



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

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Ginny Haller, Planner II

Meeting Date: September 18, 2018

Agenda Item: **Text Amendment of the Comprehensive Plan** — A resolution of the City of Key West Planning Board recommending an ordinance to the City Commission amending Table 1-1.1.5 and Policy 1-1.1.10 of the Comprehensive Plan; providing for the repeal of inconsistent provisions; an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

Background

The proposed ordinance to amend the City’s Comprehensive Plan is part of a process to address the affordable housing shortage in the City. The Planning Board is hearing this Comprehensive Plan text amendment and also a text amendment to the Land Development Regulations which propose deed restricted Workforce Affordable Housing as a Conditional Use, and propose a density of a maximum 16 dwelling units per acre in the Historic Public and Semipublic Services District (HPS). Currently residential dwellings are not a permitted or conditional use in the HPS zoning district.

In an effort to have consistency between the Comprehensive Plan and the Land Development Regulations, this proposed resolution proposes changes to Table 1-1.1.5 and Policy 1-1.1.10 in the Future Land Use Element of the Comprehensive Plan.

Request

The proposed text amendment to the Comprehensive Plan is as follows*:

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 are established as of January 1, 2012. Social service special needs and group homes shall be measured in FAR, not units per acre.

| HISTORIC PUBLIC & SEMIPUBLIC FUTURE LAND USE DISTRICT | | | |
|--|---|-----------------------------|---------------------------------------|
| Zoning District | Density | Intensity | Uses & Limitations |
| (HPS) Historic Public Services | <u>Maximum 16 dwelling units per acre.</u> | Maximum intensity of 1.0 | See Policy 1-1.1.10 for allowed uses. |
| | | | |

- **Policy 1-1.1.10 Allowed Uses in Historic Public and Semi-Public:** The maximum FAR for the HPS area shall be 1.0, excepting large scale regional public facilities. The latter projects may have a higher FAR if approved by City Commission. However, prior to approving an FAR in excess of 1.0, the City Commission must render a finding that the proposed public facility requires a higher FAR 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. In no case may the City approve a FAR of greater than 1.75.

Areas of the Truman Waterfront have been zoned HPS-1. Development in those areas is limited to the existing and proposed uses identified in the Military Base Reuse Plan. These uses include a harborwalk, open space, community recreation centers, play fields, public recreation facilities, amphitheaters, and accessory concessionaire commercial uses.

The Peary Court Cemetery has been zoned HPS-2. This designation is intended to restrict development of the parcel to its historic use as a cemetery and open space. Any proposed uses shall be reviewed for consistency with the applicable historic preservation plans.

The City shall monitor the need for increased land area for institutional uses and shall ensure that adequate lands are provided in the public and semi-public land use designation. Land uses such as cultural or civic centers, and public or private not-for-profit uses may be included within this land use designation.

Deed restricted Affordable Workforce Housing is deemed a Conditional Use with a density of 16 units per acre in the HPS zoning district.

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

Comprehensive Plan Amendment Process:

| | |
|--|--------------------|
| Planning Board: | September 18, 2018 |
| If denied, then appeal may be filed within 10 calendar days. | |
| City Commission (1st Reading) | TBA |
| DEO Review: | 45 days |
| City Commission (2nd Reading) | TBA |
| Local Appeal Period: | 30 days |
| Render to DEO | 10 working days |

Analysis:

The purpose of Chapter 90, Article VI, Division 3 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 comprehensive plan. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the city commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the comprehensive plan.

Pursuant to Code Section 90-554(6), the Planning Board, regardless of the source of the proposed change in the comprehensive plan, 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 text amendment to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-554.

Criteria for Approving Amendments to the Land Development Regulations pursuant to Code Section 90-554(6) and 90-555. In evaluating proposed changes to the Comprehensive Plan, the City shall consider the following criteria:

Sec. 90-555. Criteria for approving amendments to comprehensive plan future land use map.

In evaluating proposed changes to the comprehensive plan future land use map, the city shall consider the following criteria:

- (1) *Consistency with plan.* Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within the comprehensive**

plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Consistency with the Comprehensive Plan

The City's Comprehensive Plan was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City's Plan:

- ❖ protects and maintains its natural, historic and cultural resources;
- ❖ preserves its community character and quality of life;
- ❖ ensures public safety, and;
- ❖ directs development and redevelopment in an appropriate manner.

The proposed text amendment would be consistent with the Comprehensive Plan.

Consistent with the adopted infrastructure minimum LOS standards and concurrency
The proposed text amendment would be consistent with the Comprehensive Plan and LOS standards.

(2) *Conformance with ordinances.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposal is in conformance.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the comprehensive plan's effective date and whether such conditions support or work against the proposed change.

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the last 18 years, the Comprehensive Plan and LDRs have been amended from time-to-time. A new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013.

The proposed changes to the Comprehensive Plan and the Land Development Regulations are an effort to address the ongoing lack of affordable workforce housing in the City. The proposed inclusion of deed restricted workforce affordable housing in zoning districts where affordable units are not a permitted or conditional use is a positive step in solving the affordable housing crisis in the City, as it opens more land area for the construction of residential units and offers more opportunities for affordable workforce housing.

(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

None proposed.

(5) Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to a concurrency determination pursuant to Code Chapter 94.

No development plans are proposed with this application, however the number of off-street parking requirements by use generally per Sec. 108-572 for dwelling units could increase the demand for transportation public facilities. The demand on public facilities and services would not exceed the existing capacity of such services.

(6) Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

Any impacts on vegetative communities and the natural environment would be reviewed and mitigated at the time of a proposed development. The proposed text amendment is not expected to result in adverse impacts on the natural environment.

(7) Economic effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

No negative impacts.

(8) Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

No negative effects.

(9) Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this subpart B and its enabling legislation.

The proposed text amendment in the public interest and would be in harmony with the purpose and interest of the Comprehensive Plan.

(10) Other matters. Other matters which the planning board and the city commission may deem appropriate.

As stated above, the inclusion of workforce affordable housing in zoning districts where affordable units are not a permitted or conditional use is a positive step in solving the affordable housing crisis in the City, as it opens more land area for the construction of residential units and offers more opportunities for affordable workforce housing.

RECOMMENDATION

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request to amend the Comprehensive Plan be **APPROVED**.