

Background:

The Building Permit Allocation System (BPAS) is the City's primary tool to regulate new residential development growth. See www.cityofkeywest-fl.gov/bpas. The BPAS establishes minimum baseline standards for all new residential dwelling units and assures sustainability, environmental responsibility, human health and safety. The BPAS also helps ensure the City's infrastructure can accommodate the new residential growth while maintaining or improving the 24-hour hurricane evacuation time for permanent residents. The BPAS limits the amount of new permanent and transient residential development—including market-rate, affordable and transient housing—to 910 dwelling units from July 2013 to July 2023. The annual allocation will be 91 units based on the equivalency factors in Comprehensive Plan Policy 1-1-16.3 and City Code Section 108-994.

In March 2013, the Key West City Commission adopted amendments to the City's Comprehensive Plan through Ordinance No. 13-04 that included goals, objectives and policies for how the new dwelling units are to be awarded through the BPAS. In November 2013, the City Commission adopted amendments to the Land Development Regulations (LDRs). The amended LDRs implement the new BPAS application procedures and construction requirements, with heavy emphasis on green building, sustainable development and anticipating climate change. Key West is the first local government in the Florida Keys to adopt such policies in its BPAS.

How BPAS Works:

Key West's BPAS is setup to prioritize the award of building permits for new residential development to those project that demonstrate the highest level of commitment to green building and sustainable development. The BPAS is a competitive, point-based system. Applications are scored and ranked from highest to lowest score, with the highest scores being earned by projects that voluntarily choose to seek higher levels of green building certification and implement more green construction features. Currently, projects compete in two main categories: market-rate (non-transient) and affordable (non-transient). (Only non-transient units are available in BPAS Years 1 through 3; a third category of transient units, up to 10 transient per year, will be available in BPAS Years 4 through 10.)

Prerequisites:

All BPAS applications have prerequisites that must be met to be eligible for a BPAS award. The applicable prerequisites are determined based on whether a project involves new construction or a major renovation, or involves a minor renovation.

- New construction and major renovations (construction costs equal to 50% or more of existing building value) must:
 - Be constructed in compliance with a Baseline Green Building Certification, which means at least LEED Certified or FGBC Bronze;
 - Elevate the first habitable floor at least 1.5 feet above the minimum FEMA based flood level (except contributing structures within the historic district); and
 - Have a rainwater catchment system holding at least 1,000 gallons or 100% of new roof area in gallons, whichever is greater.
- Minor renovations (construction costs less than 50% of existing building value) must:
 - Demonstrate water and energy use 15% below the Florida Building Code

Point System:

In addition to the prerequisites, applicants may earn BPAS points by voluntarily selecting additional green building features. BPAS is a competitive, point-based system. Each project is evaluated and ranked based on its total score. Applications with the highest score will be ranked first, and awarded in that order. The BPAS point system is divided into:

- Applications for one or two non-transient units on one development site
- Applications for three or more non-transient units on one development site.

For example, applicants can earn points by opting to build higher than 1.5 feet above the base flood elevation, achieving a higher green building certificate level (such as Silver, Gold or Platinum) and using high solar reflectivity materials for roofs and non-roof surfaces.

After BPAS Award:

In no case will the City issue a building permit for new residential construction prior to the Final Determination of Award by the Planning Board. Any and all necessary City development approvals and building permits must be obtained within two years of a Final Determination of Award. If permits are not obtained within two-year period, the awarded units revert back to the City for reallocation.

Enforcement:

If a project fails to achieve the Green Building Standard Certification as purported in the BPAS application for which the award was granted, a final Certificate of Occupancy will not be awarded until such time the applicant is able to achieve the Green Building Standard. All applicants for BPAS must sign affidavits attesting that all proposed BPAS points will be implemented, including the intended level of green building certification.

Year 1 BPAS Application Process:

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| Application materials available: | April 21, 2014 |
| Application period opened: | June 2, 2014 |
| Application period closed: | September 2, 2014 at 5:00 PM |
| Staff comments distributed: | October 23, 2014 |
| Deadline to revise applications: | November 24, 2014 |
| Staff review and final scoring: | December 2014 – January 2015 |
| Final Determination of Award: | February 4, 2015 |
| Local appeal period: | 10 Days |
| DEO review: | Up to 45 days, following local appeal period |