

ORDINANCE NO. 17-16

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER, TO PROVIDE FOR A REFERENDUM TO INCREASE THE MAXIMUM HEIGHT EXCLUSIVELY FOR AFFORDABLE WORKFORCE HOUSING IN THE HDR-1 ZONING DISTRICT TO 40 FEET; SETTING MARCH 13, 2018, AS THE DATE OF THE ELECTION CONCERNING THE REFERENDUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statutes Section 166.031 and Key West Charter Section 8.01(a) provide the City Commission with the authority to propose by ordinance a Charter amendment; and

WHEREAS, the City shall follow Florida Statutes Section 100.342 concerning notice of a referendum and Florida Statutes Section 101.161 concerning preparation of the referendum ballot; and

WHEREAS, the City Commission desires to obtain electorate approval to amend the Charter to set the maximum building height for projects devoted exclusively to affordable workforce housing in the HDR-1 Zoning District at 40 feet; and

WHEREAS, the future land use map HDR-1 zoning district is comprised of approximately 2.62 acres of properties owned exclusively by the City of Key West; and

WHEREAS; the City of Key West has a critical need for affordable workforce housing; and

WHEREAS; the City desires to increase the maximum allowable height from the originally proposed 25 feet to a maximum height of 40 feet exclusively for affordable workforce housing in the HDR-1 zoning district; and

WHEREAS, numerous structures in the surrounding area meet or exceed the 40 feet limit, including the tanks on the adjacent property owned by FKAA; and

WHEREAS, increasing the height to 40 feet exclusively for affordable workforce housing in the HDR-1 district will allow additional units to be built on City owned property;

WHEREAS, the City Commission desires that the proposed referendum appear on the Special Election ballot of March 13, 2018;

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

Section 1: An amendment to Key West Charter section 1.05 shall hereby be presented as a referendum to the voters of Key West. The question appearing on the ballot shall have the following title: "Referendum - Establishing a height limitation for affordable workforce housing on 2.62 acres of City property." The question appearing on the ballot shall be worded as follows:

Shall the maximum height for habitable space used exclusively for affordable workforce housing projects be increased from 25 to 40 feet on approximately 2.62 acres of City owned property in the HDR-1 zoning district on College Road?

\_\_\_\_\_  
YES

\_\_\_\_\_  
NO

Section 2: In the event of the passage of the proposed Charter amendment set forth in section 1, above, Section 1.05 of the Key West Charter shall be amended to add the language underlined below:

**1.05            Height restriction.**

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(c) The maximum allowable height for habitable space on approximately 2.62 acres of City owned property on College Road in the HDR-1 zoning district shall be 40 feet for those projects that are devoted entirely to affordable workforce housing.

Section 3: In the event of the passage of the proposed Charter amendment set forth in section 1, above, the City's Land Development Regulations, Future Land Use Map and comprehensive plan shall be amended if necessary to specify that the maximum height in the HDR-1 zoning district shall be 40 feet for those projects devoted entirely to affordable workforce housing.

Section 4: The City Clerk is hereby authorized and instructed to take all necessary and proper action to place the referendum question set forth in Section 1, above, on the Special Election ballot of March 13, 2018, and to provide notice of the referendum election as provided by law.

Section 5: 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 6: 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 7: 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.

Read and passed on first reading at a regular meeting held this 21st day of November, 2017.

Read and passed on final reading at a regular meeting held this 5th day of December, 2017.


Authenticated by the presiding officer and Clerk of the Commission on 6th day of December, 2017.

Filed with the Clerk December 6, 2017.

Mayor Craig Cates	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Richard Payne	<u>Absent</u>
Commissioner Margaret Romero	<u>No</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
CRAIG CATES, MAYOR

ATTEST:

  
CHERYL SMITH, CITY CLERK