

**PLANNING BOARD  
RESOLUTION NO. 2020-41**

A RESOLUTION OF THE CITY OF KEY WEST  
PLANNING BOARD RECOMMENDING APPROVAL  
OF AN ORDINANCE OF THE CITY  
COMMISSION OF THE CITY OF KEY WEST,  
FLORIDA, AMENDING CHAPTER 86, SECTION  
86-9, ENTITLED "DEFINITION OF TERMS,"  
OF THE CITY OF KEY WEST LAND  
DEVELOPMENT REGULATIONS; AMENDING  
THE HISTORIC ARCHITECTURAL REVIEW  
COMMISSION DESIGN GUIDELINES CHAPTER  
VI, ARTICLE U, ENTITLED "DECKS,  
PATIOS, HOT TUBS AND POOLS" AND  
CHAPTER IX, ENTITLED "ARCHITECTURAL  
GLOSSARY," AS REFERENCED IN CHAPTER  
90, 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**, the Historic Architectural Review Commission ("HARC") initiated the proposed amendments to Chapters VI and IX of the HARC design guidelines, in order to clarify guidelines for and glossary definitions relevant to decks, patios, hot tubs and pools; and

**WHEREAS**, amendments and additions to the HARC architectural glossary required amendments to two existing definitions provided in Section 86-9 of the City of Key West Land Development Regulations; and

**WHEREAS**, Section 90-142 of the City of Key West Land

  
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 Planning Director

Development Regulations adopted the HARC design guidelines by ordinance; and

**WHEREAS**, amendments to the design 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 held a noticed virtual public meeting on June 23, 2020, to discuss the proposed changes to the existing guidelines for and glossary definitions relevant to decks, patios, hot tubs and pools; and

**WHEREAS**, the HARC held a noticed virtual public meeting on August 25, 2020, where the proposed changes to the guidelines for and glossary definitions relevant to decks, patios, hot tubs and pools were recommended for approval; and

**WHEREAS**, the proposed amendments to the Land Development Regulations were presented to the Planning Board with a recommendation of approval at its regularly scheduled meeting on November 19, 2020; and

**WHEREAS**, the Planning Board finds that it is in the public's interest to amend two existing definitions in the Land Development Regulations, as well as the HARC design guidelines for and glossary definitions relevant to decks,

 Chairman  
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patios, hot tubs and pools, in order to have consistent and clear guidelines.

**NOW, THEREFORE BE IT RESOLVED by the Planning Board of the City of Key West, Florida:**

**Section 1.** That the above recitals are incorporated by reference as if fully set forth herein.

**Section 2.** That the proposed amendments to Chapter 86 of the City of Key West Land Development Regulations are recommended for approval hereby as follows\*:

Chapter 86 General Provisions;

**Section 86-9 Definition of Terms**

*Courtyard* means an open, unobstructed, unoccupied space, other than a yard, on the same lot with the principal building and fully enclosed on at least three adjacent sides by walls of the principal building, or at least three or more exterior structural walls.

~~*Patio* means an open unoccupied space on the same lot~~

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

~~fully enclosed on all four sides by the principal~~

WSU Chairman  
KPH Planning Director

building a paved, uncovered area directly on the ground, which can either be attached to or detached from a building.

**Section 3.** That the proposed amendments to Chapter VI and Chapter IX of the Historic Architectural Review Commission design guidelines, as adopted by Section 90-142 of the Land Development Regulations, are recommended for approval hereby as follows:

Chapter VI. Design Guidelines in Key West's Historic District, Article u. Decks, Patios, Hot Tubs and Pools, Pages 39-40;

**DECKS, PATIOS, HOT TUBS, SPAS, & POOLS AND RELATED EQUIPMENT**

~~Modern installations of decks, pools, patios, and hot tubs shall be considered on a case by case basis. The appropriateness of such modern features shall vary according to siting, size and design. Amenities such as pools, decks and hot tubs should not be located on any publicly elevation. Brick patios and wood decking with excessive square footage in proportion to the area of the lot damages historical integrity and appearance.~~

WHL Chairman  
KPH Planning Director

The installation of pools, hot tubs, spas and related equipment that are located in the front or to the side of a property adjacent to the public right-of-way—excluding rear yards—are not permitted in the historic district, as these modern features detract from the sense of time and place that sets the district apart from modern developments.

External areas in front or to the side of properties visible from the public right-of-way are an important contributor to the historic district. The introduction of excessive areas of paving material that exceed forty percent of a front or street-side yard is not permitted in the historic district.

1. Wood decking or brick patios are allowed on non-street-side or rear yards. Wood decks ~~shall~~ must not be built on the front or street-side yard of any ~~house~~ building adjacent to the public right-of-way.

2. ~~Wooden decks in side yards not adjacent to public right of way shall be set back a minimum of ten feet from the front wall of a structure and~~ are not

WJH Chairman  
KPH Planning Director



allowed in front of the front façade of a property.  
If deemed appropriate to be located in a side yard,  
wooden decks shall be screened with fencing or  
landscaping. This guideline shall not pertain to  
landings required by the Florida Building Code.

~~3. Best efforts shall be made to ensure that decks,~~  
~~pools, hot tubs and patios are not visible~~ Pools  
and related equipment proposed in HARC-approved  
locations must be screened from the elevation sight  
from the right-of-way by use of ~~landscape or~~ HARC-  
approved fence screening.

~~4. The proportion of decking, patio or pool dimensions~~  
~~shall not exceed fifty percent of the total lot~~  
~~minus the building footprint.~~

~~5. No swimming pool shall be built in a front yard of~~  
~~any structure in the historic district.~~

~~6. Swimming pools may be built in a side or rear yard~~  
~~adjacent to a public right of way only if the pool~~  
~~is located directly behind the principle structure~~  
~~or it is set to the rear half of the side yard. A~~

         Chairman  
         Planning Director

~~property owner shall not seek a change of address to circumvent this rule.~~

4. The above guidelines pertain to both in-ground and above-ground hot tubs, spas, and pools, as well as any related equipment.

5. The above guidelines shall not pertain to ponds.

Chapter IX. Architectural Glossary, Pages 69-78;

### **Architectural Glossary**

**Courtyard:** An open, unobstructed, unoccupied space, other than a yard, on the same ~~premises on which the building is located.~~ An unoccupied open space on the ~~same~~ lot with the principal building and fully enclosed on at least three adjacent sides by walls of the principal building, or at least three or more exterior structural walls.

**Deck:** A raised outdoor platform with or without a roof.

**Landing:** A platform that sits at the base of a set of stairs/steps, a ramp, an entrance/exit or a door. Minimum dimensions are 36" by 36" for dwelling units, and maximum dimensions are 60" by 60" for ADA accessible

USA Chairman  
KPH Planning Director

units.

**Patio:** A paved, uncovered area directly on the ground, which can either be attached to or detached from a building.

**Paving:** A hard ground covering that is laid using materials including, but not limited to: asphalt, bricks, concrete, gravel, stones, tiles, wood, and synthetics.

**Pond:** A small body of still water not deeper than 18 inches, which is used as a landscape feature and not for human occupation.

**Section 4.** This resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the city clerk.

**Section 5.** This Resolution is subject to appeal periods as provided by the City of Key West Code of Ordinances (including the Land Development Regulations). After the City appeal period has expired, this ordinance will be rendered to the Florida Department of Economic Opportunity. Pursuant to Chapter 73C-44, F.A.C., the ordinance is not effective for forty-five (45) days after it has been properly rendered to

     Chairman  
KPH Planning Director



the DEO with all exhibits and applications attached to or incorporated by reference; that within the forty-five (45) day review period the DEO can appeal the ordinance to the Florida Land and Water Adjudicatory Commission; and that such an appeal stays the effectiveness of the ordinance until the appeal is resolved by agreement or order.

Read and passed on first reading at a regular meeting held this 19 day of November 2020.

Authenticated by the Chair of the Planning Board and the Planning Director.

Sam Holland 12-1-20  
Sam Holland, Planning Board Chair Date

**Attest:**

Katie P. Halloran 11/30/2020  
Katie P. Halloran, Planning Director Date

**Filed with the Clerk:**

Cheryl Smith 12-1-2020  
Cheryl Smith, City Clerk Date

USW Chairman  
KPH Planning Director

