



Building Department Building Height Exception Guidelines

1. **Purpose:** To establish guidelines for implementation of revisions to Sec. 122-1149 of the City of Key West Code of Ordinances, allowing for an exception to building height restrictions when elevating buildings to or above established flood levels.
2. **Definitions:** The following are common usage definitions. The more detailed definitions appear within the City's Code of Ordinances and/or the Florida Building Code.
 - 2.1. **Base Flood Elevation (BFE):** FEMA designated minimum expected flood levels for a given location.
 - 2.2. **Building Envelope:** The physical size of a building permissible given the zoning requirements and characteristics of a particular site.
 - 2.3. **Building Size/Density:** The physical size of a building - measured from the bottom of the lowest horizontal supporting structural cross-member to the highest point on a building.
 - 2.4. **Crown of the Road:** The highest point on the closest road adjacent to the building.
 - 2.5. **Design Flood Elevation (DFE):** The required elevation for new construction and substantially improved buildings. (Currently, the DFE is BFE plus 1-foot.)
 - 2.6. **Freeboard:** Space or area under an elevated building, but above the Base Flood elevation, with a maximum distance of four (4) feet. This area is non-inhabitable space with uses restricted to minimal storage, parking and access to higher levels.
 - 2.7. **FIRM:** Flood Insurance Rate Maps
 - 2.8. **Pre-FIRM:** Buildings constructed before the effective date of the FIRMs (prior to Dec. 31, 1974)
 - 2.9. **Post-FIRM:** Buildings constructed after the FIRM effective date.
 - 2.10. **Special Flood Hazard Area (SFHA):** All regulated flood zones. Those other than type "X" or "Shaded-X."
 - 2.11. **Substantial Improvement:** Pre-FIRM buildings that have been renovated to 50% or more of their market value within a five-year period.
3. **Applicability:** This exception pertains only to buildings resting entirely or partially within a regulated flood zone, officially known as the Special Flood Hazard Area (SFHA); consisting of all flood zones other than type "X" or "Shaded-X".
 - 3.1. This exception applies to existing and new buildings.
 - 3.2. Buildings not being elevated to at least Base Flood Elevation (BFE) are not eligible for this exception. Higher regulatory elevations may apply.
 - 3.3. In no instance, may buildings subject to this height exception exceed 40-feet above the Crown of the Road.
 - 3.4. Grade height is measured prior to infill.

3.5. **Historic Districts/Buildings:** Buildings located with historic districts, and Historically Contributing Structures located elsewhere within the city, remain under the jurisdiction of the city's Historic Architectural Review Commission (HARC) guidelines.

3.5.1. Existing Buildings: Requires HARC approval:

3.5.1.1. To elevate to Base Flood Elevation,

3.5.1.2. Additional approval to elevate above BFE.

3.5.2. A Building Height Certificate is required for each application.

3.5.3. HARC approval is required for any exterior changes, including of the building/support space between the original grade and the elevated finished first floor.

3.5.4. **New Construction:** The Florida Building Code establishes minimum building elevation requirements for new construction within the SFHA. All new construction proposals require HARC Commission review, whether or not they comply with current guidelines.

3.5.4.1. Applications seeking elevation in excess of the minimum required elevation require HARC approval.

4. **Building Size:** The building size set forth in Section 122 did not change. Therefore, the maximum physical size of buildings remains as it was. This exception, relates only to how high or low these limited-sized buildings may be elevated.

4.1. Any enclosed area beneath the elevated structure is limited to 299^{sf}, with its use strictly limited to storage, parking and access to the higher level.

4.2. For purposes of this exception, any enclosed area below the Base Flood Elevation or freeboard, larger than 299^{sf}, adds to the size of the building, with the bottom of the enclosure becoming the lowest horizontal supporting structural cross-member of the building.

4.3. With new additions to existing buildings, new construction guidelines apply.

4.4. New Construction.

4.4.1. Building size/envelope is limited to what would have been compliant with the land development regulations prior to this exception.

4.4.1.1. The building envelope is calculated based upon the zoning requirements and site characteristics absent the building height exception. The height exception then applies to how high this same

building envelope may be elevated and the degree of exception permitted.

4.4.1.2. A height exception does not permit a larger building envelope.

4.4.1.3. The amount of the height exception doesn't begin to be calculated until the minimum required building elevation has been exceeded.

4.4.1.4. Example: If the building code requires new construction be elevated to a minimum Base Flood Elevation plus one-foot, only the height beyond this minimum is calculated toward the exception. In this example, given that the maximum exception is Base Flood Elevation plus four-feet, a maximum three-feet of height exception is possible.

5. **Building Measurement of Base Flood Elevation (BFE):**

5.1. Within type "A" flood zones, a building's flood elevation is measured relative to the First Finished Floor and NVGD (National Geodetic Vertical Datum) more commonly known as sea level.

5.2. Within type "V" flood zones, a building's flood elevation is measured relative to the lowest horizontal supporting cross-member and NVGD.

6. **Measurement of Crown-of-the-Road:** Overall building height is the vertical distance from the crown of the nearest adjacent street to the highest point of the proposed building, as defined under Sec. 122-1149(a)

7. **Maximum Permissible Elevation:** Unless otherwise restricted (see 4.4 New Construction), eligible buildings may exceed the maximum building height of the applicable zoning district as measured by:

7.1. The distance from the existing grade to the base flood elevation, and up to four feet (4') above a site's BFE, prior to any fill.

7.1.1. Applications for this exception, with a freeboard (distance between Base Flood Elevation & First Finished Floor) greater than four feet can not be approved. Nor is a variance permissible, absent a special referendum placed before and approved by the voters.

7.2. However, in no instance, may the maximum height of a building exceed 40 feet above the crown-of-the-road.

8. **Permit Applications:**

8.1. A “Construction Drawings” phase Building Height Certificate, completed by a land surveyor licensed by the State of Florida, must accompany applications seeking to utilize this exception.

8.1.1. The city’s Floodplain Administrator shall validate all such certificates for acceptability.

8.2. Design plans need to show relevant height measurements in decimal feet rather than fractional.

8.3. Non-Conversion Agreement required

8.3.1. A Non-Conversion Agreement acknowledges the space under an elevated building - including freeboard area - as non-inhabitable space with uses restricted to minimal storage, parking and access to higher levels. This agreement must be filed as a deed restriction with the Monroe County Clerk of the Court before an exception application may be approved.

9. **Final Construction Approval:**

9.1. **Building Height:** A “Finished Construction” phase Building Height Certificate (Attachment A) is required as part of the final construction approval process.

9.1.1. The Building Height Certificate must be certified (signed & sealed) by a land surveyor licensed by the State of Florida; or for city owned property, the Floodplain Administrator.

9.1.2. An original version of such a certificate is required. (Copies will be rejected.)

9.1.3. A FEMA Elevation Certificate (FEMA Form 086-0-33) will satisfy this requirement, if:

9.1.3.1. The following statement is included in Section D,a5 “Comments:”

9.1.3.1.1. “Distance measured from the crown-of-the-road of the nearest adjacent street – *name the street here* - to the highest point of the building is _____ft +NGVD.”

9.1.4. A city Building Height Certificate (Attachment A) also satisfies this requirement, if certified in accordance with Sec. 9.1.1 - .3 above.

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