



THE CITY OF KEY WEST
PLANNING BOARD
Staff Report

To: Chairman and Planning Board Members

Through: Katie P. Halloran, Planning Director

From: Daniel Sobczak, Planner I

Meeting Date: September 17th, 2020

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”, Article IV, entitled “Districts”, Division 8 entitled “Historic Neighborhood Commercial Districts”, to create a new zoning district entitled the “Historic Neighborhood Commercial District Bahama Village Truman Waterfront” (HNC-4), providing amendments to section 122-92, entitled "Future land use map designations and zoning districts", section 122-1111, entitled “Table of land use by districts”, section 122-1112, entitled “Table of permitted and conditional commercial retail uses by districts”, and section 122-1151, entitled “Size and dimension”; providing for intent, permitted uses, conditional uses, prohibited uses, and dimensional requirements; providing for a residential density of up to 40 units per acre; pursuant to Chapter 90, Article VI, Division 2; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Request: The proposed ordinance to amend the City’s Land Development Regulations (“LDRs”) is an essential part of an effort to encourage the redevelopment of vacant City-owned properties and mixed-use development to include high density mixed income housing including affordable work force housing. The Planning Board is hearing this LDR text amendment and a text amendment to the Comprehensive Plan in order to create a new zoning district, to be named the Historic Neighborhood Commercial District Bahama Village Truman Waterfront (HNC-4), which will allow for high- density mixed income and deed-restricted affordable housing at forty (40) dwelling units per acre and neighborhood oriented non-residential uses.

Applicant: City of Key West

Background:

The proposed ordinance to amend the City’s LDRs is an essential part of an effort to encourage the redevelopment of vacant City-owned properties in the Bahama Village community. The proposal is designed to encourage mixed-use development as well as high density mixed income housing including

affordable workforce housing. The Land Development Regulations of the City of Key West define workforce housing as deed restricted housing required to be 30% of the aggregate total of all market rate units proposed on any one site. Affordable work force housing shall include low income, median income, moderate income and middle-income housing, per Section 86-9. The Planning Board is hearing this LDR amendment and an amendment to the Comprehensive Plan in order to create a new zoning district, to be named the "Historic Neighborhood Commercial District Bahama Village Truman Waterfront - 4" (HNC-4), which will allow for high-density mixed-income and affordable workforce housing at forty (40) dwelling units per acre and neighborhood oriented non-residential uses.

The Bahama Village Redevelopment Advisory Committee (BVRAC) approved the Bahama Village Visioning and Capital Projects Workplan on August 10, 2017, it was adopted by the Bahama Village Community Redevelopment Agency (CRA) on January 17, 2018. The workplan lists seven (7) recommended capital projects. Capital project four (4) recommends an affordable housing and mixed-use development on a 3.2-acre portion of the 5.57-acre parcel at 918 Fort Street. The recommended project is a critical prioritization for the Committee, the Agency, and the City.

The proposed ordinance to amend the City's LDRs was previously passed by the Planning Board and has been transmitted to the Department of Economic Opportunity (DEO) by the Key West City Commission after the first reading of the proposed ordinance. The DEO responded with comments regarding how the City will ensure the new zoning district will encourage the development of affordable housing. In response, the City has added a caveat to the Intent section of the proposed ordinance to amend the City's Land Development Regulations for HNC-4 stating the following: "The HNC-4 district shall accommodate mixed use development to include high density mixed-income and affordable workforce housing at 40 dwelling units per acre. At least 30% of any new multi-family development shall be deed-restricted affordable workforce housing pursuant to Section 122-1467 requirements for affordable workforce housing, however, linkage exceptions shall not be permitted for mixed-use or multi-family developments within this district."

Request / Proposed Map Amendment:

DIVISION 8. - HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICTS

Subdivision I. - In General

Sec. 122-776. - Intent.

(a) The historic neighborhood commercial districts, HNC-1 through ~~3~~ 4 districts, are established to implement comprehensive plan policies for areas designated "HNC-1 through ~~3~~ 4" on the comprehensive plan future land use map. The HNC districts shall accommodate both residential and neighborhood commercial uses typically located along major thoroughfares which lead into or are adjacent to the central core commercial area of the city. Residential activities permitted within the HNC-1 through ~~3~~ 4 districts include single-family and duplex structures as well as multiple-family structures. Commercial uses generally permitted in these districts include the following:

- (1) Professional offices;
- (2) Banking and financial institutions;

(3) Personal service shops;

(4) Specialty shops;

(5) Retail sales and services, excluding automotive sales and services as well as drive-through restaurants, theaters or other drive-through facilities which potentially generate similar traffic flow problems; and

(6) Transient living accommodations and guest cottages within the HNC-1 and HNC-3 districts but not within the HNC-2 and HNC-4 districts.

(b) The HNC-1 through ~~3~~ 4 districts may also accommodate customary accessory uses and community facilities. The HNC district regulations include criteria for managing issues surrounding land use compatibility; historic preservation; access to public facilities with available capacity; urban design amenities; and related issues which must be managed to ensure effective implementation of the comprehensive plan goals, objectives, and policies. Within the HNC districts redevelopment or conversion of permanent housing structures to transient residential, office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs. Within the HNC-1 through 3 districts, ~~t~~The minimum size dwelling shall be 750 square feet.

(c) Performance standards shall restrict the allowable neighborhood commercial uses to very limited square footage in order to maintain land use compatibility with residential uses in the vicinity. In addition, the performance standards shall require minimum open space ratios, restrict the floor area based on traffic-generating characteristics, and incorporate other qualitative and quantitative standards which protect residential properties.

(d) In order to manage the impacts of future development on transportation and public facilities, the city shall limit the intensity of development within the HNC district by establishing the following thresholds within subdistricts HNC-1, HNC-2, ~~and HNC-3,~~ and HNC-4, respectively:

(1) Within the HNC-1 subdistrict, excepting sites abutting Simonton Street and Truman Avenue, land use activities shall generate no more than 100 trips per 1,000 square feet of gross leasable floor area per day.

(2) Within the HNC-2, ~~and HNC-3,~~ and HNC-4 subdistricts, land use activities shall generate no more than 50 trips per 1,000 square feet of gross leasable floor area per day.

(3) Within the HNC-2 and HNC-4 subdistricts, transient accommodations shall be prohibited.

(e) The HNC subdistricts are generally located on the official zoning map as provided in subdivisions II through ~~V~~ V of this division.

(Ord. No. 97-10, § 1(2-5.5.4), 7-3-1997)

Secs. 122-777—122-805. - Reserved.

Subdivision II. - Historic Neighborhood Commercial District—Truman/Simonton (HNC-1)

Sec. 122-806. - Intent.

The historic neighborhood commercial district—Truman/Simonton (HNC-1) consists of Simonton, Truman Avenue, and White Street South Corridors. The HNC-1 district is located along major segments of Simonton Street, from Caroline South to United Street; Truman Avenue, from Simonton Street northeast to White Street; and White Street, from Truman Avenue south to United Street; and generally includes larger scale commercial uses oriented toward the motoring public.

(Ord. No. 97-10, § 1(2-5.5.4(1)(A)), 7-3-1997)

Sec. 122-807. – Uses permitted.

Within the historic neighborhood commercial (HNC) districts, redevelopment or conversion of permanent housing structures to transient residential, office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs. Uses permitted include the following:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 2,500 square feet.
- (7) Hotels, motels and transient lodging.
- (8) Medical services.
- (9) Parking lots and facilities.
- (10) Veterinary medical services without outside kennels.

(Ord. No. 97-10, § 1(2-5.5.4(1)(B)), 7-3-1997)

Sec. 122-808. - Conditional uses.

Conditional uses in the historic neighborhood commercial district—Truman/Simonton (HNC-1) are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Community centers, clubs and lodges.
- (3) Cultural and civic activities.

- (4) Educational institutions and day care.
- (5) Nursing homes, rest homes and convalescent homes.
- (6) Parks and recreation, active and passive.
- (7) Protective services.
- (8) Public and private utilities.
- (9) Commercial retail low and medium intensity greater than 2,500 square feet.
- (10) Commercial retail high intensity.
- (11) Funeral homes.
- (12) Light industrial.
- (13) Restaurants, excluding drive-through.
- (14) Small recreational power-driven equipment rentals.

(Ord. No. 97-10, § 1(2-5.5.4(1)(C)), 7-3-1997)

Sec. 122-809. - Prohibited uses.

In the historic neighborhood commercial district—Truman/Simonton (HNC-1), all uses not specifically or provisionally provided for in this subdivision are prohibited.

(Ord. No. 97-10, § 1(2-5.5.4(1)(D)), 7-3-1997)

Sec. 122-810. - Dimensional requirements.

The dimensional requirements in the historic neighborhood commercial district— Truman/Simonton (HNC-1) 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: 16 dwelling units per acre (16 du/acre).
- (2) Maximum floor area ratio: 1.0. Refer to section 122-776 for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within HNC areas.
- (3) Maximum height: 35 feet.
- (4) Maximum lot coverage:
 - a. Maximum building coverage: 50 percent.
 - b. Impervious surface ratio: 60 percent.

(5) Minimum lot size: 4,000 square feet.

- a. Minimum lot width: 40 feet.
- b. Minimum lot depth: 100 feet.

(6) Minimum setbacks:

- a. Front: 5 feet.
- b. Side: 5 feet.
- c. Rear: 15 feet.
- d. Street side: 7.5 feet.

(Ord. No. 97-10, § 1(2-5.5.4(1)(E)), 7-3-1997; Ord. No. 10-04, § 10, 1-5-2010)

~~Secs. 122-811—122-835. Reserved.~~

Subdivision V. - Historic Neighborhood Commercial District Bahama Village Truman Waterfront (HNC-4)

Sec. 122-871. - Intent.

The historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) is established to implement comprehensive plan policies for areas designated “Historic Commercial” on the comprehensive plan future land use map. The HNC-4 district shall accommodate mixed use development to include high density mixed-income and affordable workforce housing at 40 dwelling units per acre. At least 30% of any new multi-family development shall be deed-restricted affordable workforce housing pursuant to Section 122-1467 for requirements of affordable workforce housing, however, linkage exceptions shall not be permitted for mixed-use or multi-family developments within this district.

Sec. 122-872. - Uses permitted.

Uses permitted in the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) are as follows:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Business and professional offices.
- (5) Commercial retail low intensity.
- (6) Medical services.
- (7) Parks and recreation, passive and active.

(8) Parking lots and facilities.

Sec. 122-873. - Conditional uses.

Conditional uses in the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Educational institutions and day care.
- (4) Nursing homes, rest homes, assisted living facilities, and convalescent homes.
- (5) Protective services.
- (6) Public and private utilities.
- (7) Commercial retail medium intensity.
- (8) Restaurants, excluding drive-through.
- (9) Places of worship.
- (10) Community centers, clubs, and lodges.
- (11) Veterinary medical services.

Sec. 122-874. - Prohibited uses.

In the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4), all uses not specifically or provisionally provided for in this subdivision are prohibited.

Sec. 122-875. - Dimensional requirements.

The dimensional requirements in the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) 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: 40 dwelling units per acre (40 du/acre).
- (2) Maximum floor area ratio: 1.0. Refer to section 122-776 for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within HNC areas.
- (3) Maximum height: 35 feet.
- (4) Maximum lot coverage:

a. Maximum building coverage: 50 percent.

b. Impervious surface ratio: 70 percent.

(5) Minimum lot size: 4,000 square feet.

a. Minimum lot width: 40 feet.

b. Minimum lot depth: 90 feet.

(6) Minimum setbacks:

a. Front: 5 feet.

b. Side: 5 feet.

c. Rear: 10 feet.

d. Street side: 5 feet.

e. Additional setback criteria may apply to parcels abutting government property.

Secs. 122-876—122-895. - Reserved.

This same map in more detailed format is available at City Planning Department offices.

Sec. 122-92. - Future land use map designations and zoning districts.

The following table references adopted future land use map designations contained in the land use element of the city comprehensive plan and identifies corresponding zoning districts which are established in order to implement the future land use map designations, respectively:

FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS

<i>Residential</i>	
LDR-C	Low density residential—coastal
SF	Single-family units
MDR-C	Medium density residential—coastal
MDR	Medium density residential
HDR	High density residential
HDR-1	High Density Residential College Road
<i>Commercial Development</i>	

CL	Limited commercial
CG	General commercial
CT	Salt Pond tourist commercial
<i>Mixed Use New Town Development</i>	
RO	Residential/office
PRD	Planned redevelopment and development
<i>Old Town Historic Preservation</i>	
HRO	Historic residential/office
HRCC-1	High density residential/commercial core: Bay side
HRCC-2	High density residential/commercial core: Key West Bight
HRCC-3	High density residential/commercial core: Atlantic side
HMDR	Medium density residential
HSMDR	Historic special medium density residential
HPRD	Planned development and redevelopment
HNC-1	Neighborhood commercial: Simonton, Truman, and S. White Street corridors
HNC-2	Neighborhood commercial: Old Town northeast and southeast
HNC-3	Neighborhood commercial: Bahama Village
<u>HNC-4</u>	<u>Neighborhood commercial: Bahama Village Truman Waterfront</u>
HCT	Tourist commercial
HPS	Public service, including recreation and open space
HHDR	High density residential

<i>Institutional</i>	
PS	Public services ⁽¹⁾
A	Airport
<i>Conservation</i>	
C	Conservation ⁽²⁾
(1)	"Public services" includes all lands designated "public services" or "military" on the comprehensive plan future land use map series which are located within the city limits.
(2)	"Conservation" incorporates all lands designated "conservation" on the comprehensive plan future land use map series, including tidal and freshwater wetlands, mangroves, upland hammocks, and waters of the state, including an area extending 600 feet into the tidal waters adjacent to the corporate city limits.

(Ord. No. 97-10, § 1(2-4.2), 7-3-1997; Ord. No. 12-33, § 1, 9-18-2012; Ord. No. 18-04, § 1, 2-7-2018)

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	HSM-DR	HHD-R	HRC-C-1	HRC-C-2	HRC-C-3	HPR-D	HNC-1	HNC-2	HNC-3	HNC-4	HCT	HRO	HPS	HPS-1	PS	C	A5	
Residential Uses																														
Accessory residential units (reference)		P																												

Commercial retail						8	8	8						8	8	8	8	8	8	8	8	8	8	8	8	8								8						
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																									
Marinas							C							C	C																						C	C		
Medical services							P	P	P	C	C			P	P	P	C	P	P	P	<u>P</u>															P	P		P	
Parking lots and facilities							C							P	P	P	C	P	P	P	<u>P</u>																		P	C
Restaurants, excluding drive-through							P		C	C				P	P	P	C	C	C11	C	<u>C</u>																		C	
Restaurants, including drive-through								P																																
Small recreation power-driven equipment rental							C9	C9	C9					C	C	C																							C9	
Vehicular sales and related services, including maintenance and repair								C																																
Veterinary medical services, with outside kennels								P																																
Veterinary medical services, without outside kennels							P	P		P				P	P	P	C	P	P	P																		P		
Deed restricted workforce affordable housing in compliance with Article V. Supplementary District Regulations and Division 10. Workforce Housing of the Land Development Regulations																																								C

(Ord. No. 97-10, § 1(2-5.8), 7-3-1997; Ord. No. 10-05, § 3, 1-5-2010; Ord. No. 12-33, § 3, 9-18-2012; Ord. No. 13-25, § 3, 12-3-2013; Ord. No. 18-04, § 3, 2-7-2018; Ord. No. 19-15, § 2, 5-21-2019; [Ord. No. 19-39](#), § 2, 12-3-2019)

Sec. 122-1112. - Table of permitted and conditional commercial retail uses by district.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Low intensity means commercial retail uses that generate less than 50 average daily trips per 1,000 square feet.

Medium intensity means commercial retail uses that generate between 50 and 100 average daily trips per 1,000 square feet.

High intensity means commercial retail uses that generate above 100 average daily trips per 1,000 square feet.

(b) The table of permitted and conditional commercial retail uses by district shall be as follows:

TABLE OF PERMITTED AND CONDITIONAL COMMERCIAL RETAIL USES BY DISTRICT

District	Allowed by Right	Allowed as Conditional Use
CL, CT and HCT	Low and medium intensity > 5,000 sq. ft.	Low and medium intensity > 5,000 sq. ft. High intensity
CG	Low and medium intensity & lte; 10,000 sq. ft. High intensity & lte; 5,000 sq. ft.	Low and medium intensity > 10,000 sq. ft. High intensity > 5,000 sq. ft.
PRD	None	Low, medium and high intensity
HRCC-1	Low and medium intensity & lte; 5,000 sq. ft. High intensity & lte; 2,500 sq. ft.	Low and medium intensity > 5,000 sq. ft. High intensity > 2,500 sq. ft.
HRCC-2 and HRCC-3	Low and medium intensity & lte; 5,000 sq. ft.	Low and medium intensity > 5,000 sq. ft. High intensity
HPRD	None	Low, medium and high intensity
HNC-1	Low and medium intensity & lte; 2,500 sq. ft.	Low and medium intensity > 2,500 sq. ft. High intensity
HNC-2 and HNC-3	Low intensity & lte; 2,500 sq. ft.	Low intensity > 2,500 sq. ft. to & lte; 5,000 sq. ft.
<u>HNC-4</u>	<u>Low intensity</u>	<u>Medium Intensity</u>
A	None	Low and medium intensity

Note: The total area as stated above includes both sales area under roof and any outside sales area.

(Ord. No. 97-10, § 1(2-5.8(A)), 7-3-1997)

Sec. 122-1151. - Size and dimension.

Size and dimension regulations for zoning districts shall be as follows:

TABLE OF SIZE AND DIMENSION REGULATIONS

District	Minimum Area (sq. ft.)	Minimum Width (sq. ft.)	Minimum Depth (sq. ft.)	Impervious Surface Ratio	Maximum Building Coverage	Minimum Setback Requirements				Maximum Height (feet)	Maximum Floor Area Ratio	Maximum Density (du/acre)
						Front (feet)	Street Side (feet) ¹	Side (feet)	Rear ² (feet)			

<i>Residential</i>													
LDR-C low density residential coastal	1 acre	100	100	50	40	30	15	15 ³	25	30	n/a	1	
MDR-C medium density residential coastal ⁴	½ acre	70 ⁵	100	50	40	30 ⁶ 30	10 20	7 ³ 20	20 25	30	n/a	8	
SF single-family residential ⁴	6,000 ⁷ ½ acre ₄	50 100	100 100	50 60	35 ⁷ 40	30 ⁶ 30	10 20	5 15	25 25	25 ²⁰ 25	n/a n/a	8	
MDR medium density residential	½ acre 1 acre	70 ⁵ 80	100 100	50 60	35 40	30 ⁶ 30	10 25	7 25	20 25	35	n/a	16	
HDR high density residential	1 acre 1 acre	70 ⁵ 80	100	60	40	30 ⁶ 30	10 25	7 25	20 25	40	n/a	22	
HDR-1 high density residential college road	1 acre	80	100	60	40	20	10	10	10	25*	NA	40	
*Unless otherwise increased by referendum													
<i>Commercial</i>													
CL limited commercial	10,000	70	100	60	40	25 ⁸	20	15 ³	25 ⁸	40	0.8	16	
CG general commercial	15,000	150	100	60	40	25 ⁸	20	15 ³	25 ⁸	40 ⁹	0.8	16	
CT tourist commercial	30,000	150	100	60	40	25 ⁸	20	15 ³	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 ¹⁰	1 acre	n/a	n/a	60	40	25 ⁸	20	20	40	35	0.8	8	
HMDR historic medium density residential ²¹	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 ^{12, 21}	5,000	50	100	60 ¹²	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 ²¹	4,000	40	100	60	50	5	7.5	5	15	35	1.0 ¹⁴	16
HNC-2 historic neighborhood commercial ²¹	4,000	40	90	60	40	10	7.5	5	15	30	1.0 ¹⁴	16
HNC-3 historic neighborhood commercial ²¹	4,000	40	90	60	40	0	7.5	5	15	30	1.0 ¹⁴	16
<u>HNC-4 historic neighborhood commercial ²¹</u>	<u>4,000</u>	<u>40</u>	<u>90</u>	<u>70</u>	<u>50</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>35</u>	<u>1.0 ¹⁴</u>	<u>40</u>
HCT historic commercial tourist ^{17, 21}	10,000	75	100	70	50	5	5	5	10	35	1.0	22
HRO historic residential office ²¹	5,000	50	100	60	50	5	5	5	10	30	1.0 ¹⁴	16
HPS historic public/semipublic service ²¹	5,000	50	100	50	40	20	10	5 ¹¹	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 ²¹	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	¹⁶	0.3	n/a
C conservation	10 acres	n/a	n/a	5	5	¹⁸	¹⁸	¹⁸	¹⁸	25	0.01	0.1

(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; Ord. No. 19-15, § 2, 5-21-2019)

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

Land Development Regulations Text Amendment Process:

Planning Board Meeting:	September 17th, 2020
City Commission (2nd Reading / Adoption):	October 6th, 2020
Local Appeal Period:	30 days
Render to DEO:	10 working days
DEO Review:	Up to 45 days
DEO Notice of Intent (NOI):	Effective when NOI posted to DEO site

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 Planning Board and 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.

90-520 (6) Justification. The need and justification for the proposed change. The evaluation shall address but shall not be limited to the following issues:

- a. **Comprehensive Plan consistency.** Identifying impacts of the proposed change in zoning on the Comprehensive Plan. The zoning should be consistent with the Comprehensive Plan.

Objective 1-1.2.1: Plan and Design for Residential Quality. Sufficient space shall be provided for residential development and required community facilities to adequately meet the housing needs of the present and expected future population. Residential development shall be planned and designed to create and perpetuate stable residential neighborhoods and implement the policies stipulated below.

The proposed change to the Land Development Regulations will create a new zoning district to allow for high-density, mixed-income development including affordable workforce housing. A portion of the proposed zoning district is within an area where residential development is limited to single-family and two-family dwellings and permitted only through the conditional use process (HCL zoning district). The amendments to the Land Development Regulations will provide space for residential development and community facilities to meet the housing needs of the expected future population.

Objective 1-1.3: Allocating Commercial Development. Land area shall be designated to accommodate a variety of commercial uses. The City shall promote the image, function, architecture, and ambiance of the Historic Preservation Commercial Core District as the City's center for commerce as well as civic and cultural enrichment. In this pursuit the City shall preserve and enhance the identity, design, and vitality of the District.

The newly created district would accommodate a variety of commercial uses: business and professional offices, low-intensity commercial retail, and medical services. In addition, under the conditional use process, it would allow for medium-intensity commercial retail, restaurants, and veterinary medical services. Several of these uses would not be permissible under the current zoning designations of HMDR, HCL, HPS-1, and HNC-2.

Objective 1-1.6: Integrate Former Military Sites: Ensure that the integration of former military land provides for long-term, sustained, economic growth consistent with the community's vision for the City of Key West, as follows:

1. Provide meaningful integration of the sites into the community fabric;
2. Help diversify the economy;
3. Encourage balanced growth in the area's economy, including commercial and service sector job growth;
4. Provide employment opportunities for the region's unemployed and underemployed persons;
5. Strengthen the local tax base
6. Help existing business and industries expand;
7. Help small businesses develop;
8. Provide affordable housing for Key West residents;
9. Provide public recreation and access opportunities, especially on the waterfront;
10. Provide opportunities for port, harbor and marina improvements;
11. Facilitate improvements and provide physical and economic links to Bahama Village;
12. Ensure environmental sensitivity and efficient resource use;
13. Provide opportunities for social services and special needs facilities.

Portions of the proposed district are former military land, granted to the City of Key West through a quit claim deed, recorded with the County, book # 1839, page # 410. The amendment to the Land Development Regulations will allow a meaningful integration of the sites into the community fabric by providing affordable and mixed-income housing for Key West residents, employment opportunities for the region's unemployed and underemployed persons, a strengthening of the local tax base, and an encouragement of a balanced growth in the area's economy, including commercial and service sector job growth. It will also allow the city to plan for better pedestrian and bicycle connectivity between Bahama Village and the Truman Waterfront Park.

Policy 1-1.6.4: Truman Waterfront Organizing Elements: All new development and redevelopment within the Truman Waterfront Parcel shall be consistent with the following key organizing elements:

1. Recreation and open space linked through landscaped multimodal green ways and view corridors with multiple access points connecting the large park and recreational area on the northwestern portion of the site.
2. Uninterrupted public access to the waterfront through a wide promenade along the full length of the harbor.
3. Landscaped and hardscaped areas which are well-lit and designed to provide a safe area for use by a diverse mix of recreational users.
4. Affordable housing, neighborhood retail and social service uses which function as an extension of the neighborhood fabric of Bahama Village.
5. Educational and historical activity nodes.
6. Expanded use of the portions of the Truman Waterfront property for port activities.
7. Multiple ingress/egress points into the Truman Waterfront property.
8. High profile green design and livability principles, including but not limited to the International Dark Sky Association, the National Complete Streets Coalition, and highest-level green building certifications.

The proposed Land Development Regulations amendment will allow for redevelopment within the Truman Waterfront Parcel to contain mixed use, high-density mixed income housing, affordable workforce housing, neighborhood retail, and social services that will function as an extension of the neighborhood fabric of Bahama Village.

	HPS-1	HCL	HMDR	HNC-2	HNC-4
Single-family dwellings		C	P	P	P
Two-family dwellings		C	P	P	P
Multiple-family dwellings			P	P	P
Foster homes/group homes with ≤ to 6 residents			P	P	P
Group homes with 7-14 residents			C	C	C
Community centers, clubs and lodges	P				C
Cultural and civic activities	P		C	C	C
Educational institutions and day care facilities			C	C	C
Nursing homes, rest homes and convalescent homes			C	C	C
Parks and recreation, active	P		C	P/C	P
Parks and recreation, passive	P		C	P/C	P
Places of worship			C	P	C
Protective services	P		C	C	C
Public and private utilities		C	C	C	C
Business and professional offices	P	P		P	P
Commercial retail	P	P		P/C	P/C
Medical services				P	P
Parking lots and facilities	P		C	P	P
Restaurants, excluding drive-through		P/C		C	C
Veterinary medical services, without outside kennels				P	C

b. Impact on surrounding properties and infrastructure. The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure. The current zoning of the subject parcels is a mix of HPS-1, HCL, HMDR, and HNC-2. The table below outlines the existing permitted (“P”) and conditional (“C”) uses of the current zoning designations and the proposed permitted and conditional uses for the proposed HNC-4 zoning district.

Table of land uses by districts.

Land use incompatibilities are not anticipated with the proposed permitted uses. Conditional uses would only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

Any public facility needs generated by the proposed change in land use shall be met concurrent with the impacts of development and the adopted level of service criteria shall be met.

c. Avoidance of special treatment. The proposed change shall not constitute a spot zone change. Spot zoning occurs when:

1. A small parcel of land is singled out for special and privileged treatment:
The proposed change involves 11 parcels totaling approximately 6.635 acres, or 289,029-square-feet of land.
2. The singling out is not in the public interest but only for the benefit of the landowner.
The proposed change will allow for the development of mixed income housing and affordable workforce housing, a critical need of the community. It will also allow for the redevelopment of the abandoned and underused diesel plant parcels and it will allow for a neighborhood oriented low-cost medical clinic.
3. The action is not consistent with the adopted comprehensive plan.
The proposed amendment would be consistent with the adopted Comprehensive Plan, particularly with objectives 1-1.2.1, 1-1.3, and 1-1.6, and policy 1-1.6.4.

d. Undeveloped land with similar comprehensive plan future land use map designation. The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested shall be stated.

The proposed change involves the creation of an entirely new district, therefore, no undeveloped land in the general area and in the city has the same zoning classification as requested.

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 amendment would be consistent with the overall purpose of the Comprehensive Plan, particularly objectives 1-1.2.1, 1-1.3, and 1-1.6, and policy 1-1.6.4.

Consistent with the adopted infrastructure minimum level of service standards and the concurrency management program

The proposed amendment would be consistent with the adopted infrastructure minimum level of service (LOS) standards and the concurrency management program.

- (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 is an essential part of a collaborative effort by the City Commission and City staff to encourage the development of mixed-income development including affordable workforce housing. The amendment will also allow for the redevelopment of vacant and underused parcels. The proposed ordinance is joined by a proposed ordinance to amend the Comprehensive Plan. The City received additional parcels through BVRAC that will assist in the future development of the Bahama Village area.

- (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.

Land use incompatibilities are not anticipated with the proposed permitted uses. Conditional uses would only be permitted on specific sites where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

- (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.

The extent to which the proposal would have on demand on public facilities and services cannot be determined at this time as no development plans are a part of this proposal. All applications for development will be required to complete a concurrency determination pursuant to chapter 94 of the Land Development Regulations.

- (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 map amendment is not expected to result in adverse impacts on the natural environment. Portions of this land were formally military and industrial sites. The proposed rezoning and eventual redevelopment would likely serve to improve the existing area and any possible contamination.

- (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. The proposal would potentially increase property values in the area.

- (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 proposal would result in an orderly and compatible land use pattern by allowing for neighborhood-oriented uses: residential dwellings, group homes with 6 or fewer residents, business/professional offices, low-intensity retail, medical services, parks/recreation, and parking lots/facilities. Only after conditional use review and approval will the following uses be permitted: group homes of seven to fourteen residents, cultural and civic activities, educational institutions and day cares, nursing homes/rest homes/assisted living facilitates/convalescent homes, protective services, public and private utilities, medium intensity retail, restaurants, places of worship, community centers/clubs/lodges, and veterinary medical services.

Uses that may negatively impact to the neighborhood character would be prohibited (i.e., transient lodging, bars and lounges, gasoline stations, restaurants with drive-through, and high-intensity retail, etcetera).

- (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 amendment to the Land Development Regulations 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 proposed zone is 6.635 acres, or 289,029-square-feet. The new zone will allow for the future development of mixed income development including affordable workforce housing and the redevelopment of abandoned or underused public parcels.

RECOMMENDATION:

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