

ORDINANCE NO. D R A F T

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY ADDING SECTION 122-1152 TO ESTABLISH HISTORIC DISTRICT REGULATIONS PERTAINING TO A BUILDING DESIGN STANDARD OF TWO AND A HALF STORIES; ALLOWING FOR THE PLACEMENT OF A TWO AND A HALF STORY BUILDING OVER A PARKING LEVEL IN THE HRCC, HRCC-2, HCT AND HPS ZONING DISTRICTS ONLY; PROVIDING CRITERIA FOR TWO STORIES OVER A PARKING LEVEL IN THE HISTORIC DISTRICT; PROVIDING A MAXIMUM HEIGHT OF A PARKING LEVEL; PROVIDING FOR OPEN SPACE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, at its meeting of _____, 2006, the Historic Architectural Review Commission reviewed and recommended these proposed regulations; and

WHEREAS, at its meeting of _____, 2006, the Key West Planning Board reviewed these regulations and found them to be consistent with the Key West Comprehensive Plan; and

WHEREAS, the City Commission finds that regulations setting forth the construction of stories over parking in the historic district would serve to 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 122-1152 is hereby added to the Code of Ordinances as follows:

Sec. 122-1152. Stories over parking level.

(a) Except as provided in this section, in the historic district only, a building or structure shall not exceed two and a half stories. Nothing in this section is intended to allow a building or structure to be erected to exceed the applicable zoning district height limit.

(b) In the HRCC, HRCC-2, HPS and HCT zoning districts, a maximum of two and a half stories of a building or structure may be situated over a parking level.

(c) In all other historic district zoning districts, two stories of a building or structure may be situated over a parking level if: (1) the proposed building or structure is for a commercial activities use exclusively; (2) the parking level is not visible from any surrounding street or from the water side; and the concealment of the parking level shall be inherent to the building or structure and not be achieved by landscaping alone; and (3) the proposed development undergoes conditional use review, pursuant to section 122-61 et seq. of the code of ordinances.

(d) With regard to buildings or structures contemplated in

subsections (b) and (c) hereof: (1) the maximum floor-to-ceiling height of the parking level shall be eight feet; and (2) a parking level under a building or structure shall not constitute open space; therefore, the requirement set forth in section 108-346 remains applicable. When a property owner proposes a parking level under a building or structure, the amount of square footage of that parking level shall be provided as landscaped open space in addition to the amount of open space required in section 108-346; and (3) nothing in this section is intended to be a waiver of the duty of the historic architectural review commission to examine a project for mass, scale and compatibility in its decision whether to grant a certificate of appropriateness.

(e) No variances shall be granted by the board of adjustment to accommodate a development or re-development that proposes a ground-floor parking level in the historic district.

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 _____, 2006.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2006.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2006.

Filed with the Clerk _____, 2006.

MORGAN McPHERSON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK