

STATE OF FLORIDA
DEPARTMENT OF ECONOMIC OPPORTUNITY

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY THE CITY OF KEY WEST,
FLORIDA, ORDINANCE NO.13-25

FINAL ORDER APPROVING
CITY OF KEY WEST ORDINANCE NO. 13-25

The Department of Economic Opportunity (“Department”) hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., approving land development regulations adopted by the City of Key West, Florida, Ordinance No. 13-25 (the “Ordinance”).

FINDINGS OF FACT

1. The City of Key West is designated as an area of critical state concern pursuant to § 380.05(1), Fla. Stat., and Chapter 28-36, Fla. Admin. Code. Land development regulations adopted by the City of Key West do not become effective until approved by the Department by final order. §§ 380.05(6) and (11), Fla. Stat.
2. The Ordinance was adopted by the City of Key West on December 3, 2013.
3. The Ordinance amends the City’s Code of Ordinances, Chapter 122 of the Land Development Regulations, Sections 122-756 through 122-760, 122-966 through 122-970, 122-1111, and 122-1151 to amend the HRCC-4 and HPS-1 zoning districts and conditional use provisions related to development of the Truman Waterfront. In particular, the Ordinance provides that parks and recreational activities, community centers, cultural centers, and civic activities, and commercial and retail are permitted uses in the HRCC-4 and HPS-1 zoning districts applicable to Truman Waterfront; makes waterfront restaurants and food service uses conditional uses; removes references to the Harbor; deletes industrial and marine, boat, and sales

activities as allowed uses; modifies height restrictions, lot coverage, floor area ratio, front setbacks, and rear setbacks; and deletes minimum lot size requirements.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern. §§ 380.05(6) and (11), Fla. Stat.

5. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. The regulations adopted by the Ordinance are land development regulations.

6. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for that area. §§ 380.05(6) and (11), Fla. Stat. The Principles for Guiding Development for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Fla. Admin. Code (“Principles”).

7. The Ordinance is consistent with the Principles as a whole and specifically furthers the following Principles in Rule 28-36.003(1), Fla. Admin. Code:

(a) Strengthen local government capabilities for managing land use and development.

(h) Protection of the public health, safety, welfare, and economy of the City of Key West, and the maintenance of Key West as a unique Florida resource.

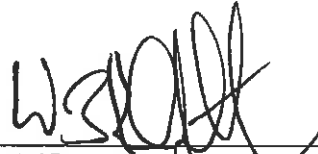
8. The Ordinance is consistent with the City of Key West Comprehensive Plan Future Land Use Element Policy 1-1.1.8.

WHEREFORE, IT IS ORDERED that City of Key West Ordinance No. 13-25 is found to be consistent with the Principles for Guiding Development for the City of Key West Area of

Critical State Concern and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Register unless a petition is timely filed as described in the Notice of Administrative Rights below.

DONE AND ORDERED in Tallahassee, Florida.



WILLIAM B. KILLINGSWORTH
Director, Division of Community Development
Department of Economic Opportunity

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2) FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY

BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF ECONOMIC OPPORTUNITY A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS **RECEIVED** BY:

AGENCY CLERK
DEPARTMENT OF ECONOMIC OPPORTUNITY
OFFICE OF GENERAL COUNSEL
107 EAST MADISON STREET, MSC 110
TALLAHASSEE, FLORIDA 32399-4128
FAX NUMBER 850-245-7150
CLERK'S EMAIL: JAMES.BELLFLOWER@DEO.MYFLORIDA.COM

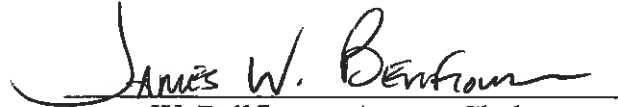
THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order was filed with the undersigned designated Agency Clerk and that true and correct copies were furnished to the persons listed below by the methods indicated this 28 day of February, 2014.



