

**PLANNING BOARD
RESOLUTION NO. 2019-52**

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”, 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 intent of the City of Key West is to increase the provision of affordable housing in appropriate areas in the City, it is determined that consistent with good planning practices the General Commercial (GC) zoning district shall allow single family/two family and multiple family dwellings as permitted uses in order to encourage affordable housing.

WHEREAS, the maximum allowable density of the General Commercial District (CG) zoning district is sixteen dwelling units per acre (16 du/acre);

WHEREAS, to provide incentives for affordable housing, the maximum allowable density of the General Commercial District (CG) zoning district shall be increased up to forty dwelling



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units per acre (40 du/acre) for affordable housing developments;

WHEREAS, this proposed amendment to the Land Development Regulations was presented to the Planning Board with a recommendation of approval at its regularly scheduled meeting on July 18, 2019; and

WHEREAS, the Planning Board finds that it is in the public's interest to amend the City's Land Development Regulations, by allowing as permitted uses single-family/two -family and multiple -family residential units and increasing the maximum allowable density of the CG zoning district of Chapter 122, for affordable housing units;

NOW, THEREFORE BE IT RESOLVED by the Planning Board of 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 the proposed amendment to Chapter 122 of the Land Development Regulations is recommended for approval; the changes are as follows:*

Section 122-417. – Uses Permitted.

Uses permitted in the general commercial district (CG) 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) Group homes with less than or equal to six residents as provided in section 122-1246.

- 4) Cultural and civic activities.
- 5) Hospitals and extensive care.
- 6) Places of worship.
- 7) Business and professional offices.
- 8) Commercial retail low and medium intensity less than or equal to 10,000 square feet.
- 9) Commercial retail high intensity less than or equal to 5,000 square feet.
- 10) Hotels, motels, and transient lodging.
- 11) Medical services.
- 12) Parking lots and facilities.
- 13) Restaurants, with or without drive-through.
- 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 district (CG) 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.
- 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)

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. Density bonuses are for affordable housing only. Market rate housing will be restricted in 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	H	DI
Residential Uses															
Accessory residential units (reference section <u>122-171</u>)		P													
Single-family dwellings	P	P	P	P	P		C	C <u>P12</u>	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
Multiple-family dwellings			P	P	P	P	C	C <u>P12</u>	P	P	P	P	P	P	P
homes/group homes with ≤Foster to 6 residents ²	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

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Footnotes:

12. In the CG 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.

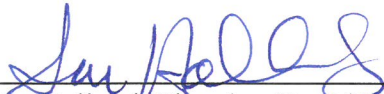
*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the city clerk.

Section 4. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty-five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 18th day of July 2019.

Authenticated by the Chair of the Planning Board and the Planning Director.



Sam Holland, Planning Board Chair

7-25-19

Date

Attest:



Patrick Wright, Planning Director

7-25-19

Date



Filed with the Clerk:



Cheryl Smith, City Clerk

7-25-19

Date

 Chairman
 Planning Director