

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO THE CITY COMMISSION AMENDING CHAPTER 1: FUTURE LAND USE ELEMENT, § 1-1, GOAL 1-1, OBJECTIVE 1-1.16, POLICY 1-1.16.1 ENTITLED “MAINTAIN A BUILDING PERMIT ALLOCATION ORDINANCE”; POLICY 1-1.16.3 ENTITLED “PERMIT ALLOCATION SYSTEM RATIOS BY STRUCTURE TYPE”; AND CHAPTER 3: HOUSING ELEMENT, § 3-1, GOAL 3-1, OBJECTIVE 3-1.1, POLICY 3-1.1.4 ENTITLED “BUILDING PERMIT ALLOCATION SYSTEM OF THE COMPREHENSIVE PLAN, PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS, PROVIDING FOR INCLUSION INTO THE CITY OF KEY WEST COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a revision to Policy 1-1.16.1: Maintain a Building Permit Allocation Ordinance of the Future Land Use Element, and Policy 3-1.1.4 of the Housing Element of the Comprehensive Plan of the City of Key West, and presented to the Planning Board for approval at its regular meeting held on February 15, 2018; and

**WHEREAS**, the City Commission finds that it is in the public interest to amend Future Land Use element Policy 1-1.16.1 and Housing Element 3-1.1.4 of the Comprehensive Plan will promote the welfare of the citizens and visitors of the City of Key West.

- 
- \*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.)

**NOW, THEREFORE BE IT RESOLVED** by the City Commission of the City of Key West, Florida:

**Section 1.** That Policy 1-1.16.1: of the Comprehensive Plan is hereby amended as follows\*:

**Policy 1-1.16.1: Maintain a Building Permit Allocation Ordinance**

The City of Key West shall maintain and enforce its building permit allocation ordinance as follows: Between 85 and 100 units will be reserved as beneficial use permits to address property rights associated with existing vacant lots of record. The permit allocation system shall limit the number of permits issued for new permanent ~~and transient~~ development to 910 units during the period from July 2013 to July 2023. The annual allocation will be ninety-one (91) single-family units or an equivalent combination of residential ~~and transient~~ types based on the equivalency factors established in Policy 1-1.16.3. The annual allocation limitation shall not apply to affordable housing allocations. In order to address the ongoing affordable housing shortage and affordable housing deed restrictions expected to expire, during the first three years (July 2013 – July 2016) 60 percent of the units allocated shall be affordable. Between years four (4) and ten (2016 – 2023), a minimum of 50% of the total allocations shall be affordable. ~~Between years four (4) and 10, no more than 10 percent may be transient.~~ During Year One (1) (July 2013 – 2014), 48 of the affordable units to be allocated will be dedicated for use at the Peary Court Housing complex property, being transferred from military to private sector housing.

- 
- \*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.** That Policy 3-1.1.4: Building Permit Allocation System is hereby amended as follows:

**Policy 3-1.1.4: Building Permit Allocation System**

The City of Key West shall allocate a total of 910 permits between years 2013 and 2023. In order to address the ongoing affordable housing shortage and affordable housing deed restrictions expected to expire, during the first three years (July 2013 – July 2016) 60 percent of the units allocated shall be affordable. Between years four (4) and 10 (2016 – 2023), a minimum of 50% of the total allocations shall be affordable. ~~Between years four (4) and (10), no more than 10 percent may be transient.~~ During Year One (1) (July 2013 – 2014), 48 of the affordable units to be allocated will be in the transfer of Peary Court from military to private sector housing, which leaves 43 units to be allocated from the first allocation pool.

**Section 3.** 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 provision of this Ordinance shall be deemed severable therefrom and shall be constructed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

**Section 4.** 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.

- 
- \*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 5.** 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 by the City Commission at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2018

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Filed with the Clerk \_\_\_\_\_, 2018.

Mayor Craig Cates	_____
Commissioner Samuel Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

\_\_\_\_\_  
CLAYTON LOPEZ, VICE MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK