

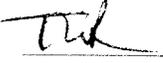
RESOLUTION NUMBER 2009-009

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMENDING APPROVAL OF AN AMENDMENT TO PART B, LAND DEVELOPMENT REGULATIONS, SECTIONS 86-9, 122-238 AND 122-1151, OF THE CODE OF ORDINANCES TO DEFINE PITCHED ROOF AND TO ALLOW AN EXTRA FIVE FEET IN BUILDING HEIGHT IN THE SINGLE FAMILY (SF) DISTRICT FOR NON-HABITABLE PURPOSES WHEN THE STRUCTURE HAS A PITCHED ROOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning Department initiated the proposed amendment to address conflicts between Flood Emergency Management Agency (FEMA) base flood elevation requirements and height restrictions in the Single Family (SF) zoning district which were resulting in the construction of architecturally incompatible structures with reduced wind resistance; and,

WHEREAS, the Planning Board held a noticed public hearing on February 19, 2009, where based on the consideration of recommendations by the city planner, city attorney, building official and other information, the Board recommended approval of the proposed amendments; and

WHEREAS, the Planning Board determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general

 Vice Chairman
 Planning Director

welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

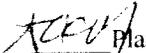
BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That a AN AMENDMENT TO PART B, LAND DEVELOPMENT REGULATIONS, SECTIONS 86-9, 122-238 AND 122-1151, OF THE CODE OF ORDINANCES TO DEFINE PITCHED ROOF AND TO ALLOW AN EXTRA FIVE FEET IN BUILDING HEIGHT IN THE SINGLE FAMILY (SF) DISTRICT FOR NON-HABITABLE PURPOSES WHEN THE STRUCTURE HAS A PITCHED ROOF is hereby recommended for approval; a copy of the draft ordinance is attached.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 19 day of February, 2009.

 Vice Chairman
 Planning Director

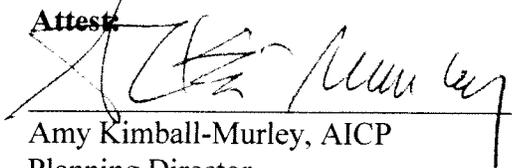
Authenticated by the Vice Chair of the Planning Board and the Planning Director.



Tim Root, Vice Chairman
Key West Planning Board

Date

Attest:

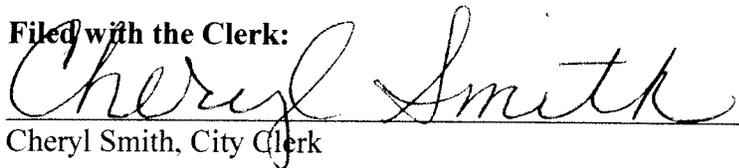


Amy Kimball-Murley, AICP
Planning Director

Feb. 25, 2009

Date

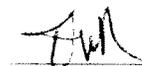
Filed with the Clerk:



Cheryl Smith, City Clerk

2-26-09

Date

 Vice Chairman
 Planning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO PART B, LAND DEVELOPMENT REGULATIONS, SECTIONS 86-9, 122-238 AND 122-1151, OF THE CODE OF ORDINANCES TO DEFINE PITCHED ROOF AND TO ALLOW AN EXTRA FIVE FEET IN BUILDING HEIGHT IN THE SINGLE FAMILY (SF) DISTRICT FOR NON-HABITABLE PURPOSES WHEN THE STRUCTURE HAS A PITCHED ROOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria; and

WHEREAS, the Planning Department initiated the proposed amendment to address conflicts between Flood Emergency Management Agency (FEMA) base flood elevation requirements and height restrictions in the Single Family (SF) zoning district which were resulting in the construction of architecturally incompatible structures with reduced wind resistance;

WHEREAS, the allowance of an additional five feet of height for non-habitable purposes if a structure has a pitched roof would resolve most of the identified conflicts between base flood elevations and height restrictions in the SF District and will provide for more architecturally compatible and wind resistant roof design;

WHEREAS, the Planning Board held a noticed public hearing on _____, where based on the consideration of recommendations by the City planner, city attorney, building official and other information recommended approval of the proposed amendments;

WHEREAS, the City Commission held a noticed public hearing on _____ and in its

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deliberations considered the criteria identified in section 90-521 of the Code of Ordinances;

WHEREAS, the City determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1. Chapter 86, General Provisions, Section 86-9 Definition of Terms, is modified to include: Pitched roof means a roof with a pitch of no less than 4/12 (a 4-inch rise in a 12-inch horizontal run).

Section 2. Chapter 122, Article IV. Districts, Division 3. Residential Districts, Subdivision III. Single-Family Residential District (SF), Section 122-238. Dimensional requirements, (3) is modified to read: Maximum height: 25 feet plus an additional 5 feet for non-habitable purposes if the structure has a pitched roof.

Section 3. Chapter 122, Article V. Supplementary Regulations, Division 3. Area Requirements, Section 122.1151, Table of Size and Dimension Regulation, “Maximum height (feet)” in the SF single family residential district is modified to include a footnote as follows: 25²⁰.

Section 4. Chapter 122, Article V. Supplementary Regulations, Division 3. Area Requirements, Section 122.1151, footnotes, is modified as follows: 19. Maximum height may be increased five feet if the structure has a pitched roof, the design of which is approved by the

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historic architectural review commission.

Section 5. Chapter 122, Article V. Supplementary Regulations, Division 3. Area Requirements, Section 122.1151, is modified to include a new footnote as follows: 20. Maximum height may be increased five feet for non-habitable purposes if the structure has a pitched roof.

Section 6. **Effective Date.** This Ordinance shall become effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2009.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2009.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2009.

MORGAN MCPHERSON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

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Handwritten initials/signature