

RESOLUTION NUMBER 2023- \_\_\_\_\_

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 102 ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTION 102-217 "REQUIRED PUBLIC MEETINGS AND STAFF APPROVAL", BY AMENDING THE REQUIREMENTS TO OBTAIN APPROVAL TO DEMOLISH HISTORIC BUT NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AFTER CONCLUSION OF ONE REGULAR HISTORIC ARCHITECTURAL REVIEW COMMISSION MEETING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS,** the Historic Architectural Review Commission ("HARC") initiated the proposed amendments to hasten the process for demolition of historic non-contributing buildings and structures for property owners to enhance their properties; and

**WHEREAS,** the Historic Architectural Review Commission held a noticed public meeting on January 24, 2023, where the proposed text amendments to Section 102-217 of the Land Development Regulations were approved; and

**WHEREAS,** it is the city's best interest to expedite the approval process for development projects proposing certain

demolitions within the historic district; and

**WHEREAS**, the city's Comprehensive Plan establishes as an objective the maintenance of unique architectural heritage of historically significant resources, of which certain historic but non-contributing buildings and structures lack as they are too highly altered or are not part of the period of significance of the historic district; and

**WHEREAS**, the Land Development Regulations contains specific criteria for evaluating proposed development requesting the demolition of significant historic buildings and structures and establish the issuance of a Certificate of Appropriateness by the Historic Architectural Review Commission for new construction; and

**WHEREAS**, the Planning Board held a noticed public hearing on February 16, 2023, where based on the consideration of recommendations by the city planner and city attorney, 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

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\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

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.

**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 the proposed amendments to Chapter 86 of the City of Key West Land Development Regulations are recommended for approval hereby 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-

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

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) Subject to the criteria contained in section 102-218, 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

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(g) Pergolas

(h) Sheds

(i) Swimming pools and hot tubs

(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.

- (3) The historic architectural review commission shall ~~not~~ only issue a certificate of appropriateness for demolition of a historic but not contributing, 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),~~ after conclusion of one regular historic architectural review commission meeting.

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\_\_\_\_\_ Planning Director

(4) The historic architectural review commission shall ~~not~~ only issue a certificate of appropriateness for demolition of a historic and contributing 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 3.** This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk.

Read and passed on first reading at a regular meeting held this February 16, 2023.

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\_\_\_\_\_ Chairman  
\_\_\_\_\_ Planning Director

Authenticated by the Chairman of the Planning Board and the Planning Director.

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Sam Holland Jr., Planning Board Chairman Date

**Attest:**

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Katie P. Halloran, Planning Director Date

**Filed with the Clerk:**

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Cheryl Smith, City Clerk Date