

ORDINANCE NO. _____

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.

WHEREAS, the City of Key West (the “City”) has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Community Affairs (“DCA”), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the City of Key West Area of Critical State Concern as established pursuant to Section VII, Article II, of the Florida Constitution, and Section 380.05, Florida Statutes; and

WHEREAS, pursuant to the provisions of Chapters 163, 166, and 380 of the Florida State Statutes, the City of Key West, Florida (the “City”) proposes to amend Chapter 1, “Future Land Use Element,” of the Comprehensive Plan; and

WHEREAS, Comprehensive Plan Table 1-1.1.5 incorrectly states that the maximum allowable density of the HRCC-2 zoning district is 22 dwelling units per acre; and

WHEREAS, the maximum allowable density in areas zoned HRCC-2 may only be increased to a maximum of 20 dwelling units per acre (not 22 dwelling units per acre) if all units within the development are certified by affidavit as affordable residential units; and

WHEREAS, currently, all increases in density above the base density of 8 dwelling units per acre shall only be by transfer of development rights; and

WHEREAS, eliminating the requirement of a transfer of development rights to allow for density bonuses will further the goals, objectives, and policies of the City Comprehensive Plan;

WHEREAS, this proposed amendment to the Comprehensive Plan was presented to the Planning Board for a recommendation of approval at its regularly scheduled meeting on May 16, 2019; and

WHEREAS, the Planning Board found that it is in the public interest to amend Chapter 1 and made a recommendation of approval to the City Commission through Resolution no. 2019-34 and 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 20 dwelling units per acre; and

WHEREAS, on July 16, 2019, planning staff presented the approved Planning Board Resolution no. 2019-34 and proposed ordinance to the City Commission for first reading and requested the City Commission allow a maximum density of 40 dwelling units per acre if all are deed restricted by the owner/developer as affordable residential units; and

WHEREAS, the City Commission voted unanimously at first reading to increase the maximum allowable density from 20 units per acre to 40 units per acre; and

WHEREAS, the proposed amendment will further the goals, objectives, and policies of the City Comprehensive Plan; and

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

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That Table 1-1.1.5 and Policy 1-1.1.8 of the Comprehensive Plan is

hereby amended 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 deemed 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 and ~~double struck through~~ at second reading.)

Section 3. 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 provision of this Ordinance shall be deemed severable therefrom and shall be constructed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4. 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 5. 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 Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed by the City Commission at a regular meeting held this _____ day of _____, 2019.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2019.

Authenticated by the presiding officer and Clerk of the Commission on the _____ day of _____, 2019.

Filed with the Clerk _____, 2019.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Vice Mayor Sam Kaufman	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK