

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA AMENDING THE HISTORIC RESIDENTIAL/OFFICE (HRO) ZONING DISTRICT TO ALLOW ADDITIONAL PERMITTED AND CONDITIONAL USES DEFINED ON PROPERTIES LOCATED AT 409 APPELROUTH LANE (RE# 00010020-000000) AND 517-519 WHITEHEAD STREET (RE#00009990-000000) PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 3 OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the property located at – 409 Appelrouth Lane (RE# 00010020-000000), 517-519 Whitehead Street (RE#00009990-000000) are currently located within the Historic Residential/Office Zoning District; and

**WHEREAS**, the applicant initiated the proposed text amendment to change the property to allow additional permitted and conditional uses; and

**WHEREAS**, the Planning Board held a noticed public hearing on December 21, 2017, where the Planning Board recommended approval of the proposed text amendment; and

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Key West, Florida:

**Section 1.** That Sections 122-926, 122-927 and 122-928 of the Land Development Regulations are hereby amended for the HRO Zoning District as follows:

Section 122-926 of the Code of Ordinances is amended as follows, with changes double underlined:

**Sec. 122-926. – Intent.**

The historic Residential/Office (HRO) is established to implement comprehensive plan policies for areas designated “Historic Commercial” on the future land use map. The HRO district shall accommodate business and professional offices as well as residential structures. Cultural and civic activities are allowed anywhere in the district and those same uses with accessory/associated commercial sales are allowed on Whitehead Street between Greene Street and Southard Street. Low-med intensity retail, transient residential, restaurants and small recreational power-driven equipment rentals are allowed along the Appelrouth Business Corridor, generally described as the properties adjacent to Appelrouth Lane within the HRO including the parcel located on the Northern corner of Whitehead Street & Southard Street, excluding the parcel located on the South-Eastern corner of Whitehead Street and Appelrouth Lane. Customary accessory uses and community facilities may also be located within the HRO district.

Notwithstanding the Appelrouth Business Corridor, ~~T~~he HRO district shall not accommodate new transient lodging or guesthouses. In addition, the HRO district shall expressly exclude general retail sales, warehousing, and outdoor storage. In order to manage the impacts of future development on transportation and public facilities, the city shall limit the intensity of development within the HRO district to activities generating no more than 50 trips per 1,000 square feet of gross leasable floor are per day.

Section 122-927 of the Code of Ordinances is amended as follows, with changes underlined:

- (1) Single-family and two-family residential dwellings.
- (2) Group homes with less than or equal to six residents as provided in Sec. 122-1246.
- (3) Multiple-family residential dwellings.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Parking lots and facilities.
- (7) Medical services.
- (8) Veterinary medical services, without outside kennels.
- (9) Commercial retail low and medium intensity less than or equal to 5,000 square feet, as provided in division 11 of article V of this chapter, within the Appelrouth Business Corridor.
- (10) Commercial retail high intensity less than or equal to 2,500 square feet, as provided in division 11 of article V of this chapter, within the Appelrouth Business Corridor.
- (11) Hotels, motels, and transient lodging within the Appelrouth Business Corridor.
- (12) Restaurants, excluding drive-through, within the appelrouth Business Corridor.

Section 122-928 of the Code of Ordinances is amended as follows, with changes underlined:

- (1) Group homes with seven to 14 residents as provided in Sec. 122-1246.
- (2) Cultural and civic activities with or without associated/accessory commercial sales on Whitehead Street from Greene Street to Southard Street.
- (3) Community center, clubs and lodges.
- (4) Educational institutions and day care.

- (5) Nursing homes, rest and convalescent homes.
- (6) Parks and recreation, active and passive.
- (7) Protective services.
- (8) Public and private utilities.
- (9) Funeral homes
- (10) Commercial low and medium intensity greater than 5,000 square feet as provided in division 11 of article V of this chapter, within the Appelrouth Business Corridor.
- (11) Commercial retail high intensity greater than 2,500 square feet as provided in division 11 of article V of this chapter, within the Appelrouth Business Corridor.
- (12) Small recreational power-driven equipment rentals within the Appelrouth Business Corridor.

**Section 2.** 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 3.** 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 4.** 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.

Read and passed by the City Commission at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Filed with the Clerk \_\_\_\_\_, 2018.

Mayor Craig Cates	_____
Commissioner Samuel Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK