

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 ENTITLED "BUILDING PERMIT ALLOCATION SYSTEM", DIVISION 2 ENTITLED "BUILDING PERMIT ALLOCATION SYSTEM", TO CREATE SECTION 108-1001. - DENSITY LIMITED TO BUILDING PERMIT ALLOCATION SYSTEM; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 2; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, at its regular meeting of March 18th, 2021, the Key West Planning Board recommended approval of this amendment to create Section 108-1001; and

WHEREAS, this amendment will add a code section and language to clarify that residential and mixed-use density associated with all real property within the City of Key West is limited by the Building Permit Allocation System (BPAS); and

WHEREAS, the City Commission recognizes the finite nature of the Building Permit Allocation System, and that in 2023, or when all BPAS units have been allocated, whichever comes last, the City may no longer be authorized to issue permits for new residential units;

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

Section 1: That section 108-1101 of the Code of Ordinances is hereby created and read as follows*:

Sec. 108-1001. - Density limited to Building Permit Allocation System.

The City of Key West recognizes the finite nature of the Building Permit Allocation System, which establishes that in 2023, or when all BPAS units have been allocated, whichever comes last, the City may no longer be authorized to issue permits for new residential units. Residential density associated with all real property within the city limits is recognized to be limited by the BPAS; existing density recorded through zoning shall not constitute rights to construct new units.

*(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 2nd day of June 2021.

Read and passed on final reading at a regular meeting held this 2nd day of June 2021.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2021.

Filed with the Clerk _____, 2021.

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