



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

Through: Patrick Wright, Planning Director

From: Vanessa Sellers, Planner II

Meeting Date: October 18, 2018

Agenda Item: **Text Amendment of the Land Development Regulations – A** Resolution of the City of Key West Planning Board 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 repeal of inconsistent provisions; providing for an effective date.

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 Planning Board 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*:

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

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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Land Development Regulations Text Amendment Process:

Planning Board: October 18, 2018
If denied, then appeal may be filed within 10 calendar days.
City Commission (first reading): TBA
City Commission (second reading): TBA
Local Appeal Period: 30 days
Render to DEO: 10 working days
DEO Notice of Intent (NOI)
Effective when NOI posted to DEO website

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.

Pursuant to Code Section 90-552 the Planning Board, regardless of the source of the proposed change in the LDRs, shall hold a public hearing thereon with due public notice. The Planning Board shall consider recommendations of the City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing. The Planning Board shall transmit a written report and recommendation concerning the proposed change in the LDRs to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-521.

Criteria for Approving Amendments to the LDRs pursuant to Code Section 90-521 and 90-522 (a). In evaluating proposed changes to the LDRs, the City shall consider the following criteria:

(1) Consistency with plan. Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program.

Consistency with the Comprehensive Plan

The City’s Comprehensive Plan was developed in response to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, Florida Statutes). The Plan and its updates are consistent with the State, Regional and County plans; and serves as the basis for all land development decisions within the City of Key West. In addition to fulfilling legislative requirements, the City’s Plan:

protects and maintains its natural, historic and cultural resources;
preserves its community character and quality of life;
ensures public safety, and;
directs development and redevelopment in an appropriate manner.

The proposed text amendment would be consistent with the Comprehensive Plan.

Consistent with the adopted infrastructure minimum level of service standards and the concurrency management program

The proposed text amendment would be consistent with the Comprehensive Plan and level of service (LOS) standards.

(2) *Conformance with requirements. Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.*

The proposal is in conformance with all applicable requirements of the Code of Ordinances.

(3) *Changed conditions. Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations and whether such conditions support or work against the proposed rezoning.*

The existing LDRs were adopted on July 3, 1997 through Ordinance No. 97-10 following adoption of the 1994 Comprehensive Plan. Over the years, the Comprehensive Plan and LDRs have been amended from time-to-time. A new Comprehensive Plan was adopted on March 5, 2013 and became effective on May 2, 2013.

The proposed changes to the Comprehensive Plan and the Land Development Regulations are part of a collaborative effort with the State of Florida to address the ongoing lack of affordable workforce housing in the City. The proposed “Workforce-Affordable Housing Initiative” is a positive step in alleviating the affordable housing shortage in the City, as it opens more allocations for the construction of deed-restricted affordable residential units and offers more opportunities for affordable workforce housing.

(4) *Land use compatibility. Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.*

None proposed.

(5) *Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency*

determination, and the applicant will be required to obtain a concurrency determination pursuant to Chapter 94.

No development plans are proposed with this application, however, the number of off-street parking requirements by use generally per Section 108-572 for multiple-family dwelling units may increase the demand for transportation public facilities. The demand on public facilities and services would not exceed the existing capacity of such services.

- (6) ***Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.***

Any impacts on vegetative communities and the natural environment would be reviewed and mitigated at the time of a proposed development. The proposed text amendment is not expected to result in adverse impacts on the natural environment.

- (7) ***Economic effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.***

The proposal would not adversely affect the property values in the area or the general welfare.

- (8) ***Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.***

The proposal would not result in negative effects to the land use pattern.

- (9) ***Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.***

The proposed text amendment would not be in conflict with the public interest, and it is in harmony with the purpose and interest of the Land Development Regulations.

- (10) ***Other matters. Other matters which the planning board and the city commission may deem appropriate.***

The additional allocations specifically designated for affordable-workforce residential housing is a crucial step towards alleviating the affordable housing shortage in the City.

RECOMMENDATION:

The Planning Department, based on the criteria established by the Comprehensive Plan and the Land Development Regulations, recommends to the Planning Board that the request to amend the Land Development Regulations be **APPROVED**.