

ORDINANCE NO. 04-11

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES ENTITLED "FLOODS" BY AMENDING SECTION 34-26 TO REVISE AND ADD DEFINITIONS; BY AMENDING SECTION 34-91 TO UPGRADE FLOOD HAZARD GENERAL STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Federal Emergency Management Agency (FEMA) has recommended changes to the City's flood damage prevention regulations; and

WHEREAS, the City Commission finds that such changes would promote the health, safety and welfare of the citizens of Key West.

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

Section 1: That section 34-26 of the code of ordinances is hereby amended as follows*:

Sec. 34-26. Definitions.

* * * *

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating,

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

drilling operations, or permanent storage of materials or equipment.

* * * *

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. ~~For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.~~ The term "manufactured home" does not include a "recreational vehicle."

* * * *

Recreational vehicle means a vehicle that is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

* * * *

Substantial improvement means any reconstruction, rehabilitation, addition or other improvement of a structure the

cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. Substantial improvement does not include either (a) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to assure safe living conditions; or (b) any alteration of an historic structure, provided that the alteration will not preclude the structure's continued designation as "historic." Substantial improvements shall be measured cumulatively over a five-year period. ~~for a structure build prior to the effective date of the ordinance from which this section derives June 5, 1978, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:~~

- ~~—— (1) Before the improvement or repair is started; or~~
- ~~—— (2) If the structure has been damaged and is being restored, before the damage occurred.~~

~~For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building~~

~~commences, whether or not that alteration affects the external dimensions of the structure. The terms does not, however, include either (i) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or (ii) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.~~

Substantial damage shall mean damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

* * * *

Section 2: That section 34-91 of the code of ordinances is hereby amended as follows:

Sec. 34-91. General standards.

* * * *

(2) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. Further, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, including ductwork, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

* * * *

Section 3. 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 4. 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.

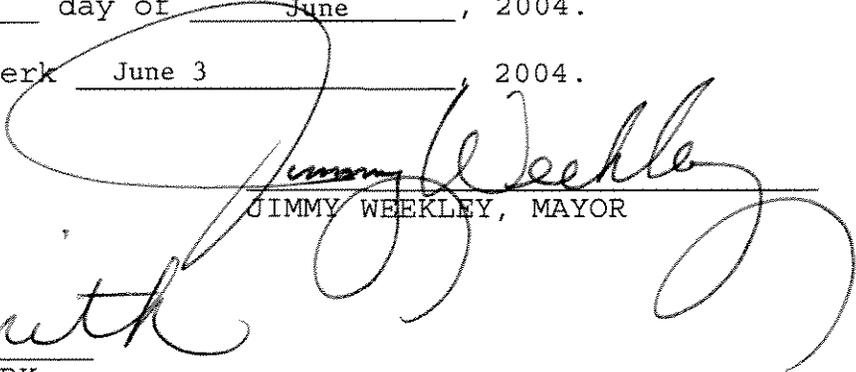
Section 5. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 18 day of May, 2004.

Read and passed on final reading at a regular meeting held this 2 day of June, 2004.

Authenticated by the presiding officer and Clerk of the Commission on 3 day of June, 2004.

Filed with the Clerk June 3 2004.


JIMMY WEEKLEY, MAYOR

ATTEST:


CHERYL SMITH, CITY CLERK