

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE KEY WEST COMPREHENSIVE PLAN BY AMENDING THE POLICY 1-1.1.8: ALLOWED USES IN THE HISTORIC RESIDENTIAL COMMERCIAL CORE -4 OF THE LAND USE ELEMENT AS PROVIDED FOR IN CHAPTER 90, ARTICLE VI, AMENDMENTS, DIVISION 3, COMPREHENSIVE PLAN AMENDMENTS, BASED UPON THE REVOCATION OF THE MOLE PIER AND THE TRUMAN HARBOR PREVIOUSLY DEEDED BY THE NAVY AND THE ADOPTED TRUMAN WATERFRONT PARK MASTER PLAN; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1997 the Navy conveyed property known as the Truman Waterfront Parcel to the City of Key West through the Base Reuse and Closure Act; and

WHEREAS, as a result of the land conveyance the Truman Waterfront Parcel was rezoned from military property, and several new Future Land Use Districts were created including the HRCC-4 (1999), in order to accommodate the required uses listed in the deed and other land conveyance documents; and

WHEREAS, since the land conveyance, limited development has taken place within the Truman Waterfront Parcel; an

WHEREAS, in 2008 the Navy chose to use portions of the Truman
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Waterfront parcel known as the Navy Mole Pier and associated security buffer areas for continued military operations only, and again in 2013 the Navy chose to limit the use of the Truman Waterfront Harbor to military operations only; and

WHEREAS, as a result of the Navy reclaiming the use of the Mole Pier and the Truman Harbor for National Security purposes, all potential public access to the water has been eliminated; and

WHEREAS, the property zoned HRCC-4 on the Future Land Use Map and the City's zoning map do not physically reach the waterfront although, Policy 1-1.1.8 of the Comprehensive Plan limits the uses allowed in the HRCC-4 district to industrial uses and water dependent and water related uses;

WHEREAS, on October 15, 2012 the City Commission sitting as the LRA adopted the Truman Waterfront Park Master Plan and its associated uses; and

WHEREAS, the uses allowed within the HRCC-4 Future Land Use district are incompatible with the current land configuration and with the proposed use of the upland area as a Regional Park;

WHEREAS, the Comprehensive Plan amendments are subject to the State Coordinated Review Process pursuant to Section 163.3184(4); Coding: Added language is underlined; deleted language is struck through.

and

WHEREAS, the proposed amendment is internally consistent with the City of Key West Comprehensive Plan; and

WHEREAS, the proposed amendment is consistent with the Principles of Guiding Development for the City of Key West, Rule 28-36.003, Florida Administrative Code (F.A.C.); and

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

Section 1: That Chapter 1 of Key West Comprehensive Plan, entitled "Land Use Element," Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core is hereby amended as follows:

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.

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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 16 units per gross acre.

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

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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. ~~This district represents areas historically used by the military for marine related services and port-related activities.~~ Appropriate uses in the HRCC-4 sub-district include ~~the following uses~~ parks and recreational facilities and uses accessory to or typical of parks of regional scale. ~~so long as they are water dependent or water related: light manufacturing, light industrial and warehousing, service and repair, terminal operations, port operations, cruise ship berthing, offices, marinas, and parks and recreation. Permanent residential units can be allowed as a conditional use so long as those units are less than 750 square feet or 25 percent of the other uses on-site, whichever is less. Cruise ship home porting and car ferries are prohibited.~~

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional
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for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable there from and shall be construed 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 be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380, (F.S.).

Section 5: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

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.

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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

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