

ORDINANCE NO. 2021-

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED “ZONING”, ARTICLE IV, ENTITLED “DISTRICTS”, DIVISION 8 ENTITLED “HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICTS”, TO CREATE A NEW ZONING DISTRICT ENTITLED THE “HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICT BAHAMA VILLAGE TRUMAN WATERFRONT” (HNC-4), PROVIDING AMENDMENTS TO SECTION 122-92, ENTITLED "FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS”, SECTION 122-1111, ENTITLED “TABLE OF LAND USE BY DISTRICTS”, SECTION 122-1112, ENTITLED “TABLE OF PERMITTED AND CONDITIONAL COMMERCIAL RETAIL USES BY DISTRICTS”, AND SECTION 122-1151, ENTITLED “SIZE AND DIMENSION”; PROVIDING FOR INTENT, PERMITTED USES, CONDITIONAL USES, PROHIBITED USES, AND DIMENSIONAL REQUIREMENTS; PROVIDING FOR A RESIDENTIAL DENSITY OF UP TO 40 UNITS PER ACRE; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West received a request to amend the City’s Land Development Regulations; and

WHEREAS, the amendment will add an additional subdistrict to Chapter 122 of the Land Development Regulations, entitled “Zoning”, Article IV, entitled “Districts”, Division 8; and

WHEREAS, the additional subdistrict will be named the “Historic Neighborhood Commercial District Bahama Village Truman Waterfront” (HNC-4); and

WHEREAS, the City of Key West Planning Board held a public hearing after due notice on February 17, 2021, and forwarded to the City Commission its recommendations concerning the proposed Land Development Regulations text amendment; and

WHEREAS, the City has prepared an amendment to the Land Development Regulations that considers the recommendations by staff, the public, and the Planning Board; and

WHEREAS, the City Commission has properly advertised and held the required public hearings on the proposed Land Development Regulations text amendment and has received public input; and

WHEREAS, the City Commission has determined that the proposed amendment is: consistent with the Comprehensive Plan; is in conformance with all applicable requirements of the Code of Ordinances; is not stimulated by changed conditions after the effective date of the existing regulations; will promote land use compatibility; will not result in additional demand on public facilities and services; will have no impact on the natural environment; will not negatively affect property values in the area or the general welfare; will result in an orderly and compatible land use pattern; and is not in conflict with the public interest; and

WHEREAS, all statutory requirements regarding the proposed Land Development Regulations amendment have been complied with.

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

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

Section 2. That Chapter 122 - Article IV - Division 8, Section 122-92, Section 122-1111, Section 122-1112, and Section 122-1151 of the Land Development Regulations are hereby amended as follows*:

* Coding: Added language is underlined; revised language from second reading is double underlined, deleted language is ~~struck through~~.

DIVISION 8. - HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICTS

Subdivision I. - In General

The proposed text amendment to the LDRs is as follows*:

DIVISION 8. - HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICTS

Subdivision I. - In General

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Sec. 122-776. - Intent.

- (a) The historic neighborhood commercial districts, HNC-1 through ~~3~~ 4 districts, are established to implement comprehensive plan policies for areas designated "HNC-1 through ~~3~~ 4" on the comprehensive plan future land use map. The HNC districts shall accommodate both residential and neighborhood commercial uses typically located along major thoroughfares which lead into or are adjacent to the central core commercial area of the city. Residential activities permitted within the HNC-1 through ~~3~~ 4 districts include single-family and duplex structures as well as multiple-family structures. Commercial uses generally permitted in these districts include the following:
- (1) Professional offices;
 - (2) Banking and financial institutions;
 - (3) Personal service shops;
 - (4) Specialty shops;
 - (5) Retail sales and services, excluding automotive sales and services as well as drive-through restaurants, theaters or other drive-through facilities which potentially generate similar traffic flow problems; and
 - (6) Transient living accommodations and guest cottages within the HNC-1 and HNC-3 districts but not within the HNC-2 and HNC-4 districts.
- (b) The HNC-1 through ~~3~~ 4 districts may also accommodate customary accessory uses and community facilities. The HNC district regulations include criteria for managing issues surrounding land use compatibility; historic preservation; access to public facilities with available capacity; urban design amenities; and related issues which must be managed to ensure effective implementation of the comprehensive plan goals, objectives, and policies. Within the HNC districts redevelopment or conversion of permanent housing structures to transient residential, office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs. Within the HNC-1 through 3 districts, ~~t~~The minimum size dwelling shall be 750 square feet.
- (c) Performance standards shall restrict the allowable neighborhood commercial uses to very limited square footage in order to maintain land use compatibility with residential uses in the vicinity. In addition, the performance standards shall require minimum open space ratios, restrict the floor area based on traffic-generating characteristics, and incorporate other qualitative and quantitative standards which protect residential properties.
- (d) In order to manage the impacts of future development on transportation and public facilities, the city shall limit the intensity of development within the HNC district by establishing the following thresholds within subdistricts HNC-1, HNC-2, ~~and~~ HNC-3, and HNC-4, respectively:
- (1) Within the HNC-1 subdistrict, excepting sites abutting Simonton Street and Truman Avenue, and HNC-4 on a conditional use, land use activities shall generate no more than 100 trips per 1,000 square feet of gross leasable floor area per day.
 - (2) Within the HNC-2, ~~and~~HNC-3, and HNC-4 subdistricts, land use activities shall generate no more than 50 trips per 1,000 square feet of gross leasable floor area per day.
 - (3) Within the HNC-2 and HNC-4 subdistricts, transient accommodations shall be prohibited.

- (e) The HNC subdistricts are generally located on the official zoning map as provided in subdivisions II through ~~IV~~ V of this division.

(Ord. No. 97-10, § 1(2-5.5.4), 7-3-1997)

Secs. 122-777—122-805. - Reserved.

Subdivision II. - Historic Neighborhood Commercial District—Truman/Simonton (HNC-1)

Sec. 122-806. - Intent.

The historic neighborhood commercial district—Truman/Simonton (HNC-1) consists of Simonton, Truman Avenue, and White Street South Corridors. The HNC-1 district is located along major segments of Simonton Street, from Caroline South to United Street; Truman Avenue, from Simonton Street northeast to White Street; and White Street, from Truman Avenue south to United Street; and generally, includes larger scale commercial uses oriented toward the motoring public.

(Ord. No. 97-10, § 1(2-5.5.4(1)(A)), 7-3-1997)

Sec. 122-807. – Uses permitted.

Within the historic neighborhood commercial (HNC) districts, redevelopment or conversion of permanent housing structures to transient residential, office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs. Uses permitted include the following:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low and medium intensity less than or equal to 2,500 square feet.
- (7) Hotels, motels and transient lodging.
- (8) Medical services.
- (9) Parking lots and facilities.
- (10) Veterinary medical services without outside kennels.

(Ord. No. 97-10, § 1(2-5.5.4(1)(B)), 7-3-1997)

Sec. 122-808. - Conditional uses.

Conditional uses in the historic neighborhood commercial district—Truman/Simonton (HNC-1) 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) Commercial retail low and medium intensity greater than 2,500 square feet.
- (10) Commercial retail high intensity.
- (11) Funeral homes.
- (12) Light industrial.
- (13) Restaurants, excluding drive-through.
- (14) Small recreational power-driven equipment rentals.

(Ord. No. 97-10, § 1(2-5.5.4(1)(C)), 7-3-1997)

Sec. 122-809. - Prohibited uses.

In the historic neighborhood commercial district—Truman/Simonton (HNC-1), all uses not specifically or provisionally provided for in this subdivision are prohibited.

(Ord. No. 97-10, § 1(2-5.5.4(1)(D)), 7-3-1997)

Sec. 122-810. - Dimensional requirements.

The dimensional requirements in the historic neighborhood commercial district—Truman/Simonton (HNC-1) 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: 16 dwelling units per acre (16 du/acre).
- (2) Maximum floor area ratio: 1.0. Refer to section 122-776 for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within HNC areas.
- (3) Maximum height: 35 feet.
- (4) Maximum lot coverage:
 - a. Maximum building coverage: 50 percent.
 - b. Impervious surface ratio: 60 percent.

- (5) Minimum lot size: 4,000 square feet.
 - a. Minimum lot width: 40 feet.
 - b. Minimum lot depth: 100 feet.
- (6) Minimum setbacks:
 - a. Front: 5 feet.
 - b. Side: 5 feet.
 - c. Rear: 15 feet.
 - d. Street side: 7.5 feet.

(Ord. No. 97-10, § 1(2-5.5.4(1)(E)), 7-3-1997; Ord. No. 10-04, § 10, 1-5-2010)

Secs. 122-811—122-835. - Reserved.

Subdivision III. - Historic Neighborhood Commercial District (HNC-2)

Sec. 122-836. - Intent.

The historic neighborhood commercial district (HNC-2) is restricted to small offices, neighborhood shops, restaurants with very limited seating, or other commercial uses similar in character to traditional neighborhood commercial services which have very limited square footage and generate low volumes of traffic. In the future in-fill within the HNC-2 district shall be strictly governed by performance criteria which ensures continued land use compatibility and stability within and among adjacent residential areas. The HNC-2 district mixed use subareas are comprised of both residential and commercial activities and shall continue to be allowed to develop as mixed use neighborhood centers. Qualitative and quantitative performance criteria shall be used to prevent encroachment by incompatible commercial uses characterized by excessive scale and intensity.

(Ord. No. 97-10, § 1(2.5.5.4(2)(A)), 7-3-1997; Ord. No. 99-18, § 1 (Exh. A(2-5.5.4(2)(A))), 9-8-1999)

Sec. 122-837. - Uses permitted.

Uses permitted in the historic neighborhood commercial district (HNC-2) 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 intensity less than or equal to 2,500 square feet.
- (7) Medical services.

- (8) Parking lots and facilities.
- (9) Veterinary medical services, without outside kennels.
- (10) Parks and recreation, active and passive on the Truman Waterfront parcel, only.

(Ord. No. 97-10, § 1(2.5.5.4(2)(B)), 7-3-1997; Ord. No. 99-18, § 1 (Exh. A(2-5.5.4(2)(B))), 9-8-1999)

Sec. 122-838. - Conditional uses.

Conditional uses in the historic neighborhood commercial district (HNC-2) are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Educational institutions and day care.
- (4) Nursing homes, rest and convalescent homes.
- (5) Parks and recreation, active and passive.
- (6) Protective services.
- (7) Public and private utilities.
- (8) Commercial retail low intensity greater than 2,500 square feet and less than or equal to 5,000 square feet.
- (9) Restaurants, excluding drive-through. However, restaurants are expressly excluded from lots fronting the south side of Caroline Street, west of William Street and extending west 50 feet past Peacon Lane to include the lot abutting both the west side of Peacon Lane and the south side of Caroline Street.

(Ord. No. 97-10, § 1(2.5.5.4(2)(C)), 7-3-1997; Ord. No. 99-18, § 1 (Exh. A(2-5.5.4(2)(C))), 9-8-1999)

Sec. 122-839. - Prohibited uses.

In the historic neighborhood commercial district (HNC-2), all uses not specifically or provisionally provided for in this subdivision are prohibited.

(Ord. No. 97-10, § 1(2.5.5.4(2)(D)), 7-3-1997; Ord. No. 99-18, § 1 (Exh. A(2-5.5.4(2)(D))), 9-8-1999)

Sec. 122-840. - Dimensional requirements.

The dimensional requirements in the historic neighborhood commercial district (HNC-2) 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: 16 dwelling units per acre (16 du/acre).

- (2) Maximum floor area ratio: 1.0. Refer to section 122-776 for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within HNC areas.
- (3) Maximum height: 30 feet.
- (4) Maximum lot coverage:
 - a. Maximum building coverage: 40 percent.
 - b. Impervious surface ratio: 60 percent.
- (5) Minimum lot size: 5,000.
 - a. Minimum lot width: 50 feet.
 - b. Minimum lot depth: 100 feet.
- (6) Minimum setbacks:
 - a. Front: 10 feet.
 - b. Side: 5 feet.
 - c. Rear: 15 feet.
 - d. Street side: 7.5 feet.

(Ord. No. 97-10, § 1(2.5.5.4(2)(E)), 7-3-1997; Ord. No. 99-18, § 1 (Exh. A(2-5.5.4(2)(E))), 9-8-1999; Ord. No. 10-04, § 11, 1-5-2010)

Secs. 122-841—122-865. - Reserved.

Subdivision IV. - Historic Neighborhood Commercial District (HNC-3)

Sec. 122-866. - Intent.

The historic neighborhood commercial district (HNC-3) consists of the Bahama Village commercial core. The HNC-3 Bahama Village commercial core district includes the Bahama Village neighborhood commercial core along Petronia Street, approximately 200 feet southwest of Duval Street, and extends southwestward to the rear property lines of lots abutting the southwest side of Emma Street. The village area is a redevelopment area, including a commercial center linked to Duval Street. Consistent with the comprehensive plan, development in the district shall be directed toward maintaining and/or revitalizing existing housing structures, preventing displacement of residents, and compliance with concurrency management.

(Ord. No. 97-10, § 1(2-5.5.4(3)(A)), 7-3-1997)

Sec. 122-867. - Uses permitted.

Within the historic neighborhood commercial district (HNC-3), redevelopment or conversion of permanent housing structures to transient residential, office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs. Uses permitted include the following:

- (1) Single-family and two-family residential dwellings.
- (2) Multiple-family residential dwellings.
- (3) Group homes with less than or equal to six residents as provided in section 122-1246.
- (4) Places of worship.
- (5) Business and professional offices.
- (6) Commercial retail low intensity less than or equal to 2,500 square feet.
- (7) Hotels, motels, and transient lodging.
- (8) Medical services.
- (9) Parking lots and facilities.
- (10) Veterinary medical services, without outside kennels.

(Ord. No. 97-10, § 1(2-5.5.4(3)(B)), 7-3-1997)

Sec. 122-868. - Conditional uses.

Conditional uses in the historic neighborhood commercial district (HNC-3) are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- (2) Cultural and civic activities.
- (3) Educational institutions and day care.
- (4) Nursing homes, rest homes and convalescent homes.
- (5) Parks and recreation, active and passive.
- (6) Protective services.
- (7) Public and private utilities.
- (8) Commercial retail low intensity greater than 2,500 square feet to less than or equal to 5,000 square feet.
- (9) Restaurants, excluding drive-through.

(Ord. No. 97-10, § 1(2-5.5.4(3)(C)), 7-3-1997)

Sec. 122-869. - Prohibited uses.

In the historic neighborhood commercial district (HNC-3), all uses not specifically or provisionally provided for in this subdivision are prohibited.

(Ord. No. 97-10, § 1(2-5.5.4(3)(D)), 7-3-1997)

Sec. 122-870. - Dimensional requirements.

The dimensional requirements in the historic neighborhood commercial district (HNC-3) 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: 16 dwelling units per acre (16 du/acre).
- (2) Maximum floor area ratio: 1.0. Refer to section 122-776 for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within HNC areas.
- (3) Maximum height: 30 feet.
- (4) Maximum lot coverage:
 - a. Maximum building coverage: 40 percent.
 - b. Impervious surface ratio: 60 percent.
- (5) Minimum lot size: 4,000 square feet.
 - a. Minimum lot width: 40 feet.
 - b. Minimum lot depth: 90 feet.
- (6) Minimum setbacks:
 - a. Front: none.
 - b. Side: 5 feet.
 - c. Rear: 15 feet.
 - d. Street side: 7.5 feet.

(Ord. No. 97-10, § 1(2-5.5.4(3)(E)), 7-3-1997; Ord. No. 10-04, § 12, 1-5-2010)

~~Secs. 122-871—122-895. -- Reserved.~~

Subdivision V. - Historic Neighborhood Commercial District Bahama Village Truman Waterfront (HNC-4)

Sec. 122-871. - Intent.

The Historic Neighborhood Commercial – Bahama Village Truman Waterfront (HNC-4) zoning district shall expand the Bahama Village community and link Historic Bahama Village with the Truman Waterfront. The zoning district shall provide open spaces linked with multimodal green ways, public access to Truman Waterfront, affordable housing, neighborhood retail, social services, and historical and educational nodes that shall serve as an extension of the neighborhood fabric of Bahama Village.

The HNC-4 zoning district shall accommodate neighborhood scale mixed use development that shall include high density mixed income and affordable workforce housing with a density of 40 dwelling units per

acre. At least 30% of any new multi-family development shall be deed-restricted affordable workforce housing pursuant to Section 122-1467 requirements for affordable workforce housing, however, linkage exceptions shall not be permitted for mixed-use or multi-family developments within this district. Locally owned and operated neighborhood scale markets, commercial shops, and restaurants shall be encouraged, while high intensity commercial uses shall not be accommodated.

~~The historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) is established to implement comprehensive plan policies for areas designated “Historic Commercial” on the comprehensive plan future land use map. The HNC-4 district shall accommodate mixed use development to include high density affordable housing at 40 dwelling units per acre. The HNC-4 district shall accommodate permitted uses and duly approved conditional uses as specified in section 122-872 and section 122-873.~~

Sec. 122-872. - Uses permitted.

Uses permitted in the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) 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) Business and professional offices.
- (5) Commercial retail low intensity.
- (6) Medical services.
- (7) Parks and recreation, passive and active.
- ~~(8) Parking lots and facilities.~~
- (8) Restaurants, excluding drive-through facilities that generate less than or equal to 50 pm peak hour vehicle trips per 1,000 square feet of gross leasable floor area.
- (9) Open air vending and mobile vending consistent with other city regulations
- (10) Cultural and Civic Activities
- (11) Social Services

Sec. 122-873. - Conditional uses.

Conditional uses in the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) are as follows:

- (1) Group homes with seven to 14 residents as provided in section 122-1246.
- ~~(2) Cultural and civic activities.~~

- (32) Educational institutions and day care.
- (43) Nursing homes, rest homes, assisted living facilities, and convalescent homes.
- (54) Protective services.
- (65) Public and private utilities.
- (76) Commercial retail medium intensity.
- (87) Restaurants, excluding drive-through, that generate between 50 and 100 pm peak hour vehicle trips per 1,000 square feet.
- (98) Places of worship.
- (109) Community centers, clubs, and lodges.
- (110) Veterinary medical services.
- (11) Parking lots and facilities.

Sec. 122-874. - Prohibited uses.

In the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4), all uses not specifically or provisionally provided for in this subdivision are prohibited.

Sec. 122-875. - Dimensional requirements.

The dimensional requirements in the historic neighborhood commercial district Bahama Village Truman Waterfront (HNC-4) 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: 40 dwelling units per acre (40 du/acre).
- (2) Maximum floor area ratio: 1.0. Refer to section 122-776 for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within HNC areas.
- (3) Maximum height: 35 feet or 40-feet upon approval by the Board of Adjustments.
- (4) Maximum lot coverage:
 - a. Maximum building coverage: 50 percent.
 - b. Impervious surface ratio: 70 percent.
- (5) Minimum lot size: 4,000 square feet.
 - a. Minimum lot width: 40 feet.
 - b. Minimum lot depth: ~~90 feet~~ 100 feet.
- (6) Minimum setbacks:
 - a. Front: 5 feet.
 - b. Side: 5 feet.

- c. Rear: 10 feet.
- d. Street side: 5 feet.
- e. Additional setback criteria may apply to parcels abutting government property.

Secs. 122-876—122-895. - Reserved.

Sec. 122-92. - Future land use map designations and zoning districts.

The following table references adopted future land use map designations contained in the land use element of the city comprehensive plan and identifies corresponding zoning districts which are established in order to implement the future land use map designations, respectively:

FUTURE LAND USE MAP DESIGNATIONS AND ZONING DISTRICTS

<i>Residential</i>	
LDR-C	Low density residential—coastal
SF	Single-family units
MDR-C	Medium density residential—coastal
MDR	Medium density residential

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HDR	High density residential
HDR-1	High Density Residential College Road <i>Commercial Development</i>
CL	Limited commercial
CG	General commercial
CT	Salt Pond tourist commercial <i>Mixed Use New Town Development</i>
RO	Residential/office
PRD	Planned redevelopment and development <i>Old Town Historic Preservation</i>
HRO	Historic residential/office
HRCC-1	High density residential/commercial core: Bay side
HRCC-2	High density residential/commercial core: Key West Bight
HRCC-3	High density residential/commercial core: Atlantic side
HMDR	Medium density residential
HSMDR	Historic special medium density residential
HPRD	Planned development and redevelopment
HNC-1	Neighborhood commercial: Simonton, Truman, and S. White Street corridors
HNC-2	Neighborhood commercial: Old Town northeast and southeast
HNC-3	Neighborhood commercial: Bahama Village
<u>HNC-4</u>	<u>Neighborhood commercial: Bahama Village Truman Waterfront</u>
HCT	Tourist commercial
HPS	Public service, including recreation and open space
HHDR	High density residential <i>Institutional</i>
PS	Public services ⁽¹⁾
A	Airport <i>Conservation</i>
C	Conservation ⁽²⁾
(1)	"Public services" includes all lands designated "public services" or "military" on the comprehensive plan future land use map series which are located within the city limits.
(2)	"Conservation" incorporates all lands designated "conservation" on the comprehensive plan future land use map series, including tidal and freshwater wetlands, mangroves, upland hammocks, and waters of the state, including an area extending 600 feet into the tidal waters adjacent to the corporate city limits.

(Ord. No. 97-10, § 1(2-4.2), 7-3-1997; Ord. No. 12-33, § 1, 9-18-2012; Ord. No. 18-04, § 1, 2-7-2018)

Sec. 122-1111. - Table of land use by districts.

- (a) The table of land use by districts as set forth in this section stipulates the permitted and conditional uses by district.
- (b) Permitted uses are uses allowed by right, provided all applicable sections within the land development regulations are satisfied as well as all other applicable laws and administration regulations. Conditional uses are allowable only if approved by the city pursuant to administrative procedures found in article III of this chapter. The applicant requesting a conditional use must demonstrate compliance with conditional use criteria set forth in article III of this chapter.
- (c) No permitted use or conditional use shall be approved unless a site plan for such use is first submitted by the applicant. The applicant shall bear the burden of proof in demonstrating compliance with all applicable laws and ordinances during the site plan review process. The site plan review process is set forth in article II of chapter 108.

TABLE OF LAND USE BY DISTRICT

	LDR -C	SF	MD R	MDR -C	HD R	HDR -1	C L	C G	C T	R O	PR D	HMD R	HSMD R	HHD R	HRCC -1	HRCC -2	HRCC -3	HPR D	HNC -1	HNC -2	HNC -3	HNC -4	HC T	HR O	HP S	HPS -1	P S	C	A 5
Residential Uses																													
Accessory residential units (reference section 122-171)		P																											
Single-family dwellings	P	P	P	P	P		C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					4
Duplexes/two-family dwellings		C 1	P	P	P		C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					4
Multiple-family dwellings			P	P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					4
Foster homes/group homes with ≤ to 6 residents ²	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P					

	LDR -C	SF	MD R	MDR -C	HD R	HDR -1	C L	C G	C T	R O	PR D	HMD R	HSMD R	HHD R	HRCC -1	HRCC -2	HRCC -3	HPR D	HNC -1	HNC -2	HNC -3	HNC -4	HC T	HR O	HP S	HPS -1	P S	C	A 5	
Group homes with 7-14 residents			C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C					
Approved home occupations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			4	C	
Community Facilities																														
Airport facilities																														P
Cemeteries																										C			C	
Community centers, clubs and lodges							C	C	C	C	C		C		C	C	C	C	C	C	C	C	C	C	C				P	
Cultural and civic activities							P	P	P	C	C	C	C	C	C	C	C	C	C	C	C	C	EP	C	C	C			C	
Educational institutions and day care facilities		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				P	
Golf course facilities											C																		P	
Hospitals and extensive care																													P	
Nursing homes, rest homes and			C		C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C				P	

	LDR -C	SF	MD R	MDR -C	HD R	HDR -1	C L	C G	C T	R O	PR D	HMD R	HSMD R	HHD R	HRCC -1	HRCC -2	HRCC -3	HPR D	HNC -1	HNC -2	HNC -3	HNC -4	HC T	HR O	HP S	HPS -1	P S	C	A 5	
convalescent homes																														
Parks and recreation, active		C	C		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	P		P		
Parks and recreation, passive	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	C	P		P	4	
Places of worship		C	C		C		P	P	P	P	C	C		C	P	P	P	C	P	P	P	C	P	P	P		P			
Protective services	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	
Public and private utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	4	C
Commercial activities																														
Bars and lounges									C	C					C	C	C						C7							
Boat sales and services									C						C	C														
Business and professional offices							P	P	P	P	C				P	P	P	P	P	P	P	P	P	P	P		P		C	
Commercial amusement							C	C							C															
Commercial retail							8	8	8		8				8	8	8	8	8	8	8	8	8	8					8	

	LDR -C	SF	MD R	MDR -C	HD R	HDR -1	C L	C G	C T	R O	PR D	HMD R	HSMD R	HHD R	HRCC -1	HRCC -2	HRCC -3	HPR D	HNC -1	HNC -2	HNC -3	HNC -4	HC T	HR O	HP S	HPS -1	P S	C	A 5
Funeral homes								C							C	C	C	C	C					C			C		
Gasoline stations							C	C																					
Hotels, motels and								P	P						P		P	C	P10		P10		P						

transient lodging								P	P						P		P	C	P10		P10		P						
Light industrial								C							C	C			C										
Marinas								C							C	C								C			C		
Medical services								P	P	P	C	C			P	P	P	C	P	P	P	P	P	P		P		P	
Parking lots and facilities					C			P	P	P	P	C	C	C	P	P	P	C	P	P	P	P	P	P	P	P	P		C
Restaurants, excluding drive-through								P		C		C			P	P	P	C	C	C	C11	C	C	C	C	C		C	

1.	Two-family dwellings (duplexes) shall not be allowed within the following areas: (i) The Venetian Subdivision located south of the Riviera Canal; and (ii) the area bounded on the north by Flagler Drive, on the south by Casa Marina Court, on the east by White Street and on the
2.	Group homes shall meet provisions of section 122-1246.
3.	Home occupations are permitted upon a finding by city staff that the proposed home occupation meets sections 122-1306 and 122-
4.	Development within the conservation (C) district is substantially restricted pursuant to division 2 of article IV of this 122.
5.	Development within the airport (A) district is substantially restricted pursuant to division 14 of article IV of this chapter and division 9 of
6.	Golf courses shall maintain a minimum of ten percent of all native vegetative uplands.
7.	Bars and lounges within the HCT district are allowed only as a conditional use and only if the bar or lounge is accessory to and located within a hotel, motel or other transient facility having at least 20 units.
8.	Permitted and conditional commercial retail uses within each zoning district shall be determined based upon the criteria in section 122-
9.	Small recreation power-driven equipment rentals will only be allowed in CT and HCT districts as an accessory use to a hotel or motel.
10.	Within the HNC districts, redevelopment or conversion of permanent housing structures to transient residential, office or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs.
11.	Restaurants are expressly excluded from lots fronting on the south side of Caroline Street west of William Street and extending west 50 feet past Peacon
12.	In the CG Zoning District, single-family/two family residential dwellings and multiple-family dwellings are permitted for workforce affordable housing in compliance with Article V, Division 10, Work Force Housing.
13.	<u>Restaurants, that generate less than or equal to 50 pm peak hour vehicle trips per 1,000 square feet of gross leasable floor area shall be permitted by right.</u> <u>Restaurants, that generate between 50 and 100 pm peak hour vehicle trips per 1,000 square feet of gross leasable floor area shall be a conditional use.</u>

(Ord. No. 97-10, § 1(2-5.8), 7-3-1997; Ord. No. 10-05, § 3, 1-5-2010; Ord. No. 12-33, § 3, 9-18-2012; Ord. No. 13-25, § 3, 12-3-2013; Ord. No. 18-04, § 3, 2-7-2018)

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Sec. 122-1112. - Table of permitted and conditional commercial retail uses by district.

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Low intensity means commercial retail uses that generate less than 50 average daily trips per 1,000 square feet.

Medium intensity means commercial retail uses that generate between 50 and 100 average daily trips per 1,000 square feet.

High intensity means commercial retail uses that generate above 100 average daily trips per 1,000 square feet.

(b) The table of permitted and conditional commercial retail uses by district shall be as follows:

TABLE OF PERMITTED AND CONDITIONAL COMMERCIAL RETAIL USES BY DISTRICT

<i>District</i>	<i>Allowed by Right</i>	<i>Allowed as Conditional Use</i>
CL, CT and HCT	Low and medium intensity > 5,000 sq. ft.	Low and medium intensity > 5,000 sq. ft. High intensity
CG	Low and medium intensity & lte; 10,000 sq. ft. High intensity & lte; 5,000 sq. ft.	Low and medium intensity > 10,000 sq. ft. High intensity > 5,000 sq. ft.
PRD	None	Low, medium and high intensity
HRCC-1	Low and medium intensity & lte; 5,000 sq. ft. High intensity & lte; 2,500 sq. ft.	Low and medium intensity > 5,000 sq. ft. High intensity > 2,500 sq. ft.
HRCC-2 and HRCC-3	Low and medium intensity & lte; 5,000 sq. ft.	Low and medium intensity > 5,000 sq. ft. High intensity
HPRD	None	Low, medium and high intensity
HNC-1	Low and medium intensity & lte; 2,500 sq. ft.	Low and medium intensity > 2,500 sq. ft. High intensity
HNC-2 and HNC-3	Low intensity & lte; 2,500 sq. ft.	Low intensity > 2,500 sq. ft. to & lte; 5,000 sq. ft.
<u>HNC-4</u>	<u>Low intensity</u>	<u>Medium intensity</u>
A	None	Low and medium intensity

Note: The total area as stated above includes both sales area under roof and any outside sales area.

(Ord. No. 97-10, § 1(2-5.8(A)), 7-3-1997)

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Sec. 122-1151. - Size and dimension.

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

TABLE OF SIZE AND DIMENSION REGULATIONS

District	Minimum Area (sq. ft.)	Minimum Width (sq. ft.)	Minimum Depth (sq. ft.)	Impervious Surface Ratio	Maximum Building Coverage	Minimum Setback				Maximum Height (feet)	Maximum Floor Area Ratio	Maximum Density (du/acre)
						Front (feet)	Street Side (feet) ¹	Side (feet)	Rear ² (feet)			
<i>Residential</i>												
LDR-C low density residential coastal	1 acre	100	100	50	40	30	15	15 ³	25	30	n/a	1
MDR-C medium density residential coastal ⁴	½ acre	70 ⁵	100	50	40	30 ⁶ 30	10 20	7 ³ 20	20 25	30	n/a	8
SF single-family residential ⁴	6,000 ⁷ ½ acre ⁴	50 100	100 100	50 60	35 ⁷ 40	30 ⁶ 30	10 20	5 15	25 25	25 ²⁰ 25	n/a n/a	8
MDR medium density residential	½ acre 1 acre	70 ⁵ 80	100 100	50 60	35 40	30 ⁶ 30	10 25	7 25	20 25	35	n/a	16
HDR high density residential	1 acre 1 acre	70 ⁵ 80	100	60	40	30 ⁶ 30	10 25	7 25	20 25	40	n/a	22
HDR-1 high density residential college road	1 acre	80	100	60	40	20	10	10	10	25*	NA	40
*Unless otherwise increased by referendum												
<i>Commercial</i>												
CL limited commercial	10,000	70	100	60	40	25 ⁸	20	15 ³	25 ⁸	40	0.8	16
CG general commercial	15,000	150	100	60	40	25 ⁸	20	15 ³	25 ⁸	40 ⁹	0.8	16
CT tourist commercial	30,000	150	100	60	40	25 ⁸	20	15 ³	25 ⁸	40	0.8	16
RO residential/office	10,000	70	100	60	40	30	15	15	25	35	0.8	16

PRD planned redevelopment/development	1 acre	n/a	n/a	60	40	25 ⁸	20	20	40	35	0.8	8
HMDR historic medium density residential ²¹	4,000	40	90	60	40	10	7.5	5	15	30	1.0	16
HSMDR historic special medium density residential	5,000	50	100	60	40	10	7.5	5	15	30	1.0 ²²	8.6
HHDR historic high density residential ²¹	4,000	40	90	60	50	10	5	5 ¹¹	20	30	1.0	22
HRCC-1 historic commercial core, Duval GS ²¹	4,000	40	100	70	50	0	0	2.5	10	35 ¹⁹	1.0	22
HRCC-2 historic commercial core, KW Bight ^{12, 21}	5,000	50	100	60 ¹²	50	10	7.5	5	15 ²	35 ¹²	0.5	8 ¹³
HRCC-3 historic commercial core Duval OS ²¹	4,000	40	90	60	50	5	7.5	5	15	35 ¹⁹	1.0	22
HRCC-4 historic residential commercial core-4	n/a	n/a	n/a	50	30	7.5	7.5	7.5	7.5	35	0.8	n/a
HNC-1 historic neighborhood commercial ²¹	4,000	40	100	60	50	5	7.5	5	15	35	1.0 ¹⁴	16
HNC-2 historic neighborhood commercial ²¹	4,000	40	90	60	40	10	7.5	5	15	30	1.0 ¹⁴	16
HNC-3 historic neighborhood commercial ²¹	4,000	40	90	60	40	0	7.5	5	15	30	1.0 ¹⁴	16
<u>HNC-4 historic neighborhood commercial²¹</u>	<u>4,000</u>	<u>40</u>	<u>90-100</u>	<u>70</u>	<u>50</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>10</u>	<u>35</u>	<u>1.0</u> ¹⁴	<u>40</u>
HCT historic commercial Tourist 17, 21	10,000	75	100	70	50	5	5	5	10	35	1.0	22
HRO historic residential Office ²¹	5,000	50	100	60	50	5	5	5	10	30	1.0 ¹⁴	16
HPS historic public/semipublic service ²¹	5,000	50	100	50	40	20	10	5 ¹¹	20 ²	25	1.0	n/a

