



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

**To:** Chairman and Planning Board Members

**Through:** Patrick Wright, Planning Director

**From:** Ginny Haller, Planner II

**Meeting Date:** September 18, 2018

**Agenda Item:** **Text Amendment of Land Development Regulations** - A resolution of the City of Key West Board recommending an ordinance to the City Commission amending Chapter 122 entitled "Zoning", Article IV entitled "Districts", Division 11 entitled "Historic Public and Semipublic Services District", Subdivision 1 entitled "Historic Public and Semipublic Services District (HPS)"; Section 122-956 entitled "Intent"; Section 122-958 entitled "Conditional Uses"; and Section 122-960 entitled "Dimensional Requirements" of the Land Development Regulations; 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 is part of a process to address the affordable housing shortage in the City. The Planning Board is hearing this text amendment to the Plan Land Development Regulations and also a text amendment to the Comprehensive Plan which propose deed restricted Workforce Affordable Housing as a Conditional Use and propose a density of a maximum 16 dwelling units per acre in the Historic Public and Semipublic Services District (HPS). Currently residential dwellings are not a permitted or conditional use in the HPS zoning district.

In an effort to have consistency between the Comprehensive Plan and the Land Development Regulations, this proposed resolution proposes changes to Sections 122-956, 122-958, and 122-960 of the Land Development Regulations.

**Request**

The proposed text amendment to the Land Development Regulations includes changes to Sections 122-956, 122-958, and 122-960 for the HPS Zoning District. The changes are as follows\*:

**Sec. 122-956. Intent.**

The historic public and semipublic services district (HPS) is established to implement comprehensive Plan polices for areas designated “HPS” on the future land use map. The HPS district shall accommodate existing public and semipublic services- **and deed restricted workforce affordable housing.**

**Sec. 122-958. Conditional uses.**

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

- (1) Cemeteries.
- (2) Cultural and civic activities.
- (3) Protective services.
- (4) Public and private utilities.
- (5) Marinas.

**(6) Deed restricted workforce affordable housing in compliance with Article V. Supplementary District Regulations, and Division 10. Work Force Housing of the Land Development Regulations.**

**Sec. 122-960. Dimensional requirements.**

The dimensional requirements in the historic public and semipublic services district (HPS) 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: ~~not applicable.~~ **16 dwelling units per acre (16 du/acre).**
- (2) Maximum floor area ratio: The maximum floor area ratio for the HPS area shall be 1.0, excepting large scale regional facilities, which require a community impact statement. The latter projects may have a higher floor area ratio if approved by city commission. However, prior to approving a floor area ratio in excess of 1.0, the city commission must render a finding that the proposed public facility requires a higher floor area ratio in order to accommodate a regional service necessary to the general health, safety, and welfare of the city and/or county. Furthermore, the finding must indicate that the regional facility as proposed shall comply with all other qualitative and quantitative criteria of the comprehensive plan and land development regulations, including but not limited to the adopted concurrency management policies.
- (3) Maximum height: 25 feet.
- (4) Maximum lot coverage:
  - a. Maximum building cover: 40 percent.

- b. Impervious surface ratio: 50 percent.
- (5) Minimum lot size: 5,000 square feet.
  - a. Minimum lot width: 50 feet.
  - b. Minimum lot depth: 100 feet.
- (6) Minimum setbacks:
  - a. Front: 20 feet.
  - b. Side: greater of 5 feet or 10 percent of lot width to a maximum of 15 feet.
  - c. Rear: 20 feet or 15 feet when abutting an alley.
  - d. Street side: 10 feet.

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

**Land Development Text Amendment Process:**

Planning Board:	September 18, 2018
If denied, then appeal may be filed within 10 calendar days.	
City Commission (1st Reading)	Pending
City Commission (2nd Reading)	Pending
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 1 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 or the boundaries of the official zoning map. 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 90-522(a), 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 text amendment 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 Land Development Regulations pursuant to Code Section 90-522 (a) and 90-521.** In evaluating proposed changes to the Official Zoning Map, 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 (the “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 LDR amendment would be consistent with the overall purpose of the Comprehensive Plan as it would allow for deed restricted workforce affordable housing.

*Consistent with the adopted infrastructure minimum LOS standards and concurrency*  
The proposed text amendment would be consistent with the Comprehensive Plan and 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.

**(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 changes 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 last 18 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 changes to the Comprehensive Plan and the Land Development Regulations are an effort to address the ongoing lack of affordable workforce housing in the City. The proposed inclusion of deed restricted workforce affordable housing in zoning districts where affordable units are not a permitted or conditional use is a positive step in solving the affordable housing crisis in the City, as it opens more land area for the construction of residential units and offers more opportunities for affordable workforce housing.

**(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.**

None proposed.

**(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 Code Chapter 94.**

No development plans are proposed with this application, however the number of off-street parking requirements by use generally per Sec. 108-572 for dwelling units could increase the demand for transportation public facilities. The demand on public facilities and services would not exceed the existing capacity of such services.

**(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 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.**

No negative impacts.

**(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.**

No negative impacts.

**(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 is in the public interest and would be in harmony with the purpose and interest of the LDRs and the Comprehensive Plan.

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

The proposed changes to the Comprehensive Plan and the Land Development Regulations are an effort to address the ongoing lack of affordable workforce housing in the City. The proposed inclusion of deed restricted workforce affordable housing in zoning districts where affordable units are not a permitted or conditional use is a positive step in solving the affordable housing crisis in the City, as it opens more land area for the construction of residential units and offers more opportunities for affordable workforce 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**.