

Sec. 31.123 Application, fee for permit.

The city manager shall have prepared suitable applications and permit blanks as required by section 31.122. No permit shall be issued except upon payment to the city tax collector-treasurer of a fee of ten dollars (\$10.00).
(Code 1958, § 15-6)

Sec. 31.124 Duration, renewal of permit.

Permits required by section 31.122 shall be issued for a period of fourteen (14) days, and may be renewed at the expiration of such time upon payment of the fee provided for in section 31.123.
(Code 1958, § 15-7)

Sec. 31.125 Issuance of permit to use explosives.

The city manager shall issue permits to use dynamite, nitroglycerin or other high explosive compounds within the corporate limits of the city to applicants therefor only if and when it has been shown to the city manager that such use will not cause damage to persons or property.
(Code 1958, § 15-8)

Sec. 31.126 Maximum explosion generally.

Permits to use dynamite, nitroglycerin or other high explosive compounds within the corporate limits of the city shall allow only a maximum number of four (4) holes, each containing not more than four (4) pounds of dynamite, to be used in any one (1) blast, unless the city manager has given his written approval that the number of holes and the amount of dynamite in each hole may be increased, and the amount of such increase shall be clearly set forth in such written approval.
(Code 1958, § 15-9)

Sec. 31.127 Maximum explosion near residences.

The number of holes and the amount of dynamite, nitroglycerin or other high explosive compound to be used in each hole shall be determined by the city manager before issuing permits for

blasting to be done within four hundred (400) feet of any residence, building or structure within the corporate limits of the city.
(Code 1958, § 15-10)

Sec. 31.128 Inspection of blasting operations.

It shall be the duty of the city manager, with the assistance of the chief and members of the fire department, to make periodical inspections of the blasting operations allowed under permits granted by the city manager.
(Code 1958, § 15-11)

FLOOD DAMAGE PREVENTION***Sec. 31.129 Definitions.**

Unless specifically defined below, words or phrases used in sections 31.130 through 31.144 inclusive, shall be interpreted so as to give them the meaning they have in common usage and to give such sections the most reasonable application.

Appeal means a request for a review of the building official's interpretation of any provision of sections 31.129 through 31.144 or a request for a variance.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base flood means the flood having a one (1) percent chance of being equalled or exceeded in any given year.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

***Cross references**—Coastal construction code, § 31.200 et seq.; subdivisions, § 34.14 et seq.; mobile homes, § 34.42 et seq., zoning, 35 00.

Coastal high hazard area means the area subject to high velocity waters, including, but not limited to, hurricane wave wash or tsunamis. The area is designated on a FIRM as Zone V 1-30.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or permanent storage of materials.

Elevated building means a nonbasement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters;
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood damage prevention provisions of this Code.

Mangrove stand means an assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious

roots above the ground and which contain one (1) or more of the following species: black mangrove (*Avicennia nitida*); red mangrove (*Rhizophora mangle*); white mangrove (*Languncularia racemosa*); and buttonwood (*Conocarpus erecta*).

Manufactured home means a structure, transportable in one (1) 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 one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of sections 31.129 through 31.144 inclusive, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Mobile home shall mean a manufactured home as defined herein.

National geodetic vertical datum (NGVD), as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means structures for which the start of construction commenced on or after the effective date of the flood damage prevention ordinance, and includes any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of

construction, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. The preceding sentence shall not be deemed to create any additional rights or liabilities beyond those provided for by existing law and other sections of this Code. The actual start means either:

- (1) The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or
- (2) The placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other manmade facilities or infrastructures.

Substantial improvement means, for a structure built prior to the enactment of sections 31.129 through 31.144 inclusive, any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (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 term 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.

Variance is a grant of relief to a person from the requirements of sections 31.129 through 31.144 which permits construction in a manner otherwise prohibited by sections 31.129 through 31.144 where specific enforcement would result in unnecessary hardship.

(Ord. No. 78-14, Art. 1, 6-5-78; Ord. No. 87-20, § 1, 7-6-87)

Sec. 31.130 Lands to which these provisions apply.

Sections 31.129 through 31.144 inclusive, shall apply to all areas of special flood hazard within the jurisdiction of the City of Key West. (Ord. No. 78-14, Art. II, § A, 6-5-78)

Sec. 31.131 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in its flood insurance study dated May 2, 1983, with accompanying maps and other supporting data and any revisions thereto, are adopted by reference and declared to be a part of these flood damage prevention provisions, sections 31.129 through 31.144 inclusive.

(Ord. No. 78-14, Art. II, § B, 6-5-78; Ord. No. 87-20, § 2, 7-6-87)

Sec. 31.132 Development permit required.

A development permit shall be required in conformance with the provisions of sections 31.129 through 31.144 inclusive, prior to the commencement of any development activities.

(Ord. No. 78-14, Art. II, § C, 6-5-78; Ord. No. 87-20, § 3, 7-6-87)

Sec. 31.133 Compliance required.

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of sections 31.129 through 31.144 and other applicable regulations and ordinances.

(Ord. No. 78-14, Art. II, § D, 6-5-78)

Sec. 31.134 Abrogation and greater restrictions.

Sections, 31.129 through 31.144 are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the flood damage prevention provisions and other provisions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 78-14, Art. II, § E, 6-5-78)

Sec. 31.135 Interpretation.

In the interpretation and application of sections 31.129 through 31.144 inclusive, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 78-14, Art. II, § F, 6-5-78)

Sec. 31.136 Warning and disclaimer of liability.

The degree of flood protection required by sections 31.129 through 31.144 is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. Sections 31.129 through 31.144 inclusive, do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. Sections 31.129 through 31.144 inclusive, shall not create liability on the part of the City of Key West, or by any officer or employee thereof for any flood

damages that result from reliance on such provisions or any administrative decision lawfully made thereunder.

(Ord. No. 78-14, Art. II, § G, 6-5-78)

Sec. 31.137 Penalties for violation.

Violation of the provisions of sections 31.129 through 31.144 inclusive, or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates sections 31.129 through 31.144 inclusive, or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both, and in addition shall pay all costs and expenses involved in the case, Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Key West from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 78-14, Art. II, § H, 6-5-78)

Sec. 31.138 Designation of building official as administrator.

The building official is hereby appointed to administer and implement the provisions of sections 31.129 through 31.144 inclusive.

(Ord. No. 78-14, Art. II, § A, 6-5-78)

Sec. 31.139 Duties and responsibilities of the building official.

Duties of the building official shall include, but not be limited to:

- (a) Review of all development permits to ensure that the permit requirements of sections 31.129 through 31.144 have been satisfied.
- (b) Advising permittee that additional federal or state permits may be required, and if specific federal or state permits are known, requiring that copies of such permits be provided and maintained on file with the development permit.

- (c) Verifying and recording the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures. For such structures located within coastal high hazard areas, the building official shall verify and record the actual elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor.
- (d) Verifying and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been floodproofed.
- (e) In coastal high hazard areas certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash. In coastal high hazard areas, the building official shall review plans for adequacy of breakaway walls in accordance with section 31.143(d)(9).
- (f) When floodproofing is utilized for a particular structure, the building official shall obtain certification from a registered professional engineer or architect.
- (g) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 31.141.
- (h) All records pertaining to the provisions of sections 31.129 through 31.144 inclusive, shall be maintained in the office of the building official and shall be open for public inspection.

(Ord. No. 78-14, Art. III, § A, 6-5-78; Ord. No. 87-20, § 4, 7-6-87)

Sec. 31.140 Permit procedures.

Application for a development permit shall be made to the building official on forms furnished by him prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

(1) *Application stage:*

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- b. Elevation in relation to mean sea level to which any nonresidential structure has been floodproofed.
- c. Provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structure meets the floodproofing criteria in section 31.143(b).
- d. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

- (2) *Construction stage:* Provide a floor elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor, floodproofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea

level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(Ord. No. 78-14, Art. III, § C, 6-5-78; Ord. No. 87-20, § 5, 7-6-87)

Sec. 31.141 Variance procedures.

(a) The board of adjustment as established by Ordinance No. 69-29 [included herein as 35.00, Zoning Provisions] shall hear and decide appeals and requests for variances from the requirements of sections 31.129 through 31.144 inclusive.

(b) The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the building official in the enforcement or administration of sections 31.129 through 31.144 inclusive.

(c) Any person or persons, or any taxpayer, department, board or bureau of the city aggrieved by any decision of the board of adjustment may, within thirty (30) days after the filing of such decision in the office of the city clerk, but not thereafter, apply to the courts for relief in the manner provided by the laws of the State of Florida.

(d) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remain-

der of this section, except for section 31.141(g)(1) and (4), and provided the proposed reconstruction, rehabilitation, or restoration will not result in the structure losing its historic designation.

(e) In passing upon such application, the board of adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of sections 31.129 through 31.144, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Generally, variances may be issued for new construction and substantial improvements to be erected on a lot one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided items (1) through (11) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(f) Upon consideration of the factors listed above and the purposes of these flood damage prevention provisions, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of these provisions.

(g) Conditions for variances:

- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (2) Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The building official shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
(Ord. No. 78-14, Art. III, § D, 6-5-78; Ord. No. 87-20, § 6, 7-6-87)

Sec. 31.142 General standards for flood insurance.

In all areas of special flood hazard the following provisions are required:

- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure according to a registered architect's or engineer's design.
- (b) 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 shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- (f) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (g) Any alteration, repair, reconstruction, or improvements to a structure on which the start of construction was begun after the

effective date of sections 31.129 through 31.144, shall meet the requirements of new construction as contained in such sections.

(Ord. No. 78-14, Art. IV, § A, 6-5-78; Ord. No. 8720, § 7, 7-6-87; Ord. No. 94-27, § 1, 4-19-94; Ord. No. 99-06, § 58, 5-18-99)

Sec. 31.143 Specific standards for flood hazard reduction.

In all areas of special flood hazard where base flood elevation data has been provided as set forth in section 31.131, the following provisions are required:

- (a) *Residential construction.* New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movement of floodwaters shall be provided in accordance with section 31.143(e).
- (b) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 31.140(c). Structures located in A-Zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a nonresidential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect shall develop and/or review structural design,

specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice and that the standards of the subsection are satisfied. Such certification shall be provided to the building official as set forth in section 31.140(c), and the building official shall maintain a record of such certification which shall include the specific elevation (in relation to mean sea level) to which such structures are floodproofed.

(c) *Manufactured homes.*

- (1) No manufactured home shall be placed in a coastal high hazard area, except in a manufactured home park or subdivision.
- (2) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - a. Over-the-top ties be provided at each end of the manufactured home, with one (1) additional tie per side at an intermediate location on manufactured homes of less than fifty (50) feet and one (1) additional tie per side for manufactured homes of fifty (50) feet or more;
 - b. Frame ties be provided at each corner of the home with four (4) additional ties per side at intermediate points for manufactured homes less than fifty (50) feet long and one (1) additional tie for manufactured homes of fifty (50) feet or longer;
 - c. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 - d. Any additions to the manufactured home be similarly anchored.

- (3) For manufactured home parks or subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and, for manufactured homes not placed in a manufactured home park or subdivision the following are required:
 - a. Stands or lots elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;
 - b. Provision for adequate surface drainage and access for a hauler; and
 - c. In the instance of elevation on pilings; (1) lots large enough to permit steps; (2) piling foundations placed in stable soil no more than ten (10) feet apart; and, (3) reinforcement provided for pilings more than six (6) feet above the ground level.
- (4) All manufactured homes to be placed or substantially improved within Zone A10 shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequate foundation system in accordance with the provisions of section 31.143(c)(2) and (3) and with the provisions of sections 34.43 through 34.46 (if such latter sections are applicable).
- (d) *Coastal high hazard areas.* Located within the areas of special flood hazard established in section 31.131 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with high velocity waters from tidal surge and hurricane wave wash; therefore, the following provisions shall apply:
 - (1) All buildings or structures shall be located landward of the reach of the mean high tide.
 - (2) All buildings or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located at or above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Breakaway walls may be permitted and must be designed to wash away in the event of abnormal wave action and in accordance with section 31.143(d).
 - (3) All buildings or structures shall be securely anchored on pilings or columns.
 - (4) All pilings and columns and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water loading values which equal or exceed the hundred-year mean recurrence interval (one (1) percent annual chance flood).
 - (5) A registered professional engineer or architect shall certify that the design, specifications, and plans for construction are in compliance with provisions contained in subsections (d)(2), (3) and (4) above.
 - (6) There shall be no fill used as structural support. Noncompacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The building official shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect, and/or soil

scientist, which demonstrates that the following factors have been fully considered:

- (i) Particle composition of fill material does not have a tendency for excessive natural compaction;
 - (ii) Volume and distribution of fill will not cause wave deflection to adjacent properties; and
 - (iii) Slope of fill will not cause wave run-up or ramping.
- (7) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
- (8) The placement of manufactured homes, except in a manufactured home park or subdivision, is prohibited.
- (9) Non-supporting breakaway walls, open lattice-work, or mesh screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to break away, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:
- (i) Design safe loading resistance of each wall shall be not less than ten (10) nor more than twenty (20) pounds per square foot, or
 - (ii) If more than twenty (20) pounds per square foot, a registered professional engineer or architect shall certify that the design wall collapse would result from a water load less than that which would occur during the base flood event, and the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components during the base flood event. Maximum wind and water loading values to be used in this determination shall each have one (1) percent chance of being equaled or exceeded in any given (hundred-year mean recurrence interval).
- (10) If breakaway walls are utilized, such enclosed space shall not be designed to be usable for human habitation but shall be designed to be usable only for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises.
- (11) Prior to construction, plans for any structures that will have breakaway walls must be submitted to the building official for approval;
- (12) Any alteration, repair, reconstruction, or improvement to a structure shall not enclose the space below the lowest floor except with breakaway walls, as provided for in subsections (9) and (10) above.
- (e) *Fully enclosed areas below base flood elevation.*
- (1) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
 - (2) Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not

less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

- b. The bottom of all openings shall be no higher than one (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (3) Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
 - (4) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
 - (5) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(Ord. No. 78-14, Art. IV, § B, 6-5-78; Ord. No. 87-20, § 8, 7-6-87)

Sec. 31.144 Standards for subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development, including manufactured home parks and subdivisions, which is greater than the lesser of fifty (50) lots or five (5) acres.

(Ord. No. 78-14, Art. IV, § C, 6-5-78; Ord. No. 87-20, § 9, 7-6-87)

Cross reference—Subdivisions, § 34.14 et seq.

PLUMBING AND GAS* .†.‡. **.††.‡‡.*.†††.**

Secs. 31.145—31.166 Reserved.

Editor's note—Formerly, §§ 31.49—31.166 pertained to a board of examiners of plumbers and examination of plumbers. Such provisions were repealed by title in Ord. No. 89-19, adopted June 5, 1989, and current provisions pertaining to such subject matter are set out in §§ 14.07 and 14.10 of this Code. Prior to repeal, §§ 31.149—31.166 were derived from the 1958 Code, §§ 23-3—23-7, 23-18—23-22; Ord. No. 70-3, § 1, adopted Jan. 21, 1970; Ord. No. 80-19, § 16, May 19, 1980; and Ord. No. 88-2, § 1, Jan. 4, 1988. Ord. No. 99-06, §§ 59—62, adopted May 18, 1999, repealed §§ 31.145—31.148, which pertained to the office of plumbing official as derived from the 1958 Code, §§ 23-8, 23-9, 23-12, and 23-16.

Sec. 31.167 Codes adopted.

The SBCCI Standard Plumbing Code, 1994 Edition, and the 1997 edition of the Standard Gas Code, and the NFPA 58, 1998 Edition, as adopted by the Southern Building Code Congress International, are hereby adopted and made a part of the Code of Ordinances of the City of Key West, Florida, for the purpose of regulating the installation, alteration, repair and replacement of plumbing fittings, fixtures, equipment and appurtenances which may be connected to the water or sewer system of the city, as well as the installation of consumer gas piping and gas appliances. (Ord. No. 72-8, § 1, 2-14-72; Ord. No. 74-14, § 1, 7-15-74; Ord. No. 78-2, § 2, 2-21-78; Ord. No. 85-5, § 1, 1-2-85; Ord. No. 87-15, § 6, 5-18-87; Ord. No. 94-6, § 1, 1-4-94; Ord. No. 95-22, § 4, 7-5-95; Ord. No. 99-06, § 63, 5-18-99)

Sec. 31.168 Conflicts.

In the event of any conflict between the provisions of the code adopted in section 31.167 and the applicable provisions of this Code of Ordinances, state law or city ordinances, rules or regulations, the more strict code shall prevail.

(Ord. No. 99-06, § 64, 5-18-99)

Secs. 31.169, 31.170 Reserved.

Editor's note—Ord. No. 99-06, §§ 65, 66 repealed §§ 31.169, 31.170. Prior to repeal, § 31.169 defined "municipality" and "corporate counsel", and § 31.170 provided a penalty for violation of the division. Such sections bore no history note.

Sec. 31.171 Amendments to the Standard Plumbing Code.

The Standard Plumbing Code adopted by the provisions of section 31.167 is hereby amended, altered and changed in the following respects:

106.3. Section 106.3 of the plumbing code is hereby amended to read as follows:

"106.3. Schedule of permit fees:

"No person, firm or corporation shall commence work in connection with the items listed herewith without first submitting plans for the same, securing approval and a permit therefor, and paying for the permit at the following rates:

- (A) *New fixtures with piping:*
 - (1) Each fixture \$ 9.00
- (B) *Replacement fixtures, no piping:*
 - (1) Each fixture replaced in its original location ... 4.50
- (C) *Sewer:*
 - (1) Each building sewer (when connection is made to a septic tank, or to a city sewer, or the disconnection and capping of same) 30.00
- (D) *Water piping:*
 - (1) Water service connection to a municipal or private water supply system (for first meter on each lot) 12.00
 - (2) Each additional meter on same lot 6.00
 - (3) Water connection or outlets for appliances or installations not covered by fixtures or other permit 9.00
 - (4) Fire sprinkler system connection to city water for each \$1,000.00 or fractions 30.00

- (5) Fire-control system, including stand pipe, siamese connections, each 10.00
 - (a) Each standpipe .. 12.00
 - (b) Each hose rack... 12.00
 - (c) Each sprinkler head 0.50
- (6) Solar water heater installations per system . 30.00
- (E) *Mechanical permit fees:*
 - (1) Minimum fee 30.00
 - (2) Air conditioning systems:
 - (a) 2-ton or less capacity 30.00
 - (b) 2-ton to 5-ton ... 45.00
 - (c) 5-ton to 10-ton... 60.00
 - (d) 10-ton to 25-ton .. 75.00
 - (e) 25-ton to 50-ton .. 100.00
 - (f) 50-ton to 100-ton. 150.00
 - (g) Over 100-ton..... 250.00
 - (3) Ductwork, per each opening 6.00
 - (4) Hoods (flat fee) 30.00
 - (5) Fire suppression system (flat fee) 30.00
 - (6) Walk-in cooler 30.00
 - (7) Refrigeration display cases (each) 10.00
 - (8) Inspection 8.00
- (F) *Reinspection:* All instances of reinspection 25.00
 A reinspection fee shall be paid to the city prior to the reinspection. Within ten (10) days of its imposition, a person may appeal a reinspection fee in a written submission to the building official. The building official shall investigate all matters relating to the appeal, and shall provide a reasonable basis in either sustaining or denying the appeal. Payment of a reinspection fee shall be made before the city will issue any further permits relating to the property.