

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 122, OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING THE HRCC-4 ZONING DISTRICT SECTION 122-756 ENTITLED "INTENT"; AMENDING SECTION 122-757 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-758 ENTITLED "CONDITIONAL USES"; AMENDING SECTION 122-759 ENTITLED "PROHIBITED USES"; AND AMENDING SECTION 122-760 ENTITLED "DIMENSIONAL REQUIREMENTS"; AND AMENDING THE HPS-1 ZONING DISTRICT SECTION 122-966 ENTITLED "INTENT"; AMENDING SECTION 122-967 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-968 ENTITLED "CONDITIONAL USES"; AND AMENDING SECTION 122-970 ENTITLED "DIMENSIONAL REQUIREMENTS" FOR AMENDMENTS TO ZONING DISTRICT REGULATIONS FOR THE LANDS WITHIN THE DESIGNATED TRUMAN WATERFRONT PARK AREA; AND AMENDING SUPPLEMENTARY DISTRICT REGULATIONS BY AMENDING SECTION 122-1111 ENTITLED "TABLE OF LAND USES BY DISTRICT"; AND AMENDING SECTION 122-1151 ENTITLED "TABLE OF SIZE AND DIMENSION REGULATIONS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the Land Development Regulations in accordance with Sections 90-486 through 90-524; and

WHEREAS, the Planning Department initiated the proposed amendments to the ordinance as a result of changes to the Comprehensive Plan that are the result of the adoption of the Truman Waterfront Park Master Plan by the City Commission and the

Navy's revocation of the Navy Mole Pier and the Truman Harbor areas of the original Truman Waterfront Parcel land conveyance; and

WHEREAS, the Truman Waterfront Park Master Plan is based on the Key West Base Reuse Plan and over 10 years of community, and committee hearings for the how the public desires the Truman Waterfront Parcel to be used; and

WHEREAS, the lands that make up the Truman Waterfront Parcel land conveyance shall be used as a regional public park in perpetuity; and

WHEREAS, pursuant to Section 90-522, the Planning Board held a noticed public hearing on August 22, 2013; where based on the consideration of recommendations of the City Planner, City Attorney, and public testimony and input, and recommendation of the Planning Department, recommended approval of the proposed amendments; and

WHEREAS, the City Commission held a noticed public hearing on October 2, 2013 and a second public hearing on _____ and in its deliberations considered the criteria identified in Section 90-521 of the Code of Ordinances; and

WHEREAS, the City determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are

stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 122, of the Code of Ordinances entitled "Zoning" is hereby amended as follows*:

Division 7.

Subdivision V.HRCC-4 Truman Waterfront District

Sec. 122-756. Intent.

The HRCC-4 district is established to implement comprehensive plan policies for areas ~~designated~~ zoned "HRCC-4" ~~on the comprehensive plan future land use map.~~ The HRCC-4 district shall provide within the Truman Waterfront parcel. ~~site with a designation which~~ The district specifically accommodates uses

(Coding: Added language is underlined; deleted language is struck through.)

compatible with or accessory to the Truman Waterfront Regional Park marine-related and marine-dependent activities, as well as and encourages preservation of the nature, character, and quality of the city's historic development. The Truman Waterfront Park shall be dedicated in perpetuity as a regional park. Building construction is to be limited on Mole Pier and no more than 15,000 square feet of building construction will be allowed on the pier.

Sec. 122-757. Uses permitted.

~~Only water dependent uses shall be located within the first 40 feet landward of the mean high water (MHW) or the bulkhead. Similarly, only water related uses shall be located between the 40 foot setback and the 100 foot setback from the MHW or the bulkhead. No permanent residential use shall be located within 100 feet of the mean high water, and no transient residential uses shall be allowed within any portion of the HRCC 4 district. Permitted uses include. Uses Permitted in the HRCC-4 zoning district are as follows:~~

- (1) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed. ~~Port and port-related uses, provided that uses that constitute "port~~

~~expansion" as set out in section 5B-1.B.4. of the comprehensive plan receive approval through the major development approval process of Section 108-31~~

- (2) Protective services. Harborwalk.
- (3) Community Centers. Mobile vending along Harborwalk,
~~consistent with other city regulations.~~
- (4) Government business and professional offices (marine-
~~related) on second floor.~~
- (5) Commercial retail and concessionaire sales accessory to
primary uses. low and medium intensity (marine related)
~~less than or equal to 5,000 square feet.~~
- (6) Parking lots.
- (7) Cultural and Civic Activities, inclusive of museums,
theatres, stadiums and amphitheatres.
- ~~(7) Light industrial (marine related).~~
- ~~(8) Boat sales and service.~~
- ~~(9) Commercial retail low and medium intensity (bicycle~~
~~rental) less than or equal to 5,000 square feet.~~

Sec. 122-758. Conditional uses.

Conditional uses in the HRCC-4 Truman Waterfront District are as follows:

- (1) Waterfront restaurants and food service facilities associated with park activities. Commercial retail low and medium intensity (marine-related) greater than 5,000 square feet.
- ~~(2) Educational institutions.~~
- ~~(3) Marinas.~~
- ~~(4) Public and private utilities.~~
- ~~(5) Permanent residential as long as the use is less than or equal to 750 square feet or no more than 25 percent of the other use on site, whichever is less.~~

Sec. 122-759. Prohibited uses.

In the HRCC-4 Truman Waterfront District, the following uses not specifically or provisionally provided for in this subdivision are prohibited.†

- ~~(1) More than one cruise ship berth on the Outer Mole Pier.~~
- ~~(2) Cruise ship home porting activities.~~
- ~~(3) Car ferries.~~
- ~~(4) All uses not specifically or provisionally provided for in this subdivision.~~

Sec. 122-760. Dimensional requirements.

The dimensional requirements in the HRCC-4 Truman Waterfront District are as follows; however, construction may be limited by ~~proportion~~, scale, and mass and proportion considerations as expressed through the historic architectural review commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

- (1) Maximum density: Not applicable. ~~16 units per acre only as a conditional use.~~
- (2) Maximum FAR: ~~1.0~~ 0.8.
- (3) Maximum height: 35 feet, ~~except within the 100-foot setback from mean high water (MHW), the following restrictions apply:~~
 - a. ~~The minimum open space ratio shall be 0.5.~~
 - b. ~~The height of buildings shall be one habitable floor/story above base flood elevation.~~
- (4) Maximum lot building coverage: ~~50 percent.~~
 - a. Maximum building coverage: 30 percent.
 - a.b. Maximum impervious surface ratio: ~~650~~ percent.
~~excepting the first 100 feet from mean high water.~~

~~Cross reference HRCC 2 Key West Bight district, § 122-716 et seq.~~

- (5) Minimum lot size: Not applicable. ~~5,000 square feet.~~

- a. ~~Minimum lot width: 50 feet.~~
- b. ~~Minimum lot depth: 100 feet.~~

(6) Minimum setbacks:

- a. Front: ~~10~~ 7.5 feet.
- b. Side: 7.5 feet.
- c. Rear: ~~15~~ 7.5 feet. ~~but 10 when abutting an alley.~~
- d. Street side: 7.5 feet.

(7) Additional regulations:

- a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above when the principal use is passive and active recreation defined in Chapter 86, Section 86-9, Definition of Terms.
- b. Military requirements for landscaping adjacent to Military lands should be installed in accordance with the Truman Waterfront parcel land conveyance documents.

Cross Reference Chapter 102 entitled Historic Preservation

Section 2: That sections 122-966 through 122-970 of the Code of Ordinances is hereby amended as follows:

Chapter 122

Division 11

Subdivision II. Historic Public and Semipublic Services District-1

(HPS-1)

Sec. 122-966 -- Intent

The HPS-1 district is established to implement Comprehensive Plan policies for areas designated HPS-1 on the future land use map located within the Truman Waterfront parcel. This district is specifically intended to implement policies ~~for that facilitate~~ the development and use of the Truman Waterfront Park, recreational area, inclusive of the NOAA/environmental education center, the Seminole Battery, and the area to be made part of Fort Zachary Taylor. The Truman Waterfront Park recreational area is envisioned as an area shall be dedicated in perpetuity as a regional park. ~~that will include a harborwalk, open space, play fields, and public recreational facilities~~ The NOAA/environmental education center is envisioned as a government office facility, as well as a marine related environmental education center.

The HPS-1 district shall accommodate a regional park with uses essential and accessory to parks of regional importance. ~~harborwalk, parks and, recreation facilities, community centers, and parking lots.~~

Section 122-967. - Uses permitted.

Uses permitted in the historic public and semipublic services district-1 (HPS-1) are as follows:

- (1) Cultural and civic activities, inclusive of museums, theatres, stadiums and amphitheaters. Harborwalk.
- (2) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed.
- (3) Community centers.
- (4) Parking Lots.
- (5) Protective Services.
- (6) Government business and professional offices.
- (7) Commercial retail and concessionaire sales accessory to primary uses.

Section 122-968. - Conditional uses.

Conditional uses in the historic public and semipublic services district-1 (HPS-1) district are as follows:

- (1) Waterfront restaurants and food service facilities associated with park activities. Cultural and civic activities

~~(2) Public and private utilities.~~

~~(3) Protective services.~~

~~(4) Business and professional offices limited to government agencies involved in maritime services or administration of the Truman Waterfront.~~

~~(5) Marinas.~~

~~(6) Nursing homes, rest homes and convalescent homes, so long as affordable housing is provided by the project as follows: one third of beds or units are affordable housing, or if the development or redevelopment is in more than one zoning district, one third of beds or units in the total project are affordable housing.~~

Sec. 122-969. - Prohibited uses.

In the historic public and semipublic services district-1 (HPS-1), all uses not specifically or provisionally provided for in this subdivision are prohibited.

Sec. 122-970. - Dimensional requirements regulations.

The dimensional requirements in the historic public and semipublic services district-1 (HPS-1) are as follows; however, construction is may be limited by preportien, scale, and mass and proportion considerations as expressed through the Historic

Architectural Review Commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

- (1) Maximum density: Not applicable.
- (2) Maximum FAR: 0.80.
- (3) Maximum height: 25 feet.
- (4) Maximum lot coverage.
 - a. Maximum building coverage: 30 percent.
 - b. Impervious surface ratio: 50 percent.
- (5) Minimum lot size: Not applicable. ~~5,000 square feet.~~
 - a. ~~Minimum lot width: 50 feet.~~
 - b. ~~Minimum lot depth: 100 feet.~~
- (6) Minimum setbacks.
 - a. Front: ~~20~~ 7.5 feet.
 - b. Side: 7.5 feet. ~~Greater of 5 feet or 10 percent of lot width to a maximum of 15 feet.~~
 - c. Rear: ~~20~~ 7.5 feet ~~or 15 feet when abutting an alley.~~
 - d. Street side: 7.5 ~~ten~~-feet.
- (7) Additional regulations:
 - a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above when the principal use is passive and active

recreation defined in Chapter 86, Section 86-9,
Definition of Terms.

- b. Military requirements for landscaping adjacent to
Military lands should be installed in accordance
with the Truman Waterfront parcel land conveyance
documents.

Cross Reference Chapter 102 entitled Historic Preservation

Section 3: That section 122-1111 of the Code of
Ordinances is hereby amended as follows:

[SEE COMPLETE TABLES ON NEXT PAGE]

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 2. USES

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

TABLE OF LAND USE BY DISTRICT

	LDR- C	SF	MDR	MDR- C	HDR	CL	CG	CT	RO	FRD	HMDR	HSMDR	HHDR	HRCC -1	HRCC 2	HRCC- 3	HRCC- 4	HPR D	HNC -1	HNC- 2	HNC -3	HCT	HRO	HPS	HPS- 1	PS C	A5	
Residential Uses																												
Accessory residential units (reference section 122-171)		P																										
Single-family dwellings	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	
Duplexes/two-family dwellings		Cl	P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	
Multiple-family dwellings			P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	
Foster homes/group homes with 5 to 6 residents ²	P	P	P	P	P	P	P	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	C	C	C	C	C	C	C					
Approved home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				4	C
Community Facilities																												
Airport facilities																								C				
Cemeteries																												

Sec. 122-1151. - Size and dimension.

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

TABLE OF SIZE AND DIMENSION REGULATIONS

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

Section 7: 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 provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 8: 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 9: 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 State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held
this _____ day of _____, 2013.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2013.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2013.

Filed with the Clerk _____, 2013.

Mayor Craig Cates	_____
Vice Mayor Mark Rossi	_____
Commissioner Teri Johnston	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____
Commissioner Tony Yaniz	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK