

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

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, TO AMEND 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 include 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 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 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 through Planning Board Resolution 2023-030; and

**WHEREAS**, the City Commission 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;

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

Section 1: That 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" are hereby amended as follows:

**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 cited in this subdivision.

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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.)

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.

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**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 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. Occupants of an accessory unit shall meet the income limits associated with the City's Workforce Housing Ordinance for Affordable Housing (Middle Income) pursuant to Sec. 86-9.

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

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

~~(4) When an accessory unit permit is originally initiated, the principal unit must be owned and occupied by a permanent resident.~~

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

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

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

(7)~~(8)~~ Accessory units shall comply with the maximum threshold for lot coverage by impervious surfaces.

(8)~~(9)~~ Parking requirements shall be satisfied by both the principal and accessory unit.

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

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

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

(b) Any application for accessory units shall include deed restrictions which shall be filed with the city and the clerk of the circuit court. The deed restrictions shall incorporate mandatory compliance with the criteria cited in subsection (a) of this section.

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 provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 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.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Filed with the Clerk \_\_\_\_\_, 2024.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

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

ATTEST:

\_\_\_\_\_  
KERI O'BRIEN, CITY CLERK