



**THE CITY OF KEY WEST
PLANNING BOARD
Staff Report**

To: Chairman and Planning Board Members

From: Enid Torregrosa-Silva, MSHP
Historic Preservation Planner

Through: Thaddeus Cohen
Planning Director

Meeting Date: April 21, 2016

Agenda Item: **Proposed revisions to the Historic Architectural Guidelines for New Construction- Consideration of a resolution of the City of Key West Planning Board recommending an Ordinance of the City of Key West, Florida, amending the Historic Architectural Review Commission's guidelines for new construction 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.**

REQUEST: Approval of the submitted Ordinance for New Construction Guidelines.

BACKGROUND:

During the past months 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 that proposes new construction within the historic district. The new proposed "*New Construction in the historic districts*" provisions offer informative guidance to citizens and general public on the appropriateness of proposing new construction within the historic districts without affecting the character and surrounding neighborhoods.

It is the intent of the Commission to create guidelines for new construction that are based on national preservation principles and that can be applied to all building types. The new guidelines are an educational tool for anyone that references them, as they clearly explain the objectives and goals for each regulation. These proposed guidelines are more

comprehensive than the actual ones and they provide references as to the importance of understanding the urban context to which new construction is proposed. New construction in the historic district can adversely affect the character and integrity of the surrounding context, therefore precise and clear guidelines will help not only the citizens to understand HARC's main objectives, but will make the review process more effective.

Since 2002, the HARC Guidelines have been incorporated by reference into the Land Development Regulations, Section 90-142, and therefore 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: February 23, 2016

Staff Analysis:

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 guidelines modification proposed by HARC and recommend the 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 affect 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. The new ordinance will strength the existing guidelines by creating more precise guidelines related to new construction within the historic district that will be used to evaluate Certificate of Appropriateness applications.

(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 and promote 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. The introduction of new guidelines for new construction supports the importance of specific regulations when reviewing projects that may have an adverse effect on land use.

(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.

(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 will be an effective tool for reviewing Certificate of Appropriateness that may have an effect on the surrounding urban context. Protecting the historic fabric of the district tends to maintain and increase property values, since historic districts and buildings are unique and usually 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 guidelines 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 as an educational tool for citizens who need to submit a Certificate of Appropriateness. The proposed guidelines provide specific regulations that Staff and the Commission need while review Certificates of Appropriateness.

(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.

PROCESS:

After the planning board makes a recommendation to the city commission, the ordinance will require two city commission readings for adoption. Absent any appeals, the ordinance will be rendered to the DEO, 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.

RECOMMENDATION:

The Planning Department recommends consideration and approval of the draft of the *New Construction in the Historic Districts* guidelines ordinance modifications.