



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: November 20, 2018

RE: **Text Amendment of the Land Development Regulations** – An ordinance of the City of Key West, Florida, 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 repeal of inconsistent provisions; providing for an effective date.

ACTION STATEMENT:

The purpose of this ordinance is to amend the City’s Land Development Regulations to amend Chapter 108, and 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.

BACKGROUND:

The proposed ordinance to amend the City’s Land Development Regulations (the “LDRs”) is part of a process to address the affordable housing shortage in the City and the County. The City Commission is hearing this LDR text amendment and also a text amendment to the Comprehensive Plan which will allow the City to participate in the “Workforce-Affordable Housing Initiative,” as approved during the June 13, 2018 meeting of the State of Florida Administration Commission. This LDR text amendment will establish a new article (Article XII) in Chapter 108 for 300 workforce-affordable early evacuation building permit allocations in addition to the allocations described in Chapter 108, Article X, 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. The text amendment will also establish supplementary sections.

REQUEST:

The proposed text amendment to the LDRs is 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.

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

City Actions:

Planning Board: October 18, 2018 (approved)
City Commission: November 20, 2018 (first reading)
City Commission: TBA (second reading)

Planning Staff Analysis:

The purpose of Chapter 90, Article VI, Division 2 of the Land Development Regulations (the “LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”) is to provide a means for changing the text of the Land Development Regulations. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. In determining whether to grant a requested amendment, the City Commission shall consider, in addition to the factors set forth in this subdivision, the consistency of the proposed amendment with the intent of the Comprehensive Plan.

Options / Advantages / Disadvantages:

Option 1: **Approve** the text amendment to the City’s Land Development Regulations to amend Chapter 108, and 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, as recommended by the Planning Board through Resolution no. 2018-56.

- a. **Consistency with the City’s Strategic Plan, Vision, and Mission:**
The Strategic Plan is silent on this issue.
- b. **Financial Impact:**
There will be no cost to the City if this request is approved.

Option 2: **Deny** the text amendment to the City’s Land Development Regulations to amend Chapter 108, and 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, as recommended by the Planning Board through Resolution no. 2018-56.

- a. **Consistency with the City’s Strategic Plan, Vision, and Mission:**
The Strategic Plan is silent on this issue.
- b. **Financial Impact:**
There will be no cost to the City if this request is denied.

Recommendation:

As per Resolution no. 2018-56, the Planning Board recommends the **approval** of the text amendment to the Land Development Regulations.