

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AMENDING THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR WINDOWS AND SHUTTERS AS REFERENCED IN SECTION 90-142 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 102-2 of the Land Development Regulations requires applicants for building permits within any historic preservation district or other designated historic site or resource to comply with the city's Historic Architectural Review Commission's (HARC) Historic Architectural Guidelines; and

WHEREAS, amendments to the Historic Architectural Guidelines are initiated by the HARC from time to time to better preserve the character and appearance of the historic preservation districts and other designated historic site or resources; and

WHEREAS, Section 90-142 of the Land Development Regulations incorporates the Historic Architectural Guidelines by reference; and

WHEREAS, amendments to the Historic Architectural Guidelines must follow the same procedural requirements as amendments to the Land Development Regulations as specified in Sections 90-516 - through 90-524 of the Code of Ordinances; and

WHEREAS, the HARC initiated changes to the Historic Architectural Guidelines to update guidelines relevant to windows and shutters in buildings to mitigate vulnerabilities due to natural hazards while maintaining the historic character of the district and buildings; and

WHEREAS, the City's 2021-2024 Strategic Plan *Key West Forward*, includes under Priority 2 Adaptation and Sea Level Rise, long term adaptation strategies for key issues that are impacted by climate change; and

WHEREAS, it is the intent of the HARC to allow for increased modern storm protection measures such as impact windows, doors and shutters while maintaining the essence of Key West's historic district. These measures attempt to assist homeowners and businesses to employ energy savings devices as contemplated by F.S. 163.04, while not making the installation of such devices beyond the ability to afford for those who qualify for financial hardship pursuant to Sec. 102-188.

WHEREAS, the planning board held a noticed public hearing on _____, 2022, where based on the consideration of recommendations by the HARC staff and planning director recommended approval of the proposed amendments;

WHEREAS, the City determined that the proposed amendments to the HARC Guidelines for windows and shutters are consistent with the Comprehensive Plan; in conformance with all applicable requirements of the Code of Ordinances; are stimulated by changed conditions after the effective date of the existing regulation; will promote land use compatibility; will not result in additional demand on public facilities; will have no impact on the natural environment; will not negatively impact property values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

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

Section 1. Chapter VI. Historic Architectural Guidelines in Key West's Historic District, for windows and shutters, of the Historic Architectural Guidelines dated May 14, 2002, are amended as follows:

[*Coding: Added language is underlined; deleted language is ~~struck through~~.]

~~Windows, Pages 29-30;~~

~~Historical structures in Key West traditionally had wooden 6/6 double hung sash windows. However, 2/2 double hung sash windows were also common and some 20th century buildings used 1/1 or 3/1 double hung sash. Window design is an important component of architectural design and particular care must be taken to prevent not to change, damage or destroy character-defining materials or features in the process of rehabilitation. Stained glass was rarely found in residential or commercial buildings in Key West with the exception of small transom windows of cranberry or ruby glass over the main doorway.~~

~~1. Original windows should be repaired by patching, stripping, reinforcing or rebuilding to prevent replacement of historical windows whenever possible.~~

~~2. Historical window features including frames, sashes, thin muntins, glazing, sills, jambs, and moldings should be preserved. In kind replacement of deteriorated features is recommended whenever feasible. For example, most historic structures in Key West had putty-glazed windows. Contemporary double hung replacement windows with thick muntins are not appropriate. (Manufacturers specifications are required with submittal).~~

~~3. Replacement windows on contributing structures should be made to fit the original window opening without the use of blocking or infill. Such replacement windows, sills, muntins, sashes, surrounds and other window features should be of similar and compatible configuration, material, size, design, and placement as those of original windows.~~

~~4. Replacement windows on non-contributing buildings may be of a different style that is compatible with the character of the building and its neighborhood.~~

~~5. The addition of new window openings on primary elevations of contributing buildings is not appropriate unless documentation exists showing historic appropriateness.~~

~~6. HARC may allow the addition of new window openings on secondary elevations as long as the historic visual integrity of the structure or the surrounding district is not adversely affected.~~

~~7. Window glazing shall be *clear and transparent untinted, nonreflecting glass*. Replacement glazing on contributing structures should match the original as closely as possible.~~

~~8. The use of *laminated impact-resistant glass, wind resistant films, glass or Plexiglas*, which does not alter the appearance of windows on the exterior, is allowed. Materials~~

~~and details should be selected so as to minimize visual impact on the historic structure.~~

~~9. Stained glass may not be used on the primary or publicly visible elevations of a building unless it can be documented as historically original. The use of stained glass on primary facades is usually inappropriate because it was not historically used in Key West with the exception of church window installations.~~

~~10. Original windows, transoms or sidelights may not be moved, changed in size, shape or design, boarded up or bricked over.~~

~~11. Wood or metal жалousies may be appropriate if proportioned properly with respect to the façade and if they are historically appropriate to the design of the building. Aluminum windows are generally inappropriate on contributing structures.~~

~~Shutters, Pages 30-31;~~

~~Exterior features such as shutters and blinds are an integral part of Key West architecture and should be preserved and/or replaced accurately to retain the full beauty of the architecture. Wooden shutters are significant features that define the historic character of many Key West buildings. Historically, shutters in Key West were operable wood-~~

~~louvered, solid board, or steel. Both top-hinged Bahama style shutters and side-hinged shutters were common.~~

~~1. Historic shutters should be retained, repaired and preserved whenever possible.~~

~~2. If existing shutters are too deteriorated to repair, they should be replaced on an in-kind basis with functional shutters of similar design made of rot-resistant woods such as cedar, cypress or pressure-treated pine in proportion to the design of the window openings.~~

~~3. The design of replacement shutters should be based on physical evidence of original shutters or photographic documentation of the specific building or buildings of a similar style.~~

~~4. Replacement shutters should be designed to fit the proportions of the window openings.~~

~~5. In addition to traditional shutters, removable hurricane and storm panels that are stored when not in use are an allowed and preferred alternative for insuring the safety of historic structures. Tracks for removable shutters should be painted to match the existing surface paint colors.~~

~~6. Roll-down and accordion hurricane shutters may be allowed on new commercial structures and may be appropriate on other types of buildings when reasonably concealed. These shutters will be considered on a case-by-case basis. Aluminum shutters may also be allowed on some non-contributing structures and in new construction where appropriate.~~

Guidelines for Windows, Storefronts, Shutters and Window Protection

Intent

It is the intent of the Historic Architectural Review Commission to recognize the installation of energy savings devices pursuant to F.S. 163.04, while balancing the interests of preserving the historic essence of Key West's historic district. HARC specifically finds that these measures will serve to allow for the installation of such devices that also have the benefit of assisting homeowners and businesses in wind mitigation insurance credits, which also serves to reduce the cost of ownership in Key West, in compliance with F.S. 163.04(4). Considerations of financial hardship shall also be made pursuant to Sec. 102-188 of the Code of Ordinances.

Windows

Windows are a character-defining element and a significant architectural component of every historic building in Key West. Historically, most residential and mixed-use frame vernacular buildings built prior 1945 had wooden, double sash true divided-lite windows in a variety of configurations such as, 6 over 6, 2 over 2, 3 over one, 4 over 4, or 1 over 1. Wood muntins for true-divided-lite windows were predominantly 5/8" and 7/8" thin. Casement wood windows were also used but less frequently.

Commercial and institutional buildings generally had steel double sash, casement, or projecting windows. In 1945, new window types, such as metal or glass jalousies as well as awning windows were manufactured, making their availability a popular option for new construction or replacement for old windows.

The location of a window, visual characteristics, materials, proportions, details, and its opening dimension are significant elements that are taken into consideration when analyzing the appropriateness of any design solution pertaining windows.

Common window types historically used in Key West



Double-Hung true divided-lite wood window



Casement true divide-lite wood window



Aluminum jalousie window



Glass jalousie window



Awning window

Common double sash window configurations historically used in Key West



1 over 1



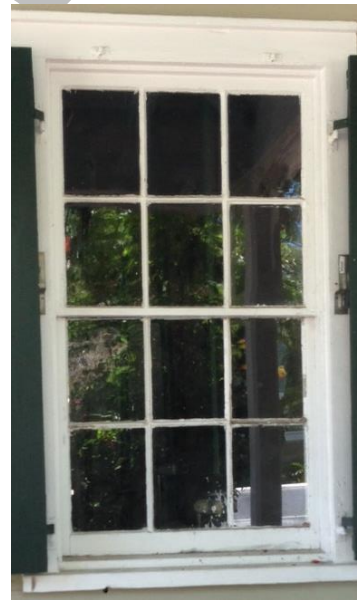
2 over 2



3 over 1



4 over 4



6 over 6

The Secretary of the Interior's Standards Guidelines, which are used as a guide, are formulated using four criteria:

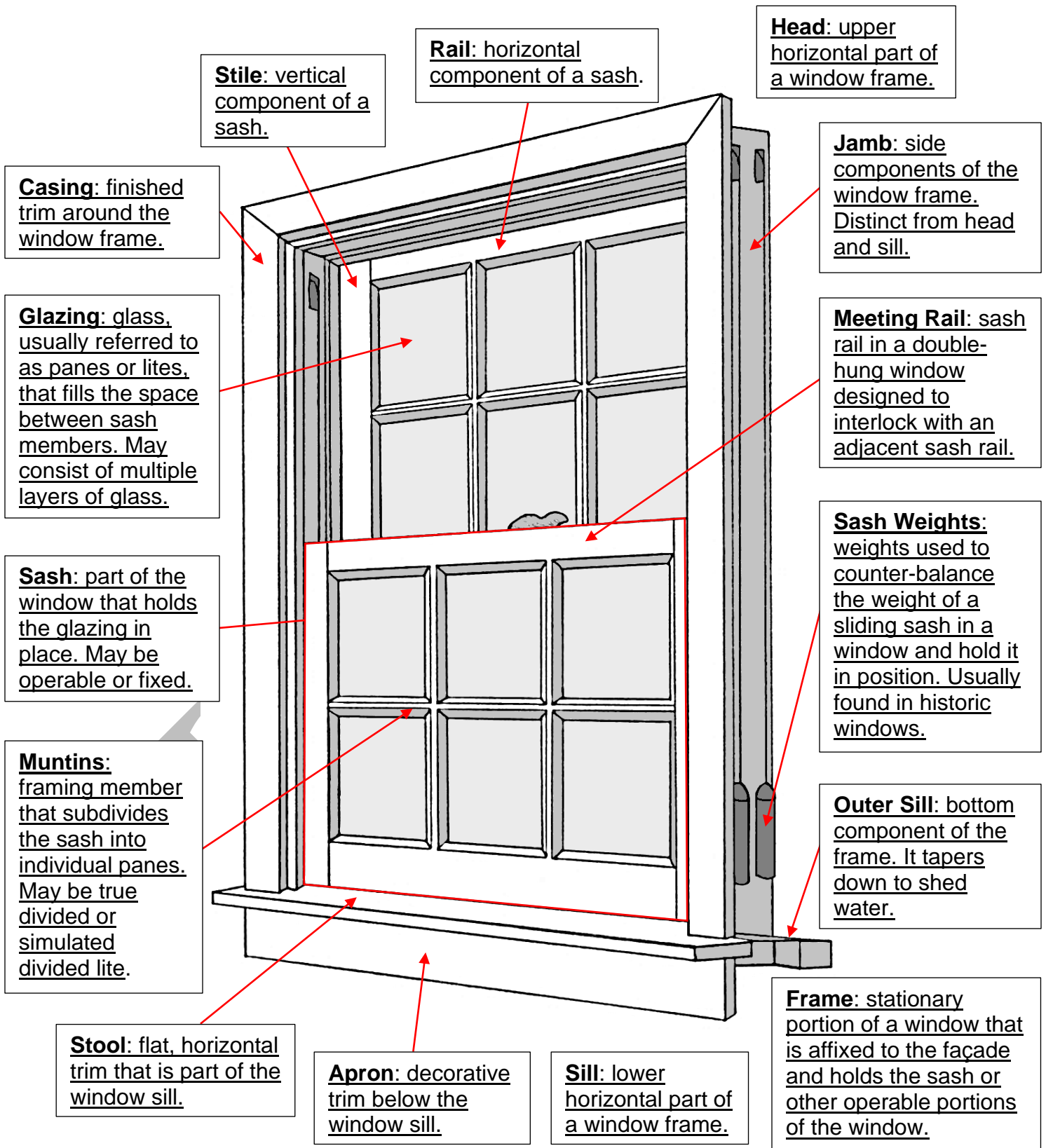
1. Identify, Retain and Preserve - In order to recognize character defining features of a building or structure.
2. Protect - Character defining features that makes the building, structure, or site significant and/or unique.
3. Repair - In order to maintain a historic feature and therefore the integrity of a building or structure.
4. Replace - When no other alternative is feasible or appropriate to preserve a character defining or historic feature.

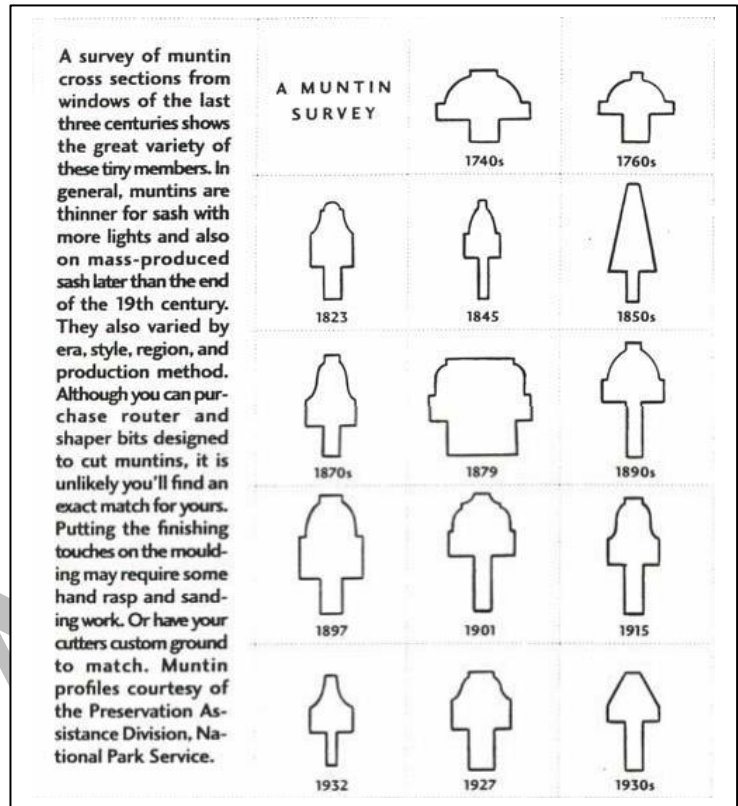
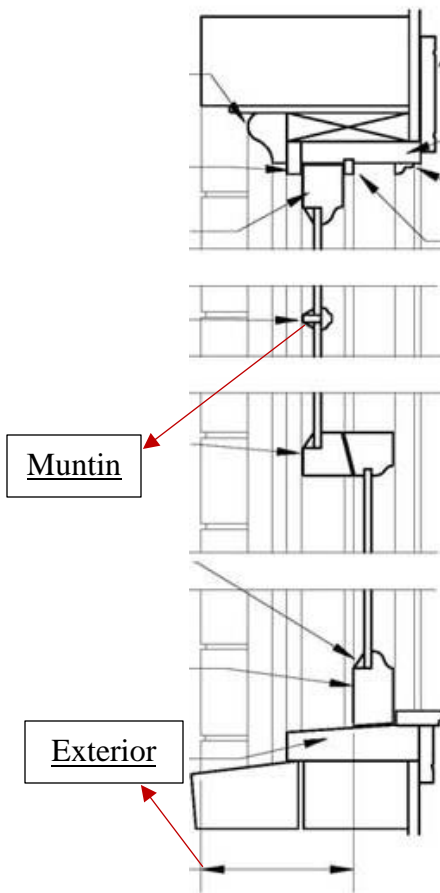
HARC encourages the retention and restoration of historic windows and their components, including historic glazing, frames, hoodmolds, weights and pulleys, sashes, muntins, hardware and any decorative element significant to the historic character of the window. Continuous maintenance shall include making the window weathertight by re-caulking, painting, and replacing deteriorated elements in-kind, all while maintaining operable sashes. The more historic fabric a building can retain the more accurate information it can yield.

However, in Key West we also have the potential impact of natural hazards which increases the risk of loss, damage, or destruction of historic buildings. In an effort to mitigate the vulnerability to historic windows and to minimize visual impact of code compliant window protection, HARC has adopted these guidelines to assist our Citizens. The goal is to achieve resiliency whilst minimizing any adverse impacts to the historic character of a building and the district.

DRAFT

Double-Hung Window Diagram
(Interior View)





Double hung wood window section

Muntin profile survey

Courtesy of National Park Service

A. Guidelines for window and transom window replacements:

1. All reasonable steps shall be taken for historic windows on buildings individually listed in the National Register of Historic Places shall be retained and preserved. If replacement of windows is requested an assessment of the conditions of each window will be required. If it is determined that any window has lost

more than 55% of its historic fabric, a replacement will be considered. The new unit shall replicate the historic window, including configuration, details, design, dimensions, material, and color. Impact resistant windows matching dimensions, configuration, design, detail, materials, and color are an acceptable alternative as replacement. Tinted or colored glazing on elevations visible from the primary right of way is not permitted unless original glazing was historically tinted or colored. Considerations will be made for substantiated medical reasons or pursuant to F.S. 163.04. Frames and muntin grids that match the same material, dimensions and profiles of the historic window are required on the exterior of the glazing, if the design includes such grid.

2. Historic stained-glass windows must be maintained, preserved, and restored. All reasonable efforts shall be made to protect them from deterioration. Replacement of any components must match existing in design and materials. Elements used for any reinforcement must match profile and color of existing to match and blend. For stained-glass transom windows protection to meet codes shall be done on the interior

surface to allow full detailing to read from the exterior.

The installation of permanent glazed storm windows to the exterior of stained-glass windows is highly recommended. Design documents required for these storm windows must include installation methodology and a section showing the storm window and the stained-glass window. All reasonable measures will be followed to minimize the impact of the storm window protection.

3. Replacement windows on principal street or lane elevations or secondary elevations visible from a street or lane of buildings that were built prior to 1945 shall match windows of the same period of the building, including design, configuration, detail, dimensions, materials, and color, as verified through documentation of existing or photographic evidence. Impact resistant windows matching dimensions, configuration, detail, design, materials, and color are an acceptable alternative, but replacements must have clear glazing. Laminated or insulated glass with non-reflectivity is acceptable, but spacers between layers of glass must match exterior muntins in color and dimension when applicable. For buildings where original windows were steel, aluminum windows are

acceptable substitution. Details, including muntin profiles, exterior reveal, and frame proportions shall match period units. Tinted or colored glass is not allowed. Muntin grids that match the same material, dimensions and profile of the window are required on the exterior of the glazing if the original included such grid.

4. Proposals for window replacement for buildings built prior to 1945 with completely altered elevations visible from a street or lane may be of different material other than wood. Window design, configuration, proportions, and color must be harmonious to the building and immediate adjacent structures. These proposed applications shall be reviewed on a case-by-case basis.

5. Replacement windows on secondary elevations not visible from a street or lane of buildings that were built prior to 1945 shall match windows of the same period of the building, including design, configuration, detail, and dimensions, but can be either wood, metal, or metal clad. Impact resistant windows matching dimensions, configuration, detail, and design are an acceptable alternative as replacements and shall have clear glazing. Laminated

or insulated glass with non-reflectivity is acceptable, but spacers between layers of glass must match exterior muntins in color and dimension when applicable. For buildings where original windows were steel, aluminum windows are an acceptable alternative. Details, including muntin profiles and reveal shall match historic units. Muntin grids that match the same material and profile of any replaced historic window are required on the exterior of the glazing if the original included such grid.

6. Replacement windows on buildings or additions that were built in or after 1945 can be of different types, particularly buildings with jalousie and awning windows. Impact resistant windows, either wood, metal, or metal or composite clad, with matching opening dimensions, are an acceptable solution as replacements and shall have clear glazing. The use of double glass or insulated glass with non-reflectivity is acceptable. Tinted or colored glazing on elevations visible from the primary right of way is not permitted unless original glazing was historically tinted or colored. Considerations will be made for substantiated medical reasons or pursuant to F.S. 163.04. Window

units shall be set within openings in a manner to avoid the unit becoming flush with the exterior wall.

7. Replacement windows on buildings and additions constructed under a State of Florida Building Code must meet current Codes. Efforts shall be made to use window units harmonious in design with adjacent historic buildings, particularly on visible elevations from a public right-of-way.
8. The use of a window that is visually incompatible to the historic appearance of building or that obscures, damages or destroys character-defining features of a contributing or historic building is not allowed.
9. Applications for window replacement must include, as minimum documentation, photos of existing windows, a drawing of the new window showing proportions and dimensions, type of window, manufacturer, type of glazing, pane configuration, material, muntin profile, and color. Location of each window and dimension of exterior reveal must also be included as part of the application. For window replacement in buildings individually listed in the National Register of Historic Places or for historic buildings with unique windows additional information may be required.

