

**PLANNING BOARD
RESOLUTION NO. 2023-030**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING AN AMENDMENT OF CHAPTER 122 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED “ZONING”, ARTICLE IV ENTITLED “DISTRICTS”, DIVISION 3 ENTITLED “RESIDENTIAL DISTRICTS”, SUBDIVISION III ENTITLED “SINGLE-FAMILY RESIDENTIAL DISTRICT (SF)”, SECTION 122-232 ENTITLED, “ACCESSORY UNITS”, AND CHAPTER 122 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED “ZONING”, ARTICLE IV, ENTITLED “DISTRICTS”, DIVISION 3 ENTITLED “RESIDENTIAL DISTRICTS”, SUBDIVISION III ENTITLED “SINGLE-FAMILY RESIDENTIAL DISTRICT (SF)”, SECTION 122-233 ENTITLED, “SPECIAL CRITERIA APPLICABLE TO ACCESSORY UNITS”, TO AMEND THE REQUIRED SETBACKS FOR DEED RESTRICTED AFFORDABLE ACCESSORY UNITS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 122-232 of the Land Development Regulations, the City of Key West permits one deed-restricted accessory unit per principal dwelling unit within the Single-Family (SF) zoning district so long as the deed-restricted accessory unit is duly approved pursuant to the building permit allocation system (BPAS); and

WHEREAS, Section 122-232 and 122-233 establish specific requirements for accessory units, which includes adherence to all dimensional requirements a principal structure is held to, including the required front, rear, and side setbacks; and

WHEREAS, The City of Key West recognizes lots within its jurisdiction are limited in area, length, and depth; and

WHEREAS, strict compliance to the required setbacks intended for principal units may

 Chairman

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result in unnecessary and undue hardship to property owners who wish to provide deed-restricted accessory units; and

WHEREAS, the City of Key West has determined that it is in the best interest of both the City and its citizens to provide less stringent criteria for duly-permitted, deed-restricted accessory units; and

WHEREAS, Section 86-4 of the City Code requires that City Land Development Regulations be amended as necessary to ensure consistency with the City Comprehensive Plan; and

WHEREAS, in accordance with Section 90-522, the Planning Board held a noticed public hearing on December 12, 2023, where based on the consideration of recommendations of the City Planner, City Attorney, Building Official and other information, the Board recommended approval of the proposed amendments; and

WHEREAS, the Planning Board has also determined, in accordance with the criteria of Code Section 90-520(6) that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest; and

WHEREAS, the Planning Board further recommended additional changes to the aforementioned sections of the LDRs to remove a requirement to pay impact fees, to remove a

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KPH Planning Director

requirement that the principal unit must be owned and occupied by a permanent resident when the accessory unit permit is originally initiated, to modify rent regulations, and to reduce the minimum required front yard setback for accessory dwelling units to five (5) feet;

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 fully set forth herein.

Section 2. That an ordinance amending Chapter 122 of the Land Development Regulations, entitled “Zoning”, Article IV, entitled “Districts”, Division 3, entitled “Residential Districts”, Subdivision III, entitled “Single-Family Residential District (SF), Section 122-232 entitled, “Accessory units.” and Section 122-233 entitled “Special criteria applicable to accessory units” is hereby recommended for approval as follows:

*(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.)

Sec. 122-232. – Accessory units.

The single-family residential district (SF) shall accommodate one accessory attached or detached unit per principal dwelling unit so long as the accessory unit is duly approved pursuant to the building permit allocation system, as provided in article IV of chapter 54, and meets the criteria

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cited in this subdivision. The building permit allocation methodology includes a permit formula in which one accessory unit equals 0.78 dwelling unit. Accessory units shall meet all size and dimension requirements of a principal structure excluding minimum setback requirements, as further described in Section 122-233(a)(11) of this Subdivision. ~~and Accessory units shall not be~~ excluded from impact fee provisions.

Sec. 122-233. - Special criteria applicable to accessory units.

(a) Accessory units proposed within the single-family residential district (SF) shall meet the following criteria:

(1) The monthly rent for a rented accessory unit, not including utilities, shall be in concurrence with City Workforce Housing Guidelines not exceed 25 percent of that amount which represents 100 percent of the monthly median household income (adjusted for family size) for Monroe County. This affordability criteria shall be duly recorded as a deed restriction in perpetuity.

(2) Accessory units shall be restricted to occupancy by permanent residents.

(3) Accessory units shall not be sold separately as a condominium.

~~(34) When an accessory unit permit is originally initiated, the principal unit must be owned and occupied by a permanent resident.~~

~~(45) Accessory units shall not take up more than 40 percent of the principal structure.~~

~~(56) Accessory units shall comply with maximum impervious surface regulation within the SF district. Parking surfaces shall not be counted as open space.~~

~~(67) Accessory units shall comply with applicable landscaping requirements.~~

~~(78) Accessory units shall comply with the maximum threshold for lot coverage by impervious~~

surfaces.

(89) Parking requirements shall be satisfied by both the principal and accessory unit.

(910) Density shall be calculated based only upon the number of principal units on a site.

(1011) Accessory units shall not exceed 600 square feet and the minimum size shall be 300 square feet.

(1112) Accessory units shall not be erected less than five feet from any lot line.

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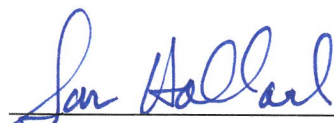
(Ord. No. 97-10, § 1(2-5.2.2(A)(1)), 7-3-1997; Ord. No. 22-20, § 1, 7-6-2022)

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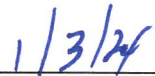
Section 3: This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 12th day of December, 2023.

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



Sam Holland, Planning Board Chair



Date




Chairman



Planning Director

Attest:



Katie P. Halloran, Planning Director

1/2/2024

Date

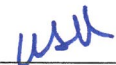

Filed with the Clerk:



Keri O'Brien, City Clerk

1-2-2024

Date

 Chairman
 Planning Director