

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING COMPREHENSIVE PLAN INTRODUCTION, ENTITLED "INTRODUCTION CITY OF KEY WEST COMPREHENSIVE PLAN"; AND CHAPTER 1, ENTITLED "FUTURE LAND USE ELEMENT", SECTION 1, ENTITLED "FUTURE LAND USE GOALS, OBJECTIVES, AND POLICIES", POLICY 1-1.16.1 ENTITLED "MAINTAIN A BUILDING PERMIT ALLOCATION ORDINANCE" AND POLICY 1-1.16.2, ENTITLED "BUILDING PERMIT ALLOCATION ORDINANCE AND AFFORDABLE HOUSING"; AND CHAPTER 2, ENTITLED "TRANSPORTATION ELEMENT", SECTION 1, ENTITLED "TRANSPORTATION GOALS, OBJECTIVES, AND IMPLEMENTING POLICIES", POLICY 2-1.6.4 ENTITLED "TRANSPORTATION CONCURRENCY EXCEPTION AREA"; AND CHAPTER 3, ENTITLED "HOUSING ELEMENT", SECTION 1, ENTITLED "HOUSING GOALS, OBJECTIVES, AND IMPLEMENTING POLICIES", POLICY 3-1.1.4, ENTITLED "BUILDING PERMIT ALLOCATION SYSTEM" TO PROVIDE FOR AN EXTENSION OF THE BUILDING PERMIT ALLOCATION SYSTEM AWARD PERIOD TO ALLOW FOR THE DISTRIBUTION OF UNALLOCATED UNITS AFTER JUNE 30, 2023; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH SECRETARY OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, new residential development in the City of Key West is strictly controlled by the State of Florida, which has designated the City as an Area of Critical State Concern; and

WHEREAS, the City regulates residential development through

the Building Permit Allocation System (BPAS); and

WHEREAS, the Comprehensive Plan and Land Development Regulations provide for the allocation of BPAS units between 2013 and 2023; and

WHEREAS, it is in the best interest of the City to utilize all available BPAS units, which may include allocating units after 2023; and

WHEREAS, extending the BPAS allocation period will further Comprehensive Plan objectives to assist in accommodating existing and projected housing need; and

WHEREAS, the City of Key West finds that it is necessary to amend the Comprehensive Plan to allow for the allocation of units after 2023; and

WHEREAS, the Planning Board held a noticed public hearing on September 15, 2022, where based on the consideration of recommendations by the city planner and other information, the Board recommended approval of the proposed amendments with conditions through Planning Board Resolution 2022-048; and

WHEREAS, an amendment to the Comprehensive Plan 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 the Introduction to the Comprehensive Plan is hereby amended as follows*:

**I. - Introduction City of Key West Comprehensive Plan: Other
Planning Efforts**

[. . .]

In addition to the EAR the City of Key West has been engaged in a number of major planning efforts, including the adoption of the Strategic Plan and the Climate Action Plan. These and other City plans, including the December 2011 Carrying Capacity Traffic Study, were also reviewed and are reflected in the updated Plan.

Concurrently with the preparation of the updated plan, the City participated in the Monroe County Hurricane Evacuation Clearance Time Working Group. As a result of these meetings the City signed a Memorandum of Understanding that will provide for an allocation of 91 new residential building permits ~~a year between 2013 and 2023~~ starting in 2013.

[. . .]

*(Coding: Added language is underlined; deleted language is

~~struck through.)~~

Section 2: That the Chapter 1: Future Land Use Element of the Comprehensive Plan is hereby added/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~~ a period starting July 2013 and continuing until all units have been allocated. The annual allocation will not exceed 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 and

ten (2016–2023), a minimum of 50 percent of the total allocations shall be affordable. ~~Between years four and ten, no more than ten percent may be transient.~~ After year ten (10), 75 percent of residential building permit units shall be deed restricted affordable, including any units which have reverted to the city which were previously allocated and unused within the timeframe specified below. During Year One (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. During Year One (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.

The annual building permit allocation period will begin on July 1 of each year—and shall end on the 30th of June of the following year. Staff may consider the following criteria in ranking applications: 1) building one to two feet higher than the base flood elevation; 2) exceeding the minimum required percentage of affordable housing; 3) compliance with green building standards; 4) compliance with adopted urban design standards, and; 5) a minimum contribution to a sustainability and open space recreation fund.

Building permits shall be obtained within two years of the

development approval date. If a building permit is not obtained within that timeframe the allocated units will revert to the City for reallocation.

(Ord. No. 17-13, § 1, 10-17-2017)

[. . .]

Policy 1-1.16.2: - Building Permit Allocation Ordinance and Affordable Housing.

The City permit allocation system shall require that 60 percent of all new permanent residential units be affordable units based on definitions and criteria contained in Policy 3-1.1.7 and 3-1.1.8 between July 1, 2013 and July 1, 2016, and that a minimum of 50 percent of the total allocations be affordable between July 1, 2016 and July 1, 2023. After year ten (10), 75 percent of unit allocations shall be deed restricted affordable.

(Ord. No. 17-13, § 1, 10-17-2017)

Section 3: That the Chapter 2: Transportation Element of the Comprehensive Plan is hereby added/amended as follows:

[. . .]

Policy 2-1.6.4: - Transportation Concurrency Exception Area.

~~Between years 2013 and 2023~~ The City of Key West shall allocate a total of 910 BPAS units starting in the year 2013. Due to the City's

exception from transportation concurrency, the development or redevelopment of these units shall not be subject to roadway concurrency requirements.

(Ord. No. 17-13, § 2, 10-17-2017)

Section 4: That the Chapter 3: Housing Element of the Comprehensive Plan is hereby added/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.~~ during annual allocation periods starting in the year 2013. These annual allocation periods shall continue until all units have been allocated. Additionally, the Building Permit Allocation System shall be utilized in the event of an increase in available Building Permit Allocation System units.

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 and ten (2016–2023), a minimum of 50 percent of the total allocations shall be affordable. After Year 10, 75 percent of unit allocations

shall be deed restricted affordable, including: any units which have reverted to the City pursuant to Policy 1-1.16.1.

~~Between years four and ten, no more than ten percent may be transient.~~

The City no longer allocates residential building permits for transient units. During Year One (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.

(Ord. No. 17-13, § 3, 10-17-2017)

Section 5: 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 6: 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 7: 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