date:** May 20, 2015  
**Subject:** FEMA mandated restrictions

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Design and construction (and use) of buildings in the Village of Key Biscayne (the “Village”) must follow the Guidelines contained in FEMA P-499: “Home Builder’s Guide to Coastal Construction”. This Guide can be downloaded from FEMA’s website at [www.fema.org](http://www.fema.org).

The issue of Enclosures and Breakaway Walls is addressed within the Guide in Technical Fact Sheet No. 8.1 - Enclosures and Breakaway Walls.

However, since Breakaway Walls regulations are only applicable within VE zones and construction within VE zones is prohibited in the Village, this Memo only addresses Enclosures.

An “Enclosure” is formed when any space below BFE is enclosed on all sides by any walls or partition. Any Enclosure (no matter how small) must have a minimum of 2 flood openings in 2 different walls. Grade on the inside face of the vent (under the house) must be at same elevation (or higher) than grade at the outer face of the vent. If grade elevation under the house is lower than the adjacent exterior grade, then it is considered by FEMA to be a prohibited residential construction basement. The total net **area of** openings (in sq. inches) must be equal to or greater than the area (in sq. ft.) of the enclosure. Openings in interior Enclosure (with no exterior walls) must also be 2 in 2 different walls and must also equal the area of the Enclosure but cannot be added for purposes of determining total area of openings vs. total area of Enclosures of the overall floor plan.

Enclosures must be built with flood-resistant materials and equipped with flood openings that allow water levels inside and outside to equalize. **Additionally, the permitted uses for these Enclosures are parking, storage and/or building access. These areas shall not be finished or used for recreational or habitable purposes. Floors must be finished concrete or compacted grade. Walls must be painted masonry or masonry with stucco and painted. Minimal flood proofed electrical equipment is permitted but mechanical or plumbing equipment shall not be installed below the BFE. Exterior doors below BFE shall be metal or fiberglass and glassed openings on the doors, if any, must start vertically above BFE.**

Owner must sign (and have notarized and recorded) the enclosed NONCONVERSION AGREEMENT and provide a copy of the stamped recorded document for our records.

Construction that does not meet these requirements will not be granted a Certificate of Occupancy (C.O.).



# VILLAGE OF KEY BISCAIYNE

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## NON-CONVERSION AGREEMENT

This DECLARATION made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ ("Owner") having an address at \_\_\_\_\_

WITNESSETH:

WHEREAS, the Owner is the record owner of all that real property located at \_\_\_\_\_ in the Village of Key Biscayne in the County of Miami Dade, designated in the tax records as Folio # \_\_\_\_\_.

WHEREAS, the Owner has applied for a permit or variance to place a structure on that property that either (1) does not conform, or (2) may be noncompliant by later conversion, to the strict elevation requirements of DIVISION 3. FLOOD HAZARD REDUCTION, Section 10-61 of Chapter 10 (FLOODS) of the Village of Key Biscayne, Florida Code of Ordinances and under Permit Number \_\_\_\_\_ ("Permit").

WHEREAS, the Owner agrees to record this DECLARATION and certifies and declares that the following covenants, conditions and restrictions are placed on the affected property as a condition of granting the Permit, and affects rights and obligations of the Owner and shall be binding on the Owner, his heirs, personal representatives, successors and assigns.

UPON THE TERMS AND SUBJECT TO THE CONDITIONS, as follows:

1. The structure or part thereof to which these conditions apply is: \_\_\_\_\_
2. At this site, the Base Flood Elevation is \_\_\_\_\_ feet above mean sea level, National Geodetic Vertical Datum.
3. Enclosed areas below the Base Flood Elevation shall be used solely for parking of vehicles, limited storage, or access to the building. All interior walls, ceilings and floors below the Base Flood Elevation shall be unfinished or constructed of flood resistant materials. Minimal flood proofed electrical equipment is allowed and no mechanical or plumbing devices shall be installed below the Base Flood Elevation.
4. The walls of the enclosed areas below the Base Flood Elevation shall be equipped and remain equipped with Flood vents as shown on the Permit.
5. Any alterations or changes from these conditions constitute a violation of the Permit and may render the structure uninsurable or increase the cost of flood insurance. The Village of Key Biscayne, as the jurisdiction issuing the Permit and enforcing the Ordinance, may take any appropriate legal action to correct any violation.
6. Other conditions: \_\_\_\_\_

In witness whereof the undersigned set hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Owner's Name (Printed)

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Witness' Name (Printed)

\_\_\_\_\_  
Signature of Witness

Sworn to and Subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature Notary Public – State of Florida

(SEAL):

Personally known \_\_\_\_ OR, Produced Identification \_\_\_\_ Type of ID Produced \_\_\_\_\_

**(DOCUMENT MUST BE RECORDED AND PROOF OF RECORDING PROVIDED)**