

ORDINANCE NO. \_\_\_\_\_

**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.**

**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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:**

**Section 1.** That Chapter 108 of the Land Development Regulations is hereby amended 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-

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

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.

**Section 2.** If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provision of this Ordinance shall be deemed severable therefrom and shall be constructed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

**Section 3.** All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

**Section 4.** This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed by the City Commission at a regular meeting held this \_\_\_\_ day of \_\_\_\_\_, 2018.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Authenticated by the presiding officer and Clerk of the Commission on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Filed with the Clerk \_\_\_\_\_, 20\_\_\_\_\_.

Mayor Teri Johnston	_____
Commissioner Gregory Davila	_____
Commissioner Mary Lou Hoover	_____
Commissioner Sam Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

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TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK