

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 APPROVAL TO DEMOLISH NON-HISTORIC AND NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AND INCLUDING CONTRIBUTING BUILDINGS AND STRUCTURES OUTSIDE OF THE HISTORIC DISTRICT IN SECTION 102-216; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, The City Commission for the City of Key West recognizes that the historic district has numerous illegal and unpermitted buildings and structures; and

**WHEREAS**, The City Commission for the City of Key West recognizes that the existence of these illegal and unpermitted buildings and structures pose a threat to the health, safety and welfare to the citizens and visitors of the City of Key West; and

**WHEREAS**, the City Commission for the City of Key West finds that expanding the authority to staff approve a HARC certificate of appropriateness for the demolition of non-contributing, non-historic buildings or structures that are part of a code case will hasten the process to bring properties in the historic district into compliance with the code of ordinances thereby promoting the health, safety

and welfare of citizens and visitors of the City of Key West; and

**WHEREAS**, the City Commission for the City of Key West finds that reducing the number of hearings before the historic architectural review commission from two to one regarding the demolition of non-contributing, non-historic buildings or structures in the historic district that are not part of a code compliance case will serve to promote a more accurate historic fabric and hasten the process for property owners to enhance their properties and property values in the historic district; and

**WHEREAS**, the City Commission for the City of Key West finds that there exists several historic, contributing properties that are located outside of the historic district and are presently otherwise under the jurisdiction of HARC for all architectural matters except regarding demolitions,

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

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.

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 bone 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 architectural review commission shall not issue a certificate of appropriateness for demolition of a non-historic or non-contributing building or

---

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

structure located in a designated historic zoning district except after conclusion of one regular historic architectural review commission meeting.

(3) 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: 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 there from and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: 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 4: 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 \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2012.

Filed with the Clerk \_\_\_\_\_, 2012.

\_\_\_\_\_  
CRAIG CATES, MAYOR

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