

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 122 OF THE CODE OF ORDINANCES
ENTITLED "ZONING" BY AMENDING SECTION 122-926
TO CLARIFY INTENT; AMENDING SECTION 122-928 TO
CLARIFY CULTURAL AND CIVIC ACTIVITIES WITH
ACCESSORY/ASSOCIATED COMMERCIAL SALES;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
REPEAL OF INCONSISTENT PROVISIONS; PROVIDING
FOR AN EFFECTIVE DATE

WHEREAS, the City Commission finds that the proposed amendments are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional public demand on public facilities; will have no impact on the built environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest; and

WHEREAS, the proposed amendments to the Code of Ordinances were approved by the Key West Planning Board in Planning Board Resolution No. 2011-063; and

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

Section 1: That Section 122-926 of the Code of Ordinances is hereby amended as follows*:

Sec. 122-926. - Intent.

The historic residential/office district (HRO) is established to implement comprehensive plan policies for areas designated "HRO" on the future land use map. The HRO district shall accommodate business and professional offices as well as ~~single-family, duplex, and multiple-family~~ residential structures ~~within the historic Old Town.~~ Cultural and civic activities are allowed anywhere in the district and those same uses with accessory/associated commercial sales are allowed on Whitehead Street between Greene Street and Southard Street. Customary accessory uses and community facilities may also be located within the HRO district. The HRO district shall not accommodate new transient lodging or guesthouses. ~~However, existing legal transient residential uses of record shall be considered as "grandfathered" uses and may continue to exist so long as all conditions of approval are satisfied.~~ In addition, the HRO district shall expressly exclude ~~commercial~~ general retail sales, warehousing, and

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

outdoor storage. In order to manage the impacts of future development on transportation and public facilities, the city shall limit the intensity of development within the HRO district to activities generating no more than 50 trips per 1,000 square feet of gross leasable floor area per day.

Section 2: That Section 122-928 of the Code of Ordinances is hereby amended as follows:

Sec. 122-928. - Conditional uses.

Conditional uses in the historic residential/office district (HRO) are as follows:

- (1) Group homes with seven to 14 residents as provided in *section 122-1246*
- (2) Cultural and civic activities with or without associated/accessory commercial sales on Whitehead Street from Greene Street to Southard Street.
- (3) Community center, clubs and lodges.
- (4) Educational institutions and day care.
- (5) Nursing homes, rest and convalescent homes.
- (6) Parks and recreation, active and passive.

- (7) Protective services.
- (8) Public and private utilities.
- (9) Funeral homes.

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 provisions of this Ordinance shall be deemed severable therefrom and shall be construed 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.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2012.

Read and passed on final reading at a regular meeting held

this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2012.

Filed with the Clerk _____, 2012.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK