

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 122, OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES ENTITLED "ZONING" BY AMENDING THE HRCC-4 ZONING DISTRICT SECTION 122-756 ENTITLED "INTENT"; AMENDING SECTION 122-757 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-758 ENTITLED "CONDITIONAL USES"; AMENDING SECTION 122-759 ENTITLED "PROHIBITED USES"; AND AMENDING SECTION 122-760 ENTITLED "DIMENSIONAL REQUIREMENTS"; AND AMENDING THE HPS-1 ZONING DISTRICT SECTION 122-966 ENTITLED "INTENT"; AMENDING SECTION 122-967 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-968 ENTITLED "CONDITIONAL USES"; AND AMENDING SECTION 122-970 ENTITLED "DIMENSIONAL REQUIREMENTS" FOR AMENDMENTS TO ZONING DISTRICT REGULATIONS FOR THE LANDS WITHIN THE DESIGNATED TRUMAN WATERFRONT PARK AREA; AND AMENDING SUPPLEMENTARY DISTRICT REGULATIONS BY AMENDING SECTION 122-1111 ENTITLED "TABLE OF LAND USES BY DISTRICT"; AND AMENDING SECTION 122-1151 ENTITLED "TABLE OF SIZE AND DIMENSION REGULATIONS;" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR 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 Sections 90-486 through 90-524; and

WHEREAS, the Planning Department initiated the proposed amendments to the ordinance as a result of changes to the Comprehensive Plan that are the result of the adoption of the Truman Waterfront Park Master Plan by the City Commission and the

Navy's revocation of the Navy Mole Pier and the Truman Harbor areas of the original Truman Waterfront Parcel land conveyance; and

WHEREAS, the Truman Waterfront Park Master Plan is based on the Key West Base Reuse Plan and over 10 years of community, and committee hearings for the how the public desires the Truman Waterfront Parcel to be used; and

WHEREAS, the lands that make up the Truman Waterfront Parcel land conveyance shall be used as a regional public park in perpetuity; and

WHEREAS, pursuant to Section 90-522, the Planning Board held a noticed public hearing on August 22, 2013; where based on the consideration of recommendations of the City Planner, City Attorney, and public testimony and input, and recommendation of the Planning Department, recommended approval of the proposed amendments; and

WHEREAS, the City Commission held a noticed public hearing on October 2, 2013 and a second public hearing on 12-3-13 and in its deliberations considered the criteria identified in Section 90-521 of the Code of Ordinances; and

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 ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 122, of the Code of Ordinances entitled "Zoning" is hereby amended as follows*:

Division 7.

Subdivision V.HRCC-4 Truman Waterfront District

Sec. 122-756. Intent.

The HRCC-4 district is established to implement comprehensive plan policies for areas ~~designated~~ zoned "HRCC-4" ~~on the comprehensive plan future land use map.~~ The HRCC-4 district shall provide within the Truman Waterfront parcel. ~~site with a designation which~~ The district specifically accommodates uses

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

compatible with or accessory to the Truman Waterfront Regional Park ~~marine related and marine dependent activities, as well as~~ and encourages preservation of the nature, character, and quality of the city's historic development. The Truman Waterfront Park shall be dedicated in perpetuity as a regional park. ~~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.~~

Sec. 122-757. 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 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. Uses Permitted in the HRCC-4 zoning district are as follows:~~

- (1) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed. ~~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 108-31~~

- ~~(2) Protective services. Harborwalk.~~
- ~~(3) Community Centers. Mobile vending along Harborwalk, consistent with other city regulations.~~
- ~~(4) Government business and professional offices (marine-related) on second floor.~~
- ~~(5) Commercial retail and concessionaire sales accessory to primary uses. low and medium intensity (marine related) less than or equal to 5,000 square feet.~~
- ~~(6) Parking lots.~~
- ~~(7) Cultural and Civic Activities, inclusive of museums, theatres, stadiums and amphitheaters.~~
- ~~(7) Light industrial (marine related).~~
- ~~(8) Boat sales and service.~~
- ~~(9) Commercial retail low and medium intensity (bicycle rental) less than or equal to 5,000 square feet.~~

Sec. 122-758. Conditional uses.

Conditional uses in the HRCC-4 Truman Waterfront District are as follows:

(1) Waterfront restaurants and food service facilities associated with park activities. Commercial retail low and medium intensity (marine related) greater than 5,000 square feet.

~~(2) Educational institutions.~~

~~(3) Marinas.~~

~~(4) Public and private utilities.~~

~~(5) Permanent residential as long as the use is less than or equal to 750 square feet or no more than 25 percent of the other use on site, whichever is less.~~

Sec. 122-759. Prohibited uses.

In the HRCC-4 Truman Waterfront District, the following uses not specifically or provisionally provided for in this subdivision are prohibited.†

~~(1) More than one cruise ship berth on the Outer Mole Pier.~~

~~(2) Cruise ship home porting activities.~~

~~(3) Car ferries.~~

~~(4) All uses not specifically or provisionally provided for in this subdivision.~~

Sec. 122-760. Dimensional requirements.

The dimensional requirements in the HRCC-4 Truman Waterfront District are as follows; however, construction may be limited by ~~proportion,~~ scale, and mass and proportion considerations as expressed through the historic architectural review commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

- (1) Maximum density: Not applicable. ~~16 units per acre only as a conditional use.~~
- (2) Maximum FAR: ~~1.0~~ 0.8.
- (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 lot building coverage: 50 percent.
 - a. Maximum building coverage: 30 percent.
 - a.b. Maximum impervious surface ratio: 65 percent.
~~excepting the first 100 feet from mean high water.~~

~~Cross reference HRCC-2 Key West Bight district, § 122-716 et seq.~~

- (5) Minimum lot size: Not applicable. ~~5,000 square feet.~~

a. ~~Minimum lot width: 50 feet.~~

b. ~~Minimum lot depth: 100 feet.~~

(6) Minimum setbacks:

a. Front: ~~10~~ 7.5 feet.

b. Side: 7.5 feet.

c. Rear: ~~15~~ 7.5 feet. ~~but 10 when abutting an alley.~~

d. Street side: 7.5 feet.

(7) Additional regulations:

a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above when the principal use is passive and active recreation defined in Chapter 86, Section 86-9, Definition of Terms.

b. Military requirements for landscaping adjacent to Military lands should be installed in accordance with the Truman Waterfront parcel land conveyance documents.

Cross Reference Chapter 102 entitled Historic Preservation

Section 2: That sections 122-966 through 122-970 of the Code of Ordinances is hereby amended as follows:

Chapter 122

Division 11

Subdivision II. Historic Public and Semipublic Services District-1

(HPS-1)

Sec. 122-966 -- Intent

The HPS-1 district is established to implement Comprehensive Plan policies for areas designated HPS-1 on the future land use map located within the Truman Waterfront parcel. This district is specifically intended to implement policies ~~for~~ that facilitate the development and use of the Truman Waterfront Park, recreational area, inclusive of the NOAA/environmental education center, the Seminole Battery, and the area to be made part of Fort Zachary Taylor. The Truman Waterfront Park recreational area is envisioned as an area shall be dedicated in perpetuity as a regional park. 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 regional park with uses essential and accessory to parks of regional importance. harborwalk, parks and, recreation facilities, community centers, and parking lots.

Section 122-967. - Uses permitted.

Uses permitted in the historic public and semipublic services district-1 (HPS-1) are as follows:

- (1) Cultural and civic activities, inclusive of museums, theatres, stadiums and amphitheaters. Harborwalk.
- (2) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed.
- (3) Community centers.
- (4) Parking Lots.
- (5) Protective Services.
- (6) Government business and professional offices.
- (7) Commercial retail and concessionaire sales accessory to primary uses.

Section 122-968. - Conditional uses.

Conditional uses in the historic public and semipublic services district-1 (HPS-1) district are as follows:

- (1) Waterfront restaurants and food service facilities associated with park activities. Cultural and civic activities

~~(2) Public and private utilities.~~

~~(3) Protective services.~~

~~(4) Business and professional offices limited to government agencies involved in maritime services or administration of the Truman Waterfront.~~

~~(5) Marinas.~~

~~(6) Nursing homes, rest homes and convalescent homes, so long as affordable housing is provided by the project as follows: one third of beds or units are affordable housing, or if the development or redevelopment is in more than one zoning district, one third of beds or units in the total project are affordable housing.~~

Sec. 122-969. - Prohibited uses.

In the historic public and semipublic services district-1 (HPS-1), all uses not specifically or provisionally provided for in this subdivision are prohibited.

Sec. 122-970. - Dimensional requirements ~~regulations~~.

The dimensional requirements in the historic public and semipublic services district-1 (HPS-1) are as follows; however, construction is ~~may be~~ limited by ~~proportion~~, scale, and mass and proportion considerations as expressed through the Historic

Architectural Review Commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

- (1) Maximum density: Not applicable.
- (2) Maximum FAR: 0.80.
- (3) Maximum height: 25 feet.
- (4) Maximum lot coverage.
 - a. Maximum building coverage: 30 percent.
 - b. Impervious surface ratio: 50 percent.
- (5) Minimum lot size: Not applicable. 5,000 square feet.
 - a. ~~Minimum lot width: 50 feet.~~
 - b. ~~Minimum lot depth: 100 feet.~~
- (6) Minimum setbacks.
 - a. Front: ~~20~~ 7.5 feet.
 - b. Side: 7.5 feet. ~~Greater of 5 feet or 10 percent of lot width to a maximum of 15 feet.~~
 - c. Rear: ~~20~~ 7.5 feet ~~or 15 feet when abutting an alley.~~
 - d. Street side: 7.5 ~~ten~~ feet.
- (7) Additional regulations:
 - a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above when the principal use is passive and active

recreation defined in Chapter 86, Section 86-9,
Definition of Terms.

- b. Military requirements for landscaping adjacent to
Military lands should be installed in accordance
with the Truman Waterfront parcel land conveyance
documents.

Cross Reference Chapter 102 entitled Historic Preservation

Section 3: That section 122-1111 of the Code of
Ordinances is hereby amended as follows:

[SEE COMPLETE TABLES ON NEXT PAGE]

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 2. USES

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

TABLE OF LAND USE BY DISTRICT

	LDR-C	SF	MDR	MDR-C	HDR	CL	CG	CT	RO	PRD	HMDR	HSMDR	HHDR	HRCC-1	HRCC-2	HRCC-3	HRCC-4	HPR-D	HNC-1	HNC-2	HNC-3	HCT	HRO	HPS	HPS-1	PS	C	A5
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				4	
Duplexes/two-family dwellings		C1	P	P	P	C	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P				4	
Multiple-family dwellings			P	P	P	C	C	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					
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					
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					
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				4	C
Community Facilities																												
Airport facilities																												P
Cemeteries																									C		C	

Community centers, clubs and lodges						C	C	C	C	C		C		C	C	C	<u>P</u>	C	C			C	C	P	<u>P</u>	P		
Cultural and civic activities						P	P	P	C	C	C	C	C	C	<u>P</u>	C	C	C	C	C	C	C	C	<u>P</u>	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	P		P			
Golf course facilities									C																	P		
Hospitals and extensive care							P																	P		P		
Nursing homes, rest homes and convalescent homes			C		C	C	C	C	C	C	C		C	C	C	C		C	C	C	C	C	C	P	C	P		
Parks and recreation, active		C	C		C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	<u>P</u>	C	C	C	C	C	C	P	<u>P</u>	P		
Parks and recreation, passive	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	<u>P</u>	C	C	C	C	C	C	P	<u>P</u>	P	4	
Places of worship		C	C		C	P	P	P	P	C	C		C	P	P	P		C	P	P	P	P	P	P		P		
Protective services	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	<u>P</u>	C	C	C	C	C	C	C	<u>P</u>	C	C	
Public and private utilities	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C		C	C	C	C	C	C	C		C	4 C	
Commercial activities																												
Bars and lounges							C	C						C	C	C												
Boat sales and services							C							C	C													
Business and professional offices						P	P	P	P	C				P	P	P	<u>P</u>	P	P	P	P	P	P	P	<u>P</u>	P	C	

Sec. 122-1151. - Size and dimension.

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

TABLE OF SIZE AND DIMENSION REGULATIONS

Minimum Setback Requirements												
District	Minimum Area (sq.ft.)	Minimum Width (sq.ft.)	Minimum Depth (sq.ft.)	Impervious Surface Ratio	Maximum Building Coverage	Front (feet)	Street Side (feet) ¹	Side (feet)	Rear ² (feet)	Maximum Height (feet)	Maximum Floor Area Ratio	Maximum Density (du/acre)

<u>HRCC-4 historic residential commercial core- 4</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u>	<u>30</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>35</u>	<u>0.8</u>	<u>N/A</u>
<u>HPS-1 historic public and semi-public service -1</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u>	<u>30</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>25</u>	<u>0.8</u>	<u>N/A</u>

Section 7: 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 8: 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 9: 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 State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

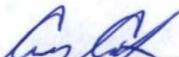
Read and passed on first reading at a regular meeting held
this 2nd day of October, 2013.

Read and passed on final reading at a regular meeting held
this 3rd day of December, 2013.

Authenticated by the presiding officer and Clerk of the
Commission on 4th day of December, 2013.

Filed with the Clerk December 4, 2013.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Mark Rossi	<u>Absent</u>
Commissioner Teri Johnston	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>
Commissioner Tony Yaniz	<u>Yes</u>



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK

EXECUTIVE SUMMARY



To: Bogdan Vitas, Jr., City Manager

Through: Donald Leland Craig, AICP, Planning Director

From: Nicole Malo, LEED GA, Planner II

Meeting Date: October 2, 2013

RE: **Zoning District Amendment** – An ordinance of the City of Key West amending Chapter 122, of the Code of Ordinances entitled "Zoning" of Article IV, Division 5 by amending the HRCC-4 zoning district Section 122-756 entitled "Intent"; amending Section 122-757 entitled "Uses Permitted"; amending Section 122-758 entitled "Conditional Uses"; amending Section 122-759 entitled "Prohibited Uses"; and amending Section 122-760 entitled "Dimensional Requirements"; and amending Division 11 by amending the HPS-1 zoning district Section 122-966 entitled "Intent"; amending Section 122-967 entitled "Uses Permitted"; amending Section 122-968 entitled "Conditional Uses"; and amending Section 122-970 entitled "Dimensional Requirements" for amendments to zoning district regulations for the lands within the designated Truman Waterfront Park area; and amending Section 122-1111 entitled "Table of Land Uses by District"; and Section 122-1151 entitled "Size and Dimension", "Table of Size and Dimension"; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.

Action Item

This request is for the approval of the proposed amendments to the Land Development Regulations for the HRCC - 4 and the HPS - 1 zoning districts in order to reflect changes proposed concurrently to the Comprehensive Plan. The proposed changes to the Permitted Uses sections of the zoning districts reflect the City's desire to develop the Truman Waterfront parcel, a former Navy property, for use as a regional public park. The HRCC - 4 and HPS - 1 zoning districts were established for and are located within the boundaries of the future Truman Waterfront Park only.

Attachments

- Exhibit A - Adopted Truman Waterfront Park Master Plan
- Exhibit B - Proposed Comprehensive Plan amendments for the HRCC-4 FLU
- Exhibit C - Future Land Use Element for the HPS-1

Strategic Plan Consistency

The proposed amendments support the Key West Strategic Plan, Infrastructure, Goal #3 to Develop the Truman Waterfront Park.

Background

The HRCC-4 and the HPS-1 zoning districts are located exclusively within the Truman Waterfront Park parcel and do not affect any other currently zoned lands within the City. The purpose of the proposed amendments to the Land Development Regulations (LDR's) for the HRCC-4 and the HPS-1 zoning districts is to respond to several changed conditions since the original Truman Waterfront parcel land conveyance from the Navy in 1997 and the adoption of the associated Land Development Regulations. Those changed conditions are as follows:

1. The Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012 (Exhibit A); and
2. Concurrent amendments to the Comprehensive Plan for the HRCC-4 zoning district (Exhibit B); and
3. The Navy retracted portions of the original upland land conveyance and restricted public access to the Truman Harbor.

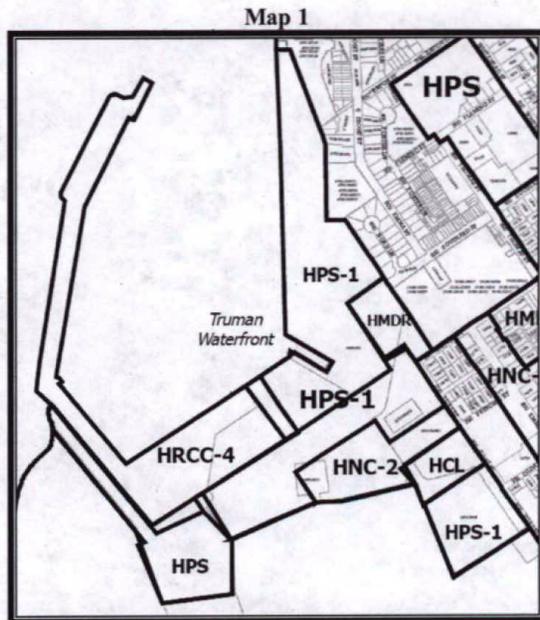
Both the HRCC-4 and the HPS-1 zoning districts, and Comprehensive Plan Future Land Use districts, were adopted in 1999 and created specifically for the development of the Truman Waterfront parcel after the land transfer from the Navy to the City through the Base Reuse Plan process. Currently, the Truman Waterfront parcel, is made up of five (5) zoning districts including the HRCC-4, HPS-1, HMDR, HNC-1, HNC-2 and HCL zoning districts with their respective regulations and associated uses (Map 1 below). At the time that the site was originally zoned, the entire property was envisioned as an area with a variety of different uses such as specific uses named in the Base Reuse Plan, not otherwise listed in the Code (ie. harborwalk), residential development, commercial retail uses, parks and recreation, marinas, ports, and some industrial uses, most of which are inconsistent with the currently proposed use of the land as a public regional park.

October 15, 2012, the Truman Waterfront Park Master Plan was adopted by the LRA. The Plan is based on several years of community meetings and committee hearings where input was collected on the desired uses for the Truman Waterfront Park parcel, based on the restrictions of the Land Conveyance Deed and Base Reuse Plan. The Master Plan attached herein as Exhibit A, includes the adaptive reuse of Navy Building 103, open space recreation areas, an Olympic sized multi-use field, a community center, police mounted patrol stables, and an amphitheater. The layout of the major infrastructure improvements on the Master Plan, is in response to several site limitations, including but

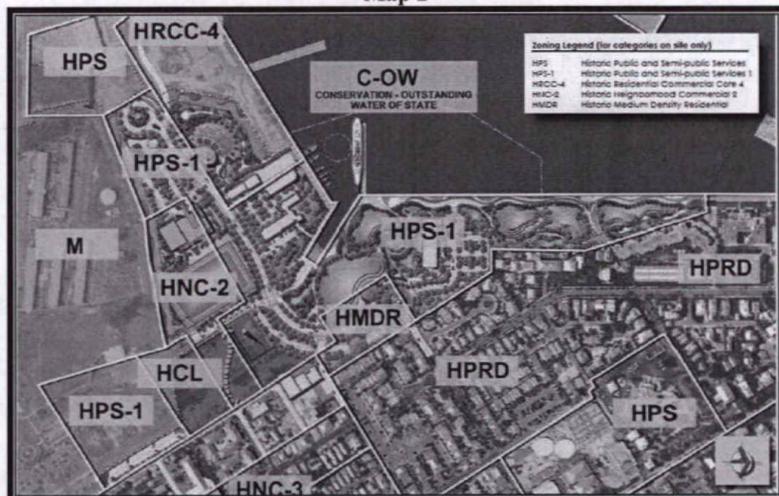
not limited to: required Navy setbacks and deed restrictions, land use compatibility concerns, and the size and configuration of the parcel.

In conjunction with this LDR amendment, amendments to the HRCC-4 Future Land Use (FLU) District are also proposed. Currently, the uses allowed in the HRCC-4 FLU district and zoning district are water related and water dependent uses that are inconsistent with the physical uses of the site since the Navy has restricted the civilian/public use of the Navy Mole Pier, and the Navy Truman Harbor (Map 2 below). As a result of the retraction of portions of the land, no portions of the HRCC-4 actually reach the water. Therefore, it is no longer practical to have in the Comprehensive Plan uses such as marina/port development, cruise ship birthing and marine dependent activities. The proposed Comprehensive Plan amendment is consistent with the desired use of the land as a regional park, and the zoning district amendments reflect the changes to the Comprehensive Plan. The approval of the zoning district amendments are therefore conditioned upon the approval of the Comprehensive Plan Amendment.

The intent of amending both the HRCC-4 and the HPS-1 are to allow uses consistent with the adopted Truman waterfront Park Master Plan, the Comprehensive Plan, Land Conveyance documents and that are internally consistent. Therefore, the proposed land uses and dimensional requirements are identical, with the exception of height, which cannot be changed except through a charter amendment.



Map 2



Analysis

By using the adopted Truman Waterfront Park Plan and the guiding Policies of the Comprehensive Plan to construct the allowed uses for the development of the Truman Waterfront Park parcel, the proposed amendments facilitate the development of the adopted Truman Waterfront Park Master Plan as approved by the LRA.

As part of the upcoming major Zoning Map and Land Development Regulation amendment process that will occur as a result of the 2013 Comprehensive Plan amendments, the properties within the Truman Waterfront Park area will be rezoned HPS-1 for continuity. However, until then, the proposed amendments to the HRCC-4 and the HPS-1 will enable park development.

Review Criteria

Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

Sec. 90-522. Planning Board review of proposed changes in land development regulations. (a) The planning board, regardless of the source of the proposed change in the land development regulations, shall hold a public hearing thereon with due public notice. The planning board shall consider recommendations of the city planner, city attorney, building official and other information submitted at the scheduled public hearing. The planning board shall transmit a written report and recommendation concerning the proposed change of zoning to the city commission

for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.

The City Attorney's Office, Building Official and City Planner have worked together to review guideline modifications proposed and to recommend changes to the Land Development Regulations. This Planning Department report dated August 22, 2013 was prepared in support of procedural review criteria in the code and in support of Planning Board consideration. The Planning Board approved the proposed LDR amendments on August 22, 2013 through Resolution 2013-049 attached herein.

Sec. 90-521. Criteria for approving amendments to official zoning map.
In evaluating proposed changes to the official zoning map, the city shall consider the following criteria:

(1) Consistency with plan. Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

The proposed amendments are consistent with the concurrently proposed Comprehensive Plan Policies for the HRCC-4 designation and adopted Policies for the HPS designation. The relevant Future Land Use Policies are as follows:

Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core: The historic residential commercial core (HRCC) zoning district located within the Historic Commercial Future Land Use District is designed to accommodate the Historic Preservation District residential commercial core mixed use center. The HRCC zoning district is intended to provide a management framework for preserving the nature, character and historic quality of the Historic Preservation District commercial core, including related residential development.

The HRCC-4 zoning sub-district comprises a portion of the Truman Waterfront Parcel of the Key West Base Reuse Plan to be used as a regional public park. This district represents areas historically used by the military for marine-related services and port-related activities. Appropriate uses in the HRCC-4 sub-district include the following uses parks and recreational facilities and uses accessory to or typical of parks of regional scale, so long as they are water dependent or water related: light manufacturing, light industrial and warehousing, service and repair, terminal operations, port operations, cruise ship berthing, offices, marinas, and parks and recreation. Permanent residential units can be allowed as a conditional use so long as those units are less than 750 square feet or 25 percent of the other uses on site, whichever is less. Cruise ship home porting and car ferries are prohibited.

Policy 1-1.1.10: Allowed Uses in Historic Public and Semi-Public: The maximum FAR for the HPS area shall be 1.0, excepting large scale regional public facilities. The latter projects may have a higher FAR if approved by City Commission. However, prior to approving an FAR in excess of 1.0, the City Commission must render a finding that the

proposed public facility requires a higher FAR in order to accommodate a regional service necessary to the general health, safety, and welfare of the City and/or County. Furthermore, the finding must indicate that the regional facility as proposed shall comply with all other qualitative and quantitative criteria of the Comprehensive Plan and Land Development Regulations, including, but not limited to the adopted concurrency management policies. In no case may the City approve a FAR of greater than 1.75.

Areas of the Truman Waterfront have been zoned HPS-1. Development in those areas is limited to the existing and proposed uses identified in the Military Base Reuse Plan. These uses include a harborwalk, open space, community recreation centers, play fields, public recreation facilities, amphitheaters, and accessory concessionaire commercial uses.

The Peary Court Cemetery has been zoned HPS-2. This designation is intended to restrict development of the parcel to its historic use as a cemetery and open space. Any proposed uses shall be reviewed for consistency with the applicable historic preservation plans.

The City shall monitor the need for increased land area for institutional uses and shall ensure that adequate lands are provided in the public and semi-public land use designation. Land uses such as cultural or civic centers, and public or private not-for-profit uses may be included within this land use designation.

Because the proposed amendments eliminate density and reduce intensity, they will have no impact on minimum levels of service or concurrency determinations as established by the Comprehensive Plan.

(2) Conformance with requirements. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposed amendments are in conformance with the Code and the procedures for amending the Land Development Regulations will be followed and are supported by this report.

(3) Changed conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

Land use and development conditions have changed since the effective date of the existing regulations and the proposed amendments are supportive of and in response to those changes. Those changed conditions are as follows:

1. The Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012 (Exhibit A); and
2. Concurrent amendments to the Comprehensive Plan for the HRCC-4 zoning district (Exhibit B); and

3. The Navy retracted portions of the original upland land conveyance and restricted public access to the Truman Harbor.

(4) Land use compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

These amendments are intended to facilitate the development of the Truman Waterfront Park, a regional public park, with accessory land uses that are compatible with and typical of a regional waterfront park of this size and scope. The proposed land uses promote compatibility and reduced intensity from the intense land uses currently allowed.

(5) Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The proposed amendments are intended to reduce the high impact land uses currently allowed by the LDR's. The proposed amendments will not result in excessive demands on public facilities. All applications for future development will have to comply with concurrency standards.

(6) Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The park and other amenities will abut environmentally sensitive lands, waters or wildlife habitat, particularly the Gulf of Mexico. The proposed amendments are intended to reduce the high impact land uses currently allowed by the LDR's and allow uses compatible and accessory to public regional parks. Any future construction will be required to attain relevant environmental permitting and comply with mitigation requirements.

(7) Economic effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

These proposed amendments will not have an adverse effect on the property values in the area or the general welfare. In fact, these amendments, as proposed, will protect property values while allowing for improvements for the general public welfare.

(8) Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The proposed amendments will support an orderly and compatible land use pattern. These amendments are in fact proposed to accommodate the intended use of the property.

(9) Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposed amendments are not in conflict with the public interest. They will enhance the public welfare by developing the park as intended. They are expected to help protect the government's use of the lands, and provide services to the community, which is in the greater public interest and will further the intent of the Comprehensive Plan and Land Development Regulations.

(10) Other matters. Other matters which the Planning Board and the City Commission may deem appropriate.

Other matters have not been identified at this time.

Process:

The Planning Board recommended approval of the LDR Amendment Ordinance at a regularly scheduled meeting held on August 22, 2013 based on a recommendation of approval of the Comprehensive Plan amendment for the HRCC-4 Land Use District. The ordinance will require two City Commission readings for adoption. Absent any appeals, the ordinance will be rendered to the DCA after the HRCC-4 Land Use Amendment adoption, who will have 60 days to issue an order which determines consistency with Florida Statutes 380.0552 and the City's Comprehensive Plan.

Options / Advantages / Disadvantages:

Option 1. Approve the Ordinance for the HRCC-4 and the HPS-1 zoning districts as proposed.

1. Consistency with the City's Comprehensive Plan and Land Development Regulations:

The proposed ordinance is consistent with the City's Comprehensive Plan and Land Development Regulations.

2. Consistency with the City's Strategic Plan, Vision and Mission:

The proposal is consistent with the City's Strategic Plan, Vision, and Mission, Infrastructure, Goal #3 to Develop the Truman Waterfront Park.

3. Financial Impact:

The proposal is intended to facilitate development of the Truman Waterfront Park. Approving the ordinance will allow construction to begin without delay consistent with available funding.

Option 2. Deny the proposed ordinance.

1. **Consistency with the City's Comprehensive Plan and Land Development Regulations:**

Denying the Ordinance is not consistent with the City's Comprehensive Plan that supports the proposed ordinance and leaves in place outdated HRCC-4 and HPS-1 land uses.

2. **Consistency with the City's Strategic Plan, Vision and Mission:**

Denying the Ordinance is not consistent with the City's Strategic Plan, Vision, and Mission to develop the Truman Waterfront APRk.

3. **Financial Impact:**

The proposal is intended to facilitate development consistent with the Comprehensive Plan and the Truman Waterfront Park Master Plan. Denying the ordinance will prohibit redevelopment of the Truman Waterfront Park as proposed in the adopted Master Plan.

Recommendation:

The Planning Department and Planning Board recommend the **approval of Option 1.**

PLANNING BOARD RESOLUTION
NO. 2013-049

RECOMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 122, OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES ENTITLED "ZONING" OF ARTICLE IV, DIVISION 5 BY AMENDING THE HRCC-4 ZONING DISTRICT SECTION 122-756 ENTITLED "INTENT"; AMENDING SECTION 122-757 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-758 ENTITLED "CONDITIONAL USES"; AMENDING SECTION 122-759 ENTITLED "PROHIBITED USES"; AND AMENDING SECTION 122-760 ENTITLED "DIMENSIONAL REQUIREMENTS"; AND AMENDING DIVISION 11 BY AMENDING THE HPS-1 ZONING DISTRICT SECTION 122-966 ENTITLED "INTENT"; AMENDING SECTION 122-967 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-968 ENTITLED "CONDITIONAL USES"; AND AMENDING SECTION 122-970 ENTITLED "DIMENSIONAL REQUIREMENTS" FOR AMENDMENTS TO ZONING DISTRICT REGULATIONS FOR THE LANDS WITHIN THE DESIGNATED TRUMAN WATERFRONT PARK AREA; AND AMENDING ARTICLE V, SUPLEMENATRY DISTRICT REGULATIONS, DIVISION 2, USES, BY AMENDING SECTION 122-1111 ENTITLED "TABLE OF LAND USES BY DISTRICT"; AND AMENDING SECTION 122-1151 ENTITLED "TABLE OF SIZE AND DIMENSION REGULATIONS" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE 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 to the Comprehensive Plan and the Truman Waterfront Master Plan; and

WHEREAS, the Planning Board held a noticed public hearing on August 22, 2013,

 Chairman
 Planning Director

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.

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. Recommending approval of an ordinance of the City of Key West amending Chapter 122, of the Code of Ordinances entitled "Zoning" of Article IV, Division 5 by amending the HRCC-4 zoning district Section 122-756 entitled "Intent"; amending Section 122-757 entitled "Uses Permitted"; amending Section 122-758 entitled "Conditional Uses"; amending Section 122-759 entitled "Prohibited Uses"; and amending Section 122-760 entitled "Dimensional Requirements"; and amending Division 11 by amending the HPS-1 zoning district Section 122-966 entitled "Intent"; amending Section 122-967 entitled "Uses Permitted";

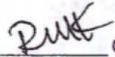
 Chairman
 Planning Director

amending Section 122-968 entitled "Conditional Uses"; and amending Section 122-970 entitled "Dimensional Requirements" for amendments to zoning district regulations for the lands within the designated Truman Waterfront Park area; and amending Section 122-1111 entitled "Table of Land Uses by District"; and Section 122-1151 entitled "Size and Dimension", "Table of Size and Dimension"; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date is hereby recommended for approval; with the condition that the Comprehensive Plan amendment for the HRCC-4 Land Use district is approved; a copy of the recommended modifications to the Code is attached.

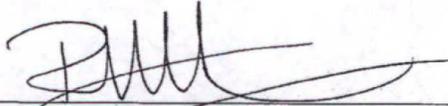
Section 3. This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a special meeting held this 22nd day of August, 2013.

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


Chairman

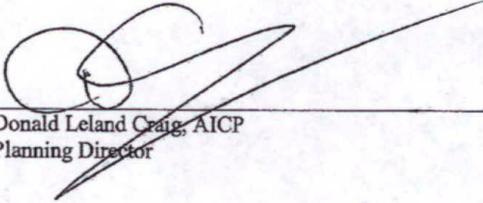
Planning Director



Richard Klitenick, Chairman
Key West Planning Board

8/28/2013
Date

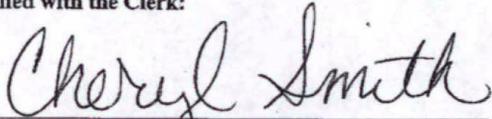
Attest:



Donald Leland Craig, AICP
Planning Director

8.26.13
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

9-3-13
Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST AMENDING CHAPTER 122, OF THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES ENTITLED "ZONING" OF ARTICLE IV, DIVISION 5 BY AMENDING THE HRCC-4 ZONING DISTRICT SECTION 122-756 ENTITLED "INTENT"; AMENDING SECTION 122-757 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-758 ENTITLED "CONDITIONAL USES"; AMENDING SECTION 122-759 ENTITLED "PROHIBITED USES"; AND AMENDING SECTION 122-760 ENTITLED "DIMENSIONAL REQUIREMENTS"; AND AMENDING DIVISION 11 BY AMENDING THE HPS-1 ZONING DISTRICT SECTION 122-966 ENTITLED "INTENT"; AMENDING SECTION 122-967 ENTITLED "USES PERMITTED"; AMENDING SECTION 122-968 ENTITLED "CONDITIONAL USES"; AND AMENDING SECTION 122-970 ENTITLED "DIMENSIONAL REQUIREMENTS" FOR AMENDMENTS TO ZONING DISTRICT REGULATIONS FOR THE LANDS WITHIN THE DESIGNATED TRUMAN WATERFRONT PARK AREA; AND AMENDING ARTICLE V, SUPPLEMENATRY DISTRICT REGULATIONS, DIVISION 2, USES, BY AMENDING SECTION 122-1111 ENTITLED "TABLE OF LAND USES BY DISTRICT"; AND AMENDING SECTION 122-1151 ENTITLED "TABLE OF SIZE AND DIMENSION REGULATIONS" PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR 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 Sections 90-486 through 90-524; and

WHEREAS, the Planning Department initiated the proposed amendments to the ordinance as a result of changes to the

*Coding: Added language is underlined; deleted language is struck through

Comprehensive Plan that are the result of the adoption of the Truman Waterfront Park Master Plan by the City Commission and the Navy's revocation of the Navy Mole Pier and the Truman Harbor areas of the original Truman Waterfront Parcel land conveyance; and

WHEREAS, the Truman Waterfront Park Master Plan is based on the Key West Base Reuse Plan and over 10 years of community, and committee hearings for the how the public desires the Truman Waterfront Parcel to be used; and

WHEREAS, the lands that make up the Truman Waterfront Parcel land conveyance shall be used as a regional public park in perpetuity; and

WHEREAS, pursuant to Section 90-522, the Planning Board held a noticed public hearing on August 22, 2013; where based on the consideration of recommendations of the City Planner, City Attorney, and public testimony and input, and recommendation of the Planning Department, recommended approval of the proposed amendments; and

WHEREAS, the City Commission held a noticed public hearing on _____ and a second public hearing on _____ and in its

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deliberations considered the criteria identified in Section 90-521 of the Code of Ordinances; and

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 ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That Chapter 122, of the Code of Ordinances entitled "Zoning" of Article IV, Division 5 and Division 11 are hereby amended as follows:

Chapter 122

Division 7.

Subdivision V.HRCC-4 Truman Waterfront District

Section 122-756. Intent.

Section 122-757. Uses permitted.

Section 122-758. Conditional uses.

Section 122-759. Prohibited uses.

Section 122-760. Dimensional requirements.

Sections 122-761-122-775. Reserved.

Section 122-756. Intent.

The HRCC-4 district is established to implement comprehensive plan policies for areas ~~designated~~ zoned "HRCC-4" ~~on the comprehensive plan future land use element map.~~ The HRCC-4 district shall provide within the Truman Waterfront parcel. ~~site with a designation~~ The district specifically accommodates uses compatible with or accessory to the Truman Waterfront Regional Park ~~marine-related and marine-dependent activities, as well as~~ and encourages preservation of the nature, character, and quality of the city's historic development. The Truman Waterfront Park shall be dedicated in perpetuity as a regional park. ~~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.~~
(Ord. No. 99-18, § 1 (Exh. A(2-5.5.3(4)(A))), 9-8-1999)

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Section 122-757. 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 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. Uses Permitted in the HRCC-4 zoning district are as follows:~~

- (1) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed. ~~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 108-31~~
- (2) Protective services. ~~Harborwalk.~~
- (3) Community Centers. ~~Mobile vending along Harborwalk, consistent with other city regulations.~~
- (4) Government business and professional offices ~~(marine-related) on second floor.~~

(5) Commercial retail and concessionaire sales accessory to primary uses. ~~low and medium intensity (marine-related) less than or equal to 5,000 square feet.~~

(6) Parking lots.

(7) Cultural and Civic Activities, inclusive of museums, theatres, stadiums and amphitheaters.

~~(7) Light industrial (marine-related).~~

~~(8) Boat sales and service.~~

~~(9) Commercial retail low and medium intensity (bicycle rental) less than or equal to 5,000 square feet.~~

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.3(4)(B))), 9-8-1999; Ord. No. 00-14, § 1(Exh. A), 7-5-2000)

Section 122-758. Conditional uses.

Conditional uses in the HRCC-4 Truman Waterfront District are as follows:

(1) Waterfront restaurants and food service facilities associated with park activities. ~~Commercial retail low and medium intensity (marine-related) greater than 5,000 square feet.~~

~~(2) Educational institutions.~~

~~(3) Marinas.~~

~~(4) Public and private utilities.~~

*Coding: Added language is underlined; deleted language is struck through

~~(5) Permanent residential as long as the use is less than or equal to 750 square feet or no more than 25 percent of the other use on-site, whichever is less.~~

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.3(4)(C))), 9-8-1999)

Section 122-759. Prohibited uses.

In the HRCC-4 Truman Waterfront District, the following uses not specifically or provisionally provided for in this subdivision are prohibited.+

- ~~(1) More than one cruise ship berth on the Outer Mole Pier.~~
- ~~(2) Cruise ship home porting activities.~~
- ~~(3) Car ferries.~~
- ~~(4) All uses not specifically or provisionally provided for in this subdivision.~~

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.3(4)(D))), 9-8-1999; Ord. No. 00-14, § 1(Exh. A), 7-5-2000)

Section 122-760. Dimensional requirements.

The dimensional requirements in the HRCC-4 Truman Waterfront District are as follows; however, construction may be limited by proportion, scale, and mass and proportion considerations as expressed through the historic architectural review commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

*Coding: Added language is underlined; deleted language is struck through

- (1) Maximum density: Not applicable. ~~16 units per acre only as a conditional use.~~
- (2) Maximum FAR: ~~1.0~~ 0.8.
- (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 lot building coverage: ~~50 percent.~~
 - a. Maximum building coverage: 30 percent.
 - ~~a-b.~~ Maximum impervious surface ratio: 650 percent.
~~excepting the first 100 feet from mean high water.~~

~~Cross reference HRCC-2 Key West Bight district, § 122-716 et seq.~~

- (5) Minimum lot size: Not applicable. ~~5,000 square feet.~~
 - a. ~~Minimum lot width: 50 feet.~~
 - b. ~~Minimum lot depth: 100 feet.~~
- (6) Minimum setbacks:
 - a. Front: ~~10~~ 7.5 feet.
 - b. Side: 7.5 feet.
 - c. Rear: ~~15~~ 7.5 feet. ~~but 10 when abutting an alley.~~
 - d. Street side: 7.5 feet.
- (7) Additional regulations:

*Coding: Added language is underlined; deleted language is struck through

- a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above when the principal use is passive and active recreation defined in Chapter 86, Section 86-9, Definition of Terms.
- b. Military requirements for landscaping adjacent to Military lands should be installed in accordance with the Truman Waterfront parcel land conveyance documents.

Cross Reference Chapter 102 entitled Historic Preservation

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.3(4)(E))), 9-8-1999; Ord. No. 10-04, § 8, 1-5-2010)

Sections 122-761-122-775. Reserved.

Section 2: That Chapter 122, Article V, Division 11, Subdivision II. Section 122-761 through 122-775 of the Code of Ordinances is hereby amended as follows:

Sections 122-761-122-775. Reserved.

Chapter 122

Division 11

Subdivision II. Historic Public and Semipublic Services District-1

(HPS-1)

The HPS-1 district is established to implement Comprehensive Plan policies for areas designated HPS-1 on the future land use map located within the Truman Waterfront parcel. This district is specifically intended to implement policies ~~for~~ that facilitate the development and use of the Truman Waterfront Park, recreational area, inclusive of the NOAA/environmental education center, the Seminole Battery, and the area to be made part of Fort Zachary Taylor. The Truman Waterfront Park recreational area is envisioned as an area shall be dedicated in perpetuity as a regional park. ~~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 regional park with uses essential and accessory to parks of regional importance. ~~Passive harborwalk, parks and, recreation facilities, community centers, parking lots.~~

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.7(1)(A))), 9-8-1999)

Section 122-967. - Uses permitted.

Uses permitted in the historic public and semipublic services district-1 (HPS-1) are as follows:

- (1) Cultural and civic activities, inclusive of museums, theatres, stadiums and amphitheaters. Harborwalk.
- (2) Parks and recreation, passive and active, inclusive of uses typically associated with or accessory to a regional waterfront park that serve social, educational and cultural needs not otherwise listed.
- (3) Community centers.
- (4) Parking Lots.
- (5) Protective Services.
- (6) Government business and professional offices.
- (7) Commercial retail and concessionaire sales accessory to primary uses.

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.7(1)(B))), 9-8-1999)

Section 122-968. - Conditional uses.

Conditional uses in the historic public and semipublic services district-1 (HPS-1) district are as follows:

- (1) Waterfront restaurants and food service facilities associated with park activities. Cultural and civic activities
- ~~(2) Public and private utilities.~~

*Coding: Added language is underlined; deleted language is struck through

~~(3) Protective services.~~

~~(4) Business and professional offices limited to government agencies involved in maritime services or administration of the Truman Waterfront.~~

~~(5) Marinas.~~

~~(6) Nursing homes, rest homes and convalescent homes, so long as affordable housing is provided by the project as follows: one-third of beds or units are affordable housing, or if the development or redevelopment is in more than one zoning district, one-third of beds or units in the total project are affordable housing.~~

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.7(1)(C))), 9-8-1999; Ord. No. 10-05, § 1, 1-5-2010)

Sec. 122-969. - Prohibited uses.

In the historic public and semipublic services district-1 (HPS-1), all uses not specifically or provisionally provided for in this subdivision are prohibited.

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.7(1)(D))), 9-8-1999)

Sec. 122-970. - Dimensional requirements regulations.

The dimensional requirements in the historic public and semipublic services district-1 (HPS-1) are as follows; however, construction is ~~may be~~ limited by ~~proportion~~, scale, ~~and~~ mass and

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proportion considerations as expressed through the Historic Architectural Review Commission design guidelines; in addition to dimensional requirements imposed by the adjacent Military property as stated in the Truman Waterfront parcel land conveyance documents:

- (1) Maximum density: Not applicable.
- (2) Maximum FAR: 0.80.
- (3) Maximum height: 25 feet.
- (4) Maximum lot coverage.
 - a. Maximum building coverage: 30 percent.
 - b. Impervious surface ratio: 50 percent.
- (5) Minimum lot size: Not applicable.~~5,000 square feet.~~
 - ~~a. Minimum lot width: 50 feet.~~
 - ~~b. Minimum lot depth: 100 feet.~~
- (6) Minimum setbacks.
 - a. Front: ~~10~~ 7.5 feet.
 - b. Side: 7.5 feet. ~~Greater of 5 feet or 10 percent of lot width to a maximum of 15 feet.~~
 - c. Rear: ~~20~~ 7.5 feet ~~or 15 feet when abutting an alley.~~
 - d. Street side: 7.5 ~~ten~~-feet.
- (7) Additional regulations:
 - a. Required street landscape buffers may be reduced to the setbacks enumerated in subsection (6) above by

*Coding: Added language is underlined; deleted language is struck through

when the principal use is passive and active recreation defined in Chapter 86, Section 86-9, Definition of Terms.

- b. Military requirements for landscaping adjacent to Military lands should be installed in accordance with the Truman Waterfront parcel land conveyance documents.

Cross Reference Chapter 102 entitled Historic Preservation

(Ord. No. 99-18, § 1 (Exh. A(2-5.5.7(1)(E))), 9-8-1999; Ord. No. 10-04, § 16, 1-5-2010; Ord. No. 10-05, § 2, 1-5-2010)

Sections 122-971-122-975. - Reserved.

Section 3: That Chapter 122, Article V, Division 2, Uses, Section 122-1111 of the Code of Ordinances is hereby amended as follows:

ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS
DIVISION 2. USES

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

TABLE OF LAND USE BY DISTRICT

	LDR- C	SF	MDR	MDR- C	HDR	CL	CG	CT	RO	PRD	HMDR	HSMDR	HHDR	HRCC- -1	HRCC- 2	HRCC- 3	HRCC- 4	HPR D	HNC -1	HNC- 2	HNC- -3	HCT	HRO	HPS	HPS- 1	PS	C	A5
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					4
Duplexes/two-family dwellings		C1	P	P	P	C	C	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P					4
Multiple-family dwellings			P	P	P	C	C	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					
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					
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					
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				4	C
Community Facilities																												
Airport facilities																												P
Cemeteries																									C		C	

*Coding: Added language is underlined; deleted language is struck through

Community centers, clubs and lodges						C	C	C	C	C		C		C	C	C	<u>P</u>	C	C			C	C	P	<u>P</u>	P			
Cultural and civic activities						P	P	P	C	C	C	C	C	C	C	<u>P</u>	C	C	C	C	C	C	C	C	<u>P</u>	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	P		P			
Golf course facilities ⁶									C																		P		
Hospitals and extensive care							P																	P		P			
Nursing homes, rest homes and convalescent homes			C		C	C	C	C	C	C	C		C	C	C	C		C	C	C	C	C	C	P	C	P			
Parks and recreation, active		C	C		C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	<u>P</u>	C	C	C	C	C	C	C	P	<u>P</u>	P		
Parks and recreation, passive	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	<u>P</u>	C	C	C	C	C	C	P	<u>P</u>	P	P	4	
Places of worship		C	C		C	P	P	P	P	C	C		C	P	P	P		C	P	P	P	P	P	P		P			
Protective services	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	<u>P</u>	C	C	C	C	C	C	C	<u>P</u>	C	C		
Public and private utilities	C	C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C		C	C	C	C	C	C	C		C	4	C	
Commercial activities																													
Bars and lounges							C	C						C	C	C													
Boat sales and services							C							C	C														
Business and professional offices						P	P	P	P	C				P	P	P	<u>P</u>	P	P	P	P	P	P	P	<u>P</u>	P	P	C	

*Coding: Added language is underlined; deleted language is struck through

Sec. 122-1151. - Size and dimension.

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

TABLE OF SIZE AND DIMENSION REGULATIONS

Minimum Setback Requirements												
District	Minimum Area (sq.ft.)	Minimum Width (sq.ft.)	Minimum Depth (sq.ft.)	Impervious Surface Ratio	Maximum Building Coverage	Front (feet)	Street Side (feet) ¹	Side (feet)	Rear ² (feet)	Maximum Height (feet)	Maximum Floor Area Ratio	Maximum Density (du/acre)

<u>HRCC-4 historic residential</u> <u>commercial core- 4</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u>	<u>30</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>35</u>	<u>0.8</u>	<u>N/A</u>
<u>HPS-1 historic public and semi-public service -1</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>50</u>	<u>30</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>7.5</u>	<u>25</u>	<u>0.8</u>	<u>N/A</u>

*Coding: Added language is underlined; deleted language is struck through

Section 7: 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 8: 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 9: 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 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 _____, 2013.

Read and passed on final reading at a regular meeting held
this _____ day of _____, 2013.

Authenticated by the presiding officer and Clerk of the
Commission on _____ day of _____, 2013.

Filed with the Clerk _____, 2013.

Mayor Craig Cates _____

Vice Mayor Mark Rossi _____

Commissioner Teri Johnston _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

Commissioner Tony Yaniz _____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

Planning Board Staff Report



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

From: Nicole Malo, LEED GA, Planner II

Through: Don Craig, AICP, Planning Director

Meeting Date: August 22, 2013

Agenda Item: **Zoning District Amendment** – An ordinance of the City of Key West amending Chapter 122, of the Code of Ordinances entitled "Zoning" of Article IV, Division 5 by amending the HRCC-4 zoning district Section 122-756 entitled "Intent"; amending Section 122-757 entitled "Uses Permitted"; amending Section 122-758 entitled "Conditional Uses"; amending Section 122-759 entitled "Prohibited Uses"; and amending Section 122-760 entitled "Dimensional Requirements"; and amending Division 11 by amending the HPS-1 zoning district Section 122-966 entitled "Intent"; amending Section 122-967 entitled "Uses Permitted"; amending Section 122-968 entitled "Conditional Uses"; and amending Section 122-970 entitled "Dimensional Requirements" for amendments to zoning district regulations for the lands within the designated Truman Waterfront Park area; and amending Section 122-1111 entitled "Table of Land Uses by District"; and Section 122-1151 entitled "Size and Dimension", "Table of Size and Dimension"; providing for severability; providing for the repeal of inconsistent provisions; providing for an effective date.

Request

This request is for the approval of the proposed amendments to the Land Development Regulations for the HRCC - 4 and the HPS - 1 zoning districts in order to reflect changes proposed concurrently to the Comprehensive Plan. The proposed changes to the Permitted Uses sections of the zoning districts reflect the City's desire to develop the Truman Waterfront parcel, a former Navy property, for use as a regional public park. The HRCC - 4 and HPS - 1 zoning districts were established for and are located within the boundaries of the future Truman Waterfront Park only.

Attachments

Exhibit A - Adopted Truman Waterfront Park Master Plan
Exhibit B - Proposed Comprehensive Plan amendments for the HRCC-4 FLU
Exhibit C - Future Land Use Element for the HPS-1

Strategic Plan

The proposed amendments support the Key West Strategic Plan, Infrastructure, Goal #3 to Develop the Truman Waterfront Park.

Background

The HRCC-4 and the HPS-1 zoning districts are located exclusively within the Truman Waterfront Park parcel and do not affect any other currently zoned lands within the City. The purpose of the proposed amendments to the Land Development Regulations (LDR's) for the HRCC-4 and the HPS-1 zoning districts is to respond to several changed conditions since the original Truman Waterfront parcel land conveyance from the Navy in 1997 and the adoption of the associated Land Development Regulations. Those changed conditions are as follows:

1. The Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012 (Exhibit A); and
2. Concurrent amendments to the Comprehensive Plan for the HRCC-4 zoning district (Exhibit B); and
3. The Navy retracted portions of the original upland land conveyance and restricted public access to the Truman Harbor.

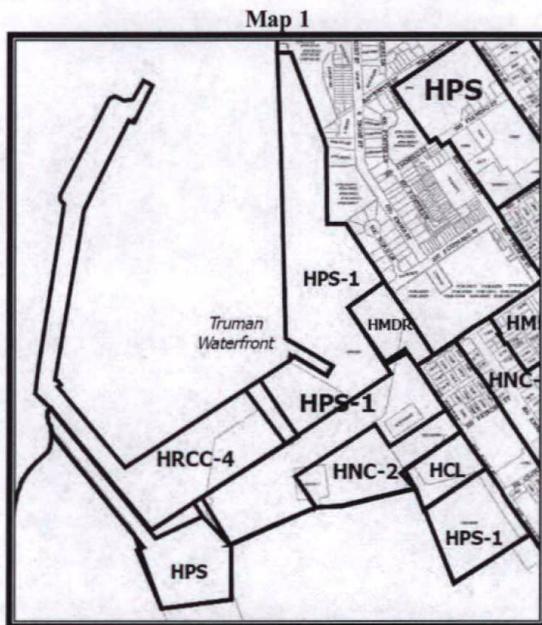
Both the HRCC-4 and the HPS-1 zoning districts, and Comprehensive Plan Future Land Use districts, were adopted in 1999 and created specifically for the development of the Truman Waterfront parcel after the land transfer from the Navy to the City through the Base Reuse Plan process. Currently, the Truman Waterfront parcel, is made up of five (5) zoning districts including the HRCC-4, HPS-1, HMDR, HNC-1, HNC-2 and HCL zoning districts with their respective regulations and associated uses (Map 1 below). At the time that the site was originally zoned, the entire property was envisioned as an area with a variety of different uses such as specific uses named in the Base Reuse Plan, not otherwise listed in the Code (ie. harborwalk), residential development, commercial retail uses, parks and recreation, marinas, ports, and some industrial uses, most of which are inconsistent with the currently proposed use of the land as a public regional park.

October 15, 2012, the Truman Waterfront Park Master Plan was adopted by the LRA. The Plan is based on several years of community meetings and committee hearings where input was collected on the desired uses for the Truman Waterfront Park parcel, based on the restrictions of the Land Conveyance Deed and Base Reuse Plan. The Master Plan attached herein as Exhibit A, includes the adaptive reuse of Navy Building 103, open space recreation areas, an Olympic sized multi-use field, a community center, police mounted patrol stables, and an amphitheater. The layout of the major infrastructure improvements on the Master Plan, is in response to several site limitations, including but not limited to: required Navy setbacks and deed restrictions, land use compatibility concerns, and the size and configuration of the parcel.

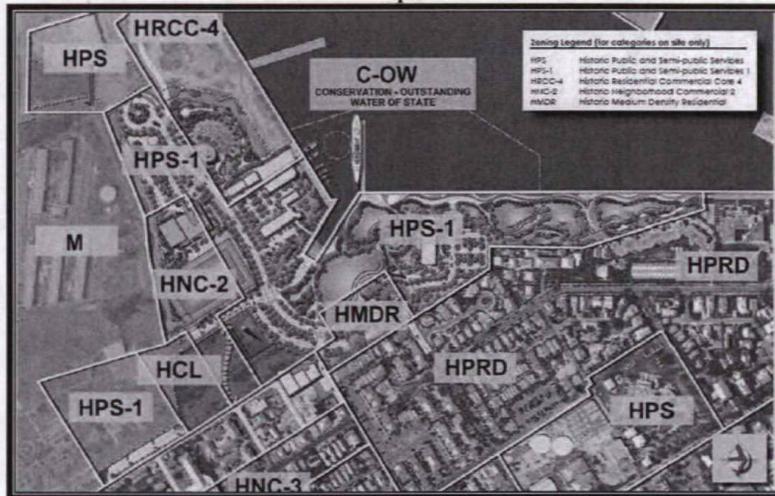
In conjunction with this LDR amendment, amendments to the HRCC-4 Future Land Use (FLU) District are also proposed. Currently, the uses allowed in the HRCC-4 FLU district and zoning district are water related and water dependent uses that are inconsistent with the physical uses of the site since the Navy has restricted the civilian/public use of the Navy Mole Pier, and the Navy Truman Harbor (Map 2 below). As a result of the retraction of portions of the land, no portions

of the HRCC-4 actually reach the water. Therefore, it is no longer practical to have in the Comprehensive Plan uses such as marina/port development, cruise ship birthing and marine dependent activities. The proposed Comprehensive Plan amendment is consistent with the desired use of the land as a regional park, and the zoning district amendments reflect the changes to the Comprehensive Plan. The approval of the zoning district amendments are therefore conditioned upon the approval of the Comprehensive Plan Amendment.

The intent of amending both the HRCC-4 and the HPS-1 are to allow uses consistent with the adopted Truman waterfront Park Master Plan, the Comprehensive Plan, Land Conveyance documents and that are internally consistent. Therefore, the proposed land uses and dimensional requirements are identical, with the exception of height, which cannot be changed except through a charter amendment.



Map 2



Analysis

By using the adopted Truman Waterfront Park Plan and the guiding Policies of the Comprehensive Plan to construct the allowed uses for the development of the Truman Waterfront Park parcel, the proposed amendments facilitate the development of the adopted Truman Waterfront Park Master Plan as approved by the LRA.

As part of the upcoming major Zoning Map and Land Development Regulation amendment process that will occur as a result of the 2013 Comprehensive Plan amendments, the properties within the Truman Waterfront Park area will be rezoned HPS-1 for continuity. However, until then, the proposed amendments to the HRCC-4 and the HPS-1 will enable park development.

Review Criteria

Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

Sec. 90-522. Planning Board review of proposed changes in land development regulations.

(a) The planning board, regardless of the source of the proposed change in the land development regulations, shall hold a public hearing thereon with due public notice. The planning board shall consider recommendations of the city planner, city attorney, building official and other information submitted at the scheduled public hearing. The planning board shall transmit a written report and recommendation concerning the proposed change of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.

The City Attorney's Office, Building Official and City Planner have worked together to review guideline modifications proposed and to recommend changes to the Land Development Regulations. This Planning Department report dated August 22, 2013 was prepared in support of procedural review criteria in the code and in support of Planning Board consideration.

Sec. 90-521. Criteria for approving amendments to official zoning map.

In evaluating proposed changes to the official zoning map, the city shall consider the following criteria:

(1) Consistency with plan. Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

The proposed amendments are consistent with the concurrently proposed Comprehensive Plan Policies for the HRCC-4 designation and adopted Policies for the HPS designation. The relevant Future Land Use Policies are as follows:

Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core: The historic residential commercial core (HRCC) zoning district located within the Historic Commercial Future Land Use District is designed to accommodate the Historic Preservation District residential commercial core mixed use center. The HRCC zoning district is intended to provide a management framework for preserving the nature, character and historic quality of the Historic Preservation District commercial core, including related residential development.

The HRCC-4 zoning sub-district comprises a portion of the Truman Waterfront Parcel of the Key West Base Reuse Plan to be used as a regional public park. This district represents areas historically used by the military for marine-related services and port-related activities. Appropriate uses in the HRCC-4 sub-district include the following uses parks and recreational facilities and uses accessory to or typical of parks of regional scale, so long as they are water-dependent or water related: light manufacturing, light industrial and warehousing, service and repair, terminal operations, port operations, cruise ship berthing, offices, marinas, and parks and recreation. Permanent residential units can be allowed as a conditional use so long as those units are less than 750 square feet or 25 percent of the other uses on site, whichever is less. Cruise ship home porting and car ferries are prohibited.

Policy 1-1.1.10: Allowed Uses in Historic Public and Semi-Public: The maximum FAR for the HPS area shall be 1.0, excepting large scale regional public facilities. The latter projects may have a higher FAR if approved by City Commission. However, prior to approving an FAR in excess of 1.0, the City Commission must render a finding that the proposed public facility requires a higher FAR in order to accommodate a regional service necessary to the general health, safety, and welfare of the City and/or County. Furthermore, the finding must indicate that the regional facility as proposed shall comply with all other qualitative and quantitative criteria of the Comprehensive Plan and Land Development Regulations, including, but not limited to the adopted concurrency management policies. In no case may the City approve a FAR of greater than 1.75.

Areas of the Truman Waterfront have been zoned HPS-1. Development in those areas is limited to the existing and proposed uses identified in the Military Base Reuse Plan. These uses include a harborwalk, open space, community recreation centers, play fields, public recreation facilities, amphitheaters, and accessory concessionaire commercial uses.

The Peary Court Cemetery has been zoned HPS-2. This designation is intended to restrict development of the parcel to its historic use as a cemetery and open space. Any proposed uses shall be reviewed for consistency with the applicable historic preservation plans.

The City shall monitor the need for increased land area for institutional uses and shall ensure that adequate lands are provided in the public and semi-public land use designation. Land uses such as cultural or civic centers, and public or private not-for-profit uses may be included within this land use designation.

Because the proposed amendments eliminate density and reduce intensity, they will have no impact on minimum levels of service or concurrency determinations as established by the Comprehensive Plan.

(2) Conformance with requirements. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposed amendments are in conformance with the Code and the procedures for amending the Land Development Regulations will be followed and are supported by this report.

(3) Changed conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

Land use and development conditions have changed since the effective date of the existing regulations and the proposed amendments are supportive of and in response to those changes. Those changed conditions are as follows:

1. The Truman Waterfront Park Master Plan approved by the City Commission sitting as the Naval Lands Redevelopment Agency (LRA), on October 15, 2012 (Exhibit A); and
2. Concurrent amendments to the Comprehensive Plan for the HRCC-4 zoning district (Exhibit B); and
3. The Navy retracted portions of the original upland land conveyance and restricted public access to the Truman Harbor.

(4) Land use compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

These amendments are intended to facilitate the development of the Truman Waterfront Park, a regional public park, with accessory land uses that are compatible with and typical of a regional waterfront park of this size and scope. The proposed land uses promote compatibility and reduced intensity from the intense land uses currently allowed.

(5) Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The proposed amendments are intended to reduce the high impact land uses currently allowed by the LDR's. The proposed amendments will not result in excessive demands on public facilities. All applications for future development will have to comply with concurrency standards.

(6) Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The park and other amenities will abut environmentally sensitive lands, waters or wildlife habitat, particularly the Gulf of Mexico. The proposed amendments are intended to reduce the high impact land uses currently allowed by the LDR's and allow uses compatible and accessory to public regional parks. Any future construction will be required to attain relevant environmental permitting and comply with mitigation requirements.

(7) Economic effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

These proposed amendments will not have an adverse effect on the property values in the area or the general welfare. In fact, these amendments, as proposed, will protect property values while allowing for improvements for the general public welfare.

(8) Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The proposed amendments will support an orderly and compatible land use pattern. These amendments are in fact proposed to accommodate the intended use of the property.

(9) Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposed amendments are not in conflict with the public interest. They will enhance the public welfare by developing the park as intended. They are expected to help protect the government's use of the lands, and provide services to the community, which is in the greater public interest and will further the intent of the Comprehensive Plan and Land Development Regulations.

(10) *Other matters.* Other matters which the Planning Board and the City Commission may deem appropriate.

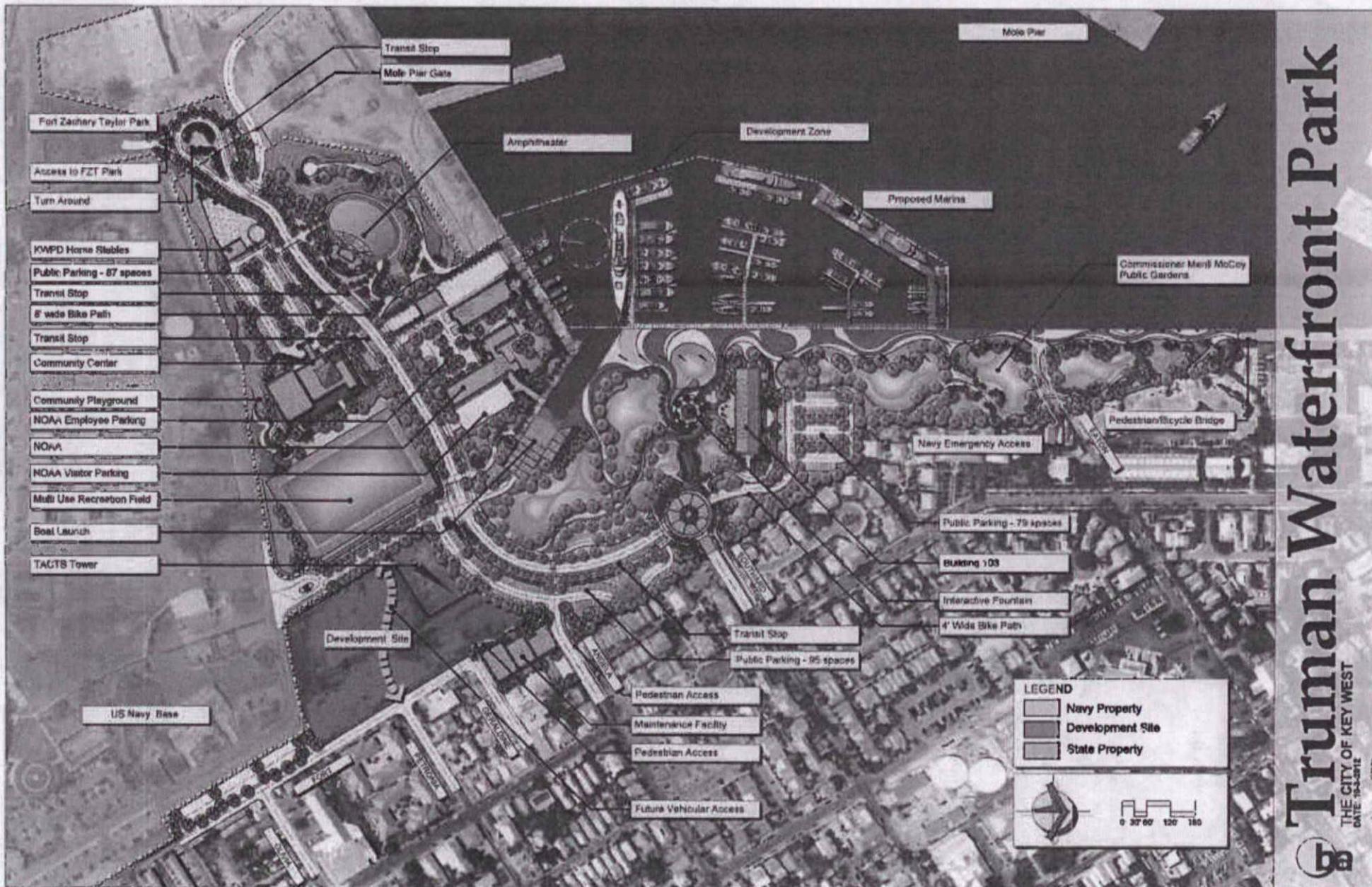
Other matters have not been identified at this time.

Recommendation

Planning Staff recommends the Planning Board forward a recommendation of **approval** of the ordinance to the City Commission amending the HRCC-4 and the HPS-1 zoning district regulations with the following condition:

1. That the Comprehensive Plan amendment for the HRCC-4 LUE district is approved.

Attachment A



Truman Waterfront Park

THE CITY OF KEY WEST
DATE 10-3-2012



Attachment B

generally have much smaller storefront windows and frequently incorporate a residential vernacular characterized by wood frame windows, equipped with mullions, and wood clapboard siding. This area shall be regulated by more restrictive performance standards than those applicable to the HRCC-1 area. The criteria shall require larger open space ratios, design standards which preserve and reinforce the physical characteristics of the area, and land use restrictions which exclude sidewalk bars and lounges which may produce excessive noise incompatible with surrounding residential activities.

The HRCC-4 zoning sub-district comprises a portion of the Truman Waterfront Parcel of the Key West Base Reuse Plan to be used as a regional public park. ~~This district represents areas historically used by the military for marine-related services and port-related activities.~~ Appropriate uses in the HRCC-4 sub-district include the following uses parks and recreational facilities and uses accessory to or typical of parks of regional scale. so long as they are water dependent or water related: light manufacturing, light industrial and warehousing, service and repair, terminal operations, port operations, cruise ship berthing, offices, marinas, and parks and recreation. ~~Permanent residential units can be allowed as a conditional use so long as those units are less than 750 square feet or 25 percent of the other uses on-site,~~

Coding: Added language is underlined; deleted language is struck through.

~~whichever is less. Cruise ship home porting and car ferries are prohibited.~~

Section 2: 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 there from and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

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

Section 4: This Ordinance shall be transmitted by the Director of the Planning Department to the State Land Planning Agency pursuant to Chapter 163 and 380, (F.S.).

Section 5: This ordinance shall be filed in the Office of the Secretary of the State of Florida but shall not become effective until a notice is issued by the State Land Planning Agency or Administration Commission finding the amendment is in compliance with Chapter 163, (F.S.), and after any applicable appeal periods have expired.

Attachment C



FUTURE LAND USE ELEMENT

Policy 1-1.1.6: Historic Preservation Areas: Areas delineated on the Future Land Use Map for historic preservation shall be planned and managed using a regulatory framework designed to preserve the form, function, image, and ambiance of the Historic Preservation Districts. Dependent upon the size and scope of development proposals, either the City's Historic Architectural Review Commission (HARC) and/or Historic Preservation Planner, in addition to the Planning Board and/or staff, shall review all development proposals within the City's designated historic districts. Any development plans for these areas shall be subject to site plan review and shall be designed in a manner compatible with historic structures within the vicinity.

Policy 1-1.1.7: Accessory Units in Low Density Residential: Areas designated Low Density Residential on the Future Land Use Map may include one (1) accessory attached or detached unit per principal dwelling unit if the accessory unit is approved pursuant to the provisions of this Policy. The ultimate number of accessory units that can be approved is limited by the Building Permit Allocation system that regulates all residential development. Accessory units have been found to have a lower impact on public facilities and trip generation than principal dwelling units because fewer persons reside in the units and fewer cars are associated with such units, and are therefore considered to be equivalent to .78 of one unit for purposes of measuring Level of Service Impacts and for allocating remaining units under the Building Permit Allocation System. Developers of new primary residents may build an accessory unit at the same time.

Accessory units must be affordable; restricted to occupancy by permanent residents; and cannot be sold separately as a condominium. When an accessory unit occupancy permit is originally initiated, the principal unit must be owned and occupied by a permanent resident; if the principal unit is under construction, occupancy is not a requirement. An accessory unit or SRO cannot take up more than forty percent (40%) of the principal structure nor can it exceed six hundred (600) square feet. No accessory unit shall have more than one bedroom unless an additional bedroom is approved as a variance by the Planning Board. If such variance is approved, the total square footage shall not exceed seven hundred (700) square feet.

Policy 1-1.1.8: Allowed Uses in the Historic Residential Commercial Core: The historic residential commercial core (HRCC) zoning district located within the Historic Commercial Future Land Use District is designed to accommodate the Historic Preservation District residential commercial core mixed use center. The HRCC zoning district is intended to provide a management framework for preserving the nature, character and historic quality of the Historic Preservation District commercial core, including related residential development.

The **HRCC-1** zoning sub-district encompasses the Duval Street Gulf side tourist commercial core, which provides an intensely vibrant tourist commercial entertainment center characterized by specialty shops, sidewalk-oriented restaurants, lounges and bars with inviting live entertainment; and transient residential accommodations. The commercial entertainment center spans Duval



FUTURE LAND USE ELEMENT

Street generally from the Pier House Hotel south to Petronia Street, and is the most intense activity center in the historic commercial core.

The **HRCC-2** zoning sub-district encompasses the Key West Bight area and adjacent areas. The maximum floor area ratio shall be 0.5. Areas zoned HRCC-2 shall carry a base density of 16 units per gross acre.

The **HRCC-3** zoning sub-district comprises the Duval Street Oceanside corridor from Petronia Street south to United Street. This corridor serves as a center for arts, crafts, gifts, designer goods, restaurants, and tourist accommodations. Structures within this corridor generally have retained a front facade which is much less commercialized relative to the entertainment center on the Gulf side of Duval Street HRCC-1 District. The front facades generally have much smaller storefront windows and frequently incorporate a residential vernacular characterized by wood frame windows, equipped with mullions, and wood clapboard siding. This area shall be regulated by more restrictive performance standards than those applicable to the HRCC-1 area. The criteria shall require larger open space ratios, design standards which preserve and reinforce the physical characteristics of the area, and land use restrictions which exclude sidewalk bars and lounges which may produce excessive noise incompatible with surrounding residential activities.

The **HRCC-4** zoning sub-district comprises a portion of the Truman Waterfront Parcel of the Key West Base Reuse Plan. This district represents areas historically used by the military for marine-related services and port-related activities. Appropriate uses in the HRCC-4 sub-district include the following uses so long as they are water-dependent or water-related: light manufacturing, light industrial and warehousing, service and repair, terminal operations, port operations, cruise ship berthing, offices, marinas, and parks and recreation. Permanent residential units can be allowed as a conditional use so long as those units are less than 750 square feet or 25 percent of the other uses on-site, whichever is less. Cruise ship home porting and car ferries are prohibited.

Policy 1-1.1.9: Allowed Uses in Historic Neighborhood Commercial: Areas zoned Historic Neighborhood Commercial within the Historic Commercial Future Land Use District are intended to 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 of Key West. Residential activities within this designated area include single family and duplex structures and multiple-family structures. Commercial uses generally permitted in the area include:

1. Professional offices;
2. Restaurants;
3. Banking and financial institutions;
4. Personal service shops;
5. Specialty shops;



FUTURE LAND USE ELEMENT

6. Retail sales and services, excluding automotive sales and services as well as drive-in or drive-through restaurants, theaters or other drive-in facilities which potentially generate similar traffic flow problems;
7. Transient living accommodations and guest cottages; and
8. Other similar uses which shall be identified in the land development regulations.

The HNC zoned areas may also accommodate community facilities.

These predominantly neighborhood-scale commercial uses are generally concentrated along portions of the following four corridors:

1. Simonton Street: from Caroline Street south to United Street.
2. Truman Avenue: from Simonton Street northeast to White Street.
3. White Street: from Truman Avenue south to United Street, and from Eaton to Southard Street.
4. The Petronia Street Corridor from near Duval Street to Emma Street.

In order to manage the impacts of future development on transportation and public facilities, the City shall limit the intensity of development within areas zoned "Historic Neighborhood Commercial" (HNC) by establishing the following thresholds within the HNC-1, HNC-2, and HNC-3 sub-districts, respectively:

1. Within areas zoned HNC-1, a FAR of 1.0.
2. Within areas zoned HNC-2, a FAR of 0.9.
3. Within areas zoned HNC-3, a FAR of 0.8.

Within HNC areas redevelopment or conversion of permanent housing structures to transient residential (excepting HNC-2 areas which do not allow transient uses), office, or other allowable commercial uses shall be permitted only if no on-site reduction in housing units for permanent residents occurs. The allowable maximum residential density shall be sixteen (16) units per acre. The maximum intensity for nonresidential activities shall not exceed a floor area ratio of 1.0 as stratified above (.8, .9, or 1.0) considering floor area allocated to all such uses. Performance standards shall be included in the land development regulations which 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 incorporate other qualitative and quantitative standards which protect residential properties.

Policy 1-1.1.10: Allowed Uses in Historic Public and Semi-Public: The maximum FAR for the HPS area shall be 1.0, excepting large scale regional public facilities. The latter projects may have



FUTURE LAND USE ELEMENT

a higher FAR if approved by City Commission. However, prior to approving an FAR in excess of 1.0, the City Commission must render a finding that the proposed public facility requires a higher FAR in order to accommodate a regional service necessary to the general health, safety, and welfare of the City and/or County. Furthermore, the finding must indicate that the regional facility as proposed shall comply with all other qualitative and quantitative criteria of the Comprehensive Plan and Land Development Regulations, including, but not limited to the adopted concurrency management policies. In no case may the City approve a FAR of greater than 1.75.

Areas of the Truman Waterfront have been zoned HPS-1. Development in those areas is limited to the existing and proposed uses identified in the Military Base Reuse Plan. These uses include a harborwalk, open space, community recreation centers, play fields, public recreation facilities, amphitheaters, and accessory concessionaire commercial uses.

The Peary Court Cemetery has been zoned HPS-2. This designation is intended to restrict development of the parcel to its historic use as a cemetery and open space. Any proposed uses shall be reviewed for consistency with the applicable historic preservation plans.

The City shall monitor the need for increased land area for institutional uses and shall ensure that adequate lands are provided in the public and semi-public land use designation. Land uses such as cultural or civic centers, and public or private not-for-profit uses may be included within this land use designation.

Policy 1-1.1.11: Historic Special Medium Density Residential (HSMDR). The Peary Court area designated on the Future Land Use Map as Historic Special Medium Density Residential is designated to accommodate existing multifamily military housing properties at the time when the land and improvements are transferred to private civilian ownership and City jurisdiction. The designation is intended to maintain land use compatibility with the adjacent historic district. This designation is not intended to accommodate transient or commercial residential land use activities. The allowable residential density shall be a maximum of 8.6 units per acre. The maximum intensity of development shall not exceed a floor area ratio (FAR) of 1.0 for all uses, both residential and non-residential combined.

The land development regulations shall identify standards and processes to implement Policy 1-1.6.4, provide bulk and performance standards to implement the HSMDR designation, and assure compliance with all other goals, objectives and policies of the Comprehensive Plan.

The Historic Preservation Planner and the Historic Architectural Review Commission shall have the discretion to review redevelopment and new development impacts for mass, scale, size, proportion and screening to ensure compatibility with the existing community fabric. The land development regulations shall be amended to include applicable review criteria for such historic architectural review standards.