



THE CITY OF KEY WEST  
CITY CLERK'S OFFICE

Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3831; E-mail: [csmith@cityofkeywest-fl.gov](mailto:csmith@cityofkeywest-fl.gov)

**SENT VIA US CERTIFIED MAIL: 7018 0040 0000 6066 5405**

February 15, 2019

DEO - Bureau of Comprehensive Planning  
Ray Eubanks, State Land Planning Agency  
Caldwell Building  
107 E. Madison MSC160  
Tallahassee, FL 32399-4120

**Re: An Ordinance of the City of Key West, Florida, Amending Table 1-1.1.5 and Policy 1-1.1.10, entitled "Allowed Uses in Historic Public and Semi-public," of the City's Comprehensive Plan; Providing for repeal of inconsistent provisions; Providing for an effective date; Providing for inclusion into the City of Key West Comprehensive Plan.**

Pursuant to Chapter 163.3184(4), Florida Statutes, the City of Key West City Commission, acting within the jurisdiction of the Florida Keys Area of Critical State Concern (designated pursuant to Section 380.05, F.S.), hereby transmits one (1) hard copy and two (2) compact discs of a proposed amendment to the Comprehensive Land Use Plan. This amendment is subject to State Coordinated Review Process, Section 163.3184(4), Florida Statutes, and the City requests the State Land Planning Agency to formally review the proposed Comprehensive Plan amendment. This amendment was heard and passed by the Key West Planning Board at a regular meeting held September 18, 2018 and passed on 1<sup>st</sup> Reading at a regular meeting of the City Commission on February 5, 2019.

Copies of the entire amendment package are also being provided to the Monroe County Planning and Environmental Resources Department, the South Florida Regional Planning Council, Department of State Florida Bureau of Historic Preservation, Florida Department of Environmental Protection, Florida Department of Transportation, United States Navy (Naval Air Station Key West – Boca Chica), Department of Education and South Florida Water Management District.

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*



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Post Office Box 1409 Key West, FL 33041-1409 (305) 809-3831; E-mail: [csmith@cityofkeywest-fl.gov](mailto:csmith@cityofkeywest-fl.gov)

**Amendment Name/Description:**

An Ordinance of the City of Key West, Florida, Amending Table 1-1.1.5 and Policy 1-1.1.10, entitled "Allowed Uses in Historic Public and Semi-public," of the City's Comprehensive Plan; Providing for repeal of inconsistent provisions; Providing for an effective date; Providing for inclusion into the City of Key West Comprehensive Plan.

Thank you in advance for your timely review of these materials. Should you have any questions about the proposed Comprehensive Plan Amendment Ordinance, please contact Patrick Wright, Director of Planning at (305) 809-3778 and [pwright@cityofkeywest-fl.gov](mailto:pwright@cityofkeywest-fl.gov).

Sincerely,

A handwritten signature in blue ink that reads "Cheryl Smith".

Cheryl Smith, CPM, MMC  
City Clerk

Enclosures  
CS/sph

Cc: Bureau of Comprehensive Planning, Department of Economic Opportunity  
Plan Review, Florida Department of Environmental Protection  
Deena Woodward, Florida Department of State, Bureau of Historic Preservation  
Kenneth Jeffries, Florida Department of Transportation  
Tim Manning, South Florida Water Management District  
Ron Demes, United States Navy, Boca Chica Naval Air Station  
Tracy D. Suber, Florida Department of Education  
Isabel Cosio Carballo, South Florida Regional Planning Council  
Mayte Santamaria, Monroe County Planning & Environmental Resources

2-15-19 Rendering Comp Plan Amendment Allowed Uses in Historic Public and Semi-public

*Key to the Caribbean – average yearly temperature 77 ° Fahrenheit.*

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING TABLE 1-1.1.5 AND POLICY 1-1.1.10, ENTITLED “ALLOWED USES IN HISTORIC PUBLIC AND SEMI-PUBLIC,” OF THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE INCLUSION INTO THE CITY OF KEY WEST COMPREHENSIVE PLAN.**

**WHEREAS**, the City of Key West (the “City”) has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Community Affairs (“DCA”), pursuant to Chapter 163, Florida Statutes; and

**WHEREAS**, the City is located within the Florida Keys Area of Critical State Concern (the “FKACSC”) as established pursuant to Chapter 380, Florida Statutes; and

**WHEREAS**, pursuant to the provisions of Chapters 163, 166, and 380 of the Florida State Statutes, the City of Key West, Florida (the “City”) proposes to amend Table 1-1.1.5 and Policy 1-1.1.10, entitled “Allowed Uses in Historic Public and Semi-Public,” of the Comprehensive Plan; and

**WHEREAS**, the proposed amendment will further the goals, objectives, and policies of the City Comprehensive Plan; and

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

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

**Section 2.** That Table 1-1.1.5 and Policy 1-1.1.10 of the Comprehensive Plan is hereby amended as follows\*:

| HISTORIC PUBLIC & SEMIPUBLIC FUTURE LAND USE DISTRICT |  |                           |                                       |
|---|--|---------------------------|---------------------------------------|
| Zoning District                                       | Density  | Intensity                 | Uses & Limitations                    |
| (HPS)<br>Historic Public Services                     | Maximum of 16 dwelling units per acre <del>N/A</del> | Maximum Intensity of 1.0. | See Policy 1-1.1.10 for allowed uses. |
| (HPS-1)<br>Historic Public Services                   |  |                           |                                       |
| (HPS-2)<br>Historic Public Services                   |  | Maximum Intensity of 0.8. |                                       |

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

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

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

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

Deed restricted affordable workforce housing is deemed a conditional use with a density of 16 units per acre in the HPS zoning district.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck~~ through at second reading.)

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

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

**Section 5.** This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

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Read and passed by the City Commission at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Filed with the Clerk \_\_\_\_\_, 2019.

|                              |       |
|------------------------------|-------|
| Mayor Teri Johnston          | _____ |
| Commissioner Gregory Davila  | _____ |
| Commissioner Mary Lou Hoover | _____ |
| Vice Mayor Sam Kaufman       | _____ |
| Commissioner Clayton Lopez   | _____ |
| Commissioner Billy Wardlow   | _____ |
| Commissioner Jimmy Weekley   | _____ |

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

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



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager

**Through:** Patrick Wright, Planning Director

**From:** Vanessa Sellers, Planner II

**Meeting Date:** February 5, 2019

**RE:** **Text Amendment of the Comprehensive Plan** – An ordinance of the City of Key West, Florida, amending Table 1-1.1.5 and Policy 1-1.1.10, entitled “Allowed Uses in Historic Public and Semi-Public” of the City’s Comprehensive Plan; providing for repeal of inconsistent provisions; providing for an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

### **ACTION STATEMENT:**

The purpose of this ordinance is to amend the City’s Comprehensive Plan to allow for deed restricted affordable housing development at a maximum of 16 dwelling units per acre as a conditional use within the Historic Public and Semipublic Services District (HPS) zoning district.

### **BACKGROUND:**

The proposed ordinance to amend the City’s Comprehensive Plan is part of a process to address the affordable housing shortage in the City. The City Commission is hearing this Comprehensive Plan text amendment and a text amendment to the Land Development Regulations (LDRs) which propose deed restricted affordable workforce housing as a conditional use within the HPS zoning district with a maximum allowable density of sixteen (16) dwelling units per acre. Currently, residential dwellings are neither a permitted use nor a conditional use in the district.

### **REQUEST:**

The proposed text amendment to the Comprehensive Plan is as follows\*:

#### **Table 1-1.1.5**

In order to prevent an inadvertent increase in maximum density or intensity that might result from combining multiple zoning districts into a single Future Land Use District, the maximum amount of dwelling units per acre and floor area ratio are established as of January 1, 2012.

Social service special needs and group homes shall be measured in FAR, not units per acre.

| HISTORIC PUBLIC & SEMIPUBLIC FUTURE LAND USE DISTRICT |   |                           |                                       |
|---|---|---------------------------|---------------------------------------|
| Zoning District                                       | Density   | Intensity                 | Uses & Limitations                    |
| (HPS)<br>Historic Public Services                     | Maximum of 16 dwelling units<br>per acre <del>N/A</del> | Maximum intensity of 1.0. | See Policy 1-1.1.10 for allowed uses. |
| (HPS-1)<br>Historic Public Services                   |   |                           |                                       |
| (HPS-2)<br>Historic Public Services                   |   | Maximum intensity of 0.8. |                                       |

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

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

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

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

Deed restricted affordable workforce housing is deemed a conditional use with a density of 16 units per acre in the HPS zoning district.

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\*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.

#### City Actions:

**Planning Board:** September 18, 2018 (approved)  
**City Commission:** February 5, 2019 (first reading)  
**City Commission:** TBA (second reading)  
**Local Appeal Period:** 30 days  
**Render to DEO:** 10 working days  
**DEO Notice of Intent (NOI)**  
**Effective when NOI posted on DEO website**

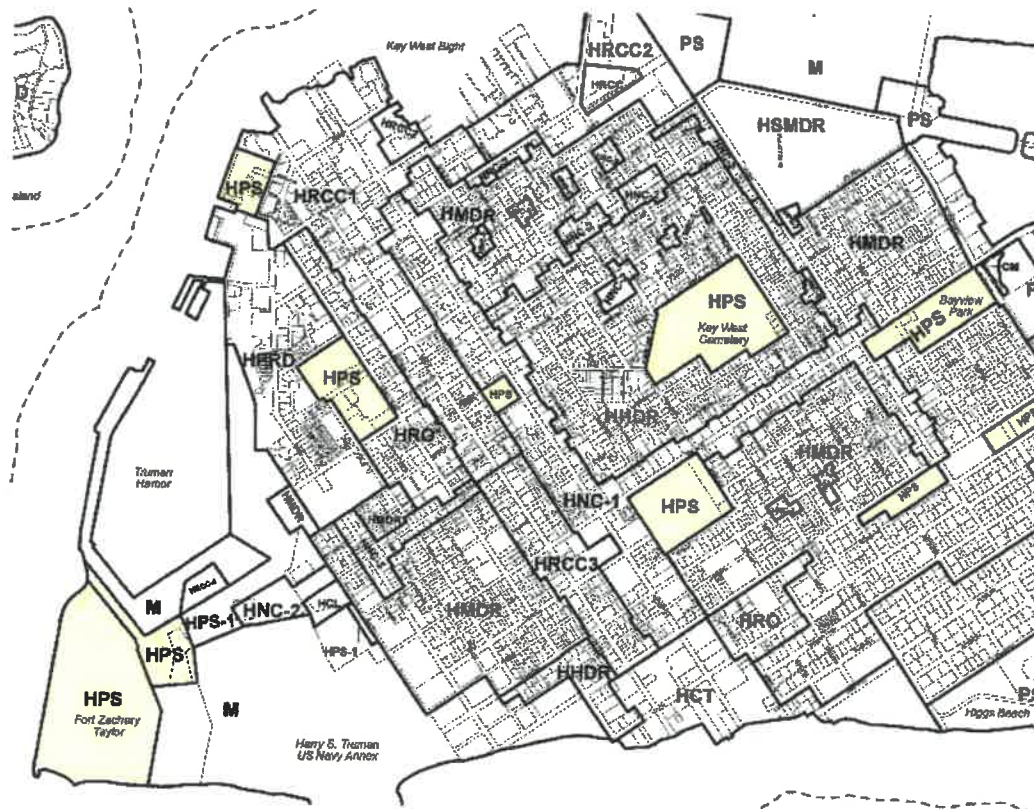


### Planning Staff Analysis:

The purpose of Chapter 90, Article VI, Division 3 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") is to provide a means for changing the text of the Comprehensive Plan. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Currently, residential dwellings are neither a permitted use nor a conditional use in the HPS zoning district, therefore the use is prohibited. Because some of the parcels zoned HPS may not be appropriate for residential development (i.e. the Key West Cemetery), the new use would be a conditional use. The purpose is to ensure that residential use shall only be permitted on specific sites where the use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity.

The HPS zoning district can be found ten (10) times on the Official Zoning Map of the City of Key West. Abutting zoning districts and their maximum allowable densities are as follows: SF (8 du/acre), HMDR (16 du/acre), HHDR (22 du/acre), HNC-1 (16 du/acre), HRCC-1 (22 du/acre), HRCC-3 (22 du/acre), HRO (16 du/acre), HPRD (22 du/acre), and M (N/A). A maximum allowable density of 16 dwelling units per acre in the HPS zoning district will ensure orderly and compatible land use patterns.