HPS-1 historic public and semi- public service-1	n/a	n/a	n/a	50	30	7.5	7.5	7.5	7.5	25	0.8	n/a
HPRD historic planned redevelopment/development	1 acre	50	100	50	40	5	5	2.5	10	35	1.0	22
PS public/semipublic service	6,000	50	100	50	40	20	15	15	20 ²	25	0.8 ¹⁵	n/a
A airport	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	¹⁶	0.3	n/a
C conservation	10 acres	n/a	n/a	5	5	¹⁸	¹⁸	¹⁸	¹⁸	25	0.01	0.1

Footnotes:

1.	Reference section 122-
2.	The minimum setback on an alley may be five feet less than the rear setback given.
3.	Greater of number listed on table or ten percent of the lot width to a maximum of 20 feet.
4.	For the MDR-C, SF, MDR and HDR districts, the first line sets forth the requirements for single-family and two-family residential uses; the second line sets forth the requirements for all other uses including community facilities; except that in the SF district, educational institutions shall have a minimum lot area of one acre.
5.	The minimum lot width shall be 70 feet or the prevailing lot width on developed lots within 200 feet of the subject lot, but not less than
6.	The front setback shall be 30 feet or the average depth of front yards on developed lots within 100 feet on each side, but not less than 20
7.	Single-family and two-family residential dwelling units shall have minimum lot size of 6,000 square feet, except in the following areas the minimum shall be 8,000 square feet:
a.	The Venetian Subdivision located south of the Riviera Canal.
b.	The area bounded on the north by Flagler Avenue, on the south by Casa Marina Court, on the east by White Street and on the west by Reynolds
	Additionally, within this area the maximum lot coverage shall be 30 percent.
8.	The front and rear setbacks given on the table are the minimum setback. As an alternative the front and/or rear setback may be ten percent of the lot depth for buildings up to 25 feet in height, or 20 percent of the lot depth for buildings over 25 feet in height; provided, however, the maximum setback shall be 50 feet.
9.	The maximum height along North Roosevelt Boulevard, from Seventh Avenue west to Eisenhower Drive and Jose Marti Drive, shall be 30

10.	All setbacks in the planned redevelopment and development (PRD) district shall be established based on planned amenities to be provided by the developer, the terms of which shall be negotiated through a development agreement acceptable to the city commission. The design parameters, including setbacks, shall be consistent with acceptable principles and practices of urban design.
11.	Greater of the number given in the table or ten percent of the lot width to a maximum of 15 feet.
12.	In the HRCC-2 district, within the 100-foot setback from mean high water (mean high water), the following restrictions apply:
a.	The minimum open space ratio shall be
b.	The height of the building shall be restricted to one habitable story/floor above base flood elevation.
c.	The listed dimensions shall apply landward of the 100-foot setback.
13.	Reference subdivision III of division 7 of article IV of this chapter.
14.	Reference divisions 8 and 10 of article IV of this chapter for additional restrictions that regulate the square footage of gross leasable floor area based on trip generation within the HRO and HNC land use districts.
15.	The maximum floor area ratio (FAR) outside the historic districts, as designated on the future land use maps, shall be 0.8, except for recreation and open space which shall have a maximum floor area ratio of 0.2.
16.	Reference division 9 of article V of this
17.	For single-family and two-family residences, minimum lot area in the HCT shall be 5,000 square feet.
18.	All development must comply with requirements for setbacks from wetlands and open water established in section 110-89.
19.	Maximum height may be increased five feet if the structure has a pitched roof, the design of which is approved by the historic architectural review commission.
20.	Maximum height may be increased five feet for non-habitable purposes if the structure has a pitched roof.
21.	Construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission design guidelines.
22.	Maximum Floor Area Ratio applies to all development and redevelopment including residential: 1.0.

(Ord. No. 97-10, § 1(2-5.9), 7-3-1997; Ord. No. 09-06, §§ 3—5, 4-7-2009; Ord. No. 10-04, §§ 20, 21, 1-5-2010; Ord. No. 12-33, § 4, 9-18-2012; Ord. No. 13-25, § 3, 12-3-2013; Ord. No. 18-04, § 4, 2-7-2018)

* Coding: Added language is underlined; revised language from second reading is double underlined, deleted language is ~~struck through~~.

Section 3. If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provision of this Ordinance shall be deemed severable therefrom and shall be constructed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

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

Section 5. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

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Read and passed by the City Commission at a regular meeting held this _____ day of _____, 2021.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2021.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2021.

Filed with the Clerk _____, 2021.

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

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK