

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

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.

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~~

~~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.

(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.)

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.

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