

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF KEY WEST,  
FLORIDA, AMENDING CHAPTER 102 ENTITLED  
"HISTORIC PRESERVATION" BY AMENDING  
SECTION 102-217 "REQUIRED PUBLIC  
MEETINGS", RELAXING THE REQUIREMENTS TO  
OBTAIN STAFF APPROVAL TO DEMOLISH  
CERTAIN NON-HISTORIC, NON-CONTRIBUTING  
BUILDINGS OR STRUCTURES IN THE HISTORIC  
DISTRICT; 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**, Section 102-152 of the land development regulations  
requires a certificate of appropriateness issued by the historic  
architectural review commission for the demolition of any existing  
building or structure located in the historic zoning districts or  
listed as contributing on the city historic preservation survey;  
and

**WHEREAS**, the City Commission finds that expanding the  
authority of staff to approve HARC certificates of appropriateness  
for the demolition of certain non-contributing, non-historic  
accessory buildings or structures will hasten the permit process

for property owners to enhance their properties and property values in the historic district; and

**WHEREAS**, the planning board held a noticed public hearing on \_\_\_\_\_, 2016, where based on the consideration of recommendations by the planning director, city attorney, building official and other information recommended approval of the proposed amendments; and

**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 ORDAINED BY THE CITY COMMISSION OF KEY WEST, FLORIDA, AS FOLLOWS:**

**Sec. 102-217. Required public meetings and staff approval.**

- (1) The historic preservation planner shall have the authority to staff approve the demolition of a non-historic, non-contributing building or structure in the historic district

that is part of a bona fide code compliance case after written consent from the city planner and the city attorney. If the required written approvals herein are not obtained, then subsection (2) below shall be applicable.

- (2) The historic preservation planner shall have the authority to staff approve the demolition of the following non-historic, non-contributing buildings or structures in the historic district, as long as there is no build back of any structure on the site, with the exclusion of a swimming pool:

(a) Awnings

(b) Carports

(c) Detached covered porches located on the rear of a property

(d) Gazebos

(e) Gatehouses

(f) Pavilions

(g) Pergolas

(h) Sheds

(i) Swimming pools and hot tubs

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\*Coding: Added language is underlined; deleted language is struck through.

(j) Trellis and arbors

(k) Walls

The historic preservation planner shall have the authority to staff approve the demolition and, if necessary, reconstruction of non-historic, non-contributing staircases, decks 30 inches or taller, and fences that do not qualify as unsafe structures, pursuant to section 102-221, and that are in need to be demolished due to deterioration or building code requirements.

(2) 3 The historic architectural review commission shall not issue a certificate of appropriateness for demolition of a non-historic or non-contributing building or structure located in a designated historic zoning district, with the exception of qualified buildings and structures under section 102-217 (2), ~~except~~ after conclusion of one regular historic architectural review commission meeting.

(3) 4 The historic architectural review commission shall not issue a certificate of appropriateness for demolition of a historic or contributing building or structure located in a designated historic zoning district, or that is a contributing building or structure that is outside of the historic district except after conclusion of two regular historic architectural review commission meetings regarding the application, which shall be at least 14 days apart, and which meetings shall be

advertised at least five days in advance in a newspaper of general circulation published in the city. Notice of the meetings shall be published as for a regular meeting, pursuant to section 90-143.

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 \_\_\_\_\_, 2016.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_ day of \_\_\_\_\_, 2016.

Filed with the Clerk \_\_\_\_\_, 2016.

Mayor Craig Cates \_\_\_\_\_

Vice Mayor Clayton Lopez \_\_\_\_\_

Commissioner Sam Kaufman \_\_\_\_\_

Commissioner Richard Payne \_\_\_\_\_

Commissioner Margaret Romero \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

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CRAIG CATES, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK