

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, TO AMEND THE HISTORIC ARCHITECTURAL REVIEW COMMISSION GUIDELINES FOR FENCES, SPECIFICALLY SECTION VI (V.) FENCES AND WALLS, SUBSECTION (9), AS REFERENCED IN CHAPTER 90 (ADMINISTRATION), ARTICLE II, DIVISION 4 - HISTORIC ARCHITECTURAL REVIEW COMMISSION OF THE CITY OF KEY WEST LAND DEVELOPMENT REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Historic Architectural Review Commission, previously known as Old Island Restoration Commission, adopted for more than forty years specific language on their guidelines establishing sidewalks and natural grade as the base point for measuring heights of fences and walls in the historic district; and

WHEREAS, the Historic Architectural Review Commission initiated the proposed amendments to update the Historic Architectural Guidelines relevant to fences and walls, more specifically guideline nine which establishes how fences and walls heights are measured in the historic zoning districts; and

WHEREAS, the Historic Architectural Review Commission finds that guideline number nine under fences and walls shall include specific language as to where on a property the height of a fence or wall shall be measured, taking into consideration properties where city sidewalks are none existing; and

WHEREAS, amendments to the Historic Architectural Guidelines are initiated by the HARC from time to time to better preserve the character and appearance of the historic preservation districts and other designated historic sites or resources; and

WHEREAS, Section 90-142 of the Land Development Regulations incorporates the Historic Architectural Guidelines by reference; and

WHEREAS, amendments to the Historic Architectural Guidelines must follow the same procedural requirements as amendments to the Land Development Regulations as specified in Sections 90-516 - through 90-524 of the Code of Ordinances; and

WHEREAS, the City's Comprehensive Plan, includes under the Historic Preservation element Policy 1A-1.2.1: HARC Guidelines, the City and HARC shall continue to protect all historically significant structures and historic districts by periodically updating the HARC Guidelines; and

WHEREAS, the Historic Architectural Review Commission finds that strengthen the Historic Architectural Guidelines, specifically guideline number nine under fences and walls, will benefit the public and the preservation of the character of the historic district and its streetscapes; and

WHEREAS, the planning board held a noticed public hearing on April 18, 2024, where based on the consideration of recommendations by the Historic Architectural Review Commission, their staff, and planning director recommended approval of the proposed amendments;

WHEREAS, the City determined that the proposed amendments to the Historic Architectural Guidelines, specifically guideline number nine under fences and walls, 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 RESOLVED BY THE CITY COMISSION OF KEY WEST, FLORIDA, AS FOLLOWS:

Section 1. Chapter VI entitled Design Guidelines in Key West's Historic District, section (v) fences and walls, specifically guideline 9 of the Historic Architectural Guidelines dated May 14, 2002, are amended as follows:

FENCES & WALLS

Fences are important elements of the design and character of historic structures and districts. The scale and character of a fence, posts and gates must be compatible with the house and the neighboring structures. Chain link, unfinished block walls, reed fencing and non-vertical fencing are not allowed.

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

1. Fencing shall be constructed so the finished face is toward the street or neighboring property.
2. Design and construction of fences or changes to existing fences must be approved and permitted.
3. A picket fence up to 4 feet in height is permitted at the front of the structure; if a building is located on a corner lot, this height should be consistent on both front and side elevations, at least to the rear edge of the structure. Picket fences should be constructed in proportion to historic dimensions.
4. Six-foot high picket fences may be permitted on side and rear property lines only. All front elevation fences shall not exceed four feet in height, unless there is a previous masonry and wood or iron picket combination fence.
5. Solid six-foot fences with abutting vertical boards are permissible on side and rear elevations if adjacent owners have signed notarized statements of agreement.
6. Six-foot fences may begin from the rear of where the façade of the house joins the front porch, or at least ten (10) feet from the front property line.
7. New decorative wooden fences (solid with patterns cut out of the top portion) are discouraged.

8. Traditional historic fencing included wood pickets, wrought iron, concrete and combinations of these materials. Fencing should be designed with respect for the site land environment.

9. Fence heights will be measured from the sidewalk on the front property line. If no sidewalk exists at the front property line, fence height shall be measured from the natural grade from the public right-of-way immediately adjacent to the front property line ~~or from the level of the natural grade, whichever is highest.~~

10. Fences erected within the required setback area (i.e., between the property line and the setback line) are subject to the same height restrictions as fences erected on the property line.

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 therefrom 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 and approval by the Florida Department of Economic Opportunity, pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2024.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2024.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2024.

Filed with the Clerk _____, 2024.

Mayor Teri Johnston	_____
Vice Mayor Sam Kaufman	_____
Commissioner Lisette Carey	_____
Commissioner Mary Lou Hoover	_____
Commissioner Clayton Lopez	_____

Commissioner Billy Wardlow
Commissioner Jimmy Weekley

TERI JOHNSTON, MAYOR

ATTEST:

KERI O'BRIEN, CITY CLERK