

**Land Development Code
Amendment to amend the
maximum height
requirements.**

Land Development Code Text Amendment
File 2025-081

1 Proposed Amendment: deletions are shown in ~~red strike-through~~; additions are
2 shown in red underline.

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4 **Chapter 101 – General Provisions**
5 **Section 101-1 Definitions**

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9 *Grade* means ~~the highest natural elevation of the ground surface, prior to construction, next to the~~
10 ~~proposed walls of a structure, or the crown or curb of the nearest road directly adjacent to the~~
11 ~~structure, whichever is higher. To confirm the natural elevation of the ground surface, prior to~~
12 ~~construction, the county shall utilize the Light Detection and Ranging (LiDAR) dataset for Monroe~~
13 ~~County prepared in 2007 and other best available data, including, but not limited to, pre-~~
14 ~~construction boundary surveys with elevations, pre-construction topographic surveys, elevation~~
15 ~~certificates and/or other optical remote sensing data.~~

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18
19 *Height* means "the vertical distance between grade and the highest part of any structure, including
20 ~~mechanical equipment, but~~ excluding the following: chimneys; spires and/or steeples on structures
21 used for institutional and/or public uses only; radio and/or television antenna, flagpoles;
22 mechanical equipment; elevator shafts and equipment; solar apparatus; utility poles and/or
23 transmission towers; and certain antenna supporting structures with attached antenna and/or
24 collocations as permitted in Chapter 146. However, in no event shall any of the exclusions
25 enumerated in this definition be construed to permit any habitable or usable space to exceed the
26 applicable height limitations. In the case of airport districts, the height limitations therein shall be
27 absolute and the exclusions enumerated in this definition shall not apply without specific approval
28 by the Federal Aviation Administration (FAA).

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31 **Chapter 131 – Bulk Regulations**

32 *****

33 **Sec. 131-2. Maximum Height.**

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35 No structure or building shall be developed that exceeds a maximum height of 35 feet.
36 Exceptions will be allowed for chimneys; spires and/or steeples on structures used for
37 institutional and/or public uses only; radio and/or television antenna; flagpoles; solar apparatus;
38 mechanical equipment; elevator shafts and equipment; utility poles and/or transmission towers;
39 and certain antenna supporting structures with attached antenna and/or collocations as permitted
40 in chapter 146. Exceptions will be allowed ~~for flood protection~~ as specifically permitted in
41 ~~Policies Policy~~ 101.5.32 ~~and 101.5.33~~, and within Ocean Reef as provided in Comprehensive
42 Plan Policy 101.5.31 and restated in subsection (a) below. However, in no event shall any of the
43 exclusions enumerated in this section be construed to permit any habitable or usable space to
44 exceed the maximum height limitation, except as specifically permitted in Policies 101.5.31 and;
45 101.5.32 ~~and 101.5.33~~. In the case of airport districts, the height limitations there in shall be
46 absolute and the exclusions enumerated in this section shall not apply unless approved by the

1 Federal Aviation Administration (FAA).
2

- 3 (a) Within the Ocean Reef master planned community which is gated, isolated and
4 inaccessible to the surrounding community, and has a distinct community character,
5 nonresidential and transient buildings may include non-habitable architectural
6 decorative features (such as finials, railings, widow's walk, parapets) that exceed the
7 35-foot height limit in Policy 101.5.30, but such features shall not exceed 5 feet above
8 the building's roof-line. This exception shall not result in a building together with any
9 architectural decorative feature with a height that would exceed 40 feet.

10
11 In addition, within the Ocean Reef gated master planned community, upon evidence
12 submitted that the proposed building height has been approved by the master
13 association, Ocean Reef Community Association Inc., pursuant to its building
14 regulations and restrictions, buildings containing multifamily residential, transient,
15 and/or nonresidential uses may be developed or redeveloped to a total maximum
16 building height of 60 feet, provided the buildings are limited to four habitable floors.
17 Such development on property owned by Ocean Reef Club, Inc. shall not be required
18 to provide evidence it has been approved by the master association, based on its
19 exemption from master association review under the Ocean Reef gated master planned
20 community's governing documents.

- 21
22 (b) ~~Structures developed exclusively with residential uses, As provided in Policy 101.5.32,~~
23 ~~buildings voluntarily elevated to meet or exceed the FEMA Base Flood Elevation~~
24 ~~(BFE) may exceed the 35-foot height limit as follows:~~

25
26 (1) ~~Single family and multifamily residential structures shall have a maximum height~~
27 ~~of 42 feet. For NEW single family (detached dwelling unit) and multi-family~~
28 ~~(attached dwelling unit) buildings which are voluntarily elevated to exceed the~~
29 ~~building's minimum required BFE, an exception of a maximum of three (3) feet~~
30 ~~above the 35-foot height limit may be permitted. The amount of the height~~
31 ~~exception shall be no greater than the amount of voluntary elevation above BFE.~~
32 ~~In no event shall a new building exceed 38 feet in height or two (2) habitable~~
33 ~~floors. The space below the lowest habitable floor of an elevated structure shall be~~
34 ~~limited to a maximum of 299 square feet of enclosed floor area and shall be used~~
35 ~~exclusively for parking of vehicles, elevators, limited storage and/or building~~
36 ~~access purposes. This exception shall apply to the substantial improvement of~~
37 ~~buildings, whether voluntary or not.~~

38
39 (2) ~~For lawfully established EXISTING (detached and attached dwelling unit)~~
40 ~~buildings which do not exceed the 35-foot height limit and are voluntarily~~
41 ~~retrofitted to meet and/or exceed the building's minimum required BFE, an~~
42 ~~exception of a maximum of five (5) feet above the 35-foot height limit may be~~
43 ~~permitted. The amount of the height exception shall be no greater than the distance~~
44 ~~necessary to elevate the building to meet BFE plus up to three (3) feet of voluntary~~
45 ~~elevation above BFE. In no event shall an existing building be elevated to exceed~~
46 ~~a total building height of 40 feet.~~

1
2 ~~(3) No exception shall result in a total building height that exceeds 40 feet.~~

3
4 ~~(24) Buildings which do not being elevated to at least meet the minimum flood~~
5 ~~elevation requirements of the Florida Building Code based on the current FEMA~~
6 ~~Flood Insurance Rate Maps ~~and FEMA BFE~~ are not eligible for this exception.~~

7
8 ~~(c) As provided in Policy 101.5.32, after the adoption and on the effective date of updated~~
9 ~~FEMA flood insurance rate maps (FIRMs), residential buildings elevated to meet or~~
10 ~~exceed the FEMA base flood elevation (BFE) may exceed the 35-foot height limit as~~
11 ~~follows:~~

12
13 ~~(1) Lawfully established existing residential buildings and new residential buildings~~
14 ~~(includes substantial improvements) located within the special flood hazard area,~~
15 ~~shall have a maximum height limit of 40 feet in order to elevate to or maintain the~~
16 ~~required elevation based on the Florida Building Code, as specified in R322.2.1~~
17 ~~and R322.3.2 (elevation requirements).~~

18
19 ~~a. In no event shall a new residential building exceed 40 feet in height.~~

20
21 ~~b. Additions to lawfully established existing residential buildings that are~~
22 ~~substantial improvements shall have a maximum height limit of 40 feet in~~
23 ~~order to elevate the addition to the Florida Building Code required flood~~
24 ~~elevation.~~

25
26 ~~c. Additions to lawfully established existing residential buildings that are not~~
27 ~~substantial improvements shall have a maximum height limit of 40 feet, if~~
28 ~~the addition meets the Florida Building Code flood elevation requirements~~
29 ~~in R322.2.1 and R322.3.2; the remaining lawfully established existing~~
30 ~~building shall not receive the flood height exception of 40 feet.~~

31
32 ~~d. Any portion of the building that meets the required flood elevation of the~~
33 ~~updated FEMA FIRMs shall be given a height limit of 40 feet.~~

34
35 ~~(2) The updated FEMA flood insurance rate maps are the maps adopted subsequent~~
36 ~~to FEMA flood insurance study and the accompanying flood insurance rate maps,~~
37 ~~dated February 18, 2005.~~

38
39 ~~(3) The total building height shall not exceed 40 feet. Buildings not elevated to or~~
40 ~~maintaining the required elevation based on the Florida Building Code, are not~~
41 ~~eligible to use the height limit within this subsection.~~

42
43 ~~(d) As provided in Policy 101.5.33, lawfully established EXISTING multi-family~~
44 ~~(attached dwelling unit) buildings which exceed the 35-foot height limit may be~~
45 ~~repaired, improved, redeveloped and/or elevated to meet the required FEMA BFE~~
46 ~~provided the building does not exceed a total maximum building height of 40 feet, and~~

1 ~~the building is limited to the existing lawfully established intensity, floor area, building~~
2 ~~envelope (floor to floor height), density and type of use. A Flood Protection Height~~
3 ~~Exception of a maximum of five (5) feet may be permitted to meet the building's~~
4 ~~minimum required FEMA BFE. The amount of the exception shall be no greater than~~
5 ~~the amount of elevation necessary to meet BFE. Buildings not being elevated to at least~~
6 ~~meet the required FEMA BFE are not eligible for this exception.~~
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8 (ce) As provided in Policy 101.5.3332, for lawfully established EXISTING multi-family
9 (attached dwelling unit) buildings which exceed the 35-foot height limit that are
10 proposed to exceed a total height of 420 feet, a public hearing before the Planning
11 Commission and Board of County Commissioners to review and specify the maximum
12 approved height shall be required prior to issuance of any county permit or
13 development approval. The Planning Commission shall provide a recommendation to
14 the BOCC on the maximum height of a building. The BOCC shall adopt a resolution
15 specifying the maximum approved height.
16

17 (1) For lawfully established EXISTING multi-family (attached dwelling unit)
18 buildings that are voluntarily repaired, improved, redeveloped and/or elevated to
19 meet the building's minimum required FEMA BFE, but will require a height
20 exception of more than ~~five~~ seven (75) feet, a Flood Protection Height Exception
21 exceeding the ~~35-foot~~ height limit may be provided by the BOCC based on the
22 following criteria:
23

- 24 a. The flood zone of the parcel;
- 25 b. The number of dwelling units lawfully established and an analysis of the
26 number of dwelling units which may not be able to redevelop on the subject
27 parcel without a height exception;
- 28 c. The physical characteristics of the existing building and parcel;
- 29 d. The susceptibility of the existing building and its contents to flood damage
30 and the effects of such damage on the property owner;
- 31 e. The possibility that materials from the existing building may be swept onto
32 other lands to the injury of others;
- 33 f. The availability of alternate solutions;
- 34 g. If the new proposed building height will result in increased flood risk; result
35 in additional threats to public safety; result in extraordinary public expense;
36 create nuisance; or cause fraud on or victimization of the public; and
- 37 h. Community character.
- 38 i. Buildings not being elevated to at least meet the required FEMA BFE are
39 not eligible for this exception.

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41 (2) A BOCC resolution shall specify the findings of criteria of (d)(1) a. through i.
42 (above) and specify the approved maximum total height for the proposed
43 building.
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(d) Pursuant to Policy 501.2.1, the maximum height limit for structures located at the Key West International Airport and the Florida Keys Marathon International Airport shall be 45 feet. This height may only be exceeded if required by the Federal Aviation Administration (FAA) for the safe operation of aircraft and the airport , or if required to support mechanical appurtenances for the subject structure. In no case shall the maximum height exceed 14 CFR Part 77 surfaces, as included on the adopted Airport Master Plan and Airport Layout Plan pursuant to Policy 501.1.7, without prior written authorization from the FAA supporting the structures height and construction.