

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", SECTION 108-995 - REPORTING REQUIREMENTS AND RESIDENTIAL ALLOCATION SCHEDULE; TO PROVIDE FOR BUILDING PERMIT ALLOCATION SYSTEM UNITS FOR THE PROPERTY AT 301 WHITE STREET (RE# 00001780-000000); 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, the City of Key West finds it necessary to amend Chapter 108 of the Code of Ordinances, entitled 'Planning and Development', specifically existing Section 108-995; 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 Land Development Regulations is an essential part of an effort to encourage redevelopment of affordable housing in the Lang Milian Apartments; 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 2023-026; and

WHEREAS, an amendment to Section 108-995 of the Code of Ordinances 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 Section 108-995 of the Code of Ordinances is hereby amended as follows*:

Sec. 108-995. - Reporting requirements and residential allocation schedule.

The City of Key West building permit allocation system shall limit the number of permits issued for new permanent development to 910 units, with the exception of the beneficial use permit allocations that have been reserved separately to address property rights claims. The Building Permit Allocation System shall operate on an annual basis in accordance with Section 108-997. The first allocation cycle is July 2013 through June 2014. Annual allocation cycles 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.

The annual allocation will not exceed ninety-one (91) single-family units or equivalent types of units based on the equivalency factors established in policy 1-1.16.3 of the comprehensive plan. The annual allocation limitation shall not apply to affordable housing allocations. No transient allocations will be made subsequent to the closure of the 2017-2018 allocation period.

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 (4) and ten (10) (2016-2023), a minimum of 50 percent of the total allocations shall be affordable. Between years four (4) and ten (10), 80 percent of remaining (non-affordability restricted) units shall be permanent, and 20 percent may be transient. Between years six (6) and ten (10), 100 percent of the units shall be permanent. After year ten (10), 75 percent of units shall be deed restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award, per [Section 108-997](#)(e), or otherwise voluntarily released to the City.

During year one (1) (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, and shall meet the prerequisite standards for obtaining BPAS awards.

During year nine (9) (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 and shall meet the prerequisite standards for obtaining BPAS awards.

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 and shall meet the prerequisite standards for obtaining BPAS awards.

Table 2.0 below identifies allocated units at a rate of 1.0 ESFU's for the period from July 2013 to July 2024. As noted above, allocations shall continue after July 2023 but only 25% of units allocated during any one BPAS cycle year can be market rate. Deed restricted affordable allocations shall not have maximum annual allocation limits.

Table 2.0

July 1, 2013 - June 30, 2014	July 1, 2014 - June 30, 2015	July 1, 2015 - June 30, 2016	July 1, 2016 - June 30, 2017	July 1, 2017 - June 30, 2018	July 1, 2018 - June 30, 2019	July 1, 2019 - June 30, 2020	July 1, 2020 - June 30, 2021	July 1, 2021 - June 30, 2022	July 1, 2022 - June 30, 2023	<u>July 1, 2023 - June 30, 2024</u>
48 affordable units to be allocated for Peary Court development. Minimum of 7 affordable units. Maximum of 36 market rate units.	Minimum of 55 affordable units. Maximum of 36 market rate units.	Minimum of 55 affordable units. Maximum of 36 market rate units.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units.	Minimum of 45 affordable units. Maximum of 46 market rate units.	Minimum of 45 affordable units. Maximum of 46 market rate units.	38.4 market rate units and 89.6 affordable units shall be allocated to the property currently known as the 3.2 development in Bahama Village. Maximum of 7.6 market rate units.	Minimum of 0.4 affordable units. Maximum of 46 market rate units.	<u>60</u> affordable units shall be allocated to the property currently known as <u>Lang Milian Apartments.</u>

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

~~struck through.)~~

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 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.

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