

RESOLUTION NO. 24-033

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST DIRECTING THE PLANNING DEPARTMENT, IN CONSULTATION WITH THE PLANNING BOARD, TO CONSIDER AN AMENDMENT OF CHAPTER 108, ENTITLED "PLANNING AND DEVELOPMENT," ARTICLE X, ENTITLED "BUILDING PERMIT ALLOCATION SYSTEM" IN THE EVENT ADDITIONAL BUILDING PERMIT ALLOCATION SYSTEM PERMITS ARE AUTHORIZED BY THE STATE LEGISLATURE TO ENSURE THAT PROPER REGULATORY CONTROLS ARE ENACTED TO ACCOMMODATE ADDITIONAL DEVELOPMENT POTENTIAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Key West has established a Building Permit Allocation System (BPAS) to regulate the allocation of development permits in the form of market rate, affordable, and transient development credits from the State; and

WHEREAS, the current BPAS program will likely sunset in 2024 with the absorption of all remaining permits; and

WHEREAS, the State of Florida and other Keys communities have commenced discussions over the potential distribution of additional allocations to meet current and future needs; and

WHEREAS, it is prudent to evaluate existing regulatory controls and guidelines under existing City Land Development Regulations contained within Chapter 108 (Planning and Development), Article X (Building Permit Allocation System) and to consider the need for modifications to address both current and

future housing and development needs balanced with other goals and identified guiding principles of the Area of Critical State Concern; and

WHEREAS, the City Commission directs the Planning Board and Planning Department to evaluate the effectiveness of existing regulatory controls and recommend needed changes consistent with ongoing development and housing trends balanced with other goals and identified guiding principles of the Area of Critical State Concern; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AS FOLLOWS:

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

Section 2. That the City directs the Planning Department, in consultation with the Planning Board, to evaluate the effectiveness of existing regulatory controls contained in Chapter 108 (Planning and Development), Article X (Building Permit Allocation System (BPAS) and recommend modifications, if any, to meet both current and anticipated housing and development needs, in consideration with both the goals and identified guiding principles contained within the Area of Critical State Concern, in the event additional allocations are authorized by the State.

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 City Clerk.

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 it has been properly rendered to the DEO with all 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 at a regular meeting held this 14th
day of March, 2024.

Authenticated by the presiding officer and Clerk of the
Commission on 14th day of March, 2024.

Filed with the Clerk March 14, 2024.

Mayor Teri Johnston	<u>Yes</u>
Vice Mayor Sam Kaufman	<u>Yes</u>
Commissioner Lissette Carey	<u>Yes</u>
Commissioner Mary Lou Hoover	<u>Yes</u>
Commissioner Clayton Lopez	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK