



THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

To: The City Commission for the City of Key West
From: Ronald Ramsingh, Assistant City Attorney
Date: April 23, 2012
RE: Demolitions in the Historic District ordinance revision

Mr. Mayor and City Commissioners:

Background:

I was asked to draft a proposed ordinance revision by HARC with the support of city management to revise the Land Development Regulations concerning demolitions in the historic district as well as contributing buildings and structures that are located outside of the historic district. Specifically, the proposal relaxes the requirement from 2 readings to 1 for the demolition of any non-contributing or non-historic building or structure within the historic district. Also, the requirement of 2 readings for the demolition of non-historic or non-contributing buildings or structures within the historic district that concern code compliance case can be staff approved if written approvals are issued by the city attorney and the city planner. If both officials do not agree, then said application shall be brought before HARC for 1 reading. All of the noticing and posting requirements shall remain applicable.

It is the intent of HARC and city management to expedite the process for demolitions in the historic district and even more so when there is a code case requiring some level of demolition for compliance. There has been more than one occasion in the recent past

where a Respondent in a code case is told to demolish an illegal structure or face fines, but then also face a time consuming process to get a permit to demolish and thus come into compliance.

Furthermore, the undersigned has reviewed the criteria for approving amendments to the official zoning map and land development regulations contained in 90-521 and 90-522.

The analysis is as follows:

1. *Consistency with plan:* This proposal is not inconsistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the concurrency management program. Non-historic and non-contributing buildings and structures do not contribute to the historic fabric.
 2. *Conformance with requirements:* This proposed ordinance is in conformance with all applicable requirements of the Code of Ordinances by encouraging the removal of non-compliant buildings and structures.
 3. *Changed conditions:* Neither “land use” nor “development conditions” would change as a result of the adoption of this ordinance revision. This proposal simply seeks to recognize the need to expedite the process of bringing non-historic and non-contributing buildings and structures in the historic district into compliance with the code of ordinances when a said nonconformity is subject to a code violation. Further, the proposed revision seeks to reduce the number of required public meetings from two to one for the demolition of said non-historic and non-contributing buildings and structures in the historic district that are not part of a code violation. Finally, the proposed revision recognizes the need to submit an application to the Historic Architectural Review Commission concerning demolition for those contributing buildings that are located outside of the historic district and otherwise under the jurisdiction of the Historic Architectural Review Commission.
 4. *Land use compatibility:* This proposed ordinance revision will not create any incompatible land uses and will in fact promote further compatibility with the historic fabric by expediting the demolition process of non-historic and non-contributing structures.
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5. *Adequate public facilities:* The adoption of this ordinance revision would not impose any additional impacts on any public facilities, services including transportation, water, wastewater, solid waste, disposal, drainage, recreation, education, or emergency services and will in fact reduce utility consumption by expediting the demolition process of non-historic and non-contributing structures; especially those that contain utilities.
 6. *Natural Environment:* The adoption of this ordinance revision would not impose any additional adverse impact to the natural environment.
 7. *Economic Effects:* This proposed ordinance revision will have a positive economic effect on property values in the area by encouraging the removal of non-compliant buildings and structures.
 8. *Orderly development:* The adoption of this ordinance revision will not create a negative effect on any “land use pattern”.
 9. *Public interest; enabling act:* The adoption of this ordinance revision serves the public interests in promoting properties that are in compliance with the Florida Building Code and the Code of Ordinances.
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Options:

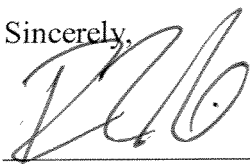
1. To pass the proposed ordinance revision to the L.D.R.’s, thereby relaxing the required HARC readings for demolitions in the historic district only concerning non-historic or non-contributing buildings or structures.
2. To defeat the proposed revision and the existing ordinances will continue to be enforced.

Recommendation:

To pass the proposed ordinance revision.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Ron Ramsingh, Esq.