



EXECUTIVE SUMMARY
(revised for 2nd reading)

To: Greg Veliz, City Manager

Through: Roy Bishop, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: July 16, 2019 (1st reading) / October 16, 2019 (2nd reading)

RE: **Text Amendment of the Comprehensive Plan** – An ordinance of the City of Key West, Florida, 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; 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.

ACTION STATEMENT:

The purpose of this ordinance is to amend the City’s Comprehensive Plan to allow for up to forty (40) dwelling units per acre in the Historic Residential Commercial Core – 2 Key West Bight (HRCC-2) zoning district without the requirement of a transfer of development rights and only if deed restricted by the owner/developer as affordable residential units.

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 City Commission is hearing this Comprehensive Plan text amendment and a text amendment to the Land Development Regulations (the “LDRs”) in order to allow for up to forty (40) dwelling units per acre if deed restricted by the owner/developer as affordable residential units in the Historic Residential Commercial Core – 2 Key West Bight (HRCC-2) zoning district without the requirement of a transfer of development rights.

The proposed amendment was presented to the Planning Board at its regularly scheduled meeting on May 16, 2019. The item passed unanimously with a recommendation of approval and the 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 (20) dwelling units per acre.

The proposed amendment was presented to the City Commission for first reading on July 16, 2019. Planning staff proposed a maximum allowable density of forty (40) units per acre if all units within the development are deed-restricted by the owner/developer as affordable residential units. The City Commission voted unanimously to pass the proposed text amendment to second reading with a condition to include forty (40) 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 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.

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	<u>Base density of 8 dwelling units per acre. Maximum of 20 40 dwelling units per acre if all of the units within the development are deed-restricted as affordable residential units.</u>	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.	

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~~ 40 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.

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.
Added language is **double underlined**; deleted language is ~~double struck through~~ at second reading.

F.S. § 420.9071(20): "Moderate-income person" or "moderate-income household" means one or more natural persons or a family that has a total annual gross household income that does not exceed 120 percent of the median annual income adjusted for family size for households within the metropolitan statistical area, the county, or the nonmetropolitan median for the state, whichever is greatest. With respect to rental units, the moderate-income household's annual income at the time of initial occupancy may not exceed 120 percent of the area's median income adjusted for family size. While occupying the rental unit, a moderate-income household's annual income may increase to an amount not to exceed 140 percent of 120 percent of the area's median income adjusted for family size.

City Actions:

Planning Board: May 16, 2019 (approved)
City Commission: July 16, 2019 (first reading)
DEO Review: 45 days
City Commission: October 16, 2019 (second reading)
Local Appeal Period: 30 days
Render to DEO: 10 working days
DEO Notice of Intent (NOI)
Effective when NOI posted on DEO website

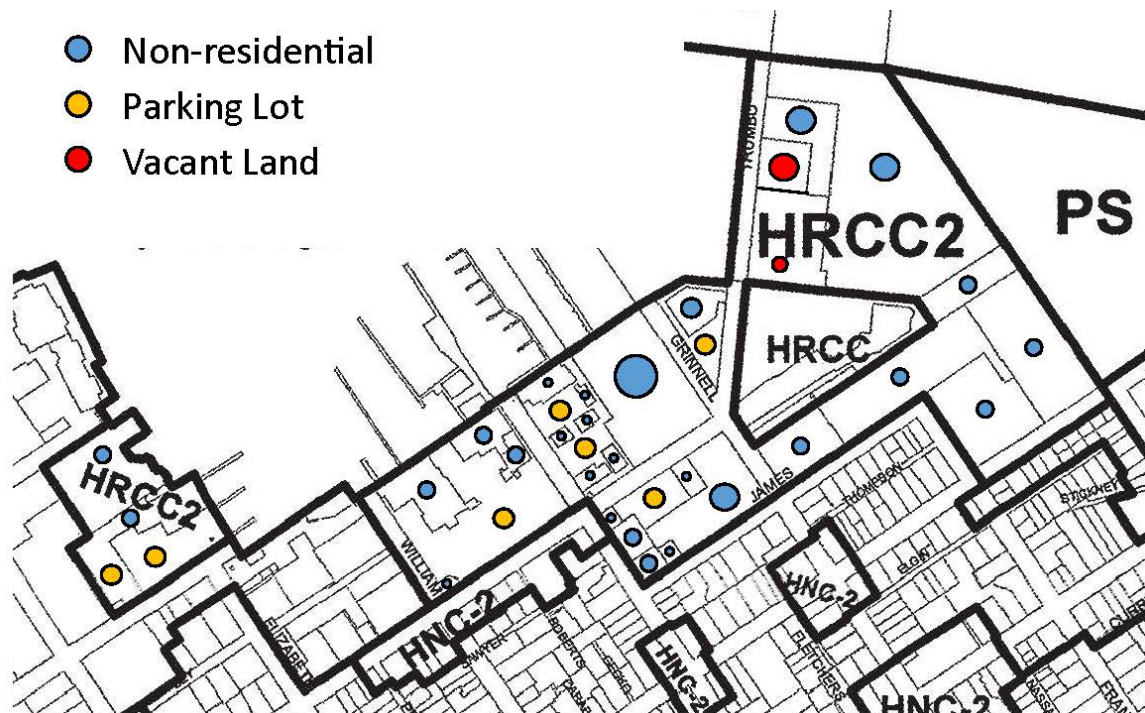
Planning Staff Analysis:

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.

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. The amendment will make no change to the uses of the HRCC-2 zoning district, therefore, the proposal would not result in any incompatible land uses.

The proposed amendment was presented to the Planning Board at its regularly scheduled meeting on May 16, 2019. The item passed unanimously with a recommendation of approval and the 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 (20) dwelling units per acre.

Staff analyzed the subject zoning district and its future potential, in addition to surrounding zoning districts and their existing circumstances.



Official Zoning Map of the City of Key West

Staff Recommendation:

Staff recommends **approval** of the Comprehensive Plan text amendment to, in summary:

1) allow for up to 12 units per acre *without a transfer of development rights* 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 and

2) allow for not 20, but alternately *up to 40* units per acre *without a transfer of development rights* if all units within the development are deed restricted by the owner/developer as affordable residential units.

Options / Advantages / Disadvantages:

Option 1: **Approve** the text amendment to the City’s Comprehensive Plan to amend Table 1-1.1.5 and Policy 1-1.1.8, entitled “Allowed Uses in the Historic Residential Commercial Core” as recommended by the Planning Board through Resolution no. 2019-34.

a. Consistency with the City’s Strategic Plan, Vision, and Mission:
Approval would be consistent with “The Economy” Goal # 2: Commercial and residential development that is appropriate to a small city and enhances the sociability of neighborhoods and Goal # 4: Invest in the development of our workforce.

b. Financial Impact:
There will be no cost to the City if this request is approved.

Option 2: **Deny** the text amendment to the City’s Comprehensive Plan to amend Table 1-1.1.5 and Policy 1-1.1.8, entitled “Allowed Uses in the Historic Residential Commercial Core.”

a. Consistency with the City’s Strategic Plan, Vision, and Mission:
To deny would be inconsistent with Goal #2 and Goal #4 of the Strategic Plan.

b. Financial Impact:
There will be no cost to the City if this request is denied.

Recommendation:

As per Resolution no. 2019-34, the Planning Board recommends the **approval** of the text amendment to the Comprehensive Plan.