

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, TO AMEND CHAPTER 108 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "PLANNING AND DEVELOPMENT", ARTICLE XII ENTITLED "WORKFORCE-AFFORDABLE HOUSING INITIATIVE", SECTION 108-1153 ENTITLED, "PERIOD OF ALLOCATION AND DISTRIBUTION", TO PROVIDE FOR BUILDING PERMIT ALLOCATION SYSTEM UNITS FOR THE PROPERTY LOCATED AT 907 CAROLINE STREET (RE# 00072082-004505); 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, development of any housing is strictly controlled by virtue of the fact that the State of Florida has designated the City of Key West ("the City") as an Area of Critical State Concern;

WHEREAS, this state regulation has resulted in a specified number of new building permits that may be granted each year under what is known as the Building Permit Allocation System ("BPAS"); and

WHEREAS, the City is participating in the Workforce-Affordable Housing Initiative approved by the Florida Administration Commission, which requires participating new construction to commit to evacuating tenants in the Phase I clearance window of evacuation; and

WHEREAS, the City has created a limited category known as the "Affordable - Early Evacuation Pool" which provides 300 workforce-affordable building permit allocations for the Workforce-Affordable Housing Initiative,

WHEREAS, the City of Key West proposed an amendment to the Comprehensive Plan of the City to provide for the allocation of four (4) Affordable-Early Evacuation Pool building permit allocations for future use in development of affordable workforce housing at 907 Caroline Street, Key West, Florida,

WHEREAS, this proposed ordinance to amend the City's Land Development Regulations ("LDRs") is presented in conjunction with the aforementioned text amendments to the City's Comprehensive Plan and encompasses substantially similar language; and

WHEREAS, it is in the best interest of the City to set aside building permit allocations for the proposed development; and

WHEREAS, Section 86-4 of the City Code requires that City Land Development Regulations be amended as necessary to ensure consistency with the City Comprehensive Plan; and

WHEREAS, the Planning Board held a noticed public hearing on October 25, 2022, where based on the consideration of recommendations

by the city planner and other information, the Board recommended approval of the proposed Land Development Regulations amendments through Planning Board Resolution 2022-055; and

WHEREAS, the Key West Bight Management District Board held a duly scheduled public hearing on November 9, 2022, where based on the consideration of recommendations by the Port & Marina Services Director, city planner, Planning Board, and other information, the Board recommended approval of the proposed amendment through Key West Bight Management District Board Resolution 2022-15; and

WHEREAS, the City Commission has also determined, in accordance with the criteria of Code Section 90-520(6) that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest;

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

Section 1: That Chapter 108 of the Land Development

Regulations, entitled "Planning and Development", Article XII entitled "Workforce-Affordable Housing Initiative", Section 108-1153 entitled, "Period of allocation and distribution", is hereby amended to provide for building permit allocation system units for the property at 907 Caroline Street (RE# 00072082-004505) as follows:

Sec. 108-1153. Period of allocation and distribution.

Workforce-affordable early evacuation 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. In the event applications received by the City exceed the allocations authorized herein, the competing applications shall be ranked in accordance with the BPAS ranking procedures in section 108-997(c).

The City of Key West shall transfer one hundred fifty (150) previously unallocated Affordable - Early Evacuation Pool units to the School Board of Monroe County, Florida, for affordable housing development at the property commonly known as 240 and 241 Trumbo Road, Key West, Florida. Transfer of the aforementioned units shall be contingent on receipt of a sufficient number of Affordable - Early Evacuation Pool or equivalent affordable units by the City of Key West. All development associated with these 150 units shall be reviewed and approved as per City of Key West Land Development Regulations, notably Chapter 108, Article II. - Development Plan. The School Board of Monroe County, Florida, shall provide recorded Declarations of Affordable Housing Restrictions for these units acceptable to the City of Key West prior to the issuance of certificates of occupancy

by the City. In the event building permits to construct affordable housing at 240-241 Trumbo Road have not been issued on or before June 30, 2026, these Affordable - Early Evacuation Pool units shall be released to the City of Key West and shall be re-allocated only for affordable housing purposes within the City of Key West limits. All units transferred under this policy shall be considered as contributing to the minimum affordable housing allocation of Section 108-995. All development associated with these Affordable-Early Evacuation Pool units shall be in compliance with this Article; the School Board shall timely submit annual progress reports to the City to comply with Section 108-1157.

The City of Key West shall transfer four (4) Affordable - Early Evacuation Pool allocation units to the property addressed 907 Caroline Street (RE #00072082-004505) for the development of affordable workforce housing. All development associated with these 4 units shall be reviewed and approved as per City of Key West Land Development Regulations and in accordance with this Article.

(Ord. No. 19-05, § 1, 3-5-2019)

*(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 Lissette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK