

EXECUTIVE SUMMARY



To: Jim Scholl, City Manager

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: April 3, 2012

RE: Amendments to HARC guidelines- Solar energy collectors or other energy production devices

ACTION STATEMENT:

Request: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR SOLAR ENERGY COLLECTORS OR OTHER ENERGY PRODUCTION DEVICES AS REFERENCED IN SECTION 90-142 OF THE CODE OF ORDINANCES OF THE CITY OF KEY WEST, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.

Location: Historic Zoning Districts and contributing buildings and structures outside of the historic district listed in the city historic preservation survey

BACKGROUND: Sustainability and energy efficiency in the historic district and historic structures has been issues of great concern among the citizens of Key West. During the past year the historic architectural review commission (HARC) initiated modifications to the Historic Architectural Guidelines to clarify and strengthen the review process when a citizen submits a Certificate of Appropriateness application for solar energy collectors or other energy production devices. After numerous public meetings where draft language was reviewed and discussed, HARC recommended approval of proposed guideline changes on May 24, 2011. On November 16, 2011 the Planning Board approved the proposed changes.

The new proposed "*solar energy collectors or other energy production devices*" provisions offer informative guidance to citizens and general public on the appropriateness of the installation of energy production devices without affecting the historical character of the district and of historic buildings. Importantly, because many of these devices can adversely affect the historic fabric of a building and the overall integrity of the historic district, which is listed in the National Register of Historic Places, the guidelines are necessary.

The proposed guidelines are objective and promote a hierarchy of preferred locations while requiring technical data from the applicant seeking a Certificate of Appropriateness.

Throughout the process of drafting the proposed guidelines, HARC has focused on underlying historic preservation and aesthetic policy issues. The building official, HARC planner, planning director, and legal department have worked with HARC on more technical aspects of guideline preparation.

HARC Guidelines are generally not discretionary. Since 2002 the Guidelines have been incorporated by reference into the Land Development Regulations, Sec. 90-142, and therefore they are regulatory tools. Any amendment to the Guidelines must follow the same process as an amendment to the Land Development Regulations.

PREVIOUS CITY ACTIONS:

HARC Recommendation of Approval:	May 24, 2011
Planning Board Approval:	November 16, 2011

PROCESS: The ordinance will require two City Commission readings for adoption. Absent any appeals, the ordinance will be rendered to the DCA, who will have 60 days to issue an order of consistency. A draft and the final version of the ordinance will be sent to the State of Florida Department of State Division of Historical Resources as required by the city’s Certified Local Government Agreement.

REVIEW CRITERIA:

Land Development Regulations and City’s Comprehensive Plan: Section 90-522 of the Code outlines key review criteria for any changes to the Land Development Regulations. A review of the proposed ordinance relative to the criteria is provided below.

Sec. 90-522. Planning Board review of proposed changes in land development regulations.

(a) The planning board, regardless of the source of the proposed change in the land development regulations, shall hold a public hearing thereon with due public notice. The planning board shall consider recommendations of the city planner, city attorney, building official and other information submitted at the scheduled public hearing. The planning board shall transmit a written report and recommendation concerning the proposed change of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.

The city attorney’s office, building official and planning director have worked together to review the guideline modifications proposed by HARC and to recommend changes to improve clarity and consistency with the overall Land Development Regulations and Building Code.

Sec. 90-521. Criteria for approving amendments to official zoning map.

In evaluating proposed changes to the official zoning map, the city shall consider the following criteria:

(1) *Consistency with plan.* Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure, minimum levels of service standards and the concurrency management program.

The City's Comprehensive Plan includes a Historic Preservation Element as part of the Future Land Use Element. Goals, Objectives and Policies in the sub-element support the identification and protection of historic resources in the City. Comprehensive Plan Policy 1A-5.1.4, entitled "Maintain Unique Architectural Heritage of Historically Significant Housing Resources" requires that the City amend Land Development Regulations to "incorporate criteria for maintaining the unique architectural heritage of the Historic District's housing." Policy 1A-1.2.1, entitled "HARC Guidelines" requires the City and HARC to "protect historically significant structures and historic districts by periodically updating the HARC Guidelines." Also Policy 1A-1.3.3, Entitled "Apply HARC Guidelines and Federal Standards in "reviewing and approving development proposals". The proposed ordinance is consistent with these and related Goals, Objectives and Policies in the Comprehensive Plan.

Because the proposed ordinance does not impact density or intensity, it will have no impact on minimum levels of service or concurrency determinations as established by the Comprehensive Plan.

(2) *Conformance with requirements.* Whether the proposal is in conformance with all applicable requirements of the Code of Ordinances.

The proposed ordinance is in conformance with the Code and the procedures for amending both HARC Guidelines and other aspects of the Land Development Regulations will be followed and are supported by this report.

(3) *Changed conditions.* Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether such changes support or work against the proposed rezoning.

There are no changed conditions or regulations associated with this proposed ordinance. HARC, in the course of the conduct of its duties has found that modifications to the Guidelines as suggested will support historic preservation in the City.

(4) *Land use compatibility.* Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and location of uses involved.

The proposed ordinance will have no impact on land uses.

(5) Adequate public facilities. Whether, and the extent to which, the proposal would result in demands on public facilities and services, exceeding the capacity of such facilities and services, existing or programmed, including transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services. Rezoning does not constitute a concurrency determination, and the applicant will be required to obtain a concurrency determination pursuant to chapter 94.

The proposed ordinance is intended to address HARC Guidelines and will have no negative impact on concurrency requirements or the provision of public facilities. The ability to place solar collectors on historic structures will be positive for the natural environment.

(6) Natural environment. Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetlands protection, preservation of groundwater aquifer, wildlife habitats, and vegetative communities.

The proposed ordinance is intended to address HARC Guidelines and will have no impact on the natural environment.

(7) Economic effects. Whether, and the extent to which, the proposal would adversely affect the property values in the area or the general welfare.

The proposed ordinance promotes the preservation of the historic character and the integrity of the historic district. This proposal creates a balance between sustainability issues and historic preservation. Protecting the historic fabric of buildings and the historic district tends to maintain and increase property values, since historic districts and buildings are unique and tend to have higher real estate values than the rest of the City.

(8) Orderly development. Whether the proposal would result in an orderly and compatible land use pattern. Any negative effects on such pattern shall be identified.

The proposed modifications will support an orderly and compatible land use pattern; the guideline modifications reflect HARC policy direction and provide consistency throughout the code.

(9) Public interest; enabling act. Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose and interest of the land development regulations in this subpart B and the enabling legislation.

The proposed ordinance does not appear to be in conflict with the public interest. By the contrary, the proposed guidelines modifications were created after a consensus between sustainability and historic preservation advocates was achieved. The proposed guidelines provide specific standards as to how HARC will review Certificates of Appropriateness

for installation of solar energy collectors or other energy production or restoration devices.

(10) Other matters. Other matters which the planning board and the city commission may deem appropriate.

Other matters have not been identified at this time.

City's Strategic Plan: The 2011 Strategic Plan that the City Commission approved by Resolution 11-171 includes under The Environment the following goals:

Goal #1: A natural environment that enhances the “Key West experience” for residents and visitors alike

Objective: Ongoing protection and monitoring of our local environment

Initiatives:

- **Implement the Guidelines spelled out in the Key West Climate Action Plan in each city department using the recommended checklist process to be signed and posted on the city website annually**

The proposed guidelines address a main issue on sustainability and historic preservation and how both can be achieved without jeopardizing the historic character of our historic district and individually recognized contributing structures. The new proposed “*solar energy collectors or other energy production devices*” provisions provide objective guidelines to our citizens on how energy production devices can be installed without compromising the historic character of Old Town and historic buildings.

Under the Key West Climate Action Plan there are specific recommendations for the revision of HARC guidelines. One of those recommendations includes the revision of actual guidelines for solar collector devices. This proposed ordinance achieves such suggestions.

Options/Advantages/Disadvantages:

Option 1: Approve the proposed ordinance.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** The Strategic Plan includes natural environment issues and mentions the Climate Action Plan which includes specific recommendations regarding revisions to HARC guidelines for solar collector devices.
2. **Financial Impact:** The proposed ordinance will not have any financial impact to the city.

Option 2: Do not approve the proposed ordinance.

1. **Consistency with the City's Strategic Plan, Vision, and Mission:** The Strategic Plan includes natural environment issues and mentions the Climate Action Plan which includes specific recommendations regarding revisions to HARC guidelines for solar collector devices. If not approved there will be no revisions to the recommendations incorporated in the Climate Action Plan regarding HARC guidelines.

2. **Financial Impact:** There is no direct financial impact to the city if the ordinance is not adopted.

Recommendation

The Planning Department recommends **approval** of Option 1.