

## EXECUTIVE SUMMARY



**To:** Patti McLaughlin, Interim City Manager

**Through:** Katie P. Halloran, Planning Director

**From:** Daniel Sobczak, AICP-C, Planner II

**Meeting Date:** June 2<sup>nd</sup>, 2021

**Request:** **Text Amendment of the Land Development Regulations** - An Ordinance to the City Commission amending Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X entitled "Building Permit Allocation System", Division 2 entitled "Building Permit Allocation System", to create Section 108-1001. - Density Limited to Building Permit Allocation System; pursuant to Chapter 90, Article VI, Division 2; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

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### BACKGROUND:

The proposed ordinance to amend the City's Land Development Regulations is an effort to more effectively implement Comprehensive Plan Goals, Objectives, and Policies of the City of Key West. The City recognizes the finite nature of the Building Permit Allocation System (BPAS), and that in 2023, or when all BPAS units have been allocated, whichever comes last, the City may no longer be authorized to issue permits for new residential units. The proposed text amendment is designed to clarify that the City's ability to allocate new residential units, either affordable or market rate, is limited by the State of Florida, the Department of Economic Opportunity, and by the BPAS. The Land Development Regulations allow a certain number of residential units per acre, however, these allowances and the existing density recorded through zoning shall not constitute rights to construct new units.

### Land Development Regulations Text Amendment Process:

Planning Board Meeting:	March 18th, 2021
City Commission (1st Reading):	May 19th, 2021
DEO Review:	Up to 45 days
City Commission (2nd Reading / Adoption):	June 15th, 2021
Local Appeal Period:	30 days
Render to DEO:	10 working days
DEO Notice of Intent (NOI):	Effective when NOI posted to DEO site

### **Planning Staff Analysis:**

The purpose of Chapter 90, Article VI, Division 2 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 Land Development Regulations. It is not intended to relieve hardships nor to confer special privileges or rights to 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 the consistency of the proposed amendment with the intent of the Comprehensive Plan. It is the Planning Department's and Planning Board's determination that the proposed amendment to the Land Development Regulations are consistent with the intent of the Comprehensive Plan.

Pursuant to Code Section 90-552 the City Commission shall hold a public hearing thereon with due public notice. The City Commission shall consider recommendations of the Planning Board, City Planner, City Attorney, Building Official and other information submitted at the scheduled public hearing.

The proposed Land Development Regulations amendment will clarify that the City's ability to allocate new residential units, either affordable or market rate, is limited by the State of Florida, the Department of Economic Opportunity, and by the BPAS program. The Land Development Regulations allow a certain number of residential units per acre, however, these allowances and the existing density recorded through zoning shall not constitute rights to construct new units.

### **Request / Proposed Map Amendment:**

**Sec. 108-1001. – Density limited to Building Permit Allocation System.** The City of Key West recognizes the finite nature of the Building Permit Allocation System, which establishes that in 2023, or when all BPAS units have been allocated, whichever comes last, the City may no longer be authorized to issue permits for new residential units. Residential density associated with all real property within the city limits is recognized to be limited by the BPAS; existing density recorded through zoning shall not constitute rights to construct new units.

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

### **Options/Advantages/Disadvantages:**

**Option 1:** Approve the proposed text amendment to Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X entitled "Building Permit Allocation System", Division 2 entitled "Building Permit Allocation System", to create Section 108-1001. - Density Limited to Building Permit Allocation System as recommended by the Planning Board through Resolution No. 2021-05.

- 1. Consistency with the City's Strategic Plan, Vision, and Mission:** This action would provide consistency with the mission and vision of the City and State.

**Option 2:** Deny the proposed text amendment to Chapter 108 of the Land Development Regulations, entitled "Planning and Development", Article X entitled "Building Permit Allocation System", Division 2 entitled "Building Permit Allocation System", to create Section 108-1001. - Density Limited to Building Permit Allocation System.

- 1. Consistency with the City's Strategic Plan, Vision, and Mission:** This action would be inconsistent with the mission and vision of the City and State, but would not serve to clarify the intent of the BPAS.

**Recommendation**

Staff supports Planning Board Resolution No. 2021-05 and recommends approval of OPTION 1.