



## EXECUTIVE SUMMARY

**To:** Jim Scholl, City Manager

**Through:** Thaddeus Cohen, Planning Director

**Meeting Date:** December 2, 2015

**RE:** Amendment to 1% Public Art Set-Aside in Development Program

**Action Statement:** **ADOPTION OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 2 ENTITLED “ADMINISTRATION,” ARTICLE V ENTITLED “COMMITTEES, BOARDS AND COMMISSIONS,” DIVISION 8 ENTITLED “ART IN PUBLIC PLACES BOARD” OF THE CODE OF ORDINANCES BY AMENDING SECTION 2-486 ENTITLED DUTIES AND AMENDING SECTION 2-487 ENTITLED “FUNDING OF ART IN NEW CONSTRUCTION AND MAJOR RENOVATION PROJECTS” BY MODIFYING THE METHOD IN WHICH THE ACCOUNTING AND USE OF FUNDS ARE UTILIZED, CLARIFYING AND ELABORATING CERTAIN PROVISIONS OF THE PROGRAM AND ADDING PROCEDURES FOR EFFICIENT IMPLEMENTATION OF THE PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**Request:** Approval of an Ordinance to amend Chapter 2, Article V, Division 8, Sections 2-486 and 2-487 of the City’s Code of Ordinances to modify the method in which the accounting and use of funds are utilized and add an additional procedure for efficient implementation.

**Location:** City wide

**Strategic Plan:** The proposed Ordinance is consistent with the 2011 Strategic Plan’s Environment Goal #2: the City’s built environment reflects and supports Key West values, architectural history and mixed uses; Culture Goal #1: the identification and promotion of the “unique” character and culture of Key West; Culture Goal #2: Key West seen as a viable destination for “Cultural Tourism;” and Culture Goal #3: The arts are an integral part of the living environment in Key West.

**Background:** The City Commission created the City’s 1% Public Art Set-Aside in Development Program (the “Program”) through adoption of Ordinance No. 11-01 on January 18, 2011. The Program

provides that 1% of the construction costs of new construction projects exceeding \$500,000 that qualify as a Major Development Plan and renovation projects exceeding \$100,000 that qualify as a Major Development Plan be set aside for the commission and installation of works of art to be placed on the site of construction or renovation project. The Program also gives the developer the option of paying a fee in-lieu of installing on-site artwork. The ordinance stated that the 1% appropriation be collected by the City at the times of issuance of building permits and certificates of occupancy.

After adoption of Ordinance No. 11-01, the City Commission approved staff recommendation to amend the ordinance to change the way the fee is collected for private development projects and to elaborate on how the program is supposed to be implemented.

Since the new implementation, members of the Key West Art in Public Places (AIPP) Board have provided feedback and have requested additional changes to the existing ordinance in order to add a much needed AIPP Coordinator position and to modify the accounting and use of in-lieu funds.

**Planning Staff Analysis:**

In preparing the proposed amendment, staff coordinated with the Key West’s Art in Public Places (AIPP) Board, who provided feedback and approved moving forward with the proposed amendment.

Therefore, the main reasons for the proposed amendment are to aid the AIPP Board by expanding how the in-lieu fees can be utilized.

The proposed ordinance:

- Provides options for non-profit organizations to have their public art fund set aside requirement waived, all or in part by City Commission action;
- Adds to the current list of how the accounting and use of in-lieu funds can be utilized, including covering the cost of the AIPP Coordinator position.

Because the ordinance is essentially being rewritten, it is important to note the key elements of the Program as adopted through Ordinance No. 11-01 that are not being revised:

- The 1% public art set-aside based on construction costs is unchanged;
- The types of applicable construction and renovation projects are unchanged; and
- The option to pay a fee in-lieu of on-site artwork is unchanged.

**Previous City Actions:**

Art in Public Places Board  
City Commission, 1<sup>st</sup> Reading

October 19, 2015 - Review of draft ordinance  
December 2, 2015

**Options / Advantages / Disadvantages:**

**Option 1: Adoption of the proposed Ordinance.**

- 1. Consistency with the City's Strategic Plan, Vision, and Mission:** The proposed Ordinance is consistent with the Strategic Plan's environment and culture goals of integrating art into the built environment and promoting Key West's unique character.
- 2. Financial Impact:** None. Adoption of the proposed Ordinance would help avoid the costs of having additional staff time administering the Program, which means additional staff review and administration costs.

**Option 2: Do not adopt the proposed Ordinance.**

- 1. Consistency with the City's Strategic Plan, Vision, and Mission:** Staff and the AIPP Board would be unable to facilitate better implementation of the Program.
- 2. Financial Impact:** None. However, the costs mentioned above would continue.

**Recommendation:**

The Planning Department recommends the City Commission **APPROVE** the proposed Ordinance on first reading.