



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

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: January 17, 2019

Agenda Item: **Text Amendment of the Comprehensive Plan** – A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending the City’s Comprehensive Plan, Chapter 1, entitled “Future Land Use Element”, Table 1-1.1.5, pursuant to Chapter 90, Article VI, Division 3; providing for severability; providing for repeal of inconsistent provisions; providing for inclusion into the City of Key West Comprehensive Plan; and providing for an effective date.

Background:

The proposed ordinance to amend the City’s Comprehensive Plan is an essential part of an extensive effort to encourage the development of affordable & permanent housing within the City. The Planning Board is hearing this Comprehensive Plan text amendment and also a text amendment to the Land Development Regulations (the “LDRs”) in order to increase the maximum allowable density in the Medium Density Residential – 1 (MDR-1) zoning district from eight (8) dwelling units per acre to sixteen (16) dwelling units per acre.

Request:

The proposed text amendment to the Comprehensive Plan is as follows*:

Table 1-1.1.5

In order to prevent an inadvertent increase in maximum density or intensity that might result from combining multiple zoning districts into a single Future Land Use District, the maximum amount of dwelling units per acre and floor area ratio are established as of January 1, 2012.

Social service special needs and group homes shall be measured in FAR, not units per acre.

LOW DENSITY RESIDENTIAL FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(LDR-C) Low Density Residential Coastal	Maximum of 1 dwelling unit per acre.	N/A	Areas designated LDR-C shall be used to protect coastal wetlands; maintain water quality; protect marine habitats and preserve open space for purposes of reducing surface water runoff and maintaining water quality in environmentally sensitive coastal areas. Supportive community facilities and accessory land uses including public schools may be allowed. The Land Development Regulations shall provide regulatory procedures for considering such uses. One accessory or detached unit is permitted per residential dwelling unit in areas designated Low Density Residential as of January 1, 2012 as outlined in Policy 1-1.1.7 under the condition that the unit is approved through the building permit allocation system outlined in Objective 1-1.16. Transient uses are not permitted.
(SF) Single Family Residential	Maximum of 8 dwelling units per acre.		
MEDIUM DENSITY RESIDENTIAL FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(MDR-C) Medium Density Residential Coastal	Maximum of 8 dwelling units per acre.	N/A	Development is limited for all properties zoned MDR or MDR-C located within the Coastal High Hazard Area. Uses permitted in the MDR-1 include residential and social service special needs use Supportive community facilities and accessory land uses including public schools are allowed. Accessory uses, such as approved home occupations, may be allowed within residential structures if such uses are customarily incidental to and subordinate to the residential use. Transient uses are not permitted.
(MDR) Medium Density Residential	Maximum of 16 dwelling units per acre.	N/A	
(MDR -1) Medium Density Residential -1	Maximum of 8 dwelling units per acre. <u>16</u>	Maximum FAR of 1.0.	
(PRD) Planned Redevelopment & Development	Maximum of 8 dwelling units per acre.	Maximum FAR of 0.8.	

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

Comprehensive Plan Amendment Process:

Planning Board: January 17, 2019
If denied, then appeal may be filed within 10 calendar days.
City Commission (first reading): TBA
DEO Review: 45 days
City Commission (second reading): TBA
Local Appeal Period: 30 days
Render to DEO: 10 working days

Analysis:

The purpose of Chapter 90, Article VI, Division 3 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 Comprehensive Plan. 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 90-556 the Planning Board, regardless of the source of the proposed change in the Comprehensive Plan, 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 Comprehensive Plan to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-555.

Criteria for Approving Amendments to the Comprehensive Plan pursuant to Code Section 90-554 (6) and 90-555. In evaluating proposed changes to the Comprehensive Plan, the City shall consider the following criteria:

90-554 (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 the Comprehensive Plan future land use map on the overall purpose of the Comprehensive Plan and consistency with applicable policies within the Comprehensive Plan.
- 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.
- c. ***Avoidance of special treatment.*** The proposed change shall not:
 1. Single out a small piece of land and confer special and privileged treatment not provided to abutting properties with similar characteristics and land use relationships; and
 2. Provide for land use activities which are not in the overall public interest but only for the benefit of the landowner.
- 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.

90-555. – Criteria for approving amendments to comprehensive plan future land use map. In evaluating proposed changes to the comprehensive plan future land use map, the city shall consider the following criteria:

- (1) ***Consistency with plan.*** Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within 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 text amendment would be consistent with the Comprehensive Plan.

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

The proposed text amendment would be consistent with the Comprehensive Plan and level of service (LOS) standards.

- (2) ***Conformance with ordinances. 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 comprehensive plan's effective date and whether such conditions support or work against the proposed change.***

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 Comprehensive Plan is an essential part of a collaborative effort by the City Commission and City staff to encourage the development of affordable and permanent housing in the City. The proposed ordinance is joined by a proposed ordinance to amend the LDRs.

- (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.***

The current maximum allowable density of the MDR-1 zoning district is eight dwelling units per acre (8 du/acre), consistent with the single-family (SF) zoning district. However, the maximum allowable density in the medium density residential (MDR) zoning district is *sixteen* dwelling units per acre (16 du/acre). This text amendment will bring the maximum allowable density of the MDR-1 zoning district in line with the MDR zoning district.

- (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. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to a concurrency determination pursuant to chapter 94.

No development plans are proposed with this application.

- (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 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.

The proposal would not adversely affect the property values in the area or the general welfare.

- (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 southwest boundary of the MDR-1 zoning district is adjacent to the MDR zoning district, where the maximum allowable density is sixteen dwelling units per acre (16 du/acre); therefore, the proposal would not result in negative effects to the land use pattern.

- (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 this subpart B and its enabling legislation.

The proposed text amendment would not be in conflict with the public interest, and it is in harmony with the purpose and interest of the Comprehensive Plan.

(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 MDR-1 zoning district is 31.07 acres, or 1,353,399-square-feet. An increase in the maximum allowable density for the entire MDR-1 zoning district will allow for the future development and redevelopment of affordable & permanent 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 Comprehensive Plan be **APPROVED**.