

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING COMPREHENSIVE PLAN CHAPTER 1, FUTURE LAND USE, POLICY 1-1.16.1, ENTITLED, "MAINTAIN A BUILDING PERMIT ALLOCATION ORDINANCE", AND BY AMENDING CHAPTER 3, HOUSING, POLICY 3-1.1.4, ENTITLED "BUILDING ALLOCATION SYSTEM", TO PROVIDE FOR BUILDING PERMIT ALLOCATION SYSTEM UNITS FOR THE PROPERTY LOCATED AT 301 WHITE STREET (RE# 00001780-000000); PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING FOR THE FILING WITH THE SECRETARY OF STATE; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE INCLUSION IN THE CITY OF KEY WEST COMPREHENSIVE PLAN; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West finds it necessary to amend Comprehensive Plan Chapter 1, Future Land Use Element, Policy 1-1.16.1, entitled Maintain a Building Permit Allocation Ordinance, and Chapter 3, Housing, Policy 3-1.1.4, entitled Building Permit Allocation System; and

WHEREAS, the City Commission has passed numerous resolutions aimed at increasing the availability of affordable and workforce housing in the City of Key West; and

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; and

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 new building permits have a finite amount available for use in the City of Key West; and

WHEREAS, the proposed ordinance to amend the City's Comprehensive Plan is an essential part of an effort to encourage redevelopment of affordable housing in the Lang Milian Apartments; and

WHEREAS, Chapter 1 entitled Future Land Use Element and Chapter 3 entitled Housing are to be amended through ordinance in response to the Department of Commerce; and

WHEREAS, the Planning Board held a noticed public hearing on November 16, 2023, where based on the consideration of recommendations by the city planner and other information, the Board recommended approval of the proposed amendments through Planning Board Resolution 2023-025; and

WHEREAS, the City has held various workshops and public meetings regarding the needs for affordable housing; and

WHEREAS, the City has prepared an amendment to the Comprehensive Plan that considers the recommendations by staff, the public, and the Planning Board; and

WHEREAS, the City Commission has determined that the proposed amendment is consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; is not stimulated by changed conditions after the effective date of the Comprehensive Plan; will promote land use compatibility; will not negatively impact property values or the general welfare; and is not in conflict with the public interest; and

WHEREAS, these amendments to the City of Key West's 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: **Chapter 1: Future Land Use Element** - That Chapter 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 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. 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 Nine (July 2021-2022), 128 of the units to be allocated will be dedicated for use at the property currently known as the 3.2 development located in Bahama Village. 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. The reallocation provision shall not apply to the property currently known as the 3.2 development located in Bahama Village. During Year Eleven (11) (July 2023-2024), 60 of

the units to be allocated will be dedicated for use at the property currently known as the Lang Milian Apartments.

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.

{new paragraph}

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. The reallocation provision shall not apply to the property currently known as the 3.2 development located in Bahama Village.

[. . .]

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 2: Chapter 3: Housing - That Chapter 3 of the Comprehensive Plan is hereby added/amended as follows*:

Policy 3-1.1.4 - Building Permit Allocation

System.

Between years four and ten, no more than ten percent may be transient. 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, which leaves 43 units to be allocated from the first allocation pool. During Year Nine (July 2021-2022), 89.6 of the affordable units to be allocated will be dedicated to the development known as the 3.2 located in Bahama Village, 38.4 of the market-rate units to be allocated will be dedicated to the property currently known as the 3.2 development located in Bahama Village, which leaves 7.6 market-rate units to be allocated from the Year Nine allocation pool. During Year Eleven (11) (July 2023-2024), 60 of the affordable units to be allocated will be dedicated for use at the property currently known as the Lang Milian Apartments.

*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

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 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 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.

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 Commerce, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this 14th day of December, 2023.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

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|------------------------------|-------|
| 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:

KERI O'BRIEN, CITY CLERK