

**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**



To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Zoe Porter, Planner I

Meeting Date: June 15, 2023

Agenda Item: Text Amendment of the Land Development Regulations – A request to the Planning Board to recommend an ordinance to the City Commission to amend Chapter 122 of the Land Development Regulations entitled “Zoning”, Article IV entitled “Districts”, Division 1 entitled “Generally”, Section 122-93 entitled “Official zoning map and district boundaries.”; to allow for the Official Zoning Map to be embedded into the Land Development Regulations.

Request: A request to amend the Land Development Regulations to allow for an image of the 2015 Official Zoning Map to be included within Section 122-93.

Applicant: The City of Key West

BACKGROUND:

This item was postponed by staff from the May 18, 2023 Planning Board meeting due to an external concern regarding the Official Zoning Map image. Planning staff prepared a memorandum in response to any concerns. The City of Key West has historically maintained an Official Zoning Map for public and internal use, with earlier versions of the Official Zoning Map being adopted in 1974, 1985, and 1993. The current City of Key West Official Zoning Map was released for digital use in 2015 and as stated in City Code Section 122-93, is adopted and incorporated as part of Section 122-93 Subpart B. Following implementation of the Official Zoning Map, updates to the map have been made periodically in response to City and external applications pursuant to the provisions and criteria of the City’s Land Development Regulations, specifically Section 90-520 and 90-521.

The suggested text amendment embeds an image of the Official Zoning Map, including all approved zoning district boundary amendments since adoption, into Section 122-93(a) entitled “*Official zoning map and district boundaries*” of the Land Development Regulations, codifying the image and providing readers the means to access a digital version of the map.

REQUEST / PROPOSED MAP AMENDMENT:

*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.

Sec. 122-93. - Official zoning map and district boundaries.

(a) *Map adoption.* The boundaries of each zoning district are on the official zoning map for the city- as illustrated by Figure 1 within this subpart (a). A digital version of the zoning district data may be accessed through the City's ArcGIS Online public portal. The boundaries of the districts, together with all explanatory statements thereon, are adopted and incorporated as a part of this subpart B. Pursuant to Laws of Fla. ch. 78-540, § 8, the city shall exercise extraterritorial zoning powers within an area extending 600 feet into the tidal waters adjacent to the corporate city limits. Accordingly, the official zoning map of the city shall apply a zoning classification of "conservation-outstanding waters of the state (C-OW)" district to the described tidal waters. These tidal waters are designated "conservation-outstanding waters of the state (C-OW)" on the future land use map and are part of the designated National Marine Sanctuary.

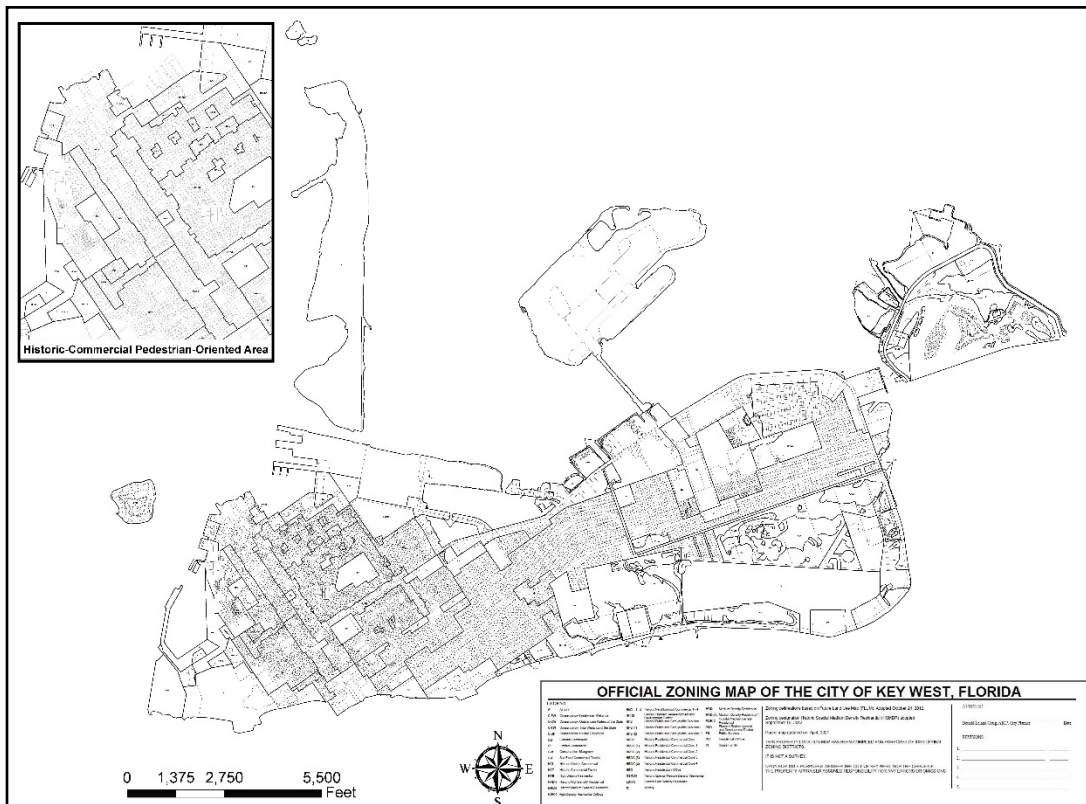


Figure 1

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TEXT AMENDMENT PROCESS:

Planning Board Meeting:	June 15, 2023
City Commission (1st Reading):	TBD, 2023
Local Appeal Period:	30 days
City Commission (2nd Reading / Adoption):	TBD, 2023
Local Appeal Period:	30 days
DEO Review (2nd Reading):	Up to 45 days
DEO Notice of Intent (NOI):	Effective when NOI posted to DEO website

ANALYSIS:

The purpose of Chapter 90, Article VI, Division 2 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) is to provide a means for changing the text of the Land Development Regulations, or the boundaries of the Official Zoning Map. It is not intended to relieve hardships nor to confer special privileges or rights to any person, but rather to allow necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the Planning Board and the City Commission shall consider, in addition to the factors set forth in this division, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-522, the Planning Board shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed amendment to the Land Development Regulations to the City Commission for official action.

The Code provides the following criteria by which Land Development Regulation text amendments must be evaluated:

Section 90-520 (6) Justification. The need and justification for the proposed change shall be stated. The evaluation shall address but shall not be limited to the following issues:

- a. Comprehensive Plan consistency. Identifying impacts of the proposed change in zoning on the Comprehensive Plan. The zoning must be consistent with the Comprehensive Plan.***

The proposed text amendment is consistent with and further implement the purpose of the Comprehensive Plan, and further support the following:

OBJECTIVE 1-1.1: - Future Land Use Map.

The Future Land Use Map depicts the City's vision for its current and future development through the provision and location of specific future land use districts. All development and redevelopment in the City shall be in accordance with the Map, as it may be amended from time to time.

The image of the Official Zoning Map proposed to be embedded into the Land Development Regulations is in accordance with the future land use designations depicted

on the Future Land Use Map. Any and all past amendments to the zoning districts depicted on the image have been reviewed and approved by the Planning Board and City Commission in accordance with the criteria listed within Section 90-520(6) and Section 90-521 of the Land Development Regulations.

Policy 1-1.9.5: - Land Use Consistency and Compatibility.

The City of Key West shall continue to enforce Land Development Regulations which ensure that future land uses shall be compatible with the Future Land Use Map, hurricane evacuation plans, and other applicable laws, ordinances, and administrative rules regulating land and water resource management.

The proposed text amendment introduces an image of the Official Zoning Map into a relevant section of the Land Development Regulations. Integration of the map image provides accessibility for the public, and the proposed text amendment increases awareness of and access to the digital, higher resolution zoning data available on the City's website. These proposed amendments also further ensure enforcement of zoning district boundaries for any given property as provided within the Code.

b. Impact on surrounding properties and infrastructure. The effect of the change, if any, on the particular property and all surrounding properties. Potential land use incompatibility and impacts on infrastructure shall be identified.

The proposed text amendment shall not have an impact on any particular property or surrounding infrastructure. This request does not propose any amendments to existing zoning district boundaries.

c. Avoidance of spot zoning. The proposed change shall not constitute a spot zone change. Spot zoning occurs when:

1. A small parcel of land is singled out for special and privileged treatment.

The proposed text amendment does not affect any single parcel of land. The purpose of this request is to depict an image of the Official Zoning Map and provide means to access a digital version of the zoning data within the Land Development Regulations.

2. The singling out is not in the public interest but only for the benefit of the landowner; and

The proposed text amendment does not single out any particular property.

3. The action is not consistent with the adopted comprehensive plan.

The proposed text amendment is consistent with and further implements the Comprehensive Plan, particularly Objective 1-1.1: - *Future Land Use Map*, and Policy 1-1.9.5: - *Land Use Consistency and Compatibility*.

d. Undeveloped land with similar zoning. The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested.

The proposed amendment does not apply to any specified future land use designation or zoning district, but rather incorporates a depiction of the existing zoning district boundaries into the Land Development Regulations as a reference point.

RECOMMENDATION:

Based upon the criteria established by the Land Development Regulations, the Planning Department recommends to the Planning Board that the requested text amendment be **APPROVED**.