

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE BOUNDARIES OF THE OFFICIAL FUTURE LAND USE MAP OF THE CITY OF KEY WEST COMPREHENSIVE PLAN FOR PROPERTIES LOCATED AT 715 SEMINOLE AVENUE AND 811 SEMINOLE AVENUE; AMENDING THE FUTURE LAND USE MAP LEGEND FROM HISTORIC RESIDENTIAL TO HISTORIC COMMERCIAL FOR THE PARCELS STATED ABOVE 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 CONDITIONAL ADOPTION UPON EFFECTIVE RECORDATION OF ASSOCIATED RESTRICTIVE COVENANTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE AND 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 State Department of Community Affairs ("DCA"), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the Florida Keys Area of Critical State Concern (the "FKACSC") as established pursuant to Chapter 380, Florida Statutes; and

WHEREAS, the owner of 715 Seminole Avenue and 811 Seminole Avenue is BRE/FL Development Parcels, L.L.C., a Delaware limited liability company, also known as Park Hotels & Resorts; and

WHEREAS, the owner's applicant initiated the proposed Future Land Use Map amendment to change the designation of the subject property from the from the Historic Residential (HR) designation to the Historic Commercial (HC) designation; and

WHEREAS, the matter was presented to the Planning Board at its regularly scheduled meeting held on March 12, 2024, and the proposed amendment was recommended for approval; and

WHEREAS, the City Attorney, Planning Department, and City Commission have also reviewed the provisions of a draft Declaration of Use Restriction document submitted by the applicant, on behalf of BRE/FL Development Parcels, L.L.C./Park Hotels & Resorts, for 715 Seminole Street, which has been submitted for consideration to further refine and limit allowable development at the property through written provisions and through reference to an attached site plan known as "Exhibit A"; 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 the boundaries for the property at 715 Seminole Avenue (RE # 00037230-000100; AK# 8735669) and 811 Seminole Avenue (RE # 00037160-000100; AK# 8735677) from the Historic Residential (HR) designation to the Historic Commercial (HC) designation; and

WHEREAS, the proposed amendment will further the goals, objectives, and policies of the City Comprehensive Plan; and

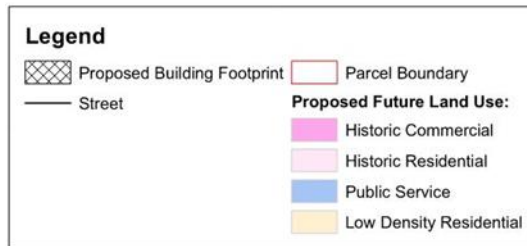
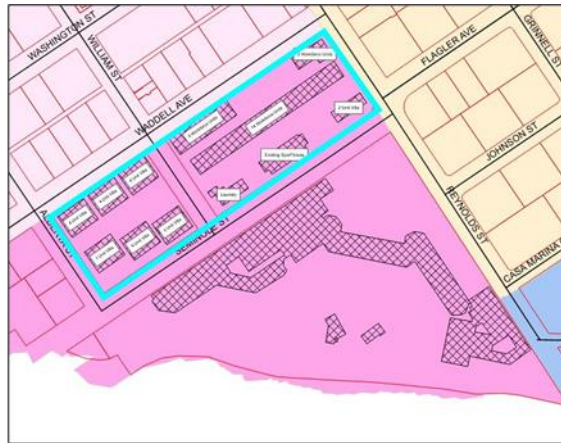
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

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

Section 2: That the Future Land Use Map of the City of Key West, Florida is hereby recommended for amendment for

the property at 715 Seminole Avenue (RE # 00037230-000100; AK# 8735669) and 811 Seminole Avenue (RE # 00037160-000100; AK# 8735677) from the Historic Residential (HR) designation to the Historic Commercial (HC) designation and will appear as follows:

Proposed FLUM: Historic Commercial (HC)



Section 3: Section 3: The final Declaration of Use Restriction shall incorporate the following minimum provisions which shall be required for the document to be considered substantially in conformance with the site plan "Exhibit A":

- If a vacation of City right of way is granted for 715 and/or 811 Seminole Avenue, there shall be a coincident filing of a perpetual easement for utility infrastructure to benefit the City at the east end of 811 Seminole Avenue, which shall also allow for areas established for publicly accessible open space, of a minimum square footage of 3,395 square feet; and
- The historic "Judge's House" and "Administration building" shall be relocated to the locations depicted on "Exhibit A" and appropriately maintained in accordance with City historic district guidelines through an approved Certificate of Appropriateness; and
- Construction of transient rental structures shall be contingent upon construction of workforce housing as depicted in "Exhibit A"; and
- Declarant shall apply for the necessary permits to demolish the non-historically protected building on 715 Seminole Street parcel within one hundred twenty (120) days from the recording of the Declaration; and

- The City Commission, as party to the Declaration of Use Restriction, shall hold at least one public hearing, in accordance with City notice requirements for a text amendment to the Land Development Regulations, to consider any changes to the Restriction, in addition to any consideration for renewal or to allow for expiration of the 50 year Declaration of Use Restriction document; and

Section 4: 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 5: 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 6: 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 Commerce, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Filed with the Clerk \_\_\_\_\_, 2025.

Mayor Danise Henriquez \_\_\_\_\_

Vice Mayor Lissette Carey \_\_\_\_\_

Commissioner Aaron Castillo \_\_\_\_\_

Commissioner Monica Haskell \_\_\_\_\_

Commissioner Mary Lou Hoover \_\_\_\_\_

Commissioner Sam Kaufman \_\_\_\_\_

Commissioner Donald "Donie" Lee \_\_\_\_\_

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DANISE HENRIQUEZ, MAYOR

ATTEST:

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KERI O'BRIEN, CITY CLERK