

**PLANNING BOARD
RESOLUTION NO. 2019-34**


A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION AMENDING TABLE 1-1.1.5 AND POLICY 1-1.1.8, ENTITLED “ALLOWED USES IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE” OF THE CITY’S COMPREHENSIVE PLAN, WITH AN ENCOURAGEMENT TO STAFF TO PURSUE AN INCREASE IN MAXIMUM ALLOWABLE DENISTY ABOVE TWENTY UNITS PER ACRE; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION III; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION INTO THE CITY OF KEY WEST COMPREHENSIVE PLAN.


WHEREAS, the City of Key West (the “City”) has adopted a Comprehensive Plan which has been found to be in compliance by the Florida Department of Economic Opportunity (“DEO”), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the City of Key West Area of Critical State Concern as established pursuant to Section VII, Article II, of the Florida Constitution, and Section 380.05, Florida Statutes; and

WHEREAS, pursuant to the provisions of Chapters 163, 166, and 380 of the Florida State Statutes, the City of Key West, Florida (the “City”) proposes to amend Chapter 1, “Future Land Use Element,” of the Comprehensive Plan; and

WHEREAS, eliminating the requirement of a transfer of development rights to allow for density bonuses will further the goals, objectives, and policies of the City Comprehensive Plan;



Chairman


Planning Director

WHEREAS, this proposed amendment to the Comprehensive Plan was presented to the Planning Board for a recommendation of approval at its regularly scheduled meeting on May 16, 2019; and

WHEREAS, the Planning Board encouraged planning staff to explore ways to increase the maximum allowable density of the HRCC-2 zoning district above the current maximum allowable density of twenty dwelling units per acre; and

WHEREAS, the Planning Board finds that it is in the public interest to amend the City's Comprehensive Plan and allow for density bonuses in the HRCC-2 zoning district without the requirement of a transfer of development rights.

NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING BOARD OF THE CITY OF KEY WEST, FLORIDA:


Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the proposed amendment to the City's Comprehensive Plan is recommended for approval; the amendment 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 number 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.



Chairman



Planning Director

HISTORIC COMMERCIAL FUTURE LAND USE DISTRICT			
Zoning District	Density	Intensity	Uses & Limitations
(HRO) Historic Residential/Office	Maximum 16 dwelling units per acre.	Maximum FAR of 1.0.	Allowable non-residential uses are business and professional offices, existing grandfathered transient residential uses, and customary accessory uses and community facilities including public schools. New transient uses are not permitted.
(HRCC) Historic Residential Commercial Core	Maximum of 22 dwelling units per acre.	Maximum FAR of 1.0.	Allowable uses in areas zoned HRCC are in accordance with Policy 1-1.1.8.
(HRCC-1) Historic Residential Commercial Core - Duval Street Gulfside District	Maximum of 22 dwelling units per acre.	Maximum FAR of 1.0.	
(HRCC-2) Historic Residential Commercial Core - Key West Bight District	Maximum of 20 dwelling units per acre.	Maximum FAR of 0.5.	Allowable densities in areas zoned HRCC-2 are in accordance with Policy 1-1.1.8
(HRCC-3) Historic Residential Commercial Core - Duval Street Oceanside District	Maximum of 22 dwelling units per acre.	Maximum FAR of 1.0.	


City of Key West Comprehensive Plan
Adopted March 5, 2013, Ordinance No. 13-04

1-5
Land Use Element
1


Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core: The historic residential commercial core (HRCC) zoning district located within the Historic Commercial Future Land Use District is designed to accommodate the Historic Preservation District residential commercial core mixed use center. The HRCC zoning district is intended to provide a management framework for preserving the nature, character and historic quality of the Historic Preservation District commercial core, including related residential development.

The **HRCC-1** zoning sub-district encompasses the Duval Street Gulf side tourist commercial core, which provides an intensely vibrant tourist commercial entertainment center characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. The commercial entertainment center spans Duval Street generally from the Pier House Hotel south to Petronia Street, and is the most intense activity center in the historic commercial core.

The **HRCC-2** zoning sub-district encompasses the Key West Bight area and adjacent areas. The maximum floor area ratio shall be 0.5. Areas zoned HRCC-2 shall carry a base density of 8 units per gross acre. These HRCC-2 designated areas may develop to a density of 12 units per acre assuming that the owner/developer certifies by a deed restriction that a minimum of 40 percent of the residential units shall be provided and maintained as affordable housing as described. Areas designated "HRCC-2" on the official land use map may be increased to 20 units per acre if all units within the development are deed restricted by the owner/developer as affordable residential units. A deed restriction shall guarantee that the affordable units shall be inhabited in perpetuity by residents whose income levels are consistent with income thresholds to be established in the city's affordable housing in division 10 of article V of this chapter. All developments in the HRCC-2 district involving affordable housing shall be approved pursuant to a development agreement as provided in chapters 94, 102 and 106; articles I and III through IX of chapter 108; and chapters 110 and 114. This threshold shall be consistent with the limits established in F.S. § 420.9071(20) for moderate income persons. The HRCC-2 area is the only designated receiving area for transfers of density.



Chairman



Planning Director

The **HRCC-3** zoning sub-district comprises the Duval Street Oceanside corridor from Petronia Street south to United Street. This corridor serves as a center for arts, crafts, gifts, designer goods, restaurants, and tourist accommodations. Structures within this corridor generally have retained a front facade which is much less commercialized relative to the entertainment center on the Gulf side of Duval Street HRCC-1 District. The front facades generally have much smaller storefront windows and frequently incorporate a residential vernacular characterized by wood frame windows, equipped with mullions, and wood clapboard siding. This area shall be regulated by more restrictive performance standards than those applicable to the HRCC-1 area. The criteria shall require larger open space ratios, design standards which preserve and reinforce the physical characteristics of the area, and land use restrictions which exclude sidewalk bars and lounges which may produce excessive noise incompatible with surrounding residential activities.

The **HRCC-4** zoning sub-district comprises a portion of the Truman Waterfront Parcel of the Key West Base Reuse Plan to be used as a regional public park. Appropriate uses in the HRCC-4 sub-district include parks and recreational facilities and uses accessory to or typical of parks of regional scale. (Ord. No. 13-24, § 1, 12-3-2013)

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

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 7. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty-five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period, the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.



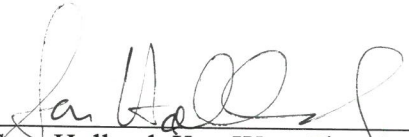
Chairman



Planning Director

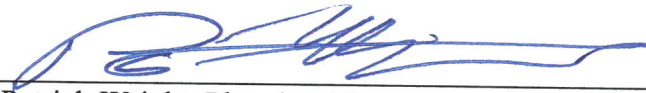
Read and passed on first reading at a regularly scheduled meeting held this 16th day of May 2019.

Authenticated by the Chairman of the Planning Board and the Planning Director;



Sam Holland, Key West Planning Board Chairman 6-7-19
Date

Attest:





Patrick Wright, Planning Director 6-5-19
Date

Filed with the Clerk:



Cheryl Smith, City Clerk 6-17-19
Date



Chairman


Planning Director