

DIVISION 3. DEMOLITIONS

Sec. 102-216. Submission of application to historic architectural review commission.

Application for a certificate of appropriateness for any demolition of a building or structure located within a designated historic zoning district, and contributing buildings or structures that are located outside of the historic district shall be submitted by the property owner to the historic architectural review commission.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(a)), 7-3-1997; Ord. No. 06-14, § 9, 8-1-2006; Ord. No. 12-14, § 1, 6-5-2012)

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) 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
 - (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.

- (4) The historic architectural review commission shall not 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.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(b)), 7-3-1997; Ord. No. 06-14, § 10, 8-1-2006; Ord. No. 11-11, § 5, 8-2-2011; Ord. No. 12-14, § 1, 6-5-2012; Ord. No. 16-24, 11-1-2016)

Sec. 102-218. Criteria for demolitions.

- (a) The historic architectural review commission shall issue a certificate of appropriateness for an application for demolition:
 - (1) If the subject of the application is a contributing or historic building or structure, then it should not be demolished unless its condition is irrevocably compromised by extreme deterioration or it does not meet any of the criteria of section 102-125(1) through (9).
 - (2) For a contributing historic or noncontributing building or structure, a complete construction plan for the site is approved by the historic architectural review commission.
- (b) The historic architectural review commission shall not issue permits that would result in:
 - (1) Removing buildings or structures that are important in defining the overall historic character of a district or neighborhood so that the character is diminished;
 - (2) Removing historic buildings or structures and thus destroying the historic relationship between buildings or structures and open space; and
 - (3) Removing an historic building or structure in a complex; or removing a building facade; or removing a significant later addition that is important in defining the historic character of a site or the surrounding district or neighborhood.
 - (4) Removing buildings or structures that would otherwise qualify as contributing, as set forth in section 102-62(3).
- (c) Nothing in this section is intended to alter the authority of the Building Official to condemn for demolition dangerous buildings, as provided in chapter 14 of the Code of Ordinances.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(c)), 7-3-1997; Ord. No. 06-14, § 12, 8-1-2006)

Sec. 102-219. Denial of certificate of appropriateness.

The historic architectural review commission's refusal to grant a certificate of appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the historic architectural review commission seeks to preserve.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(e)), 7-3-1997)

Sec. 102-220. Approval of certificate of appropriateness.

- (a) *Generally.* The historic architectural review commission may grant a certificate of appropriateness as requested by a property owner for demolition which may provide for a delayed effective date. The effective date of the certificate will be determined by the historic architectural review commission based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.
- (b) *Delay of demolition.* The historic architectural review commission may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months, while demolition of noncontributing buildings within the historic district may be delayed for up to three months.
- (c) *Historic architectural review commission actions during delay period.* During the demolition delay period, the historic architectural review commission may take such steps as it deems necessary to preserve the structure concerned and ensure that the structure is secure and stabilized. Such steps may include but are not limited to consultation with community groups, public agencies, and interested citizens; recommendations for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or other features.
- (d) *Special historic architectural review commission requests precedent to demolition.* The historic architectural review commission may, with the consent of the property owner, request that the owner, at the owner's expense, salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures and the like for reuse in the restoration of other historic properties. The historic architectural review commission may, with the consent of the property owner, request that the Historic Florida Keys Foundation or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition. The recording may include but shall not be limited to photographs, videotaping, documents, and scaled architectural drawings. At the historic architectural review commission's option, and with the property owner's consent, the historic architectural review commission or the Historic Florida Keys Foundation may salvage and preserve building materials, architectural details, and ornaments, textures, and the like at its expense, respectively.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(f)), 7-3-1997; Ord. No. 06-14, § 12, 8-1-2006)

Sec. 102-221. Unsafe structures.

If the chief building official determines that any structure within a designated historic site or designated historic district is unsafe pursuant to the applicable sections of the Code of Ordinances, the chief building official will immediately notify the historic architectural review commission of the findings. The unsafe condition shall include structures deemed by the chief building official to be undergoing demolition by the property owner's neglect of maintenance responsibilities. Where appropriate and in accordance with applicable ordinances, the chief building official will attempt to have the owner or other appropriate party repair the structure rather than order it to be demolished and will take into consideration any comments and recommendations by the historic architectural review commission. However, the provisions contained within sections 102-187 through 102-190 and this division 3 shall not apply to the chief building official's declaration that a building is unsafe, nor will the chief building official be precluded from taking such steps as may be required by applicable ordinances to protect the public health and safety of the community. The historic architectural review commission may also endeavor to negotiate with the owner and interested parties, provided such actions do not interfere with procedures in the applicable ordinances.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(g)), 7-3-1997)

Secs. 102-222—102-250. Reserved.

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