

**PLANNING BOARD
RESOLUTION NO. 2022-047**

A RESOLUTION OF THE CITY OF KEY WEST PLANNING BOARD RECOMMENDING AN ORDINANCE TO THE CITY COMMISSION AMENDING CHAPTER 86 OF THE LAND DEVELOPMENT REGULATIONS, ENTITLED "GENERAL PROVISIONS", SECTION 86-9, ENTITLED "DEFINITION OF TERMS", AND CHAPTER 108 OF THE LAND DEVELOPMENT REGULATIONS, ARTICLE X "BUILDING PERMIT ALLOCATION SYSTEM", SECTION 108-995. - REPORTING REQUIREMENTS AND RESIDENTIAL ALLOCATION SCHEDULE, TO PROVIDE FOR AN EXTENSION OF THE BUILDING PERMIT ALLOCATION SYSTEM AWARD PERIOD TO ALLOW FOR THE DISTRIBUTION OF UNALLOCATED UNITS AFTER JUNE 20, 2023; PROVIDING FOR CONCURRENT AND CONDITIONAL ADOPTION UPON ADOPTION OF COMPREHENSIVE PLAN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, new residential development in the City of Key West is strictly controlled by the State of Florida, which has designated the City as an Area of Critical State Concern; and

WHEREAS, the City regulates residential development through the Building Permit Allocation System (BPAS); and

WHEREAS, the Comprehensive Plan and City Land Development Regulations provide for the allocation of BPAS units between 2013 and 2023; and

WHEREAS, it is in the best interest of the City to utilize all available BPAS units, which may include allocating units after 2023; and

WHEREAS, these proposed amendments to the Land Development Regulations were presented to the Planning Board at its regularly scheduled meeting on September 15, 2022; and


_____ Chairman


_____ Planning Director

WHEREAS, the Planning Board recommended approval with a change to the proposed language to require 75% of any remaining unit allocations after Year 10 to be deed restricted affordable, but allowing up to 25% of future unit allocations to be for market rate units in order to balance the need to promote workforce housing with the flexibility to develop mixed income projects;

WHEREAS, the Planning Board finds that it is in the public's interest to amend the City's Land Development Regulations as proposed herein.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That the proposed amendments to Chapter 86 and Chapter 108 of the Land Development Regulations are recommended for approval; the proposed amendments are as follows:*

Section 86-9. Definition of terms.

Allocation application means the permanent ~~and/or transient~~ residential building permit allocation application submitted by a property owner seeking a unit allocation award.

Allocation award year or award year means the calendar year in which a final determination of allocation award is made, and is the year immediately following the application year. The first award year is 2014, and shall continue until 2024 all residential building permit units have been allocated or until ~~unless~~ amended or extended by an appropriate action of the city commission.

[. . .]

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 development, to 910 units ~~during the period from July 2013 to July~~

USV Chairman

KPH Planning Director

2023, with the exception of the beneficial use permit allocations that have been reserved separately to address property rights claims. The Building Permit Allocation System shall operate on an annual basis in accordance with Section 108-997. The first allocation cycle is July 2013 through June 2014. Annual allocation cycles shall continue until all units have been allocated. Additionally, the Building Permit Allocation System shall be utilized in the event of an increase in available Building Permit Allocation System units.

The annual allocation will not exceed ninety-one (91) single-family units or equivalent types of units based on the equivalency factors established in policy 1-1.16.3 of the comprehensive plan. The annual allocation limitation shall not apply to affordable housing allocations. No transient allocations will be made subsequent to the closure of the 2017-2018 allocation period.

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), a minimum of 50 percent of the total allocations 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. Between years six (6) and ten (10), 100 percent of the units shall be permanent. After year ten (10), 75 percent of units shall be deed restricted affordable, including any units recovered by the City due to failure to obtain building permits within two years of a BPAS award, per Section 108-997(e), or otherwise voluntarily released to the City.

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.

During year nine (9) (July 2021-2022), 128 of the units to be allocated will be dedicated for use at the property currently known as the 3.2 development located in Bahama Village and shall meet the prerequisite standards for obtaining BPAS awards.

Table 2.0 below identifies ~~the allocated units~~ at a rate of 1.0 ESFU's for the period from July 2013 to July 2023 ~~number of by housing 2023~~. As noted above, allocations shall continue after July 2023 but only 25% of units allocated during any one BPAS cycle year can be market rate. Deed restricted affordable allocations shall not have maximum annual allocation limits.

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

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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 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.	Minimum of 45 affordable units. Maximum of 46 market rate units.	Minimum of 45 affordable units. Maximum of 46 market rate units.	38.4 market rate units and 89.6 affordable units shall be allocated to the property currently known as the 3.2 development in Bahama Village. Maximum of 7.6 market rate units.	Minimum of 0.4 affordable units. Maximum of 46 market rate units.
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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.

(Ord. No. 13-19, § 2, 11-6-2013; Ord. No. 18-11, § 3, 4, 6-5-2018; Ord. No. 22-06, § 1, 2-15-2022)

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

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

Section 4. This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this permit or development order will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., this permit or development order is not effective for forty-five (45) days after is has been properly rendered to the DEO with all


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exhibits and applications attached to or incorporated by reference to this approval; that within the forty-five (45) day review period the DEO can appeal the permit or development order to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the permit until the appeal is resolved by agreement order.

Read and passed in part at a regular meeting held September 15, 2022, and additional components.

Authenticated by the Chairman of the Planning Board and the Planning Director;

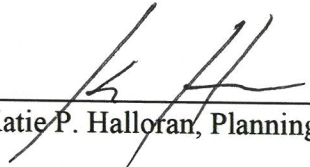


Sam Holland, Planning Board Chair

10-4-22

Date

Attest:




Katie P. Halloran, Planning Director

10/4/2022

Date



Filed with the Clerk:



Cheryl Smith, City Clerk

10-4-2022

Date

 Chairman
 Planning Director