

RESOLUTION NUMBER 2010-005

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMENDING APPROVAL OF AMENDMENTS TO PART B, LAND DEVELOPMENT REGULATIONS, CHAPTER 108, ARTICLE X, BUILDING PERMIT ALLOCATION AND VESTED RIGHTS, DIVISION 1, SECTIONS 108-995 AND 108-996 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, City staff initiated amendments to the ordinance to address the State of Florida Department of Community Affairs Final Order Number 09-OR-251 which found in part that that provisions related to the length of time of beneficial use allocations were inconsistent with the City of Key West Area of Critical State Concern principles for guiding development; and

WHEREAS, City staff also addressed aspects of the ordinance enabling the City Commission to reserve available building permit allocation system units for beneficial use; and

WHEREAS, the Planning Board held a noticed public hearing on January 28, 2010, where the Board considered draft amendments to the ordinance and discussed potential areas of clarification and revisions; and

WHEREAS, the Planning Board held a noticed public hearing on February 18, 2010, where based on the consideration of recommendations by the city planner, city attorney, building official and other information, the Board recommended approval of the proposed amendments; and


Chairman
Planning Director

WHEREAS, the Planning Board determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

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 AMENDMENTS TO PART B, LAND DEVELOPMENT REGULATIONS, CHAPTER 108, ARTICLE X, BUILDING PERMIT ALLOCATION AND VESTED RIGHTS, DIVISION 1, SECTIONS 108-995 AND 108-996 OF THE CODE OF ORDINANCES are hereby recommended for approval; a copy of the recommended modifications to the code is attached.

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.


Chairman
ACM Planning Director

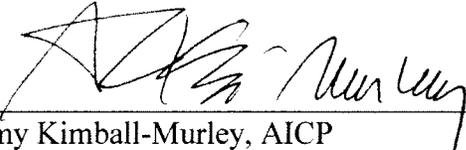
Read and passed at a regular meeting held this 18th day of February 2010.

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


Richard Klifenick, Chairman
Key West Planning Board

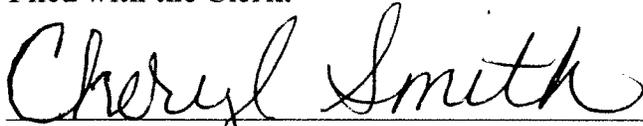
MARCH 4, 2010
Date

Attest:


Amy Kimball-Murley, AICP
Planning Director

March 4, 2010
Date

Filed with the Clerk:


Cheryl Smith, City Clerk

3-8-10
Date


Richard Klifenick, Chairman
Key West Planning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AMENDMENTS TO PART B, LAND DEVELOPMENT REGULATIONS, CHAPTER 108, ARTICLE X, BUILDING PERMIT ALLOCATION AND VESTED RIGHTS, DIVISION 1, SECTIONS 108-995 AND 108-996 OF THE CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria; and

WHEREAS, the Planning Department initiated proposed amendments to the ordinance to address concerns raised by the Department of Community Affairs and city staff; and

WHEREAS, pursuant to Section 90-522, the Planning Board held a noticed public hearing on February 18, 2010, where based on the consideration of recommendations by the City planner, city attorney, building official and other information recommended approval of the proposed amendments with modifications; and

WHEREAS, the City Commission held a noticed public hearing on _____ and a second meeting on _____ and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances; and

WHEREAS, the City determined that the proposed amendments: are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the

*ALLOW
RUNK*

existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

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

**Section 1. That Section 108-995, Chapter 108, Article X, is hereby
amended as follows:**

Sec. 108-995. Reporting Requirements and Adjustments in residential allocation schedule.

The Administrative Official will provide an annual report to the Planning Board and City Commission providing the results of tracking and monitoring requirements and recommendations for any changes in the allocation by structure type or intended use. The annual report shall track all inputs to the system, per Section 108-994, as well as allocations to the system by structure and use type.

The table in section 108-994 illustrating the allocation of building permits by structure type shall be subject to evaluation by the city commission annually and the allocation by structure type may be adjusted to accommodate shifts in supply and demand factors. However, under no circumstances will the allocations for affordable housing constitute less than 30% of the total ESFU available for allocation since 1990, nor shall the transient unit allocation exceed 25% of the ESFU available for allocation since 1990. Because transient allocations have exceeded 25% of the total ESFU, no further new transient allocations will be made under this system. Provided, however, that the City shall reserve adequate units for beneficial use claims based on available vacant lot information compiled by the Planning Department as a first priority in unit reservation and allocation.

*James
Runk*

Section 2. That Section 108-996, Chapter 108, Article X, is hereby

amended as follows:

Sec. 108-996 Period of Allocation

Allocations other than those granted for beneficial use pursuant to Section 108-998 shall be for a one year period during which time a building permit must be obtained, unless a longer period is approved by resolution as part of a development plan, conditional use or development agreement approval. A single one year renewal of an allocation ~~may~~ shall be granted by the Administrative Official prior to the expiration of the allocation. One extension for a period of 12-months ~~may~~ shall be granted by the Planning Board provided that the applicant makes application prior to the expiration of the allocation and demonstrates reasonable cause for the extension. No further extensions can be granted. Allocations for beneficial use pursuant to Section 108-998 shall be for a period of ~~five~~ two years during which time a building permit must be obtained. A single two year extension of a beneficial use allocation ~~may~~ shall be granted by the Administrative Official prior to the expiration of the allocation. Unused units will be returned to the system for reallocation.

Section 3: Severability. 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 provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of

*ACK
Rmk*

_____, 2010.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

Cheryl Smith

CHERYL SMITH, CITY CLERK

9-5-10

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*Ack
RWC*

Read and passed on first reading at a regular meeting held this _____ day of _____, 2010.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2010.

Authenticated by the presiding officer and Clerk of the Commission on ____ day of _____, 2010.

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK

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