



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager

Through: Thaddeus Cohen, Planning Director

From: Patrick Wright, Senior Planner

Meeting Date: August 2, 2016

RE: An Ordinance of the City of Key West, Florida, amending chapter 108 of the Code of Ordinances entitled Planning and Development by amending existing section 108-995 to set aside all available building permit allocations during the July 1, 2016 – June 30, 2017 allocation period exclusively for affordable housing; providing for severability; providing for an effective date.

Attachments

1. Proposed BPAS Ordinance amendments

Action Statement

The purpose of this Ordinance amendment is to update the existing Building Permit Allocation System regulations in response to City Commission Resolution No. 16-116. On April 5, 2016 the City Commission passed Resolution executive Summary 16-116 setting aside all building permit allocations during the next application period exclusively for affordable housing; directing the City manager and City Attorney to develop regulations to ensure future allocations are used for affordable housing. In summary, the proposed amendments establish that the 91 new residential units to be allocated in year four (4) from July 1, 2016 to June 30, 2017 shall be deemed affordable units.

Background

The Building Permit Allocation System (BPAS), commonly known as the Rate of Growth Ordinance, or "ROGO", was originally adopted in response to the City's 1993 Comprehensive Plan and required by a subsequent stipulated settlement agreement between the City and the Florida Department of Community Affairs in 1996. The purpose of the BPAS is to ensure that residential growth, including transient growth, does not exceed the hurricane evacuation capacity of the roadways in the Florida Keys. For purposes of the BPAS *residential growth* and *residential unit allocation* means both transient and non-transient units.

The proposed amendments are as follows:

Sec. 108-995. Reporting requirements and residential allocation schedule.

The City of Key West building permit allocation system shall limit the number of permits issued for new permanent and transient development, to 910 units during the period from July 2013 to July 2023, with the exception of the beneficial use permit allocations that have been reserved separately to address property rights claims. The annual allocation will be ninety-one (91) single-family units or an equivalent combination of residential and transient types based on the equivalency factors established in policy 1-1.15.3 of the comprehensive plan.

In order to address the ongoing affordable housing shortage and affordable housing deed restrictions expected to expire, during the first three years (July 2013—July 2016) 60 percent of the units allocated shall be affordable. Between years four (4) and ten (10) (2016—2023), 50 percent shall be affordable. Between years four (4) and ten (10), 80 percent of remaining (non-affordability restricted) units shall be permanent, and 20 percent may be transient. During year one (1) (July 2013—2014), 48 of the affordable units to be allocated will be dedicated for use at the Peary Court Housing complex property, being transferred from military to private sector housing, and shall meet the prerequisite standards for obtaining BPAS awards. Table 2.0 below identifies the number of units that may be allocated at a rate of 1.0 ESFU's by housing type and by year for the period from July 2013 to July 2023.

July 1, 2013 - June 30, 2014	July 1, 2014 - June 30, 2015	July 1, 2015 - June 30, 2016	July 1, 2016 - June 30, 2017	July 1, 2017 - June 30, 2018	July 1, 2018 - June 30, 2019	July 1, 2019 - June 30, 2020	July 1, 2020 - June 30, 2021	July 1, 2021 - June 30, 2022	July 1, 2022 - June 30, 2023
48 affordable units to be allocated for Peary Court development. Minimum of 7 affordable units. Maximum of 36 market rate units.	Minimum of 55 affordable units. Maximum of 36 market rate units.	Minimum of 55 affordable units. Maximum of 36 market rate units.	Minimum of 91 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.	Minimum of 45 affordable units. Maximum of 46 market rate units, of which a maximum of ten (10) units may be transient.

The city planner will provide an annual report to the planning board and the state land planning agency identifying any remaining or unused allocations, and the number of permits by building type by September 1 of each year as stipulated in the 2012 Hurricane Evacuation Clearance Time Memorandum of Understanding. The first report will be published in 2014.

PROCESS

The ordinance will require two City Commission readings for adoption. Absent any appeals, the ordinance will be rendered to the DEO, who will have 60 days to issue an order which determines consistency with Florida Statutes 380.0552 and the City's Comprehensive Plan.

Options / Advantages / Disadvantages:

Option 1. Approve the proposed ordinance as advised by the Planning Board:

Consistency with the City's Strategic Plan, Vision and Mission: Approving the proposed ordinance would be consistent with Economy and Environment goals of the Strategic Plan.

Financial Impact: The City would collect subsequent building permit, licensing and impact fees as after the annual allocation of new affordable BPAS units. There would be no cost to the City for granting the request.

Option 2. Deny the request.

Consistency with the City's Strategic Plan, Vision and Mission: Denial of the proposed ordinance would not be inconsistent with the Strategic Plan.

Financial Impact: There would be no cost to the City for denying the request.