James W. Bellflower, Agency Clerk
Department of Economic Opportunity
107 East Madison Street, MSC 110
Tallahassee, FL 32399-4128
Telephone: 850-245-7160

By U.S. Mail:

The Honorable Craig Cates
Mayor, City of Key West
3216 Flagler Avenue
Key West, FL 33040

Cheryl Smith, City Clerk
3216 Flagler Avenue
Key West, FL 33040

Donald Leland Craig, AICP
City Planner
3140 Flagler Avenue
Key West, FL 33040

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 122, OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING THE HRCC-4 ZONING DISTRICT SECTION 122-756 ENTITLED "INTENT"; AMENDING SECTION 122-757 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-758 ENTITLED "CONDITIONAL USES"; AMENDING SECTION 122-759 ENTITLED "PROHIBITED USES"; AND AMENDING SECTION 122-760 ENTITLED "DIMENSIONAL REQUIREMENTS"; AND AMENDING THE HPS-1 ZONING DISTRICT SECTION 122-966 ENTITLED "INTENT"; AMENDING SECTION 122-967 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-968 ENTITLED "CONDITIONAL USES"; AND AMENDING SECTION 122-970 ENTITLED "DIMENSIONAL REQUIREMENTS" FOR AMENDMENTS TO ZONING DISTRICT REGULATIONS FOR THE LANDS WITHIN THE DESIGNATED TRUMAN WATERFRONT PARK AREA; AND AMENDING SUPPLEMENTARY DISTRICT REGULATIONS BY AMENDING SECTION 122-1111 ENTITLED "TABLE OF LAND USES BY DISTRICT"; AND AMENDING SECTION 122-1151 ENTITLED "TABLE OF SIZE AND DIMENSION REGULATIONS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the Land Development Regulations in accordance with Sections 90-486 through 90-524; and

WHEREAS, the Planning Department initiated the proposed amendments to the ordinance as a result of changes to the Comprehensive Plan that are the result of the adoption of the Truman Waterfront Park Master Plan by the City Commission and the

Navy's revocation of the Navy Mole Pier and the Truman Harbor areas of the original Truman Waterfront Parcel land conveyance; and

WHEREAS, the Truman Waterfront Park Master Plan is based on the Key West Base Reuse Plan and over 10 years of community, and committee hearings for the how the public desires the Truman Waterfront Parcel to be used; and

WHEREAS, the lands that make up the Truman Waterfront Parcel land conveyance shall be used as a regional public park in perpetuity; and

WHEREAS, pursuant to Section 90-522, the Planning Board held a noticed public hearing on August 22, 2013; where based on the consideration of recommendations of the City Planner, City Attorney, and public testimony and input, and recommendation of the Planning Department, recommended approval of the proposed amendments; and

WHEREAS, the City Commission held a noticed public hearing on October 2, 2013 and a second public hearing on _____ and in its deliberations considered the criteria identified in Section 90-521 of the Code of Ordinances; and

WHEREAS, the City determined that the proposed amendments are: consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are

stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

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

Section 1: That Chapter 122, of the Code of Ordinances entitled "Zoning" is hereby amended as follows*:

Division 7.

Subdivision V.HRCC-4 Truman Waterfront District

Sec. 122-756. Intent.

The HRCC-4 district is established to implement comprehensive plan policies for areas ~~designated~~ zoned "HRCC-4" ~~on the comprehensive plan future land use map.~~ The HRCC-4 district shall ~~provide~~ within the Truman Waterfront parcel. ~~site with a designation which~~ The district specifically accommodates uses

(Coding: Added language is underlined; deleted language is ~~struck~~ through.)

compatible with or accessory to the Truman Waterfront Regional Park ~~marine-related and marine-dependent activities, as well as~~ and encourages preservation of the nature, character, and quality of the city's historic development. The Truman Waterfront Park shall be dedicated in perpetuity as a regional park. ~~Building construction is to be limited on Mole Pier and no more than 15,000 square feet of building construction will be allowed on the pier.~~

Sec. 122-757. Uses permitted.

~~Only water dependent uses shall be located within the first 40 feet landward of the mean high water (MHW) or the bulkhead. Similarly, only water related uses shall be located between the 40-foot setback and the 100-foot setback from the MHW or the bulkhead. No permanent residential use shall be located within 100 feet of the mean high water, and no transient residential uses shall be allowed within any portion of the HRCC-4 district. Permitted uses include.~~ Uses Permitted in the HRCC-4 zoning district are as follows:

- (1) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed. ~~Port and port-related uses, provided that uses that constitute "port~~

~~expansion" as set out in section 5B-1.B.4. of the comprehensive plan receive approval through the major development approval process of Section 108-31~~

- (2) Protective services. ~~Harborwalk.~~
- (3) Community Centers. ~~Mobile vending along Harborwalk, consistent with other city regulations.~~
- (4) Government business and professional offices ~~(marine-related) on second floor.~~
- (5) Commercial retail and concessionaire sales accessory to primary uses. ~~low and medium intensity (marine-related) less than or equal to 5,000 square feet.~~
- (6) Parking lots.
- (7) Cultural and Civic Activities, inclusive of museums, theatres, stadiums and amphitheaters.
- ~~(7) Light industrial (marine-related).~~
- ~~(8) Boat sales and service.~~
- ~~(9) Commercial retail low and medium intensity (bicycle rental) less than or equal to 5,000 square feet.~~

Sec. 122-758. Conditional uses.

Conditional uses in the HRCC-4 Truman Waterfront District are as follows:

- (1) Waterfront restaurants and food service facilities associated with park activities. Commercial retail low and medium intensity (marine-related) greater than 5,000 square feet.
- ~~(2) Educational institutions.~~
- ~~(3) Marinas.~~
- ~~(4) Public and private utilities.~~
- ~~(5) Permanent residential as long as the use is less than or equal to 750 square feet or no more than 25 percent of the other use on-site, whichever is less.~~

Sec. 122-759. Prohibited uses.

In the HRCC-4 Truman Waterfront District, the following uses not specifically or provisionally provided for in this subdivision are prohibited.†

- ~~(1) More than one cruise ship berth on the Outer Mole Pier.~~
- ~~(2) Cruise ship home porting activities.~~
- ~~(3) Car ferries.~~
- ~~(4) All uses not specifically or provisionally provided for in this subdivision.~~

Sec. 122-760. Dimensional requirements.

The dimensional requirements in the HRCC-4 Truman Waterfront District are as follows; however, construction may be limited by ~~proportion,~~ scale, and mass and proportion considerations as expressed through the historic architectural review commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

- (1) Maximum density: Not applicable. ~~16 units per acre only as a conditional use.~~
- (2) Maximum FAR: ~~1.0~~ 0.8.
- (3) Maximum height: 35 feet, ~~except within the 100-foot setback from mean high water (MHW), the following restrictions apply:~~
 - a. ~~The minimum open space ratio shall be 0.5.~~
 - b. ~~The height of buildings shall be one habitable floor/story above base flood elevation.~~
- (4) Maximum lot building coverage: ~~50 percent.~~
 - a. Maximum building coverage: 30 percent.
 - a.b. Maximum impervious surface ratio: ~~650~~ 50 percent. ~~excepting the first 100 feet from mean high water.~~

~~Cross reference HRCC-2 Key West Bight district, § 122-716 et seq.~~

- (5) Minimum lot size: Not applicable. ~~5,000 square feet.~~

- a. ~~Minimum lot width: 50 feet.~~
- b. ~~Minimum lot depth: 100 feet.~~

(6) Minimum setbacks:

- a. Front: ~~10~~ 7.5 feet.
- b. Side: 7.5 feet.
- c. Rear: ~~15~~ 7.5 feet, ~~but 10 when abutting an alley.~~
- d. Street side: 7.5 feet.

(7) Additional regulations:

- a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above when the principal use is passive and active recreation defined in Chapter 86, Section 86-9, Definition of Terms.
- b. Military requirements for landscaping adjacent to Military lands should be installed in accordance with the Truman Waterfront parcel land conveyance documents.

Cross Reference Chapter 102 entitled Historic Preservation

Section 2: That sections 122-966 through 122-970 of the Code of Ordinances is hereby amended as follows:

Chapter 122

Division 11

Subdivision II. Historic Public and Semipublic Services District-1

(HPS-1)

Sec. 122-966 -- Intent

The HPS-1 district is established to implement Comprehensive Plan policies for areas designated HPS-1 on the future land use map located within the Truman Waterfront parcel. This district is specifically intended to implement policies ~~for~~ that facilitate the development and use of the Truman Waterfront Park, recreational area, inclusive of the NOAA/environmental education center, the Seminole Battery, and the area to be made part of Fort Zachary Taylor. The Truman Waterfront Park ~~recreational area is envisioned as an area shall be dedicated in perpetuity as a regional park.~~ that will include a harborwalk, open space, play fields, and public recreational facilities The NOAA/environmental education center is envisioned as a government office facility, as well as a marine related environmental education center.

The HPS-1 district shall accommodate a regional park with uses essential and accessory to parks of regional importance. ~~harborwalk, parks and, recreation facilities, community centers, and parking lots.~~

Section 122-967. - Uses permitted.

Uses permitted in the historic public and semipublic services district-1 (HPS-1) are as follows:

- (1) Cultural and civic activities, inclusive of museums, theatres, stadiums and amphitheaters. Harborwalk.
- (2) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed.
- (3) Community centers.
- (4) Parking Lots.
- (5) Protective Services.
- (6) Government business and professional offices.
- (7) Commercial retail and concessionaire sales accessory to primary uses.

Section 122-968. - Conditional uses.

Conditional uses in the historic public and semipublic services district-1 (HPS-1) district are as follows:

- (1) Waterfront restaurants and food service facilities associated with park activities. ~~Cultural and civic activities~~

- ~~(2) Public and private utilities.~~
- ~~(3) Protective services.~~
- ~~(4) Business and professional offices limited to government agencies involved in maritime services or administration of the Truman Waterfront.~~
- ~~(5) Marinas.~~
- ~~(6) Nursing homes, rest homes and convalescent homes, so long as affordable housing is provided by the project as follows: one third of beds or units are affordable housing, or if the development or redevelopment is in more than one zoning district, one third of beds or units in the total project are affordable housing.~~

Sec. 122-969. - Prohibited uses.

In the historic public and semipublic services district-1 (HPS-1), all uses not specifically or provisionally provided for in this subdivision are prohibited.

Sec. 122-970. - Dimensional requirements ~~regulations~~.

The dimensional requirements in the historic public and semipublic services district-1 (HPS-1) are as follows; however, construction is ~~may be~~ limited by ~~proportion~~, scale, and mass and proportion considerations as expressed through the Historic

Architectural Review Commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

- (1) Maximum density: Not applicable.
- (2) Maximum FAR: 0.80.
- (3) Maximum height: 25 feet.
- (4) Maximum lot coverage.
 - a. Maximum building coverage: 30 percent.
 - b. Impervious surface ratio: 50 percent.
- (5) Minimum lot size: Not applicable.~~5,000 square feet.~~
 - ~~a. Minimum lot width: 50 feet.~~
 - ~~b. Minimum lot depth: 100 feet.~~
- (6) Minimum setbacks.
 - a. Front: ~~20~~ 7.5 feet.
 - b. Side: 7.5 feet. ~~Greater of 5 feet or 10 percent of lot width to a maximum of 15 feet.~~
 - c. Rear: ~~20~~ 7.5 feet ~~or 15 feet when abutting an alley.~~
 - d. Street side: 7.5 ~~ten~~ feet.
- (7) Additional regulations:
 - a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above when the principal use is passive and active

recreation defined in Chapter 86, Section 86-9,
Definition of Terms.

- b. Military requirements for landscaping adjacent to
Military lands should be installed in accordance
with the Truman Waterfront parcel land conveyance
documents.

Cross Reference Chapter 102 entitled Historic Preservation

Section 3: That section 122-1111 of the Code of Ordinances is hereby amended as follows:

[SEE COMPLETE TABLES ON NEXT PAGE]

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 2. USES

Sec. 122-1111. - Table of land use by districts

TABLE OF LAND USE BY DISTRICT

	LDR-C	SF	MDR	MDR-C	HDR	CL	CG	CT	RO	PRD	HMDR	HSMDR	HHDR	HRCC-1	HRCC-2	HRCC-3	HRCC-4	HPR-D	HNC-1	HNC-2	HNC-3	HCT	HRO	HPS	HPS-1	PS	C	A5
Residential Uses																												
Accessory residential units (reference section 122-171)		P																										
Single-family dwellings	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				4	
Duplexes/two-family dwellings		C1	P	P	P	C	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				4	
Multiple-family dwellings			P	P	P	C	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				4	
Foster homes/group homes with ≤ to 6 residents ²	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P		P	P	P	P	P	P					
Group homes with 7-14 residents			C	C	C	C	C	C	C	C	C		C	C	C	C		C	C	C	C	C	C					
Approved home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P					
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				4	C
Community Facilities																												
Airport facilities																												P
Cemeteries																									C		C	

Community centers, clubs and lodges						C	C	C	C	C		C		C	C	C	<u>P</u>	C	C			C	C	P	<u>P</u>	P		
Cultural and civic activities						P	P	P	C	C	C	C	C	C	C	<u>P</u>	C	C	C	C	C	C	C	C	<u>P</u>	C		
Educational institutions and day care facilities		C	C		C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	P		P		
Golf course facilities ⁶									C																	P		
Hospitals and extensive care							P																	P		P		
Nursing homes, rest homes and convalescent homes			C		C	C	C	C	C	C	C		C	C	C	C		C	C	C	C	C	C	P	C	P		
Parks and recreation, active		C	C		C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	<u>P</u>	C	C	C	C	C	C	P	<u>P</u>	P		
Parks and recreation, passive	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	<u>P</u>	C	C	C	C	C	C	P	<u>P</u>	P	4	
Places of worship		C	C		C	P	P	P	P	C	C		C	P	P	P		C	P	P	P	P	P	P		P		
Protective services	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	<u>P</u>	C	C	C	C	C	C	C	<u>P</u>	C	C	
Public and private utilities	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C		C	C	C	C	C	C	C		C	4 C	
Commercial activities																												
Bars and lounges							C	C						C	C	C												
Boat sales and services							C							C	C													
Business and professional offices						P	P	P	P	C				P	P	P	<u>P</u>	P	P	P	P	P	P	P	<u>P</u>	P	C	

Sec. 122-1151. - Size and dimension.

Size and dimension regulations for zoning districts shall be as follows:

TABLE OF SIZE AND DIMENSION REGULATIONS

Minimum Setback Requirements												
District	Minimum Area (sq.ft.)	Minimum Width (sq.ft.)	Minimum Depth (sq.ft.)	Impervious Surface Ratio	Maximum Building Coverage	Front (feet)	Street Side (feet) ¹	Side (feet)	Rear ² (feet)	Maximum Height (feet)	Maximum Floor Area Ratio	Maximum Density (du/acre)

<u>HRCC-4 historic residential commercial core- 4</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u>	<u>30</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>35</u>	<u>0.8</u>	<u>N/A</u>
<u>HPS-1 historic public and semi-public service -1</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u>	<u>30</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>25</u>	<u>0.8</u>	<u>N/A</u>

Section 7: 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 provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 8: 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 9: 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 State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

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.

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