B. Changes to window openings:

1. The addition or alteration of the location or size of original window fenestrations on contributing or historic buildings is not allowed, unless the Historic Architectural Review Commission finds that the alteration will not adversely impact character defining elevations of a building. This also applies to alteration of a historic window fenestration in order to install doors. Restoring the original location and dimensions of fenestrations is highly advised.

The addition or any alteration of location or size of original window fenestrations on elevations not visible from the street may be considered appropriate if character defining features and historic material is not lost or jeopardized by the new proposed design. These proposed applications shall be considered on a case-by case basis.

2. For a contributing or historic building where a new use requires emergency escape and rescue openings such changes in fenestration dimensions and / or locations shall be considered on secondary elevations not visible from the right-of-way. All proposed alterations to accommodate emergency egress shall

require historic architectural review commission approval.

3. Fenestration sizes in contributing or historic buildings shall be maintained. Dropped ceilings, new interior walls, or additional floors shall be undertaken only if the work maintains the exterior reading of the openings and glazing.
4. Changes in window fenestrations on non-contributing or non-historic buildings shall be made in a manner that will be harmonious to the building and surrounding built environment.

C. Energy savings for existing windows

Existing windows, whether historic or not, can be modified to increase their efficiency and function without damaging the character of a building. The use of storm panels, interior insulating shades, interior insulation panels, and other interior window coverings are some of current available alternatives that can reduce energy gain and loss without the need of replacing existing windows.

Window films with no reflective finish may be another alternative to consider. New technologies, such as ceramic window films that do not change the color of an existing window glazing when viewed from outside

may also be considered and encouraged considering F.S. 163.04. In all cases a sample of the product applied to the existing glass will be required as well as technical data available for the product.

When special circumstances require opacity on a window, for a specific use of a building or space, and no alternative options listed in the first paragraph of window retrofitting section can be met, the applicant must present a sample of the proposed alternative and reasons why other solutions cannot meet the use requirement. These cases will be evaluated on their own merit, and on an individual basis, by the Commission.

Storefronts

Storefronts are character-defining features of a commercial building. Storefronts are large, glazed areas on the ground floor and are intended to provide visual access to patrons. Traditional and historic storefronts in Key West are comprised of architectural elements such as bulkheads or solid panels at the base of the display window, recessed entrances, transom windows above the display window, columns, and lintels. Historic storefronts shall be preserved as they are part of the character in the historic

commercial/ mixed use corridors. Of significance, if a building is to be internally sub divided with different operational businesses, the totality of the frontage elevation shall be kept reading as one. The following link from the National Park Service Preservation Briefs is a resource of how to preserve historic storefronts;
<https://www.nps.gov/tps/how-to-preserve/briefs/11-storefronts.htm>

1. Replacement storefronts of buildings built on or prior 1945 shall match the historic storefront including design, dimensions, and any frame detail profile. Impact resistant storefronts matching dimensions, design and frame details and materials are an acceptable solution as replacements and must have clear glass. The use of double glass or insulated glass with no reflectivity is acceptable.
2. Replacement storefronts of buildings built after 1945 may be of a different design, and dimensions. New design shall not adversely alter rhythm and patterns found in immediately adjacent historic buildings. Impact resistant storefronts are an acceptable solution, as replacements, and must have clear glass. The use of double glass or insulated glass with no reflectivity is acceptable.

3. The use of films with no tint and no reflectivity can be an alternative solution to retrofit storefronts for energy efficiency. New technologies such as ceramic window films that do not substantively change the color of an existing window glass may also be considered and are preferred so long as they have an energy savings rating equal to or better than colored tint. In all cases a sample of the product applied to the existing glass will be required as well as technical data available for the product. Samples shall be evaluated in situ.

Guidelines for Architectural Shutters

Architectural shutters are character-defining features of the historic buildings in Key West. The term *architectural shutters* refer to rigid window treatments that hinge on the sides or the top of a window or door. Architectural shutters may be operable or fixed and are often used today as a way to enhance the appearance of a building. Historically, shutters were used for protection, privacy, light control, ventilation, and, in some instances, in place of fenestration.

Buildings in Key West traditionally had operable louvered or solid board shutters, while some commercial or institutional

buildings had steel shutters. The most common architectural shutter types in Key West are side-mounted louvered or solid board shutters, and top-mounted Bahama shutters. Louvered, solid board, and steel shutters have been used in Key West since the late 1800s, while Bahama shutter installations have been used since the early 1900s.



Louvered shutters



Solid board shutters



Bahama shutters



Steel shutters

1. Historic shutters should be retained, repaired, and preserved whenever possible. Substitution of new operable units (meeting wind codes) shall be considered.
2. If existing historic shutters are too deteriorated to repair, they should be replaced on an in-kind basis with functional shutters of similar design made of materials that are appropriate to the structure. Replacement shutters should be designed to fit the proportions of the window openings. The design of replacement shutters should be based on physical evidence of original shutters (if existing) or photographic documentation of the specific building or buildings of a similar style.
3. New shutters proposed on buildings that have no existing shutters should be of an appropriate design and material to the architecture and age of the building.
4. Aluminum or composite shutters that are appropriate to the architecture and age of a building and which do not stand out in the surrounding context may be allowed on some non-contributing structures and in new construction where appropriate.
5. Non-functional, decorative shutters on elevations that are visible from any street on contributing buildings are prohibited.

Guidelines for Window Protections and Storm Shutters

Since architectural shutters are mostly utilized today for aesthetic purposes, homeowners need alternatives to ensure their window and door openings are protected, especially during storm season. Storm shutters and other window protections differ from architectural shutters in that their purpose is to safeguard and not necessarily to provide aesthetic value. There are several window protection and storm shutter options available today, but not all are appropriate to be used in the historic district due to their visual and physical impact.

Elements that should be considered when choosing a window protection system include visibility, impact on historical integrity, product approvals or ratings, ease of installation and use, cost, and availability. The below guidelines are for acceptable window protections and storm shutters for buildings within the Key West Historic District and buildings outside the Historic District that are considered contributing. As new storm protection products are made available, staff shall make evaluations with the Historic Architectural Review Commission input.



Metal/polycarbonate storm panels



Hurricane fabric/abatement screen



Accordion shutter



Roll-down shutters



Storm window



Plywood panel

1. In addition to traditional shutters, code-compliant removable hurricane and storm panels that are stored when not in use during a storm are an allowed alternative for ensuring the safety of historic structures. These panels are usually made of metal or clear polycarbonate. Tracks and channels for removable shutters must be

painted to match the existing surface paint colors.
Removable panels are only permitted for use when a
tropical storm or hurricane advisory is in effect or
when there is a threat of a significant weather or
climate event.

2. Hurricane fabric, also known as wind abatement
screening, is an allowed and lightweight alternative to
hurricane panels. The fabric can be easily folded and
shall be stored when not in use during a storm. The
anchors used to fasten the fabric over the fenestration
must be the same color as the existing surface paint
colors or should be as inconspicuous as possible. These
fabric screens are only permitted for use when a tropical
storm or hurricane advisory is in effect or when there
is a threat of a significant weather or climate event.

3. Roll-down and accordion hurricane shutters may be
allowed on new commercial structures and may be
appropriate on other types of buildings when not visible
from public streets or lanes, or when reasonable efforts
are made to conceal the casing from public view. These
shutters may be considered for residential or commercial
structures when the casing is reasonably concealed, or
it is installed in the interior.

4. HARC does not regulate the temporary use of sheets of materials such as plywood, polycarbonate, acrylic, or glass as a means of protection during a storm. However, these protection systems can only be used when a tropical storm or hurricane advisory is in effect, when there is a threat of a significant weather or climate event, or only temporarily when there is a need for protection during construction or when a window has been broken.

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 provisions of this Ordinance shall be deemed severable therefrom and shall be construed 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 on first reading at a regular meeting held this _____ day of _____, 2022.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2022.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2022.

Filed with the Clerk _____, 2022.

Mayor Teri Johnston _____

Vice Mayor Sam Kaufman _____

Commissioner Gregory Davila _____

Commissioner Mary Lou Hoover _____

Commissioner Clayton Lopez _____

Commissioner Billy Wardlow _____

Commissioner Jimmy Weekley _____

TERI JOHNSTON, MAYOR

ATTEST:

CHERYL SMITH, CITY CLERK