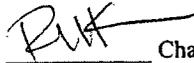
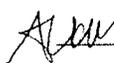


RESOLUTION NUMBER 2009-39

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMENDING APPROVAL OF AN AMENDMENT TO PART B, LAND DEVELOPMENT REGULATIONS, SECTION 86-9 DEFINITION OF TERMS, SECTION 102-1 DEFINITIONS, SECTION 122.600 DIMENSIONAL REQUIREMENTS, SECTION 122-630 DIMENSIONAL REQUIREMENTS, SECTION 122-660 DIMENSIONAL REQUIREMENTS, SECTION 122-690, DIMENSIONAL REQUIREMENTS, SECTION 122-720 DIMENSIONAL REQUIREMENTS, SECTION 122-750 DIMENSIONAL REQUIREMENTS, SECTION 122-810 DIMENSIONAL REQUIREMENTS, SECTION 122-840 DIMENSIONAL REQUIREMENTS, SECTION 122-870 DIMENSIONAL REQUIREMENTS, SECTION 122-900 DIMENSIONAL REQUIREMENTS, SECTION 122-930 DIMENSIONAL REQUIREMENTS, SECTION 122-960 DIMENSIONAL REQUIREMENTS, SECTION 122-970, DIMENSIONAL REQUIREMENTS, SECTION 122-980, DIMENSIONAL REQUIREMENTS, SECTION 122-990, DIMENSIONAL REQUIREMENTS, SECTION 122-1005, DIMENSIONAL REQUIREMENTS, AND SECTION 122-1151, SIZE AND DIMENSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Historic Architectural Review Commission initiated an amendment to clarify Design Guidelines relevant to the character and appearance of three story structures, known as “two and one half story” structures; and,

WHEREAS, the Planning Department prepared this companion amendment to the Land Development Regulations to eliminate inconsistencies between the contents of the design guidelines and the Land Development Regulations and to cross-reference design guidelines with dimensional requirements;


Chairman

Planning Director

WHEREAS, the Planning Board held a noticed public hearing on October 15, 2009, where based on the consideration of recommendations by the city planner, city attorney, building official and other information, the Board recommended approval of the proposed amendments; and

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

BE IT RESOLVED by the Planning Board of 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 AN AMENDMENT TO PART B, LAND DEVELOPMENT REGULATIONS, SECTION 86-9 DEFINITION OF TERMS, SECTION 102-1 DEFINITIONS, SECTION 122.600 DIMENSIONAL REQUIREMENTS, SECTION 122-630 DIMENSIONAL REQUIREMENTS, SECTION 122-660 DIMENSIONAL REQUIREMENTS, SECTION 122-690, DIMENSIONAL REQUIREMENTS, SECTION 122-720 DIMENSIONAL REQUIREMENTS, SECTION 122-750 DIMENSIONAL REQUIREMENTS, SECTION 122-810 DIMENSIONAL REQUIREMENTS, SECTION 122-840 DIMENSIONAL REQUIREMENTS, SECTION 122-870 DIMENSIONAL REQUIREMENTS, SECTION 122-900 DIMENSIONAL REQUIREMENTS, SECTION 122-930 DIMENSIONAL REQUIREMENTS, SECTION 122-960 DIMENSIONAL REQUIREMENTS, SECTION 122-970, DIMENSIONAL REQUIREMENTS, SECTION 122-980,


Chairman

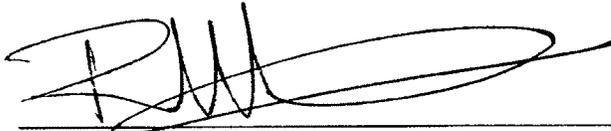
Planning Director

DIMENSIONAL REQUIREMENTS, SECTION 122-990, DIMENSIONAL REQUIREMENTS, SECTION 122-1005, DIMENSIONAL REQUIREMENTS, AND SECTION 122-1151, SIZE AND DIMENSION; AND PROVIDING AN EFFECTIVE DATE is hereby recommended for approval; a copy of the draft ordinance is attached.

Section 3. This Resolution 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 15th day of October, 2009.

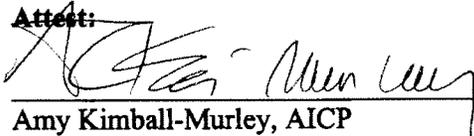
Authenticated by the Chairman of the Planning Board and the Planning Director.



Richard Klitenick, Chairman
Key West Planning Board

11/13/2009
Date

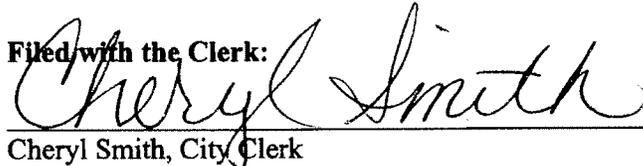
Attest:



Amy Kimball-Murley, AICP
Planning Director

11/13/2009
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

11-13-09
Date



Chairman

Planning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO PART B, LAND DEVELOPMENT REGULATIONS, SECTION 86-9 DEFINITION OF TERMS, SECTION 102-1 DEFINITIONS, SECTION 122.600 DIMENSIONAL REQUIREMENTS, SECTION 122-630 DIMENSIONAL REQUIREMENTS, SECTION 122-660 DIMENSIONAL REQUIREMENTS, SECTION 122-690, DIMENSIONAL REQUIREMENTS, SECTION 122-720 DIMENSIONAL REQUIREMENTS, SECTION 122-750 DIMENSIONAL REQUIREMENTS, SECTION 122-810 DIMENSIONAL REQUIREMENTS, SECTION 122-840 DIMENSIONAL REQUIREMENTS, SECTION 122-870 DIMENSIONAL REQUIREMENTS, SECTION 122-900 DIMENSIONAL REQUIREMENTS, SECTION 122-930 DIMENSIONAL REQUIREMENTS, SECTION 122-960 DIMENSIONAL REQUIREMENTS, SECTION 122-970, DIMENSIONAL REQUIREMENTS, SECTION 122-980, DIMENSIONAL REQUIREMENTS, SECTION 122-990, DIMENSIONAL REQUIREMENTS, SECTION 122-1005, DIMENSIONAL REQUIREMENTS, AND SECTION 122-1151, SIZE AND DIMENSION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria; and

WHEREAS, Section 90-142 of the Code of Ordinances incorporates historic architectural review commission Design Guidelines by reference; and

WHEREAS, the Design Guidelines limit the height, proportion, scale and mass of new construction, including limitations to the third story of buildings;

WHEREAS, it is in the public interest to eliminate inconsistencies between the contents of the Design Guidelines and the Land Development Regulations and to cross-reference design guidelines with dimensional requirements; and

*Adm
RMC*

WHEREAS, the Planning Board held a held a noticed public hearing on October 15, 2009, where based on the consideration of recommendations by the City planner, city attorney, building official and other information recommended approval of the proposed amendments;

WHEREAS, the City Commission held a noticed public hearing on _____ and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances;

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

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMISSION OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1. Chapter 86, General Provisions, Section 86-9 Definition of Terms, is modified as follows: *Story* means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or any portion of a building used for human occupancy between the topmost floor and the roof. A basement or cellar not used for human occupancy shall not be counted as a story. ~~The term "half story" means a story under a sloping roof, the finished floor area of which does not exceed one half the floor area of the floor area of the floor immediately below it; or a basement used for human occupancy, the floor area of that part of the basement so used not to exceed 50 percent of the floor area of the floor immediately above.~~

Section 2. Chapter 102, Historic Preservation, Section 102-1, Definitions, is modified

AKM
RWC

as follows: Building means ~~any structure created to shelter any type of human occupancy or for any type of human use, including without limitation housing, commercial structures, sheds, airports, and garages~~ any structure having a roof and which is entirely separated from any other structures by space or by walls in which there are no communicating doors or windows or any similar opening.

Section 3. Chapter 122, Zoning, Section 122-600 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic medium density residential district (HMDR) are as follows. However, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 4. Chapter 122, Zoning, Section 122-630 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic high density residential district (HHDR) are as follows. However, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 5. Chapter 122, Zoning, Section 122-660 Dimensional Requirements, is modified as follows: The dimensional requirements in the HRCC-1 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.

Section 6. Chapter 122, Zoning, Section 122-690 Dimensional Requirements, is modified as follows: The dimensional requirements in the HRCC-1 Duval Street gulfside 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.

*RMC
Akan*

Section 7. Chapter 122, Zoning, Section 122-720 Dimensional Requirements, is modified as follows: The dimensional requirements in the HRCC-2 Key West Bight 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.

Section 8. Chapter 122, Zoning, Section 122-750 Dimensional Requirements, is modified as follows: The dimensional requirements in the HRCC-4 Truman Waterfront 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.

Section 9. Chapter 122, Zoning, Section 122-810 Dimensional Requirements, is modified as follows: 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.

Section 10. Chapter 122, Zoning, Section 122-840 Dimensional Requirements, is modified as follows: 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.

Section 11. Chapter 122, Zoning, Section 122-870 Dimensional Requirements, is modified as follows: 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.



Section 12. Chapter 122, Zoning, Section 122-900 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic commercial district (HCT) are as follows. However, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 13. Chapter 122, Zoning, Section 122-930 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic residential/office district (HRO) are as follows. However, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 14. Chapter 122, Zoning, Section 122-960 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic public and semi-public district (HPS) are as follows. However, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 15. Chapter 122, Zoning, Section 122-970 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic public and semi-public services district -1 (HPS-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.

Section 16. Chapter 122, Zoning, Section 122-980 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic public and semi-public services district -2 (HPS-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.

Adam
Runk

Section 17. Chapter 122, Zoning, Section 122-990 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic planned redevelopment and development district (HPRD) are as follows. However, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 18. Chapter 122, Zoning, Section 122-1005 Dimensional Requirements, is modified as follows: The dimensional requirements in the historic limited commercial district (HCL) are as follows. However, construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 19. Chapter 122, Zoning, Section 122-1151 Size and dimension, Table of Size and Dimension Regulations, District, is modified as follows:

HDR high density residential ²¹

HMDR historic medium density residential ²¹

HHDR historic high density residential ²¹

HRCC-1 historic commercial core, Duval GS ²¹

HRCC-2 historic commercial core, KW bight ²¹

HRCC-3 historic commercial core, Duval OS ²¹

HNC-1 historic neighborhood commercial ²¹

HNC-2 historic neighborhood commercial ²¹

HNC-3 historic neighborhood commercial ²¹

HCT historic commercial tourist ²¹

HRO historic residential office ²¹

HPS historic public/semipublic service ²¹

A handwritten signature in black ink, appearing to read "Allen" over "RMC".

HPRD historic planned redevelopment/development ²¹

Section 20. Chapter 122, Zoning, Section 122-1151 Size and dimension, Table of Size and Dimension Regulations, Footnotes, is modified as follows: 21 Construction may be limited by proportion, scale and mass considerations as expressed through the historic architectural review commission Design Guidelines.

Section 21. This Ordinance shall become effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2009.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2009.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2009.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

K:\LDR Amendments\HARC Pitched Roof and Two and Half Stories\Ordinance HARC Related LDR revisions two and a half stories CC December 1 2009.doc

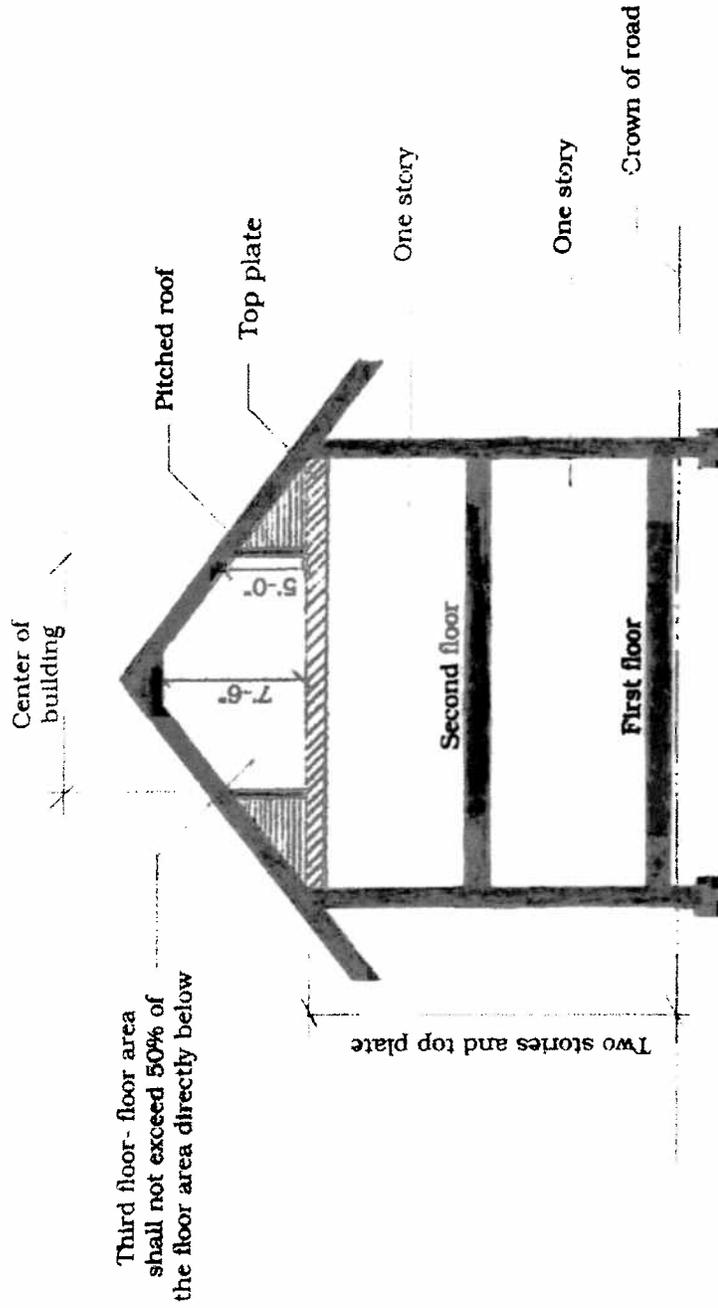


Figure 1

Two and one half story building with pitched roof and extended eaves

Allen RUK

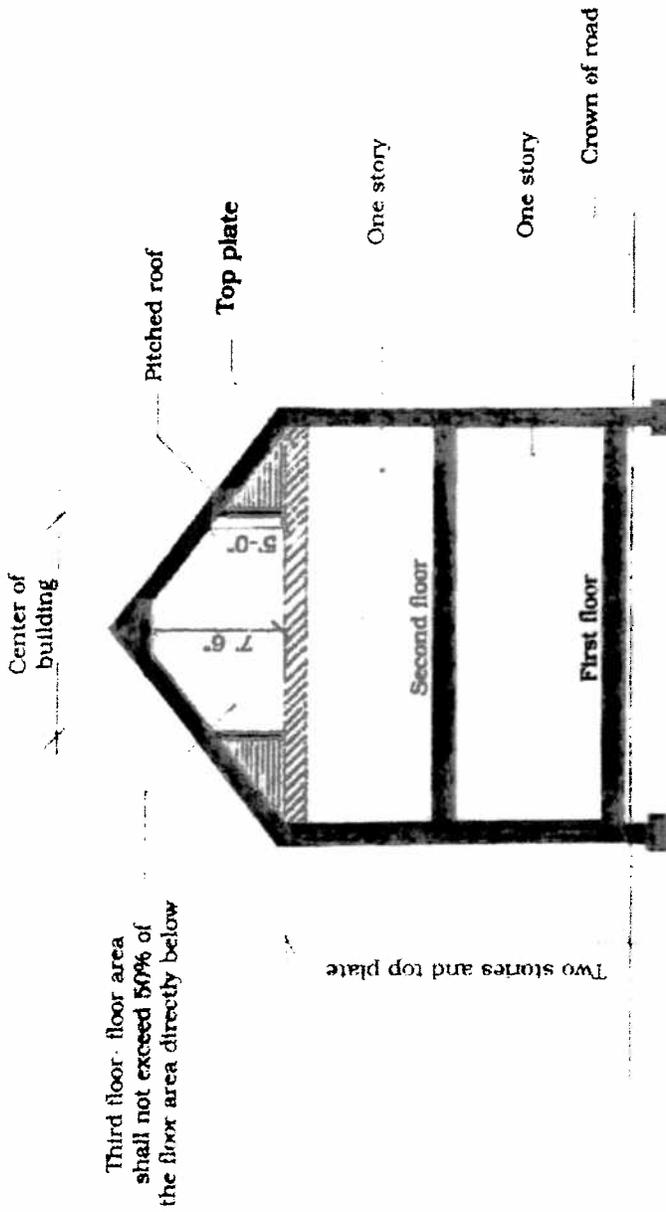


Figure 2

Two and one half story building with pitched roof

AKM
RMK