Table 3 Summary of Recommended and Necessary LDR Amendments from City Staff Notes taken October-December, 2013 Draft Dated 20140805				
Chapter	**Section/ Topic**	**Topic/Issue**	**Dept.**	**Complete?**
		Charter		
Charter	**1.08**	**Approval by electorate required for annexation of any real property.** Annexation or acquisition by any means other than forfeiture proceedings pursuant to F.S 932, of any and all real property may only be by a vote of the electors of the City. For endangered historic resources (tie to demolition by neglect), as determined by the CBO, the City shall pursue acquisition and adaptive reuse of those resources per Comp Plan Policy 1A- 1.3.6. *(Referendum of 11-6-2007) Editor's note—* At an election held Nov. 6, 2007, the electors of the city approved the addition of the provisions which have been set out as § 1.08. See also § 8.01(b) of this Charter. Cross reference— Methods of amending charter, § 8.01.	**Legal** **HARC**	Not part of current scope
	7.03	**Reconcile Charter 7.03 with Comp Plan Policy 1a-1.2.12:** **Referendum required for conveyance of city owned real property; exceptions.** The city shall not sell, convey or otherwise transfer any real property, or any interest therein, to any person without the transfer being approved by referendum. Any such conveyance of contributing historic structures shall include a deed restriction requiring that the secretary standards for rehabilitation and Historic Preservation Guidelines be followed for any alterations to the resource as required by Comp Plan Policy 1a-1.1.12. The lease of city-owned real property in areas of the city other than the redevelopment areas for a term greater than ten (10) years shall be considered a conveyance requiring referendum. The lease of city-owned real property, located either in the Caroline Street Corridor and Bahama Village Redevelopment Agency area or located among those real properties excessed by the United States Navy to the city during the local redevelopment authority process, for a term greater than twenty (20) years shall be considered a conveyance requiring referendum. This provision shall not be applicable to the following: (a) A sale, lease, conveyance or other transfer to another governmental agency. The release of a claim or interest in land to settle, or aid the settlement of, record title to real property. (c) Sales of lots in the city cemeteries. *(Ord. No. 96-13, § 2, 8-20-1996; Ord. No. 98-21, § 2(Exh. A), 8-4-1998)*	**HARC**	Not part of current scope

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Code of Ordinances Volume I				
2	**Sec. 2-938 Easements**	**Move Easements and revocable licenses to the LDR's** (a) The city may grant an easement over any lands or interest therein owned by the city or any city agency. Where the granting of an easement over city-owned real property is proposed, it shall be noticed by both of the following methods, and such advertisement and notice shall state the address of the subject property and shall contain a survey depicting the property and encroachment: (1) One publication in a newspaper of general circulation in the city at least 14 days in advance of city commission consideration of the item; and (2) a. Certified mail, return receipt requested, to owners of real property adjacent to the proposed easement area on both sides, front and rear, whether or not separated therefrom by a street, sidewalk, alley or right-of-way, and to any other owners of real property within 50 feet of the proposed easement area; or b. Hand delivery of notice to all parties specified in subsection (a)(2)a of this section. Proof of delivery shall be sworn statement of the applicant. Notice under subsections (a)(2)a and (a)(2)b of this section shall be mailed or hand delivered at least 14 days in advance of city commission consideration of the item. The applicant shall pay a fee defraying the cost of notice and advertisement in an amount to be determined by the city clerk. (b) If the city grants an applicant's request for easement over any lands owned by the city or any city agency, the applicant shall pay an annual fee to the city. The annual fee shall be prorated based on the effective date of the easement. The applicant shall pay the fee each subsequent year the easement is in effect, as follows: (1) Each easement granted by the city for the use of less than 20 square feet of city property, $200.00. (2) Each easement granted by the city for the use of 20 square feet to 100 square feet of city property, $300.00. (3) Each easement granted by the city for the use of more than 100 square feet of property, $400.00	**HARC Planning**	
	Sec. 2-939 Licenses	The city may grant a revocable license for a nonpermanent use of city property. A revocable license shall be revocable at the will of the city. (b) A nonpermanent use may include but not be limited to planters, awnings, trash receptacles, planted areas, benches, flagpoles, guardrails, ramps and light fixtures, but shall not include buildings or accessory structures affixed to real property. (c) Except for the procedure specified for awnings described in paragraph (e) below, the same notice requirements pertaining to applications for easement in section 2-938(a)(1) and (2) shall apply to	**HARC**	

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		applications for a revocable license. (d) Except for a license issued in accordance with paragraph (e) below, if the city grants an applicant's request for a license, the applicant shall pay an annual fee to the city in the amount of $200.00. This fee shall be prorated based on the effective date of the license. The applicant shall pay the fee each subsequent year the license is in effect. (e) The chief building official is authorized to issue a revocable license which allows a nonpermanent use of city airspace for an awning under the following circumstances: (1) The applicant has obtained, or will obtain contemporaneously with the request for a nonpermanent use of city airspace, a properly issued building permit for such awning; and (2) The applicant shall obtain approval where applicable; and (3) Unless the circumstances dictate that stricter standards are applicable under the Florida Building Code, the awning may extend across the front of a building and may only project a maximum of two-thirds of the width of a sidewalk, or, to within 18 inches of the face of the curb, whichever is less. There shall be a minimum eight feet of clearance between the lowest point or projection of the awning and a sidewalk or public travelway immediately below. Any valance attached to an awning shall not project above the top surface of the awning. In no event shall a permit be issued that will adversely impact vehicular or pedestrian traffic and determined by the chief building official in conjunction with the city engineering department; and (4) Prior to the issuance of a permit, the applicant shall furnish the chief building official with a signed and notarized statement that the permittee shall hold harmless and indemnify the city, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried on under the terms of the permit; and (5) Permittee shall furnish and maintain such public liability and property damage insurance protecting the city from all claims and damage to property or bodily injury, including death, which may arise from the existence of the awning. Such insurance shall provide coverage of not less than $1,000,000.00 for bodily injury and property damage respectively, per occurrence. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name as additional insureds the city, its officers and employees and shall further provide that the policy shall not terminate or be cancelled without 45 days' written notice to the chief building official, sent via certified mail; and (6) If found to be necessary by the city for the protection of the health, safety and welfare of the public, awnings shall be immediately removed upon the request of the city and in the event an awning is not removed or due to an emergency the city finds it necessary to act immediately, the city may remove same and shall not be responsible for damage incurred due to such removal. The costs incurred by the city associated with any such removal shall be borne by the permittee.		
2	**Sec. 2-940 Summary**	Pursuant to this division, the city may process an application for easement by summary procedure if the easement application meets the following requirements:	**HARC**	

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	procedure	(1)The easement pertains to the main building of the property. (2)The requested easement is for less than a total of 20 square feet. (3)The city's development review committee recommends granting the easement without condition. (4)The request is noticed and advertised as described in section 2-938(a)(1) and (2), except that notice and advertisement may be made at any time, and the city thereafter receives no substantial objection to the request. (b) The city may process an application for a revocable license by summary procedure if the revocable license satisfies the requirements		
2 or 62	**Ch. 2 or 62**	Consider revising sale of goods onto City ROW. Create licensing process for indemnification/insurance for sales on ROW from private property. No alcohol sales onto ROW.	**LEGAL**	
12	**12-152**	Remove review of landscape review from 12-152.??? – No Ch. 12 exists	**TREE**	
14	**14-41**	Prior to obtaining a BP the building chief officer shall consult with the urban forester... (Ex. Ch. 14-40 for HARC review)	**TREE**	
22	**Cemeteries**	122-31. Amended to include that the fee schedule shall be approved by City Manager on an annual basis. Remove actual fees from ch. 22 add charge for cremation to fee schedule. Change 22-82 to remove actual $75 fee. Add building review fee? Records/genealogy search fee? Recording fee (already charges at City Clerk office). Municipal cemetery fees may be difficult culture to change.	**COM. SERV.**	
62	**Streets and Sidewalks**	Improve language to apply to MS4 (Municipal Separate Storm Sewer System NPDES Permit) requirements. Strengthen Ordinance regarding contamination of storm system from private property.	**ENG**	
	62-31 Prohibit private planting in the ROW	• Cross reference in Ch. 110 ROW ordinance. • Prohibit private planting in the ROW. • ROW passage and maintenance. • Repeat that ALL private plantings shall be maintained by property owner, particularly when encroaching on to ROW. • No brick or other materials on sidewalk	**TREE**	
70	**ROW Line of Site**	Clarify **Line of Site** for on street parking. Move to LDR's. Sec. 70-116(b)(4) and (c)(4 and 5). Parking prohibited within 30ft of back of curb (designated safety zone), and prohibited 20ft from crosswalk and 30ft from traffic signal, stop sign, etc. ▪ Sight distance at intersections should incorporate design criteria referenced to a standard manual,	**ENG**	

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		such as "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook)." ▪ Clarify where sight distance is it measured from? ▪ Private plantings on corners. ▪ Sec. 122-1183. Walls and fences. d. The fence shall be located so as to avoid interference with traffic visibility pursuant to section 122-1406 ▪ Ch 122. Division 8. Land Restrictions. Sec. 122-1406. Obstructions to visibility. (a) *Obstruction to traffic and traffic visibility.* There shall be no structure or planting which materially obstructs traffic and traffic visibility. (b) *Corner lots.* In any district where a corner or front yard setback is required, no structure, fence, planting or sign shall be located so as to interfere with traffic visibility across a corner between a height of 2½ and ten feet above the average grade within a triangle bounded by the curblines adjacent to the corner lot lines and a straight line drawn between points on each such curbline 20 feet from the intersection of such curblines or extension thereof. (c) *Public right-of-way.* There shall be no structure or planting on city or public right-of-way without prior approval of the planning board and city commission, and then only after due consideration is given to the type, height and size of such structure and planting. (d) *Vision clearance.* Notwithstanding any part of the land development regulations or any permit granted or variance granted by the city, no type of structure, vehicle, tree, planting, vegetation, sign or fence or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct vision clearance at corners, curb cuts or railroad crossings in any zone.		
70	**Trailers Ordinance**	Recreational Vehicles and boat trailers. Why are RV's not regulated as boat trailers are in New Town when they have a bigger visual impact. Clarify only one licensed commercial vehicle per household. And no trailers can be kept on ROW. Work trailers, landscape trailers, boat trailers, work trucks (rummin trailers) etc. For Trailers, if it cannot be accommodated on the property, one work truck can be on ROW during the day, but must be removed from the ROW overnight. Alleviated liability on the ROW and helps resolve parking problem.	**LEGAL**	
	70-248	Clearly limit allowed use of Historic Residential Parking zones. Create Parking Zones for Historic Commercial. Consider that some streets have less space than others. Require sticker with associated cost with yearly expiration/update. Potential Historic Residential Zones: o Cemetery o Harbor	**ENG**	

		o Meadows o BV o Duval St. Potential Commercial Zones: signage should be updated to allow loading during 'Active Delivery' between the hours of … But, not limit the amount of time allowed to stay in the loading area. o Delivery Zone – loading zones dedicated for large deliveries o Loading Zones – smaller areas dedicated for smaller deliveries • Create certain types of uses/ times for exceptions. Ie. Sunday till 3pm • Does code regulate how parking rates are amended? Amend code to allow flexibility of parking fees throughout the year.		
74	**Definitions**	*Runoff coefficients* are those numbers ~~approved by the city commission~~ that are used to estimate the impervious area for each nonresidential developed property. ~~A list of the coefficients used for Key West is attached hereto as Exhibit "A".~~ <u>List of coefficients formulas:</u> ~~Exhibit "A" referenced above is not set out at length herein, but is on file in the office of the city clerk~~	**UTL**	
	Sec. 74-141 Separate building sewers required; exception.	Add to section 108. A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front…	**UTL**	
	Sec. 74-142. Replacement of sewer laterals.	All leaking sewer laterals shall be replaced in accordance with the following guidelines and specifications. The city shall: (1) Require gasketed or glued connection to existing PVC pipe (PVC to PVC) see note on similar connection. (2) Require use of SDR <u>26</u> or schedule 40 PVC or better. (3) Require gasketed connection to existing manhole (see sand collar specification). (4) Require concrete encasement when lines have less than 24 inches over top of pipe and are exposed to vehicular traffic. (5) Require the use of P-rock or 57 stone in pipe zone. Backfill to exclude all debris in excess of three inches. (6) Require lined manhole welded seam and seal riser. (7) Require elimination of certain mechanical joints as defined herein, except such	**UTL**	

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		mechanical joins may be used for dissimilar connections and must be concrete encased. For the purpose of this subsection a "mechanical joint" is a manufactured rubberized prefabricated assembly or an on-the-job assembly of component parts that is adjunct into piping systems for the purpose of connecting dissimilar piping materials not glued, screwed, welded, caulked, threaded, soldered or brazed; an assembly in which compression is applied to axis ends of piping in order to develop connection and continuity in piping systems. (b) The city hereby adopts standard details for private property sewer construction and repairs pursuant to the ~~"Private Property Sewer Specification August — 2000," attached to Ordinance No. 00-29 and made a part thereof.~~ Follow up with Eliz/Jay.		
74	**74-174**	Service rates need to be brought up to date and stormwater billing. Program shall be established to ensure sampling, analysis, and reporting is conducted by certified personnel and laboratories.	**ENG**	
	Grease interceptors	o Eliminate "if needed." FBC requires grease interceptors. o Need grease interceptor requirement for gas stations o Consider regulation where for non-residential properties and uses if you prepare food onsite a grease interceptor is required. • Need language of pumpout programs and maintenance of logs (records).	**ENG**	
	Sec. 74-167. Infiltration and inflow and other discharges to sewer prohibited.	(a.) Illicit discharge, illegal dumping practices, improper disposal of sewage or dumpster drainage into the storm drain system or nearshore waters shall be prohibited, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of Class III Outstanding Florida Waters water quality standards, results in an untreated discharge that contributes to high levels of pollutants, including heavy metals, toxics, oil and grease, solvents, nutrients, viruses and bacteria to receiving water bodies. Discharges from the following activities will not be considered a source of pollutants to the storm drain system when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of this ordinance: potable water line flushing uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; air conditioning condensation; uncontaminated roof drains; residential (non-commercial) car washing; de-chlorinated swimming pool discharges; street wash waters; and flows from firefighting.	**UTL**	

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~~(a)~~ (b) It shall be unlawful for a person to allow or to cause infiltration and inflow to enter the city's sewer system from private property. If the director determines that infiltration and inflow is entering the sewer system from private property, he shall provide written notice to the property owner or his agent of such defect. The director may require that the owner make repairs to laterals or make other repairs as the director determines necessary within 30 days of the sending of such notice. If, in the judgment of the director, the defect presents an emergency, the director may require immediate repairs. Upon receipt of the notice, the property owner may request a hearing with the director at which the owner or his agent may present evidence to rebut the determination of the director or to negotiate terms of the repair. The director may deny such hearing in an emergency situation. If the property owner fails to correct the infiltration and inflow problem immediately in an emergency or otherwise on a timely basis, the director on behalf of the city may undertake either or both of the following actions:

(1) Institute penalty proceedings against the property owner as provided in section 1-15 or by referral to the code enforcement special master. To the extent that this subsection conflicts with section 74-28, this subsection shall prevail.

(2) Make a written finding of the emergency nature of the infiltration and inflow, after consultation with the city manager and city attorney. If the director determines an emergency, he may authorize city workers or agents of the city to enter onto the private property for the limited purpose of effecting repairs. In such event, the city shall bill the property owner the cost of repairs, payable within 15 days of mailing. Failure of the property owner to pay the bill timely shall entitle the city to place a lien on the property by an appropriate filing in the circuit court. The city shall foreclose the lien in the manner provided by the laws of the state, and when applicable the lien shall have priority pursuant to F.S. § 159.17.

~~(b)No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, pool water, roof runoff, surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. However, uncontaminated cooling water or unpolluted industrial process waters may be discharged into a storm sewer or natural outlet upon the prior written approval of the director in accordance with written standards for such discharge that are issued from time to time by the director.~~

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74	**Sec. 74-168. Prohibited discharges to public sewers**	No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers: (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas. (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter (mg/l) as cyanides (CN) in the wastes as discharged to the public sewer. (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works. (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works, such as but not limited to ashes; cinders; sand; mud; straw; shavings; metal; glass; rags; feathers; tar; plastics; wood; unground garbage; whole blood; paunch manure; hair and fleshings; entrails; and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders. (These items listed are not necessarily applicable to real issues). What is?	**UTL**	
	Sec. 74-238. Estimates of flow, extranormal strength and base charge units.	Well water sewer usage fees double charge. Well surcharge instead of credits. Sec. 74-238. Estimates of flow, extranormal strength and base charge units. (a) Sewage flow. Sewage flow shall be estimated by obtaining monthly water consumption data for each sewer system user and multiplying by a factor representing the assumed percentage of water being contributed to the sewer system. Monthly wastewater contribution shall be estimated for each account by the city from FKAA water meter reading data or from water meters installed on privately owned wells and cisterns. If water furnished by the FKAA or any other water supply source or system shall be used exclusively for irrigation purposes or for any other application from which the water does not enter the city's sanitary sewer facilities, the user may, at the user's own expense, contract with FKAA to separately meter such water. The city manager shall determine approved meter types, frequency of maintenance and testing, criteria for meter location, and requirements for meter replacement. After the city is notified by the user of the installation of such a meter, the city shall maintain, repair, and read the meter and may bill the owner's sewer account for such charge. The water measured by such meter will be excluded from the calculation of chargeable sewer flow. Meters shall be considered city property. City employees or agents may enter upon the premises during business hours for purposes of maintenance, repair, and reading and may remove meters from the property for purposes of maintenance and repair. For any residential living space using unmetered wells or cisterns as the sole source of water supply, a	**UTL**	

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			base charge shall be assessed for each such living space. The monthly wastewater flow (proportional use) component of the user charge for such residential wells and/or cisterns shall be based on an amount of water equal to the average monthly flow for residential system users. In addition to the proportional use component, a flat monthly well surcharge shall be assessed for each residential living space served by the unmetered wells and/or cisterns. The well surcharge shall be assessed to account for the exposure of the wastewater system to unmetered flows and the likelihood that wells are contributing more than the average monthly flow for residential system users. For any residential system user having a metered water connection to the FKAA water system and owning wells and/or cisterns currently in use and connected to the wastewater system, a base charge shall be assessed for the FKAA water system connection, but no base charge shall be assessed for the wells and/or cisterns. However, a minimum flow charge based on the estimated average monthly residential wastewater flow shall be assessed, if the FKAA meter reading is less than the average. In addition, regardless of the amount of metered FKAA water consumption, the flat monthly well surcharge to be established by the city manager shall be assessed for each residential living space served by an unmetered well or cistern connected to the city's wastewater system. Owners of single-family residences and duplexes, including mobile homes, may but shall not be required to install water meters on their private water supplies. Wells and cisterns used by all nonresidential users and that are connected to the city's wastewater system shall be metered at the user's expense in accordance with section 74-204. The city shall bill monthly sewer service charges to such users in accordance with section 74-205. All wells and cisterns of all residential and nonresidential users within the city limits shall be assumed to be active wells and cisterns connected to the city's sanitary sewer system. The holder of record title to the property may demonstrate otherwise by filing with the city a notarized affidavit, supported by available documentation, declaring that the well or cistern is not active or connected and does not discharge water before or after use into the city sanitary sewer system.		
		(b)	Extranormal strength. The extranormal strengths of wastes shall be estimated by the city by periodically monitoring wastes contributed to the system by users deemed as frequently or consistently having waste discharges of strengths in excess of those defined as being of domestic or normal strength. The monitoring of wastes shall be performed in accordance with current industry standards and procedures for waste flow sampling and laboratory testing. The amounts of extranormal strength waste components, expressed in pounds of biochemical oxygen demand (BOD) and total suspended solids (TSS), to which the extranormal strength surcharge shall be applied shall be calculated from monitoring data. The estimated amount of such waste component shall be applicable for 12 billing periods or until an adjustment is made resulting from a user's request for adjustment in accordance with the appeals and adjustment sections of this subdivision.		
		(c)	Base charge units. For purposes of determining the number of base charge units chargeable to each		

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		sewer system user, the average monthly water consumption shall be calculated annually for residential users on the basis of a three-year rolling average. The average monthly water consumption per residential dwelling unit shall be calculated from FKAA water billing records, from city sewer department data files, and from the city's water well and cistern meter readings data for all residential users of the sewer system owning such wells and cisterns, currently in use, who have elected to install, at their own expense, water meters. The water consumption records and meter reading data shall be adjusted prior to calculation of the monthly average residential consumptions, to account for nonuse, meter errors, customers' misclassifications and other data errors. Each residential dwelling unit shall be defined as one base charge unit regardless of the source of water for that dwelling unit. The total annual water consumption from FKAA and city meter reading data, adjusted, for each nonresidential user of the sewer system shall be divided by the number of water bills rendered to such FKAA water customer, and the quotient of that division shall be divided by the monthly average water consumption for residential users of the sewer system, calculated as prescribed in this section. The quotient of the second division will show the number of base charge units and fractions thereof that such sewer system user shall be assessed; provided, however, that the number of the base charge units shall not be less than one. The resulting number of base charge units, including fractions thereof, shall be billed to such nonresidential users for the 12 billing periods following such determination.		
74	**Solid Waste**	Solid waste codes newly updated (summer 2013). Achieve compliance and requirements consistent with solid waste master plan. • All new and redevelopment shall provide storage for garbage, yard waste and recyclables. Screening. All businesses shall provide the same with adequate size to accommodate their needs. Or upon replacement of dumpster/waste handling bins. Requirement for sharing of waste handling areas. • Screening. Reinforce vector retraction reduction? Animal waste or food be required to be handled in a plastic bag. • Stronger Recycling Codes. mandatory recycling program?	**UTL**	
	Section 74-246(e)(e) Base charge unit (BCU) calculates difference between	Base charge unit (BCU) calculates difference between commercial and residential rate. Therefore code should reflect that the annual BCU rate reflects usage and eliminate need for CC adoption of rate change. **Sec. 74-246. Annual sewer rates, charges and components.** (a) The base charge component (BCU) of the sewer service user charge is determined to be $23.23. The BCU may be adjusted each October 1, by resolution of the city commission by up to 100 percent of the percentage increase in the CPI-(U), U.S. City Averages (as of June). The city commission shall enact an ordinance amendment to this section in order to increase the BCU in excess of the CPI.	**UTL**	

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	commercial and residential rate.	(b) The proportional use charge component of the sewer service user charge is determined to be $4.60 per 1,000 gallons per month of actual or estimated sewage flow per user. The proportional use charge may be adjusted each October 1, by resolution of the city commission by up to 100 percent of the percentage increase in the CPI-(U), U.S. City Averages (as of June). The city commission shall enact an ordinance amendment to this section in order to increase the proportional use charge in excess of the CPI. (c) The extra-normal strength charge component of the sewer service user charge is determined to be $0.57 per pound of biochemical oxygen demand (BOD) and $0.26 per pound of total suspended solids (TSS) contributed per month per user in excess of the amount accounted for in waste at a rate of 350 mg/l for BOD and for TSS. ~~(d) The flat monthly alternative water surcharge is determined to be $8.51.~~ Code should reflect that the annual BCU rate model in order to provide residential and commercial rate equity. (e) The assumed percentage of water being contributed to the sewer system, as referred to in Ordinance No. 89-33, subsection (b)(1), continues to be 80 percent. This figure times the average monthly residential water consumption, the product then divided by the average number of residential dwelling units, yields an average residential monthly wastewater production (rounded to the nearest hundred gallons) in order to provide residential and commercial rate equity. ~~or monthly base charge unit (BCU) of 3,600~~. **Intentionally Left Blank**		

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Code of Ordinances Volume II – Land Development Regulations				
86	**86-9 Definitions** **Relocate all definitions to 86-9.**	Definitions currently in chapter 102 and the Historic Preservation guidelines should be consistent. Architectural vocabulary should be part of the Guideline glossary, except definitions related to LDR's. • Historic District vs. Historic Preservation Districts vs. Historic Zoning District. Make consistent and use term Historic Zoning Districts. • Add Major Alterations (102-5) • Create third classifications for "Contributing Structures" – buildings, structures, sites. • Building Permit system New (102-64) • Accessory Equipment • Substantial Improvements; • Landscape – Amend existing; • Hardscape; • Appurtenances; • Alterations; • Façade – inconsistent.	**HARC**	
		Transient Uses: • Definition of Principal Uses v.s Accessory Use • Transient Accessory use – provide definition ***or*** Define uses allowed as Transient Accessory Uses ***Or*** create provision where grandfathered non-conforming accessory use that are licensed will be allowed to continue but will be extinguished if given up (Attrition over time).	**LEGAL**	
		Due to ongoing investigation of the NYAH Hotel at 823 Fleming Street I am requesting that City Ordinance 86-9 Definitions be revised for 'transient living accommodations'. o 50 sq. ft. per occupant should be changed to 80 sq. ft. per occupant. o Outside air should be required at the rate of 5 cfm per occupant. Annual safety inspections should be required	**BLDG & LIC**	
		• Light Industrial use – Consider adding uses that are considered moderately hazardous to definition of Industrial uses requiring a Conditional Use. Combustible (IE; distilled spirits, paint store, chemical store (pool chemicals)?????? *BAKERYS*… • Occupations which rely on client contact means visit;	**BLDG & LIC**	

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		• Personal Services – personal trainer, gym, hair dresser, car wash. • Massage Therapist • Pet Kenneling – Conditional Use everywhere • Pet Grooming • Pet shop "kenneling" • Small recreation power driven vehicle – change "jet ski" with "personal Watercraft." Define personal water craft – boat that carries more than 1 person…? • Restaurant. "Take out – no seating". should be redefined similar to "convenience store" (not conditional). Onsite preparation vs. "prepackaged food sales." "to order." Catering. • Seating. When does a seat become a seat. Seating has to be combined with a counter top that makes you a "restaurant" or have to pay seating impact fees. • Car wash • Non-motorized vehicle rentals or Bicycle Rentals; • Abandonment – see administrative interpretation. Terms: occupied, start and end date; • Boarding House. ESFU and unit type. Limit zoning districts?		
		In 102 and Guidelines should be consistent. Architectural vocabulary should be part of the Guideline glossary, except definitions related to LDR's. • Substantial Improvements; • Landscape – Amend existing; • Hardscape; • Appurtenances – • Alterations – • Façade – inconsistent.	**HARC**	
		• Units- clarify that more than 1 kitchen is allowed only when the code compliance department determines that there is not an intent to create or rent a secondary unit. • Shed • Get letter from Code written by G. Stones regarding definition of kitchens • Booth • Phantom Units • Unrecognized units • Restaurant seating	**CODE**	

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		Amend definition of Landscaping from Chapter 102.	**TREE**	
		Can we clarify redevelopment as it relates to "new units into the system." Ie: units build pre-BPAS vs units built post BPAS.	**KWHA**	
		Define specific allowed and not allowed uses for Open Space	**SUSTAINABILITY**	
		Define min and max driveway width for residential and commercial development. Unfettered size results in loss of on street parking.	**PARKING**	
90. Administration	**Abandonment of ROW and Easements**	▪ Strengthen language regarding no abandonment where utilities are present. Establish regulations prohibiting the disposal of city ROW property. ▪ Easements and revocable licenses – reserve right to require liability insurance in some cases. ▪ Add requirement that for air encroachments, where there's a structure revocable licenses should be a min of 8' from ground. ▪ Possible standardization of awning width based on the size of the ROW.	**ENG**	
	Division 2 Planning Board. 90-62. Quorum.	Four ~~Three~~ voting members of the planning board shall constitute a quorum for the transaction of business, but a smaller number may act only to adjourn meetings for lack of a quorum. The affirmative vote of a majority of the quorum shall be required to pass any action of the planning board.	**LEGAL**	
	90-65. Public participation	Check for consistency with new state statute ref. school districts. 2013 Leg. session.	**LEGAL**	
	90-65. Public participation	The planning board shall provide for effective citizen participation in the comprehensive planning process to the fullest extent possible consistent with F.S. § 163.3181. These procedures shall include but are not limited to the following: (1)Broad dissemination of detailed proposals and alternatives; (2)The opportunity for written public comments; (3)Public meetings after reasonable notice; (4)Provisions for open discussion at all meetings; (5)Development of communication programs; (6)Informational services;	**LEGAL**	

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		(7)Reasonable consideration of and response to public input; and (8)Assurance that real property owners are provided with notice of all official actions which will regulate the use of their property.		
90. Administration		**Sec. 90-66. Updates and other revision to rules of procedure.** From time to time, and by October 1 of each year, the planning board shall recommend to the city commission regulations for the conduct of its business, which recommendation shall govern the planning board upon approval or amendment by the city commission or upon the expiration of 45 days without final city commission action thereon. The rules are at all times subject to amendment by the city commission.	**LEGAL**	
		Sec. 90-97. Powers. The board of adjustment may authorize in specific cases a variance from the maximum height requirements of the land development regulations and Article 1.05 of the Charter of the City of Key West where the requirements of section 90-394 are met. In addition, the ~~city commission~~ Board of Adjustment shall hear all appeals to the final orders and administrative and enforcement decisions of the chief building official.	**LEGAL**	
	Division 4. Appeals. 90-426 and 90-429	**90-426 and 90-429 in conflict regarding Tree Commission appeals.** **Sec. 90-426. Scope.** With the exception of variances granted or denied pursuant to this division, the final decisions of the planning board may be appealed to the city commission. Variances granted or denied pursuant to this division may be appealed in the manner provided by law to the county Circuit Court. Final decisions of the historic architectural review commission may be appealed to a special master, as provided by the Charter. Final orders and administrative and enforcement decisions by the city planner and chief building official may be appealed to the city commission. Appeals of permit decisions of the tree commission may only ~~be addressed by the city commission may~~ be appealed to a special master. **Sec. 90-429. Final decisions of tree commission.** (a) Decisions of the tree commission regarding a tree permit shall be considered final. An appeal from a permit decision of the tree commission may be ~~taken to the board of adjustment~~ appealed to a special master: (1) By the applicant; or (2) When written approval is granted: a. By any aggrieved person who owns real property adjacent to or located within 200 feet of a boundary line of the lot or parcel on which the tree is located; or b. By the city manager. (b) Where the tree commission has heard a case of damage or destruction of a tree under sections 110-288 through 110-295 and has made findings and a recommendation to the special master, the alleged	**LEGAL**	

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		violator's rights of appeal shall be subject to the regulations governing the special master.		
90. Administration	**Division 4. Appeals. 90-426 and 90-429**	**Division 4. Appeals. 90-426 and 90-429 in conflict regarding Tree Commission appeals.** **Sec. 90-426. Scope.** With the exception of variances granted or denied pursuant to this division, the final decisions of the planning board may be appealed to the city commission. Variances granted or denied pursuant to this division may be appealed in the manner provided by law to the county Circuit Court. Final decisions of the historic architectural review commission may be appealed to a special master, as provided by the Charter. Final orders and administrative and enforcement decisions by the city planner and chief building official may be appealed to the city commission. Appeals of permit decisions of the tree commission may only ~~be addressed by the city commission may~~ be appealed to a special master. **Sec. 90-429. Final decisions of tree commission.** (a) Decisions of the tree commission regarding a tree permit shall be considered final. An appeal from a permit decision of the tree commission may be ~~taken to the board of adjustment~~ appealed to a special master: (1) By the applicant; or (2) When written approval is granted: a. By any aggrieved person who owns real property adjacent to or located within 200 feet of a boundary line of the lot or parcel on which the tree is located; or b. By the city manager. (b) Where the tree commission has heard a case of damage or destruction of a tree under sections 110-288 through 110-295 and has made findings and a recommendation to the special master, the alleged violator's rights of appeal shall be subject to the regulations governing the special master. Confusing. What does this mean? LErskine?	**CITY CLRK**	
	Sec. 90-430.	**Final orders and administrative decisions of city planner and chief building official. (No change??)** The intent of the land development regulations is that all questions of interpretation and enforcement shall first be presented to the city planner. Such questions shall be presented to the board of adjustment only on appeal from the decision of the city planner. Similarly, appeals to final orders of the chief building official shall be to the City Commission ~~board of adjustment~~.	**LEGAL**	
	Sec. 90-430.	**Final orders and administrative decisions of city planner and chief building official. (No change??)** The intent of the land development regulations is that all questions of interpretation and enforcement shall first be presented to the city planner. Such questions shall be presented to the board of adjustment only on appeal from the decision of the city planner. Similarly, appeals to final orders of the chief building official shall be to the City Commission ~~board of adjustment~~.	**CITY CLRK**	

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- Can we abolish the BOA permanently? Ask L. Erskine.
- **Sec. 90-431. Procedures for rendering decisions.**

In considering and acting upon appeals of final decisions of the planning board, the historic architectural review commission, or the tree commission, as well as final orders and questions of interpretation and enforcement of the land development regulations and the building codes by the city planner and the chief building official, the following procedures shall be observed:

(1) *Procedure and time limitation for appeal.*

a. An appeal to the city commission or the special magistrate, as the case may be, shall be taken on or before the tenth day, counted consecutively, after the date of the order by the planning board or the historic architectural review commission to which the appeal is directed.

b. An appeal to the board of adjustment shall be taken on or before the tenth day, counted consecutively, after the date of the order or the administrative action of the tree commission, chief building official or the city planner.

c. When the order or other administrative action has been mailed to the party, the party may add three (3) days to the prescribed time period for appeal. The original and one copy of the notice of appeal, together with all the documents, plans, papers or other materials constituting the record upon which the action appealed from was taken, shall be filed with the city clerk who shall provide copies thereof to the presiding officer of the city commission, the board of adjustment or the special magistrate, as appropriate, and to the city manager and city attorney. Appeals not so filed shall be deemed waived.

(2)*Date of hearing for appeals.* Hearings of appeals by the city commission as well as the board of adjustment or special magistrate shall be held at the next regularly scheduled meeting of the city commission, board of adjustment or special magistrate, as the case may be, after the filing of the notice of appeal, unless the parties mutually agree to another date.

(3)*Notice.* Upon notification of the date fixed for hearing on any matter subject to this division, the city clerk shall cause notice to be made pursuant to division 2 of article VIII of chapter 90. The city clerk shall also forward by certified mail, return receipt requested, similar notices setting forth the time, place and purpose of the hearing to the following:

a.The appellant.

b.The owner of the property described in the application, if other than the appellant.

(4) *Scope of review by city commission, board of adjustment, and special magistrate.* In reviewing final orders, requirements, decisions or determinations of boards, commissions, and the chief building official, upon appeal thereof in conformity with this division, the city commission as well as the board of adjustment shall be limited to review of the documents, plans, papers or other materials constituting the record upon which the action was taken. The city commission and board of adjustment, may, upon appeal, reverse or affirm, wholly or partly, or modify the order, requirement,

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		decision, or determination made by the planning board, the tree commission, the chief building official, or other administrative official and may make any necessary further order, requirements, decisions or determinations respecting the subject of the appeal and, to that end, shall have all the powers of the planning board, the tree commission, the chief building official, and/or other administrative official respecting such matter. The concurring vote of no less than four members of the city commission or the board of adjustment shall be necessary to reverse or modify any order, requirement, decision or determination of the planning board, the tree commission, the chief building official, and/or other administrative official. The special magistrate shall have *de novo* review of the record in appeals from the historic architectural review commission; provided, however, that the term *de novo* shall not be interpreted to allow the introduction of new evidence that was not introduced in the initial proceedings of the historic architectural review commission, unless in the discretion of the special magistrate an additional presentation of evidence is equitable, necessary and limited in order to supplement the record. (5) *Appearance and argument.* At any hearing upon any matter subject to the land development regulations, the appellant seeking review by the city commission, the board of adjustment or the special magistrate, and any other party desiring to be heard may appear in person, by agent or by attorney. The appellant shall be entitled to make an initial presentation respecting the appeal and, at the conclusion of presentations or statements by all other parties, shall be entitled to offer a statement in rebuttal to such presentations if the appellant so desires. The presiding officer may, at the commencement of the hearing or at any time during such hearing, require that parties desiring to make a presentation identify themselves and may specify the time to be allowed for each party to make such presentation. (6)*Effect of appeal and stay of proceedings.* An appeal to the city commission, the board of adjustment or the special magistrate shall, upon filing, stay all work on the premises and all proceedings in furtherance of the order, requirement, decision or determination appealed from, unless the building official shall certify to the city commission or the board of adjustment, as appropriate, that, because of facts stated in the certificate, a stay would cause immediate peril to life or property, in which case proceedings or work shall not be stayed except by a restraining order granted by the city commission for due cause shown after notice to the party filing the appeal and to the administrative official. Nothing in this subsection shall be deemed to impair the authority of any court of competent jurisdiction to enjoin or stay actions of the administrative official, the city commission, the board of adjustment or the special magistrate.		
90. Administration	**Sec. 90-434. Judicial review of decisions.**	Any person, jointly or severally, or any officer, department, board, commission or bureau of the governing body aggrieved by any decision of the city commission, and the special master~~, or the board of adjustment~~ respecting an appeal of a decision by a board, commission, or the chief building official may apply, in the manner provided by law, to the county circuit court for judicial relief.	**LEGAL**	

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90. Administration	**Variances**	• Require limited parking outreach program as part of parking variance request or parking requirements • Fee in-lieu of	**PARKING**	
	Article IX. Development Agreements.	• 90-682 and 90-684 inconsistent with one another and with state statute allowing 30 years for a DA. • For discussion: Can we have more restrictive duration of 10 yrs.? Ref ACSC law. **Sec. 90-682. Content.** (a) Any development agreement approved under this article shall contain not less than the following requirements as provided in F.S. § 163.3227: (1) A legal description of the land subject to the development agreement and the identification of all persons having legal or equitable ownership therein. (2) The duration of the development agreement, which duration shall not exceed five years, but which may be extended by mutual consent of the city and the developer. Any request for an extension shall be subject to the public hearing process necessary for the initial approval of the development agreement. **Sec. 90-684. Duration.** Pursuant to F.S. § 163.3229, the duration of a development agreement shall not exceed ten years. It may be extended by mutual consent of the city commission and the developer, subject to a public hearing in accordance with F.S. § 163.3225.	**LEGAL**	
		Need to codify local appeal period for City Commission Final Decision on LDR's, Major And Minor Developments. Check within Larry.	**CITY CLRK**	
94.Concurrency Management		NO INFORMATION		
102. Historic Preservation	**Demolition by neglect**	Buildings within a regulated floodplain, that have deteriorated to the point where the value of repairs and remodeling would exceed fifty-percent (50%) of the building's fair market value, shall not be eligible for health and safety exemptions related to substantial Improvement calculations.	**FEMA**	
	Post Disaster Redevelopment	Guidelines for post disaster redevelopment in the Historic District should include plan for elevating structures. Standards for commercial corridors, vs residential areas.	**FEMA**	
		• Eliminate HARC requirement for ROW design approval if a Complete Streets and Street Design Manual are adopted.		

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		• HARC demolition should be 1 meeting.		
102. Historic Preservation		Carts and Booths: what happened to the Ordinance? Ask Enid	**LEGAL**	
		How are elevated buildings in the historic district going to maintain access to the structure on small properties. ADA access will become more difficult for elevated commercial buildings.	**HARC**	
	Prevention of Demolition by Neglect.	• Use CP Policy 1a-1.2.3. to strengthen; • Give incentives. Ad valorem tax credits for historic structure renovations; • Coordinate with FEMA, Brigget-Waters effect on integrity of the Historic District; • Have removed 66% rule; • New Orleans Ordinance; • Reference: Policy 1a- 5.1.2; • Policy 1a-5.1.3 Eliminate reference to the Community Development Office;	**HARC**	
	Additions or deletions	• Demolition by Neglect; Setbacks – Form based?; Exception to Outdoor Display. Cemetery. • Create Tax incentive Program regulation per Policy 1a-6.1.2; • Establishment of Fiscal Programs 1a- 6; • Replace "Landscape" with "Hardscape;" • Reference Historic Guidelines;	**HARC**	
	Guidelines	Adopt the State Historic Preservation Office Hurricane Preparedness Plan and the new Disaster Redevelopment/recovery plan.	**HARC**	
	Guidelines	Amend Guidelines to include Urban Design Guidelines to comply with 1A-1.3.7.	**HARC**	
	Comp Plan Amendments	• Clarify Policy 1a-6.1.2. Tax breaks for nonprofits should be amended to state that "not for profit organizations actively engaged in community based charity…"; • Eliminate Policy 1A-5.1.1. Move to Ch 1. • Relocate Policy 1a-1.4 Archeological discoveries to Resource Protection Element. • Amend section 1a- 1.1.11 remove "analysis of density variances." • Comp Plan: move Resource Survey Ch. 1a to Resource protection • Amend comp plan Ch 1a to move Archeology under resource protection element.	**HARC**	
	102-3(b)	For new construction or additions - Rewrite 102-3(b) for clarity and consistency with 122-28(f). Should improve the street scape by providing flexibility of dimensional requirements. Ex. second story additions in the rear of the structure instead of creating a less sensitive design approach of a second story that does not meet	**HARC**	

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102 Historic Preservation		proportions massing and scale. Add variance criteria whether the design promotes compatibility with the historic neighborhood??		
	102-6.	Remove reference to "archeology"??? Concern that the oversight may be lost.	**HARC**	
	102-64	Amend (b) and remove (c)	**HARC**	
	Policy 1a-1.2.5.	TDR's to protect historic resources. May have very limited value for Old Town. May want to consider elimination or TDR within old town in order to encourage redevelopment within OT. May want to amend to encourage TDR's to downtown to encourage density.	**HARC**	
	Historic Encroachments onto City ROW/ Historic Easements- 1A- 1.2.11	CIP Plan for Historic District. Removal of private encroachments onto ROW. Rewrite the policy that it not include historic encroachments. Encourage easements not removals. Provide incentive (perhaps reduced fee, but create a structure that allows owner to assume liability for encroachment) for historic encroachments coming into compliance.	**HARC**	
	Amend Sec. 2-936. Sale.	The city commission shall sell the advertised lands only in accordance with the Charter and with this division. The successful bidder shall have 30 calendar days from the date of bid acceptance by the city commission during which to deliver the balance of the purchase price plus appropriate closing costs to the city or its escrow agent for closing. Should the successful bidder fail to deliver such funds within 30 calendar days, the bid bond shall be forfeited to the city without recourse, and the city commission may elect to accept the next highest bidder or may elect to readvertise for bids. If the city commission elects to accept the next highest bidder, that bidder will be required to file a bid bond in the amount provided in section 2-935 within five days of selection and deliver the balance of the purchase price plus appropriate closing costs to the city or its escrow agent for closing within 30 calendar days. If the next highest bidder fails to meet the requirements, the process may be repeated as necessary, or the city commission may readvertise for bids. Add Policy 1A-1.1.12.	**HARC**	
102. Historic Preservation	**Cemetery**	– is there a conflict between Policy 1A-1.2.14 and 102-52 and section 22- 20. If determination is made that has jurisdiction over Cemetery, amend the Historic Guidelines to include guidelines for cemeteries and sextons duties as they relate to .	**HARC**	
	Sec. 22-20. Permit required.	It shall be unlawful for any person to dig grave spaces or build, repair, construct, place, replace or remove grave markers, monuments, tombstones, walls or fences without first applying to the city Sexton and obtaining from him/her a written permit granting permission to such application to perform the proposed work.	**HARC**	

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102. Historic Preservation	**Sec. 22-21. Application.**	Every application for the permit required by section 22-20 shall be in writing and shall identify the cemetery lot at which the proposed work is to be done and shall describe the type of work proposed. There shall be no charge for issuance of the permit. The city sexton shall issue or deny the permit within eight (8) hours of receipt of the application	**HARC**	
	Sec. 22-22. Records.	The city manager or his designee shall furnish the city sexton with the administrative supplies necessary to enable the sexton to perform his or her duty properly in the issuance of permits required by section 22-20.	**HARC**	
	Sec. 22-23. Denial; appeal.	If the city sexton declines to issue a permit to an applicant seeking to obtain permission to perform certain work in the city cemetery, such applicant, within five days of the denial, may apply to the city manager in writing for a decision to determine if such permit should be granted. The applicant shall be entitled to notice and an opportunity to be heard. The decision of the city manager shall constitute final agency action.	**HARC**	
	Sec. 102-151. Scope.	A certificate of appropriateness shall be required as stipulated in this article.	**HARC**	
	Sec. 102-152 (b). Requirements for permits.	(a) No person shall cause any of the activity in this section to occur without first obtaining a certificate of appropriateness for such work and all other permits required by the Code of Ordinances, including the land development regulations. A certificate of appropriateness is required for the erection of any new structure, building, fence, deck or sign or the painting, repainting, repair, alteration, remodeling, landscaping or demolition of the exterior of any existing building, structure, fence, deck, sign, landscape, or lot located in any of the following areas: (1) In the historic preservation districts of the city; (2) In tidal waters contiguous to and within 600 feet of the historic preservation districts; (3) In a location so as to directly affect any building, structure or property listed in the city historic sites survey as may be amended from time to time and the National Register of Historic Places; or (4) Within a building, structure, archaeological site or district classified as "contributing" on the city historic preservation survey. (b) A certificate of appropriateness may only be granted by a vote of the historic architectural review commission, attested by signature of its presiding member.	**HARC** **CODE**	
	Sec. 102-158.	(a)The ~~city manager~~ CBO or designee is authorized and directed to post a signed and dated notice to stop work on any site on which work is being performed in violation of the laws and regulations of the city or of the	**CODE**	

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102. Historic Preservation	**Stop work order and penalty.**	historic architectural review commission. Any person who engages in the following activities shall be guilty of an offense punishable as provided in section 1-15 (1)Performing work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by dated, signed order of the city manager; or (2)Removing, defacing, concealing or altering such notice to stop work without dated, signed authorization of the city manager. (b)Where such offenses are of a continuing nature, no two separate offenses shall be charged against that same person for the same property within any one-hour period.		
	TREE	• May want to include regulation that states any landscape changes must be approved by the Urban Forester. Guidelines will be amended as well to reference protection of historic trees and landscape review by Urban Forester. • For any HARC application that requests footers, fences, pools, slabs, fill property boundary photos and aerial photos of the site are required. As part of the HARC application Urban Forester review may be required. If there is a tree conflict contractor must provide 3 alternatives or prove that the alternative is the least damaging practicable alternative available. • All landscaping ref in Hist. District should reverence urban forestry.	**TREE**	
	Traffic related to the HD	• 1A- 1.2.15. Traffic Flow Considerations in 108 or 102? • Policy 1A-1.3.4. Check with rev comp plan regarding traffic concurrency. Traffic Concurrency Management Area? Does Ch 94 or 108 consider the Historic District a TCMA as required in Comp Plan?	**HARC**	
	Policy 1A-1.??.	Eliminate "waiver of specific building code standards." See chapter 11 of FBC that describes specific considerations for Historic buildings which need to come from state historic preservation office.	**HARC**	
	1a-1.5 Historic Preservation in Coastal High Hazard Areas.	• Hurricane Strategy for the Historic District?? • Chapter 102 should reflect language from Floodplain Ordinance, exempting recognized Hist. structures for substantial improvements; Conflicts with Flood Insurance Rates increases. Substantial Improvements definition in FEMA allows historic preservation exemptions, but rates go up the lower structure sits in the floodplain. • Discuss Post Disaster Redevelopment Plan - Height, stairway access • Review in Policy 1a-1. 5.3.	**HARC**	
	102-62; 63 and 63 (d)1.	Throughout 102, move "Archeological Sites" or language pertaining to archeology to chapter 110.	**HARC**	

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106		NO INFORMATION		
107	**Sec. 107-36. Shaded light**	In the development plans for urban design amenities and improvements in the PRD planned redevelopment and development district, shaded light sources shall be used to illuminate signs, facades, buildings, parking and loading areas and shall be so arranged as to eliminate glare from roadways and streets and shall be directed away from properties lying outside the district. Shaded light sources are lighting elements shielded with opaque shade to direct the light. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed in the PRD district. Light shall be contained on the property in which it is installed – Dark Sky. Residential and commercial property.	**CODE**	
108	**108-288**	Discuss updating opportunities and issues with Consultant: Related to discharge problems for the public as a whole. Can City provide a public service for discharging for visitors. Possible locations? Hazardous waste discharge service for service providers and visitors.	**UTL**	
	Identification of compatibility of historic resources	Dimensional requirements inconsistent: open space, impervious surface, and landscape requirements. Simplify by eliminating open space and landscaping dimensional language?	**HARC**	
	108-284. Exterior lighting.	Adopt Dark Sky lighting requirement (as required in Comp Plan). Keeping lighting on sight. Clarify what is acceptable what is not. ROW component. Adopt ~~Dark Sky~~ Model Lighting Ordinance incorporating Lighting Zones defined by Back Light Uplight Glare (BUG) rating. (http://www.darksky.org/outdoorlighting/mlo)	**ENG**	
	108-284. Exterior lighting.	**Light sources shall be shielded and arranged to eliminate glare from roadways and streets and shall be directed away from properties lying outside the district. Shielding of lighting elements shall be accomplished by using an opaque shade to direct the light. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. Light shall be contained on the property in which it is installed – Dark Sky. Residential and commercial property**	**CODE**	
	108-285.	Signage language is unclear.	**ENG**	
	108- Site Plan	Screening: generators, trash etc. should be required to be screened from neighbors not just the ROW. Address composting. Address dumpster cleaning and screening need to be more clearly addressed. Enforcement? Composting could cause nuisance odors (Sec. 26-32). More information should be provided in LDR to indicate what constitutes a composting nuisance odor.	**ENG**	

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108		Drainage from dumpsters could be a source of illicit discharge (Sec. 74-31). ▪ Site Plan Requirement. Construction mobilization plan. Affect roads, pedestrian traffic, stormwater plan, neighborhood impacts etc. Provide pictures of ROW before construction.	**ENG**	
	108- Site Plan DRC Level	Construction Management Plan; Construction Site Safety Plan; Engineered Shoring Plan. Title Block – Type of use;	**BLDG & LIC**	
	108-285	Included with no comments	**BLDG & LIC**	
	Sec.108-286. Pedestrian sidewalks and Pedestrian Safety	• Sidewalks shall be constructed to link major activity centers and shall also link vehicle use areas including parking areas with all principal buildings. The pedestrian circulation system shall include marked pedestrian crossings in order to separate vehicular and pedestrian traffic. ▪ Min sidewalk size needs to be added from 4 to 5'. ▪ Sidewalks and bicycle paths. (Currently in Ch. 118. Subdivisions) (a) Concrete sidewalks of a minimum width of five feet shall be constructed along both sides of all streets. Sidewalks shall be constructed with other required improvements and shall meet local sidewalk construction requirements. (b) The construction of bicycle/pedestrian paths may be used to waive required sidewalks as a form of pedestrian circulation. Such paths shall be a dual system consisting of sidewalks within the road right-of-way and bicycle/pedestrian paths outside of the road right-of-way with a minimum width of eight feet. Bicycle/pedestrian paths shall be constructed according the state department of transportation Bicycle Facilities Planning and Design Manual. Bicycle/pedestrian paths shall be constructed concurrently with other required improvements.	**ENG**	
	108-288	Storage areas should be better defined, better screened.	**ENG**	
	108-318	Has to be maintained according to FBC ADA accessibility requirements.		
	108-318-319	Traffic impacts. Minimum design standards, materials and ADA compliance. (?)(Please elaborate). Sec 108-318 should incorporate design criteria referenced to a standard manual, such as "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook)." Sec 108-319 Proposed location of driveways should be approved by Engineering Department, regarding minimum design standards and location suitability for traffic visibility at driveways, in addition to utility company coordination and surface water management regulations.	**ENG**	

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108	**108.319 Driveway and curb cut approvals**	The city shall require that the proposed location of driveways and curb cuts be coordinated with utility companies responsible for providing utility services in order to ensure that proposed construction activities are consistent with improvement plans as well as operation and maintenance activities and policies of utility service providers. No development plan or building permit shall be issued until proof of such coordination is presented to the city by the applicant/developer. In addition, the applicant/developer submitting plans for driveway and curb cut improvements shall comply with applicable surface water management regulations of article VIII of this chapter. Needs to address ADA standards. Needs to provide flexibility for amendments to ADA code (usually cobi of ADAAG and FBC guidelines, most strict). Adopt ADAAG into Code. Create and adopt Street Design Manual?	**ENG**	
		Handicap Parking Clarify that on street handicap parking is not required and is not created or regulated for a specific individual. If one exists or is placed on city ROW it should be located closest to the corner.	**ENG**	
	Utilities	Restrict placement and location of utilities on corners and bicycle and pedestrian access routes. Transformer boxes, light poles, AT&T etc. Create penalties for non-compliance.	**ENG**	
	From 74 - Solid Waste	Solid waste codes newly updated (summer 2013). Achieve compliance and requirements consistent with solid waste master plan. • All new and redevelopment shall provide storage for garbage, yard waste and recyclables. Screening. All businesses shall provide the same with adequate size to accommodate their needs. Or upon replacement of dumpster/waste handling bins. Requirement for sharing of waste handling areas. • Screening. Reinforce vector retraction reduction? Animal waste or food be required to be handled in a plastic bag. • Stronger Recycling Codes. mandatory recycling program?	**UTL**	
	Landscaping	Plantings within the ROW need to be better fitted to size of area planted. Create ADA compliance issues and other liability issues. Private landscaping encroaching on ROW. Consider language that allows City to remove landscaping in ROW. Lanes and alley landscaping prohibits utility and life safety access (G. Veliz). Life safety and liability concerns.	**ENG**	
	108–413	Change with to depth. Create a maximum amount of units to reduce crowding and death. Future growth maintenance plan. Add Landscape maintenance requirement. 85% of landscaping/vegetation coverage must remain on site.	**TREE**	

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108	**108-414**	Buffers are inconsistent.	**TREE**	
	108-416	Existing requirements % of canopy may be a good example of required plant units for both residential and non-residential properties.	**TREE**	
	108-347	Buffer requirements crazy. Maintain flexibility but reduce confusion including low, med and high impact confusing language.	**TREE**	
	108-452	Line of site.	**TREE**	
	108-454	Line of site.	**TREE**	
		Dimensional requirements inconsistent: open space, impervious surface, and landscape requirements. Simplify by eliminating open space and landscaping dimensional language?	**TREE**	
	108–518	Recommended plant list. Please see the Urban Forester for current Native Plant List. Remove list of specific plants.	**TREE**	
		Revise swale requirements to encourage plantings that absorb water.	**TREE**	
	Redevelopment and Residential requirements	Add to 108 residential landscape requirements (consistency with 108-513). Revise 108-513 to clearly define SF residential properties as well, "<u>All development and redevelopment shall incorporate drought tolerant trees</u>." o For substantial improvements (for 50% value improvements) and/or pool additions, addition or floor area more than 200s.f, tree removals, the property must come into compliance with: • On site limited removal requirements (new owner cant remove (some) existing native vegetation), requirements to remove exotics as identified by the Urban Forestry invasive lists, require to plant a native "street tree." Particular need for canopy in New Town. (see Monroe County requirements). • Section 110-324. Consider revising criteria for tree removal?? Higher fee? • How else to capture exotics removals. • Upon final C/O <u>ALL</u> Planning (planners, landscaping, sustainability, HARC etc.) are required to sign off on final inspection. Irrigation on residential properties need to include irrigation plan. Adopt SFWMD requirements: rain sensor, timer and limited watering days.	**TREE**	

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108		Add additional Irrigation requirements. 108- 515 should reduce the need for irrigation plan and encourage plantings that do not require irrigation.	**TREE**	
		Adopt that for licensing of landscape gardeners, arborists, pest control specialists etc. must obtain a certificate of completion of the GIBMP class. Green Industries Best Management Practices.	**TREE**	
		Separate license for Tree Trimmers with certification that they have a working knowledge of Code Chapter 110.	**TREE**	
		Fertilizer regulations?	**TREE**	
		The Community Services Forman in charge of trees and landscaping must be a certified arborist.	**TREE**	
		Allowed Non-native plant species shall be salt tolerant, drought tolerant and/or plants common to Key West as listed in the Urban Foresters recommended Ornamental Plant List.	**TREE**	
		Processing for Landscaping Plan needs to be refined. Currently: Conceptual, Final and permit. Revise that conceptual should only be reviewed by UF, Final taken to Commission (before or after PB?). Tree removal permit is a separate process that happens at the time of removal.	**TREE**	
		Policy: include boiler plate conditions for every site, including adoption of site plan, landscape plan, planting, landscaping shall be maintained in perpetuity etc.	**TREE**	
		Florida Friendly Landscaping Principals – Incentivize	**TREE**	
	108–572	Revise Schedule of Parking: o Out of whack with actual use, particularly in the Historic District where modes of travel rely heavily on bicycle, taxi, hotel transportation vehicles and walking. o Design around 'maximums' not 'minimums'. o Do not design for once a year event or limited peak user needs o See Ft Lauderdale Code. No parking requirements o Mia allows interim/temporary parking to count towards parking need Consider a requirement that as part of Development Plan approvals where parking is required for the use, that the required parking is dedicated for the use, and not allowed to be rented out or otherwise leased or dedicated for other uses, unless as a shared use is allowed by the development order (if code is amended to allow shard uses).	**PARKING**	

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108	**108–572**	Parking Table not relevant to what's on the ground. Difficult to work with the public. Need overhaul.	**ENG**	
	Sec 108-576	Remove reference to perpetual parking deed for off-site parking needs. Concern that abuse could occur regarding loss of historic resources or long term parking use that does not encourage redevelopment that may be damaging to the neighborhood character.	**PARKING**	
	Sec. 108-577	Clarify shared parking uses in one lot at distinct hours. Facilitate after hours parking lots shared uses (ie ability to add meters after hours or share with evening uses). Examples: Ace Hardware lot, Fausto's,	**PARKING**	
	108-609	Amend parking areas.	**PARKING**	
	108-611	Create ability for "pocket parking" flexibility using a vacant lot or shared use parking. Need stormwater and design exceptions that facilitate temporary or "interim" uses for limited time (up to 5 yrs?). Amend the types of materials allowed.	**PARKING**	
	PARKING	Clarify/Enforce no loss of required onsite parking as a result of additions and/or redevelopment of residential properties.	**PARKING**	
	PARKING	Clarify regulations for line-of-site.	**PARKING**	
	PARKING	Gates should be required to swing into the property. Existing regulation? Doors should swing in in commercial districts. City will only protect driveways, not pedestrian entrance gates from parked cars blocking access.	**PARKING**	
	PARKING	Require limited parking outreach program as part of parking variance request or parking requirements	**PARKING**	
	PARKING	Encourage alternative transportation. Limit requirements based upon access to alternative transportation.	**PARKING**	
	108-648	Need to include designated Fire lane width requirement.	**ENG**	
	Sec. 108-677. Parking and storage of certain vehicles.	Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings <u>or completely covered by a fitted coveR</u>	**CODE**	
	Sec.108-679.	No commercial vehicles and accessory equipment, including trailers and the like, shall be parked at any time in any residential district unless actually engaged in temporary work or service on the premises. No commercial	**CODE**	

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	Commercial vehicles.	vehicle of more than 8,000 pounds gross vehicle weight or 20 feet in length shall be parked in any residential district overnight. There shall be no more than one commercial vehicle of any type parked overnight at any one residence in any residential district. ~~Advertising signs with letters more than six inches in height on commercial vehicles parked within residential districts shall not be visible to the public from the property.~~		
108	**Stormwater Regulations**	Division 3. Of 108? State is in the process of updating stormwater requirements that will influence updates to stormwater regulations.	**ENG**	
	108-706	Drainage required for parking and driveways needs to mentions treatment.	**ENG**	
	108-716	Amend Sec 108-716 Exemptions (?) More clearly indicate redeveloped sites are not exempt from stormwater management system permitting. Water quality volume shall be required. Where possible, stormwater retention swales shall be created, planted with erosion control vegetation.	**ENG**	
	Separate building sewers required; exception.	Add from Section 74-141 A separate and independent building sewer shall be provided for every building; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front…	**UTL**	
	108-717	Drainage required for parking and driveways needs to mentions treatment.	**ENG**	
		Potentially remove ability of City Engineer to allow alternative paving surfaces.	**ENG**	
	Site Plan Requirements	Require Life Safety Plan as part of Chapter 108 for Site Plan requirements. FMO to provide a detailed list of elements required as part of the LS Plan (ie: reference life safety code sections on information table and a Key Code.	**FIRE**	
110		• Ch. 110 should cross reverence ROW ordinance. • Prohibit private planting in the ROW. 62-31. • ROW passage and maintenance.	**TREE**	
	Article 4	Coastal Resources needs review. Biology piece. Need regulation for environmental resources permitting (state requirement removed). o Revise pier and doc regulations?	**TREE**	

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110	**Resource Protection**	• Amend comp plan Ch 1a to move Archeology under resource protection element. • 110—26. Archeologist required to be on staff. Amend language • Comp Plan: move Resource Survey Ch. 1a to Resource protection • Amend section 1a- 1.1.11 remove "analysis of density variances." • Relocate Policy 1a-1.4 Archeological discoveries to Resource Protection Element.	**HARC**	
	110 -256	Adopt or reference national arborist standards	**TREE**	
	110-259. Duty of private property owner	(a) It shall be the duty of any person or entity owning or occupying private real property bordering on any street, upon which private property there is a tree or trees, to maintain such trees in a manner that such trees will not obstruct the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs or traffic lights, or obstruct views of any street or alley intersection. (b) It shall be the duty of any person or entity owning or occupying private real property bordering on any street, park or other public land, upon which private property there is a tree or trees that is diseased or infested, to treat or remove (with permit, as applicable) such tree or trees in a manner that they will not infect or damage nearby public vegetation or otherwise cause harm to the community or its citizens.	**ENG**	
	110-288	Notwithstanding section 110-288, a code enforcement officer may take an alleged violation of subsection (a), hereof, directly through the code enforcement process described in chapter 2, article VI of the Code of Ordinances.	**ENG**	
		Revise that all Boards are appointed by Commission	**TREE**	
		• Qualifications for Tree Commission or abolition? • T.C. created by special act of legislature, can city abolish Board? (Ron will check). • Fines referred to Special Master from Code Compliance. As part of LDR amendment process. • Less than 12 administrative hearings a year.	**TREE**	
	New Addition	Trimming.	**TREE**	
114	**Signage moratorium on Boulevard at least?**	Look at Islamorada regulations;	**ENG**	

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114	**Signage and Education**	Great need for clear up to date informational signage and wayfinding signage in addition to effective Key West City Parking webpage (see Seattle for example).	**PARKING**	
118	**118-299**	Min sidewalk size needs to be changed from 4 to 5'.	**ENG**	
122	**122-233**	Fee in-lieu of – o Section 122-233 requires new accessory unit provide parking, but may be in conflict with other dimensional requirement and sustainability measures.	**PARKING**	
	Setbacks	Front setbacks out of whack with what is on the ground. ~~Possible corner lot flexibility.~~ Consider post disaster recovery. Corner lot visibility determination is critical for maintaining traffic visibility at intersections and driveways. Emphasis should be placed on corner lot setbacks to create sight distance triangles that will be free of structures or plant materials. No driveway, structure or planting shall be placed within ROW without approval of Engineering Dept, Planning Dept. Redevelopment plans should incorporate improvements to bring parcel in compliance with sight distance triangle requirements.	**ENG**	
	122-1183. Walls and Fences	d. <u>The fence shall be located so as to avoid interference with traffic visibility pursuant to section 122-1406</u>	**ENG**	
	122 – 1306 Home Occupation Ordinance	(i) Home Occupation Ordinance. Outdated Language that prevents retail. Include "internet based businesses that include retail." (h). Clarify "occupations that rely on client contact…(<u>limited to 2 visitors per week</u>)."	**BLDG & LIC**	
	Article V. Supplementary District Regulations. Division 6. Transient Units	1. Allow transfer from conforming to conforming. Allow transient unit to be transferred without license, only unit? 2. Change ESFU? 3. Continue to allow transient units/licenses to be converted into market rate units? Undermines the hurricane evacuation modeling by converting transient into market rate units per Section 122-1338(3).	**LEGAL**	
	122-1338 Transfer of transient	(1) The unit being transferred must ~~currently be counted as a unit for purposes of calculating evacuation time under the hurricane model set forth in the comprehensive plan,~~ ??and must have been obtained in accordance with all applicable regulations, including building permits, at the time of approval or	**LEGAL**	

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	units.	have been otherwise validly obtained if unbuilt at the time of transfer. A transfer pursuant to this division shall not cause a net increase of units in the city. (2) Transient use must be an allowed zoning use on the receiver site, ~~unless the units are to be converted into non-transient units as contemplated by subsection (3) of this section~~. Further, no transient unit shall be recognized for transfer purposes, ~~regardless of whether it will be used transiently or non-transiently,~~ unless accompanied by a business tax receipt duly issued pursuant to section 66-109(10). ~~When units are transferred for non-transient use, the licenses will be extinguished.~~ ~~(3) Transient units may be converted to residential units at the appropriate exchange rate as determined by the comprehensive plan so as not to increase hurricane evacuation time. Where a residential unit is created by the transfer of a transient unit and the new residential unit is 600 square feet or less, the transient unit may be transferred at its .58 ROGO unit equivalency into a residential unit with transient use prohibited.~~ (4) The transferred units shall not operate to increase density of the receiver site above the maximum allowed density. (5) Unless the planning board determines that special conditions exist at the receiver site that warrant otherwise, the transient unit may not include more than two rooms, excluding bathrooms, and excluding porches and decks that are clearly not enclosed or habitable. (6) At the sender site, any remaining transient units that are remodeled or combined may not increase the existing number of rooms, excluding bathrooms. All such units shall not have "lock out" capacity. (7) There shall be no transfer of units into a "V" zone as depicted on the most current flood insurance rate map, if the transfer would produce new construction. (8) Existing nonconforming buildings may receive units providing their nonconforming aspects are not increased. (9) Development plans for both sites shall be processed as provided in the LDRs, according to the magnitude and type of development. (10) Upon the effective date of the Planning Board transient transfer approval, the licensing and planning records will be updated to reflect the reduction of lawfully recognized units from the sender site. At which time the owner of the sender site will have xx months to bring the site into compliance with the terms of the transfer agreement. The unit(s) will be held by the City until such time that building permits are pulled for the receiver site. The city shall conduct on-site inspections at both the sender site and receiver site to verify that the terms of this ordinance are being met in the proposed transfer application. No building permit shall be granted for the receiver site until the city has verified that the transient use at the sender site unit(s) has been extinguished. ~~A person or entity who has lawfully terminated or extinguished legal transient units existing as of January 1, 1999, may preserve the right to transfer the units and then transfer such units pursuant to this section, provided the transient licenses have been maintained~~?? ~~Furthermore, the city shall conduct on-site inspections at both the sender site and receiver site to verify that the terms of this ordinance are being met in the proposed~~		

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		~~transfer application.~~ ~~**Sec. 122-1339. Transfer of transient business tax receipt.**~~ ~~(a) A business tax receipt for transient use of a unit may itself be transferred from an area where transient uses are prohibited to a receiver site without the accompanying transfer of the unit. In addition, licenses may be transferred from the HNC-1 and HNC-3 zoning districts. A transfer of a license under this section shall not result in a loss of affordable housing at the receiver site.~~ ~~(b) Where a license alone is transferred, the planning board shall consider whether the receiver site is suitable for transient use in the zoning district, shall consider the relative size of the unit from which the license is transferred, and shall consider the room configuration of both sites to maintain approximately the same or less net number of occupants.~~		
122	**122-1371 Transient Rentals**	Transient Rental Ordinance can only be changed by completely adopting the state regulation that allows any property to rent transiently (less than 30 days).	**LEGAL**	
	122-1406 Corner Lots	In any district where a corner or front yard setback is required, no structure, fence, planting or sign shall be located so as to interfere with traffic visibility across a corner between a height of 2½ and ten feet above the average grade within a triangle bounded by the ~~curb~~ intersecting property ~~adjacent to the corner lot~~ lines and a straight line drawn between points on each such ~~curb~~ property line ~~20~~ 15 feet from the intersection of such ~~curb~~ property lines or extension thereof.	**ENG**	
	122-1406 Public ROW	(c) There shall be no structure or planting on city or public right-of-way without prior approval of the planning board and city commission, and then only after due consideration is given to the type, height and size of such structure and planting.	**ENG**	
	122-1406 Variance Clearance	(d) Notwithstanding any part of the land development regulations or any permit granted or variance granted by the city, no type of structure, vehicle, tree, planting, vegetation, sign or fence or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct vision clearance at corners, curb cuts or railroad crossings in any zone.	**ENG**	
		Use - Contractor laydown areas. Need to allow in all zones? Possibly as a Conditional Use? Possibly Ch. 62?	**ENG**	
	122 - ???	Buildings within a regulated floodplain, that have deteriorated to the point where the value of repairs and remodeling would exceed fifty-percent (50%) of the building's fair market value, shall not be eligible for health and safety exemptions related to substantial Improvement calculations.	**FEMA**	

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122	**Height**	Consider different types of elevation requirements for different commercial and residential zones. IE: Flagler Street, the Boulevard zones, historic district. Residential vs commercial	**HARC**	
	Carports	An open carport may be erected ~~adjacent to interior lot lines~~ within ~~one foot~~ five feet of the ~~front and~~ side property lines and x feet from the front property line. Rooftop runoff shall be contained on the subject site. (Require gutter with connectedness to water reuse system, cistern or swale)	**HARC**	
	Division 8. Land Restrictions	Traffic visibility at intersections and driveways should be emphasized, where structures or plant materials shall not be placed within sight distance triangles. No driveway, structure or planting shall be placed within ROW without approval of Engineering Dept, Planning Dept. (Sec. 122-1406(d) references railroad crossings. Not applicable to Key West.)	**ENG**	
	Division 10 Workforce Housing Redevelopment	• **Redevelopment of Military Housing** – Check comp Plan and HSMDR regulations. Amend HSMDR? • Reconsider definition of development vs. redevelopment vs. new development as it relates to AH. Clarify what type of redevelopment that 30% AH applies to. Assisted living center; TDR's to Truman Waterfront; • How to save "effective" AH when residential units are redeveloped into more costly housing or reduction in units?? • **Redevelopment of Mobile Home Parks** – see county ordinance. 30% must meet AH requirements.	**LEGAL**	
	WFHO	• Rental and Sales Limits still difficult for workforce to afford: o Consider adopting the City's Median Income Level in order to establish Income, Sale and Rent, Limits. Manny will seek the information from the Feds. o Negative repercussion of bring down the eligibility income should be carefully weighed out in relation to land value. Perhaps instead we consider lowering the income level mix required for multi-unit developments and adopting a very low income rate. o Consider reducing the range of percentages to three categories (like the county) from four categories. 60-100% or 80-120% • One bedroom units are in high demand and scarce. • Planning will discuss the fee applied to request for Waiver to WFHO requirements with Larry. Planning has been charging application fee under the Fee Schedule for variances. • Consider regulations that allow city to transfer/develop affordable units to Stock Island. Then consider purchasing land with Land Trust funds at Stock Island and transfer units there. Or ask Rep. Raschein to sponsor legislation to allow the city to use Trust Fund Lands for redevelopment. o Douglass Square apartments (800 Emma St.) 35 market rate units and some affordable but	**KWHA**	

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		rents are going up because land lease changing in 2016. Potential to purchase the buildings (currently own the land).		
122	**122-1467**	KWHA does not monitor Affordable Housing separately from Workforce Housing. Therefore are ALL affordable housing developments subject to the WFHO)? Compare with new BPAS definitions. Consider adding text to differentiate workforce housing and AH within the WFHO.	**KWHA**	
	122-1467 Requirements of affordable work force housing; ratio of new construction	(a) *New market-rate multifamily residential housing.* At least ten percent of all new multifamily residential units constructed each year shall be low income affordable housing of at least 400 square feet each, as defined herein and 20 percent shall be affordable housing (median income) housing of at least 400 square feet each, as defined herein. (New Paragraph?)Residential or mixed use projects of less than ten residential or mixed use units shall be required to develop at least 30 percent of units of at least 400 square feet each as affordable (median income), but may contribute a fee in lieu for each unit to the affordable work force housing trust fund, if approved by the city commission. The per unit fee shall be $200,000.00 (representing construction cost, less land cost, of a 400 square foot unit). The 30 percent affordability requirement shall be determined on a project by project basis and not on a city-wide basis. Vested units shall be subject to this subsection if not otherwise governed by law or agreement. For every required affordable housing (median income) unit, a developer may increase the sales or rental rates to affordable housing (middle income) so long as another unit's sales or rental rate is decreased to affordable housing (low income). (b) *Linkage of projects.* Two development projects may link to allow the affordable housing requirement of one development project to be built at the site of another project, so long as the affordable housing requirement of the latter development is fulfilled as well. Written proof of the project linkage shall be supplied by the developer to the city commission at the time of the first site plan approval. The project containing the affordable units must be built either before or simultaneously with the project without, or with fewer than, the required affordable units. In addition, if a developer builds more than the required number of affordable units at a development site, this development project may be linked with a subsequent development project to allow compliance with the subsequent development's affordable unit requirement. Written proof of the linkage must be supplied by the developer to the city commission at the time of the subsequent development's site plan approval. Linkage shall not be available if either development is entirely or in part to be constructed by public funds. Finally, all linkages under this subsection may occur within the city or on a site within the city and on a site on Stock Island in the unincorporated part of the county. (c) *New affordable work force housing.* The maximum total rental and/or sales price for all new affordable work force housing units in a single development shall be based on each unit being affordable housing (moderate income). The rental and/or sales price may be mixed among affordable housing (low income), (median income), (middle income) and (moderate income) in order that the	**LEGAL**	

		total value of rental and/or sales does not exceed ten percent of the rental and/or sales of all the units at affordable housing (moderate income). (d) *Demonstration of continuing affordability.* Demonstration of continuing affordability shall be by deed restriction or any other mutually acceptable method that effectively runs with the land and is binding on owners, successors in ownership, or assigns. The deed restriction shall be in a form provided by the city and shall be for a period of at least 50 years. It shall be recorded in the county records. During the final year of the deed restriction, the city commission may act by resolution to renew the affordability restriction for an additional 50-year term. (e) *Reporting requirements.* Owners of affordable work force housing projects or units shall furnish the ~~city manager or his designee~~ City of Key West Housing Authority with annual information necessary to ensure continued compliance with affordability criteria, beginning one year after the date of building permit issuance and on each anniversary date thereafter. Reporting requirements shall include sworn tenant household verification information. Property owners subject to this subsection may contract with the Key West Housing Authority to perform annual tenant eligibility verification. (f) *Compliance with antidiscrimination policy.* All property owners offering housing under this division shall comply with the antidiscrimination policy of article II of chapter 38 of the Key West Code of Ordinances???		
122	**155-1469 Applicant eligibility requirements**	The following eligibility requirements shall be required of households or persons to qualify for affordable work force housing units to the extent lawful: (1) The household or person shall derive at least 70 percent of its or his/her total income from gainful employment in the county. • *Confirm consistency with Fair Housing practices.* ~~(10) Eligibility is based on proof of legal residence in the county for at least one consecutive year.~~ Consider eliminating. (13) Eligible income shall be determined by…~~The income of eligible households shall be determined by counting only the first and highest paid 40 hours of employment per week of each unrelated adult. For a household containing adults related by marriage or a domestic partnership registered with the city, only the highest 60 hours of the combined employment shall be counted. The income of dependents regardless of age shall not be counted in calculating a household's income~~ (Together with limitations on more equitable, easier to monitor, more integrity in the program). (15) The planning board may review a household's income and unique circumstances to determine eligibility and conformance with the intent of this ordinance to assure that people in need are not excluded and people without need are not included.	**KWHA**	

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		• *Consider amending #15 to clarify specific criteria and provide for a fee in the Ordinance if required (see Larry).*		
122	**122-1471 Community housing development organization**	The city commission may promote the establishment of a nonprofit C~~c~~ommunity H~~h~~ousing D~~d~~evelopment O~~o~~rganization (CHDO), pursuant to federal regulations governing such organizations, to serve as developer of affordable workforce housing units on city-owned property located in both the city and in the community redevelopment areas, including excessed U.S. Navy property, or located in Key Haven and Stock Island in the unincorporated part of the county, upon interlocal agreement. In such event, the city may delegate to the community housing development organization all or partial administration of the affordable housing trust fund.	**KWHA**	
		• Porter Place needs updating: o Have extra building space to add units? o Density?	**KWHA**	
		• KWHA monitors Public Housing (subsidized housing) and Affordable Housing (non-subsidized, but also owned by the KWHA) and Workforce Housing (privately owned deed restricted). KWHA does not monitor Habitat for Humanity or Tax Credit Housing. KWHA only monitors deeds identified to them by the City.	**KWHA**	
Unknown Chapter				
		Link annual license to FEMA and Fire inspection	**FEMA**	
	ROW	• **Complete Streets ordinance.** • CIP for elimination of landscaping in ROW? Politically undesirable • No brick pavers allowed on the sidewalks? • Adopt Complete Streets ordinance. • Amend Comp Plan for Goals, objectives and policies for bicycle and pedestrian connectivity. • Bicycle Master Plan. • Coordinate with Building department and create a regulation prohibiting the removal of off street parking on private property.	**ENG**	
		• Carports setback – needs to be consistent with 5' setback requirement of all other structures; • Provide regulation prohibiting placement of structures or machinery in between other structures that prevents life-safety access. Create 5' setback requirement between all disconnected structures on a property; • Concern abandonment of ROW in alleys that create life safety concerns;	**FIRE**	

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		• Create process for life safety permit review; • Implement/adopt life safety requirements for transient rentals – RE: annual inspection; • Require Transient Life Safety Inspection at annual license renewal process; • Discussion regarding possible open fire prohibition in the city or better regulations, reference National Fire Protection Association (NFPA); • Mary C. to provide a list of possible new definitions, definitions that need to be added and existing inconsistent definitions; • For when lot splits and subdivision requests occur a 5' setback between structures and Fire Marshal's inspection should be required. • *For Consideration: Minimum access for life safety is 5' or sprinkle the structure as determined by the Fire Marshal's Office??*		
		ARTICLE II. COMPREHENSIVE PLAN [2] Sec. 54-26. Adopted. Secs. 54-27—54-55. Reserved. **Sec. 54-26. Adopted.** (a) Pursuant to F.S. ch. 163, part III, pertaining to county and municipal planning and land development regulation, the city commission declares its intent to exercise its authority to plan for the area within its jurisdiction as granted by the act and adopts the city comprehensive plan, including the remedial actions cited in the stipulated settlement agreement signed June 15, 1993, between the state department of community affairs and the city which mandate additional policies addressing the following items: (1)Established residential building permit allocation system; (2)Redefined the high hazard area and established more restrictive land use policies in the Key West Bight area; (3)Redefined the drainage system level of service to include water quality criteria; (4)Redefined the package treatment plant level of service standards to include nutrient limiting standards for private sewage treatment facilities; (5)Revised the traffic circulation element to include updated level of service information and	**LEGAL**	

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		criteria based on the state department of transportation's ART-PLAN level of service spreadsheet; striking reference to the "special transportation area" and including policy supporting establishment of a "transportation concurrency management are[a]" within the historic district; including the county in site plan review of development with transportation impacts transcending jurisdiction of the city; (6)Updated the capital improvements program to include revenue sources and reflect updated program data; (7)Established a transfer of development rights system to reflect updated program data; (8)Delineated wetlands along Atlantic Boulevard and South A1A "conservation"; (9)Clarified the concurrency management system policy; (10)Provided updated affordable housing analysis, and included more restricted affordable housing criteria including a requirement that 30 percent of all residential units added to the housing stock be affordable units and mandated that a housing trust fund be established; (11)Refined the analysis of hurricane evacuation including results of studies conducted by the U.S. Corps of Engineers, the state department of transportation, and the firm of Post, Buckley, Schuh & Jernigan, and the county regarding existing and future hurricane evacuation clearance times and the impacts of the countywide building permit allocation system; (12)Provided for accessory units and single-room occupancies (SROs); (13)Revised solid waste disposal policies to reflect actions of the city commission; (14)Revised policies impacting the intensity of land use in the historic area; established off-street parking requirements within certain areas of the historic district and provided for an off-street parking trust fund; (15)Refined policies for managing native vegetation; and (16)Added policies to protect the freshwater lens by evaluating impacts of water wells. (b)The comprehensive plan including these remedial actions is attached to Ordinance No. 93-36, on file in the city clerk's office, and is incorporated by reference. *(Code 1986, § 34.01)*		
	HARC	• Create criteria for what projects go to HARC and what projects are administratively approved. • Major Development Plans, Minor Dev. plans based on dollar value or s.f of structure or size of project. In addition to projects that do not meet the Guidelines.	**LEGAL**	

	Noise Ordinance	• Changing decibel level to C scale (C-BA) • Change everything to readings by decibel levels. Eliminate all language that is impossible to regulate/enforce. • Live Music vs. Amplified Music	**LEGAL**	
	Public speaking ordinance	(Proactivity frowned upon by courts): • Hyde Park speakerbox ordinance • Religious worship within public parks/public property • Amplification	**LEGAL**	
		Additional Floodplain Management Ordinance updates necessary?	**BLDG & LIC**	
		Wedding Fees away from Special Events and into licensing;	**BLDG & LIC**	
		CRS. Could the CRS $$ be used to amend LDR's.	**BLDG & LIC**	
		Height increase - change point of reference for measuring height from crown of road to base flood elevation;	**BLDG & LIC**	
		Adopt IGBC – International Green Building Code. Dons in a few years.	**BLDG & LIC**	
		Require redevelopment over 40% of value of building to be Green Building Certified;	**BLDG & LIC**	
		Impact Fee Ordinance	**BLDG & LIC**	
	Stormwater	• User fees and billing updates. • Jay considering a <u>MOU with state</u> in order to give the City the ability to request that the state more frequently clean the state owned road stromwater baffle boxes. Although the City is ultimately responsible for all discharges from the city state, county and some private entities regulate and clean their own systems. • MS4 permit. Require basic construction site permitting etc. Add to Construction Mobilization plan stormwater management plan with requirements from the MS4. • Add provision that the city will require monitoring of stormwater construction compliance. • Stormwater runoff onto city streets penalty fee. Current ordinance is unclear. Particularly was it relates to pumping.	**UTL**	
		• Policies for review need to be codified.	**TREE**	

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		• Consult with Urban Forester regarding a Street Design Manual. Shall we require each property owners to maintain their sidewalk (concerete and all?).		
	CEMETERY	Clarify responsibilities of HARC as it relates to the Cemetery and Parks.	**COM SERV**	
	CEMETERY	Create Cemetery Design Guidelines. IF the Guidelines are challenged the decision is bade by the Historic Preservation Planner, Community Services Director and the Sexton.	**COM SERV**	
	CEMETERY	Parks: clarify HARC jurisdiction over playgrounds	**COM SERV**	
	CEMETERY	How to better solidify OS and Recreation Master Plan, without the Master Plan losing momentum or being circumvented? o Adopt the Plan into the Comprehensive Plan o Place into CIP Plan o Adopt recommended LDR's o Parks and Rec Impact Fee ROW issues: o Hardscape improvements/fixtures in Historic District shall be coordinated, reviewed and approved by Community Services for energy efficiency, and maintenance concerns before HARC review. o Complete Streets Ordinance to better coordinate complete design at one time, not piecemeal. Fortify ROW landscaping standards and plant materials. Line of site and landscape growth.	**COM SERV**	
	CEMETERY	Conflict with Chapter 22, 14 and 102	**COM SERV**	
	CEMETERY	Ownership is difficult because records and transfer records were not well kept. Several Surnames may be associated with one area and the most recent name may try to gain ownership and attempt to be buried in a requested place.	**COM SERV**	
	CEMETERY	Good records kept until 1940. With limited space, sexton uses his discretion to deny the right to build if it negatively impacts the ability of the neighboring family to do the same. Never denied a burial, but denied application for construction.	**COM SERV**	
	CEMETERY	Need regulation to protect city from lawsuit from denial. Also need better design guidelines?	**COM SERV**	

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	CEMETERY	Ability to sell unused land adjacent to and around other sunken ground. Pre 1960 burial occurred without a vault and the ground sunk. Not complete records. For many years no sexton was on site and burials occurred without record.	**COM SERV**	
	CEMETERY	No vacant land inventory.	**COM SERV**	
	CEMETERY	Not proposing sale of areas between Grinnell and Watson on Olivia where a large indigent section exists where many bodies are buried.	**COM SERV**	
	CEMETERY	Sexton has identified specific vacant land (likely). In that case the new sale of land would only be allowed to build above ground.	**COM SERV**	
	CEMETERY	Consider codifying "Sexton Guidelines" – hand written by R. Brittan. Design guidelines, setbacks, height, location, landscape, liability, construction standards review, cremation design sites, 4 x 8' space standard, record keeping requirements, sensitivity to historic fabric within the cemetery and as it relates to the residential neighborhood and visual penetration of the resource. Needs to maintain flexibility to work with people but provide structure and legal protection for the City. Better yet, RFQ Master Plan for historic cemeteries. Create a maximization/closing plan. Master Plan for Peary Court Cemetery and considerations for additional space by date to be identified. May want a future plan to encourage and incentivize maximization of space.	**COM SERV**	
	CEMETERY	How to encourage smaller cremation sites?	**COM SERV**	
	CEMETERY	Appeal process to City Manager has only been used 1 time. Seems to work.	**COM SERV**	
	CEMETERY	Maintenance responsibility shall be the responsibility of the plot owner. The funds generated on site shall go into a fund to maintain the cemetery. How else to generate $$ for cemetery.	**COM SERV**	
	CEMETERY	Do you actually own the land? Do you pay taxes? Own land, yes. No taxes. Very restrictive Land Regulations.	**COM SERV**	
	CEMETERY	Charter Amendments: 1.08 Approval by electorate required for annexation of any real property. Annexation or acquisition by any means other than forfeiture proceedings pursuant to F.S 932 or property adjacent to existing city owned property/ adjacent to or contiguous with the city's cemetery, of any and all real property may only be by a vote of the electors of the City.	**COM SERV**	

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		For endangered historic resources (tie to demolition by neglect), as determined by the CBO, the City shall pursue acquisition and adaptive reuse of those resources per Comp Plan Policy 1A- 1.3.6. ~~At an election held Nov. 6, 2007, the electors of the city approved the addition of the provisions which have been set out as § 1.08. See also § 8.01(b) of this Charter.~~		
		• Consider reclassifying allowed uses in the PS and HPS and or REFLUM publicly owned properties based on highest and best uses • Consider regulations for green and hurricane standards for City buildings and for new construction and reconstruction on all city property. • Acquisition of property for public use? • Considerations for future excessing of Federal property? • Height	**PRPTY MGT**	
		Follow up: To Doug: Transmit J. Fitton draft Port Master Plan Element, Coastal Mgt. Element, county's ports plan element as it relates to annexation of stock island (2015), and LDR's in draft. ▪ Adopt Clean Marinas Ordinance or stronger ▪ Ports Element: Feasibility of Port Ferries and future international development of Ferry Terminal. (Possible phased plans such as: Existing Plan, Intermediate and Complete Plans) • Dumping and Pump outs: o Require pump outs at every slip. Require log from the private visitors. $250/day fine. Still needed at Galleon, A&B, Sunset Key (Conch Harbor is a good example, every other slip pump out). ▪ Marina development: Need regulations to protect nearshore water resources since state regulations no longer require SB 503 (FDEP and Army Core) permitting prior to City approvals including: • Depth of water, distance over sea grass, dredging, fill, floating docks, mangrove trimming, pilings, size and location of docks, • Clean Marinas requirement and beyond (fish guts); • Chemicals: soaps, chemicals, phosphate free liquid ban (no sale of high phosphate as an ordinance for doc cleaning, pressure washing etc.). Work with local businesses that sell the products. • Y-valve sewage lock out. ▪ Master Plan for Bight? Signage? ▪ Relocation of dinghy dock?? ▪ Need to relocate/add mooring fields anywhere? Potential $$ maker, but space is limited	**PORT &MAR**	

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	Comp Plan Amendments	Add future sustainability goals with benchmarks	**SUSTAINABILITY**	
	Energy and Water Conservation	**<u>Focus Group Meetings</u>** Keys Energy: • How to codify regulations disallowing Keys Energy from maintaining same charges for those who achieve energy savings? Discussion. • City has adopted 15% energy savings, KE needs to plan for it as well. • How can we incentivize reduced energy use during peak hours? Volunteer peak saver packages where utility can remotely access properties and reduce power during peak hours. • Discuss similar energy savings ratios similar to FKEC. • Help KE create a more meaningful tiered rate system to help them increase revenue while incentivizing conservative use. • Sale of carbon credits • Transportation: • Jodi Weinhoffer – Hotel transportation info • New Town Hotel Groups – Transportation **<u>LDR's</u>** **Adaptation** • Post-disaster Redevelopment Plan – 2015 Budget. Consider fiscal repercussions, FEMA funds, land purchases, etc. • Adaptation Plan • Codify 2' above required base flood elevation. Considerations for the Historic District. • Buildback Ordinance amendments for existing units **Energy and Water Conservation –** How to create regulations to reduce energy and water consumption by 15% from the baseline (year 2005) by 2016? Create a phased plan whereby 2015 all residential and commercial properties should strive to reduce energy and water consumption by 15%, and by 2020 all properties are required to reduce by 20% and 45% by 2035. • Phase 1: 2015. Awareness - Free Energy audit - License renewal and/or building permit application and/or any city application applicants are required to submit a completed energy audit form by keys energy (and a 2005 baseline report for the property?).	**SUSTAINABILITY**	

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- Phase 2: by 2020 all properties are required to reduce by 20% and 45% by 2035.

Energy Conservation

Keys Energy:

- How to codify regulations disallowing Keys Energy from maintaining same charges for those who achieve energy savings? Discussion.
- City has adopted 15% energy savings, KE needs to plan for it as well.
- How can we incentivize reduced energy use during peak hours? Volunteer peak saver packages where utility can remotely access properties and reduce power during peak hours.
- Discuss similar energy savings ratios similar to FKEC.
- Help KE create a more meaningful tiered rate system to help them increase revenue while incentivizing conservative use.
- Sale of carbon credits

Regulations:

- Building Code. Book I - All new appliances installed must meet green energy rating standards
- LDR – All new government/public buildings are required to install energy savings appliances, facilities, photovoltaics
- Sustainability Fund: Comp Plan Policy 6-1.1.3: By 2016 city shall establish a sustainability fund.
  - Consider amending Land Trust regulations to be used for hard cost improvements for sustainable adaptation practices: affordable housing, adaptation and energy savings retrofits.
  - Sale of carbon credits
- LOS:
  - Create GHG LOS based on CP Policy 6-1.1.2 (by 2015)
  - Create Energy LOS based on CP Policy 6-1.1.2 and update water , energy, solid waste and transportation to meet GHG LOS by 2017.

Water Conservation

Landscaping/Plants

- Total amount of canopy or shade for entire island.
- Define types of swales: dry swales, biofilters, grass swales. Define vegetation allowed.

Impervious Surface

Sustainability (Catch all)

- Establish Duval Street Downtown Re4development District for tax purposes:

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Fund downown jitney

-

Transportation

- New Comp Plan Element
- Service user/ impact fee to pay for transit. See WPB comp plan and LDRS.
- Create a New Town Hotel transit service and encourage public/privae partnerships
- Establish Duval Street Downtown Re4development District for tax purposes:
  Fund downown jitney
- Bicycle LOS B (Policy 2-1.1.10). Incorporate into Ch 94.
- Off street residential Parking: Automatic driveway gate. Solar powered or no gate blocking driveway (Prohibit use of residential off street parking requirement for storage?
-

Florida Green Building Code – adopt it!

Better Site Design: Handbook for changing development rules. US EPA Center for Watershed Protection. 1998

Parking Lots and ROW's:

- Where feasible vegetated open channels should be used in the street ROW to convey and treat stormwater runoff
- Required parking ratio governing particular land uses should be enforced as a maximum and a minimum in order to curb excess parking space construction, take into account local and national experience to see if lower ratios are warranted and feasible.
- Parking codes should be rev to lower parking requirements where mass transit is available or enforceable shared parking arangements can be made.
- Reduce imperviousness of parking areas by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes and d using pervious materials in spillover parking areas.
- Provide meaningful incentives to encourage shared parking and make it more economically feasible.
- Wherever possible provide stormwater treatment for parking lot runoff using bio retentions areas, filter strips, and other practices integrated into required landscape areas and traffic islands

Private areas:

- Encourage alternative driveway surfaces and shared driveways, "two track design", that connect 2 or more homes together
  - Reducing front setbacks reduces driveway length

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		o Clarify community open space will be managed and designate responsible legal entity to manage natural and recreational open space o Conserve Trees and other vegetation by planting additional vegetation, clustering tree areas and promoting use of native plants o Use incentives: stormwater credits, property tax reduction Suggestions: o professional office building - less than 3 spaces per 1,000 sf of gross floor area o Shopping centers – less than 4.5 spaces per 1,000 sf o Invoke Maximum or median parking requirements, vs. minimum o Allow shared parking and provide model shared parking agreements. Reduce parking requirement for shared uses. o Create 30% compact car requirement for parking lots. o Incentivize use of parking garages vs. surface lots o Facilitate open space and cluster development designs with flexibility for setbacks, road width, etc. o Create o.s and recreation as of right use o Slope sidewalks towards front lawns in residential districts for drainage. o Driveway width – less than 9' (single lane) and less than 18' (2 lanes) o Require Opens Space dedications in development projects so that the OS remains in perpetuity o Require rooftop runoff be discharged into swales and landscape areas o Site clearing requirements and tree protection?? Are disturbance requirements working?		
	PARKING	**Parking Goal** Not to maximize revenue, but to provide adequate, convenient parking and support alternative transportation opportunities. Ideal parking ratio is 85% occupancy at all times. Creating unused or underutilized parking is not an asset. • Resources ▪ http://shoup.bol.ucla.edu/ ▪ The High Cost of Parking ▪ NOLO Parking Ordinances ▪ Seattle Parking website ▪ J. Wilkins report, "The Curb"	**PARKING**	
	Comprehensive Parking Plan Approach: Supply and Demand	A. Amend Chapters 122, 108 and 70 related to parking as stated below and as a result of the Data gathering effort **Phase 1: Identify Supply and Demand:** Execute a Parking Survey and Analysis of Existing Conditions within the Historic Commercial Areas**.** Brendon Cunningham, Senior Planner, has volunteered to administer the project by first write a methodology report for Phase 1, relying on data and input from Parking Manager, J. Wilkins, by February 28, 2014. The existing parking conditions to be analyzed are right of-way parking areas (including bus,	**PARKING**	

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taxi and delivery loading zones and residential marked, unmarked and paid and unpaid parking spaces), private and public parking lots. The data and analysis will be used to assess how the downtown parking areas are actually used, how the existing areas can be better used, what is needed to support improved parking services and revised parking Ordinances.

If, based upon the methodology report, it becomes clear that the City does not have the resources (adequate staff members and/or tools) to conduct Phase 1, staff will procure funds and professional assistance to complete the project.

Methodology/Scope:

A. Methodology and Mode.
   a. Data factors (i.e. by vehicle type, parking area type, location, duration of stay, frequency of use, etc.).
   b. Vehicle mode categories:
      i. Loading Vehicles:
         1. Deliveries: Services, dry goods, food and beverage.
            a. Large – by size
            b. Small – by size
         2. Taxi cabs
         3. Public Busses
         4. Tourism Industry Vehicles:
            a. Trolley stops (Trains are stop/park on private property at all times)
            b. Hotel busses
            c. Tour Bus/ Commercial Coaches
      ii. Personal Vehicle Parking: Consider scooters as well
         1. Visitor Parking
         2. Residential Parking
         3. Employee Parking

B. Scope:
   a. Identify and map zones or areas to be assessed
   b. Identify tools needed for data collection
   c. Identify the top "parking problem" areas (Read J. Wilkins "The Curb")
   d. Identify Staff needed to complete project

C. Summary of Findings:
   Complete analysis of on and off-street parking availability and actual usage by mode, deficiencies etc. Provide general recommendations to alleviate parking congestion such as Ordinances, maximization of land, new or shared parking lots, and parking programs.

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		Phase 2 Results of Phase 1 will be provided to the City's professional consultants for the LDR amendments to support new parking regulations inclusive of Chapters 70, 108 and 122. The data will also be used by Staff to support new parking plan proposals. **Phase 3** Results of Phase 1 will be used to support the future Street Design Manual (2015). **Phase 4 (possible future project)** Commercial Zones outside of historic center. Is there a need?		
	ROW	• Limit the size of vehicles allowed to park in ROW without exemption or ROW permit are limited to 20' (ie length of on street parking spaces). • Add trailers to row boat ordinance (no storage on row). Unless active building permit with ROW permit. Limit time allowed as well. • Clarify that City does not provide on street parking for any resident. • Clarify regulations for line-of-site. • Clarify dimensional and design requirements for ROW.	**PARKING**	
	REVENUE & FEES	• Consider assessment of Fees for All day parking of Tour Bus/ Commercial Coaches. Issues include that all bus drivers are independent agents and owners of their own busses and are difficult to find/contact and therefore regulate. • Fee in-lieu of – o Section 122-233 requires new accessory unit provide parking, but may be in conflict with other dimensional requirement and sustainability measures. o Where parking cannot be accomplished by virtue of existing street/block design o Parking Variances • Consider Dedicated Parking Fund: Reinvestment of parking fee generation into parking improvements and enforcement. • Balancing on and off street parking fees that prohibit the cruising for cheap parking • Parking permit fees: sharing revenue with the neighborhood improves enforcement • Tax commercial parking providers?	**PARKING**	
	ENFORCEMENT	• Gates should swing into the property. Doors should swing in in commercial districts. City will only protect driveways, not pedestrian entrance gates from parked cars blocking access. • Clarify/Enforce no loss of required onsite parking as a result of additions and/or redevelopment of residential properties.	**PARKING**	

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	ASST. CITY MANAGER COMMENTS	• Consider adopting 5yr (Annual) Plan into Comp Plan as required annual CIP update. • CP does not preclude adoption of Annual CIP Plan by reference. Otherwise coordinate Comp Plan CIP with Finance. Is City's annual 5yr CIP Plan format consistent with Comprehensive Plan CIP format? • Do other City's do this? • Amend Comp Plan to annual Adopt the City's 5yr CIP Plan by reference Policy 9-1.1.3.and 9-1.1.4 • Typically available (published) in January of every year. • Add to budget Historic Preservation Fund. 10% of fees collected to subsidize historic elements… • Assess Ch. 54 for possible elimination from Code book 1. • Signage – Where is the setback control for where city's jurisdiction ends on signage on interior of private property? • "Bugaboo" – Conducting of business partially on private property and partly on city ROW.	**MANAGE MENT**	
	ROW ORDINANCE	**Right-of-Way Ordinance** **INCOMPLETE** In researching other communities, their right-of-way ordinances are located in Section 17, 22 (which we use for Cemeteries), or 25. The City of Key West reserves Sections 15-17 and 23-25. In each case other communities include right-of-way code under Streets and Sidewalks title headings. The City of Key West uses Section 62 for Schedule of right-of-way permit fees, and dumpster regulations are under Section 58, Solid Waste. Responsibility for any work or changes in the right-of-way in other communities comes under the direction of either the City Manager or their designee, City Engineer, or Public Works. It is the intention of this Ordinance to place direction of City right-of-way in the hands of the City Engineer or their designee. **Sec. – City Engineer to control issuance**. Except as may be otherwise required by applicable law, the issuance of a permit for the use of city right-of-way shall be in the sole discretion of the city engineer or their designee. If issued, such permit may contain such terms, conditions and limitations as the city engineer or their designee shall deem in the best interest of the city and as a condition of issuance, the applicant may be required to give bond with corporate surety or a letter of credit to assure strict compliance with the terms of the permit. **Sec. – Obstructing or blocking streets.** It shall be unlawful for any person to block or obstruct any street in the city for more than five (5) minutes at any one time unless a permit has been obtained from the city engineer or their designee to do so. Such obstruction shall comply with all rules, regulations, and orders that the City Engineer may require.		

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Sec. – Barricades and warning lights.

Whenever any street, sidewalk or way is blocked or obstructed by excavations, injury or other cause, it shall be properly barricaded and warning given at night by red lights properly placed, all at the expense of the person creating the condition.

Sec. – Placing injurious articles on streets, beach, etc.

It shall be unlawful for any person to throw, place, deposit, distribute or leave on any beach, street, playground, park and other public place any bottle, broken glass, tacks, nails or any sharp or pointed thing or substances likely to pierce, cut or damage any person or vehicle using such beach or public place.

Sec. – Play in Streets.

It shall be unlawful for any person to play ball or any other game upon the public streets or parks except at places provided for such games, or to authorize, permit or encourage children under one's care or custody to play upon the public streets or other prohibited areas.

Sec. – Improper use of sidewalks.

It shall be unlawful for any person to congregate, ride or drive upon or otherwise obstruct, block, injure or remove any public sidewalk except as duly authorized or sanctioned by this Code or any law or ordinance of the city.

Sec. – Placement of utility facilities in the public rights-of-way.

(a) *Definitions*.

Emergency is defined for purposes of this section as a condition that may affect the public's health, safety, or welfare, including, but no limited to, an out of service condition affecting 911 service.

Extenuating circumstances is defined for purposes of this section as conditions relative to the installation, maintenance, relocation, or repair of facilities in the public right-of-way where the specific requirements of this section regarding required or preferred techniques, methods, or equipment for installation, maintenance, relocation, or repair of facilities is rendered impractical or impossible. Such circumstances include, but are not limited to, inadequate clearance, possible damage caused by compliance, size of the facility, or excessive costs.

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Facilities or utility facilities shall be defined for purposes of this section as the cables, conduits, ducts, antennae, fiber option, pipes, poles, lines, converters, splice boxes, cabinets, hand holes, manholes, vaults, equipment, drains, surface location markers, appurtenances, and related materials or equipment to be located, used, or to be used by, a utility as defined herein.

Public right-of-way or right-of-way is hereby defined for purposes of this section as the surface, the airspace above the surface, and the area below the surface, of any public street, highway, alley, road, boulevard, concourse, driveway, freeway, thoroughfare, sidewalk, bridge, tunnel, park, waterway, dock, bulkhead, wharf, pier, public easement, public way, or any other property in which the city holds any kind of property interest or over which the city exercises any type of control and may lawfully grant access to pursuant to applicable law.

Utility is defined for purposes of this section as the owner of agent(s) of any of the following:

(1) Electric transmission, telephone, or telegraph services;
(2) Communication services and cable services, as defined in Chapter 202 Florida Statutes;
(3) Railways;
(4) Sewer and sanitary services;
(5) Gas lines, mains or services;
(6) Gasoline tanks, lines, mains, pumps or services;
(7) Water; with structures or infrastructure, either existing or proposed, whether above ground, underground, or aerial, within the corporate limits of the City.

(b) *Application process for working in city right-of-way.*

(1) Permit required.

a. The cutting, disturbing, or disruption of city streets, or any portion of the public right-of-way is prohibited, except as provided herein.

b. Utilities may not work within, nor disturb or disrupt the public rights-of-way without an express, prior written permit from the city engineer or their designee, except that such permission may not be required in the case of an emergency as defined herein.

(2) *Application for permit*.

a. A utility may not commence any work in the right-of-way unless their permit application has been granted, except as otherwise provided herein. The written permit shall state the date work in the right-of-way may commence. The utility shall notify the office of the city engineer or their designee at least forty-eight (48) hours prior to the date work is to commence, of either their intent to commence work as scheduled and permitted, or of any delays in commencement or completion of work in the right-of-way.

b. A permit under this section constitutes authorization to undertake only those activities specified in the utility's application that are specifically approved on the written permit issued.

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