

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 1.05(A) OF THE CHARTER OF THE CITY OF KEY WEST, FLORIDA, PROPOSING A REFERENDUM TO PERMIT AN AMENDMENT TO THE LAND DEVELOPMENT REGULATIONS TO PROVIDE AN EXCEPTION TO BUILDING HEIGHT REGULATIONS FOR THE SPECIFIC PURPOSE(S) OF PROTECTING HOMES AND POSSESSIONS DURING FLOOD EVENTS; TO MITIGATE RISING INSURANCE RATES; FACILITATE POTENTIAL FLOOD INSURANCE RATE DISCOUNTS CITYWIDE BY IMPROVING THE CITY'S COMMUNITY RATING SYSTEM STANDING; AND IN RESPONSE TO COMPREHENSIVE PLAN POLICIES RELATED TO ADAPTATION; SETTING THE GENERAL ELECTION OF NOVEMBER 4, 2014, AS THE DATE OF REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Key West Charter Section 1.05(A) provides that the building height restrictions in the land development regulations are subject to change only upon approval of the majority vote of the electors; and

WHEREAS, the City shall follow Florida Statutes Section 100.342 concerning notice of a referendum and Florida Statutes Section 101.161 concerning preparation of the referendum ballot; and

WHEREAS, the City Commission desires to obtain electorate approval to provide an exception for building height of not more than 4 feet above FEMA established flood levels, yet no more than 40 feet in height; and

WHEREAS, the City Commission desires that the proposed referendum appear on the General Election ballot of November 4, 2014.

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

Section 1: Pursuant to Key West Charter section 1.05 a referendum to permit an exception to building height restrictions within the land development regulations shall hereby be presented to the voters of Key West. The question appearing on the ballot shall have the following title: "Referendum - Exception To Building Height Regulations To Protect Properties From Flooding." The question appearing on the ballot shall be worded as follows:

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To protect property against flooding and reduce flood insurance costs for taxpayers citywide, should the City permit an exception to building height regulations when buildings are voluntarily raised off the ground, up to four feet above FEMA established flood levels, yet no more than 40 feet in height?

YES

NO

Section 2: In the event of the passage of the proposed Referendum to allow an exception to the building height regulations for properties that voluntarily raise their buildings above flood levels, as set forth in section 1, above, Section 122-1149 of Division 3, of Article V, of Chapter 122, of the Key West Land Development Regulations shall be amended as follows:

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 variance criteria found in Chapter 90-391 in order to accommodate non-habitable 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 the ground to meet or exceed FEMA established base flood elevation levels under the following conditions:

1. Only the equivalent measurement 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 3: The City Clerk is hereby authorized and instructed to take all necessary and proper action to place the referendum question set forth in Section 1, above, on the General Election ballot of November 4, 2014, 2014, and to provide notice of the referendum election as provided by law.

Section 4: 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 5: 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 6: 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 _____, 2014.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2014.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2014.

Filed with the Clerk _____, 2014.

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