

AMENDMENTS TO THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS

The following section provides specific amendments considered necessary to ensure integration of the base reuse sites into the adopted Land Development Regulations. Suggested changes from existing adopted regulations are shown in underline/cross-out format. These regulations are meant to apply to properties within the Base Reuse boundaries only.

SUBSECTION 2-5.2.3(1) MEDIUM DENSITY RESIDENTIAL DISTRICT - 1 (MDR-1)

A. INTENT

The MDR-1 district is established to implement Comprehensive Plan policies for areas designated "MDR-1" on the Comprehensive Plan Future Land Use Map. The MDR-1 district shall provide the Poinciana Housing Parcel with a designation appropriate to the existing Medium Density Multiple Family development on the site and compatible with the existing and future land uses. The MDR-1 district shall accommodate a mixture of multiple family structure types, supportive community facilities, and accessory land uses. This district shall not accommodate guest homes, commercial uses or freestanding office buildings. However, accessory uses, including approved home occupations, conducted within the residential structures are permitted so long as all such accessory uses are customarily incidental to and subordinate to the residential use. Other customary accessory uses and community facilities may also be located in areas designated MDR-1.

B. USES PERMITTED

- Single/Two Family Residential Dwellings
- Places of Worship
- Multiple Family Residential Dwellings
- Community Centers
- Group homes with ≤ 6 Residents (cross reference §2-7.18)
- Parks and Recreation, Active and Passive
- Special Needs Social Services
- Protective Services

C. CONDITIONAL USES

- Group Homes with 7 to 14 Residents (cross reference §2-7.18)
- Educational Institutions and Day Care
- Nursing Homes, Rest Homes and Convalescent Homes
- Public and Private Utilities

D. PROHIBITED USES

All uses not specifically or provisionally provided for herein.

E. DIMENSIONAL REGULATIONS

1. Maximum Density: Eight (8) dwelling units per acre (8 du/acre)
2. Maximum FAR: 1.0
3. Maximum Height: 35 feet
4. Maximum Building Coverage: 50%
 - Single/Two Family: 35 percent
 - Multiple-family and Community Facilities: 40 percent

Maximum Impervious Surface Ratio:

 - Single/Two Family: 50 percent
 - Multiple-family and Community Facilities: 60 percent
5. Minimum Lot Size:
 - Multiple-family 10,000 sf
 - Single-family 5,000 sf

Minimum Width:

 - Multiple-family and Community Facilities: 80 feet

Minimum Depth: 100 feet
6. Minimum Setbacks:
 - Multiple-family and Community Facilities:
 - Single/Two Family:
 - a. Front: 10 feet
 - b. Side: 55 feet or 10% of lot width to a maximum of 15 feet, whichever is greater
 - c. Rear: 20 feet
 - d. Street Side: 20 feet

SUBSECTION 2-5.5.1 HISTORIC MEDIUM DENSITY RESIDENTIAL DISTRICT - 1 (HMDR-1)

A. INTENT

The HMDR district is established to implement Comprehensive Plan policies for areas designated "HMDR" on the Comprehensive Plan Future Land Use Map. The HMDR district shall provide historic Old Town medium density residential development for permanent residents, including single family, duplex, and multiple family residential structures. The HMDR district shall provide a management framework for preserving the residential character and historic quality of the medium density residential areas within Old Town.

In addition, accessory uses, including approved home occupations conducted with the residential structure, and customary community facilities can be located in the HMDR designated areas. This area shall not accommodate transient residential uses, including guest homes, motels or hotels. Similarly, the area shall not accommodate commercial office, retail or other commercial uses. Lawfully existing office or commercial uses shall be permitted to continue to exist as lawful nonconforming uses if such uses continue to comply with conditions invoked when the respective uses were approved.

In the event the city owns the portion of the Truman Waterfront Parcel designated HMDR, the site will be developed 100 percent for affordable housing. If the site is privately owned, one-third of the dwelling units will be affordable.

B. USES PERMITTED

- Single/Two Family Residential Dwellings
- Multiple Family Residential Dwellings
- Group homes with ≤ 6 Residents (cross reference §2-7.18)

C. CONDITIONAL USES

- Group Homes with 7 to 14 Residents (cross reference §2-7.18)
- Educational Institutions and Day Care
- Nursing Homes, Rest Homes and Convalescent Homes
- Places of Worship
- Parks and Recreation, Active and Passive
- Protective Services
- Public and Private Utilities
- Parking Lots and Facilities

D. PROHIBITED USES

All uses not specifically or provisionally provided for herein.

E. DIMENSIONAL REGULATIONS

1. *Maximum Density:* Sixteen (16) dwelling units per acre (16 du/acre)
2. *Maximum FAR:* 1.0
3. *Maximum Height:* 30 feet

4. *Maximum Lot Coverage*
 - Maximum Building Coverage: 40%
 - Maximum Impervious Surface Ratio: 60%
5. *Minimum Lot Size: 4,000 square feet*
 - Minimum Lot Width: 40 feet
 - Minimum Lot Depth: 90 feet
6. *Minimum Setbacks:*
 - Multiple-family and Community Facilities
 - a. Front: 10 feet
 - b. Side: 5 feet
 - c. Rear: 15 feet
 - d. Street Side: 7.5 feet

SUBSECTION 2-5.5.5.3(4) HRCC-4 TRUMAN WATERFRONT DISTRICT

A. INTENT

The HRCC-4 district is established to implement Comprehensive Plan policies for areas designated "HRCC-4" on the Comprehensive Plan Future Land Use Map. The HRCC-4 district shall provide the Truman Waterfront site with a designation which specifically accommodates marine-related and marine-dependent activities, as well as encourages preservation of the nature, character, and quality of the city's historic development. Building construction is to be limited on Mole Pier and no more than 15,000 square feet of building construction will be allowed on the Pier.

B. USES PERMITTED

Only water dependent uses shall be located within the first 40 feet landward of the mean high water (MHW) or the bulkhead. Similarly, only water related uses shall be located between the forty (40) foot setback and the 100 foot setback from the MHW or the bulkhead. No permanent residential use shall be located within 100 feet of the mean high water and no transient residential uses shall be allowed within any portion of the HRCC-4 District. Permitted uses include:

- Port and Port-related uses, provided that uses that constitute "port expansion" as set out in Section 5B-1.B.4 of the Comprehensive Plan receive approval through the Major Development Approval Process of Section 4-18 of the Land Development Regulations
- Harborwalk
- Mobile vending along Harborwalk consistent with other city regulations
- Business and Professional Offices (marine-related) on 2nd Floor
- Commercial Retail Low & Medium Intensity (marine-related) < 5,000 s.f.
- Parking Lots
- Light industrial (marine-related).
- Boat Sales and Service
- Commercial Retail Low & Medium Intensity (Bicycle Rental) < 5,000 s.f.

C. CONDITIONAL USES

- Commercial Retail Low & Medium Intensity (marine-related) > 5,000 s.f.
- Educational Institutions
- Marinas
- Public and Private Utilities
- Permanent residential as long as the use is < 750 s.f. or no more than 25% of the other use on-site, whichever is less.

D. PROHIBITED USES

More than one cruise ship berth on the Outer Mole Pier.
Cruise ship home porting activities.
Car ferries.
All uses not specifically or provisionally provided for herein.

E. DIMENSIONAL REGULATIONS

1. Maximum Density: 16 units per acre only as a conditional use.
2. Maximum FAR: 1.0
3. Maximum Height: 35 feet, except within the 100 feet setback from mean high water (MHW), the following restrictions apply.
 - a. The minimum open space ratio shall be 0.5
 - b. The height of buildings shall be one habitable floor/story above base flood elevation
4. Maximum Building Coverage: 50%
Maximum Impervious Surface Ratio: 60%, excepting the first 100 feet from mean high water (cross reference 2-5.5.3 (2)(A))
5. Minimum Lot Size: 5,000 square feet
Minimum Lot Width: 50 feet
Minimum Lot Depth: 100 feet
6. Minimum Setbacks:
 - a. Front: 10 feet
 - b. Side: 7.5 feet
 - c. Rear: 15 feet but 10 when abutting an alley
 - d. Street Side: 7.5 feet

SUBSECTION 2.5.5.4(2) HISTORIC NEIGHBORHOOD COMMERCIAL DISTRICT (HNC-2)

A. INTENT

The HNC-2 district 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 sub-areas 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.

B. USES PERMITTED

Single/Two family Residential Dwellings
Multiple Family Residential Dwellings
Group Homes with < 6 Residents (cross reference §2-7.18)
Places of Worship
Business and Professional Offices
Commercial Retail Low Intensity < 2,500 sq.ft.
Medical Services
Parking Lots and Facilities
Veterinary Medical Services, Without Outside Kennels
Parks and Recreation, Active and Passive on the Truman Waterfront Parcel, only

C. CONDITIONAL USES

Group Homes with 7 to 14 Residents (cross reference §2-7.18)
Cultural and Civic Activities
Educational Institutions and Day Care
Nursing Homes, Rest & Convalescent Homes
Parks and Recreation, Active and Passive
Protective Services
Public and Private Utilities
Commercial Retail Low Intensity >2,500 sq.ft. < 5,000 sq.ft.
Restaurants, Excluding Drive-through (1)

(1) 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.

D. PROHIBITED USES

All uses not specifically or provisionally provided for herein.

E. DIMENSIONAL REGULATIONS - HNC-2

1. *Maximum Density:* Sixteen (16) dwelling units per acre (16 du/acre)
2. *Maximum FAR:* 1.0, Reference Section 2-5.5.4 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*
 - Maximum Building Coverage: 40%
 - Impervious Surface Ratio: 60%
5. *Minimum Lot Size:* 5,000
 - Minimum Lot Width: 50 feet
 - 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

SUBSECTION 2-5.5.7(1) HISTORIC PUBLIC AND SEMI-PUBLIC SERVICES DISTRICT - 1 (HPS-1)

A. INTENT

The HPS-1 district is established to implement Comprehensive Plan policies for areas designated HPS-1 on the Future Land Use map. This district is specifically intended to implement policies for the Truman Waterfront recreational area, the NOAA/ environmental education center, the Seminole Battery, and the area to be made part of Fort Zachary Taylor. The Truman Waterfront recreational area is envisioned as an area that will include a harborwalk, open space, play fields and public recreational facilities. The NOAA/environmental education center is envisioned as a government office facility, as well as a marine-related environmental education center. The HPS-1 district shall accommodate a harborwalk, parks and recreation facilities, community centers and parking lots.

B. USES PERMITTED

- Harborwalk
- Parks and Recreation, Passive and Active
- Community Centers
- Parking Lots

C. CONDITIONAL USES

- Cultural and Civic Activities
- Public and Private Utilities
- Protective Services
- Business and professional offices limited to government agencies involved in maritime services or administration of the Truman Waterfront.
- Marinas

D. PROHIBITED USES

All uses not specifically or provisionally provided for herein.

E. DIMENSIONAL REGULATIONS

1. Maximum Density: Not applicable
2. Maximum FAR: 0.25
3. Maximum Height: 25 feet
4. Maximum Lot Coverage
 - Maximum Building Coverage: 30%
 - Impervious Surface Ratio: 50%
5. Minimum Lot Size: 5,000 square feet
 - Minimum Lot Width: 50 feet
 - Minimum Lot Depth: 100 feet
6. Minimum Setbacks:
 - a. Front: 20 feet
 - b. Side: Greater of 5 feet or 10% of lot width to a maximum of 15 feet;
 - c. Rear: 20 feet or 15 feet when abutting an alley.

d. Street Side: 10 feet

SUBSECTION 2-5.5.7(2) HISTORIC PUBLIC AND SEMI-PUBLIC SERVICES DISTRICT - 2 (HPS-2)

A. INTENT

The HPS-2 district is established to implement Comprehensive Plan policies for areas designated HPS-2 on the Future Land Use map. The district is specifically intended to implement policies for the Peary Court Cemetery and be consistent with the Historic Preservation Plan for that site. HPS-2 district shall accommodate an existing cemetery and historic open space accommodating passive park and recreation activities.

B. USES PERMITTED

Cemeteries
Open Space

C. CONDITIONAL USES

None

D. PROHIBITED USES

All uses not specifically or provisionally provided for herein.

E. DIMENSIONAL REGULATIONS

1. Maximum Density: Not applicable
2. Maximum FAR: Not applicable
3. Maximum Height: 25 feet
4. Maximum Lot Coverage
 - Maximum Building Coverage: N/A
 - Impervious Surface Ratio: N/A
5. Minimum Lot Size: N/A
 - Minimum Lot Width: N/A
 - Minimum Lot Depth: N/A
6. Minimum Setbacks:
 - a. Front: N/A
 - b. Side: N/A
 - c. Rear: N/A
 - d. Street Side: N/A

SUBSECTION 2-5.5.9 HISTORIC LIMITED COMMERCIAL DISTRICT (HCL)

A. INTENT

The HCL district is established to implement Comprehensive Plan policies for areas designated HCL on the Comprehensive Plan Future Land Use Map. The purpose of the HCL district is to provide a management framework for the 'market place' adjacent to Bahama Village, south of the extension of Petronia Street. The HCL district shall accommodate limited commercial land uses including shops catering primarily to the following markets:

- Neighborhood residential markets within the immediate vicinity as opposed to city-wide or regional markets;
- Specialized markets with customized market demands; or
- Tourist oriented markets in the immediate vicinity.

In order to manage the impacts of future development on transportation and public facilities, the city shall limit the intensity of development in the HCL district to activities generating no more than 100 average daily trips per 1000 square feet. Areas designated for residential and limited commercial development shall not accommodate large scale retail sales and trade activities generally serving a city-wide or regional market. Such stores usually differ from limited commercial shops since the former generally require a larger floor area, carry a relatively larger inventory, and require a substantially greater off-street parking area.

Uses which are not accommodated within the historic limited commercial area include the following: large scale discount stores or supermarkets; department stores; wholesale and warehousing activities; sales, service or repair of motor vehicles, machine equipment or accessory parts, including tire and battery shops; automotive services centers; and fast food establishment primarily serving in disposable containers an/or providing drive-in or drive-through facilities; nor any commercial use which is affiliated with a regional, state or national concern, or which advertises by common theme of architecture, signage, or operations be allowed. In addition, the HCL designation shall not accommodate transient residential uses, including motels or hotels and conversions from permanent residential use to transient residential use.

B. USES PERMITTED

- Business and Professional Offices
- Commercial Retail Low & Medium Intensity that generate < 50 pm peak hour vehicle trips per 1,000 sf of gross leasable floor area
- Restaurants, excluding drive-through facilities that generate < 50 pm peak hour vehicle trips per 1,000 sf of gross leasable floor area
- Open air vending and mobile vending consistent with other city regulations

C. CONDITIONAL USES

- Single/Two Family Residential Dwellings located over commercial
- Public and Private Utilities

- Restaurants, excluding drive-through, that generate between 50 and 100 pm peak hour vehicle trips per 1,000 sf

D. PROHIBITED USES

All uses not specifically or provisionally provided for herein.

E. DIMENSIONAL REGULATIONS

1. Maximum Density: Sixteen (16) dwelling units/acre (16 du/acre).
2. Maximum FAR: 0.8
3. Maximum Height: 35 feet
4. Maximum Lot Coverage:
 - Maximum Building Coverage: 40%
 - Maximum Impervious Surface Ratio: 60%
5. Minimum Lot Size: 5,000 square feet
 - Minimum Width: 50 feet
 - Minimum Depth: 100 feet
6. Minimum Setbacks:
 - a. Front: minimum of 5 feet
 - b. Side: minimum of 5 feet
 - c. Rear: 15 feet

Chapter IV: Administration of Development Plan Review and Subdivision

Article XVIII: Development Plan Review Procedures

Section 4-18.3: Development Plan Review Criteria/Procedures

2. Major Non-Residential Development. A Major Development Plans Review shall be required for non-residential developments on sites:
 - a. One-half (½) acre or more within the historic district;
 - b. One (1) or more acre outside the historic district;
 - c. Where new gross floor area added outside the historic district includes ten-thousand (10,000) or more square feet; with the historic district where new gross floor area includes two thousand five hundred (2,500) or more square feet;
 - d. Located within tidal waters extending 600 feet seaward of the corporate limits of the city [cross reference Section 2-7.12(C)]; ~~or,~~
 - e. Where an adult entertainment establishment is proposed [cross reference Section 2-7.28]; ~~;~~ or,
 - f. Where a port facility expansion is proposed in the Truman Waterfront Parcel.

Section 4-18.4: Development Review Process

- E. Special Workshop and Notification Procedures for Port Expansion at the Truman Waterfront Parcel. Prior to initiating the Development Review Process outlined in Sub-Section 4-18.4 (A), a joint workshop will be held between the Planning Board and the Port Advisory Board for the purposes of encouraging public discussion about the proposed expansion. The workshop will be chaired by the Planning Board Chairperson, according to the following guidelines.
 1. The meeting will be held in a workshop format designed to encourage public discussion and interaction. The applicant will be encouraged to provide responses to questions and explain aspects of the application during the workshop. Board members will also be encouraged to enter the discussion or provide information. A hearing format is discouraged.
 2. A neutral facilitation process can be used at the discretion of the Planning Director;
 3. At the end of the workshop, the following findings will be made by the members present from both boards: is additional information necessary for the Planning Board and City Commission to consider the plan? And, is additional public workshop discussion needed to clarify the plan? The findings should not include recommendations for or against the project at this time. If additional discussion is needed, further workshops can be scheduled. Additional information can be provided either at future workshops, if they are scheduled, or as an amendment to the development plan.
 4. The public workshop will be advertised in the local newspaper a minimum of seven days in advance of the meeting.

The development plan application, together with the record of the public workshop(s), and the recommendation of the Planning Board as required by Sub-Subsection 4-18.4 (A), shall form the basis for the finding of the City Commission that the proposal does or does not on balance, contribute to rather than detract from the quality of life for the residents of Key West.

Section 4-18.5 INFORMATION TO BE INCLUDED IN DEVELOPMENT PLAN

K. Truman Waterfront Port Facilities.

Applications for new port facilities or expansions to existing port facilities at the Truman Waterfront Port shall address the following questions:

1. How will the project positively or negatively impact the areas targeted for redevelopment in the community, the community as a whole, and residents on a per capita basis?
2. What specific positive or negative impacts to the quality of life in the community will result from this project? Specific areas of concern include: increased demand for housing, particularly affordable housing; jobs and job training programs, economic diversity, environmentally sensitive resources, public amenities including recreation and waterfront access, and transportation and traffic.
3. A description of the type of port facility, including proposed number of berths, whether the port use includes passenger ferries, cruise ship or marina-type uses.

DEFINITIONS

The following are definitions for key words and phrases within the proposed amendments to the Comprehensive Plan and Land Development Regulations.

BRAC - Federal Base Realignment and Closure Commission pursuant to the Defense Closure and Realignment Act of 1990, Public Law 101-510, as amended.

Continuum of Care - A comprehensive homeless assistance system that includes: a system of outreach and assessment (to determine the needs and conditions of the homeless); emergency shelters and transitional housing with appropriate supportive services; housing with, or without supportive services that has no established limitation on the amount of time in residence; and any other activity that clearly meets an identified need of the homeless and fills a gap in services.

Emergency Housing - generally refers to housing used to alleviate an immediate housing crisis, where the individual or family resides for 30 days or less.

Emergency Shelter - means any facility with sleeping accommodations, the primary purpose of which is to provide temporary shelter for the homeless in general, or for specific populations of the homeless e.g. persons with alcohol and other substance abuse problems and/or mental illness.

Homeless - An individual or family which has a primary nighttime residence that is: (1) a supervised

publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for persons with mental illness); (2) an institution that provides a temporary residence for individuals intended to be institutionalized; or (3) a public or private place not designed for, or ordinarily used as, regular sleeping accommodations for human beings. The term does not include any individual imprisoned or otherwise detained.

Homeless Assistance Conveyance - That method of conveying Military property at no cost, to Local Redevelopment Authorities (LRA's) or homeless providers, in order to address the needs of homeless individuals as identified in a Continuum of Care Program.

Homeless Persons With Special Needs - A homeless person that has special physical, mental, or other social needs such as: (but not limited to) persons with alcohol and/or drug addiction, mental illness, single women with children, abused individuals, etc.

Housing Unit - An occupied or vacant house, apartment, or a single room occupied by one individual, known as single-room occupancy (SRO), that is intended as separate living quarters.

Permanent Housing - Affordable and/or assisted housing that is expected to be available to low/moderate income and/or homeless persons, for an indefinite period of time.

Port Expansion at the Truman Waterfront Parcel - The following activities at the Truman Waterfront Parcel shall constitute port expansion:

- a. Any increase in cruise ship berthing capacity (other than the one existing cruise ship berth on the Outer Mole Pier, which shall be appropriately permitted by the State of Florida).
- b. Development of new port facilities designed to accommodate ferry service, or use of the existing cruise ship berth at Outer Mole Pier to provide ferry service.
- c. Development of new port facilities that require either new maritime related infrastructure or channel dredging.

Rental Housing - Affordable and/or assisted rental housing that is expected to be available to low/moderate income and/or homeless persons at rents that do not exceed the established Fair Market Rent (FMR) as determined by the U.S. Department of Housing and Urban Development (HUD).

Sheltered - Families and persons whose primary nighttime residence is a supervised publicly or privately operated shelter, including emergency shelters, transitional housing for the homeless, domestic violence shelters, residential shelters for runaway and homeless youth, and any hotel/motel/apartment voucher arrangements made because the person is homeless. The term does not include persons living doubled-up or in overcrowded or substandard conventional housing.

Short-Term Housing - Generally refers to housing that accommodates the immediate needs of individual (up to six (6) months), and provides both housing and supportive services to homeless persons to facilitate movement to transitional or permanent housing.

Social Services Special Needs Housing - Short-term housing units which provides continuum of care services to a capacity of not more than 36 homeless persons with special needs.

Supportive Housing - Housing which includes housing units and group quarters, that have a supportive environment and include a planned supportive service component.

Supportive Services - Services that include (but are not limited to): case management, housing counseling, job training and placement, primary health care, mental health services, alcohol/drug abuse treatment, emergency food, domestic violence and family services, child care, veterans services, etc.

Transitional Housing - Generally refers to housing that accommodates the needs of individuals coming out of emergency shelter situations or short-term housing, and transitioning into permanent housing. Transitional housing provides both housing and supportive services to homeless persons to facilitate movement to independent living within 24 months.

Truman Waterfront Port - One of the City's deepwater port facilities.

Unsheltered - Families and individuals whose primary nighttime residence is a public or private place that is not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.