

**PLANNING BOARD
RESOLUTION NO. 2018-**

A RESOLUTION OF THE CITY OF KEY WEST RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION AMENDING CHAPTER 108 OF THE LAND DEVELOPMENT REGULATIONS, TO CREATE A NEW ARTICLE XII, TO BE TITLED THE “WORKFORCE AFFORDABLE HOUSING INITIATIVE”, FOR THE PURPOSE OF IMPLEMENTING COMPREHENSIVE PLAN OBJECTIVE 1-1.17, AUTHORIZING THE ACCEPTANCE OF 300 “AFFORDABLE-EARLY EVACUATION POOL” BPAS UNITS; PURSUANT TO CHAPTER 90, ARTICLE VI, DIVISION 2; PROVIDING FOR DEFINITIONS, FINDINGS, PURPOSE AND INTENT, APPLICABILITY, APPLICATION, REVIEW OF APPLICATION, AND MONITORING; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

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 108 of the Land Development Regulations (the “LDRs”); and

WHEREAS, adding an Article XII to Chapter 108, to be titled the “Workforce Affordable Housing Initiative”, will enable the City to distribute workforce-affordable early evacuation building permit allocations, in addition to the BPAS allocations described in Chapter 108, Article X; and

WHEREAS, this proposed amendment to the Land Development Regulations was presented to the Planning Board with a recommendation of approval at its regularly scheduled meeting on October 18, 2018; and

WHEREAS, the Planning Board finds that it is in the public’s interest to amend the City’s Land Development Regulations, adding Article XII and supplementary sections to

_____ Chair
_____ Planning Director

Chapter 108; and

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the proposed amendment to Chapter 108 of the Land Development Regulations is recommended for approval; the changes are as follows:*

Secs. 108-1136-108-1149. Reserved.

ARTICLE XII. WORKFORCE-AFFORDABLE HOUSING INITIATIVE

Sec. 108-1150. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Correctional officer means a uniformed official, responsible for the supervision, safety, and security of prisoners in a prison, jail, or similar form of secure custody.

First responder means a person with specialized training who is among the first to arrive and provide assistance at the scene of an emergency, such as an accident, natural disaster, or terrorist attack. First responders typically include paramedics, emergency medical technicians, police officers, firefighters, rescuers, and other trained members of organizations connected with this type of work.

Healthcare professional means an individual who provides preventive, curative, promotional or rehabilitative health care services in a systematic way to people, families or communities.

Sec. 108-1151. Established.

The city establishes a workforce-affordable early evacuation pool of building permit allocations, providing 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. In order to protect the health and safety of the residents of the city, the workforce-affordable housing initiative requires new construction that participates to commit to evacuating tenants in the Phase I clearance window of evacuation.

Sec. 108-1152. Purpose and Intent.

The intent of the workforce-affordable early evacuation pool is to support the city's workforce by alleviating constraints on affordable housing. These allocations are in addition to the building permit allocations identified in Chapter 108, Article X. The city shall be responsible for the management, distribution, and enforcement of requirements associated with the workforce-affordable early evacuation allocations. The city shall ensure adherence to these requirements through implementation of the policies of this article.

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).

Sec. 108-1154. Specific Standards and Requirements.

Workforce-affordable early evacuation residential units built under this program shall:

- (1) be multiple-family structures;
- (2) be rental units;
- (3) require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission;
- (4) require on-site property management;
- (5) comply with applicable habitat and other locational criteria and densities for multiple-family affordable housing units;
- (6) incorporate resilient design principles into the overall site design;
- (7) ensure accessibility to employment centers and amenities;
- (8) require deed-restrictions ensuring:
 - a. the property remains workforce-affordable housing in perpetuity;
 - b. tenants evacuate during the period in which transient units are required to evacuate;
 - c. 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;

Sec. 108-1155. Evacuation Exemptions.

First responders, correctional officers, healthcare professionals, or other first-responder

workers required to remain in the lower keys during an emergency evacuation are exempt from the evacuation requirements of section 108-1151, provided the person claiming exemption under this policy has faithfully certified their status with property management.

Sec. 108-1156. Americans with Disabilities Act (ADA) Compliance.

All workforce-affordable early evacuation housing developments must demonstrate compliance with all applicable federal standards for accessibility for persons with disabilities.

Sec. 108-1157. Evaluation and Report.

The city 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.

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

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the city clerk.

Section 4. This resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty-five (45) days after it has been properly rendered to the DEO with all exhibits and applications attached to or incorporated by reference in this approval; that within the forty-five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 18th day of October 2018.

Authenticated by the Chair of the Planning Board and the Planning Director.

Sam Holland, Planning Board Chair Date

Attest:

Patrick Wright, Planning Director Date

Filed with the Clerk:

Cheryl Smith, City Clerk Date