

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED “ZONING”, ARTICLE IV, ENTITLED “DISTRICTS”, DIVISION 4, ENTITLED “COMMERCIAL DISTRICTS”; SUBDIVISION III, ENTITLED “GENERAL COMMERCIAL DISTRICT (CG)”, SECTION 122-417, ENTITLED , “USES PERMITTED” AND SECTION 122-418 ENTITLED “CONDITIONAL USES” AND SECTION 122-420, ENTITLED “DIMENSIONAL REQUIREMENTS” AND ARTICLE V, ENTITLED “SUPPLEMENTARY DISTRICT REGULATIONS”, DIVISION 2 ENTITLED “USES”; AND SECTION 122-1111, ENTITLED “TABLE OF LAND USE BY DISTRICTS”; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 2; 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 single-family/two family and multiple-family dwellings as permitted uses in the General Commercial (CG) Zoning District. Also, the amendment will increase the maximum allowable density from sixteen (16) dwelling units per acre in the CG Zoning District to allow a density bonus of up to forty (40) dwelling units per acre, solely for affordable housing development; and

WHEREAS, the matter was presented to the Planning Board for approval at its regularly scheduled meeting held on July 18, 2019; and

WHEREAS, the Planning Board found that it is in the public interest to amend Section 122-420 and made a recommendation of approval to the City Commission through Planning Board Resolution No. 2019-52; and

*Coding: Added language is underlined; deleted language is ~~strike-through~~ at first reading. Added language is double underlined and ~~double strike-through~~ at second reading.

WHEREAS, the City Commission voted unanimously at first reading to pass this Ordinance,

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: *

Section 122-417. – Uses permitted.

Uses permitted in the General Commercial (CG) Zoning District are as follows:

(1) Single-family/two-family residential dwellings for workforce affordable housing in compliance with Article V, Division 10, Work Force Housing.

(2) Multiple-family residential dwellings for workforce affordable housing in compliance with Article V, Division 10, Work Force Housing.

~~(3)~~ (3) Group homes with less than or equal to six residents as provided in section 122-1246.

~~(2)~~ (4) Cultural and civic activities.

~~(3)~~ (5) Hospitals and extensive care.

~~(4)~~ (6) Places of worship.

~~(5)~~ (7) Business and professional offices.

~~(6)~~ (8) Commercial retail low and medium intensity less than or equal to 10,000 square feet.

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~~(7)~~ (9) Commercial retail high intensity less than or equal to 5,000 square feet.

~~(8)~~ (10) Hotels, motels, and transient lodging.

~~(9)~~ (11) Medical services.

~~(10)~~ (12) Parking lots and facilities.

~~(14)~~ (13) Restaurants, with or without drive-through.

~~(12)~~ (14) Veterinary medical services with or without outside kennels.

(Ord. No. 97-10, § 1(2-5.3.2(B)), 7-3-1997)

Sec. 122-418. - Conditional uses.

Conditional uses in the general commercial (CG) zoning district are as follows:

- 1) Single-family/two-family residential dwellings.
- 2) Multiple-family residential dwellings.
- 3) Group homes with seven to 14 residents as provided in section 122-1246.
- 4) Community centers, clubs and lodges.
- 5) Educational institutions and day care.
- 6) Nursing homes, rest homes and convalescent homes.
- 7) Parks and recreation, active and passive.

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- 8) Protective services.
- 9) Public and private utilities.
- 10) Bars and lounges.
- 11) Boat sales and service.
- 12) Commercial retail low and medium intensity greater than 10,000 square feet.
- 13) Commercial retail high intensity greater than 5,000 square feet.
- 14) Commercial amusement.
- 15) Funeral homes.
- 16) Gasoline stations.
- 17) Light industrial.
- 18) Marinas.
- 19) Small recreational power-driven equipment rentals (allowed only as an accessory use to a hotel/motel).
- 20) Vehicular sales and related services.
- 21) Tattoo establishments (see Division 13 of Article V).
- 22) Pain management clinics (see Division 14 of Article V).

(Ord. No. 97-10, § 1(2-5.3.2(C)), 7-3-1997; Ord. No. 07-14, § 1, 9-18-2007; Ord. No. 13-12, § 2, 7-2-2013

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Section 122-420. – Dimensional regulations.

The dimensional requirements in the general commercial (CG) are as follows:

- (1) Maximum density: 16 dwelling units per acre (16 du/acre). However, for the development of affordable housing, a density bonus of up to forty (40) dwelling units per acre (40 du/acre) will be allowed in compliance with Article V, Division 10, Work Force Housing. Market rate housing will be restricted to 16 dwelling units per acre.

Section 122-1111. Table of land use by districts.

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	
Residential Uses																	
Accessory residential units (reference section 122-171)		P															
Single-family dwellings	P	P	P	P	P		C	C <u>P12</u>	P	P	P	P	P	P	P	P	
Duplexes/two-family dwellings		C1	P	P	P		C	C <u>P12</u>	P	P	P	P	P	P	P	P	
Multiple-family dwellings			P	P	P	P	C	C <u>P12</u>	P	P	P	P	P	P	P	P	

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	LDR-C	SF	MDR	MDR-C	HDR	HDR-1	CL	CG	CT	RO	PRD	HMDR	HSMDR	HHDR	HRCC-1	HRCC-2
Foster homes/group homes with ≤ to 6 residents ²	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

Footnotes: 12. In the CG Zoning District, single-family/two family residential dwellings and multiple-family dwellings are permitted for workforce affordable housing in compliance with Article V, Division 10, Work Force Housing

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 _____, 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