

**Attachment i:**  
Additional documentation



**PLANNING BOARD RESOLUTION  
No. 2004-013**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD PURSUANT TO SECTIONS  
SUBPART B, LAND DEVELOPMENT REGULATIONS OF  
THE CODE OF ORDINANCES OF THE CITY OF KEY  
WEST APPROVING AN APPLICATION FOR THE  
TRANSFER OF TWO TRANSIENT UNITS FROM 905-  
907 WHITE STREET (RE# 00024470-000000) to 810  
DUVAL STREET (RE# 00016940-000000);  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Sec. 122-1339(a) of the Code of Ordinances of the City of Key West, Fleszar Holdings, Inc., the owners of 905-907 White Street, (the sender site), a seven (7) unit/parcel, as reflected by a recorded Warranty Deed dated April 13, 2000, through their agent, Adele V. Stones, on April 5, 2004 filed an application to transfer two (2) transient licenses from their property (sender site) to 810 Duval Street (the receiver site); and

**WHEREAS**, Five (5) of the seven (7) transient units remain at the sender site (905-907 White Street) pursuant to recent condo conversion, two (2) transient units go to 810 Duval Street and two (2) full units return to City's ROGO list;

**WHEREAS**, the above-referenced party presented to the City a copy of a current one "transient residential rental" Occupational License, Number 04-11842; and

**WHEREAS**, Georgia/Carolina I&D, LLC, by recorded Deed dated January 14, 2003 for 810 Duval Street (RE # 000016940-000000), simultaneously made application to transfer the license from 905-907 White Street to 810 Duval Street; and

**WHEREAS**, the sender site is in the HMDR (Historic Medium Density Residential) zoning district in which transient use is prohibited, and the receiver site is in HRCC-3 (Historic Residential Commercial Core: Duval Street Atlantic Side) District in which zoning district transient usage is permitted; and

**WHEREAS**, the license at the sender site is currently in effect (2004) for transient rental, and whereas, by letter to Mrs. Fleszar dated February 24, 2004, Gary E. Jones, Senior Vice President, 1<sup>st</sup> National Bank of South Florida, states 1<sup>st</sup> National Bank of South Florida has no objection to the sale of a transient license for 905-907 White Street; and



**WHEREAS**, the sender sites and receiver sites can house the same or less net number of occupants as required under Sec. 122-1339(b) of the Code of Ordinances; and

**WHEREAS**, the owners of the receiver site must comply with all state and local codes for transient rental of residential units according to Sec. 122-1341 of the Code of Ordinances; and

**WHEREAS**, the DRC, on April 21, 2004 reviewed the proposed transfer of Transient License from 905-907 White Street to 810 Duval Street, and presented comments and recommendations including:

- Keys Energy Services written comment: No objections.
- Florida Keys Aqueduct Authority written comment: No objections as long as no new units or water using fixtures are added.
- Office of the Fire Marshal: Receiving property to be in compliance with applicable life safety/fire codes.
- Planning Department: No comments.
- City Engineer/Public Works: Absent.
- Key West Police Department: Absent.
- Building Official: No comments.
- Utilities: No comments.
- HARC: No comments.
- Landscape Coordinator: No comments.
- Bicycle/Pedestrian Coordinator: No comments.
- Key West DOT: Absent.
- Engineering Services: No comments.
- DCA: Absent.

**WHEREAS**, at that meeting, the following plans were reviewed by the Board:

| Plans                    | By                 | Date    |
|--------------------------|--------------------|---------|
| Sender Site Survey       | Norby & Associates | 4/2000  |
| Sender Site Floor Plans  | Thomas Kelly       | Unknown |
| Receiver Site Floor Plan | Unknown            | Unknown |
| Receiver Site Survey     | R.E. Reece, PA     | 12/2004 |

**WHEREAS**, at the Planning Board Meeting of May 27, 2004, Mr. Symroski reported that there were 90 notices mailed, 7 responses received, including 0 objections and 7 non-objections, and the objections were read into the record; and



**WHEREAS**, at that Meeting, Mr. Symroski referenced a staff report by Ginny Haller, Senior Planner, dated May 12, 2004, that recommended approval of the requested transfer of a transient license with the following condition to be met prior to activation of the license at the new (receiver) site that the receiver property is in compliance with all applicable life safety/fire codes.

**WHEREAS**, the agent of the owners of 810 Duval Street, Adele V. Stones, stated that the Planning Department's recommended conditions were acceptable; and;

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

**Section 1.** That the Planning Board finds that the transfer of the transient license from 905-907 White Street to 810 Duval Street meets the criteria identified in Sec. 122-1339(a) and (b), Transfer of Transient Occupational License.

**Section 2.** That the application for the transfer of the transient residential rental license from 905-907 White Street to 810 Duval Street, be approved, with the following condition that the receiver property is in compliance with all applicable life safety/fire codes.

**Section 3.** That this Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the Chairman of the Planning Board and City Planner.

Passed at a meeting held this 27th day of May 2004.

Patricia Eables 7-29-04  
Patricia Eables, Chairman Date  
Key West Planning Board

Attest:

T/S 7/28/04  
Ty Symroski Date  
City Planner

Cheryl Smith 7-30-04  
Filed with the Clerk Cheryl Smith, City Clerk Date





# APPRAISAL CO.

OF KEY WEST

3229 Flagler Avenue, Suite #101  
Key West, Florida 33040  
Telephone: (305) 296-4568  
Fax: (305) 296-0493

Website: [fla-keysappraisals.com](http://fla-keysappraisals.com)  
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App.153

July 20, 2007

Ms. Mariela Huanuco  
Commercial Loan Processor Specialist  
1<sup>st</sup> National Bank of South Florida  
1550 N. Krome Avenue  
Homestead, Florida 33030

Subject: Appraisal Report:  
Tropical Inn  
810-812 Duval Street and 809-813 Shavers Lane  
Key West, Florida 33040  
Our File No.: 212-07

Dear Ms. Huanuco:

We have performed a summary appraisal report and estimate of the *"As Is" Market Value of the Total Assets of the Business (MVTAB)* also known as the *Market Value of the Going-Concern* of the Tropical Inn, 810-812 Duval Street and 809-813 Shavers Lane, Key West, Florida, as of July 5, 2007, based on its current licensing, per the City of Key West for 8 transient units and one non-transient unit.

The subject property, known as the Tropical Inn consists of a bed and breakfast inn, which is typically known as a "guest house" within the local market. In addition, 810 Duval Street includes a retail unit which is rented monthly. The subject property is currently configured and utilized as an 11 unit guest house with a retail unit. However, according to the City of Key West licensing department, the subject property is licensed for 8 transient units and one non transient unit, with a commercial retail unit located at 810 Duval Street. Therefore, the appraisers have valued the property as licensed.

The subject property improvements consist of four buildings. 810 Duval Street consists of a one story wood frame building consisting of a retail unit with a guest unit located on the west side of the building. The building contains 885 square feet of gross building area. The retail unit fronts on Duval Street. According to the Monroe County Property Appraiser's office, the building was constructed in 1928. 810 Duval Street Rear consists of a one-story wood frame building with asbestos siding, containing 451 square feet of gross building area. This building contains two transient rooms, with the westernmost room including a private porch. According to the Monroe County Property Appraiser's office, the building was constructed in 1938. 812 Duval Street consists of a two-story wood frame building containing 2,307 square feet of gross building area. According to the Monroe County Property Appraiser's office, the building was constructed in 1928. This building is configured for six transient rooms including the main office, kitchen and laundry



area. 809 Shavers Lane consists of a one story building containing 618 square feet of gross building area. This building contains two transient rooms. These rooms include a private jacuzzi/spa. According to the Monroe County Property Appraiser's office, the building was constructed in 1933. 813 Shavers Lane consists of an interior parcel containing approximately 1,562 square feet, according to the Monroe County Property Appraiser's office.

The appraisers were provided a survey performed by R.E. Reece, P.A., #5 Ships Way, Big Pine Key, Florida, dated 01/22/04. The building and site measurements were taken from this survey. Although the Monroe County Public records differs slightly in site and building size, the appraisers have relied on the survey provided. The Monroe County Property Appraiser's office denotes that the subject property contains 10,703 square feet of land. According to the survey provided, the subject property contains 10,671 square feet of site area. The survey denotes that the wood and chain link fence "straddles" the property line on northwest side of the subject property, north of the 809 Shavers Lane building. In addition, CBS wall and chain link fence meanders the property line on the southeast corner of the property, along Duval Street. The appraisers performed a site visit with building measurements taken from the survey. Any deviations from these sizes will likely result in a change in value.

According to the survey, the site contains 10,671 square feet and is improved with four wood frame structures containing a total gross building area of 4,261 square feet. The building improvements were considered to be in good/very good condition and feature tropical landscaping and a swimming pool. According to the City of Key West, the subject property is licensed as eight transient guest units plus one non-transient unit; hence, we have valued the property as such.

A Going-Concern is an established and operating business having an indefinite future life. The Going-Concern Value considers all the tangible and intangible assets, necessary for the continued operation of the subject property. The Going-Concern Value considers the value of the furniture, fixtures and equipment, as well as an intangible value for the business operation and goodwill. The Going Concern Value considers all the tangible and intangible assets, necessary for the continued operation of the 8-unit transient guesthouse plus one non-transient units facility and a retail storefront on Duval Street.

Market Value is defined as the most probable price in cash (or its equivalency) for which the appraised property will sell in a competitive market under all conditions requisite to a fair sale. Market Value assumes a normal or reasonable time for exposure on the open market. The Market Value of the subject property considers the business, goodwill or furniture, fixtures and equipment of an operation, and assumes the continuation of such.

The Uniform Standards of Professional Practice (USPAP) requires that the values of real estate, personal property, trade fixtures, and intangibles be allocated to their separate components when they are significant to the overall value conclusion. In the case at hand, we have reported our opinion of the market value of the total assets of the business (market value of the going-concern) and the furniture, fixtures, and equipment (tangible business assets other than real property). Since the subject operation



is stabilized, the intangible business assets of the subject property are not considered to be significant to the overall value conclusions and have not been separately reported.

Based on our market data, research and analysis, it is our opinion that the "*As Is*" Market Value of the Total Assets of the Business (MVTAB) also known as the Market Value of the Going-Concern of the Fee Simple Interest, commonly known as, Tropical Inn, 810-812 Duval Street and 809-813 Shavers Lane, Key West, Florida, based on its current licensing as 8 transient units plus one non-transient units, also subject to definitions, assumptions and limiting conditions, as of July 5, 2007 is:

**FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS**  
**( \$ 4,250,000 )**

The Market Value considers the intangible business assets, as well as furnishings, fixtures and equipment necessary for the continued operation of a guest house facility. The estimated contributory value of the furniture, fixtures and equipment was estimated at \$64,000 (rounded) and is included in the Market Value estimate herein.

This is a summary appraisal report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a summary appraisal report. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report.

This confidential report was prepared for the sole use of and benefits of 1<sup>st</sup> National Bank of South Florida and is based, in part, upon documents, writings, and information owned and possessed by 1<sup>st</sup> National Bank of South Florida . This report is provided for informational purposes only to third parties authorized to receive it. The appraiser-client relationship is with 1<sup>st</sup> National Bank of South Florida as the client. This report should not be used for any purpose other than to understand the information available to the Bank concerning this property. Appraisal Company of Key West assumes no responsibility if this report is used in any other manner.

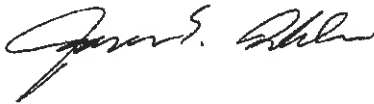


Ms. Mariela Huanuco  
Commercial Loan Processor Supervisor  
1<sup>st</sup> National Bank of South Florida  
July 20, 2007  
Page No. 4


App.156

If you have any questions regarding this appraisal report, please feel free to contact us. Thank you for giving us the opportunity to provide this service for you. This transmittal letter must remain attached to the report, which contains 102 pages including related exhibits, in order for the value opinion set forth to be considered valid.

Respectfully submitted,



James Wilson, President  
State-Certified General Real Estate Appraiser  
Certification No. RZ 0002164



Maria V. Wilson  
State-Certified General Real Estate Appraiser  
Certification No. RZ 0002686

Report Attached: R:\Comm-07\212-07\Comm-212-07.wpd



# APPRAISAL REPORT

App.157

*Summary Appraisal Report*

**Property Commonly Known as:**

TROPICAL INN  
810-812 DUVAL STREET & 809-813 SHAVERS LANE  
KEY WEST, FLORIDA 33040

**Property Type:**

A GUEST HOUSE WITH A RETAIL UNIT

**Prepared For:**

MS. MARIELA HUANUCO  
COMMERCIAL LOAN PROCESSOR SUPERVISOR  
1<sup>ST</sup> NATIONAL BANK OF SOUTH FLORIDA  
1440 NORTH KROME AVENUE  
HOMESTEAD, FLORIDA 33030

**Borrower:**

GEORGIA/CAROLINA I & D, LLC

**Valuation Date:**

JULY 5, 2007

**Prepared By:**

JAMES E. WILSON, PRESIDENT  
STATE-CERTIFIED GENERAL REAL ESTATE APPRAISER

CERTIFICATION No.: RZ 0002164

MARIA V. WILSON  
STATE-CERTIFIED GENERAL REAL ESTATE  
APPRAISER

CERTIFICATION No. RZ 0002686

**APPRAISAL COMPANY OF KEY WEST**

**3229 Flagler Avenue, Suite 101  
Key West, Florida 33040**

**OUR FILE NO.: 212-07**



**SUMMARY OF FACTS AND CONCLUSIONS****Subject Property Address:** Tropical Inn810-812 Duval Street and 809-813 Shavers Lane  
Key West, Florida 33040**Borrower:** Georgia/Carolina I & D, LLC**Property Type:** A Guest House, Bed and Breakfast Facility with Retail Unit**Site Description:** Interior, Irregular-Shaped Site  
51.80 Feet of Frontage Along Duval Street,  
47.33 feet along Shavers Lane for a total of approximately 10,671  
Square Feet or 0.245 Acres**Flood Hazard Zone:** Map No.: 12087C1516K, 2/18/05: located in Zone X**Zoning:** HRCC-3 Historic Commercial Core District - Duval Ocean Side  
Corridor, - City of Key West.**Highest and Best Use:****"As If Vacant"** Mixed-Use with maximum density**"As Improved"** Guesthouse / Bed & Breakfast plus Retail Unit**Gross Building Area****Building Improvements:**

| Subject Property Improvement Description                     |                              |                        |              |                      |               |              |                   |
|--|------------------------------|------------------------|--------------|----------------------|---------------|--------------|-------------------|
| Tropical Inn   |                              |                        |              |                      |               |              |                   |
| 810-812 Duval Street and 809 Shavers Lane, Key West, Florida |                              |                        |              |                      |               |              |                   |
| Building ID  | Description                  | No. of Config<br>Units | No.<br>Units | Type<br>Construction | Year<br>Built | GBA<br>S F.  | Porch/<br>Balcony |
| 810 Duval  | Retail/Guest Room            | 1                      | 1            | CBS/Masonry 1 Story  | 1928          | 885          | 157               |
| 810 Rear   | Guest Rooms                  | 2                      | 1            | Wood Frame 1 Story   | 1990          | 451          | 170               |
| 812 Duval  | Guest Rooms/ 1 Non Transient | 6                      | 4            | Wood Frame 2-Story   | 1928          | 2,307        | 700               |
| 809 Shavers  | Guest Rooms                  | 2                      | 2            | Wood Frame 1-Story   | 1933          | 618          | 99                |
| <b>Total</b>   |                              | <b>11</b>              | <b>8</b>     |                      |               | <b>4,260</b> | <b>1,126</b>      |

**Number of Units:** 8 Transient Guest Units, plus One Non-Transient Unit**Value Indications:**



| <b>Reconciliation</b>  |                         |
|--|-------------------------|
| <b>Tropical Inn</b>  |                         |
| <b>810-812 Duval Street, 809 Shavers Lane, Key West, Florida</b> |                         |
| <b>Valuation Method:</b>   | <b>Fee Simple Value</b> |
| <b>Cost Approach</b>   | <b>Not Applicable</b>   |
| <b>Income Approach</b>   | <b>\$4,280,000</b>      |
| <b>Sales Comparison Approach</b>                                 | <b>\$4,150,000</b>      |
| <b>"As Is" Market Value as of May 8, 2007</b>                    |                         |
|  | <b>\$4,250,000</b>      |

**Date of On-site Visit:** July 5, 2007

**Effective Valuation Date:** July 5, 2007

**Date of Report:** July 20, 2007

**Marketing Time:** 12 to 18 months or less based on a list price within 5 percent of appraised value.

**Exposure Time:** 12 to 18 months, based on a list price within 5 percent of appraised value.

**Special Assumptions:** The subject property has been valued based on its licensing with the City of Key West, Monroe County, for 8 guest rooms or transient units, one non-transient unit and one retail unit. We have valued the subject property at its Highest and Best Use.



**SUMMARY APPRAISAL REPORT**

This is a summary report which is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a summary appraisal report. As such, it might not include full discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraisers' opinion of value. Supporting documentation concerning the data, reasoning, and analyses is retained in the appraiser's file. The information contained in this report is specific to the needs of the client and for the intended use stated in this report. The appraisers are not responsible for unauthorized use of this report.

**CLIENT:** Ms. Mariela Huanuco  
Commercial Loan Processor Specialist  
1<sup>st</sup> National Bank of South Florida  
1550 N. Krome Avenue  
Homestead, Florida 33030

**BORROWER:** Georgia/Carolina I & D, LLC

**APPRAISERS:** James E. Wilson, President  
State-Certified General Real Estate Appraiser  
License No. RZ 0002164

Maria V. Wilson  
State-Certified General Real Estate Appraiser  
Certification No. RZ 0002686

**SUBJECT:** Tropical Inn  
810-812 Duval Street and 809-813 Shavers Lane  
Key West, Florida 33040



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### **PURPOSE AND INTENDED USE OF THE APPRAISAL**

The *purpose* of this appraisal is to estimate the "As Is" Market Value of the Total Assets of the Business (MVTAB) also known as the *Market Value of the Going-Concern* of the Tropical Inn, 810-812 Duval Street and 809-813 Shavers Lane, Key West, Florida, as of July 5, 2007, based on licensing with the City of Key West.

A Going-Concern is an established and operating business having an indefinite future life. The Going-Concern Value considers all the tangible and intangible assets, necessary for the continued operation of the subject property. The Going-Concern Value considers the value of the furniture, fixtures and equipment, as well as an intangible value for the business operation and goodwill. The Going Concern Value considers all the tangible and intangible assets, necessary for the continued operation of the 8-unit transient guest house facility with one, non-transient units plus a retail storefront on Duval Street.

Market Value is defined as the most probable price in cash (or its equivalency) for which the appraised property will sell in a competitive market under all conditions requisite to a fair sale. Market Value assumes a normal or reasonable time for exposure on the open market. Market Value of the Total Assets of the Business (MVTAB) is the market value of all of the intangible assets of a business as if sold in aggregate as a going-concern.

Similar-use properties, motel/inn facilities, are owner-operated and managed. Therefore, their going-concern (business/goodwill and intangibles) and personal properties are included in the market value estimate. Title XI of FIRREA requires a separate valuation of business and furniture, fixtures and equipment components. Analysis of investment management is typically applied; however, market analysis indicates that these properties are typically owner-operated properties and not purchased as "true" investment properties. Therefore, we have not separately valued the intangible components, as they are truly integrated and inseparable.

The *intended use* of this appraisal is to provide general information for mortgage refinancing collateralized in part by the subject property. The *intended user* of the appraisal report is Ms. Mariela Huanuco, Commercial Loan Processor Specialist, 1<sup>st</sup> National Bank of South Florida, 1550 N. Krome Avenue, Homestead, Florida 33030

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### **PROPERTY RIGHTS APPRAISED**

This appraisal is made with the understanding that the present ownership of the property includes all the rights that may lawfully be held under a Fee Simple Estate. These rights are sometimes referred to in appraisal literature as the "bundle of rights." It includes the right to use, keep others from using, sell, rent or otherwise dispose of the property. The elements which have been included in this appraisal are the land and any existing improvements.



LEGAL DESCRIPTION

We have made an appraisal report with respect to the above referenced subject property with the following legal description.

**LEGAL DESCRIPTION -**

On the Island of Key West and known as a part of Lot One (1) in Square Six (6) of Simonton and Wall's Addition to the City of Key West.

