

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA
AMENDING CHAPTER 108 OF THE CODE OF
ORDINANCES, ENTITLED “PLANNING AND
DEVELOPMENT” BY AMENDING SECTION 108-997 -
“PERIOD OF ALLOCATION AND RANKING/REVIEW OF
APPLICATIONS” OF THE LAND DEVELOPMENT
REGULATIONS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR REPEAL OF INCONSISTENT
PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the City of Key West finds that it is necessary to clarify Section 108-997 pertaining to the allocation and ranking/review period of the Building Permit Allocation System (BPAS), and presented to the Planning Board for approval of Resolution 2017-46 at its regular meeting held on October 19, 2017 ; and

WHEREAS, an amendment to Section 108-997 of the Code of Ordinances will promote the welfare of the citizens and visitors of the City of Key West.

NOW, THEREFORE BE IT RESOLVED by the City Commission of the City of Key West, Florida:

Section 1. That Section 108-997 of the Code of Ordinances is hereby amended 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.

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- (Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.)

(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.

(h) *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 the applicant is able to establish that the green building standard has been achieved.

Section 2. 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 provision of this Ordinance shall be deemed severable therefrom and shall be constructed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed by the City Commission at a regular meeting held this _____ day of _____, 2018.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2018.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2018.

Filed with the Clerk _____, 2018.

Mayor Craig Cates	_____
Commissioner Samuel Kaufman	_____
Vice Mayor Clayton Lopez	_____
Commissioner Richard Payne	_____
Commissioner Margaret Romero	_____
Commissioner Billy Wardlow	_____
Commissioner Jimmy Weekley	_____

CRAIG CATES, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK