

EXECUTIVE SUMMARY



To: Patti McLauchlin, City Manager

Through: Katie P. Halloran
Planning Director

From: Enid Torregrosa-Silva
Historic Preservation Planner

Meeting Date: March 15, 2022

Agenda Item: **Text amendments to the Land Development Regulations** - An Ordinance of the City Commission of the City of Key West, Florida, amending Chapter 102 of the Code of Ordinances entitled "Historic Preservation", Article IV entitled "Certificate of Appropriateness" by amending Division 2, entitled "Economic Hardship" by increasing the maximum household income for applicants seeking substitution of alternative building materials for historic or traditional materials; providing for severability; providing for repeal of inconsistent provisions; providing for an effective date.

Request: Approval of proposed amendments to Chapter 102 of the Code of Ordinances entitled "Historic Preservation", Article IV entitled "Certificate of Appropriateness" by amending Division 2, entitled "Economic Hardship" by increasing the maximum household income for applicants seeking substitution of alternative building materials for historic or traditional materials.

Applicant: City of Key West

Background:

The Historic Architectural Review Commission (HARC) initiated changes to current guidelines for windows and window protections as it has been established that such architectural elements are considered energy devices. Florida Statute 163.04 prohibits any jurisdiction in the State not to allow the installation of energy devices based on renewable resources. Furthermore, the Statute prohibits regulations that requires construction materials beyond the financial capacity of property owners to maintain and protect the value of buildings and land. HARC finds that current regulations for economic hardship for substitution of alternative building materials includes qualifications that can be onerous to fulfill for many citizens and families with financial constraints.

In the past thirteen years HARC staff has found that the Economic Hardship Ordinance qualifications, which have never been revised since its adoption in 1997, have become more difficult to fulfill for citizens with real financial constraints. Citizens regularly ask for aid due to economic hardship for two architectural elements, roofing finish material and windows. The cost of metal shingle versus metal V-crimp and

restoration of historic windows or installation of wood windows versus the use of metal windows can be a financial burden for a family that cannot afford such required materials.

Protecting a building with strong and resilient construction materials is paramount to the safety, welfare, and health of our community. Changes to economic hardship qualifications and increasing the maximum household income for applicants seeking hardship will contribute to fulfill the goals and objectives of the City of Key West 2021-2024 Strategic Plan by preserving, repairing, and improving existing housing for vulnerable groups.

Previous City Actions:

HARC Recommendation of Approval: January 25, 2022

Planning Board Approval: February 17, 2022

ANALYSIS:

The proposed amendments, drafted as ordinance, are attached as part of this report. The amendments under review were approved by the Historic Architectural Review Commission on January 25, 2022, and the Planning Board on February 17, 2022. The proposed amendments will assist many families and citizens with financial needs to fulfill HARC regulations when required construction materials for buildings are financially unattainable. Section 90-520 of the Code outlines required information for a petition to amend the Land Development Regulations. In determining whether to grant a requested amendment, the City Commission shall consider, including recommendations from the Planning Board, the consistency of the proposed amendments with the intent of the Comprehensive Plan and the 2021-2024 City of Key West Strategic Plan.

Comprehensive Plan

The amendments to the Economic Hardship regulations under the Land Development Regulations have been proposed and recommended for approval by the Historic Architectural Review Commission and the Planning Board. The Historic Preservation Element under Future Land Use in the City of Key West Comprehensive Plan states the importance of preserving the quality of housing and neighborhoods in the historic district

Under Policy 1A-1.2.3 – Related Incentives and Disincentives, the Comprehensive Plan mandates that *“the City shall maintain the protection of historic resources by providing disincentives from demolition and affording property owners incentives for the maintenance and rehabilitation of historic resources, as well as other appropriate methods”*. It is staff’s opinion that the proposed amendments to the economic hardship regulations create reasonable qualifications for citizens with economic disadvantage. The amendments will allow for vulnerable families to protect their homes and commercial buildings while keeping the character of the historic district.

Moreover, the Comprehensive Plan establishes under Policy 1A-1.3.1 – *Rehabilitation and Adaptive Re-Use* that *“the City shall contribute to ensure the sensitive rehabilitation and compatible adaptive re-use of historic properties through technical assistance and economic incentive programs”*. Amending the

qualifications for economic hardship for required construction materials will be an incentive for those families and citizens that need to use alternative materials to protect their buildings.

2021-2024 Strategic Plan

The proposed amendments to the economic hardship regulations for substitution of alternative building materials are also consistent with the City's 2021-2024 Strategic Plan. The Historic Architectural Review Commission is chartered to preserve the character and appearance of the Key West Historic District through review and regulation of proposed changes in the district. The proposed amendments will assist HARC and their staff in their responsibilities.

The 2021-2024 Strategic Plan priority 1 - *Affordable Housing* emphasizes supporting *programs to repair homes owned by elderly and/or financially challenged residents*. The proposed changes to the Land Development Regulations will assist a broader number of families and citizens to improve their homes by using building materials that are more accessible to their financial condition. The changes will promote the use of affordable construction materials for those in need while upgrading their homes and preserving the character of the historic district.

PROCESS:

Section 90-523 of the Land Development Regulations states that the City Commission shall review and act upon all proposed amendments to the LDRs and the official zoning map. If the Planning Board approves the text amendment the City Commission shall schedule a public hearing on the petition. The City Commission review process requires two readings of the proposed amendments. Absent of any appeals, the ordinance will be rendered to the Florida Department of Economic Opportunity, who will have 60 days to issue an order of consistency. The final ordinance will be sent to the Florida Department of State, Division of Historical Resources, as required by the city's Certified Local Government Agreement of 1991.

OPTIONS/ ADVANTAGES/ DISADVANTAGES:

Option 1: Approve the text amendment to the ordinance for economic hardship for substitution of alternative building materials as per the recommendations from the Historic Architectural Review Commission and the Planning Board through Resolution 2022-011.

- a. **Consistency with the City's Comprehensive and Strategic Plans:** This action would provide less onerous qualifications for citizens and families with economic constrains while protecting the historic character and quality of the historic district, which is consistent with several objectives of the City's Comprehensive and Strategic Plans.
- b. **Financial Impact:**
There will be no cost to the City if this request is approved.

Option 2: Deny the proposed text amendment to the ordinance for economic hardship for substitution of alternative building materials.

- a. **Consistency with the City's Comprehensive and Strategic Plans:** This action would not be consistent with both, the City's Comprehensive and Strategic Plan, as the current ordinance,

adopted in 1997, imposes qualifications difficult to fulfill by families and citizens under financial constraints. The current ordinance qualifications can be met only by a few citizens. Families and citizens with financial limitations will not be able to preserve their buildings as they may not afford the required construction material.

b. Financial Impact:

There will be no cost to the City if this request is denied.

RECOMMENDATION:

The Historic Architectural Review Commission, the Planning Board, and the Planning Department recommend consideration and approval of Option 1.