

THE CITY OF KEY WEST PLANNING BOARD Staff Report

To: Chairman and Planning Board Members

- Through: Donald Leland Craig, AICP Planning Director
- From: Enid Torregrosa de la Rosa, MSHP Historic Preservation Planner
- Meeting Date: January 17, 2013
- A RESOLUTION OF THE KEY WEST PLANNING BOARD **Agenda Item: RECOMMENDING APPROVAL OF AN ORDINANCE OF** THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION **GUIDELINES FOR MINIMUM REQUIREMENTS FOR** SUBMITTALS FOR Α CERTIFICATE OF **APPROPRIATENESS AS REFERENCED IN SECTION 90-**142 OF THE CITY OF KEY WEST LAND DEVELOPMENT **REGULATIONS; AND PROVIDING AN EFFECTIVE** DATE.

BACKGROUND: During the past months the historic architectural review commission (HARC) initiated modifications to the Historic Architectural Guidelines to clarify and expedite the review process when a citizen submits a Certificate of Appropriateness application. The diversity of proposed projects and the variety of building and site situations makes each project unique. HARC's main objective is to offer informative guidance to citizens and general public based on a set of minimum essential documents for to expedite a Certificate of Appropriateness. Page 56 of the illustrative guidelines identifies general documentation that do not precisely address the supportive information required to allow informed decisions by Staff or HARC. When Staff or HARC requests more information the review process is delayed creating frustration for applicants and building owners. After two public meetings where draft language of the revised submittal standards was reviewed and discussed, HARC recommended approval of the proposed guideline changes.

Throughout the process of drafting the proposed minimum requirements, Staff and HARC had reviewed past applications and experiences with previous applicants. HARC recognizes that each project is different and that each may require additional information from what the list suggests by development type. Nevertheless the new minimum

requirements by project type will be an informative useful tool for all citizens requesting a Certificate of Appropriateness.

Since 2002 the HARC Guidelines have been incorporated by reference into the Land Development Regulations, Sec. 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: July 10, 2012

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 impact 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 minimum requirements for 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 minimum requirements for proposed type of projects in the HARC Guidelines supports the importance of specific documents 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 expediting Certificate of Appropriateness reviews and approvals. Protecting the historic fabric of buildings and the historic district tends to maintain and increase property values, since historic districts and buildings are unique and tend to 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 requirements that Staff and HARC need while review Certificates of Appropriateness. A more complete application can be expedited and approved faster than an incomplete application.

(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 DCA, 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 HARC guidelines ordinance modifications.



RESOLUTION NUMBER 2013-____

A RESOLUTION OF THE KEY WEST PLANNING BOARD **RECOMMENDING APPROVAL OF AN ORDINANCE OF** THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL **REVIEW** COMMISSION **GUIDELINES FOR MINIMUM REOUIREMENTS FOR SUBMITTALS** CERTIFICATE FOR Α OF **APPROPRIATENESS AS REFERENCED IN SECTION 90-**142 OF THE CITY OF KEY WEST LAND DEVELOPMENT **REGULATIONS; AND PROVIDING AN EFFECTIVE** DATE.

WHEREAS, the historic architectural review commission initiated the proposed amendments to clarify guidelines relevant to minimum requirements for submittals for a Certificate of Appropriateness;

WHEREAS, the planning board held a noticed public hearing on January 17, 2013, where based on the consideration of recommendations by the planning director, city attorney, building official and other information, the board recommended approval of the proposed amendments; and

WHEREAS, the planning board determined that the proposed amendments: 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

Page 1 Resolution Number 2013-0XX

_____ Chairman

Planning Director

values or the general welfare; will result in more orderly and compatible land use patterns; and are in the public interest.

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 is hereby recommended for approval of AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR MINIMUM REQUIREMENTS FOR SUBMITTALS FOR A CERTIFICATE OF APPROPRIATENESS AS REFERENCED IN SECTION 90-142 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS; AND PROVIDING AN EFFECTIVE DATE; a copy of the draft ordinance is attached.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the chairman of the planning board, the planning director and the city clerk.

Read and passed on first reading at a special meeting held this 17th day of January, 2013.

Authenticated by the Chairman of the planning board and the planning director.

Richard Klitenick, Chairman

Date

Page 2 Resolution Number 2013-0XX

_____ Chairman

____Planning Director

Key West Planning Board

Attest:

Donald Leland Craig, AICP Planning Director Date Filed with the Clerk: Cheryl Smith Date City Clerk

____ Chairman

____Planning Director



ORDINANCE NO.

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, APPROVING AN AMENDMENT TO THE HISTORIC ARCHITECTURAL REVIEW COMMISSION **GUIDELINES FOR MINIMUM REQUIREMENTS** FOR SUBMITTALS FOR A CERTIFICATE OF APPROPRIATENESS AS REFERENCED IN SECTION 90-142 OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS; AND **PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Section 102-2 of the Land Development Regulations requires applicants for building permits to comply with the city's historic architectural review commission's Design Guidelines in Key West's Historic District; and

WHEREAS, amendments to the design guidelines are initiated by the historic architectural review commission from time to time to better preserve the character and appearance of the historic preservation districts and structures; and

WHEREAS, Section 90-142 of the Code of Ordinances incorporates the design guidelines by reference; 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 historic architectural review commission initiated changes to the design guidelines to clarify the minimum requirements for submittal when a citizen submits a Certificate of Appropriateness application; and

WHEREAS, the planning board held a noticed public hearing on ______, where based on the consideration of recommendations by the planning director, city attorney, building official and other information recommended approval of the proposed amendments;

WHEREAS, the city commission held a noticed public hearing on ______ and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances;

WHEREAS, the City determined that the proposed amendments 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 VII. Historic Architectural Design Principles, page 56, Supporting Documents for HARC Review, of the Historical Architectural Guidelines dated May 7, 2002, are amended as follows:

Supporting Documents for HARC Review

- accurate construction elevations, specifications and/or floor plans
- photographs showing street views of buildings and affected areas
- site plans with a construction footprint and easements marked

- documentation of proposed materials and components
- a recent survey of the property
- Sanborn maps of the property

Minimum Requirements for Submittals for a Certificate of Appropriateness

TYPE OF WORK	MINIMUM REQUIREMENTS
Air Conditioning Units	 Location of the unit (roof, ground, wall mounted, etc.). Location of pipes, if applicable. Site plan showing location of unit with dimensions of setbacks. If to be placed on roof, roof dimensions including height of the roof and setbacks from the edge of eaves, also must show safety railings if less than 10' from edge of roof or roof hatch as applicable. Photo of proposed site and photo of building from street/ sidewalk. If applicable, total height of unit including base. Survey may be requested. Scaled plan and elevation drawings showing location and form. For new or recovered awnings fabric and color sample.
Exhaust fans	 Location of the fan (roof or wall mounted).
	 <u>Site plan showing location of unit with</u> <u>dimensions of setbacks.</u>

Please be advised that HARC members and staff can request additional information

	 If to be placed on roof, roof dimensions
	including height of roof and setbacks from
	edge of eaves, also must show safety
	railings if is less than 10' from edge of roof
	or roof hatch as applicable.
	 Photo of proposed site and photo of
	structure from street / sidewalk.
	 Total height of unit.
	 Survey may be requested.
Fences	 Survey indicating where fence is to be
	placed (highlight fence-line).
	 <u>Photo showing area where fence is to be</u>
	placed.
	 Lineal footage and height (note that in front
	yard, 4 feet maximum height or less is
	allowed).
	If fence is 6 foot high solid; neighbors'
	written consent.
	Type of fence, color and material.
Gas tanks, Pool equipment,	 Survey and site plan showing proposed
and equipment pads	location of tank, equipment and lines.
	 Photo of proposed site and photo of building
	from street / sidewalk.
	 Measurements of tank, equipment and pad,
	including height.
Gutters and Downspouts	 <u>Photo of part of building where gutters will be</u>
	<u>installed.</u>
	 <u>Specify the type of gutters and exact location</u>
	of downspouts.
Minor maintenance (examples-	 <u>Photos showing condition.</u>
replacement of: siding, pickets,	 <u>Square footage or lineal feet to be replaced.</u>