**Options / Advantages / Disadvantages:**

**Option 1:**     **Approve** the text amendment to the City’s Comprehensive Plan to amend Table 1-1.1.5 and Policy 1-1.1.10, entitled “Allowed Uses in Historic Public and Semi-Public” as recommended by the Planning Board through Resolution no. 2018-44.

**a.     Consistency with the City’s Strategic Plan, Vision, and Mission:**  
The Strategic Plan is silent on this issue.

**b.     Financial Impact:**  
There will be no cost to the City if this request is approved.

**Option 2:**     **Deny** the text amendment to the City’s Comprehensive Plan to amend Table 1-1.1.5 and Policy 1-1.1.10, entitled “Allowed Uses in Historic Public and Semi-Public” as recommended by the Planning Board through Resolution no. 2018-44.

**a.     Consistency with the City’s Strategic Plan, Vision, and Mission:**  
The Strategic Plan is silent on this issue.

**b.     Financial Impact:**  
There will be no cost to the City if this request is denied.

**Recommendation:**

As per Resolution no. 2018-44, the Planning Board recommends the **approval** of the text amendment to the Comprehensive Plan.



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

**To:** Chairman and Planning Board Members

**Through:** Patrick Wright, Planning Director

**From:** Ginny Haller, Planner II

**Meeting Date:** September 18, 2018

**Agenda Item:** **Text Amendment of the Comprehensive Plan** — A resolution of the City of Key West Planning Board recommending an ordinance to the City Commission amending Table 1-1.1.5 and Policy 1-1.1.10 of the Comprehensive Plan; providing for the repeal of inconsistent provisions; an effective date; and providing for the inclusion into the City of Key West Comprehensive Plan.

**Background**

The proposed ordinance to amend the City's Comprehensive Plan is part of a process to address the affordable housing shortage in the City. The Planning Board is hearing this Comprehensive Plan text amendment and also a text amendment to the Land Development Regulations which propose deed restricted Workforce Affordable Housing as a Conditional Use, and propose a density of a maximum 16 dwelling units per acre in the Historic Public and Semipublic Services District (HPS). Currently residential dwellings are not a permitted or conditional use in the HPS zoning district.

In an effort to have consistency between the Comprehensive Plan and the Land Development Regulations, this proposed resolution proposes changes to Table 1-1.1.5 and Policy 1-1.1.10 in the Future Land Use Element of the Comprehensive Plan.

**Request**

The proposed text amendment to the Comprehensive Plan is as follows\*:

**Table 1-1.1.5: In order to prevent an inadvertent increase in maximum density or intensity that might result from combining multiple zoning districts into a single Future Land Use District, the maximum amount of dwelling units per acre and floor area are established as of January 1, 2012. Social service special needs and group homes shall be measured in FAR, not units per acre.**

| <b>HISTORIC PUBLIC &amp; SEMIPUBLIC FUTURE LAND USE DISTRICT</b> |  |                             |                                       |
|--|--|-----------------------------|---------------------------------------|
| <b>Zoning District</b>   | <b>Density</b>   | <b>Intensity</b>            | <b>Uses &amp; Limitations</b>         |
| (HPS)<br>Historic Public<br>Services                             | <u>Maximum<br/>16 dwelling<br/>units per<br/>acre.</u> | Maximum intensity of<br>1.0 | See Policy 1-1.1.10 for allowed uses. |
|  |  |                             |                                       |

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

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

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

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

**Deed restricted Affordable Workforce Housing is deemed a Conditional Use with a density of 16 units per acre in the HPS zoning district.**

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\*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.

**Comprehensive Plan Amendment Process:**

|  |                    |
|--|--------------------|
| Planning Board:  | September 18, 2018 |
| If denied, then appeal may be filed within 10 calendar days. |                    |
| City Commission (1st Reading)                                | TBA                |
| DEO Review:  | 45 days            |
| City Commission (2nd Reading)                                | TBA                |
| Local Appeal Period:   | 30 days            |
| Render to DEO  | 10 working days    |

**Analysis:**

The purpose of Chapter 90, Article VI, Division 3 of the Land Development Regulations (the "LDRs") of the Code of Ordinances (the "Code") of the City of Key West, Florida (the "City") is to provide a means for changing the text of the comprehensive plan. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the city commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the comprehensive plan.

Pursuant to Code Section 90-554(6), the Planning Board, regardless of the source of the proposed change in the comprehensive plan, shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed text amendment to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-554.

**Criteria for Approving Amendments to the Land Development Regulations pursuant to Code Section 90-554(6) and 90-555.** In evaluating proposed changes to the Comprehensive Plan, the City shall consider the following criteria:

**Sec. 90-555. Criteria for approving amendments to comprehensive plan future land use map.**

In evaluating proposed changes to the comprehensive plan future land use map, the city shall consider the following criteria:

**(1) *Consistency with plan.*** Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within the comprehensive

**plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.**

*Consistency with the Comprehensive Plan*

The City's Comprehensive Plan was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City's Plan:

- ❖ protects and maintains its natural, historic and cultural resources;
- ❖ preserves its community character and quality of life;
- ❖ ensures public safety, and;
- ❖ directs development and redevelopment in an appropriate manner.

The proposed text amendment would be consistent with the Comprehensive Plan.

*Consistent with the adopted infrastructure minimum LOS standards and concurrency*

The proposed text amendment would be consistent with the Comprehensive Plan and LOS standards.

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

The proposal is in conformance.

**(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the comprehensive plan's effective date and whether such conditions support or work against the proposed change.**

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the last 18 years, the Comprehensive Plan and LDRs have been amended from time-to-time. A new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013.

The proposed changes to the Comprehensive Plan and the Land Development Regulations are an effort to address the ongoing lack of affordable workforce housing in the City. The proposed inclusion of deed restricted workforce affordable housing in zoning districts where affordable units are not a permitted or conditional use is a positive step in solving the affordable housing crisis in the City, as it opens more land area for the construction of residential units and offers more opportunities for affordable workforce housing.

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

None proposed.

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

No development plans are proposed with this application, however the number of off-street parking requirements by use generally per Sec. 108-572 for dwelling units could increase the demand for transportation public facilities. The demand on public facilities and services would not exceed the existing capacity of such services.

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

Any impacts on vegetative communities and the natural environment would be reviewed and mitigated at the time of a proposed development. The proposed text amendment is not expected to result in adverse impacts on the natural environment.

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

No negative impacts.

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

No negative effects.

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

The proposed text amendment in the public interest and would be in harmony with the purpose and interest of the Comprehensive Plan.

**(10) *Other matters.*** Other matters which the planning board and the city commission may deem appropriate.

As stated above, the inclusion of workforce affordable housing in zoning districts where affordable units are not a permitted or conditional use is a positive step in solving the affordable housing crisis in the City, as it opens more land area for the construction of residential units and offers more opportunities for affordable workforce housing.

**RECOMMENDATION**

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request to amend the Comprehensive Plan be **APPROVED**.



**PLANNING BOARD  
RESOLUTION NO. 2018-44**

**A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD RECOMMENDING AN  
ORDINANCE TO THE CITY COMMISSION  
AMENDING TABLE 1-1.1.5 AND POLICY 1-1.1.10  
OF THE COMPREHENSIVE PLAN; PROVIDING  
FOR SEVERABILITY; PROVIDING FOR REPEAL  
OF INCONSISTENT PROVISIONS, PROVIDING  
FOR INCLUSION INTO THE CITY OF KEY WEST  
COMPREHENSIVE PLAN; AND PROVIDING FOR  
AN EFFECTIVE DATE.**

**WHEREAS**, a revision to Table 1-1.1.5 Historic Public & Semipublic Future Land Use District and Policy 1-1.1.10: Allowed Uses in Historic Public and Semi-Public of the Future Land Use Element of the Comprehensive Plan of the City of Key West, and presented to the Planning Board for approval at its regular meeting held on September 18, 2018; and

**WHEREAS**, the Planning Board finds that it is in the public interest to amend Table 1-1.1.5 Historic Public & Semipublic Future Land Use District and Policy 1-1.1.10: Allowed Uses in Historic Public and Semi-Public of the Future Land Use Element of the Comprehensive Plan

**NOW, THEREFORE, BE IT RESOLVED, BY THE PLANNING BOARD OF THE  
CITY OF KEY WEST, FLORIDA:**

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

**Section 2.** That the proposed amendment to Table 1-1.1.5 Historic Public & Semipublic

Future Land Use District and Policy 1-1.1.10: Allowed Uses in Historic Public and Semi-Public of the Future Land Use Element is recommended for approval; the changes are as follows:\*

**Table 1-1.1.5: In order to prevent an inadvertent increase in maximum density or intensity that might result from combining multiple zoning districts into a single Future Land Use District, the maximum amount of dwelling units per acre and floor area are established as of January 1, 2012. Social service special needs and group homes shall be measured in FAR, not units per acre.**

| HISTORIC PUBLIC & SEMIPUBLIC FUTURE LAND USE DISTRICT |  |                             |                                       |
|---|--|-----------------------------|---------------------------------------|
| Zoning District                                       | Density  | Intensity                   | Uses & Limitations                    |
| (HPS)<br>Historic Public<br>Services                  | <u>Maximum<br/>16 dwelling<br/>units per<br/>acre.</u> | Maximum intensity of<br>1.0 | See Policy 1-1.1.10 for allowed uses. |
|   |  |                             |                                       |

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

Areas of the Truman Waterfront have been zoned HPS-1. Development in those areas is limited to the existing and proposed uses identified in the Military Base Reuse Plan. These uses include a harbor walk, open space, community recreation

centers, play fields, public recreation facilities, amphitheaters, and accessory concessionaire commercial uses.

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

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

**Deed restricted Affordable Workforce Housing is deemed a Conditional Use with a density of 16 units per acre in the HPS zoning district.**

\*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading.

**Section 3.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the city clerk.

**Section 4.** This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 9J-1, F.A.C., this permit or development order is not effective for forty five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 18<sup>th</sup> day of September 2018.


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

  
\_\_\_\_\_  
Sam Holland Jr., Planning Board Chairman  
10-3-18  
Date

**Attest:**

  
\_\_\_\_\_  
Patrick Wright, Planning Director  
10-1-18  
Date

**Filed with the Clerk:**

  
\_\_\_\_\_  
Cheryl Smith, City Clerk  
10-3-18  
Date