



**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 Comprehensive Plan** – A Resolution of the City of Key West Planning Board recommending an Ordinance to the City Commission amending the City’s Comprehensive Plan, adding Objective 1-1.17 and associated policies to Chapter 1, “Future Land Use Element”; Objective 1-1.17 shall be known as the “Workforce-Affordable Housing Initiative” providing for an additional 300 affordable allocations to an allocation pool to be identified as the “Affordable-Early Evacuation Pool”, pursuant to Chapter 90, Article VI, Division 3; providing for severability; providing for repeal of inconsistent provisions; providing for inclusion into the City of Key West Comprehensive Plan; and providing for an effective date.

Background:

The proposed ordinance to amend the City’s Comprehensive Plan is part of a process to address the affordable housing shortage in the City and the County. The Planning Board is hearing this Comprehensive Plan text amendment and also a text amendment to the Land Development Regulations 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 Comprehensive Plan text amendment will establish a new objective (1-1.17) for 300 workforce-affordable building permit allocations in addition to the allocations described in Chapter 108, Article X, of the Land Development Regulations (the “LDRs”), 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 policies.

Request:

The proposed text amendment to the Comprehensive Plan is as follows*:

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

OBJECTIVE 1-1.17: WORKFORCE-AFFORDABLE HOUSING INITIATIVE. To support the City of Key West’s workforce by alleviating constraints on affordable housing, the City shall participate in the Workforce-Affordable Housing Initiative, as approved during the June 13, 2018 meeting of the Florida Administration Commission. The Workforce-Affordable Housing Initiative will require new construction that participates to commit to evacuating tenants in the Phase I clearance window of evacuation. The City, thereby, shall establish a new limited category to be known as the “Affordable – Early Evacuation Pool” which will provide 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. These allocations are in addition to the building permit allocations identified in Objective 1-1.16. The City shall be responsible for the management, distribution, and enforcement of requirements associated with the Early Evacuation Affordable allocations. The City of Key West shall ensure adherence to these requirements through implementation of the policies of this objective.

Policy 1-1.17.1: Distribution of Workforce-Affordable Housing Allocations. Workforce-Affordable Housing 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 pursuant to Chapter 108 of the City’s Land Development Regulations. In the event applications received exceed the allocations authorized herein, the competing applications shall be ranked in accordance with the BPAS ranking procedures in Chapter 108, Section 997 (c).

Policy 1-1.17.2: Specific Standards and Requirements for Workforce-Affordable Housing. Affordable-Early Evacuation residential units built under this program shall:

- a. be multiple-family structures;
- b. be rental units;
- c. require, at a minimum, adherence to the latest edition of the Florida Building Code as published by the Florida Building Commission;
- d. require on-site property management;
- e. comply with applicable habitat and other locational criteria and densities for multiple-family affordable housing units;
- f. incorporate resilient design principles into the overall site design;
- g. ensure accessibility to employment centers and amenities;
- h. require deed-restrictions ensuring:
 - (i) the property remains workforce-affordable housing in perpetuity;
 - (ii) tenants evacuate during the Phase I evacuation period;
 - (iii) 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;

Policy 1-1.17.3: Evacuation exemptions. Persons living in workforce-affordable housing who are exempt from evacuation requirements of Policy 1-1.17.2.i(ii) include first responders, correctional officers, healthcare professionals, or other first-responder workers required to remain in the lower keys during an emergency evacuation, provided the person claiming exemption under this policy has faithfully certified their status with property management.

Policy 1-1.17.4: ADA Compliance. All workforce-affordable housing developments must demonstrate compliance with all applicable federal standards for accessibility for persons with disabilities.

Policy 1-1.17.5: Evaluation and Report. The City of Key West 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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Comprehensive Plan Amendment Process:

Planning Board:	October 18, 2018
<i>If denied, then appeal may be filed within 10 calendar days.</i>	
City Commission (first reading):	TBA
DEO Review:	45 days
City Commission (second reading):	TBA
Local Appeal Period:	30 days
Render to DEO:	10 working days

Analysis:

The purpose of Chapter 90, Article VI, Division 3 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 Comprehensive Plan. 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 90-556 the Planning Board, regardless of the source of the proposed change in the Comprehensive Plan, 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 Comprehensive Plan to the City Commission for official action. In its deliberations, the Planning Board shall consider the criteria in Code Section 90-555.

Criteria for Approving Amendments to the Comprehensive Plan pursuant to Code Section 90-554 (6) and 90-555. In evaluating proposed changes to the Comprehensive Plan, the City shall consider the following criteria:

90-554 (6) Justification. The need and justification for the proposed change. The evaluation shall address but shall not be limited to the following issues:

- a. ***Comprehensive Plan consistency.*** Identifying impacts of the proposed change in the Comprehensive Plan future land use map on the overall purpose of the Comprehensive Plan and consistency with applicable policies within the Comprehensive Plan.
- b. ***Impact on surrounding properties and infrastructure.*** The effect of the change, if any, on the particular property and all surrounding properties. Identify potential land use incompatibility and impacts on infrastructure.
- c. ***Avoidance of special treatment.*** The proposed change shall not:
 1. **Single out a small piece of land and confer special and privileged treatment not provided to abutting properties with similar characteristics and land use relationships; and**
 2. **Provide for land use activities which are not in the overall public interest but only for the benefit of the landowner.**
- d. ***Undeveloped land with similar comprehensive plan future land use map designation.*** The amount of undeveloped land in the general area and in the city having the same zoning classification as that requested shall be stated.

90-555. – Criteria for approving amendments to comprehensive plan future land use map. In evaluating proposed changes to the comprehensive plan future land use map, the city shall consider the following criteria:

- (1) ***Consistency with plan.*** Whether the proposal is consistent with the overall purpose of the comprehensive plan and relevant policies within 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 ordinances. 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 comprehensive plan's effective date and whether such conditions support or work against the proposed change.*

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. Approval of a plan amendment does not constitute a concurrency determination, and the applicant will be required to 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 this subpart B and its 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 Comprehensive Plan.

- (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 Comprehensive Plan be **APPROVED**.