Beginning at a point on Duval Street, distant 115.10 feet from the Southeast corner of Duval and Petronia Streets, thence in a Northeasterly direction, along the Southwesterly right-of-way line of Duval Street a distance of 26.20 feet to a point; thence at right angles in a Southwesterly direction 102.15 feet to a point; thence at right angles in a Northeasterly direction a distance of 19.70 feet; thence at right angles in a Northwesterly direction a distance of 44.00 feet; thence at right angles in a Northeasterly direction 7.20 feet to a point; thence at right angles in a Northeasterly direction 56.15 feet to a point on the Southwesterly right-of-way line of Duval Street and the POINT OF BEGINNING.

SUBJECT TO A 3 FOOT MAINTENANCE EASEMENT ALONG THE WESTERLY PROPERTY LINES.

On the Island of Key West and is a part of Lot One in Square Six of Simonton and Wall's Addition to the City of Key West, according to map or plan of said city delineated by William A. Whitehead in February, 1829.

COMMENCING at a point on an alley-way which is fourteen feet wide, Ninety four feet and eight inches from Petronia Street and running thence along the line of said alley-way in a Southeasterly direction 47.33 feet; thence at right angles in a Northeasterly direction 88.60 feet; thence at right angles in a Northwesterly direction 47.33 feet; thence at right angles in a Southwesterly direction 88.60 feet to the POINT OF BEGINNING, with the privilege of said alley-way as a means of egress and ingress.

SUBJECT TO A 3 FOOT MAINTENANCE EASEMENT ALONG THE NORTHERLY PROPERTY LINE.

AND

**PARCEL A:**

That piece, parcel or lot of land being a part of lot numbered One in Square numbered Six, Tract 4, of Simonton Wall's Addition to the City of Key West, according to the plan of said city delineated by William A. Whitehead in February, 1829; COMMENCING at a point on Duval Street which is 142 feet from the corner of Duval Street and Petronia Street and running thence along Duval Street in a Southeasterly direction 24 feet; thence at right angles in a Southwesterly direction 100 feet; thence at right angles in a Northwesterly direction 24 feet; thence at right angles in a Northeasterly direction 100 feet to the Point of Beginning on Duval Street.

AND ALSO: A parcel of land being a part of Lot Number One, Square Number Six, Tract Four, of Simonton Wall's Addition to the City of Key West, Monroe County, Florida, according to the plan of said city delineated by William A. Whitehead in February, 1829; COMMENCING at the intersection of the Southwesterly right of way line of Duval Street with the Southeasterly right of way line of Petronia Street and run thence in a Southeasterly direction along the Southwesterly right of way line of said Duval Street for a distance of 166.0 feet to the point of beginning; thence continue Southeasterly and along the Southwesterly right of way line of the said Duval Street for a distance of 0.90 feet; thence Southwesterly and at right angles for a distance of 73.55 feet; thence Northwesterly and at right angles for a distance of 0.90 feet; thence Northeasterly and at right angles for a distance of 73.55 feet back to the Point of Beginning.

**PARCEL B:**

Commencing at a point on an Alleyway, Fourteen (14) feet wide running from Petronia Street, and distant One hundred and forty-two (142) feet from said Petronia Street, on the Northeasterly side of said Alleyway, and running thence in a Northeasterly direction Fifty-seven (57) feet for a point of beginning; and running thence in a Southeasterly direction Forty-seven (47) feet, Four (4) inches; thence at right angles in a Northwesterly direction Thirty-three (33) feet; thence at right angles in a Northwesterly direction Forty-seven (47) feet, Four (4) inches; and thence at right angles in a Southwesterly direction Thirty-three (33) feet to the point of beginning.



### **MARKET VALUE DEFINITION**

**Market Value**, in the definitions of the Uniform Standards of Professional Practice, is defined as:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a) buyer and seller are typically motivated;
- b) both parties are well informed or well advised and each acting in what he considers his own best interest;
- c) a reasonable time is allowed for exposure in the open market;
- d) payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

### **FEE SIMPLE ESTATE DEFINITION**

**Fee Simple Estate Definition:** According to The Dictionary of Real Estate Appraisal, Fourth Edition, Fee Simple Estate is absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.



### SUBJECT'S MARKET AREA (NEIGHBORHOOD) ANALYSIS

The subject parcel is located on the westerly border of the downtown commercial business district, in the Southwesterly quadrant of the City of Key West with frontage on Duval Street, and extends to Shavers Lane. This general area of the island can be considered the "Old Town" section of Key West. This is an area where the architecture and building construction are historically preserved.

The subject neighborhood can be described as being bordered on the north by the Gulf of Mexico (Key West Harbor, the main shipping channel into Key West waters), on the east by Eisenhower Drive, on the south by the Atlantic Ocean, and on the west by Fort Zachary Taylor State Park.

Most of the structures are brick, CBS/masonry, or frame, historically preserved structures more than 50 years of age. This area is a part of the "Old Town" section of the island which is fully developed except for a few isolated vacant parcels. The principal land uses are commercial and residential. The subject property is located on the easterly side of Duval Street. The subject property can also be accessed from Shavers Lane, a narrow two lane mostly residential street.

The subject property has frontage along Duval Street, the main street through Downtown Key West. The general commercial uses surrounding the subject property are: boutiques, galleries, commercial/residential condominiums, retail shops, restaurants, guest houses, banks, and of course luxury resort hotels. Downtown Duval Street is considered the "High Rent District" due to a concentration of tourist attractions, bar/lounges, the luxury, waterfront hotels, plus Mallory Square, the cruise port into the City and the location of the nightly sunset celebrations which attract locals and tourists alike in this resort community.

Duval Street is a two-way street which runs north and south, extending from the Gulf of Mexico to the Atlantic Ocean. It boasts heavy pedestrian traffic, as well as vehicular traffic. The Subject Property is located within one block northerly from Truman Avenue, U. S. Highway No. 1, the main thoroughfare into and out of the City of Key West and the Florida Keys. Truman Avenue is a two-way asphalt paved street extending east and west, and widening into four lanes at the intersection of Eisenhower Drive. Truman Avenue provides excellent access to Duval Street. Mallory Square, the cruise port into the City, is located only about nine blocks northerly from the subject property. This area is popular for its panoramic view of the sunset, with a sunset celebration taking place each evening.

In general the Duval Street corridor has been active with sales and rental activity, including the recent addition of familiar national tenants: Express, Bath and Body Works, Coach, Banana Republic, Walgreen's, Eckerd's and Denny's. However, it appears that vacancies have recently increased with rental rates beginning to stabilize.

There are very few unsightly areas in any of the surrounding neighborhoods of the subject parcel. The subject's general neighborhood has undergone positive change with renovations and upgrading of older structures in recent history, especially due to active market conditions in the area. In the appraisers'



opinion, continued development in the area, especially the recent addition of County offices to the area will continue to stimulate rental rates and values within the immediate area of the subject. Therefore, in our opinion local and national economics will help bring about continued rehabilitation and restoration to the surrounding area.

### **DEMOGRAPHICS**

In terms of demographic trends taking place in Key West, Florida, the following data has been compiled by from: The web site by STDB, Inc., Powered by SRC, LLC.



Current Geography Selection: ZIP Codes (2003 Q3): 33040 Key West  
Your title for this geography: Key West\_33040\_

## Demographic Detail Summary Report

## Population Demographics

|                                | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | Percent Change<br>1990 to<br>20000 |  | Percent Change<br>2003 to<br>2008 |
|--------------------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|------------------------------------|--|-----------------------------------|
| Total Population               | 32,846         |       | 34,141         |       | 33,490           |       | 32,974             |       | 3.9%                               |  | -1.5%                             |
| Population Density (Pop/Sq Mi) | 1,666.40       |       | 1,732.10       |       | 1,699.10         |       | 1,672.90           |       | 3.9%                               |  | -1.5%                             |
| Total Households               | 13,467         |       | 14,491         |       | 14,198           |       | 13,966             |       | 7.6%                               |  | -1.6%                             |
| <b>Population by Gender:</b>   |                |       |                |       |                  |       |                    |       |                                    |  |                                   |
| Male                           | 17,669         | 53.8% | 18,674         | 54.7% | 18,245           | 54.5% | 17,853             | 54.1% | 5.7%                               |  | -2.1%                             |
| Female                         | 15,177         | 46.2% | 15,467         | 45.3% | 15,246           | 45.5% | 15,121             | 45.9% | 1.9%                               |  | -0.8%                             |

## Population by Race/Ethnicity

|                                  | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | Percent Change<br>1990 to<br>20000 |  | Percent Change<br>2003 to<br>2008 |
|----------------------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|------------------------------------|--|-----------------------------------|
| White                            | 28,402         | 86.5% | 29,160         | 85.4% | 28,534           | 85.2% | 28,029             | 85.0% | 2.7%                               |  | -1.8%                             |
| Black                            | 3,109          | 9.5%  | 2,876          | 8.4%  | 2,878            | 8.6%  | 2,884              | 8.7%  | -7.5%                              |  | 0.2%                              |
| American Indian or Alaska Native | 122            | 0.4%  | 142            | 0.4%  | 140              | 0.4%  | 141                | 0.4%  | 16.4%                              |  | 0.7%                              |
| Asian                            | 447            | 1.4%  | 445            | 1.3%  | 440              | 1.3%  | 442                | 1.3%  | -0.5%                              |  | 0.4%                              |
| Some Other Race                  | 765            | 2.3%  | 734            | 2.1%  | 722              | 2.2%  | 715                | 2.2%  | -4.1%                              |  | -0.9%                             |
| Two or More Races                |                |       | 784            | 2.3%  | 777              | 2.3%  | 763                | 2.3%  |                                    |  | -1.7%                             |
| Hispanic Ethnicity               | 5,938          | 18.1% | 6,770          | 19.8% | 7,100            | 21.2% | 7,635              | 23.2% | 14.0%                              |  | 7.5%                              |
| Not Hispanic or Latino           | 26,907         | 81.9% | 27,370         | 80.2% | 26,391           | 78.8% | 25,338             | 76.8% | 1.7%                               |  | -4.0%                             |

## Population by Age

|          | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | Percent Change<br>1990 to<br>20000 |  | Percent Change<br>2003 to<br>2008 |
|----------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|------------------------------------|--|-----------------------------------|
| 0 to 4   | 2,250          | 6.9%  | 1,679          | 4.9%  | 1,973            | 5.9%  | 1,982              | 6.0%  | -25.4%                             |  | 0.4%                              |
| 5 to 13  | 3,181          | 9.7%  | 3,031          | 8.9%  | 2,841            | 8.5%  | 2,985              | 9.1%  | -4.7%                              |  | 5.1%                              |
| 14 to 17 | 1,102          | 3.4%  | 1,230          | 3.6%  | 1,301            | 3.9%  | 1,270              | 3.9%  | 11.6%                              |  | -2.4%                             |
| 18 to 24 | 3,439          | 10.5% | 2,737          | 8.0%  | 2,709            | 8.1%  | 2,778              | 8.4%  | -20.4%                             |  | 2.6%                              |
| 25 to 34 | 7,284          | 22.2% | 5,694          | 16.7% | 4,866            | 14.5% | 4,130              | 12.5% | -21.8%                             |  | -15.1%                            |
| 35 to 44 | 5,876          | 17.9% | 6,468          | 18.9% | 5,774            | 17.2% | 4,795              | 14.5% | -1.7%                              |  | -17.0%                            |
| 45 to 54 | 3,379          | 10.3% | 5,820          | 17.0% | 5,773            | 17.2% | 5,609              | 17.0% | 70.8%                              |  | -2.8%                             |
| 55 to 64 | 2,710          | 8.3%  | 3,590          | 10.5% | 4,081            | 12.2% | 4,725              | 14.3% | 50.6%                              |  | 15.8%                             |
| 65 to 74 | 2,229          | 6.8%  | 2,208          | 6.5%  | 2,267            | 6.8%  | 2,631              | 8.0%  | 1.7%                               |  | 16.1%                             |
| 75 to 84 | 1,126          | 3.4%  | 1,323          | 3.9%  | 1,443            | 4.3%  | 1,533              | 4.6%  | 28.1%                              |  | 6.2%                              |
| 85+      | 272            | 0.8%  | 359            | 1.1%  | 462              | 1.4%  | 535                | 1.6%  | 31.9%                              |  | 16.0%                             |

## Median Age:

|                  |      |      |      |      |
|------------------|------|------|------|------|
| Total Population | 33.8 | 39.2 | 40.5 | 42.2 |
|------------------|------|------|------|------|

## Household Income

|                       | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | Percent Change<br>1990 to<br>20000 |  | Percent Change<br>2003 to<br>2008 |
|-----------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|------------------------------------|--|-----------------------------------|
| \$0 - \$15,000        | 2,940          | 21.8% | 2,127          | 14.7% | 2,025            | 14.3% | 1,793              | 12.8% | -31.1%                             |  | -11.5%                            |
| \$15,000 - \$24,999   | 2,869          | 21.3% | 1,726          | 11.9% | 1,485            | 10.5% | 1,282              | 9.2%  | -48.3%                             |  | -13.6%                            |
| \$25,000 - \$34,999   | 2,580          | 19.2% | 1,920          | 13.2% | 1,707            | 12.0% | 1,447              | 10.4% | -33.8%                             |  | -15.2%                            |
| \$35,000 - \$49,999   | 2,370          | 17.6% | 2,565          | 17.7% | 2,512            | 17.7% | 2,263              | 16.2% | 6.0%                               |  | -2.2%                             |
| \$50,000 - \$74,999   | 1,798          | 13.3% | 2,983          | 20.6% | 2,913            | 20.5% | 2,863              | 20.5% | 62.0%                              |  | -1.7%                             |
| \$75,000 - \$99,999   | 418            | 3.1%  | 1,492          | 10.3% | 1,594            | 11.2% | 1,757              | 12.6% | 281.2%                             |  | 10.3%                             |
| \$100,000 - \$149,999 | 270            | 2.0%  | 965            | 6.7%  | 1,148            | 8.1%  | 1,500              | 10.7% | 324.5%                             |  | 30.6%                             |
| \$150,000 +           | 231            | 1.7%  | 714            | 4.9%  | 814              | 5.7%  | 1,061              | 7.6%  | 252.1%                             |  | 30.4%                             |
| Average Hhld Income   | \$38,523       |       | \$57,816       |       | \$61,485         |       | \$68,869           |       | 50.1%                              |  | 12.0%                             |
| Median Hhld Income    | \$28,126       |       | \$42,898       |       | \$45,938         |       | \$51,334           |       | 52.5%                              |  | 11.7%                             |
| Per Capita Income     | \$15,894       |       | \$24,317       |       | \$26,423         |       | \$29,716           |       | 53.0%                              |  | 12.5%                             |

## Employment and Business

|                     | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | Percent Change<br>1990 to<br>20000 |  | Percent Change<br>2003 to<br>2008 |
|---------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|------------------------------------|--|-----------------------------------|
| Age 16 + Population | 26,890         |       | 28,814         |       | 28,053           |       | 27,405             |       | 7.2%                               |  | -2.3%                             |
| Employed            | 16,737         | 62.2% | 17,150         | 59.5% | 17,892           | 63.8% | 17,483             | 63.8% | 2.5%                               |  | -2.3%                             |



|                    |       |       |       |       |       |       |       |       |        |       |
|--------------------|-------|-------|-------|-------|-------|-------|-------|-------|--------|-------|
| Unemployed         | 555   | 2.1%  | 506   | 1.8%  | 504   | 1.8%  | 491   | 1.8%  | -8.8%  | -2.6% |
| In Armed Forces    | 2,717 | 10.1% | 974   | 3.4%  | 1,064 | 3.8%  | 1,071 | 3.9%  | -64.2% | 0.7%  |
| Not In Labor Force | 6,850 | 25.5% | 8,101 | 28.1% | 8,593 | 30.6% | 8,360 | 30.5% | 18.3%  | -2.7% |

Number of Employees (Daytime Pop) 20,516

Number of Establishments 2,701

Emp in Blue Collar Occupations 8,019 46.7%  
Emp in White Collar Occupations 9,147 53.3%

| Housing Units       | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | 1990 to<br>2000 | Percent Change<br>2003 to<br>2008 |
|---------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|-----------------|-----------------------------------|
| Total Housing Units | 15,711         |       | 17,238         |       | 16,768           |       | 16,498             |       | 9.7%            | -1.6%                             |
| Owner Occupied      | 6,340          | 40.4% | 7,185          | 41.7% | 7,016            | 41.8% | 6,918              | 41.9% | 13.3%           | -1.4%                             |
| Renter Occupied     | 7,127          | 45.4% | 7,306          | 42.4% | 7,182            | 42.8% | 7,048              | 42.7% | 2.5%            | -1.9%                             |
| Vacant              | 2,250          | 14.3% | 2,747          | 2.9%  | 2,570            | 15.3% | 2,532              | 15.3% | 22.1%           | -1.5%                             |

| Vehicles Available             | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | 1990 to<br>2000 | Percent Change<br>2003 to<br>2008 |
|--------------------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|-----------------|-----------------------------------|
| Average Vehicles Per Household | 1.34           |       | 1.38           |       | 1.37             |       | 1.36               |       | 2.7%            | -0.3%                             |
| 0 Vehicles Available           | 2,187          | 16.2% | 2,139          | 14.8% | 2,087            | 14.7% | 2,087              | 14.9% | -2.2%           | 0.0%                              |
| 1 Vehicle Available            | 5,786          | 43.0% | 6,428          | 44.4% | 6,292            | 44.3% | 6,187              | 44.3% | 11.1%           | -1.7%                             |
| 2+ Vehicles Available          | 5,470          | 40.6% | 5,923          | 40.9% | 5,797            | 40.8% | 5,693              | 40.8% | 8.3%            | -1.8%                             |

| Marital Status          | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | 1990 to<br>2000 | Percent Change<br>2003 to<br>2008 |
|-------------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|-----------------|-----------------------------------|
| Age 15+ Population      | 27,153         |       | 29,128         |       | 30,328           |       | 27,553             |       | 7.3%            | -9.2%                             |
| Married, Spouse Present | 13,272         | 48.9% | 12,034         | 41.3% | 12,375           | 40.8% | 11,120             | 40.4% | -9.3%           | -10.1%                            |
| Married, Spouse Absent  | 705            | 2.6%  | 1,720          | 5.9%  | 2,079            | 6.9%  | 1,911              | 6.9%  | 144.0%          | -8.1%                             |
| Divorced                | 3,721          | 13.7% | 4,572          | 15.7% | 1,580            | 5.2%  | 1,363              | 4.9%  | 22.8%           | -13.7%                            |
| Widowed                 | 1,599          | 5.9%  | 1,562          | 5.4%  | 4,806            | 15.8% | 4,569              | 16.6% | -2.3%           | -4.9%                             |
| Never Married           | 7,854          | 28.9% | 9,241          | 31.7% | 9,487            | 31.3% | 8,589              | 31.2% | 17.7%           | -9.5%                             |

| Educational Attainment  | 1990<br>Census |       | 2000<br>Census |       | 2003<br>Estimate |       | 2008<br>Projection |       | 1990 to<br>2000 | Percent Change<br>2003 to<br>2008 |
|-------------------------|----------------|-------|----------------|-------|------------------|-------|--------------------|-------|-----------------|-----------------------------------|
| Age 25+ Population      | 22,877         |       | 25,001         |       | 24,666           |       | 24,027             |       | 9.3%            | -2.6%                             |
| Grade K - 8             | 2,361          | 10.3% | 1,689          | 6.8%  | 1,660            | 6.7%  | 1,622              | 6.7%  | -28.5%          | -2.3%                             |
| Grade 9 - 12            | 2,762          | 12.1% | 2,292          | 9.2%  | 2,655            | 10.8% | 2,594              | 10.8% | -17.0%          | -2.3%                             |
| High School Graduate    | 6,449          | 28.2% | 6,845          | 27.4% | 6,632            | 26.9% | 6,474              | 26.9% | 6.1%            | -2.4%                             |
| Some College, No Degree | 5,158          | 22.5% | 5,906          | 23.6% | 5,714            | 23.2% | 5,555              | 23.1% | 14.5%           | -2.8%                             |
| Associates Degree       | 1,712          | 7.5%  | 1,910          | 7.6%  | 1,845            | 7.5%  | 1,791              | 7.5%  | 11.5%           | -2.9%                             |
| Bachelor's Degree       | 2,902          | 12.7% | 4,070          | 16.3% | 3,940            | 16.0% | 3,830              | 15.9% | 40.2%           | -2.8%                             |
| Graduate Degree         | 1,530          | 6.7%  | 2,290          | 9.2%  | 2,221            | 9.0%  | 2,162              | 9.0%  | 49.7%           | -2.7%                             |



Subject Location Analysis:

The property consists of various interior parcels fronting approximately 51.80 feet along the westerly side of Duval Street. The irregular shaped parcels extend, fronting approximately 47.33 feet along the easterly side of Shavers Lane. The structures are situated on a site containing 10,671 square feet, with two off street parking spaces located on the Shavers Lane parcel. On street parking is not common in the "Old Town" district, as most of the properties in the Historic Preservation District are very small with zero lot line. However, the subject property offers 5 spots to its guest for a fee of \$15 per day at a nearby parking lot.

