



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: May 16, 2019

Agenda Item: **Text Amendment of the Comprehensive Plan** - 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; 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.

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 Planning Board is hearing this Comprehensive Plan text amendment and a text amendment to the Land Development Regulations (the “LDRs”) in order to allow for density bonuses in the Historic Residential Commercial Core – 2 Key West Bight (HRCC-2) zoning district without the requirement of a transfer(s) of development right(s).

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	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.	

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 affidavit as described in this subsection 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 future land use map may be increased to 20 units per acre if all units within the development are certified by affidavit of the owner/developer as affordable residential units. An affordable housing affidavit 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.

Comprehensive Plan Amendment Process:

Planning Board:	May 16, 2019
<i>If denied, then appeal may be filed within 10 calendar days.</i>	
City Commission (first reading):	TBA
DEO Review:	45 days
City Commission (second reading):	TBA
Local Appeal Period:	30 days
Render to DEO:	10 working days

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.

Pursuant to Code Section 90-556 the Planning Board, regardless of the source of the proposed change in the Comprehensive Plan, shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the Comprehensive Plan to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-555.

Criteria for Approving Amendments to the Comprehensive Plan pursuant to Code Section 90-554 (6) and 90-555. In evaluating proposed changes to the Comprehensive Plan, the City shall consider the following criteria:

90-554 (6) Justification. The need and justification for the proposed change. The evaluation shall address but shall not be limited to the following issues:

- a. ***Comprehensive Plan consistency.*** Identifying impacts of the proposed change in the Comprehensive Plan future land use map on the overall purpose of the Comprehensive Plan and consistency with applicable policies within the Comprehensive Plan.
- b. ***Impact on surrounding properties and infrastructure.*** The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure.
- c. ***Avoidance of special treatment.*** The proposed change shall not:
 1. Single out a small piece of land and confer special and privileged treatment not provided to abutting properties with similar characteristics and land use relationships; and
 2. Provide for land use activities which are not in the overall public interest but only for the benefit of the landowner.
- d. ***Undeveloped land with similar comprehensive plan future land use map designation.*** The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested shall be stated.

90-555. – Criteria for approving amendments to comprehensive plan future land use map. In evaluating proposed changes to the comprehensive plan future land use map, the city shall consider the following criteria:

- (1) ***Consistency with plan.*** Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Consistency with the Comprehensive Plan

The City's Comprehensive Plan was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City's Plan:

- protects and maintains its natural, historic and cultural resources;
- preserves its community character and quality of life;
- ensures public safety, and;
- directs development and redevelopment in an appropriate manner.

The proposed text amendment would be consistent with the Comprehensive Plan.

Consistent with the adopted infrastructure minimum level of service standards and the concurrency management program

The proposed text amendment would be consistent with the Comprehensive Plan and level of service (LOS) standards.

- (2) ***Conformance with ordinances. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.***

The proposal is in conformance with all applicable requirements of the Code of Ordinances.

- (3) ***Changed conditions. Whether, and the extent to which, land use and development conditions have changed since the comprehensive plan's effective date and whether such conditions support or work against the proposed change.***

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the years, the Comprehensive Plan and LDRs have been amended from time-to-time. A new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013.

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.

- (4) ***Land use compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.***

The proposed text 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.

- (5) ***Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to a concurrency determination pursuant to chapter 94.***

No development plans are proposed with this application.

- (6) ***Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.***

Any impacts on vegetative communities and the natural environment would be reviewed and mitigated at the time of a proposed development. The proposed text amendment is not expected to result in adverse impacts on the natural environment.

- (7) ***Economic effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.***

The proposal would not adversely affect the property values in the area or the general welfare.

- (8) ***Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.***

The proposed amendment will allow for development above 8 dwelling units per acre without the need for a transfer of development rights, however, the maximum allowable density tiers will not change. Therefore, the proposal would not have negative effects on the current land use pattern.

- (9) ***Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of this subpart B and its enabling legislation.***

The proposed text amendment would not be in conflict with the public interest, and it is in harmony with the purpose and interest of the Comprehensive Plan.

- (10) ***Other matters. Other matters which the planning board and the city commission may deem appropriate.***

According to the Monroe County Property Appraiser, the total land area of the HRCC-2 zoning district is 24.78 acres, or 1,079,560.6-square-feet. The removal of the transfer of development rights restriction will allow for the future development and redevelopment of affordable & permanent housing.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request to amend the Comprehensive Plan be **APPROVED**.