

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 ENTITLED “ZONING”; ARTICLE IV ENTITLED “DISTRICTS”; DIVISION 11 ENTITLED “HISTORIC PUBLIC AND SEMIPUBLIC SERVICES DISTRICT”; SUBDIVISION I ENTITLED “HISTORIC PUBLIC AND SEMIPUBLIC SERVICES DISTRICT (HPS)”; SECTION 122-956 ENTITLED “INTENT”; SECTION 122-958 ENTITLED “CONDITIONAL USES”; AND SECTION 122-960 ENTITLED “DIMENSIONAL REQUIREMENTS”; AND ARTICLE V ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS”; DIVISION 2 ENTITLED “USES”; SECTION 122-1111 ENTITLED “TABLE OF LAND USE BY DISTRICTS”; AND DIVISION 3 ENTITLED “AREA REQUIREMENTS”; SECTION 122-1151 ENTITLED “SIZE AND DIMENSION” OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapters 163, 166, and 380 of the Florida State Statutes, the City of Key West, Florida (the “City”) proposes to amend Chapter 122 of the Land Development Regulations (the “LDRs”); and

WHEREAS, the amendment will allow for deed restricted affordable housing development at a maximum of sixteen dwelling units per acre as a conditional use within the Historic Public and Semipublic Services District (HPS) zoning district; and

WHEREAS, the matter was presented to the Planning Board for approval at its regularly scheduled meeting held on September 18, 2018; and

WHEREAS, the Planning Board found that it is in the public interest to amend sections 122-956, 122-958, 122-960, 122-1111, and 122-1151 and made a recommendation of approval to the City Commission through Resolution no. 2018-45.

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 Chapter 122 of the Land Development Regulations is hereby amended as follows:*

DIVISION 11. - HISTORIC PUBLIC AND SEMIPUBLIC SERVICES DISTRICTS

Subdivision I. - Historic Public and Semipublic Services District (HPS)

Sec. 122-956. - Intent.

The historic public and semipublic services district (HPS) is established to implement comprehensive plan policies for areas designated "HPS" on the future land use map. The HPS district shall accommodate existing public and semipublic services- and deed restricted workforce affordable housing.

(Ord. No. 97-10, § 1(2-5.5.7(A)), 7-3-1997)

Sec. 122-958. - Conditional uses.

Conditional uses in the historic public and semipublic services district (HPS) are as follows:

- (1) Cemeteries.
- (2) Cultural and civic activities.
- (3) Protective services.
- (4) Public and private utilities.
- (5) Marinas.
- (6) Deed restricted workforce affordable housing in compliance with Article V. Supplementary District Regulations and Division 10. Work Force Housing of the Land Development Regulations.

(Ord. No. 97-10, § 1(2-5.5.7(C)), 7-3-1997)

Sec. 122-960. - Dimensional requirements.

The dimensional requirements in the historic public and semipublic services district (HPS) are as follows; however, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission design guidelines:

- (1) Maximum density: ~~not applicable.~~ 16 dwelling units per acre (16 du/acre).
- (2) Maximum floor area ratio: The maximum floor area ratio for the HPS area shall be 1.0, excepting large scale regional facilities, which require a community impact statement. The latter projects may have a higher floor area ratio if approved by city commission. However, prior to approving a floor area ratio in excess of 1.0, the city commission must render a finding that the proposed public facility requires a higher floor area ratio in order to accommodate a regional service necessary to the general health, safety, and welfare of the city and/or county. Furthermore, the finding must indicate that the regional facility as proposed shall comply with all other qualitative and quantitative criteria of the comprehensive plan and land development regulations, including but not limited to the adopted concurrency management policies.
- (3) Maximum height: 25 feet.
- (4) Maximum lot coverage:
 - a. Maximum building coverage: 40 percent.
 - b. Impervious surface ratio: 50 percent.
- (5) Minimum lot size: 5,000 square feet.
 - a. Minimum lot width: 50 feet.
 - b. Minimum lot depth: 100 feet.
- (6) Minimum setbacks:
 - a. Front: 20 feet.
 - b. Side: greater of 5 feet or 10 percent of lot width to a maximum of 15 feet.
 - c. Rear: 20 feet or 15 feet when abutting an alley.
 - d. Street side: 10 feet.

(Ord. No. 97-10, § 1(2-5.5.7(E)), 7-3-1997; Ord. No. 10-04, § 15, 1-5-201

DIVISION 2. - USES

Sec. 122-1111. – Table of land use by districts.

(a) The table of land use by districts as set forth in this section stipulates the permitted and conditional uses by district.

(b) Permitted uses are uses allowed by right, provided all applicable sections within the land development regulations are satisfied as well as all other applicable laws and administration regulations. Conditional uses are allowable only if approved by the city pursuant to administrative procedures found in article III of this chapter. The applicant requesting a conditional use must demonstrate compliance with conditional use criteria set forth in article III of this chapter.

(c) No permitted use or conditional use shall be approved unless a site plan for such use is first submitted by the applicant. The applicant shall bear the burden of proof in demonstrating compliance with all applicable laws and ordinances during the site plan review process. The site plan review process is set forth in article II of chapter 108.

TABLE OF LAND USE BY DISTRICT

	LDR-C	SF	MDR	MDR-C	HDR	HDR-1	CL	CG	CT	RO	PRD	HMDR	HSMDR	HHDR	HRCC-1	HRCC-2	HRCC-3	HPRD	HNC-1	HNC-2	HNC-3	HCT	HRO	HPS	HPS-1	PS	C	A5	
Residential Uses																													
Accessory residential units (reference section 122-171)		P																											
Single-family dwellings	P	P	P	P	P		C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	
Duplexes/two-family dwellings		CI	P	P	P		C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	
Multiple-family dwellings			P	P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	
Foster homes/group homes with ≤ to 6 residents ²	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P						
Group homes with 7-14 residents			C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	C	C	C	C						
Approved home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	C	
Community Facilities																													
Airport facilities																												P	
Cemeteries																									C		C		
Community centers, clubs and lodges							C	C	C	C	C			C	C	C	C	C	C				C	C	P		P		
Cultural and civic activities							P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C		
Educational institutions and day care facilities		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P		P		
Golf course facilities ⁶											C																	P	
Hospitals and extensive care								P																	P		P		
Nursing homes, rest homes and convalescent homes			C		C	C	C	C	C	C	C			C	C	C	C	C	C	C	C	C	C	C	P	C	P		
Parks and recreation, active		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P		P		
Parks and recreation, passive	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P		P	4	
Places of worship		C	C		C		P	P	P	P	C	C		C	P	P	P	C	P	P	P	P	P	P			P		
Protective services	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Public and private utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	4	C
Commercial activities																													
Bars and lounges								C	C						C	C	C												
Boat sales and services								C							C	C													
Business and professional offices							P	P	P	P	C				P	P	P	P	P	P	P	P	P	P	P	P	P	C	
Commercial amusement							C	C							C														
Commercial retail							B	B	B		B				B	B	B	B	B	B	B	B	B					B	
Funeral homes							C								C	C	C	C	C					C		C			
Gasoline stations							C	C																					
Hotels, motels and transient lodging								P	P						P		P	C	P10		P10		P						
Light industrial								C							C	C				C									
Marinas								C							C	C									C		C		
Medical services							P	P	P	C	C				P	P	P	C	P	P	P	P		P	P		P		

*Unless otherwise increased by referendum												
Commercial												
CL limited commercial	10,000	70	100	60	40	25 ⁹	20	15 ⁹	25 ⁸	40	0.8	16
CG general commercial	15,000	150	100	60	40	25 ⁹	20	15 ⁹	25 ⁸	40 ⁹	0.8	16
CT tourist commercial	30,000	150	100	60	40	25 ⁹	20	15 ⁹	25 ⁸	40	0.8	16
RO residential/office	10,000	70	100	60	40	30	15	15	25	35	0.8	16

PRD planned redevelopment/development ¹⁹	1 acre	n/a	n/a	60	40	25 ⁹	20	20	40	35	0.8	8
HMDR historic medium density residential ²⁴	4,000	40	90	60	40	10	7.5	5	15	30	1.0	16
HSMDR historic special medium density residential	5,000	50	100	60	40	10	7.5	5	15	30	1.0 ²²	8.6
HHDR historic high density residential ²¹	4,000	40	90	60	50	10	5	5 ¹¹	20	30	1.0	22
HRCC-1 historic commercial core, Duval GS ²¹	4,000	40	100	70	50	0	0	2.5	10	35 ¹⁹	1.0	22
HRCC-2 historic commercial core, KW Bight ^{22, 25}	5,000	50	100	60 ²⁴	50	10	7.5	5	15 ²	35 ¹²	0.5	8 ¹³
HRCC-3 historic commercial core Duval OS ²¹	4,000	40	90	60	50	5	7.5	5	15	35 ¹⁹	1.0	22
HRCC-4 historic residential commercial core-4	n/a	n/a	n/a	50	30	7.5	7.5	7.5	7.5	35	0.8	n/a
HNC-1 historic neighborhood commercial ²⁴	4,000	40	100	60	50	5	7.5	5	15	35	1.0 ¹⁴	16
HNC-2 historic neighborhood commercial ²⁴	4,000	40	90	60	40	10	7.5	5	15	30	1.0 ¹⁴	16
HNC-3 historic neighborhood commercial ²⁴	4,000	40	90	60	40	0	7.5	5	15	30	1.0 ¹⁴	16
HCT historic commercial tourist ^{15, 21}	10,000	75	100	70	50	5	5	5	10	35	1.0	22

HRO historic residential office ²⁵	5,000	50	100	60	50	5	5	5	10	30	1.0 ¹⁴	16
HPS historic public/semipublic service ²⁴	5,000	50	100	50	40	20	10	5 ¹³	20 ²	25	1.0	16
HPS-1 historic public and semi-public service-1	n/a	n/a	n/a	50	30	7.5	7.5	7.5	7.5	25	0.8	n/a
HPRD historic planned redevelopment/development ²⁴	1 acre	50	100	50	40	5	5	2.5	10	35	1.0	22
PS public/semipublic service	6,000	50	100	50	40	20	15	15	20 ²	25	0.8 ¹⁵	n/a
A airport	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	0.3	n/a
C conservation	10 acres	n/a	n/a	5	5	¹⁹	¹⁹	¹⁸	¹⁸	25	0.01	0.1

Footnotes:

1.	Reference section 122-1181.
2.	The minimum setback on an alley may be five feet less than the rear setback given.
3.	Greater of number listed on table or ten percent of the lot width to a maximum of 20 feet.
4.	For the MDR-C, SF, MDR and HDR districts, the first line sets forth the requirements for single-family and two-family residential uses; the second line sets forth the requirements for all other uses including community facilities; except that in the SF district, educational institutions shall have a minimum lot area of one acre.
5.	The minimum lot width shall be 70 feet or the prevailing lot width on developed lots within 200 feet of the subject lot, but not less than 50 feet.
6.	The front setback shall be 30 feet or the average depth of front yards on developed lots within 100 feet on each side, but not less than 20 feet.
7.	Single-family and two-family residential dwelling units shall have minimum lot size of 6,000 square feet, except in the following areas the minimum shall be 8,000 square feet:
a.	The Venetian Subdivision located south of the Riviera Canal.
b.	The area bounded on the north by Flagler Avenue, on the south by Casa Marina Court, on the east by White Street and on the west by Reynolds Street.
	Additionally, within this area the maximum lot coverage shall be 30 percent.
8.	The front and rear setbacks given on the table are the minimum setback. As an alternative the front and/or rear setback may be ten percent of the lot depth for buildings up to 25 feet in height, or 20 percent of the lot depth for buildings over 25 feet in height; provided, however, the maximum setback shall be 50 feet.
9.	The maximum height along North Roosevelt Boulevard, from Seventh Avenue west to Eisenhower Drive and Jose Marti Drive, shall be 30 feet.
10.	All setbacks in the planned redevelopment and development (PRD) district shall be established based on planned amenities to be provided by the developer, the terms of which shall be negotiated through a development agreement acceptable to the city commission. The design parameters, including setbacks, shall be consistent with acceptable principles and practices of urban design.
11.	Greater of the number given in the table or ten percent of the lot width to a maximum of 15 feet.
12.	In the HRCC-2 district, within the 100-foot setback from mean high water (mean high water), the following restrictions apply:
a.	The minimum open space ratio shall be 0.5.
b.	The height of the building shall be restricted to one habitable story/floor above base flood elevation.

c.	The listed dimensions shall apply landward of the 100-foot setback.
13.	Reference subdivision III of division 7 of article IV of this chapter.
14.	Reference divisions 8 and 10 of article IV of this chapter for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within the HRO and HNC land use districts.
15.	The maximum floor area ratio (FAR) outside the historic districts, as designated on the future land use maps, shall be 0.8, except for recreation and open space which shall have a maximum floor area ratio of 0.2.
16.	Reference division 9 of article V of this chapter.
17.	For single-family and two-family residences, minimum lot area in the HCT shall be 5,000 square feet.
18.	All development must comply with requirements for setbacks from wetlands and open water established in section 110-89.
19.	Maximum height may be increased five feet if the structure has a pitched roof, the design of which is approved by the historic architectural review commission.
20.	Maximum height may be increased five feet for nonhabitable purposes if the structure has a pitched roof.
21.	Construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission design guidelines.
22.	Maximum Floor Area Ratio applies to all development and redevelopment including residential: 1.0.

(Ord. No. 97-10, § 1(2-5.9), 7-3-1997; Ord. No. 09-06, §§ 3—5, 4-7-2009; Ord. No. 10-04, §§ 20, 21, 1-5-2010; Ord. No. 12-33, § 4, 9-18-2012; Ord. No. 13-25, § 3, 12-3-2013; Ord. No. 18-04, § 4, 2-7-2018)

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

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.

Read and passed by the City Commission at a regular meeting held this ____ day of _____, 2019.

Read and passed on final reading at a regular meeting held this ____ day of _____, 2019.

Authenticated by the presiding officer and Clerk of the Commission on the ____ day of _____, 2019.

Filed with the Clerk _____, 2019.

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