The subject property enjoys an excellent location with good vehicle access from Truman Avenue and pedestrian traffic from the downtown area. It is also in close proximity to the South Beach Motel District; hence, has become a busy transient area within the Historic Preservation District in Old Town Key West, Florida. A parcel's location and access are very important for commercial development. The subject has access and exposure from one of the major thoroughfares in Old Town, Key West. The subject's immediate area is especially well situated for good exposure to commercial traffic, as well as to extended stay tourists.

The subject site does contain the essential elements: location, situs, existing and miscellaneous site improvements, exposure, access, and potential appreciation, due to its strategic location on Duval Street and the Southmost Point.

The businesses in this area are supported by an estimated 2,600,000 visitors that visit the City every year. Though the number of tourists has decreased after the very active hurricane seasons of 2004 and 2005, it has been returning to normal and is expected to increase due to continued expansion of cruise ship activity and due to the increasing popularity of Key West as a Port-of-Call. Because of the subjects' location, we anticipate continued improvement in the general quality of the neighborhood, and the increased demand for this type of property.

General Economic Conditions:

The Florida Keys and specifically Key West have flourished over the past decade with tourism developing as the County's primary economic base. The County has had tremendous success with its advertising efforts and attraction of tourists of all Nationalities. Hotels and motel facilities in Monroe County have flourished over the past decade. Although we have experienced a decrease in tourism over the past two years due to the very active hurricane seasons of 2004 and 2005, coupled with the national decline in the housing market. The success of these operations is well-demonstrated in the sale/resales of hotels, as well as in the increased seasonal trend noted in the 1990's. A review of the TDC, Tourist Development Council's, records indicate that this "season" has slightly shifted and expanded to include the summer months (January through August). A large portion of this shift has resulted from the marketing efforts of the Tourist Development Council and additional annual events, as well as the deflated dollar abroad, stimulating travel within the United States.



Monroe County has ranked No. 1 in the State of Florida in terms of occupancy and average daily rate over the past few years. In fact, County-wide Bed Tax collections have increased by 17.4% between 2002 (\$11,697,577.82) and 2006 (\$13,730,589.28). County-wide Bed tax collections have averaged 3.3% per annum increases from Fiscal Year (October to November) 2003 to 2006. However, for the fiscal year 2006 there was a 2.1% decline, which was a result of the 2005 hurricane season. In the fiscal year to date 2007, we have recovered and exceed the 2005 revenues. During the same period the City of Key West Bed Tax collections has increased by 14.3% between 2002 (\$6,279,396.05) and 2006 (\$7,174,325.53). The Smith Travel Research indicated the average daily rate for the year 2002 was \$144.09, and \$180.31 in the year 2006, an increase of 25.1% over the past five years, or 4.6% per annum.

Development within the subject's immediate area has been very heated in recent history due to the condominium conversion projects, rejuvenation of older properties and ongoing speculative development in the Key West Area. The renovations, improvements and demand for properties within the area have been steady; however, because of the national slow down in the housing market it appears that supply has exceeded the demand. Hence, we have been experiencing a buyer's market with a distinct slowdown in the conversion condominium market. Proposed developments may result in some needed "market adjustments" with regard to stabilized rental rates for commercial properties, as opposed to typical CPI or up to 5% annual increases. Prior to the national housing market slowdown, the market steadily absorbed new space. However, extended vacancies with increasing rent concessions may be on the horizon.

Based on the general economic environment, it is our opinion that increasing real estate values for commercial and residential properties will continue after stabilizing, but at a reduced rate, spurred by supply and demand forces within the City of Key West, which is 98 percent built-out. Tourism, the economic base of Key West and the Florida Keys, has experienced steady growth over the last decade with recent declines observed due to the national economic conditions. Stabilization is forecasted in the near future, unless the national recovery takes longer than expected. Monroe County has the lowest unemployment rate in the state of Florida at 1.9% prior to 2001. A faltering stock market over the past couple of years with rising fuel prices and the war on terrorism has spurred concerns.

#### Supply and Demand:

With growth in the tourism economy, a great need for affordable and residential housing units has developed. This need is great in the City of Key West, which boasts the highest rental rates within the County. In the mid-1990's increased tourism spawned conversion of formerly nontransient residential rental units to transient rental with a 40% increase documented between 1994 and 1996. This conversion resulted in a shortage of long-term housing units. The market has continually attempted to balance the needs of the service employees and the limited supply of housing; however, the result has been increasing rental rates and displacement of workers. Especially due to the 1992 state-mandated Rate of Growth Ordinance, which required limiting the addition of new residential housing units. According to the Ordinance, only 255 new residential housing units may be added to the County per year until 2002.



Presently, the City has no market rate multi-family and single family permits available; furthermore, there is a moratorium on transient licenses, which is uncertain when it may be lifted. With respect to single family housing unit permits, none are currently available. No more market rate permits are available for the City of Key West; therefore, an indefinite moratorium on new, residential housing exists. The City of Key West is presently addressing the need for affordable housing by holding multi-family housing permits plus development rights, which will be utilized for affordable housing development. The Monroe County Land Authority acquired property, which it will in turn deed to the City for use for construction of the affordable units.

With respect to the commercial retail sector, the market has absorbed most of the commercial space in the Downtown area. However, due to the slow down in economic conditions commercial rentals have stabilized with landlords giving rent concessions to entice new tenants. In spite of some new and projects, there appears to be demand with vacancy rates for commercial properties ranging from 3% to 10%. Some vacancies are noted on Duval Street and the immediately surrounding streets within the Central Business District due to the escalating rents over the past decade and the recent downturn in tourism spurred by the national economic conditions. Retail rental rates have stabilized with annual increases based on the Consumer Price Index, rather than five percent. Rent concessions may be warranted in the near future if tourism takes longer than expected to rebound and expand.

All of the proposed developments noted within the Market Analysis section of this report, plus existing projects which are still in the absorption phase, indicates that the area might be heading toward an excess of commercial retail space and residential condominium units in the near future. Though some of the proposed projects will be phased-in, offering concessions, and reducing rental rates in order to offset vacancies, increased competition for commercial retail/restaurant tenants and for tourism spending is on the horizon. The strength of the residential market will be measured by the recent conversion of multi-family condominium conversions.

Recent trends within the subject's downtown area have included National Franchise interest in the "Old Town" area of the City. National companies including: Express, Coach, Bath and Body Works, Chico's, Hard Rock Café, Banana Republic, and Denny's, occupy space on Duval Street with Walgreen's and Eckerd's (CVS) have inhabited large historic buildings in the high rent district of Duval Street. All of this activity continues to spawn speculation among national investors, as well as, local entrepreneurs in the area.

Based upon all of the foregoing market activity, current and proposed, coupled with the subject's location and favorable exposure and access, it appears that the subject's location for commercial retail or services would continue to be supported by adequate demand, especially since the Old Town section of the City is regularly inundated with cruise ship passengers and a large sunset pedestrian crowd. Tourists tend to walk from Mallory Square easterly on Wall, Front and Greene Streets toward Duval Street, then southerly and northerly along Duval Street, due to its being the



main shopping district. However, the subject property is located on a main thoroughfare which has predominant vehicular traffic, rather than pedestrian. Therefore, in our opinion the subject property will continue to appreciate due to its good location, visibility and exposure. The limited number of vacant sites and the stricter current zoning regulations greatly restricts the potential for additional maximized commercial uses (competing properties) within the subject's market area.

### MARKETING TIME

The marketing time for the subject property is estimated at 12 to 18 months, based on a reduction in supply of similar facilities and the fact that there is little or no potential for the same, due to the present moratorium on transient units. This marketing time is based on an asking price within 5% of appraised value. It should be noted that the marketing time could be adversely affected by competition from similar use properties.

### EXPOSURE TIME

Exposure time is the amount of time necessary to effect a sale of the subject property on the valuation date. Average marketing times of 12 to 18 months was noted for similar comparable sales. Therefore, we project a 12 to 18 month exposure time for the subject, based on a listing price within 5.0% of our appraised value.

### OWNERSHIP

According to the Monroe County Tax Collector's records, the subject property is owned by:

*Georgia/ Carolina I & D, LLC  
1215 Varela Street  
Key West, Florida 33040*

### SALES HISTORY & CURRENT CONTRACTS

According to the Monroe County Tax Assessor's records, the subject property's most recent sales history is as follows:

| Sales History for Subject Property |               |            |            |                                  |                            |             |
|------------------------------------|---------------|------------|------------|----------------------------------|----------------------------|-------------|
| Description                        | Recorded Date | O. R. Book | O. R. Page | Grantor                          | Grantee                    | Sales Price |
| 810 Duval Street                   | 1/1/2004      | 1988       | 491        | Richard L. Warren                | Georgia/Carolina I & D LLC | \$666,900   |
| 812 Duval Street                   | 10/21/1999    | 1802       | 114        | Dennis Beaver                    | Georgia/Carolina I & D LLC | \$700,000   |
| 809 Shavers Lane                   | 1/16/2004     | 1968       | 499        | Dennis A. Beaver Trust           | Georgia/Carolina I & D LLC | \$450,000   |
| 813 Shavers Lane                   | 2/1/2001      | 1877       | 157        | Eloise McKee & Juanita McCormick | Georgia/Carolina I & D LLC | \$666,900   |



According to the Florida Keys Realtors Multiple Listing Service, the subject property is not presently listed for sale nor under contract for sale and purchase. There have not been any other recent sales of the subject property within the past three years.

### ZONING

According to the City of Key West Zoning Department, the zoning district for the subject property is HRCC-3, Historic Residential Commercial Core District - 3. The HRCC designation is designed to accommodate the historic Old Town residential commercial core mixed use center. The HRCC designation is intended to provide a management framework for preserving the nature, character and historic quality of the Old Town commercial core, including related residential development. The HRCC-3 District is the Duval Street Oceanside Corridor from Petronia Street south to United Street. Permitted uses include single and multi-family uses, professional offices, service shops, specialty shops, retail uses and transient and non-transient units with a permitted density of 22 units per acre.

The Subject Property is currently a legal, nonconforming use, which has been grandfathered with respect to minimum setbacks, and maximum density regulations. These grandfathered uses are typical within the subject's zoning district and immediate area.

Historic district. Notwithstanding any other subsection contained in this section, if a noncomplying building or structure is a contributing building or structure according to the historic architectural review commission (HARC) and it is involuntarily destroyed, such building or structure may be reconstructed or replaced without a variance so long as it is to be rebuilt in the three-dimensional footprint of the original building and built in the historic vernacular as approved by the historic architectural review commission.

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### REAL ESTATE TAX AND ASSESSMENT

| 810-812 Duval Street & 809-813 Shavers Lane |           |             |            |             |             |         |
|---|-----------|-------------|------------|-------------|-------------|---------|
| Year  | Land      | Improvement | Misc. Imp. | Assessment  | Tax Burden  | Millage |
| 2006  | \$984,505 | \$866,586   | \$44,984   | \$3,935,306 | \$36,095.14 | 9.17280 |



\*Note: The Monroe County Tax Assessor's office has utilized the Income Approach method in assessing the subject; thus, the total assessment does not equal the summation of the individual parts (land, improvements and misc. improvements).

The tangible property taxes for the subject property are \$572.86 based on the 2006 millage rate of \$9.17280 per \$1,000. And an assessment of approximately \$62,452.

Based on the 2006 millage rate of \$9.17280 per \$1,000 of the subject's 2006 assessed value, the total indicated tax burden for this subject real property is \$36,095.14 or \$8.47 per square foot of total gross building area.

The subject's tax burden appears to be at the upper end of the comparables based on the tax assessment per square foot. However, the tax assessment is approximately 92.6 % of the overall market value, therefore, a tax appeal may appear feasible.

There does not appear to be any outstanding delinquent taxes on the subject property according to the Monroe County Tax Collectors online web site. However, a title search was not made for the subject property.



### DESCRIPTION OF THE SUBJECT PROPERTY

**Site Analysis:** The property consists of various interior parcels fronting approximately 51.80 feet along the westerly side of Duval Street. The irregular shaped parcels extend, fronting approximately 47.33 feet along the easterly side of Shavers Lane. The structures are situated on a site containing 10,671 square feet, with two off street parking spaces located on the Shavers Lane parcel. The appraisers were provided a survey performed by R.E. Reece, P.A., #5 Ships Way, Big Pine Key, Florida, dated 01/22/04. The site measurements were taken from this survey. Although the Monroe County Public records differs slightly in site and building size, the appraisers have relied on the survey provided. The Monroe County Property Appraiser's office denotes that the subject property contains 10,703 square feet of land. According to the survey provided, the subject property contains 10,671 square feet of site area. The survey denotes that the wood and chain link fence "straddles" the property line on northwest side of the subject property, north of the 809 Shavers Lane building. In addition, CBS wall and chain link fence meanders the property line on the southeast corner of the property, along Duval Street. Any deviations from these sizes will likely result in a change in value. The subject site size is as follows:

**Total Site Area (Rounded):**

**10,671 square feet**

According to preliminary Monroe County 1990 Census Maps, the subject property is located in Census Tract Block Number 9724.

The subject site is located in area Zone X, areas determined to be outside of the 500-year, as defined by the Federal Emergency Management Agency, Flood Insurance Rate Maps of Monroe County, Florida, City of Key West, Map Number 12087C1516K, dated February 18, 2005. Monroe County does participate in a National Flood Insurance Program and is covered by a regular program.

The subject structures are located within a special Flood Hazard Area. Elevation certificates for the subject buildings were not made available, nor does the survey denote finished floor elevations. If the subject improvements do not meet flood regulations and if the improvements are destroyed beyond 49.9% of their market value (improvements only), then the structures would be required to meet flood elevation regulations in effect at the time of reconstruction. There are specific construction guidelines (flood proofing), which allow commercial construction at grade as permitted by FEMA.



**Improvement Analysis:** The appraisers performed a site visit of the subject property and the following is a summary of the building and site improvements:

**810 Duval Street :** This property consists of a a one-story wood frame structure with containing a retail area in the front of the building, encompassing 589 square feet fronting Duval Street. A transient room is located at the rear of the building. According to the Monroe County Property Appraiser's records, the building was constructed in 1928. The survey mentioned earlier was utilized for building measurements, as well as some measurements taken by the appraisers on-site. The building has been maintained in good condition and contains an estimated 885 square feet of gross building area.

**810 Duval Rear:** This building is located directly behind 810 Duval Street and contains two transient rooms. Due to licensing, we have analyzed this structure as a one unit, two bedroom/two bathroom transient unit. According to the Monroe County Property Appraiser's records, the building was constructed in 1938. The survey mentioned earlier was utilized for building measurements, as well as some measurements taken by the appraisers on-site. The building has been maintained in good condition and contains an estimated 451 square feet of gross building area.

**812 Duval Street:** This property consists of a two-story wood frame structure licensed for four transient rooms and one non transient unit. Therefore, has been analyzed as licensed. The first floor contains an office area, one transient unit and the non transient unit, which has been treated as a two bedroom/two bathroom unit with a kitchen. The second floor has been analyzed as three transient rooms, each containing a private balcony. According to the Monroe County Tax Assessor's records, this structure was built in 1928. This building has been maintained in good/very good condition and contains 2,307 square feet of gross building area.

**809 Shavers Lane:** This property contains a one story wood frame structure licensed for two transient units and has been valued as such. Each of the rooms include a small kitchen area, private bathroom and private spa/jacuzzi. According to the Monroe County Tax Assessor's records, this structure was built in 1933. This building has been maintained in very good condition as it has been renovated and contains 618 square feet of gross building area.

The subject property is currently operated as an eleven unit guest house with a retail unit. The City of Key West Licensing Department, recognizes eight transient units with one non transient license and a retail unit. The subject property has been valued as licensed with the City of Key West.



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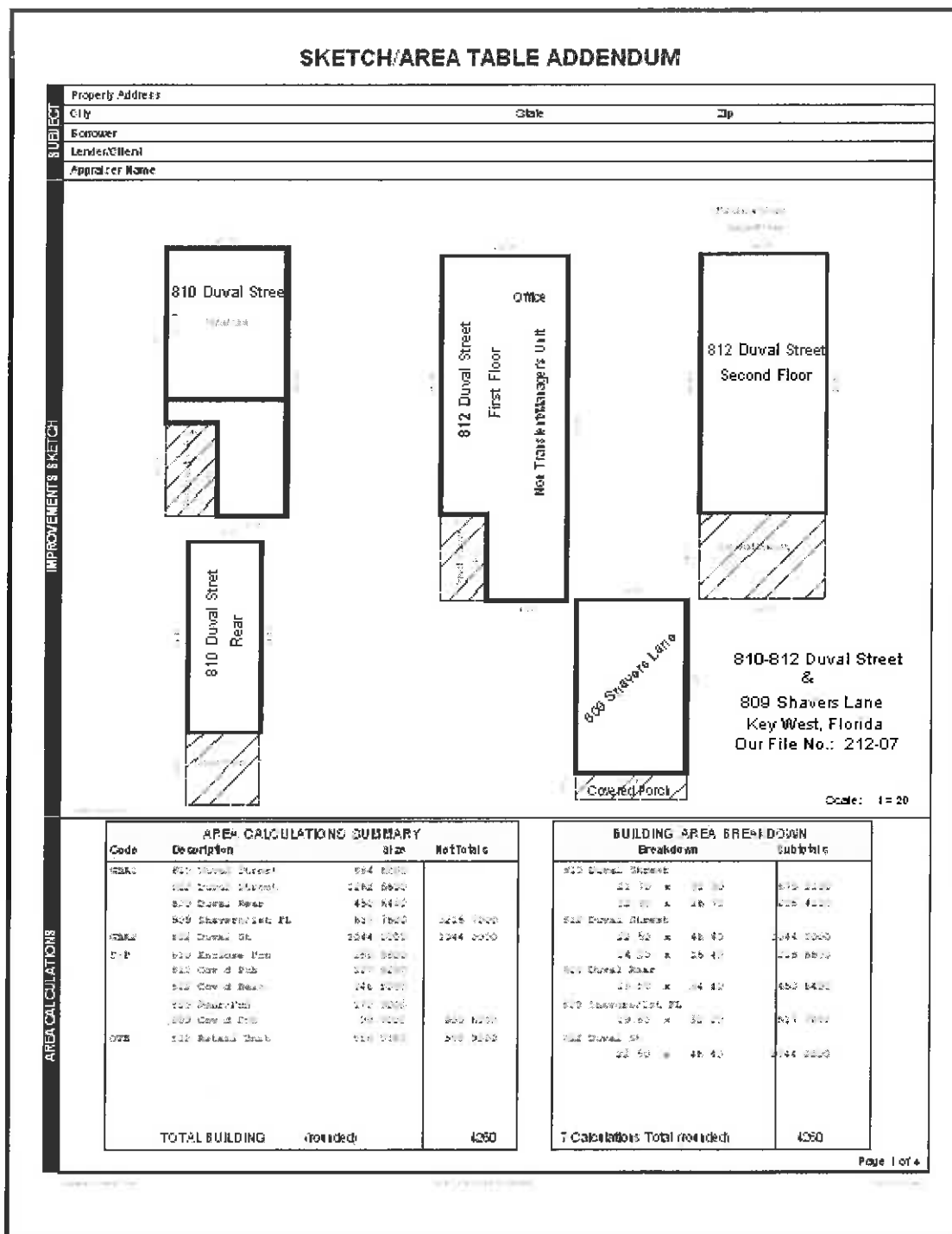
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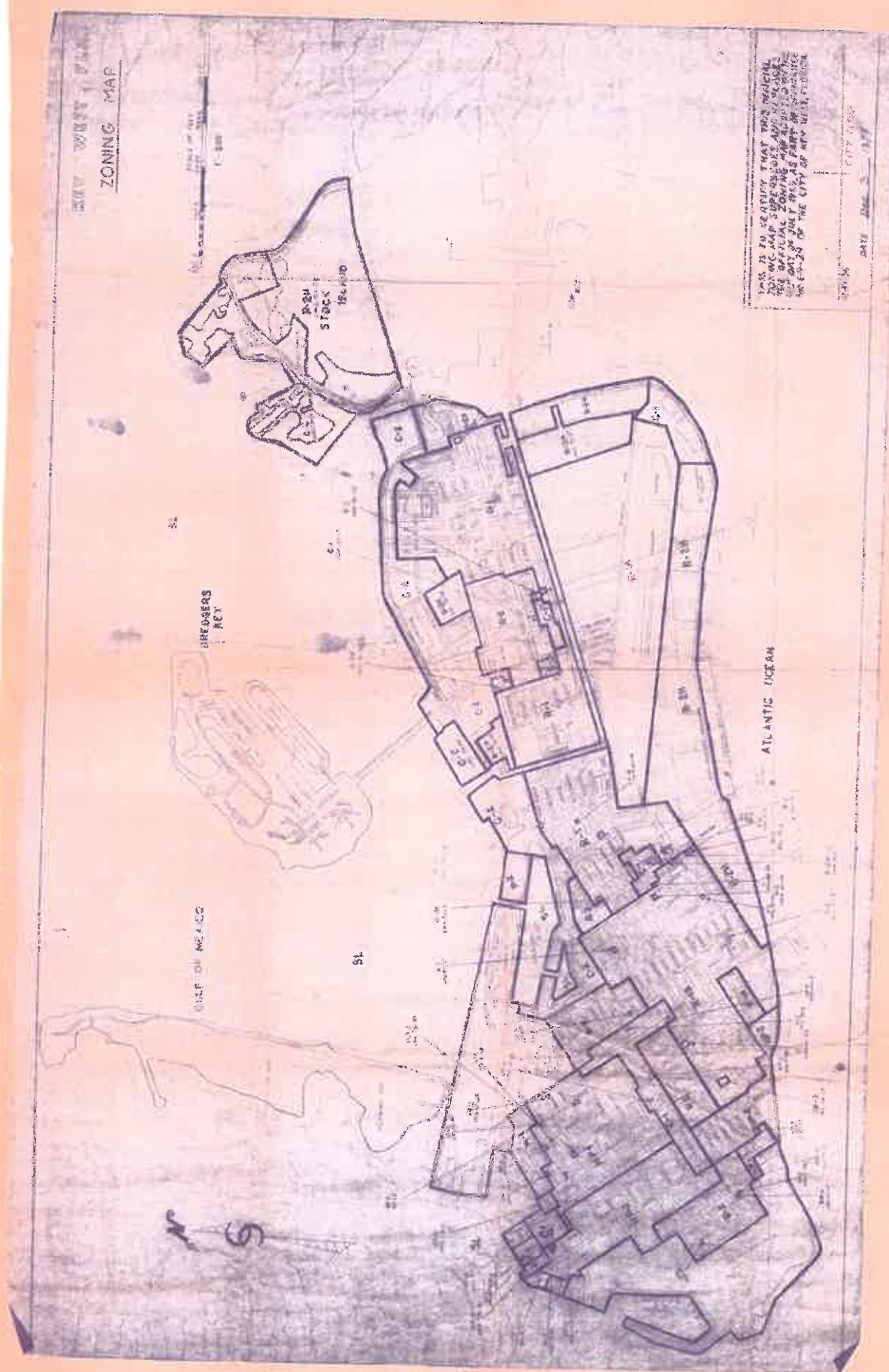






**BUILDING SKETCH**







ORDINANCE NO. 69-29

## COMMISSION SERIES

AN ORDINANCE REPEALING ARTICLE I OF CHAPTER 32 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA, AND PROVIDING NEW PROVISIONS IN ARTICLE I IN SAID CHAPTER ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF KEY WEST, FLORIDA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES OF SAID CITY IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING WHEN ORDINANCE GOES INTO EFFECT.

## Sec. I. PREAMBLE AND PURPOSE.

WHEREAS, Milo Smith & Associates, Inc., Planning Consultant for The City of Key West, Florida, has prepared a Comprehensive Development Plan for said City which includes Land Use Plan, Thoroughfare Plan, Community Facilities Plan, Public Improvements Program, and Zoning Regulations, and

WHEREAS, the Planning and Restoration Commission and the City Commission of The City of Key West, Florida have substantially approved the zoning regulations and zoning map recommended by the said Milo Smith & Associates, Inc. and have determined that such new regulations and zoning map, as modified, are necessary to implement the desired land use arrangement suggested by said Comprehensive Plan,

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

## Sec. II. REPEAL OF CONFLICTING ORDINANCES.

Chapter 32, Key West City Code (Article I) of the City of Key West, as amended, is hereby abolished and repealed.

## Sec. III. SHORT TITLE.

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Key West, Florida".

## Sec. IV. ESTABLISHMENT OF DISTRICTS: PROVISION FOR OFFICIAL ZONING MAP.

1. Official Zoning Map - The City is hereby divided into zones, districts, or as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part



HP-2

| District and Intent   | Principal Uses and Structures  | Accessory Uses and Structures   | Special Exceptions Permissible by Board of Adjustment  | Prohibited Uses and Structures   |
|---|--|---|--|--|
| <b>HP-2 Commercial Historic Reservation District</b><br><br>The provisions of this district are intended to protect and enhance the character of the commercial historic areas of the City of Key West. | As for HP-1, and in addition: <ol style="list-style-type: none"> <li>1. Professional offices, studios, clinics, laboratories, general offices, business schools, and similar uses.</li> <li>2. Bank and financial institutions.</li> <li>3. Antique, souvenir, gift, or other shops related to the historic character of the City of Key West.</li> <li>4. Personal service establishments, such as beauty and barber shops, laundry and dry cleaning pick-up stations, tailor shops, florist shops, and similar uses.</li> <li>5. Hotels, motels, and guest cottages.</li> <li>6. Retail stores, sales and display rooms except automotive uses including establishments in which retail goods are sold upon the premises.</li> <li>7. Eating and drinking establishments excluding drive-ins and establishments specializing in the preparation of foods not to be consumed within the main structure.</li> <li>8. Commercial recreation, such as theaters, bowling alleys and similar uses except drive-in theaters.</li> </ol> | Customary accessory uses of one or more of the principal uses clearly incidental to the principal use in keeping with the historic character of the zone. | Any use found by the Board of Adjustment to be appropriate and compatible with the historic character of the district. | All uses not specifically or provisionally permitted herein; any use not in keeping with the historic character of the district. |
| <b>HP-2</b><br>4,000 sq. ft. and, in addition, the ratio of gross floor area to lot area shall not exceed 1.5 to 1.   | 40 ft.   | 100 ft.   | 30%  | 40'  |
|   |  |   |  | 10'  |
|   |  |   |  | As specified in Section IX.  |
|   |  |   |  | As for R-1A.   |

HP-2

C-1

| District and Intent   | Principal Uses and Structures   | Accessory Uses and Structures  | Special Exceptions Permissible by Board of Adjustment  | Prohibited Uses and Structures  |
|---|---|--|--|---|
| <b>C-1 Neighborhood Commercial District</b><br><br>The provisions of this district are intended to apply to an area adjacent to major streets and convenient to major residential areas. The types of uses are intended to serve the needs of nearby residential neighborhoods for commercial facilities as well as serve the commercial needs of the majority. Lot sizes and other restrictions are intended to reduce conflicts with adjacent residential uses and to minimize the interruption of traffic along thoroughfares. | The following uses and structures are permitted providing any use or group of uses that are developed either separately or as a unit with certain site improvements shared in common, are developed on a site of less than 3 acres: <ol style="list-style-type: none"> <li>1. Public and semi-public parks, playgrounds, clubs, and lodges, hospitals, clinics, restoriums, government offices, schools, churches and similar uses.</li> <li>2. Retail stores, sales and display rooms, except automotive uses, including places in which goods are produced and sold at retail upon the premises.</li> <li>3. Personal service establishments such as beauty and barber shops, laundry and dry cleaning pick-up stations, tailor shops, florist shops, and similar uses.</li> <li>4. Professional offices, studios, clinics, laboratories, general offices, business schools and similar uses.</li> <li>5. Hotels, motels, guest cottages.</li> <li>6. Eating and drinking establishments.</li> <li>7. Repair service establishments such as household appliances, radio, tv, and similar uses, but not including automobile repair.</li> <li>8. Vocational and trade schools not involving operations of an industrial nature.</li> <li>9. Banks and financial institutions.</li> <li>10. Public and private parking lots and garages with restrictions.</li> </ol> | Customary accessory uses of one or more of the principal uses clearly incidental and subordinate to the principal use, in keeping with the low density commercial character of the district. | 1. Public utility and right-of-way.<br>2. Commercial recreation structures such as theaters, driving ranges, bowling alleys, and similar uses.<br>3. Service stations spaced not closer than 600 feet from another gasoline station or, church, or other place of public assembly. | 1. Residential uses.<br>2. Manufacturing activities, transportation terminals, storage, warehousing and other activities of a similar nature.<br>3. Outdoor sales displays.<br>4. All uses not specifically or provisionally permitted herein; any use not in keeping with the low density character or the low density commercial character of the district.<br>5. Any use which fails to meet the "Performance Standards" specifications. |
|   |   |  | 4. Any structure over 40' high.  |   |

15-1



ORDINANCE NO. 85-26

AN ORDINANCE AMENDING SECTION IV OF THE ZONING ORDINANCE OF THE CITY OF KEY WEST, FLORIDA (ORDINANCE NO. 69-29); ADOPTING A REVISED OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING WHEN SAID ORDINANCE GOES INTO EFFECT.

BE IT ENACTED by the City Commission of the City of Key West, Florida, as follows:

Section 1. That Section IV of the Zoning Ordinance of the City of Key West, Florida (Ordinance No. 69-29), is hereby amended by adopting a revised Official Zoning Map, dated November 26, 1984, which is attached hereto.

Section 2. The new Official Zoning Map shall be identified by the signature of the mayor attested by the City Clerk, and bearing the seal of the city under the following words:

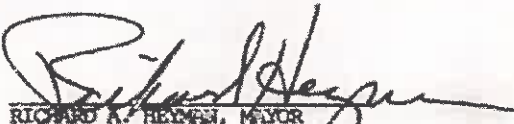
This is to certify that the Official Zoning Map supersedes and replaces the Official Zoning Map adopted December 3, 1974, as part of Ordinance No. 69-29.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4. 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 19th day of March, 1985.

Read and passed on final reading at a regular meeting held this 21st day of May, 1985.

  
RICHARD A. HENDON, MAYOR

WITNESSES:

  
JOSEPHINE PARKER, CITY CLERK



DAY OF FLORIDA

DAY OF FLORIDA

OFFICE OF FLORIDA

STOCK ISLAND

SECRET

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED IN SECTION 4, PARAGRAPH 1 OF THE CITY'S CHARTER.

CITY OF KEY WEST, FLORIDA  
OFFICIAL ZONING MAP

|          |                   |                   |       |
|----------|-------------------|-------------------|-------|
| DRUM W.  | 2 BULLS STAIR     | AREA, NW 30-37    | 4.2   |
| DATED    | NOV 28 1984       | AREA, NORTH STOCK |       |
| ACQUISIT | MA 10/11/84       | ISLAND            | 1.59  |
| SECURITY | BY C. J. B. B. B. |                   | 1.59  |
|          |                   | 1.57              | 24.38 |
|          |                   | LONG              | 21.7  |

App. 183



## ORDINANCE NO. 85-44

AN ORDINANCE AMENDING APPENDIX A ZONING ORDINANCE NO. 69-29 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; AMENDING SECTION I BY DELETING BILLO SMITH & ASSOCIATES, INC., AS PLANNING CONSULTANT AND SUBSTITUTING REGIONAL RESEARCH ASSOCIATES; AMENDING SECTION VII (1) BY ADDING PARAGRAPH (5) PROVIDING FOR ZONING OF ENVIRONMENTALLY SENSITIVE AREAS; AMENDING SECTION VII(2)(k) AMENDING THE MAXIMUM HEIGHT FROM 35 FEET TO 25 FEET; AMENDING SECTION VII(3)(j) PROVIDING FOR MAXIMUM HEIGHT FROM 40 TO 35; AMENDING SECTION VII(4)(k) PROVIDING FOR MAXIMUM HEIGHT FROM 40 FEET TO 25 FEET; AMENDING SECTION VII (7)(j)(1) PROVIDING FOR MAXIMUM HEIGHT FROM 40 FEET TO 30 FEET; AMENDING SECTION VII (7)(j)2 PROVIDING FOR MAXIMUM HEIGHT FROM 40 FEET TO 30 FEET; AMENDING SECTION VII(8)(j) PROVIDING FOR MAXIMUM HEIGHT FROM 40 FEET TO 35 FEET PROVIDED, HOWEVER, AN ADDITIONAL 5 FEET OF BUILDING HEIGHT SHALL BE ALLOWED WHEN THE ROOF IS OF A PITCHED DESIGN, WHICH ROOF SHALL BE APPROVED BY THE CIRC; AMENDING SECTION VII (9A)(j) AMENDING THE MAXIMUM HEIGHT FROM 40 FEET TO 30 FEET; AMENDING SECTION VII (11)(j) PROVIDING FOR MAXIMUM HEIGHT FROM 40 FEET TO 35 FEET; AMENDING SECTION VII (12)(j) PROVIDING FOR MAXIMUM HEIGHT FROM NONE TO 35 FEET; AMENDING SECTION (13)(4)(i)(a)(1) AMENDING FROM FOUR (4) STORIES TO 40 FEET; AMENDING SECTION IX(1)(a) PROVIDING A DEFINITION OF OFF-STREET PARKING SPACES; AMENDING SECTION XIII (4)(a) TO HP DISTRICTS; AMENDING SECTION XIII(4)(b) TO HP DISTRICTS; AMENDING SECTION XIII(4)(c) TO HP; AMENDING SECTION XIV(1) TO PROVIDE FOR ANY OF THE REPLACING EITHER OF THE TWO(2); AMENDING SECTION XXIV(16) DEFINING BUILDING HEIGHT; AMENDING SECTION XXIV(51) PROVIDING A DEFINITION FOR FRONT YARD AND FRONT YARD OF CORNER LOTS; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Commission of the City of Key West has adopted a Comprehensive Plan and;

WHEREAS, the City Commission of the City of Key West would like the changes from the Comprehensive Plan to be included in the Code of Ordinances of the City of Key West;

NOW THEREFORE BE IT ENACTED by the City Commission of the City of Key West, Florida, that the following amendments to Ordinance 69-29 as amended are as follows:

Section 1. That the following amendments to Ordinance 69-29, as amended in the Code of Ordinances of the City of Key West Appendix A - Zoning be amended as follows:



Section I. Preamble and purpose.

Whereas, Regional Research Associates, Planning Consultant for the City of Key West, Florida, has prepared a Comprehensive Development Plan for said city which includes Land Use Plan, Thoroughfare Plan, Community Facilities Plan, Public Improvement Program, and Zoning Regulations, and

Whereas, the Planning and Restoration Commission and the City Commission of the City of Key West, Florida have substantially approved the zoning regulations and zoning map recommended by the said Regional Research Associates, and have determined that such new regulations and zoning map, as modified, are necessary to implement the desired land use arrangement suggested by said Comprehensive Plan,

Now Therefore Be It Enacted by the City Commission of the City of Key West, Florida:

Section VII (1) Submerged Land District.

- (a) Intent. The provisions of this district are intended to be applied to submerged or marginal land areas upon which no permanent development should occur until such time as the land area is treated to conform to specifications for filled areas. The regulations are intended to hold these lands in reserve until such time as they are prepared to receive full development in a manner that is not injurious to the public health, safety and welfare and which conforms to the land use objectives of the City of Key West.
- (b) Principal uses and structures. Public and private open space including conservation projects, water oriented recreation facilities, and other similar activities which can be performed on marginal lands.
- (c) Accessory uses and structures. None
- (d) Special exceptions permissible by board of adjustment. Temporary open storage of fill and other nonoffensive materials are permitted subject to permits to be issued on a yearly basis by the board of adjustment.
- (e) Prohibited uses and structures.
  - 1. All uses not specifically or provisionally permitted herein.
  - 2. All non open space uses.
- (f) Environmentally sensitive areas including but not limited to wetland communities, mangroves, tropical hardwood hammocks and salt ponds shall be zoned with a maximum density of one unit per acre. Site alteration shall be limited to a maximum of 10% of the total site size.

(2) R-1 Single Family Residential District.

- (a) Intent. The provisions of this district are intended to apply to an area of medium-density single-family residential development. Small lot sizes and other restrictions are intended to promote and protect intensive single-family residential development and still maintain a moderate amount of open space for such development.
- (b) Principal uses and structures. Same as for R-1A.
- (c) Accessory uses and structures. Same as for R-1A.



- (d) Special exceptions permissible by board of adjustment. Same as for R1-A and in addition, two-family dwellings.
- (e) Prohibited uses and structures. Same as for R-1A.
- (f) Minimum lot area. 6,000 square feet.
- (g) Minimum average lot width. 60 feet.
- (h) Minimum average lot depth. 100 feet.
- (i) Maximum lot coverage. 35 percent.
- (j) Minimum floor area. 1,300 square feet.
- (k) Maximum height. 25 feet.
- (l) Minimum building setbacks.
  - 1. Front: 25 feet or average depth of existing front yards on developed lots within 100 feet each side, but not less than 20 feet.
  - 2. Side interior lot: 6 feet or ten per cent of width of lot up to 15 feet, whichever is greater.
  - 3. Side corner lot: 6 feet or 10 per cent of lot width, whichever is greater. 10 feet on street side.
  - 4. Rear: 20 feet; 15 feet when abutting an alley.
  - 5. Rear corner lot: Same as side interior lot.
- (m) Off-street parking and loading requirements. As specified in Section IX.
- (n) Sign limitations. Same as for R-1A.

### (3) R-1 A Single-Family

- (a) Intent. The provisions of this district are intended to apply to an area of low-density single-family residential development. Large lot sizes and other restrictions are intended to promote and protect highest quality residential development.
- (b) Principal uses and structures.
  - 1. Single family dwellings.
  - 2. Public and semipublic parks, playgrounds, playfields, and recreation facilities.
  - 3. Boat piers or slips for the docking of privately owned and used watercraft of any sort.
- (c) Accessory uses and structures.
  - 1. Noncommercial piers, bath houses, and loading places intended solely for the use of the adjoining residences.
  - 2. Noncommercial nurseries and greenhouses.
  - 3. Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, garages, carports, and the like, in keeping with the residential character of the district.
- (d) Special exceptions permissible by board of adjustment.
  - 1. Public utility uses and rights-of-way essential to serve the neighborhood in which it is located.
  - 2. Public schools and private schools with conventional curriculums; public libraries.
  - 3. Churches and other places of worship; parish houses.
  - 4. Golf course and club, tennis and racket club and similar activities in keeping with the residential character of the district.



5. Public safety structures and equipment, such as fire substations, civil defense facilities and the like.
  6. Planned development on a minimum sized parcel of 4 acres for which variances of lot and building regulations are planned, subject to the provisions set forth in the Schedule of Special Exceptions Permissible by Board of Adjustment for Planned Development.
  7. Professional offices.
- (e) Prohibited uses and structures.
1. All uses not specifically or provisionally permitted herein; any use not in keeping with the single-family residential character of the district, including two-family and multiple-family dwellings, townhouses, and mobile home parks.
  2. Home occupations as an accessory use.
- (f) Minimum lot area.
1. Single family: 8,000 square feet.
  2. Churches and similar uses: 1/2 acre
- (g) Minimum average lot width.
1. Single-family: 70 feet.
  2. Churches and similar uses: 100 feet
- (h) Minimum average lot depth.
1. Single-family: 100 feet
  2. Churches and similar uses: 100 feet.
- (i) Maximum lot coverage. 30 per cent
- (j) Maximum height. 25 feet
- (k) Minimum building setbacks.
1. Front:
    - a. Single-family: 30 feet or average depth of existing front yards of developed lots within 100 feet each side, but not less than 20 feet.
    - b. Churches and similar uses: 15 feet.
  2. Side interior lot:
    - a. Single-family: 7 feet or 15 per cent of width of lot up to 20 feet, whichever is greater.
    - b. Churches and similar uses: 15 feet.
  3. Side corner lot: Single family, 7 feet or 10 percent of lot width, whichever is greater. 10 feet on street side. Churches and other public uses 20 feet.
  4. Rear:
    - a. Single-family: 25 feet, 20 feet when abutting an alley.
    - b. Churches and similar uses: 25 feet.
  5. Rear corner lot: Same as side interior lot.
- (l) Off-street parking and loading requirements. As specified in Section IX.
- (m) Sign limitations. No signs shall be permitted except the following:
1. A nonilluminated nameplate or professional nameplate not exceeding 2 square feet in area.
  2. Nonilluminated bulletin board of sign not exceeding 5 square feet in area in conjunction with permitted public and semipublic uses.
  3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that:
    - a. No sign shall exceed 8 square feet in area for each 1/4 acre in the lot or tract; and



- b. No one sign shall exceed 32 square feet in area.

All signs shall be set back at least 12 feet distant from all property and right-of-way lines.

(4) R-1B Single Family Residential District.

- (a) Intent. The provisions of this district are intended to apply to an area of medium-density single-family residential development. Small lot sizes and other restrictions are intended to promote and protect intensive single-family residential development and still maintain an adequate amount of open space for such development.
- (b) Principal uses and structures. Same as for R-1A
- (c) Accessory uses and structures. Same as for R-1A, and in addition:
  - 1. Home occupations subject to the provisions of Section X.
- (d) Special exceptions permissible by board of adjustment. Same as for R-1A.
- (e) Prohibited uses and structures. Same as for R-1A, except home occupations are permitted as an accessory use.
- (f) Minimum lot area. 6,000 square feet.
- (g) Minimum average lot width. 50 feet.
- (h) Minimum average lot depth. 100 feet.
- (i) Maximum lot coverage. 40 percent.
- (j) Minimum building setbacks.
  - a. Front: 20 feet
  - b. Side interior lot: 5 feet or 10 per cent of width of lot up to 15 feet, whichever is greater.
  - c. Side corner lot: 5 feet or 10 percent of width of lot, whichever is greater. 10 feet on street side.
  - d. Rear: 20 feet, 15 feet when abutting an alley
  - e. Rear corner lot: Same as side interior lot.
- (k) Maximum height. 25 feet.
- (l) Off-street parking and loading requirements. As specified in Section IX.
- (m) Sign limitations as for R-1A.

7. HP-1 Residential Historic Preservation District.

- (a) Intent. The provisions of this district are intended to protect and enhance the character of the residential historic areas of the City of Key West.
- (b) Principal uses and structures. Same as for R1-B, and in addition:
  - 1. Two-family Dwellings.
  - 2. Multi-family structures not to exceed 22 dwelling units per acre density.
- (c) Accessory uses and structures. Same as in R-1B.
- (d) Special exceptions permissible by board of adjustment.
  - 1. Public and private schools with conventional curriculums, public libraries.
  - 2. Churches and other places of worship.



3. Public safety structures and equipment, such as fire substations, civil defense facilities, and the like.
  4. Garage apartments.
  5. General sales offices such as real estate sales and similar uses.
- (e) Prohibited uses and structures.
1. All uses not specifically or provisionally permitted herein; any use not in keeping with the residential character or professional character of the district.
- (f) Minimum lot area.
1. Single family: 5,500 square feet.
  2. Multiple family: 5,500 square foot.
- (g) Minimum average lot width.
1. Single family 50 feet.
  2. Multiple family: 50 feet.
- (h) Minimum average lot depth.
1. Single family: 100 feet.
  2. Multiple family: 100 feet.
- (i) Maximum lot coverage.
1. Single family: 50 per cent.
  2. Multiple family: 50 per cent
- (j) Maximum height
1. Single family: 30 feet
  2. Multiple family 30 feet
- (k) Minimum building setbacks.
1. Side interior lot:
    - a. Single family: 5 feet or 10 per cent of the width of the lot up to fifteen feet, whichever is greater.
    - b. Multiple family: 5 feet or 10 per cent of width of lot up to 15 feet, whichever is greater.
  2. Side corner lot:
    - a. Single family: 5 feet
    - b. Multiple family: 5 feet.
  3. Rear:
    - a. Single family: 20 feet
    - b. Multiple family: 20 feet.
- (l) Off-street parking and loading requirements.
1. Single family: As specified in Section IX.
  2. Multiple family: As specified in Section IX.
- (m) Sign limitations.
1. Single family: Same as for R-1A
  2. Multiple family: Same as for R-1A.

(8) HP-2 Commercial Historic Preservation District.

- (a) Intent: The provisions of this district are intended to protect and enhance the character of the commercial historic areas of the City of Key West.
- (b) Principal uses and structures. Same as for HP-1, and in addition:
1. Professional offices, studios, clinics, laboratories, general office and similar uses.
  2. Bank and financial institutions.
  3. Antique, souvenir, gift, or other shops related to the historic character of the City of Key West.
  4. Personal service establishments, such as beauty and barber shoppes, laundry and dry cleaning pickup



- stations, tailor shops, florist shops, and similar uses.
5. Hotels, motels, and guest cottages.
  6. Retail stores, sales and display rooms except automotive uses including establishment in which retail goods are sold upon premises.
  7. Eating and drinking establishments excluding drive-ins and establishments specializing in the preparation of foods not to be consumed within the main structure.
  8. Commercial recreation, such as theaters, bowling alleys and similar uses except drive-in theaters.
- (c) Accessory uses and structures. Customary accessory uses of one or more of the principal uses clearly incidental to the principal use in keeping with the historic character of the zone.
- (d) Special exception permissible by board of adjustment.
1. Any use found by the board of adjustment to be appropriate and compatible with the historic character of the district.
  2. Any structure over 40 feet high.
  3. Any structure which preserves a historic aspect of the district which could not be saved without the special exception and the existing structure or site is causing an adverse economic impact on the surrounding commercial district.
- (e) Prohibited uses and structures. All uses not specifically or provisionally permitted herein; any use not in keeping with the historic character of the district.
- (f) Minimum lot area. 4,000 square feet and, in addition, the ratio of gross floor area to lot area shall not exceed 1.5 to 1.
- (g) Minimum average lot width. 40 feet.
- (h) Minimum average lot depth. 100 feet.
- (i) Maximum lot coverage. 50 per cent.
- (j) Maximum height: 35 feet provided, however, an additional 5 feet of building height shall be allowed when the roof is of a pitched design, which roof shall be approved by the OIRC.
- (k) Minimum building setbacks.
1. Side 2 1/2 feet
  2. Rear: 10 feet.
- (l) Off-street parking and loading requirements: As specified in Section IX.
- (m) Sign limitations: Same as for R-1A.

**(8A) HP-3 Light Commercial Historic Preservation District.**

- (a) Intent. The provisions of this district are intended to protect and enhance the character of the residential historic areas of the City of Key West.
- (b) Principal uses and structures. Same as for R1B and in addition:
1. Two-family dwellings.
- (c) Accessory uses and structures. Same as for HP-1.
- (d) Special exceptions permissible by the board of adjustment. Same as for HP-1 and in addition:



1. Guest houses.
  2. Neighborhood grocery.
  3. Hospitals, restoriums, convalescent homes, nursing homes for human care except institutions primarily for mental care.
  4. Public and private clubs and lodges not involved in the conduct of commercial activities.
  5. Governmental institutions and cultural facilities.
  6. Kindergartens, nurseries and childcare facilities.
  7. Any structure over thirty (30) feet high.
  8. General and professional office and home occupation.
  9. Lots which do not conform to minimum lot area or minimum lot dimensions or maximum lot coverage.
  10. Other, light commercial uses in keeping with the residential character of the district.
  11. Multi-family dwellings
- (e) Prohibited uses and structures. All uses not specifically or provisionally permitted herein; and use not in keeping with the residential character of the district.
- (f) Minimum lot area.
1. Single-family: 4,000 square feet.
  2. Two-family: 7,200 square feet.
  3. Multiple family: 8,500 square feet, plus 2,800 square feet for each dwelling unit over 3.
  4. Churches, hospitals, etc.: 1/2 acre.
  5. Clubs and lodges: 8,500 square feet.
- (g) Minimum average lot width.
1. Single-family: 40 feet.
  2. Two-family: 70 feet.
  3. Multiple-family: 80 feet.
  4. Churches, hospitals, etc.: 150 feet.
  5. Clubs and lodges: 80 feet.
- (h) Minimum average lot depth.
1. Single family: 100 feet.
  2. Two family: 100 feet.
  3. Multiple family: 100 feet.
  4. Churches, hospitals, etc.: 100 feet.
  5. Clubs and lodges: 100 feet.
- (i) Maximum lot coverage.
1. Single family: 40 percent.
  2. Two-family: 40 percent.
  3. Multiple-family: 40 percent.
  4. Churches, hospitals, etc.: 40 percent.
  5. Clubs and lodges: 40 per cent.
- (j) Maximum height: 30 feet.
- (k) Minimum building setbacks.
1. Front:
    - a. Single-family: 10 feet.
    - b. Two-family: 10 feet.
    - c. Multiple family: 20 feet.
    - d. Churches, hospitals, etc.: 30 feet.
    - e. Clubs and lodges: 30 feet.
  2. Side interior lot:
    - a. Single-family: 7.5 feet.
    - b. Two-family: 7.5 feet or 10% of width of lot up to 15 feet, whichever is greater.
    - c. Multiple-family: 15 feet or 10% of width of lot, up to 20 feet, whichever is greater.
    - d. Churches, hospitals, etc.: 20 feet or 10 per cent of width of lot up to 30 feet, whichever is greater.



- e. Clubs and lodges: 15 feet or 10 per cent of width of lot up to 20 feet, whichever is greater.
- 3. Side corner lot:
  - a. Single-family: 7.5 feet.
  - b. Two-family: 7.5 feet.
  - c. Multiple-family: 15 feet.
  - d. Churches, hospitals, etc.: 25 feet.
  - e. Clubs and lodges: 25 feet.
- 4. Rear:
  - a. Single-family: 15 feet.
  - b. Two-family: 7.5 feet or 10 percent of width of lot up to 15 feet, whichever is greater.
  - c. Multiple-family: 15 feet or 10 per cent of width of lot up to 20 feet whichever is greater.
  - d. Churches, hospitals, etc.: 20 feet or 10 per cent of width of lot up to 30 feet, whichever is greater.
  - e. Clubs and lodges: 15 feet or 10 per cent of width of lot up to 20 feet, whichever is greater.
- (l) Off-street parking and loading requirements. As specified in Section IX.
- (m) Sign limitations. Same as for HP-1 and in addition: A nonilluminated sign not exceeding 6 square feet in area used to identify a building containing multiple-family dwellings.

**(11) M-1 Light Industrial and Warehousing District.**

- (a) Intent. The provisions of this district are intended to apply to an area located in close proximity to transportation facilities and which can serve manufacturing, warehousing, distribution, wholesaling and other industrial functions of the city and the region. Restrictions herein are intended to minimize adverse influences of the industrial activities on nearby nonindustrial areas and to eliminate unnecessary industrial traffic through nonindustrial areas.
- (b) Principal uses and structures. The following uses and structures are permitted provided any use or group of uses that are developed, either separately, or if as a unit with certain site improvements shared in common, are developed on a site of 5 acres or less:
  - 1. Warehousing and wholesaling in enclosed structures, including refrigerated storage.
  - 2. Service and repair establishments, dry cleaning and laundry plants, business services, printing plants, welding shops, and similar uses.
  - 3. Light manufacturing, processing and assembly, such as precision manufacturing, ordinance, electrical machinery, instrumentation, bottling plants, dairy products plants, bakeries, fruit packing and similar uses.
  - 4. Building materials supply and storage; contractor's storage yard.
  - 5. Automotive and marine sales and repair establishments, such as body shops, dry docking facilities, tire recapping, paint shops, upholstery shops and the like.
  - 6. Freight handling facilities; transportation terminals.
  - 7. Vocational and trade schools, including those of an industrial nature.



8. Public and semipublic uses, including those of an industrial nature such as utility or treatment plants, equipment storage and garage.
  9. Veterinary hospitals and clinics.
  10. Radio and television studios, broadcasting towers and antennas.
- (c) **Accessory uses and structures.**
1. Retail sales of products manufactured, processed or stored upon the premises.
  2. Not more than one dwelling unit for occupancy by owners or employees of the principal use.
  3. Customary accessory uses of one or more of the principal uses, clearly incidental and subordinate to the principal use, in keeping with the industrial character of the district.
- (d) **Special exceptions permissible by board of adjustment.**
1. Storage of petrochemical products at pressures less than 15 pounds per square inch.
  2. Planned Industrial Development on a minimum sized parcel of 5 acres, subject to the provisions set forth in the Schedule of Special Exceptions Permissible by the Board of Adjustment for Planned Development. Any industrial use in such planned development which meets the standards established in Performance Standards.
  3. Any structure over 35 feet high.
- (e) **Prohibited uses and structures.**
1. Residential uses, except as provided under accessory uses.
  2. Motels, hotels, boarding and lodging houses.
  3. Automobile wrecking yards, junkyards, scrap and salvage yards for secondhand building materials.
  4. Churches, private clubs and lodges, public schools.
  5. All uses not specifically or provisionally permitted herein, except as provided for under special exceptions; any use not in keeping with the industrial character of the district.
  6. Any use deemed objectionable by the standards established in Performance Standards.
- (f) **Minimum lot area.** 4,000 square feet and in addition, the ratio of gross floor area to lot area shall not exceed 2.0 to 1.0.
- (g) **Minimum average lot width.** 40 feet.
- (h) **Minimum average lot depth.** 100 feet.
- (i) **Maximum lot coverage:** None
- (j) **Maximum height.** 35 feet or special exception.
- (k) **Minimum building setbacks.**
1. Front: 20 feet
  2. Side interior lot: None, except where a use borders a district requiring such setback, such use will provide the same setback as required for the abutting district. In addition, additional setback may be required by the board of adjustment of reasons of public safety and welfare.
  3. Side corner lot: None.
  4. Rear: 15 feet; 10 feet when abutting an alley.
- (l) **Off-street parking and loading requirements.** As specified in Section IX.
- (m) **Sign limitations.** Same as for C-1.
- (12) M-2 General Industrial District.



- (a) **Intent.** The provisions of this district are intended to apply to an area located in close proximity to transportation facilities and which can serve general manufacturing, storage, distribution, and other general industrial functions of the city, state, and region. Restrictions herein are intended to minimize adverse influences of the industrial activities on nearby nonindustrial areas and to eliminate unnecessary industrial traffic through nonindustrial areas.
- (b) **Principal uses and structures.** The following uses and structures are permitted provided any use or group of uses that are developed either separately, or if as a unit with certain site improvements shared in common, are developed on a site of 5 acres or less:
  - 1. Same as for M-1, and in addition:
  - 2. Temporary extracting and mining industries, not exceeding 90 days.
  - 3. Agricultural activities.
  - 4. General manufacturing, assembly and processing, such as heavy equipment plants, aircraft manufacturers, food processing and canneries, iron foundries and steel fabrication, block and concrete plants, furniture factories, toy factories and similar uses.
- (c) **Accessory uses and structures.** Same as for M-1.
- (d) **Special exceptions permissible by board of adjustment.** Same as for M-1 and in addition:
  - 1. Open storage facilities for wrecked automobiles, scrap and salvage yards for used building materials and similar uses, provided that a fence higher than the elevation of stored materials be constructed and maintained at all times.
- (e) **Prohibited uses and structure.** Same as for M-1.
- (f) **Minimum lot area.** None.
- (g) **Minimum average lot width.** None.
- (h) **Minimum average lot depth.** None.
- (i) **Maximum lot coverage.** Same as for M-1.
- (j) **Maximum height.** 35 feet.
- (k) **Minimum building setbacks.** None.
- (l) **Off-street parking and loading requirements.** None.
- (m) **Sign limitations.** None.

**(13) R-2H Large Hotel, Motel and Multiple-Family District.**

- (a) **Intent.** The R-2H District is intended to apply to an area predominately developed with large hotels, motels and multiple-family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan) is appropriate to such uses.
- (1) **Permitted uses.**
  - a. **Principal uses:** Within any R-2H district, no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:



- (1) Hotels, motels, and apartment hotels.
- (2) Multiple-family dwellings.
- (3) Bungalow courts.

b. Accessory uses: The following uses may be used in conjunction with one or more of the principal uses.

- (1) Restaurant, lounge, small retail shops and service establishments and recreational facilities when operated in conjunction with one or more of the principal uses. Any shops or service establishments may not exceed five hundred (500) square feet per unit.
- (2) Dockage and rental of boats, including the sale of marine fuels and lubricants and small dockside repairs when operated in conjunction with one or more of the principal uses.
- (3) Day nurseries and nursery schools when operated as an accessory to one or more of the principal uses.
- (4) Customary accessory uses of large hotels, motels, multiple family dwellings and country clubs.

(2) Special exception. When, after a review of an application and completion of the procedure as required by this Code (ordinance), the following uses may be permitted by special exception

- a. Ordinary public utility uses, and rights-of-way, provided, however, that all aboveground utility uses except aerial cables be provided with a five-foot visual buffer wherever such use is adjacent to residential lot, and, further that all aboveground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.
- b. Churches and accessory uses.
- c. Restaurant and lounge not operated as an accessory use.
- d. Private clubs and lodges and accessory uses.
- e. Office buildings and accessory uses.
- f. Special exception may be permitted by the city commission to the restrictions set forth in this district after a public hearing with due public notice.

Prior to granting a special exception, the city commission shall find the proposed special exception is necessary and/or appropriate to the area in which it is proposed, that it will be reasonably compatible with surrounding uses; that any nuisance or hazardous feature involved is suitably separated and buffered from adjacent uses; that it will not hinder development of nearby vacant properties; that a parking problem will not be created; and that the land and/or buildings which are involved is adequate.



## (3) Prohibited uses.

- a. All commercial uses except as specifically permitted herein.
- b. Commercial parking lot not operated as an accessory use to one or more of the principal uses.
- c. All residential uses except as specifically permitted herein.
- d. Any storage except as an accessory use and then only enclosed storage areas shall be permitted.

## (4) Area Regulations. The following regulations shall apply to any building erected or any use of land within the R-2H district:

- a. Hotels, motels, apartment hotels, and multiple-family dwellings:

## (1) Minimum lot size: All lots shall contain a minimum of thirty thousand (30,000) square feet plus the following:

- (a) Ground floor: Twelve hundred (1,200) square feet per unit in excess of fifteen (15).
- (b) Second and third stories: Twelve hundred (1,200) square feet per unit.
- (c) Fourth story: Nine hundred (900) square feet per unit.
- (d) All lots shall have a minimum width of one hundred fifty (150) feet fronting a street.

## (2) Maximum lot coverage: No building shall occupy more than forty (40) per cent of its lot area.

## (3) Minimum floor area: Any principal building erected within the R-2H district shall contain a minimum of three hundred (300) square feet per unit for hotels and motels; four hundred (400) square feet per unit for apartment hotels and six hundred fifty (650) square feet for a one-bedroom dwelling unit and seven hundred fifty (750) square feet for a two-bedroom dwelling unit, plus one hundred (100) square feet for each additional bedroom in a dwelling unit.

## (4) Maximum building height: 40 feet.

## (5) Maximum density: No more than sixteen (16) living units per gross acre.

## (6) Minimum yard setbacks: Any building erected within the R-2H district shall conform to the following yard setbacks.

- (a) Front yard: There shall be a front yard of not less than forty (40) feet plus one foot for each two (2) feet of building height over thirty-five (35) feet except that no front yard over sixty (60) feet shall be required.

- (b) Side yard: There shall be a side yard of not less than twenty (20) feet in depth, plus one foot per each two (2) feet of building height over thirty-five (35) feet except that no side yard over thirty-five (35) feet shall be required.

- (c) Rear yard: There shall be a rear yard of not less than twenty (20) feet plus one foot per each two (2) feet of building height over thirty-five (35) feet except that no rear yard over thirty-five (35) feet shall be required.



- (d) Waterfront yard: There shall be provided on all lots abutting a waterfront, a waterfront yard.

**Section IX. Off Street parking and loading requirements.**

**1. Off Street Parking and Loading Requirements.**

- a. Definition of off-street parking spaces: For the purpose of this ordinance, the term "off street parking space" shall be a minimum of nine feet (9') wide and twenty feet (20') long. Driveways for a parking area shall be a minimum of twenty feet (20') wide (two-way) and twelve feet (12') wide (one-way).

**Section XIII. Administration and enforcement - Building permits, certificates of appropriateness and occupancy.**

**4. (HP Districts:)**

- a. The intent and purpose of this ordinance is to ensure that the quaint and distinctive character of the HP Districts of the City of Key West, Florida, may not be injuriously affected, and to ensure that the value to the community of those buildings having architectural and historical worth may not be impaired.
- b. The preservation of the buildings in the HP districts of the City of Key West having architectural and historical value is hereby declared to be a public purpose.
- c. In an HP district, before the commencement of any work in the erection of any new building, or the repairing, repainting, alteration, remodeling or demolishing of any existing building, any portion of which is to front on any public street or alley in the HP districts, application by the owner for a permit therefor must be made to the Old Island Restoration Commission, accompanied by the full plans and specifications thereof, so far as they relate to the proposed appearance, color, texture or materials and architectural design of the exterior, including the front, sides, rear and roof of said building, alterations or additions or any out-buildings, party wall, courtyard, fence or other dependency thereof, and said commission shall upon due consideration report thereon promptly its recommendations, including such changes, if any, as in its judgment are reasonably necessary to comply with the requirements of this act, by sending the same in writing to the public service director of the City of Key West, Florida, with said application and documents, and if the same are found by said public service director to comply reasonably with the requirements of this section, and if said application and intended work shall conform also to all other regulations, ordinances and laws of the City of Key West, Florida, then said public service director shall issue promptly the permit for said work, and indicate on said permit the extent and nature of the work to be performed thereunder. Said public service director shall promptly stop any work attempted to be done without or contrary to said permit, and shall promptly



prosecute any person, firm or corporation and their agents responsible for such violation of this act or engaged in such violation. If the applicant shall refuse to acceded to said reasonable changes recommended by the Old Island Restoration Commission or if said commission shall disapprove any application, or if the public service director finds that the recommendations of said commission do not comply reasonably with the requirements of this section, the said public service director shall promptly, within five (5) days, forward such matters with his written comments to the city commission for such action as in its judgment shall be necessary.

- d. If the public service director issues the permit for said work under the terms and conditions described hereinabove he shall also issue a certificate of appropriateness.
- e. If the application is forwarded to the city commission sitting as the board of adjustment and the board of adjustment approves said application, the public service director shall be directed to immediately issue the permit and the certificate of appropriateness for the work to be done to the applicant. If the board of adjustment disapproves the said application, the public service director shall be directed not to issue the required permit or certificate of appropriateness.
- f. Any person, official, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars (\$100.00) or imprisonment for a term not exceeding ninety (90) days, or both, at the discretion of the court having jurisdiction, and the continued violation shall be and constitute a separate offense under this section for each and every day such violation of any provisions shall continue and shall be punishable as herein provided.

#### Section XIV

- (1) Proceedings of the Board of Adjustment: The board of adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this ordinance. The historic preservation committee shall develop rules on the information to be submitted by the applicant seeking a building permit for any of the historic preservation zones and the criteria or standards to be used in judging such information as exterior elevations and plot plans showing arrangement of structures on the lot, presented in sufficient detail to determine appropriateness in terms of such criteria as scale, materials, roof form, and fenestration. Plans for any signs to be used in connection with commercial and institutional establishments or customary home occupations shall also be presented in sufficient detail to determine appropriateness. Copies of these rules and criteria will then be submitted to the board of adjustment for their review, adoption, and use when a special exception or certificate of appropriateness is required.

Copies of rules and criteria adopted by the board of adjustment shall be supplied to the city building inspector in order:



- (1) That he may inform applicants seeking building permits for either of the historic preservation zones of the additional information to be submitted with the application;
- (2) That he may ascertain that all required information is in hand before referring the application to the board of adjustment for a certificate of appropriateness or special exception; and finally,
- (3) That the applicant will know the criteria by which the board of adjustment and their subcommittee will determine the historic appropriateness of his proposal.

Meetings of the board of adjustment and the historic preservation committee shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

The board of adjustment and the historic preservation committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the building inspector.

#### Section XXIV. Definitions

- (16) **Height of building** - In a R-23 Zoning District, building height shall mean the vertical distance from the crown of the nearest adjacent street or the base flood elevation, whichever is higher, to the highest point of the proposed building. In all other zoning districts, building height shall mean the vertical distance from the crown of the nearest adjacent street to the highest point of the proposed building.
- (51) **Yard** - an open space on the same lot with a principal building which is unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this section.
  - (a) **Front yard:** The yard extending across the entire width of the lot between the front lot line and the nearest part of a principal building, including covered porches, sheds, carports. The lot line of a lot abutting a public street shall be deemed the front lot line. The front yard of a corner lot shall be that yard abutting the street with the least frontage unless otherwise determined be a street address assigned to the property on a recorded plat or deed.

Section 2. All Ordinances or parts of Ordinances of the City in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.



Section 3. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 17th day of September, 1985.

Read and passed on final reading at a regular meeting held this 1st day of October, 1985.

  
RICHARD A. HEDMAN, MAYOR

WITNESSES:

  
JOSEPHINE PARKER, CITY CLERK



## ORDINANCE NO. 86-15

AN ORDINANCE AMENDING APPENDIX A -- ZONING -- OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; AMENDING SECTION VII 5(f) PROVIDING FOR MAXIMUM DENSITY; AMENDING SECTION VII 5(j) PROVIDING FOR MAXIMUM BUILDING HEIGHT; AMENDING SECTION VII 8(b)5 PROVIDING FOR TRANSIENT LIVING ACCOMMODATIONS; AMENDING SECTION VII 8(f) PROVIDING FOR MINIMUM LOT AREA; AMENDING SECTION VII 8A(f) PROVIDING FOR MAXIMUM DENSITY; AMENDING SECTION VII 9(b) 5 PROVIDING FOR TRANSIENT LIVING ACCOMMODATIONS; AMENDING SECTION VII 9(d)6 PROVIDING FOR SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL; AMENDING SECTION VII 9(f)(1) PROVIDING FOR SQUARE FOOTAGE AND RATIO OF GROSS FLOOR AREA TO LOT AREA; AMENDING SECTION VII 10(b)4 PROVIDING FOR TRANSIENT LIVING ACCOMMODATIONS; AMENDING SECTION VII 10(d)9 PROVIDING FOR SINGLE FAMILY AND MULTIFAMILY RESIDENTIAL; AMENDING SECTION VII 10 (f) PROVIDING FOR MINIMUM LOT AREA; AMENDING VII 13(a)(1)a. DELETING BUNGALOW COURTS AS PERMITTED USE; AMENDING SECTION VII 13(a)(4)a.(1) PROVIDING FOR MINIMUM LOT SIZE; AMENDING SECTION VII 13(a)(4)a.(4) PROVIDING FOR MAXIMUM BUILDING HEIGHT; AMENDING SECTION VII 13(a)(4)a.(5) PROVIDING FOR MAXIMUM DENSITY; AMENDING SECTION VII 15(4) PROVIDING FOR DENSITY LIMITATION; AMENDING SECTION IX(1)(b) ADDING RESIDENTIAL DWELLING UNIT; AMENDING SECTION IX(1)(c), OFF-STREET PARKING WAIVER; AMENDING SECTION XXIV (44) PROVIDING DEFINITION; REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City Commission passed an ordinance creating a committee named the Zoning Evaluation Committee to study the Zoning matters of the City of Key West, and;

WHEREAS, the Zoning Evaluation Committee has reviewed the Code and requests the following changes to be included in the Code of Ordinances of the City of Key West;

NOW THEREFORE BE IT ENACTED by the City Commission of the City of Key West, Florida

Section 1. That the following amendments to Ordinance 69-29, as amended, in the Code of Ordinances of the City of Key West Appendix A - Zoning be amended as follows: (deletions are ~~struck through~~; additions are underlined):

"VII. Schedule of district regulations adopted.

\* \* \* \*

(5) R-2 One-, Two- and Multiple-Family Dwelling District.

(a) Intent. The provisions of this district are intended to apply to an area of medium-density residential development with a variety of housing types. Lot sizes and other restrictions are intended to promote and protect medium density residential development, maintaining an adequate amount of open space for such development. Some nonresidential uses compatible with the character of the district are also permitted.

(b) Principal uses and structures. ~~As set forth in the~~ As set forth in the



1. Single-family dwellings.
2. Public and semipublic parks, playgrounds, playfields, and recreation facilities.
3. Boat piers or slips for the docking of privately owned and used watercraft of any sort.
4. Two-family dwellings.
5. Multiple-family dwellings.

(c) **Accessory uses and structures.** *Single / Two / Multiple Family.*

1. Noncommercial piers, bathhouses, and loading places intended solely for the use of the adjoining residences.
2. Noncommercial nurseries and greenhouses.
3. Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, garages, carports, and the like, in keeping with the residential character of the district.
4. Home occupations subject to the provisions of Section X.

(d) **Special exceptions permissible by board of adjustment.** *Single / Two / Multiple Family.*

1. Public utility uses and rights-of-way essential to serve the neighborhood in which it is located.
2. Public schools and private schools with conventional curriculums; public libraries.
3. Churches and other places of worship; parish houses.
4. Golf course and club, tennis and racket club and similar activities in keeping with the residential character of the district.
5. Public safety structures and equipment, such as fire substations, civil defense facilities and the like.
6. Planned development on a minimum sized parcel of 4 acres for which variances of lot and building regulations are planned, subject to the provisions set forth in the Schedule of Special Exceptions Permissible by Board of Adjustment for Planned Development.
7. Professional offices.
8. Townhouses, subject to the provisions of Section VIII(1).
9. Mobile home parks, subject to the provisions of Section VIII(2).
10. Hospitals, restoriums, convalescent homes, nursing homes for human care except institutions primarily for mental care.
11. Public and private clubs and lodges not involved in the conduct of commercial activities.
12. Governmental institutions and cultural facilities.
13. Kindergartens, nurseries, and child-care facilities.
14. Garage apartments.
15. Any structure over 35 feet high.
16. General offices such as law offices, real estate offices and other similar uses in (R-2) One, Two- and Multiple Family Dwelling District.

(e) **Prohibited uses and structures.** All uses not specifically or provisionally permitted herein; any use not in keeping with the residential character of the district.

(f) *Single / Two / Multiple Family*  
*1. / 2. / 3. / 4. / 5. / 6. / 7. / 8. / 9. / 10. / 11. / 12. / 13. / 14. / 15. / 16. / 17. / 18. / 19. / 20. / 21. / 22. / 23. / 24. / 25. / 26. / 27. / 28. / 29. / 30. / 31. / 32. / 33. / 34. / 35. / 36. / 37. / 38. / 39. / 40. / 41. / 42. / 43. / 44. / 45. / 46. / 47. / 48. / 49. / 50. / 51. / 52. / 53. / 54. / 55. / 56. / 57. / 58. / 59. / 60. / 61. / 62. / 63. / 64. / 65. / 66. / 67. / 68. / 69. / 70. / 71. / 72. / 73. / 74. / 75. / 76. / 77. / 78. / 79. / 80. / 81. / 82. / 83. / 84. / 85. / 86. / 87. / 88. / 89. / 90. / 91. / 92. / 93. / 94. / 95. / 96. / 97. / 98. / 99. / 100. / 101. / 102. / 103. / 104. / 105. / 106. / 107. / 108. / 109. / 110. / 111. / 112. / 113. / 114. / 115. / 116. / 117. / 118. / 119. / 120. / 121. / 122. / 123. / 124. / 125. / 126. / 127. / 128. / 129. / 130. / 131. / 132. / 133. / 134. / 135. / 136. / 137. / 138. / 139. / 140. / 141. / 142. / 143. / 144. / 145. / 146. / 147. / 148. / 149. / 150. / 151. / 152. / 153. / 154. / 155. / 156. / 157. / 158. / 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4. Churches, hospitals, etc.: 150 feet.
  5. Clubs and lodges: 80 feet.
- (h) Minimum average lot depth.
1. Single family: 0 feet.
  2. Two family: 100 feet.
  3. Multiple family: 100 feet.
  4. Churches, hospitals, etc.: 100 feet.
  5. Clubs and lodges: 100 feet.
- (i) Maximum lot coverage. 40 per cent.
1. Single family: ~~50%~~ 40 per cent.
  2. Two family: 35 percent.
  3. Multiple family: 35 percent.
  4. Churches, hospitals: 35 percent.
  5. Clubs and lodges: 35 percent.
- (j) Maximum height. ~~40 feet / 40 feet / 40 feet / 40 feet / 40 feet~~ 35 feet
- (k) Minimum building setbacks:
1. Front:
    - a. Single family: 0 feet.
    - b. Two family: 20 feet
    - c. Multiple family: 30 feet.
    - d. Churches, hospitals, etc.: 30 feet.
    - e. Clubs and lodges: 30 feet.
  2. Side interior lot:
    - a. Single family: 0 feet.
    - b. Two family: 7.5 feet or 10 per cent of width of lot up to 15 feet, whichever is greater.
    - c. Multiple family: 15 feet or 10 per cent of width of lot up to 20 feet, whichever is greater.
    - d. Churches, hospitals, etc.: 20 feet or 10 percent of width of lot up to 30 feet, whichever is greater.
    - e. Clubs and lodges: 15 feet or 10 per cent of width of lot up to 20 feet, whichever is greater.
  3. Side corner lot:
    - a. Single-family: 0, 10 feet on street side.
    - b. Two family: 7.5 feet or 10 percent of lot width, whichever is greater, 15 feet on street side.
    - c. Multiple family: 15 feet, 20 feet on street side.
    - d. Churches, hospitals, etc.: 25 feet.
    - e. Clubs and lodges: 25 feet.
  4. Rear:
    - a. Single-family: 0 feet
    - b. Two-family: 20 feet, 15 feet when abutting an alley.
    - c. Multiple-family: 25 feet, 20 feet when abutting an alley.
    - d. Churches, hospitals, etc.: 25 feet, 20 feet when abutting an alley.
    - e. Clubs and lodges: 25 feet, 20 feet when abutting an alley.
  5. Rear corner lot: Same as side interior lot
- (l) Off-street parking and loading requirements. As specified in Section IX.
- (m) Sign limitations. ~~Signs shall not exceed 4 square feet in area for single family, 8 square feet for two family, 16 square feet for multiple family, and 16 square feet for churches, hospitals, etc.~~
1. A nonilluminated nameplate or professional nameplate not exceeding 2 square feet in area.
  2. Nonilluminated bulletin board or sign not exceeding 5 square feet in area in conjunction with permitted public and semipublic uses.
  3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that:



- a. No sign shall exceed 8 square feet in area for each 1/4 acre in the lot or tract; and
  - b. No one sign shall exceed 32 square feet in area.
4. A nonilluminated sign not exceeding 6 square feet in area used to identify a building containing multiple-family dwellings.
- All signs shall be set back at least 12 feet distant from all property and right-of-way lines. (Ord. No. 83-49, ss. 1,12-5-83)

\* \* \* \*

**(8) HP-2 Commercial Historic Preservation District.**

- (a) **Intent:** The provisions of this district are intended to protect and enhance the character of the commercial historic areas of the City of Key West.
- (b) **Principal uses and structures.** ~~§ 222.22 for HP-1 and in addition:~~
  - 1. Single-family dwellings.
  - 2. Public and semipublic parks, playgrounds, playfields and recreation facilities.
  - 3. Boat piers or slips for the docking or privately owned and used watercraft of any sort.
  - 4. Two-family dwellings.
  - 5. Multi-family structures not to exceed 22 dwelling units per acre.
  - 6. Professional offices, studios, clinics, laboratories, general offices, business schools, and similar uses.
  - 7. Bank and financial institutions.
  - 8. Antique, souvenir, gift, or other shops related to the historic character of the City of Key West.
  - 9. Personal service establishments, such as beauty and barber shops, laundry and dry cleaning pickup stations, tailor shops, florist shops, and similar uses.
  - 10. ~~Hotels, motels, guest houses and cottages~~ Transient living accommodations (hotels, motels, guest houses and cottages) not to exceed 30 habitable units per acre.
  - 11. Retail stores, sales and display rooms except automotive uses including establishment in which retail goods are sold upon premises.
  - 12. Eating and drinking establishments excluding drive-ins and establishments specializing in the preparation of foods not to be consumed within the main structure.
  - 13. Commercial recreation, such as theaters, bowling alleys and similar uses except drive-in theaters.
- (c) **Accessory uses and structures.** Customary accessory uses of one or more of the principal uses clearly incidental to the principal use in keeping with the historic character of the zone.
- (d) **Special exception permissible by board of adjustment.**
  - 1. Any use found by the board of adjustment to be appropriate and compatible with the historic character of the district.
  - 2. Any structure over 40 feet high.
  - 3. Any structure which preserves a historic aspect of the district which could not be saved without the special exception and the existing structure or site is causing an adverse economic impact on the surrounding commercial district.
- (e) **Prohibited uses and structures.** All uses not specifically or provisionally permitted herein; any use not in keeping with the historic character of the district.
- (f) **Minimum lot area.** 4,000 square feet and, in addition, the ratio of gross floor area to lot area shall not exceed ~~1.5~~ 1 to 1.
- (g) **Minimum average lot width.** 40 feet.



- (h) Minimum average lot depth. 100 feet.
- (i) Maximum lot coverage. 50 per cent.
- (j) Maximum height: 35 feet provided, however, an additional 5 feet of building height shall be allowed when the roof is of a pitched design, which roof shall be approved by the OIRC.
- (k) Minimum building setbacks.
  - 1. Side 2 1/2 feet
  - 2. Rear: 10 feet.
- (l) Off-street parking and loading requirements: As specified in Section IX.
- (m) Sign limitations: ~~Signs shall be permitted except the following:~~ No signs shall be permitted except the following:
  - 1. A nonilluminated nameplate or professional nameplate not exceeding 2 square feet in area.
  - 2. Nonilluminated bulletin board or sign not exceeding 5 square feet in area in conjunction with permitted public and semipublic uses.
  - 3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that:
    - a. No sign shall exceed 8 square feet in area for each 1/4 acre in the lot or tract; and
    - b. No one sign shall exceed 32 square feet in area.

All signs shall be set back at least 12 feet distant from all property and right-of-way lines. (Ord. No. 83-48, ss. 1,12-5-83)

#### (8A) HP-3 Light Commercial Historic Preservation

- (a) Intent. The provisions of this district are intended to protect and enhance the character of the residential historic areas of the City of Key West.
- (b) Principal uses and structures. ~~Residential uses and structures shall be permitted in this district.~~
  - 1. Single-family dwellings.
  - 2. Public and semipublic parks, playgrounds, playfields and recreation facilities.
  - 3. Boat piers or slips for the docking of privately owned and used watercraft of any sort.
  - 4. Two-family dwellings.
- (c) Accessory uses and structures. ~~Accessory uses and structures shall be permitted in this district.~~
  - 1. Noncommercial piers, bathhouses, and loading places intended solely for the use of the adjoining residences.
  - 2. Noncommercial nurseries and greenhouses.
  - 3. Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, garages, carports, and the like, in keeping with the residential character of the district.
- (d) Special exceptions permissible by the board of adjustment. ~~Special exceptions shall be permitted in this district.~~
  - 1. Public schools and private schools with conventional curriculums; public libraries.
  - 3. Churches and other places of worship.
  - 4. Public safety structures and equipment, such as fire substations, civil defense facilities and the like.
  - 5. Garage apartments.
  - 6. General sales offices such as real estate sales and similar uses.
  - 7. Guest houses.
  - 8. Neighborhood grocery.
  - 9. Hospitals, restoriums, convalescent homes, nursing homes for human care except institutions primarily for mental care.







- c. Multiple-family: 15 feet.
- d. Churches, hospitals, etc.: 25 feet.
- e. Clubs and lodges: 25 feet.
- 4. Rear:
  - a. Single-family: 15 feet.
  - b. Two-family: 7.5 feet or 10 per cent of width of lot up to 15 feet, whichever is greater.
  - c. Multiple-family: 15 feet or 10 per cent of width of lot up to 20 feet whichever is greater.
  - d. Churches, hospitals, etc.: 20 feet or 10 per cent of width of lot up to 30 feet, whichever is greater.
  - e. Clubs and lodges; 15 feet or 10 per cent of width of lot up to 20 feet, whichever is greater.

(1) Off-street parking and loading requirements. As specified in Section IX.

(m) Sign limitations. ~~Signs shall be limited to the following:~~

- 1. A nonilluminated nameplate or professional nameplate not exceeding 2 square feet in area.
- 2. Nonilluminated bulletin board or sign not exceeding 5 square feet in area in conjunction with permitted public and semipublic uses.
- 3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that:
  - a. No sign shall exceed 8 square feet in area for each 1/4 acre in the lot or tract; and
  - b. No one sign shall exceed 32 square feet in area.
- 4. A nonilluminated sign not exceeding 6 square feet in area used to identify a building containing multiple-family dwellings.

All signs shall be set back at least 12 feet distant from all property and right-of-way lines. (Ord. No. 83-48, ss. 1,12-5-83)

#### (9) C-1 Neighborhood Commercial District.

(a) Intent: The provisions of this district are intended to apply to an area adjacent to major streets and convenient to major residential areas. The types of uses are intended to serve the needs of nearby residential neighborhoods for commercial facilities as well as serve the commercial needs of the motorist. Lot sizes and other restrictions are intended to reduce conflicts with adjacent residential uses and to minimize the interruption of traffic along thoroughfares.

(b) Principal uses and structures: The following uses and structures are permitted providing any use or group of uses that are developed either separately or as a unit with certain site improvements shared in common, are developed on a site of less than 3 acres:

- 1. Public and semipublic parks, playgrounds, clubs, and lodges, hospitals, clinics, restoriums, government offices, schools, churches and similar uses.
- 2. Retail stores, sales and display rooms, except automotive uses, including places in which goods are produced and sold at retail upon the premises.
- 3. Personal service establishments such as beauty and barber shops, laundry and dry cleaning pickup stations, tailor shops, florist shops, and similar uses.
- 4. Professional offices, studios, clinics, laboratories, general offices, business schools and similar uses.
- 5. ~~Hotels, motels, and guest houses.~~ Transient living accommodations (hotels, motels, guest houses and cottages) not to exceed 30 habitable units per acre.
- 6. Eating and drinking establishments
- 7. Repair service establishments such as household appliances, radio, TV, and similar uses, but not including automobile repair.
- 8. Vocational and trade schools not involving operations of an industrial nature.



9. Banks and financial institutions.
  10. Public and private parking lots and garages with restrictions.
  11. Kindergartens, nurseries and child care facilities.
- (c) Accessory uses and structures. Customary accessory uses of one or more of the principal uses clearly incidental and subordinate to the principal use, in keeping with the low-density commercial character of the district.
- (d) Special exceptions permissible by board of adjustment.
1. Public utility and rights-of way.
  2. Commercial recreation structures such as theaters, driving ranges, bowling alleys, and similar uses.
  3. Service stations spaced not closer than 600 feet from another gasoline station, or church, or other place of public assembly.
  4. Any structure over 40 feet high.
  5. New and used electric automobile sales with accessory uses, subject to the following restrictions:
    - a. Merchandise shall only be displayed in an enclosed structure.
    - b. All servicing and repairing facilities shall be located in an enclosed structure.
    - c. There shall be no storage of new, junk or wrecked automobile other than temporary storage for those awaiting repair or those for merchandising display purposes, which shall be in an enclosed structure.
    - d. There shall not be more than one ingress or egress point which shall be placed so as not to interfere with movement of pedestrian traffic on public sidewalks.
  6. ~~Single-family residential~~ Single-family and multi-family residential not to exceed 16 dwelling units per acre.
- (e) Prohibited uses and structures.
1. Manufacturing activities, transportation terminals, storage, warehousing and other activities of a similar nature.
  2. Outdoor sales displays.
  3. All uses not specifically or provisionally permitted herein; any use not in keeping with the low-density character of the low-density commercial character of the district.
  4. Any use which fails to meet the Performance Standard specifications.
- (f) Minimum lot area.
1. 4,000 square feet and in addition, the ratio of gross floor area to lot area shall not exceed  $\sqrt[3]{7}$  .8 to 1.
  2. Gasoline stations: 15,000 square feet.
- (g) Minimum average lot width: (Generally,) 40 feet; gasoline stations, 150 feet.
- (h) Minimum average lot depth. (Generally,) 100 feet; gasoline stations, 100 feet.
- (i) Maximum lot coverage. 50 per cent.
- (j) Maximum height. 40 feet
- (k) Minimum building setbacks.
1. Front: Service stations, 40 feet; 20 feet to pump islands.
  2. Side interior lot: Service stations, 10 feet; other uses 2.5 feet.
  3. Side corner lot: Service stations, 40 feet; 20 feet to pump islands; other uses 2.5 feet.
  4. Rear: 15 feet, 10 feet when abutting an alley; service stations, 15 feet, 10 feet when abutting an alley.
- (l) Off-street parking and loading requirements. As specified in Section IX.
- (m) Sign limitations.



1. Signs may be illuminated by a steady light have no direct glare on any public street or right-of-way, but shall not be illuminated by flashing or blinking lights.
2. No lights shall be placed inside of or overhang a street right-of-way.
3. No sign shall be placed closer than 25 feet to a residential district.

**(10) C-2 General Commercial Parkway District.**

- (a) **Intent.** The provisions of this district are intended to apply to an area intended to be developed and preserved as a major commercial center serving the commercial needs of the community and the region. The types of uses and other restrictions are intended to promote and protect intense commercial development as well as provide adequate protection from conflicts with adjacent residential and other noncommercial uses, and to minimize the interruption of traffic along adjacent thoroughfares.
- (b) **Principal uses and structures.** The following uses and structures are permitted for any use or group of uses developed either separately, or if developed as a unit with certain site improvements shared in common, are developed on a site of less than 5 acres:

~~1. Public and semipublic parks, playgrounds, clubs, and lodges,~~

1. Public and semipublic parks, playgrounds, clubs, and lodges, hospitals, clinics, restaurants, government offices, schools, churches and similar uses.
2. Retail stores, sales and display rooms, except automotive uses, including places in which goods are produced and sold at retail upon the premises.
3. Personal service establishments such as beauty and barber shops, laundry and dry cleaning pickup stations, tailor shops, florist shops, and similar uses.
4. Professional offices, studios, clinics, laboratories, general offices, business schools and similar uses.
5. Hotels, motels, guest cottages.
6. Eating and drinking establishments.
7. Repair service establishments such as household appliances, radio, TV, and similar uses, but not including automobile repair.
8. Vocational and trade schools not involving operations of an industrial nature.
9. Banks and financial institutions.
10. Public and private parking lots and garages with restrictions.
11. Kindergartens, nurseries and child care facilities.
12. Any other retail sales outlet of products sold directly to the consumer.
13. Wholesaling from same stocks only with no production permitted on the premises.
14. ~~Hotels, motels, guest cottages~~ Transient living accommodations (hotel, motels, guest houses and cottages) not to exceed 30 habitable units per acre.
15. Eating and drinking establishments.
16. Commercial recreation such as theaters, bowling alleys, and similar uses except drive-in theaters.
17. Plant nurseries and green houses, providing that all outside display of merchandise shall be contained in the setbacks required.
18. Retail stores using display (outside) areas providing that following provisions are met:
  - a. The area of outside display shall not exceed in size one-half the enclosed area of the principal structure.
  - b. The outside display area shall be treated with a hard material suitable for pedestrian traffic.
  - c. The outside display area may be open along the front of the lot but shall be effectively screened on the sides at least 80 per cent opaque to avoid any deleterious effect on adjacent properties.



- d. The outside display area shall be considered the same as floor area for the purpose of calculating off-street parking requirements.
19. Hospitals, restoriums, convalescent homes, nursing homes for human care.
  20. Public and private clubs and lodges including golf course and club and similar activities.
  21. Churches and other places of worship.
  22. Public and semipublic uses not of an industrial or warehousing nature, including offices, schools, public safety structures and equipment, government offices, cultural facilities, cemeteries, and the like.
  23. New and used automobiles, marine equipment and trailer sales with accessory uses, subject to the following restrictions:
    - a. All outside areas where merchandise is displayed shall be paved.
    - b. All ingress and egress points to abutting streets shall be clearly marked and placed not closer than 100 feet apart.
    - c. All servicing and repair facilities except gasoline pumps shall be located in an enclosed structure.
    - d. There shall be no storage of junked or wrecked automobiles other than temporary storage for those awaiting repairs.
    - e. Ingress and egress points shall not be placed so as to interfere with the movement of pedestrian traffic on public sidewalks.
  24. Commercial recreation structures such as theaters, driving ranges, bowling alleys and similar uses, except drive-in theaters.
  25. Mortuaries, funeral homes.
  26. Service stations subject to the provisions of C-1.
- (c) **Accessory uses and structures.** Customary accessory uses of one or more of the principal uses clearly subordinate to the principal use, in keeping with the highway approach character of the district.
- (d) **Special exceptions permissible by board of adjustment.**
1. Public utility uses and rights-of way.
  2. Automotive repair establishments when conducted entirely in an enclosed structure but not including body, upholstering or painting.
  3. Business service and printing establishments.
  4. Marinas, where abutting a public waterfront, providing that :  
Piers, wharfs, and other structures projecting into public waters beyond the mean high waterline.
    - a. No superstructure, building, equipment, or facilities shall be located or maintained on any pier or wharf over 3 feet in height above such pier or wharf.
    - b. None shall be so constructed as to interfere with the riparian rights of other property owners.
    - c. Where consistent with the riparian rights of adjoining property rights of adjoining property owners, none shall be constructed except within an area bounded by lines drawn at right angles to an intersection at points 30 feet inside a line drawn between the points at which sidelines of the property intersect the waterlines.
  5. Veterinary hospitals and clinics.
  6. Drive-in theaters.
  7. Planned Commercial Development on a parcel 3 or more acres subject to the provisions set forth in the Schedule of Special Exceptions Permissible by the Board of Adjustment for Planned Development. Uses in such planned development for which variations to lot and building regulations are planned.
  8. Any structure over 40 feet high.
  9. ~~Single family and multifamily residential~~. Single family and multifamily residential not to exceed 16 dwelling units per acre.
- (e) **Prohibited uses and structures.**
1. Manufacturing activities, transportation terminals, storage, warehousing and other activities of a similar nature.



2. All uses not specifically or provisionally permitted herein; any use not in keeping with the intense commercial character of the district.
  3. Outdoor sales and/or display areas except as provided herein.
  4. All uses not specifically or provisionally permitted herein; any use not in keeping with the highway approach character of the district.
  5. Any use which fails to meet Performance Standards specifications.
  6. Service stations and other automotive uses except as specifically permitted.
- (f) Minimum lot area. ~~See: pp. 101-102~~  
 1. [Generally] 4,000 square feet and in addition, the ratio of gross floor area to lot area shall not exceed ~~1.5~~ 1.8 to 1.  
 2. Gasoline stations: 15,000 square feet.
- (g) Minimum average lot width. 40 feet.
- (h) Minimum average lot depth. 100 feet
- (i) Maximum lot coverage. 50 per cent.
- (j) Maximum height. 40 feet or special exception.
- (k) Minimum building setbacks.  
 1. Front: 50 feet  
 2. Side interior lot: 2.5 feet, except where a use borders a district requiring a greater setback, such use will provide the same setback as required for the abutting district.  
 3. Side corner lot: 40 feet.  
 4. Rear: 15 feet; 10 feet when abutting an alley.
- (l) Off-street parking and loading requirements. As specified in Section IX.
- (m) Sign limitations. ~~See: pp. 101-102~~  
 1. Signs may be illuminated by a steady light having no direct glare on any public street or right-of-way, but shall not be illuminated by flashing or blinking lights.  
 2. No lights shall be placed inside of or overhang a street right-of-way.  
 3. No sign shall be placed closer than 25 feet to a residential district. (Ord. No. 84-41, ss. 1, 10-1-84)

\* \* \* \*

**(13) R-2H Large Hotel, Motel and Multiple-Family District.**

- (a) Intent. The R-2H District is intended to apply to an area predominately developed with large hotels, motels and multiple-family dwellings or by its location, trend of development or planned development designated in the Comprehensive Plan (or Land Use Plan) is appropriate to such uses.
- (1) Permitted uses.
- a. Principal uses: Within any R-2H district, no building, structure, land or water shall be used, constructed, reconstructed or structurally altered except for one or more of the following uses:
    - (1) Hotels, motels, and apartment hotels.
    - (2) Multiple-family dwellings.
  - b. Accessory uses: The following uses may be used in conjunction with one or more of the principal uses.
    - (1) Restaurant, lounge, small retail shops and service establishments and recreational facilities when operated in conjunction with one or more of the principal uses. Any shops or service establishments



may not exceed five hundred (500) square feet per unit.

- (2) Dockage and rental of boats, including the sale of marine fuels and lubricants and small dockside repairs when operated in conjunction with one or more of the principal uses.
  - (3) Day nurseries and nursery schools when operated as an accessory to one or more of the principal uses.
  - (4) Customary accessory uses of large hotels, motels, multiple family dwellings and country clubs.
- (2) **Special exception.** When, after a review of an application and completion of the procedure as required by this Code (ordinance), the following uses may be permitted by special exception
- a. Ordinary public utility uses, and rights-of-way, provided, however, that all aboveground utility uses except aerial cables be provided with a five-foot visual buffer wherever such use is adjacent to residential lot, and, further that all aboveground structures connected with such uses be designed and constructed so that it is compatible with adjacent uses.
  - b. Churches and accessory uses.
  - c. Restaurant and lounge not operated as an accessory use.
  - d. Private clubs and lodges and accessory uses.
  - e. Office buildings and accessory uses.
  - f. Special exception may be permitted by the city commission to the restrictions set forth in this district after a public hearing with due public notice.

Prior to granting a special exception, the city commission shall find the proposed special exception is necessary and/or appropriate to the area in which it is proposed, that it will be reasonably compatible with surrounding uses; that any nuisance or hazardous feature involved is suitably separated and buffered from adjacent uses; that it will not hinder development of nearby vacant properties; that a parking problem will not be created; and that the land and/or buildings which are involved is adequate.

- (3) **Prohibited uses.**
- a. All commercial uses except as specifically permitted herein.
  - b. Commercial parking lot not operated as an accessory use to one or more of the principal uses.
  - c. All residential uses except as specifically permitted herein.
  - d. Any storage except as an accessory use and then only enclosed storage areas shall be permitted.
- (4) **Area Regulations.** The following regulations shall apply to any building erected or any use of land within the R-24 district:
- a. Hotels, motels, apartment hotels, and multiple-family dwellings:
- (1) **Minimum lot size:** ~~any lot less than 10,000 square feet~~ 30,000 square feet and, in addition, the ratio of gross floor area to lot area shall not exceed .8 to 1.
  - (2) **Maximum lot coverage:** No building shall occupy more than forty (40) per cent of its lot area.
  - (3) **Minimum floor area:** Any principal building erected within the R-24 district shall contain a minimum of three hundred (300) square feet per unit for hotels and motels; four hundred (400) square feet per unit for apartment hotels and six hundred fifty (650) square feet for a one-bedroom dwelling unit and seven hundred fifty (750) square feet for a two-bedroom dwelling unit, plus one hundred (100) square feet for each additional bedroom in a dwelling unit.
  - (4) **Maximum building height:** ~~40 feet~~ 40 feet as measured from the crown of the nearest adjacent street to the highest point of the proposed building.



- (5) Maximum density: ~~Any other than fifteen (15) dwelling units per acre~~ For transient living accommodations (hotels, motels, guest houses, or cottages) no more than 30 habitable units per acre, and for residential use no more than 16 dwelling units per acre.
- (6) Minimum yard setbacks: Any building erected within the R-2H district shall conform to the following yard setbacks.
- (a) Front yard: There shall be a front yard of not less than forty (40) feet plus one foot for each two (2) feet of building height over thirty-five (35) feet except that no front yard over sixty (60) feet shall be required.
  - (b) Side yard: There shall be a side yard of not less than twenty (20) feet in depth, plus one foot per each two (2) feet of building height over thirty-five (35) feet except that no side yard over thirty-five (35) feet shall be required.
  - (c) Rear yard: There shall be a rear yard of not less than twenty (20) feet plus one foot per each two (2) feet of building height over thirty-five (35) feet except that no rear yard over thirty-five (35) feet shall be required.

\* \* \* \*

(15) Planned Development (PD)

1. Defined. A Planned Development (PD) is:

(a) Land under unified control, planned and developed as a whole in a single development or programmed series of development operations including any of the following:

- 1. Mixed commercial and residential units; or
- 2. More than one residential unit; or
- 3. More than one commercial unit; and

(b) With principal and accessory uses and structures substantially related to the character of the development and the context of the neighborhood of which they are a part; and

(c) Designed according to comprehensive plans which would include streets, utilities, lots or buildings sites and site plans indicating all structures and their relationship to each other and to other uses and improvement, as well as to open spaces.

2. Application for planned development. The proponents of a planned development shall make a written application in accordance with the provisions of this Section to the Key West City Commission for the approval of a planned development.

3. Permitted uses. Uses permitted in a planned development may include and shall be limited to:

(a) Dwelling units in detached, semidetached, attached or multi-family structures, or any combination thereof.

(b) Nonresidential uses such as religious, cultural, recreational and commercial uses, to the extent that they are compatibly and harmoniously incorporated into unitary design of the planned development.

4. Density limitation. A planned development shall not contain more than an average of 16 residential dwelling units per acre ~~excluding~~ utilized for residential structures, and not more than an average of 30 transient living accommodation habitable units per acre for that area utilized for transient living accommodations.



5. Submission of plans and action thereon. The application for approval of a planned development shall be submitted and acted upon as follows:

- (a) 25 copies of a plan including:
  - 1. The name, location, legal description, size and type of planned development.
  - 2. The existing and proposed land uses by acreage, the floor area ratio, type and location of buildings, including setbacks from the mean high water level of every water body, landscaping and parking areas. Floor area ratio shall not exceed one (1) in a PD. Landscaped decks not under roof may not be considered floor area at the discretion of the City Commission. Parking requirements shall be consistent with Section IX of the Zoning Ordinance.
  - 3. The existing and proposed topography and other natural features including water bodies, wetlands, and a general description of the vegetation. A minimum of 25% of a PD shall consist of open landscaped area.
  - 4. Maximum height of building and structures; building height shall not exceed 35 feet (except by special exception) measured from the crown of the nearest adjacent street to the highest point of the proposed building. An additional five (5) feet of building height shall be allowed when the roof is of a pitch design, which roof shall be approved by the Old Island Restoration Commission.
  - 5. Compliance with the provisions of Chapter 24 1/2, Key West Code of Ordinances. (Community Impact Assessment Statement).
  - 6. Identification of the present ownership and the developers of all land including in the development.
  - 7. Identification of consultant involved in plan preparation.
  - 8. Location of utilities. All utilities shall be installed underground where practical. Utility facilities, such as sub-stations, shall be screened.
  - 9. Exterior lights. Shaded light sources shall be used to illuminate all signs, facades, buildings, parking and loading areas and shall be so arranged as to eliminate glare to properties lying outside the PD. No intermittent or flashing lights or signs shall be allowed.
- (b) The City Commission shall advertise and hold a public hearing within 120 days of the time of the plan submittal.
- (c) Upon review by the Key West Planning and Restoration Commission of the development plans, the Planning and Restoration Commission will transmit the development plans to the City Commission along with their recommendations.
- (d) The City Commission, following receipt of staff and Planning and Restoration Commission recommendations, will review the development plans for compliance with city codes and to determine that said plans are compatible with general city development.
- (e) Development plans proposed inside the City of Key West Historical Preservation District shall receive approval by the Old Island Restoration Commission prior to approval by the City Commission.

6. Time periods and extension thereof.

- (a) Construction shall begin within a time period of one (1) year, beginning with the official publication of the ordinance creating the planned development. Failure to begin construction within this one (1) year period shall automatically cause the approval of the planned development to



be rescinded, unless a request for an extension of time is granted.

- (b) An application for extension of the one (1) year period shall be made to the City Commission of Key West and shall be accompanied by such evidence as shall be necessary to show substantial need and shall be made before the expiration of the one (1) year period. The City Commission may by resolution grant the extension.
  - (c) After planned development has been approved by the City Commission no substantial alterations to the approved plan of development shall be made unless submitted to the City Commission and approved by the City Commission.
  - (d) If, for any reason, the plan is abandoned, or if the construction is terminated after the completion of any stage and there is evidence that further development is not contemplated, the ordinance establishing the planned development may be rescinded by the City Commission.
7. **Modification of ordinances and codes.** The subdivision of lands approved for a planned development shall be subject to such requirements for approval and recording as have been established by the City of Key West and its ordinances and codes.

\* \* \* \*

#### Section IX. Off-street parking and loading regulations.

##### **1. Off Street Parking and Loading requirements.**

- (a) **Definition of off-street parking spaces:** For the purpose of this ordinance, the term "off-street parking space" shall be a minimum of nine (9) feet wide and twenty (20) feet long. driveways for a parking area shall be a minimum of twenty (20) feet wide (two-way) and twelve (12) feet wide (one-way).
- (b) **Requirements for off-street parking:** There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, minimum off-street automobile parking space with adequate provisions for ingress or egress in accordance with the following requirements.
  - 1. **Auditorium, theaters, or other places of assembly:** One space for five persons or seats, or one space for every 150 square feet of floor area of the main assembly hall, whichever is larger.
  - 2. **Business or commercial buildings:** One space for each 300 square feet of gross floor area or fraction thereof.
  - 3. **Churches, temples or places of worship:** One space for each five persons or seats, or one space for each 150 square feet of floor area of the main assembly hall, whichever is greater.
  - 4. **Clubs or lodges:** One space for each five seats or persons or one space for each 150 square feet of floor area of the main assembly hall, whichever is greater.
  - 5. **Hospitals, sanitariums:** One space for each four patient beds, plus one space for every two employees on the largest working shift, exclusive of spaces required for doctors.
  - 6. **Libraries, museums:** A parking area equal to 50 per cent of the floor area open to the public.
  - 7. **Manufacturing and industrial uses:** One space for each two employees on the largest working shift.



8. Medical or dental clinics: Five spaces for each doctor or dentist.
9. Mortuaries: One space for each eight seats of chapel capacity, plus one additional space for each two employees, exclusive of areas needed for ambulances.
10. Nursing or convalescent homes: One space for each four beds.
11. Office and professional buildings: One space for 300 square feet of gross floor area.
12. Restaurants or other eating places: One space for each three seats.
13. Rooming, boarding houses: One space for each two beds.
14. Schools and public buildings: One space for each five seats, or one space for every 150 square feet of floor area in the main assembly hall, whichever is greater.
15. Transient lodging facilities: One space for each sleeping unit plus one space for the owner or manager.
16. Residential dwelling unit: One space for each unit.
17. Marinas: one space for each live-aboard boat, one space for each four pleasure boats stored on-site, and one space for each three passengers capacity of commercial boats.
18. All other uses: To be determined by the official agency of the City of Key West charged with approving plans for such uses to be constructed.

- c. The requirement set forth in subsection 1b of Section IX of the Zoning Ordinance of the City of Key West, Florida, (Ordinance No. 69-29), shall not apply to existing buildings and other structures in the following described area of the City of Key West, Florida: Bounded on the north by the Bay of Florida shoreline, on the east by the westerly boundary of White Street, on the south by the southerly boundary of Truman Avenue including all structures fronting on the southerly side of Truman Avenue and on the west by the government properties known as Fort Taylor and Truman Annex.

This waiver of off-street parking shall apply only so long as a change in use from residential to commercial or a change in residential use which increased density does not occur to said existing buildings and other structures. If such a change or changes in use occur, then the additional increase in parking requirements generated as a result of such change(s) in use shall be provided as set forth in subsection 1.b above.

## 2. Off-Street Loading Requirements Generally.

### a. Requirement for off-street loading spaces

1. Every single occupancy permitted use having a floor area of ten thousand square feet or fraction thereof requiring the receipt of distribution vehicles of materials and merchandise shall have at least one permanently maintained off-street loading space for the first 10,000 square feet and one additional space for each 20,000 square feet of gross floor area or fraction thereof, over and above the first 10,000 square feet and one additional space for each 20,000 square feet of gross floor area or fraction thereof, over and above the first 10,000 square feet.



2. Single occupancy retail operations, wholesale and industrial operations with a gross floor area of less than 10,000 square feet shall provide sufficient receiving space on the property so as not to hinder the fast movement of vehicles and pedestrians over a sidewalk, street, or alley.

b. Location and dimension of off-street loading space:

Each space shall have direct access to an alley or street and shall have the following minimum dimensions: Length, 25 feet; width, 12 feet; height, 14 feet.

\* \* \* \*

#### Section XXIV. Definitions.

44. Tourist and transient living accommodations - Not included  
commercially operated housing principally  
available to short-term visitors for less than 28 days.

a. **Model:** A group of tourist accommodation units under one ownership or on one tract of land and designed primarily for access by automobile. Overnight guests may be taken for longer periods than overnights. Eating or cooking facilities shall not be provided within individual units.

b. Tourist courts: A group of tourist accommodation units under one ownership or on one tract of land providing facilities for overnight guests or of longer periods of time, and with cooking or eating facilities within the individual units.

c. Hotel: A structure primarily for transient guests, including rooms with or without cooking and complete apartment facilities, but confined within one principal building except for necessary accessory buildings. "

d. **Guest house:** Any place wherein tourist, transients, travellers or persons desiring temporary residence are provided with sleeping and sanitary facilities. Cooking facilities may or may not be provided in a guest house. The number of rooms in a guest house shall not exceed twenty-five (25). The minimum room sizes for a guest house shall be as follows:

Single room - Eighty (80) square feet.

Double room - One hundred (100) square feet.

Multiple Occupancy Room - One hundred (100) square feet, in addition fifty square feet for each occupant over two (2).

Sanitary facilities shall be provided in a guest house. Where sanitary facilities are shared there shall be provided one (1) water closet, one (1) sink and one (1) bathtub or shower for each eight (8) beds (or portion thereof) sharing the facilities.

Off-street shall be provided for a guest house at the rate of one (1) parking space for each three (3) rooms (or portion thereof).

Section 3. If any provision of this Ordinances is held to be unconstitutional, preempted by federal or state law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall be not be invalidated.

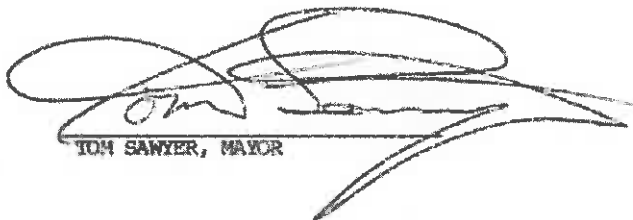
Section 4. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.



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.

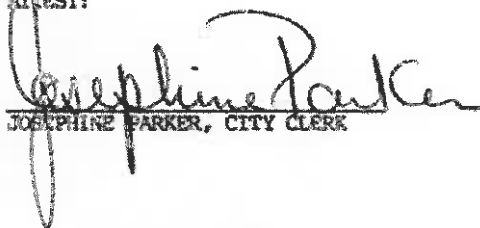
Read and passed on first reading at a regular meeting held this 19  
day of June, 1986.

Read and passed on final reading at a regular meeting held this 1  
day of July, 1986.



TOM SAWYER, MAYOR

ATTEST:



JOSEPHINE PARKER, CITY CLERK



ORDINANCE NO. 89-6

AN ORDINANCE AMENDING SECTION 35.07(8), (8A), (9), (10), (13), AND (15) OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; PROVIDING THAT TRANSIENT LIVING ACCOMMODATIONS UNIT DENSITY BE AMENDED TO SIMILAR RESIDENTIAL UNIT DENSITY FOR THE RESPECTIVE ZONES WHICH ALLOW TRANSIENT LIVING ACCOMMODATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Continuing development of transient housing is causing an imbalance between residential and transient housing needs, and

WHEREAS, Continuing development of transient housing is causing increased demands for unavailable affordable residential housing, NOW THEREFORE,

BE IT ENACTED by the City Commission of the City of Key West, Florida as follows:

Section 1. Section 35.07 of the Key West Code is hereby amended to read as follows (deleted portions are ~~struck through~~; added portions are underlined):

Section 35.07 Schedule of District Regulations Adopted

\* \* \* \*

(8) HP-2 Commercial historic preservation district. (b)10. Transient living accommodations (hotels, motels, guest houses and cottages) not to exceed ~~thirty~~ ~~400~~ twenty-two (22) habitable units per acre.

\* \* \* \*

(8A) HP-3 Light commercial historic preservation. (d)6. Guest houses or other transient living accommodations not to exceed sixteen (16) habitable units per acre.

\* \* \* \*

(9) C-1 Neighborhood commercial district. (b)5. Transient living accommodations (hotels, motels, guest houses and cottages) not to exceed ~~thirty~~ ~~400~~ sixteen (16) habitable units per acre.

\* \* \* \*

(10) C-2 General commercial parkway district. (b)14. Transient living accommodations (hotels, motels, guest houses and cottages) not to exceed ~~thirty~~ ~~400~~ sixteen (16) habitable units per acre.

\* \* \* \*

(13) R-2H Large hotel, motel and multiple-family district. (a)4.a.v. Maximum density: For transient living accommodations (hotels, motels, guest houses, or cottages) no more than ~~thirty~~ ~~400~~ sixteen (16) habitable units per acre, and for residential use no more than sixteen (16) dwelling units per acre.

\* \* \* \*



(15) PD Planned development. (d) Density limitation. A planned development shall not contain more than an average of sixteen (16) residential dwelling units per acre for that area utilized for residential structures, and not more than an average of ~~thirty~~ (30) sixteen (16) transient living accommodation habitable units per acre for that area utilized for transient living accommodations.

\* \* \* \*

Section 2. This ordinance shall not apply to the replacement of any existing facility, any facility for which a building permit has been issued, nor to any project for which a substantially complete development application has been filed with the City and is pending on January 17, 1989.

Section 3. 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 3. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 4. This ordinance shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 17th day of January, 1989.

Read and passed on final reading at a regular meeting held this 6 day of March, 1989.

  
RICHARD HEYMAN, MAYOR

ATTEST:

  
JOSEPHINE PARKER, CITY CLERK



(j) *Maximum height.*

1. Single-family: 30 feet.
2. Multiple-family: 30 feet.

(k) *Minimum building setbacks.*

## 1. Side interior lot:

- a. Single-family: 5 feet or 10 percent of the width of the lot up to 15 feet, whichever is greater.
- b. Multiple-family: 5 feet or 10 percent of width of lot up to 15 feet, whichever is greater.

## 2. Side corner lot:

- a. Single-family: 5 feet.
- b. Multiple-family: 5 feet.

## 3. Rear:

- a. Single-family: 20 feet.
- b. Multiple-family: 20 feet.

(l) *Off-street parking and loading requirements.*

1. Single-family: As specified in section 35.09.
- Multiple-family: As specified in section 35.09

(m) *Sign limitations.*

1. Single-family: Same as for R-1A, with the exception that no setback from property or right-of-way lines shall be required.
2. Multiple-family: Same as for R-1A, with the exception that no setback from property or right-of-way lines shall be required.

(8) **HP-2 Commercial historic preservation district.**

(a) *Intent:* The provisions of this district are intended to protect and enhance the character of the commercial historic areas of the City of Key West.

(b) *Principal uses and structures.*

1. Single-family dwellings.
2. Public and semipublic parks, playgrounds, playfields and recreation facilities.
3. Boat piers or slips for the docking of privately owned and used watercraft of any sort.

## 4. Two-family dwellings.

## 5. Multifamily structures not to exceed twenty-two (22) dwelling units per acre.

## 6. Professional offices, studios, clinics, laboratories, general offices, business schools, and similar uses.

## 7. Bank and financial institutions.

## 8. Antique, souvenir, gift, or other shops related to the historic character of the City of Key West and not subject to the provisions of section 35.45.

## 9. Personal service establishments, such as beauty and barber shops, laundry and dry-cleaning pickup stations, tailor shops, florist shops, and similar uses.

## 10. Transient living accommodations (hotels, motels, guest houses and cottages) not to exceed twenty-two (22) habitable units per acre and not subject to the provisions of section 35.45.

## 11. Retail stores, sales and display rooms except automotive uses including establishments in which retail goods are sold upon premises.

## 12. Eating and drinking establishments excluding drive-ins and establishments specializing in the preparation of foods not be consumed within the main structure.

## 13. Commercial recreation, such as theaters, bowling alleys and similar uses except drive-in theaters.

(c) *Accessory uses and structures.* Customary accessory uses of one (1) or more of the principal uses clearly incidental to the principal use in keeping with the historic character of the zone.

(d) *Special exception permissible by board of adjustment.*

1. Any use found by the board of adjustment to be appropriate and compatible with the historic character of the district.
2. Any structure over 40 feet high.



3. Any structure which preserves an historic aspect of the district which could not be saved without the special exception and the existing structure or site is causing an adverse economic impact on the surrounding commercial district.

4. An accessory apartment as defined in section 35.24(1)a.

(e) *Prohibited uses and structures.* All uses not specifically or provisionally permitted herein; any use not in keeping with the historic character of the district.

(f) *Minimum lot area.* 4,000 square feet and, in addition, the ratio of gross floor area to lot area shall not exceed 1 to 1.

(g) *Minimum average lot width.* 40 feet.

(h) *Minimum average lot depth.* 100 feet.

(i) *Maximum lot coverage.* 50 per cent.

(j) *Maximum height:* 35 feet provided, however, an additional 5 feet of building height shall be allowed when the roof is of a pitched design, which roof shall be approved by the HARC.

(k) *Minimum building setbacks.*

1. Front: 5 feet.
2. Side: 2½ feet.
3. Rear: 10 feet.

(l) *Off-street parking and loading requirements:* As specified in section 35.09.

(m) *Sign and lighting limitations:* No signs shall be permitted except the following:

1. A nonilluminated nameplate or professional nameplate not exceeding 2 square feet in area.
2. Nonilluminated projecting or pole sign not exceeding 5 square feet in area in conjunction with permitted public and semipublic uses.
3. Temporary real estate signs advertising the sale, rental or lease of only the premises upon which they are located, provided that:

a. No sign shall exceed 8 square feet in area for each ¼ acre in the lot or tract; and

b. No one (1) sign shall exceed 32 square feet in area.

4. Neon signs with a total maximum area of 10.0 square feet per storefront.

5. Marquee signs which are historically significant, as evidenced by continuous presence at one business location for ten (10) years or more and existing on September 1, 1991.

No lights prohibited by Code of Ordinances section 101.27 shall be permitted.

**(8A) HP-3 Light commercial historic preservation.**

(a) *Intent.* The provisions of this district are intended to protect and enhance the character of the residential historic areas of the City of Key West.

(b) *Principal uses and structures.*

1. Single-family dwellings.
2. Public and semipublic parks, playgrounds, playfields and recreation facilities.
3. Boat piers or slips for the docking of privately owned and used watercraft of any sort.
4. Two-family dwellings.

(c) *Accessory uses and structures.*

1. Noncommercial piers, bathhouses and loading places intended solely for the use of the adjoining residences.
2. Noncommercial nurseries and greenhouses.
3. Customary accessory uses of a residential nature, clearly incidental and subordinate to the principal use, garages, carports, and the like, in keeping with the residential character of the district.

(d) *Special exceptions permissible by the board of adjustment.*

1. Public schools and private schools with conventional curriculums; public libraries.





## OFFICIAL ZONING MAP OF THE CITY OF KEY WEST, FLORIDA

## LEGEND

|      |             |
|------|-------------|
| A    | Anton       |
| C-FW | Correlation |
| C-DW | Correlation |
| E-TW | Correlation |
| H-TW | Correlation |
| CG   | Current     |
| EL   | Linear      |
| CM   | Correlation |
| CT   | Sub         |
| HCL  | Linear      |
| HCT  | Linear      |
| HOM  | High        |

**ATTESTED:**

See Key West City of  
77 FORDHAM CITY PL

Zoning &amp; circulation based on Future Land Use Map (FLUM)

Original map created by D. Sullivan, Streets with the City of Key West Planning Department dated 10/03.

1996 Revisions provided by the City of Key West Planning Department. FLUM adopted as zoning map by ordinance 97-10, July 3, 1997.

2004 Revisions provided by the City of Key West Planning Department based on ordinances 03-18, 03-21, and 03-04.

Base map provided by the Monroe County Property Appraiser.

Parcel map updated on June 24, 2004.

Map prepared on December 14, 2004.

This project is located within the Key West Wetlands Official Use Area as shown on the map of the Monroe County, Florida, 17th Judicial Circuit, Key West, Florida, and is subject to the Key West Wetlands Ordinance, which is a local law of the City of Key West. No other laws or regulations apply to this project. No other laws or regulations apply to this project. No other laws or regulations apply to this project.

---

**John Gandy Residential**  
**Ken Gandy Residential**  
**Ed Medium Density Residential**  
**Lowrise Professional and**  
**Medium Office**

12. Subdivided  
Central Office  
In Family  
Period,  
Finances 127-296 and 127-298

|       | MDR-1 | MDR-2 | PBRD | F&S | NO | SR | SF | Q |
|-------|-------|-------|------|-----|----|----|----|---|
| MDR-1 |       |       |      |     |    |    |    |   |
| MDR-2 |       |       |      |     |    |    |    |   |
| PBRD  |       |       |      |     |    |    |    |   |
| F&S   |       |       |      |     |    |    |    |   |
| NO    |       |       |      |     |    |    |    |   |
| SR    |       |       |      |     |    |    |    |   |
| SF    |       |       |      |     |    |    |    |   |
| Q     |       |       |      |     |    |    |    |   |

- Historic High Dive by Residents
- Historic Medium Density Residential
- Historic Neighborhood Committee
- Historic Planned Redevelopment and Development District
- Historic Plazas and Semipublic
- Historic Plazas and Semipublic
- Historic Residential Commercial
- Historic Residential Commercial
- Historic Residential Office
- Historic Low Density Residential
- Historic

|  |             |
|--|-------------|
|  | HHR         |
|  | HRR         |
|  | MHC (1-2)   |
|  | MRO         |
|  | NPS         |
|  | NHS (1 & 2) |
|  | NRC         |
|  | NRCG (1-4)  |
|  | NTO         |
|  | LDR-C       |
|  | M           |

END

**Aycon**

Construction, Freshwater Water  
Conservation Division, Des Moines, IA  
12000000000-Total Worldwide  
Construction, Up to 100 Million  
Greatest Commercial  
Limited Commercial  
Construction, Airports  
Sub-Pipe Commercial Rural  
Historic Limited Commercial  
Historic Commercial Rural  
High Density Residential

—

0 5,000 10,000 Feet

| Age group | Number of people |
|-----------|------------------|
| 15-24     | ~1,000           |
| 25-34     | ~1,500           |
| 35-44     | ~2,000           |
| 45-54     | ~2,500           |
| 55-64     | ~3,000           |
| 65-74     | ~3,500           |
| 75-84     | ~3,000           |
| 85-94     | ~2,500           |

| Year | Number of people |
|------|------------------|
| 2018 | 1,200            |
| 2019 | 1,800            |

0



#### Subdivision IV. - HRCC-3 Duval Street Oceanside District

##### Sec. 122-746. - Intent.

Consistent with the comprehensive plan future land use map, the HRCC-3 Duval Street Oceanside District includes the Duval Street Oceanside Corridor from Petronia Street south to United Street. Located toward the southern end of Duval 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. 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 district north of Petronia Street. The criteria for development within the HRCC-3 district 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 activities.

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

##### Sec. 122-747. - Uses permitted.

Uses permitted in the HRCC-3 Duval Street Oceanside District are as follows:

- (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) Hotels, motels and transient lodging.
- (8) Medical services.
- (9) Parking lots and facilities.
- (10) Restaurants, excluding drive-through.
- (11) Veterinary medical services without outside kennels.

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

##### Sec. 122-748. - Conditional uses.

Conditional uses in the HRCC-3 Duval Street Oceanside 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) Commercial retail low and medium intensity greater than 5,000 square feet.
  - (11) Commercial retail high intensity.
  - (12) Funeral homes.
  - (13) Small recreational power-driven equipment rentals.
- (Ord. No. 97-10, § 1(2-5.5.3(3)(C)), 7-3-1997)

**Sec. 122-749. - Prohibited uses.**

In the HRCC-3 Duval Street Oceanside District, all uses not specifically or provisionally provided for in this subdivision are prohibited.

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

**Sec. 122-750. - Dimensional requirements.**

The dimensional requirements in the HRCC-3 Duval Street Oceanside 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: 22 dwelling units per acre (22 du/acre).
- (2) Maximum floor area ratio: 1.0.
- (3) Maximum height: 35 feet plus an additional 5 feet if the structure has a pitched roof, the design of which is approved by the historic architectural review commission.
- (4) Maximum lot coverage:
  - a. Maximum building coverage: 50 percent.
  - b. Impervious surface ratio: 60 percent.
- (5) Minimum lot size: 4,000 feet.
  - a. Minimum lot width: 40 feet.
  - b. Minimum lot depth: 90 feet.
- (6) Minimum setback:
  - a. Front: 5 feet.
  - b. Side: 5 feet.
  - c. Rear: 15 feet.
  - d. Street side: 7.5 feet.

(Ord. No. 97-10, § 1(2-5.5.3(3)(E)), 7-3-1997; Ord. No. 10-04, § 9, 1-5-2010)

**Secs. 122-751—122-755. - Reserved.**



**Attachment j:**

Provision of affidavits to support the existence of a unit is allowed, but cannot be the sole record upon which a decision is based.



**No affidavit was submitted by the applicant.**