windows and doors trims,	location description, proposed materials and
balusters, porch decking boards)	colors.
baldsters, porch decking boards)	
	 For decking boards for front or side porches
	- type of board, material, location and color.
	• For balusters - drawing, material and color.
Painting and Repainting	 <u>Current color photo of part of building that</u>
	will be painted and photo of structure from
	street / sidewalk.
	 Paint chips with descriptions of work.
Pavers, Decks, Sidewalks and	 Survey showing area to be paved. Square
Driveways	footage.
	 Photos of proposed paving material,
	including color and texture and area to be
	paved.
Railings	 Photo of part of building where railing will
	be installed and photo of building from
	street / sidewalk.
	 Scaled drawing showing type of balustrades,
	materials, measurements and colors. Lineal
	footage
Rehabilitations, Renovations,	 <u>Two sets of legible scaled drawings-</u>
Alterations, Additions and	preferable on 24" by 36" paper, photos of
New Construction	existing conditions, including area of
Demolitions	proposed modification and survey
	including flood zone lines and spot
	elevations. Also an electronic version in
	PDF format will be required.
	 Survey must be signed and sealed by
	Florida licensed land surveyor.
	 For new construction or proposals that
	require massing or height change - street
	require massing of norght onungo buoot

	elevation showing adjacent neighboring
	structures.
	 For rehabilitations, renovations,
	restorations, alterations, additions, and new
	construction a longitudinal section will be
	required showing the building's exterior
	structural construction.
	 For rehabilitations, renovations, and
	alterations percentage of historic fabric that
	will remain in the building.
	 <u>Manufacturer's specifications of</u>
	architectural elements (doors, windows,
	<u>etc.).</u>
	Photos of existing conditions.
	 Color chips of proposed colors.
Roofs	Photo of building where the roof will be
	replaced and a photo showing roof
	condition.
	Include skylights and hatches, if applicable.
	 Description of roofing material to be used.
	 Specify what type of roof is existing and
	what is proposed, proposed color and where
	the work will be done (main structure,
	porches, back addition, etc.).
Sheds and Accessory structures	Survey and site plan showing placement.
	Photo of area where the structure will be
	placed and photo of main building from
	street / sidewalk.
	 Scaled drawings including dimensions and
	materials.

Shutters and Hurricane panels	 Photo of building where shutters will be
	installed.
	 Photo or drawing of new shutter and color
	sample.
	 Description of shutter including style and
	material.
	 If hurricane protection shutters, NOA (notice
	of acceptance for wind loads).
Signs	 Scale drawings including size, font, color,
	design, shape and materials.
	 If neon or halo effect sign, a drawing
	depicting effect during night.
	 Photo of area where the sign will be installed
	 and photo from street / sidewalk. Description and drawing of mounting style.
	 <u>Description and drawing of mounting style.</u> Height of fonts / letters.
	- <u>Integrit and setbacks of complete sign.</u>
	 <u>Type of illumination, if applicable.</u> Number of existing signs for specific
	 <u>Number of existing signs for specific</u> business and photos of each sign
	business and photos of each sign.
	 <u>Resurfacing an existing sign requires a</u>
	HARC application.
Swimming pools and Hot tubs	 Survey showing location of pool or hot tub.
	 <u>Photos of area where the pool will be</u>
	located.
~	Scaled drawings including a site plan with
	proposed setbacks and proposed materials.
	 <u>All pool features including decks, heaters,</u>
	pumps and walls must be included in the
	application and must show setbacks from
	property lines.

	•	Ratio of previous surface.
Windows and Doors	•]	Photo of area of building where new units
	<u>.</u>	will be installed and photos of each existing
	9	door or window to be replaced. Photo of the
	<u> </u>	building from street / sidewalk.
	•]	Manufacturer's description of proposed
		window or door, including materials and
	<u>(</u>	design.
	•	<u>Colors – paint chip.</u>

Section 2. This Ordinance shall become effective immediately upon approval by the State Department of Community Affairs pursuant to Chapter 380, Florida Statutes. Read and passed on first reading at a regular meeting held this _____ day of _____, 2013.

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

_____, 2013.

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

of _____, 2013.

ATTEST:

CRAIG CATES, MAYOR

CHERYL SMITH, CITY CLERK

Additional Information

TYPE OF WORK	MINIMUM REQUIREMENTS
Air Conditioner Units	> Location of the unit (roof, ground, wall mounted).
	Site plan showing location of unit with dimensions of setbacks.
	> If to be placed on roof, roof dimensions including height of roof and setbacks from edge of eaves, also
	must show safety railings if is less than 10' from edge of roof or roof hatch as applicable.
	Photo of proposed site and photo of house from street / sidewalk.
	> If applicable, total height including base.
	> Survey may be requested
Canvas awnings	Scale plan and elevation drawings showing location and form.
	For new or recovered awnings fabric and color sample.
Exhaust Fans	 Location of the fan (roof or wall mounted).
	Site plan showing location of unit with dimensions of setbacks.
	> If to be placed on roof, roof dimensions including height of roof and setbacks from edge of eaves, also
	must show safety railings if is less than 10' from edge of roof or roof hatch as applicable.
	Photo of proposed site and photo of structure from street / sidewalk.
	> Total height of unit including base.
	Survey may be requested
Fences	Survey indicating where fence is to be placed (highlight fence-line).
	Photo showing area where fence is to be placed.
	Lineal footage and height (note that in front yard, 4 feet maximum).
	> If fence is 6 foot high solid; neighbors' written consent.
	Type of fence, color and material.
Gas tanks	Survey and site plan showing proposed location of tank, equipment and lines.
Pool equipment	Photo of proposed site and photo of house from street / sidewalk.
Tank & equipment Pads	Measurements of tank, equipment and pad, including height.
Gutters	Photo of part of house where gutters will be installed.
Downspouts	Specify the type of gutters and exact location of downspouts.
Minor maintenance	Photos showing condition.
(examples-replacement of: siding,	> Square footage or lineal feet to be replaced, location description, proposed materials and colors.
pickets,	> For porch decking boards for front or side porches - type of board, material, location and color.
windows & doors trims,	For balusters - drawing, material and color.
balusters,	
porch decking boards)	
Painting	Current color photo of part of house that will be painted and photo of structure from street / sidewalk.
Repainting	Paint chips with descriptions of work.
Pavers	Survey showing area to be paved.
Decks	Photos of proposed paving material, including color and texture and area to be paved.
Sidewalks Driveways	

TYPE OF WORK	MINIMUM REQUIREMENTS
Railings	 Photo of part of house where railing will be installed and photo of house from street / sidewalk. Scaled drawing showing type of balustrades, materials, measurements and colors.
Rehabilitations Renovations Alterations Additions New Construction Demolitions	 Two sets of full scaled drawings, photos of existing conditions, including area of proposed modification and survey including flood zone lines and spot elevations. Survey must be signed and sealed by Florida licensed land surveyor. For new construction or proposals that require massing or height change - street elevation showing adjacent neighboring structures. For rehabilitations, renovations, restorations, alterations, additions, and new construction a longitudinal section will be required showing the buildings exterior structural construction. For rehabilitations, renovations, and alterations percentage of historic fabric that will remain in the building. Photos of existing.
Roofs	 Photo of house where the roof will be replaced and a photo showing roof condition. Include skylights and hatches, if applicable. Description of roofing material to be used. Specify what is existing and what is proposed, color and where the work will be done (main house, back addition.)
Sheds	Survey and site plan showing placement.
Accessory structures	 Photo of area where to be placed and photo of house from street / sidewalk. Scaled drawings including measurements and materials.
Shutters Hurricane panels	 Photo of part of house where to be installed and photo of house from street / sidewalk. Photo or drawing of new shutter and color sample. Description of shutter including style and material. If hurricane protection shutters, NOA (notice of acceptance for wind loads).
Signs	 Scale drawing including size, font, color, design and materials. If neon or halo effect sign, a drawing depicting effect during night. Photo of place where the sign will be installed and photo from street / sidewalk. Description and drawing of mounting style. Size of fonts / letters. Completed height and setbacks. Type of illumination, if applicable. Number of existing signs for specific business and photos of each sign. Resurfacing an existing sign requires a HARC application.

TYPE OF WORK	MINIMUM REQUIREMENTS
Swimming pools	Survey showing location of pool.
Hot tubs	Photos of area where the pool will be located.
	Scaled drawings including a site plan with proposed setbacks and proposed materials.
	All pool features including decks and walls must be included.
Windows	Photo of area of house where new units be installed and photos of each existing door or window to be
Doors	replaced and photo of house from street / sidewalk.
	Manufacturer's description of window or door, including materials and design.
	Colors – paint chip.