

RESOLUTION NO. 17-232

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN ADJUSTMENT TO CITY OF KEY WEST HISTORIC ARCHITECTURAL REVIEW COMMISSION (HARC)/PLANNING DEPARTMENT FEES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 90-487(b) of the Code of Ordinances allows the City Commission to establish fees, charges and expenses imposed by the Land Development Regulations by resolution; and

WHEREAS, the City Commission finds that an adjustment to the Planning Department Fee Schedule, particularly HARC fees, is necessary to ensure that costs associated with implementing the Land Development Regulations are borne by those parties deriving the benefit of such services; and

WHEREAS, the City Commission finds the proposed fees are commensurate with anticipated costs.

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

Section 1: That the fees specified in the memorandum from Historic Preservation Planner Enid Torregrosa-Silva through

Patrick Wright, Planning Director, dated for meeting date October 3, 2017, with attached schedule of fees (attached "Exhibit A"), are hereby approved.


Section 2: That this Resolution 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.

Passed and adopted by the City Commission at a meeting held this 3rd day of October, 2017.

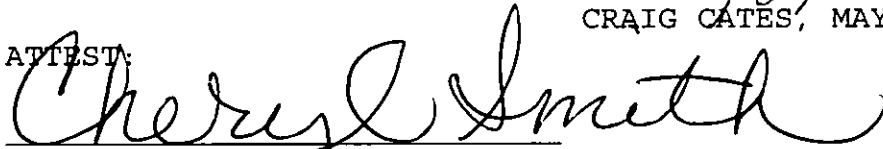
Authenticated by the Presiding Officer and Clerk of the Commission on 4th day of October, 2017.

Filed with the Clerk on October 4, 2017.

Mayor Craig Cates	<u>Yes</u>
Vice Mayor Clayton Lopez	<u>Yes</u>
Commissioner Sam Kaufman	<u>Yes</u>
Commissioner Richard Payne	<u>Yes</u>
Commissioner Margaret Romero	<u>Yes</u>
Commissioner Billy Wardlow	<u>Yes</u>
Commissioner Jimmy Weekley	<u>Yes</u>

  
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CRAIG CATES, MAYOR

ATTEST:

  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK

## EXECUTIVE SUMMARY



**To:** Jim Scholl, City Manager

**Through:** Patrick Wright  
Planning Director

**From:** Enid Torregrosa-Silva, MSHP  
Historic Preservation Planner

**Meeting Date:** October 3, 2017

**RE:** Amendments to HARC Fee Schedule

### **ACTION STATEMENT:**

Request: A resolution from the City Commission to revise current fees for applications processed by the Historic Architectural Review Commission.

### **BACKGROUND:**

In February 20, 2013, the City Commission approved Resolution 13-056, amending Planning Department fees, including new application fees for Certificates of Appropriateness or "HARC applications". The resolution established an application fee for all submittals of Certificates of Appropriateness, as well as a HARC final inspection fee to assure that the execution of a project is according to plans approved by HARC.

In the past two years, the city has re-engineered the Building Department review process, by requesting specific departments to review construction plans to assure compliance with each field before obtaining a final building permit. This change puts the review of architectural details and preservation methodologies on construction plans under HARC staff rather than on the building department, who oversees Building Codes regulations.

Also in the past years building department inspectors, who are trained to oversee building code issues rather than architectural details, have performed HARC final inspections. The increase of application fees as well as construction plans review fees for compliance with HARC regulations will generate necessary funds to cover the need of staff that can assure completeness, quality and compliance in proposed and executed projects, a work currently done by only two HARC staff members and the building department inspectors.

### **Previous City Actions:**

October 16, 2013 City Commission Resolution 13-18  
(HARC application and inspection fees)

February 20, 2013 City Commission Resolution 13-056  
(Amendment of Planning Department fees and addition of HARC  
fees for verification letter of historic status)  
July 2, 2008 City Commission Resolution 08-196  
(Amendment of Planning Department fees and HARC fees)

**Planning Staff Analysis:**

In the last fiscal year HARC's staff reviewed 867 building permits applications in conformance with HARC regulations. In addition, HARC received 1,955 Certificate of Appropriateness applications. Among the 1,955 received applications, the Commission reviewed 131 projects, with application fees totaling \$13,100. The Planning Department as well as HARC members opine that the actual \$100.00 application fee does not cover all invested resources in projects that HARC reviews through meetings. All projects that are schedule to a HARC meeting are either projects that, do not comply with current guidelines, or projects that proposes changes to an existing building or site like alterations, additions, relocations or demolitions of contributing, historic or certain non-historic buildings or structures.

It is staff's observation that the City needs to recover a portion, not all, of the costs of providing HARC services provided to citizens recognizing that the Planning Department is not a self-funding enterprise district or cost center. It is important to clarify that fees for regular maintenance or small projects that comply with regulations, like painting a building or structure, changing rotted or damaged doors, windows, siding, roofing systems, mechanical equipment, or small projects like certain demolitions of non-historic structures, paving, pools and large maintenance projects, **will not be changed** under the requested amendments.

In addition, these new HARC Schedule Fee provide specific types of projects and services citizens can find as part of the Historic Architectural Review Commission and their staff duties. It is the opinion of the Planning Department that the fee revisions will generate sufficient funds for future positions required by the HARC Commission to fulfill their duties as stipulated under the City's Charter and the Land Development Regulations.

**Options/Advantages/Disadvantages:**

**Option 1:** Approve the proposed amendments to HARC fees.

- 1. Consistency with the City's Strategic Plan, Vision, and Mission:** This action would provide enhanced services consistent with mission and vision of the City.
- 2. Financial Impact:** There will be a direct positive impact to the City by providing better recovery of the costs of providing personnel for the HARC function to serve citizens.

**Option 2:** Approve some of the fees or modify proposed fees.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** This action would provide enhanced services consistent with mission and vision of the City
2. **Financial Impact:** There will be a direct positive impact to the City by providing better recovery of the costs of providing personnel for the HARC function to serve citizens.

**Option 3:** Do not approve the addition of fees and fee clarification.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** This action would not be consistent with providing cost effective services for the citizens wherein the applicant for a discretionary service pays for that privilege.
2. **Financial Impact:** There would continue to be a negative impact on the fiscal health of the City in that fees are not collected for professional services provided.

### **Recommendation**

The Planning Department recommends Option 1 of the proposed resolution to amend HARC fees.



**HARC FEE SCHEDULE (PROPOSED OCTOBER 2017)**  
**CITY OF KEY WEST, FLORIDA • PLANNING DEPARTMENT**  
 1300 White Street • Key West, Florida 33040-4602 • [www.cityofkeywest-fl.gov](http://www.cityofkeywest-fl.gov)

As adopted by City Commission Resolution No. 17-\_\_\_\_\_ on October \_\_\_\_, 2017.

<b>Application Type</b>	<b>Current Fees</b>	<b>Proposed Fees</b>
<b>Certificate of Appropriateness (HARC) Application Fee:</b>		
Minor Project- <u>Staff approved projects</u>	\$50.00	\$50.00
Residential Painting- <u>Staff approved painting</u>	\$10.00	\$10.00
Commercial Painting - <u>Staff approved painting</u>	\$50.00	\$50.00
<u>Demolitions</u>	<del>\$50.00</del>	
Major Projects <b>Base Fee- Commission review projects</b> Plus the Following Schedule if The Project Proposes:	\$100.00	\$400.00
<u>Demolition of non-historic or non-contributing structures</u>		\$100.00
<u>Demolition of historic or contributing structures</u>		\$200.00
<u>Relocation of a structure on its current site</u>		\$200.00
<u>Relocation of a structure on another site</u>		\$300.00
<u>Request of non-contributing value</u>		\$300.00
<u>Nomination for contributing resource or review a nomination for the National Register of Historic Places</u>		\$150.00
Mural Projects		\$100.00
<b>Building Permits Application for Consistency</b>		
<b>With HARC Regulations Review Fee – Base on Construction Cost</b>		
Costs less than \$2,500	\$25.00	\$25.00
Costs \$2,501 - \$15,000	\$ 50.00	\$50.00
Costs \$15,001 - \$25,000	\$100.00	\$250.00
Costs \$25,001 - \$50,000	\$125.00	\$350.00
<del>Costs \$50,001 – \$100,000</del>	<del>\$ 150.00</del>	
<del>Costs \$100,001 – \$200,000</del>	<del>\$200.00</del>	
<del>Costs \$200,001 – \$300,000</del>	<del>\$250.00</del>	
<del>Costs \$300,001 – \$400,000</del>	<del>\$300.00</del>	
<del>Costs \$400,001 – \$500,000</del>	<del>\$400.00</del>	
<del>Costs \$500,001 – \$1,000,000</del>	<del>\$500.00</del>	
<del>Costs \$1,000,001 or more</del>	<del>\$1,000.00</del>	
<u>Costs more than \$50,001 - \$350.00 plus \$35.00 per additional \$ 20,000.00 or fraction of</u>		
<u>HARC Final Inspection Fees</u>	\$25.00	\$25.00
<u>Additional HARC Final Inspection Fee</u>		\$35.00
<u>Verification Letter for Historic Status</u>	\$400.00	\$400.00
<b>Economic Hardship Application Fee</b>		
<u>Residential Owner with Homestead</u>		\$15.00
<u>Residential Owner without Homestead</u>		\$50.00
<u>All Commercial properties</u>		\$100.00
<u>HARC Certificate Of Appropriateness Appeals</u>		\$500.00
<b>All Fees Will Be Double For All After The Fact Projects</b>		

RESOLUTION NO. 13-056

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, APPROVING AN ADJUSTMENT TO CITY OF KEY WEST PLANNING DEPARTMENT FEES; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 90-487 of the Code of Ordinances allows the City Commission to establish fees, charges and expenses imposed by the Land Development Regulations by resolution; and

WHEREAS, the City Commission finds that an adjustment to the Planning Department Fee Schedule is necessary to ensure that costs associated with implementing the Land Development Regulations are borne by those parties deriving the benefit of such services; and

WHEREAS, the City Commission finds the proposed fees are commensurate with anticipated costs.

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

Section 1: That the fees specified in the memorandum from Planning Director, dated September 21, 2012 (attached "Exhibit A"), are hereby approved.

Section 2: That this Resolution 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.

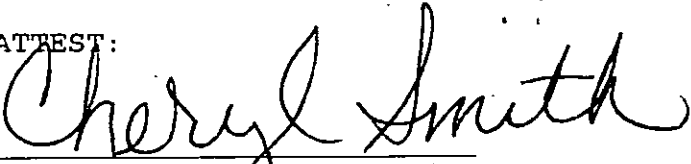
Passed and adopted by the City Commission at a meeting held this 20th day of February, 2013.

Authenticated by the presiding officer and Clerk of the Commission on February 20, 2013.

Filed with the Clerk February 21, 2013.

  
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CRAIG CATES, MAYOR

ATTEST:

  
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CHERYL SMITH, CITY CLERK