



**THE CITY OF KEY WEST
CITY ATTORNEY'S OFFICE
Report**

To: Chairman and Planning Board Members

From: George B. Wallace, Assistant City Attorney

Sponsor: James Scholl, City Manager

Meeting Date: May 18, 2017

Agenda Item: AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 1 OF THE COMPREHENSIVE PLAN ENTITLED "FUTURE LAND USE ELEMENT" BY AMENDING POLICY 1-1.16.1, ENTITLED "MAINTAIN A BUILDING PERMIT ALLOCATION ORDINANCE," AMENDING POLICY 1-1.16.2, ENTITLED "BUILDING PERMIT ALLOCATION ORDINANCE AND AFFORDABLE HOUSING," AMENDING POLICY 1-1.16.3, ENTITLED "PERMIT ALLOCATION SYSTEM RATIO BY STRUCTURE TYPE," AND BY ADDING POLICY 1-1.16.5 ENTITLED "TRANSFER OF BUILDING PERMIT ALLOCATIONS;" BY AMENDING CHAPTER 2 ENTITLED "TRANSPORTATION ELEMENT," BY AMENDING POLICY 2.16.4 TO PROPERLY REFLECT AS POLICY 2-1.6.4, AND REVISING THE REFERENCE TO THE NUMBER OF ALLOCATED UNITS; AMENDING CHAPTER 3 OF THE COMPREHENSIVE PLAN ENTITLED "HOUSING," BY AMENDING POLICY 3-1.1.4, ENTITLED "BUILDING PERMIT ALLOCATION SYSTEM;" PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

Action Item / Background

The current Comprehensive Plan for the City of Key West was approved in 2013. Subsequent to the approval of the current Comprehensive Plan the need for the City to be able to award BPAS units beyond the City limits in order to promote affordable housing projects which would directly benefit the workforce of the City has become apparent.

Currently the only mechanism in place which authorizes the City to distribute its BPAS units beyond the City limits is restricted to units which are awarded but for which no building permit is issued within two years of the date of the award. Under the current Land Development Regulations and Comprehensive Plan these units are then recovered by the City for re-allocation the next BPAS allocation year. In the event the recovered units are not re-allocated the next BPAS year the units are to be returned to the Department of Economic Opportunity for redistribution.

The proposed Amendments to Policies 1-1.16.1, 2-1.6.4, 1-1.16.3 and 3-1.1.4 eliminate the requirement that the City allocate 91 units annually and authorize the city to allocate its cumulative total approved allocations over the planning horizon which expires on July 1, 2023. This in turn will allow the City to better plan for affordable housing projects within the City such as the proposed development of college road and other projects. The amendment to Policy 3-1.1.4 reduces the percentage of transient unit allocations to ten (10%) of all allocations through July 1, 2013.

The proposed Amendment to Policy 1-1.16.2 would require that a minimum of fifty (50%) of all BPAS units awarded through July 1, 2023 be for affordable housing.

The proposed Comprehensive Plan amendment creating Policy 1-1.16.5 would create a mechanism for the City to transfer BPAS units beyond the City limits by Commission Resolution. The amendment would also operate as a one-time transfer of 104 previously un-allocated BPAS units to Monroe County for allocation and use at the workforce housing project known as “The Quarry” located on Rockland Key. These units would revert to the City if no building permit or permits are obtained to construct the project by June 30, 2018.

The City Attorney’s office recommends that the Planning Board recommend **approval** of the draft amendment to Policies 1-1.16.1, 1-1.16.2, 1-1.16.3, 2.16.4, 3-1.1.4, and adding 1-1.16.5 titled “Transfer of Building Permit Allocations.