

ORDINANCE NO. 18-

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE CITY'S COMPREHENSIVE PLAN, ADDING OBJECTIVE 1-1.17 AND ASSOCIATED POLICIES TO CHAPTER 1, "FUTURE LAND USE ELEMENT"; OBJECTIVE 1-1.17 SHALL BE KNOWN AS THE "WORKFORCE-AFFORDABLE HOUSING INITIATIVE" PROVIDING FOR AN ADDITIONAL 300 AFFORDABLE ALLOCATIONS TO AN ALLOCATION POOL TO BE IDENTIFIED AS THE "AFFORDABLE-EARLY EVACUATION POOL", PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 3; 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, the City of Key West (the "City") has adopted a Comprehensive Plan which has been found to be in compliance by the State Department of Community Affairs ("DCA"), pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the City is located within the Florida Keys Area of Critical State Concern (the "FKACSC") as established pursuant to Chapter 380, Florida Statutes; and

WHEREAS, pursuant to the provisions of Chapters 163, 166, and 380 of the Florida State Statutes, the City of Key West, Florida (the "City") proposes to amend Chapter 1, "Future Land Use Element," of the Comprehensive Plan; and

WHEREAS, adding Objective 1-1.17 "Workforce-Affordable Housing Initiative" and associated policies, will further the goals, objectives, and policies of the City Comprehensive Plan; and

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

The Comprehensive Plan is hereby amended as follows*:

OBJECTIVE 1-1.17: WORKFORCE-AFFORDABLE HOUSING INITIATIVE. To support the City of Key West’s workforce by alleviating constraints on affordable housing, the City shall participate in the Workforce-Affordable Housing Initiative, as approved during the June 13, 2018 meeting of the Florida Administration Commission. The Workforce-Affordable Housing Initiative will require new construction that participates to commit to evacuating tenants in the Phase I clearance window of evacuation. The City, thereby, shall establish a new limited category to be known as the “Affordable – Early Evacuation Pool” which will provide 300 workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative, as well as any additional allocations which may be authorized by the Florida Administration Commission or transferred to Key West that are not accepted by other Florida Keys municipalities or Monroe County. These allocations are in addition to the building permit allocations identified in Objective 1-1.16. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the Early Evacuation Affordable allocations. The City of Key West shall ensure adherence to these requirements through implementation of the policies of this objective.

*(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.)

Policy 1-1.17.1: Distribution of Workforce-Affordable Housing Allocations. Workforce-Affordable Housing allocations shall be available for allocation on a first-come first-served basis and distributed at any time following adequate public notice and hearing procedures pursuant to Chapter 108 of the City’s Land Development Regulations. In the event applications received exceed the allocations authorized herein, the competing applications shall be ranked in accordance with the BPAS ranking procedures in Chapter 108, Section 997 (c).

Policy 1-1.17.2: Specific Standards and Requirements for Workforce-Affordable Housing.

Affordable-Early Evacuation residential units built under this program shall:

- a. be multiple-family structures;
- b. be rental units;
- c. require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission;
- d. require on-site property management;
- e. comply with applicable habitat and other locational criteria and densities for multiple-family affordable housing units;
- f. incorporate resilient design principles into the overall site design;
- g. ensure accessibility to employment centers and amenities;
- h. require deed-restrictions ensuring:
 - (i) the property remains workforce-affordable housing in perpetuity;
 - (ii) tenants evacuate during the Phase I evacuation period;
 - (iii) rental agreements contain a separate disclosure requiring tenants to acknowledge that failure to adhere to the evacuation requirement could result in severe penalties, including eviction, to the resident;

Policy 1-1.17.3: Evacuation exemptions. Persons living in workforce-affordable housing who are exempt from evacuation requirements of Policy 1-1.17.2.h.(ii) include first responders, correctional officers, healthcare professionals, or other first-responder workers required to remain in the lower keys during an emergency evacuation, provided the person claiming exemption under this policy has faithfully certified their status with property management.

Policy 1-1.17.4: ADA Compliance. All workforce-affordable housing developments must demonstrate compliance with all applicable federal standards for accessibility for persons with disabilities.

Policy 1-1.17.5: Evaluation and Report. The City of Key West shall provide the state land planning agency with an annual report on the progress and implementation of the Workforce-Affordable Housing Initiative. Reported information shall include documentation of the number of workforce-affordable units built, occupancy rates, and compliance with the requirement to evacuate the units in the Phase I evacuation.

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 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 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 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 _____, 20_____.

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

Filed with the Clerk _____, 20_____.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK