

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 108 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "PLANNING AND DEVELOPMENT", ARTICLE X "BUILDING PERMIT ALLOCATION SYSTEM", SECTION 108-997, ENTITLED "PERIOD OF ALLOCATION AND RANKING/REVIEW OF APPLICATIONS", TO CLARIFY EXISTING AND PROPOSED PROVISIONS PURSUANT TO SECTION 90-520 AND 90-522; PROVIDING FOR CONCURRENT AND CONDITIONAL ADOPTION UPON ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS; 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 108 of the Code of Ordinances, entitled Planning and Development, specifically existing Section 108-997; and

WHEREAS, the City Commission previously approved a draft ordinance to reflect Planning Board Resolution 2021-36, which removes a provision in the Comprehensive Plan that reverts BPAS allocations (to the City's BPAS pool) if building permits are not issued within two year of the final BPAS award date; and

WHEREAS, the Land Development Regulations also include language in Section 108-997 that references this reversion clause and it has not yet been updated to reflect relief from this reversion clause; and

WHEREAS, the affordable workforce housing project being

pursued at the property known as the 3.2 acres in Bahama Village is complex and will require federal and state funding subsidies and may not reach building permit stage within 24 months; and

WHEREAS, the Department of Economic Opportunity (DEO) provided a Notice of Intent to approve the City's aforementioned 3.2 BPAS Comprehensive Plan text amendment on 3/1/22. The DEO issued a Final Order on the aforementioned LDR BPAS set aside text amendments on 3/9/22.

WHEREAS, the planning board held a noticed public hearing on January 20, 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 2022-005; and

WHEREAS, an amendment to Section 108-997 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 Section 108-997 of the Code of

Ordinances is hereby amended as follows*:

Sec. 108-997. - Period of allocation and ranking/review of applications.

{...}

(e) *Recovered units.* Building permits shall be obtained within two years of the final award date. If a building permit is not issued within that timeframe the allocated units will revert to the city for reallocation. The reallocation provision shall not apply to the property currently known as the 3.2 development located in Bahama Village.

(f) *Affordable unit allocations.*

(1) All units allocated as affordable are subject to subsections 122-1467(c), (d), (e), and (f) of the workforce housing ordinance.

(2) Applicant eligibility requirements are subject to subsections 122-1469(2) through (15) of the workforce housing ordinance.

(3) Affordable housing projects enabled by federal tax credit housing are not subject to [subsection] 122-1467(c).

(g) *Penalty.* For projects that fail to achieve the green building standard certification, as purported in the application for which the award was granted, final certificate of occupancy will not be awarded until such time that the applicant is able to establish that the green building standard has been achieved.

(Ord. No. 13-19, § 2, 11-6-2013; Ord. No. 18-01, § 1, 1-4-2018; Ord. No. 18-11, § 5, 6-5-2018; Ord. No. 19-18, § 2, 8-6-2019)

*(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