

ORDINANCE NO. 11-10

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 90 OF THE CODE OF ORDINANCES ENTITLED "ADMINISTRATION" TO PROVIDE FOR MODIFICATION OF THE MEMBERSHIP AND MEMBERSHIP REQUIREMENTS OF THE HISTORIC ARCHITECTURAL REVIEW COMMISSION BY AMENDING SECTION 90-127, MEMBERSHIP, TERMS AND REMOVAL; SECTION 90-128, VACANCIES, AND 90-135 QUORUM; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Section 90-517 of the Code of Ordinances allows the City Commission to amend the text of the land development regulations in accordance with certain procedures and criteria; and

WHEREAS, the Planning Board held a noticed public hearing on June 29, 2011, and based on the consideration of recommendations by the City planner, city attorney, building official and other information, recommended approval of the proposed amendments herein; and

WHEREAS, the City Commission held a noticed public hearing on July 19, 2011 and August 2, 2011 and in its deliberations considered the criteria identified in section 90-521 of the Code of Ordinances; and

WHEREAS, the City Commission has 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; and

WHEREAS, the City Commission has determined that it is in the best interests of its citizens and visitors alike to have a minimum of four professional members and to increase the regular membership of the historical architectural review commission from five members to seven.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Section 1: That section 90-127 90 of the Code of Ordinances is hereby amended as follows*:

Sec. 90-127. Membership, terms and removal.

(a) The historic architectural review commission shall

* (Coding: Added language is underlined; deleted language is ~~struck through~~)

consist of five ~~seven~~ residents of the city or who shall have a business, employment or profession located in the city and reside in the lower keys from Key West to Big Coppitt Key. Members of the historic architectural review commission shall maintain their qualifications consistent with this section for the duration of their membership. The members serving on the historic architectural review commission upon adoption of this ordinance shall continue in office, subject to the other provisions in this code until the expiration of their term. Except for the mayoral architectural appointment, the four current remaining regular seats and the two current alternate seats shall be assigned to the six remaining city commission members by lottery system administered by the city clerk. Thereafter, the appointments shall be as specified in paragraph (b) below. who shall be appointed by the city commission. Appointments shall be made for a term of two years. and shall be made on a staggered basis of no more than two appointments per year. The city commission may appoint two alternate members to serve at meetings of the historic architectural review commission when the absence of a regular member occurs. Appointments to replace a vacating member shall be for the unexpired term of the member. Historic architectural review commission members may be reappointed at the expiration of their term.

(b) The mayor and each city commissioner shall appoint one member of the historic architectural review commission. The mayor

~~shall nominate candidates and the city commission shall appoint members from lists of nominees provided by the Key West Art and Historical Society, Old Island Restoration Foundation and the Historic Florida Keys Foundation, unless the mayor finds that an unlisted nominee is better qualified. One member shall be appoint an architect registered in the United States, preferably retired or not practicing in the city. Three members in addition to the mayor's architectural appointment shall be professionals in historic preservation related disciplines. More than two professionals in the same discipline in historic preservation can be members of the commission. Where possible, other members shall have experience, expertise or demonstrated interest in one of the following areas: architecture, history, architectural history, archaeology, urban planning, historic preservation, real estate, law, cultural anthropology, or building construction. Preference in all appointments shall be given to professionals or laymen who have demonstrated interest, competence or knowledge in historic preservation. Professional members shall be from the historic preservation related disciplines of architecture, history, architectural history, planning, archaeology, or other related disciplines such as urban planning, American studies, American civilization, cultural geography or cultural anthropology. The city commission may evaluate applicants by using the Florida Certified Local Government Guidelines, a copy of which shall be~~

maintained in the office of the city clerk. Additionally, the mayor shall designate a liaison to the historic architectural review commission from among the city commissioners.

(c) All members shall serve at the pleasure of the city commission and may be removed by majority vote of its full membership. If a member is absent from two of three consecutive regular meetings without cause and without prior approval of the chairperson, the historic architectural review commission shall declare the member's office vacant, and the chairperson shall notify the city commissioner responsible for that seat that the member's office is vacant. All provisions of division 2 of article V of chapter 2 are applicable to members of the historic architectural review commission.

Section 2: That section 90-128 of the code of ordinances is hereby amended as follows:

Sec. 90-128. - Vacancies.

Vacancies in the membership of the historic architectural review commission, including those representing expired terms, shall if possible be filled within 60 days by ~~the mayor with the advice and consent of the city commission~~ relevant appointing city commissioner or mayor. If the vacancy is not filled within the period, the city may apply to the state historic preservation officer for an extension of up to an additional 60 days.

Section 3: That section 90-135 of the code of ordinances is hereby amended as follows:

Sec. 90-135. - Quorum.

~~Three~~ Four members of the historic architectural review commission shall constitute a quorum for the transaction of business.

Section 4: 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 5: 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 6: 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.

Read and passed on first reading at a regular meeting held
this 19th day of July, 2011.

Read and passed on final reading at a regular meeting held
this 2nd day of August, 2011.


Authenticated by the presiding officer and Clerk of the
Commission on 4th day of August, 2011.

Filed with the Clerk August 4, 2011.



CRAIG CATES, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK