

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES ENTITLED "ENVIRONMENT" BY AMENDING ARTICLE IV, ENTITLED "SOUND CONTROL" BY AMENDING SECTION 26-191 TO AMEND THE DEFINITION OF THE TERM "COMMERCIAL DISTRICT" BY ADDING THE HNC-3 ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds disturbing noise can have an adverse effect on residents and visitors by affecting the use and enjoyment of public and private properties; and

WHEREAS, in a prior amendment to the sound control ordinance, the HNC-3 zoning district was omitted from the ordinance text, and will herein be added to the ordinance; and

WHEREAS, the regulation of disturbing noise within specific zoning districts promotes the health, safety and welfare of the citizens and visitors of the City of Key West; and

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

Section 1: That section 26-191 of the Code of Ordinances is hereby amended as follows*:

Sec. 26-191. - Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning, or for those so included, the meaning found in this article.

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Commercial district means the HRO, HRCC-3, HNC-1, HNC-2, HNC-3, HCT, HPS (Mallory Square only), CL, CG, CT and A zoning districts.

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*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

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3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.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 _____, 2016.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2016.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2016.

Filed with the Clerk _____, 2016.

Mayor Craig Cates _____
Vice Mayor Clayton Lopez _____
Commissioner Sam Kaufman _____
Commissioner Richard Payne _____
Commissioner Margaret Romero _____
Commissioner Billy Wardlow _____
Commissioner Jimmy Weekley _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK