

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



**To:** Chairman and Planning Board Members

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner II

**Meeting Date:** January 17, 2019

**Agenda Item:** **Text Amendment of the Land Development Regulations** – A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending Chapter 122 of the Land Development Regulations, entitled “Zoning”, Subdivision IV.1, entitled “Medium Density Residential District-1 (MDR-1)”, Section 122-280, entitled “Dimensional Requirements”; pursuant to Chapter 90, Article VI, Division 2; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

**Background:**

The proposed ordinance to amend the City’s Land Development Regulations (the “LDRs”) is an essential part of an extensive effort to encourage the development of affordable & permanent housing within the City. The Planning Board is hearing this LDR text amendment and also a text amendment to the Comprehensive Plan in order to increase the maximum allowable density in the Medium Density Residential – 1 (MDR-1) zoning district from eight (8) dwelling units per acre to sixteen (16) dwelling units per acre. The LDR text amendment will also add minimum setbacks for multiple-family and community facilities development, and it will reduce the minimum side-setback for single-family and two-family developments.

**Request:**

The proposed text amendment to the LDRs is as follows\*:

**Section 122-280. – Dimensional regulations.**

The dimensional requirements in the medium density residential district-1 (MDR-1) are as follows:

- (1) Maximum density: ~~Eight~~ Sixteen dwelling units per acre (~~8~~ 16 du/acre).
- (2) Maximum FAR: 1.0.
- (3) Maximum height: 35 feet.

- (4) Maximum lot coverage:
  - a. Maximum building coverage: 50 percent.
    - 1. Single-family and two-family: 35 percent.
    - 2. Multiple-family and community facilities: 40 percent.
  - b. Maximum impervious surface ratio:
    - 1. Single-family and two-family: 50 percent.
    - 2. Multiple-family and community facilities: 60 percent.
- (5) Minimum lot size:
  - a. Multiple-family: 10,000 square feet.
  - b. Single-family: 5,000 square feet.
  - c. Minimum width:
    - 1. Multiple-family and community facilities: 80 feet.
  - d. Minimum depth: 100 feet.
- (6) Minimum setbacks:
  - a. Multiple-family and community facilities:
    - 1. Front: 30 feet.
    - 2. Side: 25 feet.
    - 3. Rear: 25 feet or 20 feet when abutting an alley.
    - 4. Street side: 25 feet.
  - b. Single-family and two-family:
    - 1. Front: 10 feet.
    - 2. Side: ~~55~~ 5 feet or 10 percent of lot width to a maximum of 15 feet, whichever is greater.
    - 3. Rear: 20 feet.
    - 4. Street side: 20 feet.

(Ord. No. 99-18, § 1 (Exh. A(2-5.2.3(1)(E))), 9-8-1999)

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

**Land Development Regulations Text Amendment Process:**

Planning Board: January 17, 2019  
*If denied, then appeal may be filed within 10 calendar days.*  
 City Commission (first reading): TBA  
 City Commission (second reading): TBA  
 Local Appeal Period: 30 days  
 Render to DEO: 10 working 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. 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 90-552 the Planning Board, regardless of the source of the proposed change in the LDRs, 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 change in the LDRs to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-521.

**Criteria for Approving Amendments to the LDRs pursuant to Code Section 90-521 and 90-522 (a).** In evaluating proposed changes to the LDRs, the City shall consider the following criteria:

**(1) *Consistency with plan.* Whether the proposal is consistent with 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 level of service standards and the concurrency management program***

The proposed text amendment would be consistent with the Comprehensive Plan and level of service (LOS) standards.

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

The proposal is in conformance with all applicable requirements of the Code of Ordinances.

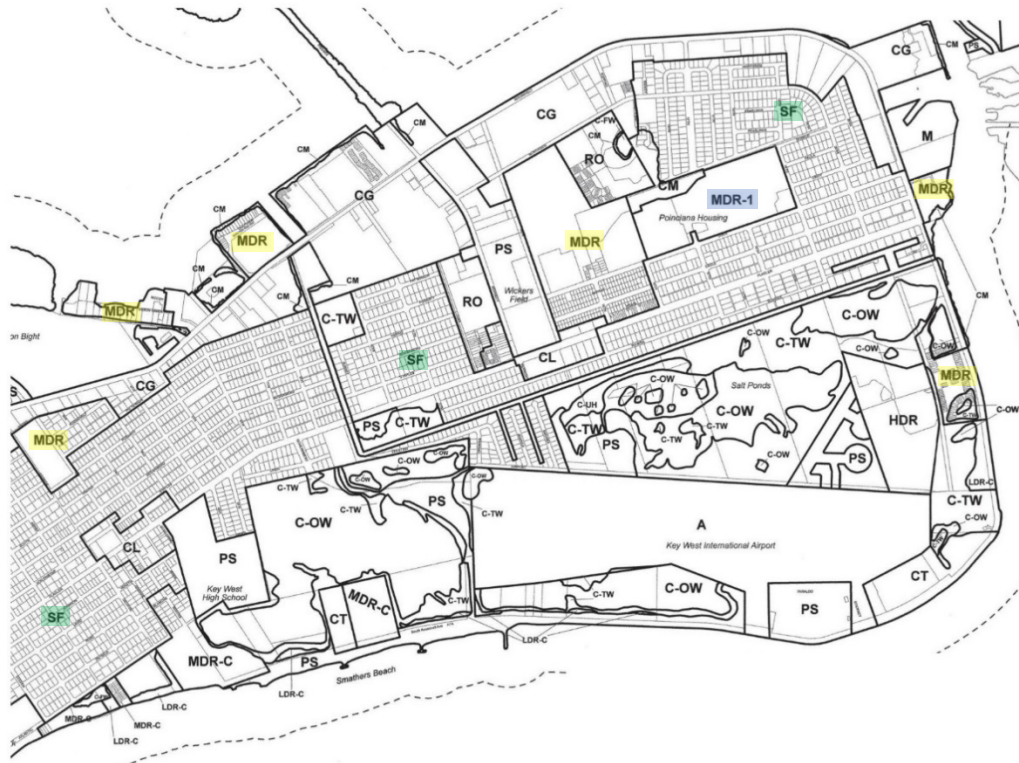
- (3) ***Changed conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations and whether such conditions support or work against the proposed rezoning.***

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the 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 ordinance to amend the City's Land Development Regulations (the "LDRs") is an essential part of a collaborative effort by the City Commission and City staff to encourage the development of affordable and permanent housing in the City. The proposed ordinance will also add front, side, rear, and street-side setbacks for multiple-family dwelling units and community facilities in anticipation of future development, and it will decrease the minimum required side-setback for single-family and two-family developments.

- (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.***

The current maximum allowable density of the MDR-1 zoning district is eight dwelling units per acre (8 du/acre), consistent with the single-family (SF) zoning district. However, the maximum allowable density in the medium density residential (MDR) zoning district is *sixteen* dwelling units per acre (16 du/acre). This text amendment will bring the maximum allowable density of the MDR-1 zoning district in line with the MDR zoning district.



In addition, the text amendment will add minimum setback requirements for multiple-family and community facilities in anticipation of such development.

The text amendment also reduces the minimum side setback for single-family and two-family development from 55-feet to 5-feet. Since the minimum lot size for single-family in the MDR-1 zoning district is 5,000-feet, staff assumes the 55-foot side-setback was not intentional, but rather a scrivener's error.

- (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. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to Chapter 94.

No development plans are proposed with this application.

- (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.

The proposal would not adversely affect the property values in the area or the general welfare.

- (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.

The southwest boundary of the MDR-1 zoning district is adjacent to the MDR zoning district, where the maximum allowable density is sixteen dwelling units per acre (16 du/acre); therefore, the proposal would not result in negative effects to the land use pattern.

- (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 the land development regulations in this subpart B and the enabling legislation.

The proposed text amendment would not be in conflict with the public interest and it is in harmony with the purpose and interest of the Land Development Regulations.

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

According to the Monroe County Property Appraiser, the total land area of the MDR-1 zoning district is 31.07 acres, or 1,353,399-square-feet. An increase in the maximum allowable density for the entire MDR-1 zoning district will allow for the future development and redevelopment of affordable & permanent 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 Land Development Regulations be **APPROVED**.