

ORDINANCE NO. 15-\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122, ARTICLE V, DIVISION 3 OF THE CODE OF ORDINANCES BY AMENDING SECTION 122-1149 ENTITLED "HEIGHT" TO PROVIDE FOR RE-ORDERING EXISTING PROVISIONS AND ADDING A NEW SUBSECTION ENTITLED "FLOOD PROTECTION BUILDING HEIGHT EXCEPTION;" PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, the City of Key West finds that Ordinance No. 14-15 directed the City to hold a referendum in November 2014 to ask the Citizens of Key West to allow the City Commission to consider a proposed change to the Land Development Regulations to provide for an exception to building height for flood protection; and

**WHEREAS**, the referendum held on November 4, 2014 resulted in an 82% vote in favor of the question posed to the voters by Ordinance No. 14-15; and

**WHEREAS**, an amendment to Section 122-1149 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida to provide for a flood protection building height exception will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:**

**Section 1:** That Chapter 122, Article V, Division 3,

Section 122-1149 of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida is hereby amended as follows\*:

[\*Coding: Added language is underlined; deleted language is ~~struck through~~.]

**Section 122-1149. Height.**

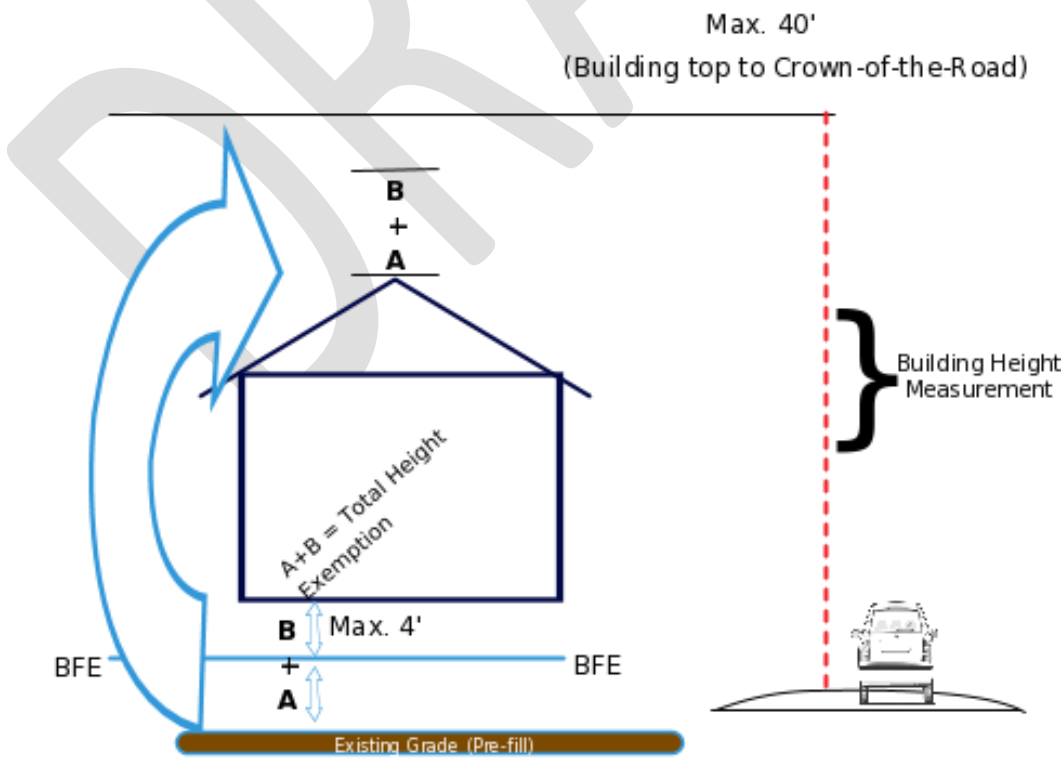
(a) The term "building height" as used in the land development regulations shall mean the vertical distance from the crown of the nearest adjacent street to the highest point of the proposed building.

(b) Height limitations contained in the schedule of district regulations located in divisions 2 through 14 of article IV of this chapter, in division 2 of this article and in this division shall apply to all construction unless otherwise stated herein below and/or in section 122-1151.

(c) These height regulations may be waived subject to the variance criteria found in section 90-391 in order to accommodate nonhabitable hardware and utility structures typically associated with the principal structure, including spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy or use.

(d) Flood Protection Building Height Exception: An exception to the building height regulations as referenced in subsection (b) above may be permitted in cases where a building is raised above ground to meet or exceed FEMA established base flood elevation levels under the following conditions:

1. Only the equivalent measure of distance from the existing ground level, prior to infill, to the required base flood elevation of the building, and up to a maximum of four (4) feet above the base flood elevation, may exceed the building height regulations.
2. No exception shall result in a building height that would exceed 40 feet.



**Section 2:** If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

**Section 3:** All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

**Section 4:** This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Read and passed on final reading at a regular meeting held  
this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Authenticated by the presiding officer and Clerk of the  
Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Filed with the Clerk \_\_\_\_\_, 2015.

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Mark Rossi \_\_\_\_\_

Commissioner Teri Johnston \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

Commissioner Tony Yaniz \_\_\_\_\_

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK