

**PLANNING BOARD
RESOLUTION NO. 2022-015**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION TO AMEND CHAPTER 122 OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE IV "DISTRICTS", SUBDIVISION III. - SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 122-233. - SPECIAL CRITERIA APPLICABLE TO ACCESSORY UNITS, AND SECTION 122-232. - ACCESSORY UNITS, TO FURTHER INCENTIVIZE CONSTRUCTION OF ACCESSORY UNITS AND TO CORRECT AN ERROR IN SECTION 122-232; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West, Florida (the "City") proposes to amend Chapter 122, Article IV, Subdivision III. - Single Family Residential District, Section 122-232 and 122-233 of the Land Development Regulations (the "LDRs") pursuant to provisions of Chapters 163, 166, and 380 of the Florida State Statutes; and

WHEREAS, the amendment will ensure consistency between the City of Key West Comprehensive Plan and the Land Development Regulations in that it corrects a discrepancy between Section 122-32 and Comprehensive Plan Policy 1-1.16.3; and

WHEREAS, the amendment would also result in consistent language regarding rental rates for accessory units per Section 122-233 and the definition of affordable housing (median income) for a rental dwelling unit in Section 122-1466; and

WHEREAS, modification of allowable rental rates for accessory units may incentivize the construction of these units, by allowing property owners to recoup initial expenses sooner, thereby assisting to address the City's housing shortage; and

WHEREAS, these amendments were reviewed pursuant to criteria in Section 90-552 of the Land Development Regulations; and

WHEREAS, these proposed amendments to the Land Development Regulations were presented

WJH Chairman

KPH Planning Director

to the Planning Board with a recommendation of approval at its regularly scheduled meeting on March 17, 2022; and

WHEREAS, the Planning Board finds that it is in the public's interest to amend the City's Land Development Regulations as proposed herein.

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 Chapter 122 of the Land Development Regulations is recommended for approval; the changes are 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. The building permit allocation methodology includes a permit formula in which one accessory unit equals ~~0.55~~ 0.78 dwelling unit. Accessory units shall meet all size and dimension requirements of a principal structure and shall not be excluded from impact fee provisions.

(Ord. No. 97-10, § 1(2-5.2.2(A)(1)), 7-3-1997)

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

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

(1) ~~Each unit shall have a rental rate, including utilities, not exceeding 15 percent of the~~

WJA Chairman

K P L T Planning Director

~~median household income in the county.~~ 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.

- (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.
 - (5) Accessory units shall not take up more than 40 percent of the principal structure.
 - (6) Accessory units shall comply with maximum impervious surface regulation within the SF district. Parking surfaces shall not be counted as open space.
 - (7) Accessory units shall comply with applicable landscaping requirements.
 - (8) Accessory units shall comply with the maximum threshold for lot coverage by impervious surfaces.
 - (9) Parking requirements shall be satisfied by both the principal and accessory unit.
 - (10) Density shall be calculated based only upon the number of principal units on a site.
 - (11) Accessory units shall not exceed 600 square feet and the minimum size shall be 300 square feet.
- (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.

USA Chairman
KPH Planning Director

(Ord. No. 97-10, § 1(2-5.2.2(A)(2)), 7-3-1997)

**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 Clerk of the Commission.

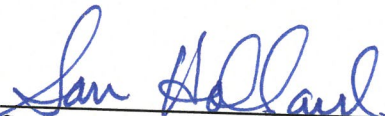
Section 4. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, 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 to 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 order.

USA Chairman

KPH Planning Director

Read and passed on first reading at a regular meeting held this 17th day of March 2022.

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



Sam Holland, Planning Board Chair

3/31/22
Date

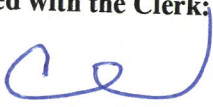
Attest:



Kate P. Halloran, Planning Director

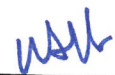

4/5/2022
Date

Filed with the Clerk:



Cheryl Smith, City Clerk

4-8-2022
Date

 Chairman
 Planning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 122 OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE IV "DISTRICTS", SUBDIVISION III. - SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 122-233. - SPECIAL CRITERIA APPLICABLE TO ACCESSORY UNITS, AND SECTION 122-232. - ACCESSORY UNITS, TO FURTHER INCENTIVIZE CONSTRUCTION OF ACCESSORY UNITS AND TO CORRECT AN ERROR IN SECTION 122-232; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West finds that it is necessary to amend Chapter 122 of the Code of Ordinances, entitled Zoning, specifically Sections 122-232 and 122-233; and

WHEREAS, the City Commission finds that these proposed amendments will further incentivize the construction of deed restricted affordable workforce accessory units in the Single Family zoning district; and

WHEREAS, the City Commission finds that these proposed amendments will ensure consistency between the Comprehensive Plan and provisions of the Land Development Regulations regarding the Equivalent Single Family Unit for accessory units to total 0.78 dwelling unit; and

WHEREAS, the City's Key West Forward Strategic Plan has identified affordable workforce housing as a critical need in the

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City of Key West; and

WHEREAS, the Planning Board held a noticed public hearing on March 17, 2022, where based on the consideration of recommendations by the city planner and other information, the Board recommended approval of the proposed amendments through Planning Board Resolution 2022-15; and

WHEREAS, an amendment to sections 122-232 and 122-233 of the Code of Ordinances will promote the health, safety and welfare of the citizens and visitors of the City of Key West.

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

Section 1: That Chapter 122 of the Code of Ordinances is 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. The building permit allocation methodology includes a permit formula in which one accessory unit equals ~~0.55~~ 0.78 dwelling unit. Accessory units shall meet all size and dimension requirements of a principal structure and shall not be excluded from impact fee provisions.

(Ord. No. 97-10, § 1(2-5.2.2(A)(1)), 7-3-1997)

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

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

(1) ~~Each unit shall have a rental rate, including utilities, not~~

*Walt
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~~exceeding 15 percent of the median household income in the county.~~ 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.

- (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.
- (5) Accessory units shall not take up more than 40 percent of the principal structure.
- (6) Accessory units shall comply with maximum impervious surface regulation within the SF district. Parking surfaces shall not be counted as open space.
- (7) Accessory units shall comply with applicable landscaping requirements.
- (8) Accessory units shall comply with the maximum threshold for lot coverage by impervious surfaces.

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

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

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

(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.

(Ord. No. 97-10, § 1(2-5.2.2(A)(2)), 7-3-1997)

*(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.)

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Section 2: 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 3: 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 4: 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.

WJA
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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

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