



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 Land Development Regulations** – An Ordinance of the City of Key West, Florida, amending Chapter 122 of the Land Development Regulations, entitled “Zoning”, Article IV, entitled “Districts”, Division 6 entitled “Historic Preservation Districts”, Subdivision III, entitled “HRCC-2 Key West Bight District” and Article V, entitled “Supplementary District Regulations”, Division 3 entitled “Area Requirements”, Section 122-1151 entitled “Size and dimension”; pursuant to Chapter 90, Article VI, Division 2; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT:

The purpose of this ordinance is to amend the City’s Land Development Regulations (“the LDRs”) 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 LDRs 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 LDR text amendment and a text amendment to the Comprehensive Plan 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 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. In addition, staff asked that the open space restriction of 0.5 (section 122-720 (3) a. of the LDRs) not apply to an affordable housing development if Parcel ID #00001720-000200 is selected for such development. Alternatively, the residential development shall comply with City Code Section 108-346 (b) and provide a minimum of 35-percent open space. To allow for the higher density, staff proposed that the entire district have a maximum allowable impervious surface of 70-percent and a maximum allowable building coverage of 50-percent (comparable to the HRCC-1 and HCT zoning districts).

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 LDRs is as follows*:

Subdivision III. - HRCC-2 Key West Bight District

Sec. 122-716. - Intent.

- (a) Consistent with the comprehensive plan future land use map, the HRCC-2 Key West Bight district includes the Key West Bight area. Development within this district shall reinforce the following:
 - (1) Preservation of public waterfront access as well as waterfront views;
 - (2) Improved pedestrian linkages with adjacent and nearby activity centers;
 - (3) Protection and enhancement of opportunities for water-dependent and water-related land use activities, while preventing undue concentrations of population within the coastal high hazard area;
 - (4) Accommodation of public improvements necessary to achieve redevelopment plan objectives;
 - (5) Implementation of urban design schemes which attract pedestrians, increase waterfront exposure, reinforce the ambiance of the waterfront, and regulate against structures which wall off or otherwise inhibit access to waterfront views, strategic open spaces, or pedestrian linkages; and
 - (6) Consistency with the redevelopment plan for the Key West Bight and the Caroline Street Redevelopment Area.
- (b) 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 development rights.

(Ord. No. 97-10, § 1(2-5.5.3(2)(A)), 7-3-1997)

Sec. 122-717. - Uses permitted.

In the HRCC-2 Key West Bight district, only water-dependent uses shall be located within the first 30 feet landward of the mean high water (MHW) or the bulkhead. Similarly, only water-related uses shall be located between the 30-foot setback and the 100-foot setback from the mean high water 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-2 district. Permitted uses include the following:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 5,000 square feet as provided in division 11 of article V of this chapter.
- (7) Medical services.
- (8) Parking lots and facilities.
- (9) Restaurants, excluding drive-through.
- (10) Veterinary medical services without outside kennels.

(Ord. No. 97-10, § 1(2-5.5.3(2)(B)), 7-3-1997)

Sec. 122-718. - Conditional uses.

Conditional uses in the HRCC-2 Key West Bight district are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Community centers, clubs, and lodges.
- (3) Cultural and civic activities.
- (4) Educational institutions and day care.
- (5) Nursing homes, rest homes and convalescent homes.
- (6) Parks and recreation, active and passive.
- (7) Protective services.
- (8) Public and private utilities.
- (9) Bars and lounges.
- (10) Boat sales and service.
- (11) Commercial retail low and medium intensity greater than 5,000 square feet as provided in division 11 of article V of this chapter.

- (12) Commercial retail high intensity as provided in division 11 of article V of this chapter.
- (13) Funeral homes.
- (14) Light industrial.
- (15) Marinas.
- (16) Small recreational power-driven equipment rentals.

(Ord. No. 97-10, § 1(2-5.5.3(2)(C)), 7-3-1997)

Sec. 122-719. - Prohibited uses.

In the HRCC-2 Key West Bight district, all uses not specifically or provisionally provided for in this subdivision are prohibited.

(Ord. No. 97-10, § 1(2-5.5.3(2)(D)), 7-3-1997)

Sec. 122-720. - Dimensional requirements.

The dimensional requirements in the HRCC-2 Key West Bight district are as follows; however, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission design guidelines:

- (1) Maximum density: Density of areas designated HRCC-2 on the ~~future land use~~ official zoning map shall carry a base density of eight units per gross acre. These HRCC-2 designated areas may develop to a density of 12 units per acre ~~under the transfer of development rights program~~ assuming that the owner/developer certifies by affidavit a deed restriction 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~~ official zoning map may be increased to ~~20~~ 40 units per acre if all units within the development are ~~certified by affidavit of deed restricted~~ certified by affidavit of deed restricted by the owner/developer as affordable residential units. ~~All increases in density above the base density of eight units per acre shall be only by transfer of development rights. An affordable housing affidavit~~ 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 ~~transfer of development rights and~~ 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.
- (2) Maximum floor area ratio: 0.5.
- (3) Maximum height: 35 feet, except within the 100-foot setback from mean high water, the following restrictions apply:

- a. The minimum open space ratio shall be 0.5. If Parcel ID #00001720-000200 is selected for an affordable housing development, the residential development shall comply with City Code Section 108-346 (b) and provide a minimum of 35-percent open space.
 - b. The height of buildings shall be one habitable floor/story above the base flood elevation.
- (4) Maximum lot coverage: Within the 100-foot setback from mean high water, the minimum open space ratio shall be 0.50, and the maximum height of buildings shall be restricted to one habitable floor/story above base flood elevations. The open space restriction shall not apply to a ferry terminal if the Chevron property within the Key West Bight area is selected for the city ferry terminal. The redevelopment plan shall provide design criteria which shall protect waterfront views, mandate pedestrian access improvements, and ensure preservation of open space. Landward of the 100-foot setback area the following restrictions shall apply:
- a. Maximum building coverage: 50 percent.
 - b. Maximum impervious surface ratio: ~~60~~ 70 percent, excepting the first 100 feet from mean high water as provided in section 122-716.
- (5) Minimum lot size: 5,000 square feet.
- a. Minimum lot width: 50 feet.
 - b. Minimum lot depth: 100 feet.
- (6) Minimum setbacks:
- a. Front: 10 feet.
 - b. Side: 7.5 feet.
 - c. Rear: 15 feet but ten when abutting an alley.
 - d. Street side: 7.5 feet.

(Ord. No. 97-10, § 1(2-5.5.3(2)(E)), 7-3-1997; Ord. No. 10-04, § 7, 1-5-2010)

Secs. 122-721—122-745. - Reserved.

Sec. 122-1151. - Size and dimension.

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

TABLE OF SIZE AND DIMENSION REGULATIONS

District	Minimum Area (sq. ft.)	Minimum Width (sq. ft.)	Minimum Depth (sq. ft.)	Impervious Surface Ratio	Maximum Building Coverage	Minimum Setback Requirements						Maximum Height (feet)	Maximum Floor Area Ratio	Maximum Density (du/acre)
						Front (feet)	Street Side (feet) ¹	Side (feet)	Rear ² (feet)	Street Side (feet) ¹	Side (feet)			
HMDR historic medium density residential ²¹	4,000	40	90	60	40	10	7.5	5	15	7.5	5	15	1.0	16
HSMR historic special medium density residential	5,000	50	100	60	40	10	7.5	5	15	7.5	5	15	1.0 ²²	8.6
HHDR historic high density residential ²¹	4,000	40	90	60	50	10	5	5 ¹¹	20	5	5 ¹¹	20	1.0	22
HRCC-1 historic commercial core, Duval GS ²¹	4,000	40	100	70	50	0	0	2.5	10	0	2.5	10	1.0	22
HRCC-2 historic commercial core, KW Bight ^{12,21}	5,000	50	100	60 70	50	10	7.5	5	15 ²	7.5	5	15 ²	0.5	8 ¹³
HRCC-3 historic commercial core Duval OS ²¹	4,000	40	90	60	50	5	7.5	5	15	7.5	5	15	1.0	22
HRCC-4 historic residential commercial core-4	n/a	n/a	n/a	50	30	7.5	7.5	7.5	7.5	7.5	7.5	7.5	0.8	n/a
HNC-1 historic neighborhood commercial ²¹	4,000	40	100	60	50	5	7.5	5	15	7.5	5	15	1.0 ¹⁴	16
HNC-2 historic neighborhood commercial ²¹	4,000	40	90	60	40	10	7.5	5	15	7.5	5	15	1.0 ¹⁴	16
HNC-3 historic neighborhood commercial ²¹	4,000	40	90	60	40	0	7.5	5	15	7.5	5	15	1.0 ¹⁴	16
HCT historic commercial tourist ^{17,21}	10,000	75	100	70	50	5	5	5	10	5	5	10	1.0	22
HRO historic residential office ²¹	5,000	50	100	60	50	5	5	5	10	5	5	10	1.0 ¹⁴	16
HPS historic public/semi-public service ²¹	5,000	50	100	50	40	20	10	5 ¹¹	20 ²	10	5 ¹¹	20 ²	1.0	n/a
HPS-1 historic public and semi-public service-1	n/a	n/a	n/a	50	30	7.5	7.5	7.5	7.5	7.5	7.5	7.5	0.8	n/a
HPRD historic planned redevelopment/development ²¹	1 acre	50	100	50	40	5	5	2.5	10	5	2.5	10	1.0	22

*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)
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

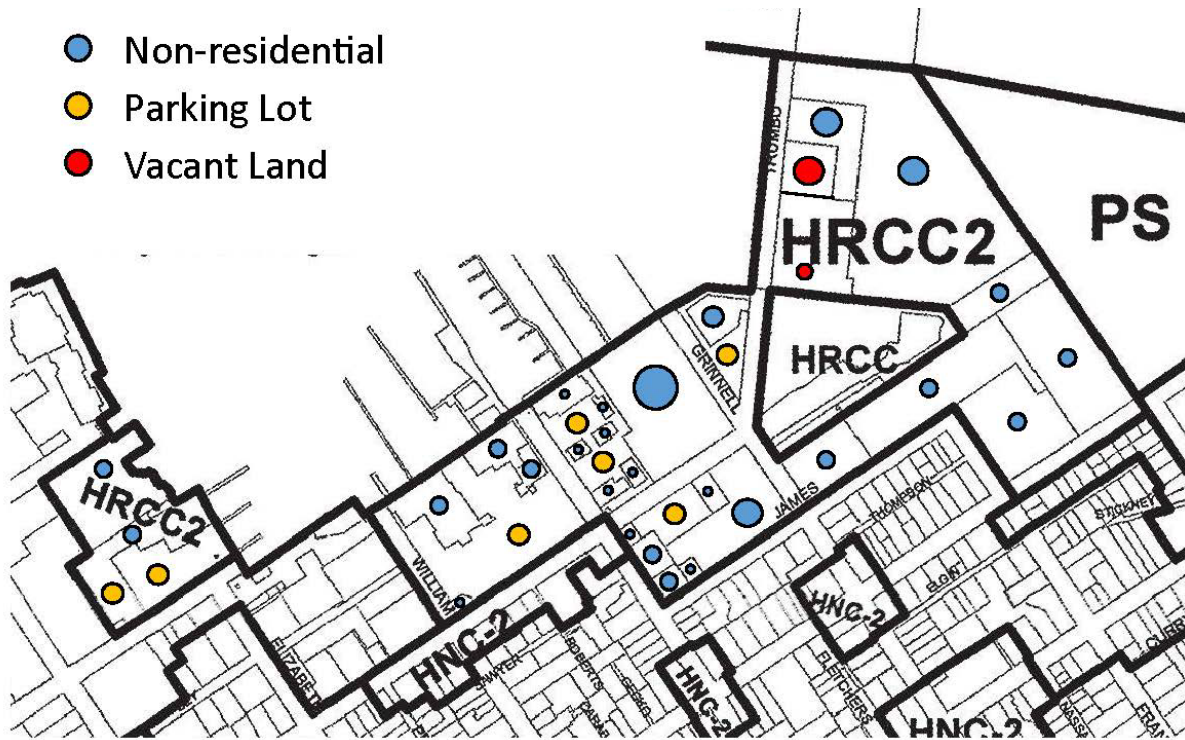
Planning Staff Analysis:

The purpose of Chapter 90, Article VI, Division 2 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 Land Development Regulations. 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 Land Development Regulations 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 Comprehensive Plan. 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 LDR 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 unit and
- 3) allow for a minimum of *35-percent open space* if Parcel ID #00001720-000200 is selected for an affordable housing development, in compliance with City Code Section 108-346 (b) and
- 4) allow for a maximum of *70-percent impervious surface* in order to accommodate the higher allowable density.

Options / Advantages / Disadvantages:

Option 1: **Approve** the text amendment to Chapter 122 of the Land Development Regulations, entitled “Zoning”, Article IV, entitled “Districts”, Division 6 entitled “Historic Preservation Districts”, Subdivision III, entitled “HRCC-2 Key West Bight District” and Article V, entitled “Supplementary District Regulations”, Division 3 entitled “Area Requirements”, Section 122-1151 entitled “Size and dimension” as recommended by the Planning Board through Resolution no. 2019-35.

- a. **Consistency with the City’s Strategic Plan, Vision, and Mission:**
The Strategic Plan is silent on this issue.
- b. **Financial Impact:**
There will be no cost to the City if this request is approved.

Option 2: Deny the text amendment to Chapter 122 of the Land Development Regulations, entitled “Zoning”, Article IV, entitled “Districts”, Division 6 entitled “Historic Preservation Districts”, Subdivision III, entitled “HRCC-2 Key West Bight District” and Article V, entitled “Supplementary District Regulations”, Division 3 entitled “Area Requirements”, Section 122-1151 entitled “Size and dimension.”

- a. **Consistency with the City’s Strategic Plan, Vision, and Mission:**
The Strategic Plan is silent on this issue.
- b. **Financial Impact:**
There will be no cost to the City if this request is denied.

Recommendation:

As per Resolution no. 2019-35, the Planning Board recommends the **approval** of the text amendment to the Land Development Regulations.