

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager
Through: Patrick Wright, Planning Director
From: Ginny Haller, Planner II
Meeting Date: December 5, 2017

Agenda Item: **Land Development Regulations Text Amendment** – An ordinance of the City of Key West, Florida, amending Chapter 108, Article X, Division 2, by amending Section 108-997, entitled “Period of allocation and ranking/review of applications” of the Land Development Regulations of the Code of Ordinances of the City of Key West, Florida; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Action Item/Background

The purpose of this Ordinance is to amend the City’s Land Development Regulations in order to streamline the application and allocation period of the Building Permit Allocation System (BPAS). Additionally the text amendment proposes to clarify the review process, which includes the ranking, initial announcement and final determination of the BPAS awards.

The proposed text amendment is as follows:

Sec. 108-997. Period of allocations and ranking/review of applications.

(a) *Application and allocation period.* The annual building permit allocation period will begin in July of each year. ~~Applications will be accepted between the first of July and mid-September. Applications will be reviewed and ranked by city staff and the final determination of award will be made by the planning board no later than March 1. Based on the level of proposed development, development plan approvals will be reviewed by the relevant boards and commissions by May of each year.~~

(b) *Prerequisites.*

(1) *Prerequisite major construction/renovation* means the minimum standards for new development, including additions to existing structures, or redevelopment constituting more than 50% of the value of the building, required in order to be eligible to receive an allocation award from the BPAS system as follows:

a. All new units shall be constructed in compliance with and obtain a baseline green building certification.

- b. All new buildings shall be constructed so as to have the first habitable floor 1.5 feet above the required base flood elevation, with the exception of properties located within the historic zoning districts, where the applicant must first demonstrate that such elevation does not interfere with the essential form and integrity of properties in the neighborhood by obtaining a certificate of appropriateness.
- c. All new buildings shall be constructed with a rainwater catchment system that will hold a minimum of 1,000 gallons of water or an amount equivalent to 100% of the new roof area in gallons whichever is greater.

(2) *Prerequisite, minor renovation* means the minimum standards for redevelopment constituting less than 50% of the value of the building, required. In order to be eligible to receive an allocation award from the BPAS system applicants must demonstrate water and energy use 15% below the Florida Building Code using recognized energy and water rating standards.

(c) *Point system.* The city building permit allocation system application review and ranking process shall be administered by staff and shall be based on the point system established in the criteria listed below. The criteria shall apply to both affordable and non-affordable units proposed for construction. However, applicants for affordable unit awards shall compete only for other affordable housing unit allocations, and not for the market rate unit allocations.

(1) The following criteria and point system shall be utilized in the ranking of applications for development of three or more non-transient units as follows:

- a. Building more than 1.5' higher than the base flood elevation: 5 points.
- b. Exceeding the minimum required percentage of affordable housing: 5 points.
- c. Achieving Green Building Certification Upgrade 1: 30 points.
- d. Achieving Green Building Certification Upgrade 2: 40 points.
- e. Achieving Green Building Certification Upgrade 3: 60 points.
- f. Voluntary contribution to the arts in public places fund or tree fund in the amount of \$5,000.00 or more: 10 points.
- g. Design by a LEED accredited architect: 10 points.
- h. Providing electrical high voltage sized conduit for future electric car charging station near parking area: 5 points.
- i. Using light colored, high reflectivity materials for all non-roof/areas with a solar reflectance index (SRI) of at least 29: 10 points.
- j. Providing additional on-site open space or on-site recreational facilities: 10 points.
- k. Designing the buildings with a vegetated roof of at least 50% of the roof area: 15 points.

(2) The following applications for development of one or two non-transient units as follows: criteria and point system shall be utilized in the ranking of

- a. Building more than 1.5' higher than the base flood elevation: 5 points.
- b. Voluntarily providing affordable housing units: 10 points.
- c. Achieving Green Building Certification Upgrade 1: 30 points.
- d. Achieving Green Building Certification Upgrade 2: 40 points.
- e. Achieving Green Building Certification Upgrade 3: 60 points.
- f. Voluntary contributions to the arts in public places fund or tree fund in the amount of \$1,000.00 or more: 10 points.
- g. Design by a LEED accredited architect: 10 points.
- h. Providing electrical high voltage sized conduit for future electric car charging station near parking area: 5 points.
- i. Using light colored, high reflectivity materials for all non-roof/areas with a solar reflectance index (SRI) of at least 29: 10 points.
- j. Using light colored, high reflectivity roofing materials with a solar reflectance index (SRI) of at least 29: 5 points.
- k. Designing the buildings with a vegetated roof of at least 50% of the roof area: 15 points.

(d) *Application review process - review, ranking, initial announcement and final determination of award.* Applications received by the application closing date (~~mid-September~~) of each year will be evaluated by staff for completeness and applicants will be notified of any deficiencies in the application and be provided a timeframe within which deficiencies can be resolved. In the event that all market rate units are not claimed or applied for, after initial staff evaluation of the applications, any remaining market rate units may be awarded for affordable housing purposes.

Upon ranking, in the event that two applications are determined to have the same numerical ranking score, and units are not available to provide awards to both projects, a drawing of lots will determine the awardee. ~~Additionally, official ranking and initial announcement of award information shall be published by the planning department by December 15 of the application year.~~ Based on staff recommendation the planning board shall make the final determination of award, ~~by March 1 of the award year.~~

~~Applications that receive final determination of award by the planning board and that require development review shall be heard by the development review committee no later than March of the award year. Applicants will be given a limited period of time to amend their applications and will subsequently be scheduled for review by the planning board no later than May of the award year. If required, city commission review will be scheduled no~~

~~later than June, so that the allocation can be made no later than one year from the receipt of the application or July 13 of the award year.~~

(e) *Recovered units.* Building permits shall be obtained within two years of the final award date. If a building permit is not issued within that timeframe the allocated units will revert back to the city as a recovered unit for allocation during the following sequential award year. If the recovered units are not allocated within the next sequential award year such units will be returned to the department of economic opportunity for redistribution pursuant to provisions in the 2012 Hurricane Evacuation Modeling Memorandum of Understanding.

(f) *Affordable unit allocations.*

1. All units allocated as affordable are subject to subsections 122-1467(c), (d), (e), and (f) of the workforce housing ordinance.
2. Applicant eligibility requirements are subject to subsections 122-1469(2) through (15) of the workforce housing ordinance.
3. Affordable housing projects enabled by federal tax credit housing are not subject to [subsection] 122-1467(c).

(g) *Transient unit allocation process.* Regulations for the allocation of transient units shall be established by April 1, 2016.

(g) *Penalty.* For projects that fail to achieve the green building standard certification, as purported in the application for which the award was granted, final certificate of occupancy will not be awarded until such time that

City Actions:

Planning Board:	October 19, 2017
City Commission:	December 5, 2017 (first reading)
City Commission:	TBA (second reading)
DEO review period	Up to 45 days, following local appeal

Planning Analysis:

The purpose of Chapter 90, Article VI, Division 2 of the Land Development Regulations (“LDRs”) of the Code of Ordinances (the “Code”) of the City of Key West, Florida (the “City”), Sec. 90-516 is to provide a means for changing the boundaries of the Official Zoning Map. It is not intended to relieve particular hardships nor to confer special privileges or rights on any person, but only to make necessary adjustments in light of changed conditions. The Key West Planning Board held a public hearing on March 16, 2017 and forwarded to the City Commission its recommendation concerning the proposed zoning map amendment.

Options/Advantages/Disadvantages:

Option 1. Approve the text amendment to the City’s Land Development Regulations in order to streamline the application and allocation period of the Building Permit Allocation

System (BPAS). Additionally the text amendment proposes to clarify the review process, which includes the ranking, initial announcement and final determination of the BPAS awards as recommended by the Planning Board through Resolution 2017-46.

Consistency with the City's Strategic Plan, Vision and Mission: This would not be inconsistent with the City's Strategic Plan, Vision and Mission.

Financial Impact: There would be no direct financial impact to the City if the proposed change to the Land Development Regulations.

Option 2. Deny the City's Land Development Regulations in order to streamline the application and allocation period of the Building Permit Allocation System (BPAS). Additionally the text amendment proposes to clarify the review process, which includes the ranking, initial announcement and final determination of the BPAS awards.

Consistency with the City's Strategic Plan, Vision and Mission: There would be no direct financial impact to the City by the proposed change to the Land Development Regulations.

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

RECOMMENDATION:

As per Resolution 2017-46, the Planning Board recommends the **APPROVAL** of the text amendment to the Land Development Regulations.