

ORDINANCE NO. 12-02

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

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

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

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

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

**Sec. 122-926. - Intent.**

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

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

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

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

**Sec. 122-928. - Conditional uses.**

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

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

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

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

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

Section 5: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

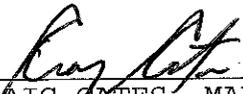
Read and passed on first reading at a regular meeting held this 18th day of January, 2012.

Read and passed on final reading at a regular meeting held

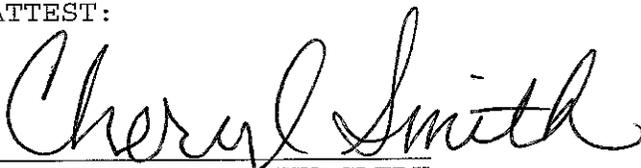
this 7th day of February, 2012.

Authenticated by the presiding officer and Clerk of the  
Commission on 8th day of February, 2012.

Filed with the Clerk February 8, 2012.

  
\_\_\_\_\_  
CRAIG CATES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager  
**Through:** Donald Leland Craig, AICP Planning Director  
**From:** Brendon Cunningham, Senior Planner  
**Date:** January 18, 2012

**RE:** An ordinance of the City of Key West amending Chapter 122, of the Code of Ordinances titled "Zoning" of Article IV, Division 10, by amending Sections 122-926 and 122-928 for the HRO zoning district of the City of Key West Land Development Regulations of the City of Key West, to allow retail sales accessory to cultural and civic uses; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.

### **ACTION STATEMENT:**

**Request:** To support the Planning Board's recommendation for amendments to the HRO Zoning District regulations.

**Location:** HRO Zoning District

### **BACKGROUND:**

The HRO zoning district is historically a mixed-use district with numerous now legal non-conforming uses. As-of-right uses are limited largely to residential and professional office uses. Conditional Uses include cultural, civic and educational uses. At this time, numerous office spaces are vacant along Whitehead Street and have been for some time. There have been various inquiries as to using these spaces for cultural uses with educational components, especially in that section of the district from Greene Street to Southard.

Section 122-926 states that the intent of the HRO zoning district is that it "shall accommodate business and professional offices as well as single-family, duplex and multi-family residential structures" as of right. Additionally, as **conditional** uses per Section 122-928, cultural, civic and educational uses are allowed. Accessory uses are contemplated but not defined beyond "Customary accessory uses and community facilities..."

A Land use survey of the entire district was conducted in order to establish which uses remain compatible with the original intent of the HRO district. That survey map is attached. It was determined that the greatest amount of divergence from the intent

section of the HRO Zoning occurred between Greene and Southard, consistent with the area where requests for retail sales associated with galleries and cultural facilities have occurred.

This change would make the existing retail sales at the Audubon House Gallery a conforming use.

The Comprehensive Plan expressly excludes general retail sales. However, Section 122-926 does not specifically consider accessory commercial sales. Therefore, staff is recommending the LDRs be amended to permit these activities accessory to cultural, civic and educational uses.

**Options / Advantages / Disadvantages:**

**Option 1.** Approval of the Ordinance as recommended by the Planning Board.

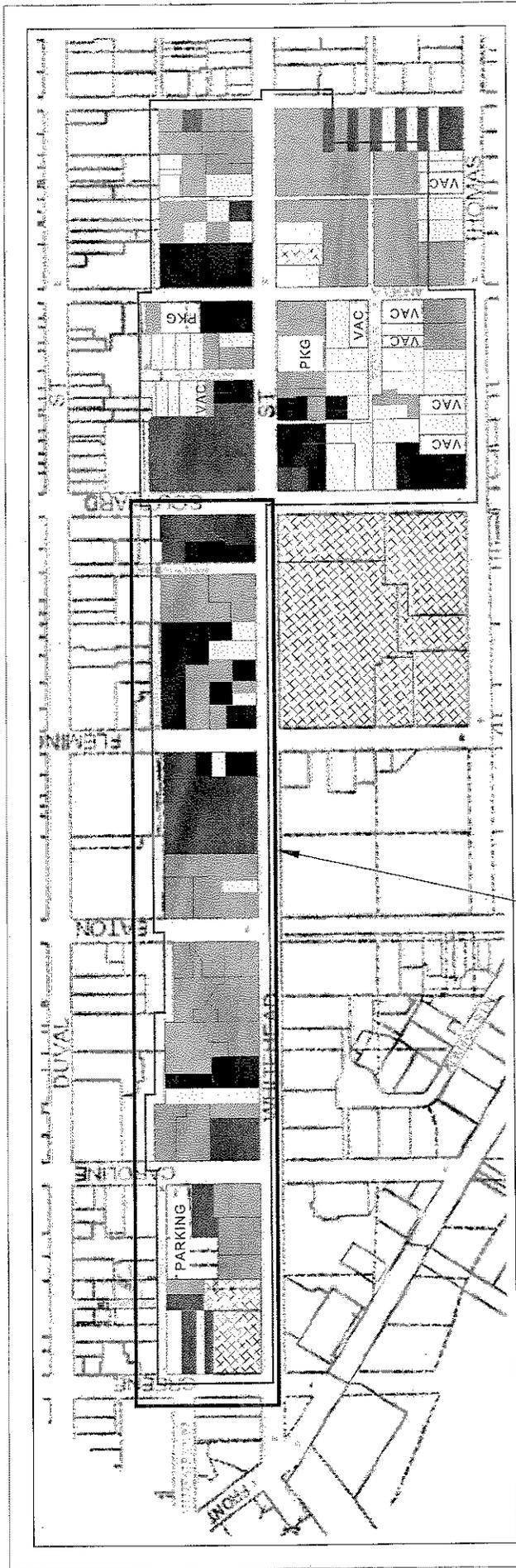
1. **Consistency with the City's Comprehensive Plan, Strategic Plan, Vision and Mission:** The adoption of this ordinance amendment will enable the city to improve its ability to support cultural, civic and educational activities.
2. **Financial Impact:** N/A

**Option 2.** Deny the Resolution.

1. **Consistency with the City's Strategic Plan, Vision and Mission:** Denial of the ordinance would prevent cultural, civic and educational activities from developing a revenue stream to further their efforts within the city.
2. **Financial Impact:** N/A

**RECOMMENDATION**

Option 1. The Planning Board recommends the City Commission adopt the proposed ordinance.



LEGEND

-  COMMERCIAL
-  MULTIFAMILY RESIDENTIAL
-  SINGLE FAMILY RESIDENTIAL
-  TRANSIENT
-  OFFICE
-  CULTURAL & CIVIC (NO COLOR)

AFFECTED AREA

REVISIONS		DESCRIPTION	
DATE	BY	DATE	BY



City of  
Key West  
Key West, Florida 33549  
(305) 292-8185

HISTORIC RESIDENTIAL/OFFICE DISTRICT  
(HRO)  
USES MAP

SHEET NO.

**Sec. 122-926. – Intent.**

The historic residential/office district (HRO) is established to implement comprehensive plan policies for areas designated “HRO” on the future land use map. The HRO district shall accommodate business and professional offices as well as ~~single-family, duplex and multiple family residential structures within the historic Old Town district.~~ Cultural and civic activities are allowed anywhere in the district and those same uses with accessory/associated commercial sales are allowed on Whitehead Street between Greene Street and Southard Street. Customary accessory uses and community facilities may also be located within the HRO district. The HRO district shall not accommodate new transient lodging or guesthouses. However, ~~existing legal transient residential uses of record shall be considered as “grandfathered” uses and may continue to exist so long as all conditions of approval are satisfied.~~ In addition, the HRO district shall expressly exclude ~~commercial~~ general retail sales, warehousing and outdoor storage. In order to manage the impacts of future development on transportation and public facilities, the city shall limit the intensity of development within the HRO district to activities generating no more than 50 trips per 1,000 square feet of gross leasable floor area per day.

Sec. 122-927. - Uses permitted.

Uses permitted in the historic residential/office district (HRO) are as follows:

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

Sec. 122-928. - Conditional uses.

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

- (1) Group homes with seven to 14 residents as provided in section 122-1246

(2) Cultural and civic activities with or without associated/accessory commercial sales on Whitehead from Greene Street to Southard Street.

(3) Community centers, clubs and lodges.

(4) Educational institutions and day care.

(5) Nursing homes, rest and convalescent homes.

(6) Parks and recreation, active and passive.

(7) Protective services.

(8) Public and private utilities.

(9) Funeral homes.

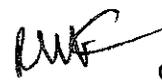
**PLANNING BOARD RESOLUTION  
NO- 2011- 063**

**A RESOLUTION OF THE KEY WEST PLANNING BOARD  
RECOMMENDING APPROVAL OF AN ORDINANCE OF  
THE CITY OF KEY WEST, FLORIDA, AMENDING  
CHAPTER 122 OF THE CODE OF ORDINANCES  
ENTITLED "ZONING" BY AMENDING SECTIONS 122-926  
AND 122-928 TO PROVIDE AMENDMENTS TO THE  
HISTORIC RESIDENTIAL OFFICE ZONING DISTRICT;  
PROVIDING FOR SEVERABILITY; PROVIDING FOR  
REPEAL OF INCONSISTENT PROVISIONS; PROVIDING  
FOR AN EFFECTIVE DATE**

WHEREAS, the Planning Department initiated the proposed amendments to the ordinance as a result of changes requested by a City Commission Member; and

WHEREAS, the Planning Board held a noticed public hearing on December 5, 2011, where based on the consideration of recommendations by the City Planner and City Attorney, the Planning 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 public demand on public facilities; will have no impact on the built environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

  
Chairman

  
Planning Director

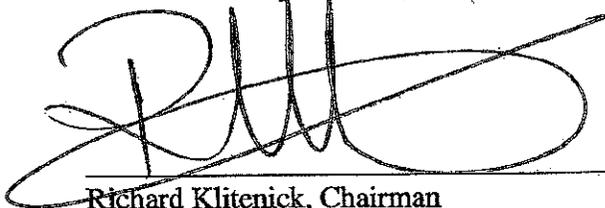
**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the City of Key West, Florida:

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

**Section 2.** Amending Chapter 122 of the Code of Ordinances entitled "Zoning" by amending Section 122-926 and Section 122-928 to provide amendments to the Historic Residential/Office Zoning District is hereby recommended for approval; a copy of the recommended modifications to the Code 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 special meeting held this Fifth day of December, 2011.

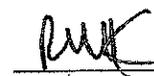
Authenticated by the Chairman of the Planning Board and the Planning Director;



Richard Klitenick, Chairman  
Key West Planning Board

12/7/2011  
Date

Attest:

 Chairman  
 Planning Director



Donald Leland Craig, AICP  
Planning Director

12.7.4

Date

**Filed with the Clerk:**



Cheryl Smith, City Clerk

12-7-11

Date



Chairman



Planning Director

**Sec. 122-926. – Intent.**

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- (8) Veterinary medical services, without outside kennels.

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- (1) Group homes with seven to 14 residents as provided in section 122-1246
- (2) Cultural and Civic Activities

*Frank*  
*OC*

(3) Cultural and civic activities with associated/accessory commercial sales on Whitehead from Greene Street to Southard Street.

(4) Community centers, clubs and lodges.

(5) Educational institutions and day care.

(6) Nursing homes, rest and convalescent homes.

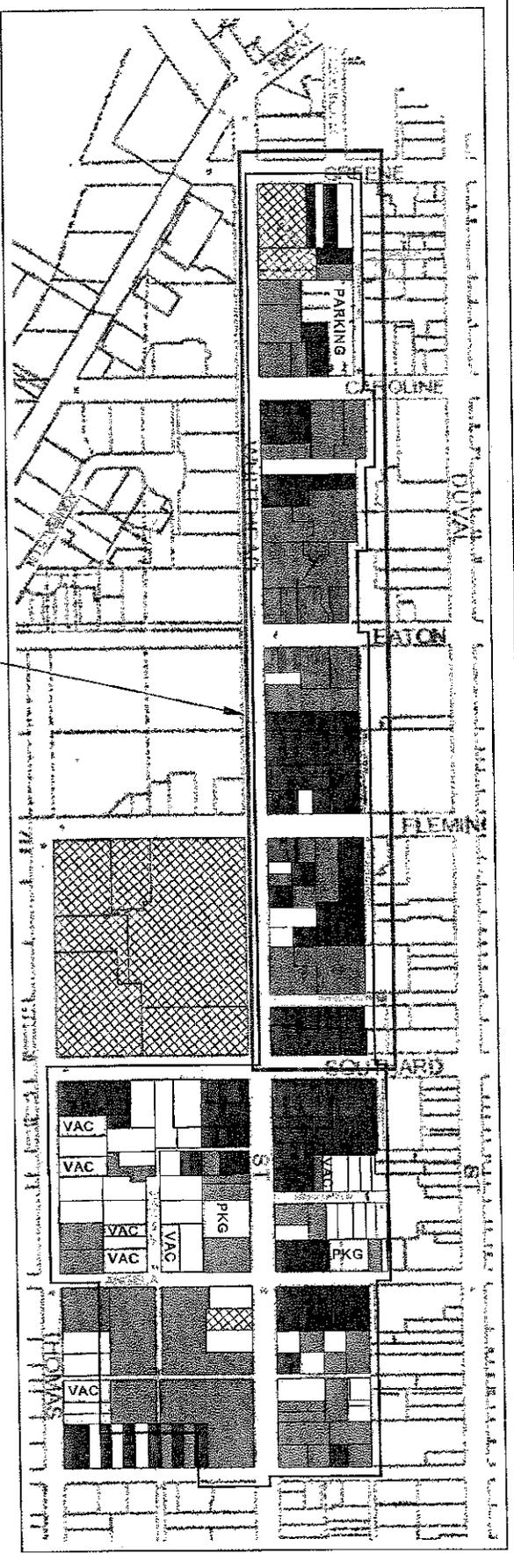
(7) Parks and recreation, active and passive.

(8) Protective services.

(9) Public and private utilities.

(10) Funeral homes.

RMK  
DC



AFFECTED AREA

- LEGEND
-  COMMERCIAL
  -  MULTI-FAMILY RESIDENTIAL
  -  SINGLE FAMILY RESIDENTIAL
  -  TRANSIENT
  -  OFFICE
  -  CULTURAL & CIVIC (NO COLOR)

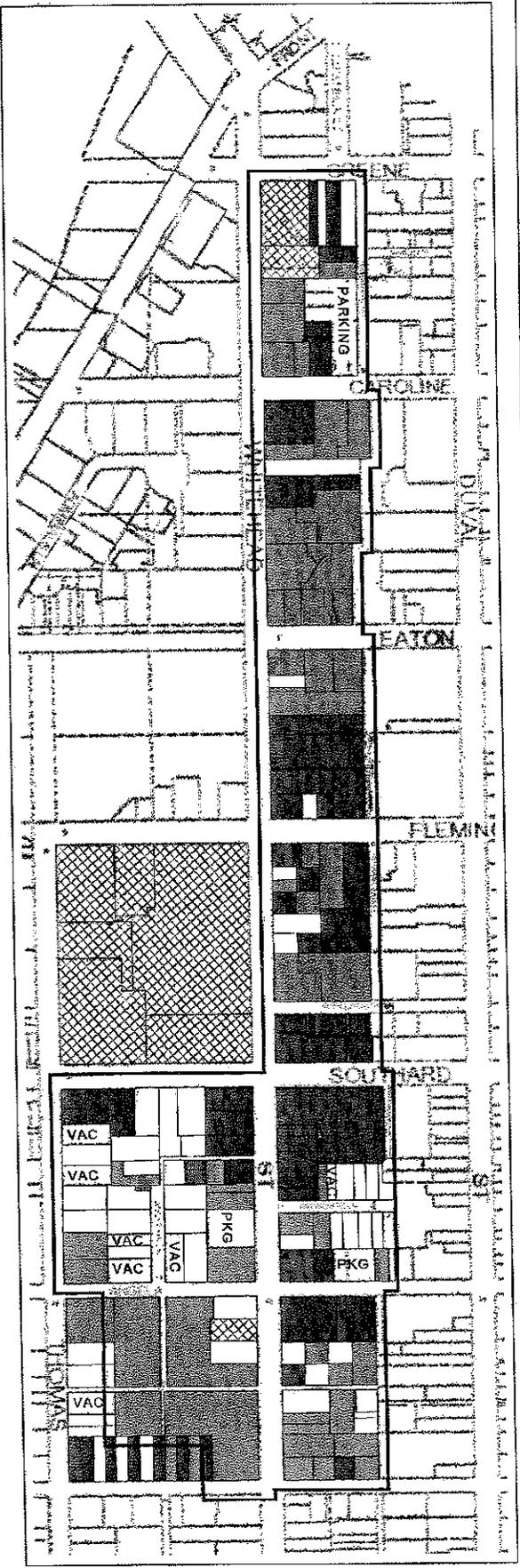
REVISIONS		DESCRIPTION		SHEET NO.
DATE	BY	DATE	DESCRIPTION	



City of  
Key West  
1000 Duval Street  
Key West, FL 34202

HISTORIC RESIDENTIAL/OFFICE DISTRICT  
(HRD)  
USES MAP

*21*



*PKG*  
*R*

- LEGEND
- COMMERCIAL
  - MULTIFAMILY RESIDENTIAL
  - SINGLE FAMILY RESIDENTIAL
  - TRANSIENT
  - OFFICE
  - CULTURAL & CIVIC (NO COLOR)

REVISIONS		DESCRIPTION	
DATE	BY	DATE	BY



City of  
Key West  
1407 Duval Street  
Key West, Florida 33401-3201

HISTORIC RESIDENTIAL/OFFICE DISTRICT  
(HRO)  
USES MAP

SHEET  
NO.