

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, PURSUANT TO SECTION 8.01 OF THE KEY WEST CHARTER PROPOSING THAT SECTION 1.05 OF THE KEY WEST CHARTER BE AMENDED TO PERMIT FOR HEIGHT VARIANCES TO 50 FEET IN APPROPRIATELY ZONED MIXED USE PROJECTS OUTSIDE OF THE HISTORIC DISTRICT THAT CONTAIN A MINIMUM OF 70 PERCENT WORKFORCE HOUSING; 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 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, section 1.05 of the City Charter for the City of Key West is a provision requiring a voter referendum for any variances to the various height limitations of the zoning districts in the City of Key West, and;

WHEREAS, The City Charter and District Boundary Committee voted to make a recommendation that Section 1.05 of

the city charter be amended to allow for a height limitation of up to fifty (50) feet above base flood elevation for appropriately zoned mixed use projects that include seventy (70) percent of the residential component dedicated to workforce housing, and;

WHEREAS, the City Commission desires that the proposed referendum appear on the Primary Election ballot of August 23, 2022.

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

Section 1: That 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 -- Exception to height restriction to fifty feet for appropriately zoned mixed use residential projects outside of the historic district with a minimum of seventy percent of the residential units dedicated to workforce housing." The question appearing on the ballot shall be worded as follows:

"Should the city charter be amended to provide for an increased height limitation to fifty feet above base flood elevation for appropriately zoned mixed-use projects outside of the historic district if they contain a minimum of seventy percent of the residential units dedicated to workforce housing?"

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 as follows:

1.05 - Height Restriction.

(a) Building height restrictions in the city's land development regulations and building code in effect as of the adoption of this charter section are subject to change only upon approval of a majority of the qualified electors casting ballots at a general municipal election.

(b) If the board of adjustment approves a height variance for habitable building space, this approval shall be submitted to the voters for ratification in the next regularly scheduled election. Board of adjustment approval shall not become effective until voter ratification. Board of adjustment height variances for ~~nonhabitable~~ non-habitable purposes, including, but not limited to, radio towers, antennae and spires, shall be final and not be subject to referendum. Board of adjustment height variances for a build back of involuntarily destroyed structures which are nonconforming in their height shall also be final and not be subject to referendum.

(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.

(d) The maximum allowable height for habitable space shall be 50 feet for mixed-use development projects that include a minimum 70 percent of workforce housing units and that are located in appropriately zoned areas outside the Historic District.

Section 3: 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 Primary Election ballot of August 23, 2022, and to provide notice of the referendum election as provided by law.

Section 4: 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.

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 5: 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 6: 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 _____ day of _____, 2022.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK