

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

From: Nicole Malo, Planner II

Through: Donald Leland Craig, AICP, Planning Director

Date: May 15, 2012

RE: **PS Zoning District Ordinance** - An ordinance of the City of Key West amending Chapter 122 of the Code of Ordinances entitled "Zoning" of Article IV by amending Sections 122-1016, 122-1017, 122-1018, and 122-1020 for the Public and Semi-public (PS) zoning district, of the City of Key West Land Development Regulations, providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT

Request: To consider the proposed amendments to the Land Development Regulations for the Public and Semi-public zoning district

Location: For properties located within the existing Public and Semi-public (PS) zoning districts throughout the city (see attached maps)

BACKGROUND

The purpose of the proposed text amendments is to clarify the uses currently allowed in the PS zoning district, by more clearly defining the language for permitted and conditional land uses within the Land Development Regulations. Further, additional restrictions for development of *Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless* are proposed, and clarification and modifications are proposed to the existing dimensional requirements allowed in the district. The proposed amendments serve to improve the city's efficiency by resolving the following:

1. Standardize formatting of Section 122-1016(b) and (c), Intent;
2. Modify Section 122-1017, Permitted Uses and 122-1018, Conditional Uses to comport with Comprehensive Plan Policy 1-2.6.1;
3. Better define uses associated with *Essential Public Services and Facilities*;
4. Standardize dimensional requirements inconsistent with standards in other non-historical, residential, mixed-use and commercial districts; and
5. Isolate the use *Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless*, from the overarching definition of *Essential Public Services and Facilities* (Permitted Use), in order to provide that *Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless* undergo Conditional Use review with stringent development and operational criteria.

On March 15, 2012 the Planning Board reviewed and approved the proposed amendments to the Land Development Regulations for the PS zoning district through Resolution 2012-09 (see attached Resolution) based on staff recommendations and concerns raised by neighboring property owners. The proposed text amendments were heard by the Planning Board twice before on January 18, 2012 and on November 17, 2011. After members of the public continued to raise concerns regarding the proposed amendments, primarily regarding the potential development of homeless facilities the Planning Board recommended that the specific use of *Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless* (defined as an *Essential Public Service and Facility*) be listed separately as a conditional use with specific operational and development criteria.

Regulating *Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless* to be reviewed as a conditional use, instead of a permitted use, creates an additional layer of analysis for land use compatibility. In order to further mitigate neighborhood impacts additional regulations for this type of development are proposed to increase development review oversight, elevate development standards and provide operational controls. These standards are as follows:

- (1) Emergency shelters for the homeless, and shelters for temporarily housing the homeless which meet the following minimum standards for development review, site development and operation:
 - a. Fencing – the entire site shall have a six foot opaque fence on all sides.
 - b. Landscape Buffer – A minimum of a five foot wide “D” buffer as specified in section 108-347(c).
 - c. Security lighting on the perimeter of the site and upon the interior of the fenced premises which shall be designed to “Dark Sky” lighting standards to protect adjacent residential uses.
 - d. Onsite security personnel licensed by the state of Florida for such role and activity provided by the operator of the facility during the hours of operation inclusive of nighttime or any time when clients of the facility are present.
 - e. An outdoor day-time congregation area inside the grounds of the site large enough to accommodate the maximum client population of the facility to prevent waiting and congregating off site.
 - f. On site facilities:
 - i. Sleeping facilities for 100% of the maximum client population;
 - ii. Dining facilities for at least 50% of the maximum client population;
 - iii. Shower and toilet facilities in a quantity necessary to serve the maximum client population;
 - iv. Intake and counseling offices;
 - v. Storage for client personal effects, food, sleeping linens, miscellaneous support materials;
 - vi. A loading zone and bus parking area.

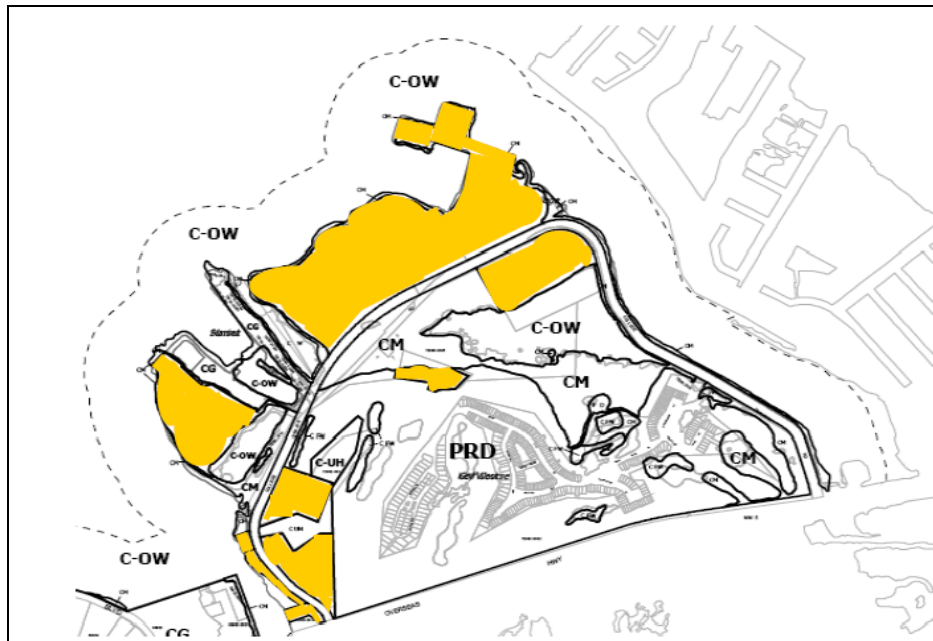
- g. All shelters for the homeless or for temporary housing the homeless shall undergo review as a major development plan and meet the requirements of Section 108-92 et.sq

Staff and the Planning Board recommend that regulating *Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless* as a conditional use with specific criteria for development and operational limitations shall best resolve the community’s concerns regarding a potential lack of restrictions for any future development. Further, the proposed ordinance should result in the ability of the municipal government to more effectively utilize city property in order to provide essential public services to the Key West community.

Additionally, the proposed amendments help to clarify the intent of the uses allowed in the PS district and standardize the formatting of the Section by relocating the list of existing uses currently under 122-1016(b) and additional uses described under Section 122-1016(c) into the Permitted Uses (Section 122-1017) and Conditional Uses (Section 122-1018). Additionally, in order to clarify what types of uses are considered essential public services and other similar activities the department is recommending amendments that include examples of essential public service uses.



Key West



Stock Island

The highlighted sections of the zoning maps above (also the Future Land Use Map) show all of the PS zoning districts throughout the city. An analysis of properties within the PS zoning districts attached herein shows that these lands are mostly owned by governmental entities and utilities including the County (BOCC), the Mosquito Control Board, Keys Energy, and the Florida Keys Aqueduct Authority; although, the majority of the PS lands are owned by the City of Key West. There is one exception for property on Flagler Avenue owned by the Catholic Church. Although the City also owns parcels of property within the Historic Public Service District (HPS) the city's undeveloped lands are located within the PS zoning district and these lands are intended by the Comprehensive Plan to be utilized as public service purposes. Further, Comprehensive Plan Policy 1-1.4 states that the city's FLUM shall include appropriate allocations of land for public services. Therefore because lands within the PS zoning district are owned by the city and other public and governmental entities and because the Comprehensive Plan contemplates that the city allocate and utilize these lands for public service uses it is critical that these uses are clearly identified within the LDR's.

The uses proposed to be relocated from Section 122-1016 Intent to within Section 122-1017 Permitted Use are typically found or currently existing within public service zoning districts such as hospitals, parks and recreation and government administration buildings. The clarification of these permitted uses will improve the city's ability to consistently interpret the intended use of our limited public and semipublic lands while facilitating their usage. The uses that have been relocated or newly proposed as conditional uses, such as marinas and restaurants associated with recreational activities are higher impact uses that therefore require an additional layer of Planning Board approval to determine land use compatibility. Most of the uses currently exist within the PS districts today; however, the existing de-commissioned land fill will only be allowed to continue as a legal non-conforming use.

Previous City Actions
Planning Board Meetings

March 15, 2012
January 18, 2012
November 17, 2011
October 20, 2011

Review Criteria

Section 90-523 of the Code outlines key City Commission review procedures for any changes to the Land Development Regulations. In accordance with the Code the City Commission shall consider the criteria in Section 90-521 together with the findings and recommendations of the Planning Board. As described in this report the Planning Board has recommended the proposed ordinance changes. A review of the proposed ordinance relative to the criteria is provided below.

Sec. 90-521. Criteria for approving amendments to official zoning map. In evaluating proposed changes to the official zoning map, the city shall consider the following criteria:

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

The City's Comprehensive Plan includes an Objective to Allocate Land for Public Service (1-2.6) and to Accommodate Institutional Facilities and Public Services as part of the Future Land Use Element. Goals, Objectives and Policies within the sub-element support the allocation of lands for public services within the City. The Comprehensive Plan Policy 1-2.6.1 for the PS Land Use Designation requires that the City accommodate existing public and semi-public services as described and to identify them in the LDR's. The proposed ordinances are consistent with these and related Goals, Objectives and Policies in the Comprehensive Plan.

Because the proposed ordinances do not impact density or intensity, they will have no impact on minimum levels of service or concurrency determinations as established by the Comprehensive Plan.

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

The proposed ordinances are in conformance with the Code and the procedures for amending the Land Development Regulations will be followed and are supported by this report.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing

regulations, and whether such changes support or work against the proposed rezoning.

There are no changed conditions or regulations associated with these ordinances.

(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 clarifications reconstitute uses that currently exist within the Land Development Regulations for the PS district, uses that currently exist within the PS district, and uses that are typically found within public service zoning districts, and will improve the viability of our limited public and semipublic lands. The proposed conditional uses have been determined to be higher impact uses and must obtain Planning Board approval to determine land use compatibility. In response to public concerns and the Planning Board request all development for *Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless* will undergo additional review as a conditional use with added development standards such as development plan approval. The existing de-commissioned land fill will only be allowed to continue as a legal non-conforming use.

(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. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The proposed ordinances are intended to clarify language for the use of lands that can support public facilities. The proposed amendments will not result in excessive demands on public facilities. All applications for future development will have to comply with concurrency standards.

(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.

The proposed ordinance is intended to clarify uses that are currently allowed or currently exist in the district and will have no impact on the natural environment. Any future construction for development that may be proposed within these districts that border conservation districts will be required to attain relevant environmental permitting and comply with mitigation requirements.

(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 proposed ordinance promotes the most effective and efficient operation of government owned lands by clarifying the allowed uses necessary to accommodate services for the public on these lands. This proposal is not expected to have an adverse effect on the property values in the area or the general welfare because the uses already exist in the area.

(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 modifications will support an orderly and compatible land use pattern with that which are currently existing, further the LDR modifications reflect municipal policy direction and provide consistency throughout the Code and the Comprehensive Plan. These modifications will also protect the ability of the government to provide critical public services.

(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 the land development regulations in this subpart B and the enabling legislation.

Although, there has been neighborhood concern regarding the use of some PS zoned land for *Public Service Emergency Shelters for the Homeless, and Shelters for Temporarily Housing the Homeless* the proposed ordinances do not appear to be in conflict with the overall public interest. They are expected to help protect the government's continued use of the lands, and provide as needed services to the community, which is in the greater public interest and will further the intent of the Comprehensive Plan and Land Development Regulations.

(10) *Other matters.* Other matters which the Planning Board and the City Commission may deem appropriate.

Other matters have not been identified at this time.

RECOMMENDATIONS

Options / Advantages / Disadvantages:

Option 1. Approve the resolution.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would provide enhanced services and government efficiency consistent with the mission and vision of the city.

2. **Financial Impact:** There is no direct financial impact to the city itself; although, the amendments facilitate efficient use of city property and staff time.

Option 2. Do not approve the resolution.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** This action would not provide enhanced services and is not consistent with the mission and vision of the city.
2. **Financial Impact:** There is no direct financial impact to the city itself; although, city efficiency may be sacrificed.

STAFF RECOMMENDATION

Option 1. **Approval of the Ordinance** amending Sections 122-1016, 122-1017, 122-1018, and 122-1020 of the Land Development Regulations.