

**ORDINANCE NO. 2021-**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING COMPREHENSIVE PLAN POLICY 1-1.1.4, ENTITLED “AFFORDABLE HOUSING AND COMPACT DEVELOPMENT INCENTIVES,” TO ADD A REVISED FLUM, AMENDING COMPREHENSIVE PLAN TABLE 1-1.1.5, TO ADD AN ADDITIONAL SUBDISTRICT UNDER HISTORIC COMMERCIAL FUTURE LAND USE DISTRICT, AND AMENDING COMPREHENSIVE PLAN POLICY 1-1.1.9, ENTITLED “ALLOWED USES IN HISTORIC NEIGHBORHOOD COMMERCIAL,” TO ADD A FIFTH CORRIDOR AND A FOURTH HNC SUBDISTRICT TO ALLOW FOR UP TO 40 DWELLING UNITS PER ACRE; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 3; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION INTO THE CITY OF KEY WEST COMPREHENSIVE PLAN.**

**WHEREAS**, the City of Key West received a request to amend the City’s Comprehensive Plan in order to add a revised FLUM and rezone a section of the map from a mix of Historic Residential and Historic Public/Semi-Public to Historic Commercial; and

**WHEREAS**, the rezoning will add an additional subdistrict named the HNC-4 to Table 1-1.1.5 with a maximum allowable density of 40 dwelling units per acre, a maximum floor area ratio of 1.0, and where affordable workforce housing is required per Section 122-871 and Section 122-1467 of the Land Development Regulations of the City of Key West; and

**WHEREAS**, the HNC-4 district will add a fifth corridor to Policy 1-1.1.9; and

**WHEREAS**, the City of Key West Planning Board held a public hearing after due notice on February 17, 2021, and forwarded to the City Commission its recommendations concerning the proposed Comprehensive Plan text amendment; and

**WHEREAS**, the City has prepared an amendment to the Comprehensive Plan that

considers the recommendations by staff, the public, and the Planning Board; and

**WHEREAS**, the City Commission has properly advertised and held the required public hearings on the proposed Comprehensive Plan text amendment and has received public input; and

**WHEREAS**, the City Commission has determined that the proposed amendment is: consistent with the Comprehensive Plan; is in conformance with all applicable requirements of the Code of Ordinances; is not stimulated by changed conditions after the effective date of the Comprehensive Plan; will promote land use compatibility; will not result in additional demand on public facilities and services; will have no impact on the natural environment; will not negatively affect property values in the area or the general welfare; will result in an orderly and compatible land use pattern; and is not in conflict with the public interest; and

**WHEREAS**, all statutory requirements regarding the proposed FLUM amendment have been complied with.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:**

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That Policy 1-1.1.4, Table 1-1.1.5, and Policy 1-1.1.9 of the Comprehensive Plan are hereby amended as follows\*:

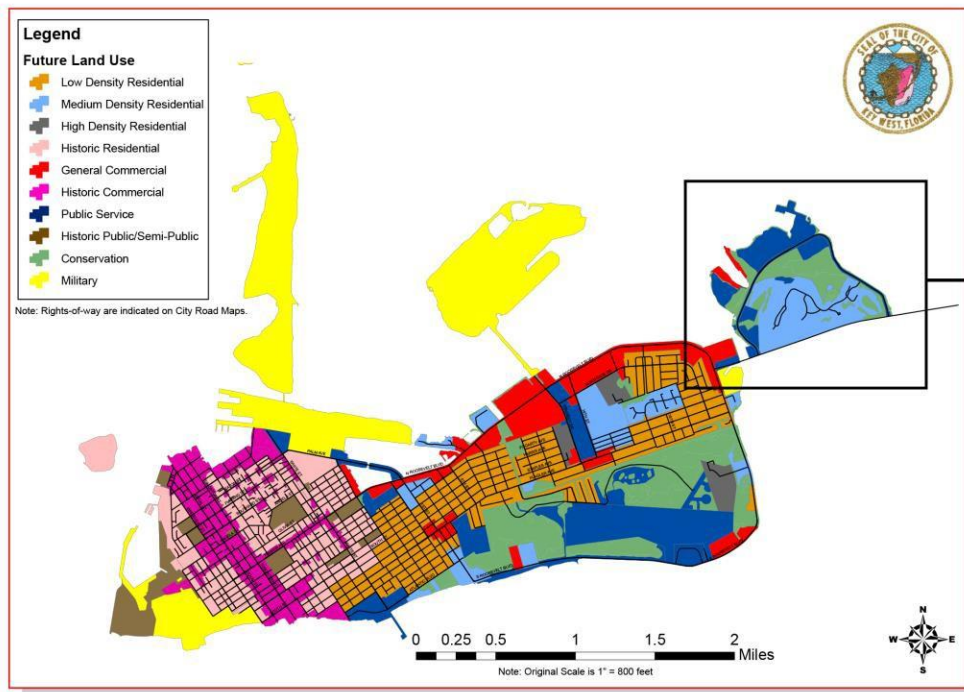
\* Coding: Added language is underlined; revised language from second reading is double underlined, deleted language is ~~struck through~~.

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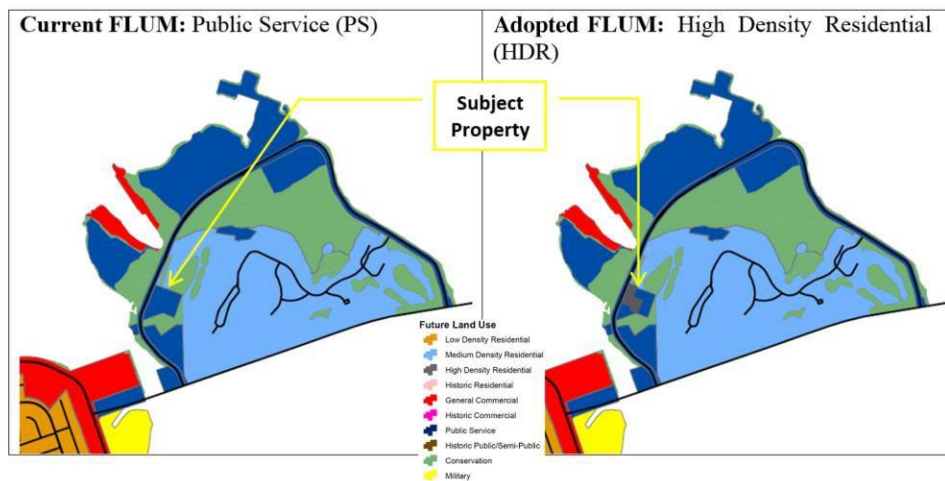
Policy 1-1.1.4: - Affordable Housing and Compact Development Incentives.

Within land use categories supporting mixed use development, the Land Development Regulations shall include density and intensity bonuses that fall within the parameters of the Comprehensive Plan and Future Land Use Map to achieve the following objectives: provision of affordable housing immediately adjacent to employment opportunities; reduction in dependence on automobile travel for home/work travel; provision of a range of housing types, inclusive of apartments, townhouses, efficiencies, and single room occupancies; establishment of a variety of retail uses to support onsite or adjacent residential uses; provision of sufficient density of residential uses and presence of retail commercial to support transit demand; support of redevelopment of aging, traditional suburban shopping center retail; provision of open space and recreational uses within or immediately adjacent to the mixed use complex; provision of immediate access to and support of bicycle path networks in the City; increased efficiency of energy and water use; increased solid waste diversion; increased stormwater harvesting; decreased inappropriate water use, and; creation of opportunities to provide substantial new landscaping, parking and housing/retail areas to reduce carbon footprints and support sustainability goals.

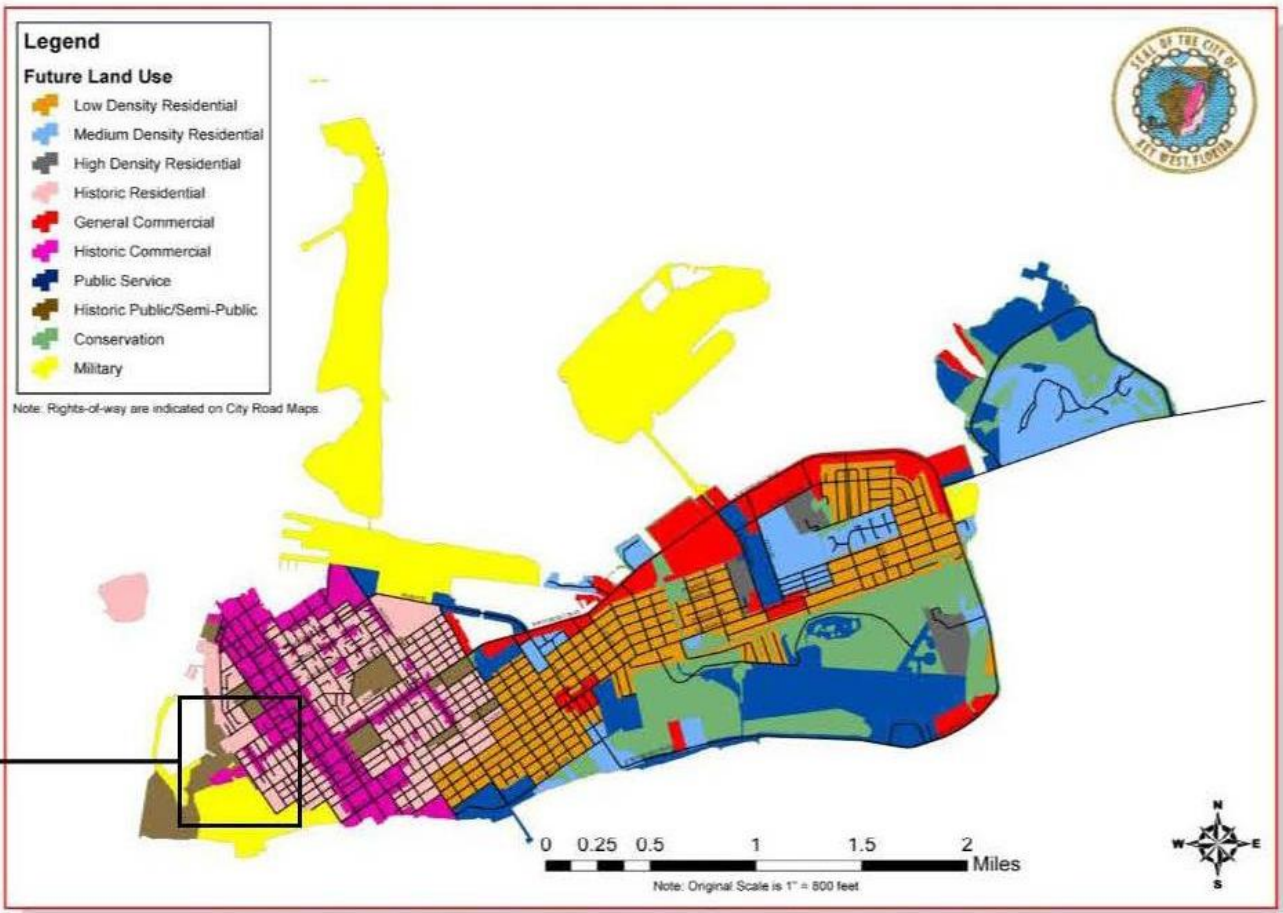
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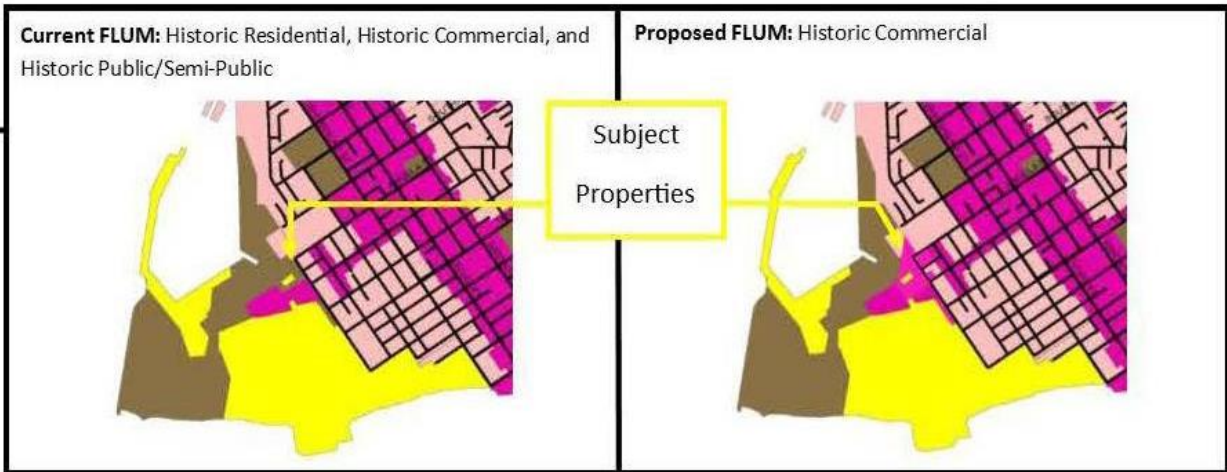
**MAP FLU - 1, CITY OF KEY WEST - 2030 FUTURE LAND USE MAP**



*This same map in more detailed format is available at City Planning Department offices.*



**CITY OF KEY WEST - 2030 FUTURE LAND USE MAP**



\* Callout box added for clarity for Comprehensive Plan Amendment only

*This same map in more detailed format is available at City Planning Department offices.*

(Ord. No. 17-14, Exh. A, 10-17-2017)

**Table 1-1.1.5**

In order to prevent an inadvertent increase in maximum density or intensity that might result from combining multiple zoning districts into a single Future Land Use District, the maximum amount of dwelling units per acre and floor area ratio are established as of January 1, 2012. Social service special needs and group homes shall be measured in FAR, not units per acre.

LOW DENSITY RESIDENTIAL FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(LDR-C) Low Density Residential Coastal	Maximum of 1 dwelling unit per acre.	N/A	Areas designated LDR-C shall be used to protect coastal wetlands; maintain water quality; protect marine habitats and preserve open space for purposes of reducing surface

(SF) Single Family Residential	Maximum of 8 dwelling units per acre.		<p>water runoff and maintaining water quality in environmentally sensitive coastal areas.</p> <p>Supportive community facilities and accessory land uses including public schools may be allowed. The Land Development Regulations shall provide regulatory procedures for considering such uses.</p> <p>One accessory or detached unit is permitted per residential dwelling unit in areas designated Low Density Residential as of January 1, 2012 as outlined in Policy 1-1.1.7 under the condition that the unit is approved through the building permit allocation system outlined in Objective 1-1.16.</p> <p>Transient uses are not permitted.</p>
<b>MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DISTRICT</b>			
Zoning District	Density	Intensity	Uses & Limitations
(MDR-C) Medium Density Residential Coastal	Maximum of 8 dwelling units per acre.	N/A	<p>Development is limited for all properties zoned MDR or MDR-C located within the Coastal High Hazard Area.</p> <p>Uses permitted in the MDR-1 include residential and social service special needs use.</p> <p>Supportive community facilities and accessory land uses including public schools are allowed.</p> <p>Accessory uses, such as approved home occupations, may be allowed within residential structures if such uses are customarily incidental to and subordinate to the residential use.</p> <p>Transient uses are not permitted.</p>
(MDR) Medium Density Residential	Maximum of 16 dwelling units per acre.	N/A	
(MDR-1) Medium Density Residential-1	Maximum of 8 dwelling units per acre.	Maximum FAR of 1.0.	
(PRD) Planned Redevelopment & Development	Maximum of 8 dwelling units per acre.	Maximum FAR of 0.8.	
<b>HIGH DENSITY RESIDENTIAL FUTURE LAND USE DISTRICT</b>			
Zoning District	Density	Intensity	Uses & Limitations
(HDR) High Density Residential	Maximum of 22 dwelling units per acre.	Maximum FAR of 0.8.	<p>Supportive community facilities and accessory land uses including public schools are allowed. Accessory uses, such as approved home occupations, may be allowed within residential structures if such uses are customarily incidental to and subordinate to the residential use.</p> <p>Transient uses are not permitted.</p> <p>Business and professional offices may be allowed in areas zoned RO.</p>
(RO) Residential/ Office	Maximum of 16 dwelling units per acre.	Maximum FAR of 0.8.	
(HDR-1) High Density Residential College Road	Maximum of 40 dwelling units per acre.	N/A	Affordable housing is strongly encouraged.

HISTORIC COMMERCIAL FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(HRO) Historic Residential/ Office	Maximum 16 dwelling units per acre.	Maximum FAR of 1.0.	Allowable non-residential uses are business and professional offices, existing grandfathered transient residential uses, and customary accessory uses and community facilities including public schools.
			New transient uses are not permitted, except where specifically allowed by the Land Development Regulations.
(HRCC) Historic Residential Commercial Core	Maximum of 22 dwelling units per acre.	Maximum FAR of 1.0.	Allowable uses in areas zoned HRCC are in accordance with Policy 1-1.1.8.
(HRCC-1) Historic Residential Commercial Core-Duval Street Gulfside District	Maximum of 22 dwelling units per acre.		
(HRCC-2) Historic Residential Commercial Core- Key West Bight District			
(HRCC-3) Historic Residential Commercial Core-Duval Street Oceanside District			
(HRCC-4) Historic Residential Commercial Core-Truman Waterfront District	Maximum of 16 dwelling units per acre.		
HISTORIC COMMERCIAL FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(HNC) Historic Neighborhood Commercial	Maximum 16 dwelling units per acre.	Maximum of 1.0 FAR.	Allowable uses in areas zoned HNC are in accordance with Policy 1-1.1.9.
(HNC-1) Historic Neighborhood Commercial		Maximum of 1.0 FAR.	
(HNC-2) Historic Neighborhood Commercial		Maximum of 0.9 FAR.	
(HNC-3) Historic Neighborhood Commercial		Maximum of 0.8 FAR.	



(HNC-4) Historic Neighborhood Commercial Bahama Village Truman Waterfront	Maximum of 40 dwelling units per acre.	Maximum of 1.0 FAR.	<del>Affordable housing is strongly encouraged.</del> Affordable workforce housing is required per Section 122-1467 of the Land Development Regulations. Linkage exceptions shall not be permitted.
(HCT) Historic Commercial Tourist	Maximum of 22 dwelling units per acre.	Maximum of 1.0 FAR.	Allowable non-residential uses include but are not limited to hotels, motels, and/or transient lodging facilities, along with primarily tourist oriented commercial uses, including specialty shops, restaurants and drinking establishments, personal services, offices, customary accessory uses and community facilities including public schools, and similar activities.
COMMERCIAL FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(CT) Salt Pond Commercial Tourist	Maximum of 16 dwelling units per acre.	Maximum FAR of 0.8.	Allowable uses in areas zoned CT are motels, limited scale tourist facilities, customary accessory uses, and requisite community facilities including public schools.
(CG) General Commercial			Allowable commercial uses in areas zoned GC inclusive of, but not limited to, general retail sales and services, highway oriented sales and services, other general commercial activities, customary accessory uses, and requisite community facilities including public schools. Residential uses are allowed and encouraged if in conformance with Policy 1-1.1.4.
(CL) Limited Commercial			Allowable commercial uses in areas zoned CL include but are not limited to low to medium intensity retail; small limited item shops and customary accessory uses, and requisite community facilities including public schools.
MILITARY FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(M) Military	N/A	N/A	Military jurisdiction, coordination in accordance with Objective 1-1.1.6 and Objective 1-1.13 and associated Policies.
PUBLIC SERVICE			
Zoning District	Density	Intensity	Uses & Limitations
(PS) Public Service	N/A	Maximum FAR of 0.8.	Allowable uses include public and semi-public facilities and other similar activities.
(A) Airport		Maximum FAR of 0.3.	Allowable uses in areas zoned (A) are intended to accommodate lands comprising the Key West International Airport and associated facilities and uses in accordance with Policy 1-1.1.13. The Federal Aviation Administration (FAA) Regulations shall govern placement and specifications of structures within this area.
CONSERVATION FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(C-FW) Conservation Freshwater Wetlands			

(C-OW) Conservation Outstanding Waters of the State	Maximum of 1 dwelling unit per 10 acres. In addition, site alteration shall be limited to 10 percent of the entire site.	Maximum of 0.01 FAR.	Only minimal development in accordance with Policy 1-1.1.15.  See Policy 1-1.1.12 for allowed uses in the C-TW.
(C-TW) Conservation Tidal Wetlands of the State			
(C-UH) Conservation Upland Hammock and Mangrove			
<b>HISTORIC RESIDENTIAL FUTURE LAND USE DISTRICT</b>			
<b>Zoning District</b>	<b>Density</b>	<b>Intensity</b>	<b>Uses &amp; Limitations</b>
(HHDR) Historic High Density Residential	Maximum of 22 dwelling units per acre.	N/A	Allowable uses in areas designated Historic Residential are single family, duplex and multi-family residential that preserve the historic character and quality of the Historic Preservation District central residential community.
			Accessory uses, including approved home occupations, and customary community facilities are also allowed.
(HMDR) Historic Medium Density Residential	Maximum of 16 dwelling units per acre.		Transient uses are not permitted.  See Policy 1-1.1.11 for allowed uses in the HSMDR.  Residential and mixed use are allowable uses in areas zoned HPRD.
(HSMDR) Historic Special Medium Density Residential	Maximum of 8.6 dwelling units per acre.	Maximum FAR of 1.0.	
(HPRD) Historic Planned Redevelopment and Development	Maximum of 22 dwelling units per acre.	Maximum FAR of 1.0.	
<b>HISTORIC PUBLIC &amp; SEMIPUBLIC FUTURE LAND USE DISTRICT</b>			
<b>Zoning District</b>	<b>Density</b>	<b>Intensity</b>	<b>Uses &amp; Limitations</b>
(HPS) Historic Public Services	N/A	Maximum intensity of 1.0.	See Policy 1-1.1.10 for allowed uses.
(HPS-1) Historic Public Services			
(HPS-2) Historic Public Services		Maximum intensity of 0.8.	

**Policy 1-1.1.9: - Allowed Uses in Historic Neighborhood Commercial.**

Areas zoned Historic Neighborhood Commercial within the Historic Commercial Future Land Use District are intended to accommodate both residential and neighborhood commercial uses typically located along major thoroughfares which lead into or are adjacent to the central core commercial area of the City of Key West. Residential activities within this designated area include single family and duplex structures and multiple-family structures. Commercial uses generally permitted in the area include:

1. Professional offices;
2. Restaurants;
3. Banking and financial institutions;
4. Personal service shops;
5. Specialty shops;
6. Retail sales and services, excluding automotive sales and services as well as drive-in or drive-through restaurants, theaters or other drive-in facilities which potentially generate similar traffic flow problems;
7. Transient living accommodations and guest cottages; and
8. Other similar uses which shall be identified in the Land Development Regulations. The HNC zoned areas may also accommodate community facilities.

These predominantly neighborhood-scale commercial uses are generally concentrated along portions of the following ~~four~~ five corridors:

1. Simonton Street: from Caroline Street south to United Street.
2. Truman Avenue: from Simonton Street northeast to White Street.
3. White Street: from Truman Avenue south to United Street, and from Eaton to Southard Street.
4. The Petronia Street Corridor from near Duval Street to Emma Street.
5. Fort Street: from near Olivia Street to Angela Street.

In order to manage the impacts of future development on transportation and public facilities, the City shall limit the intensity of development within areas zoned "Historic Neighborhood Commercial" (HNC) by establishing the following thresholds within the HNC-1, HNC-2, ~~and~~ HNC-3, and HNC-4 sub-districts, respectively:

1. Within areas zoned HNC-1, a FAR of 1.0.
2. Within areas zoned HNC-2, a FAR of 0.9.
3. Within areas zoned HNC-3, a FAR of 0.8.
4. Within areas zoned HNC-4, a FAR of 1.0.

Within HNC areas redevelopment or conversion of permanent housing structures to transient residential (excepting HNC-2 and HNC-4 areas which do not allow transient uses), office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs. The allowable maximum residential density shall be 16 units per acre (excepting HNC-4 areas which allow for up to 40 units per acre). The maximum intensity for nonresidential activities shall not exceed a floor area ratio of 1.0 as stratified above (.8, .9, or 1.0) considering floor area allocated to all such uses. Performance standards shall be included in the Land Development Regulations which restrict the allowable neighborhood commercial uses to very limited square footage in order to maintain land use compatibility with residential uses in the vicinity. In addition, the performance standards shall incorporate other

qualitative and quantitative standards which protect residential properties.

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\*Coding: Added language is underlined; revised language from second reading is double underlined, deleted language is ~~struck through~~.

**Section 3.** 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 provision of this Ordinance shall be deemed severable therefrom and shall be constructed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

**Section 4.** 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 5.** 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 and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

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Read and passed by the City Commission at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Filed with the Clerk \_\_\_\_\_, 2021.

Mayor Teri Johnston  
Commissioner Gregory Davila \_\_\_\_\_  
Commissioner Mary Lou Hoover \_\_\_\_\_  
Vice Mayor Sam Kaufman \_\_\_\_\_  
Commissioner Clayton Lopez \_\_\_\_\_  
Commissioner Billy Wardlow \_\_\_\_\_  
Commissioner Jimmy Weekley \_\_\_\_\_

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK