



MEMORANDUM

Date: November 14, 2024

To: Honorable Mayor and Commissioners

Via: Todd Stoughton, Interim City Manager
City Manager

From: Katie P. Halloran
Planning Director

Subject: **Text Amendment of the Land Development Regulations** – An Ordinance of the City of Key West, Florida amending Land Development Regulations Chapter 122 entitled “Zoning”, Article II, entitled “Nonconformities” Section 122-28 entitled “Replacement or reconstruction” and Section 122-32 entitled “Additional regulations”; and Article V, entitled “Supplementary District Regulations”, Division 3, entitled “Area Requirements”, Section 122-1145, entitled “Required yards.” to reduce regulatory barriers to the elevation of dwellings; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Introduction

The proposed text amendment to the City’s Code of Ordinances is intended to reduce regulatory barriers to the elevation of residential structures and enhance resilience and post-disaster recovery. The Planning Board recommended approval of this draft ordinance at their March 12, 2024, hearing through Resolution 2024-016. The City Commission approved the ordinance at first reading on October 10, 2024.

Background

This amendment is modeled after a similar ordinance adopted by Monroe County. This ordinance was initiated by Planning and Sustainability staff and was further developed through a collaborative process which invited input from several City departments, divisions, boards, working groups, and public stakeholders. Staff also held a public workshop to solicit public input on the proposal. The workshop was attended by homeowners, contractors, engineers, county staff, City board members, and other stakeholders. This range of perspectives provided critical insight about the logistical, financial, site design, and other factors that influence the success of home elevation projects. The amendment proposed herein is the final product of this collaborative policy development process.

The Comprehensive Plan calls on the City to take proactive steps to increase residential resiliency and adapt to sea level rise and storm surges. Elevating homes can reduce or avoid future flood losses, increase resilience and post-disaster recovery, and contribute to reduced flood insurance premiums.

Certain components of the Land Development Regulations (“LDRs”) can pose a barrier to property owners who wish to elevate their homes. The addition of necessary retrofit improvements such as external staircases can create or expand noncompliant setbacks, building coverage, and open space. Constructing these improvements may require a property owner to obtain a variance, which can be time consuming and costly.

This amendment is designed to reduce barriers to home elevation by waiving setback, building coverage, and open space requirements to accommodate the addition of ingress/egress structures (e.g. staircases, ramps) and elevated equipment platforms (e.g. HVAC platforms).

Code Section 90-520(6) provide criteria for approving amendments to the Comprehensive Plan:

- Justification: The proposed amendment would reduce barriers to home elevation. Elevating homes can reduce or avoid future flood losses, increase resilience and post-disaster recovery, and contribute to reduced flood insurance premiums.
- Comprehensive Plan Consistency: Comprehensive Plan Policy 1-1.1.14: Prepare for Future Sea Level Rise, calls on the City to take proactive steps to increase residential resiliency and adapt to sea level rise and storm surges. Policy 1-1.1.16 provides that the City shall adopt standards designed to regulate and to incentivize property owners to elevate structures, and adopt techniques in order to minimize risk to wind, flood, and storm surge damages. This amendment would advance Comprehensive Plan Policies 1-1.1.14 and 1-1.1.16 by reducing barriers to home elevation.

Policy 1-1.11.4 provides the developer/owner of any site shall be responsible for managing on-site run-off. This amendment is consistent with that policy by requiring that necessary retrofit improvements be accompanied by a stormwater management plan that retains stormwater on-site.

- Impact on surrounding properties and infrastructure: This amendment has the potential to impact every residential and residential-adjacent property in Key West.

The elevation of nonconforming structures can contribute shade/light impacts to adjacent properties. The construction of ingress/egress structures and elevated platforms within setbacks may also impact privacy, visual compatibility, and neighborhood character. However, the land use compatibility priorities must be balanced with the need to adapt to increasing flood risk.

The amendment requires that the construction of necessary retrofit improvements must be accompanied by stormwater management plans that retain stormwater on-site. This will minimize the impact of this amendment on stormwater infrastructure and neighborhood flooding.

- Avoidance of spot zoning: This amendment is not specific to any particular property.

This amendment lays out the proposed home elevation provisions in Section 122-1145. The version of this amendment that was approved by Planning Board Resolution 24-016 added references to Section 122-1145 in two sections of Chapter 122, Article II: Nonconformities. A separate amendment to Chapter 122, Article II: Nonconformities is on this evening’s City Commission agenda, which would have resulted in simultaneous amendments to the same Article. To ensure consistency between the two ordinances, the

proposed references in Chapter 122, Article II: Nonconformities has been removed from this proposed ordinance, and is included in the other amendment on this agenda.

Procurement

This amendment is not expected to result in any cost for the City.

Recommendation

The Planning Board recommend that the City Commission **approve** this draft ordinance as indicated through Resolution 2024-016.

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends that proposed text amendment to the Land Development Regulations be **approved** by the City Commission.

Exhibits:

Exhibit A – Draft Ordinance