

THE CITY OF KEY WEST
PLANNING BOARD
Staff Report



To: Chairman Holland and Planning Board Members

Through: Katie P. Halloran
Planning Director

From: Enid Torregrosa-Silva
Historic Preservation Planner

Meeting Date: February 17, 2022

Agenda Item: **Text amendment to the Historic Architectural Review Commission's Guidelines** - A resolution of the City of Key West Planning Board recommending an ordinance to the City Commission to amend the Historic Architectural Review Commission guidelines for windows and shutters as referenced in Section 90-142 of the City of Key West Land Development Regulations; Providing for severability; Providing for repeal of inconsistent provisions; Providing for an effective date.

Request: Approval of proposed amendments to the Historic Architectural Review Commission guidelines for windows and shutters as referenced in Section 90-142 of the City of Key West Land Development Regulations

Applicant: City of Key West

Background:

On September 21, 2021, the Historic Architectural Review Commission (HARC) hosted a public workshop to discuss with owners, contractors, designers, interested groups and building construction suppliers the possibility of amending existing guidelines for windows and shutters. In the past year the Commission has received an unusual number of requests for the removal of historic windows and their replacement with impact windows to protect their buildings during storms and hurricane seasons. During the workshop and subsequent public meetings HARC legal advisor cautioned about Florida Statute 163.04 *Energy devices based on renewable resources*, as windows and shutters can be considered energy devices. Florida Statute 163.04 prohibits any jurisdiction in the State not to allow the installation of energy devices based on renewable resources. Furthermore, the Statute prohibits regulations that requires construction materials beyond the capacity of private owners to maintain in order to conserve and protect the value of buildings and land while driving the cost of owning and operating commercial and residential property.

The workshop and three subsequent meetings proved the need to re write the entire section of the guidelines specific for windows and shutters (pages 29- 31 of the Historic Architectural Guidelines). The

new guidelines are based on the Secretary of the Interior’s Standards, the National Park Service (NPS) Technical Briefs and documents specific to Historic Preservation and Sustainability published by the NPS. The new guidelines for windows recognize the different categories of historic buildings by their significance, primary vs. secondary elevations and allowed window materials, retrofitting existing windows for energy savings, and storefront glazing. Staff research of historic photos concluded that aluminum windows, specifically jalousie (glass and aluminum) and awning windows were installed in buildings on and after 1945, sustaining the argument that buildings built in that period can have replacement windows made of aluminum or metal.

The new guidelines promote the preservation and restoration of historic windows but allows their replacement with impact resistant units to match existing including frame material, dimension, configuration, and design on principal elevations of buildings built before 1945. For window replacement requests for the thirteen (13) buildings out of the fifteen (15) sites individually listed in the National Register of Historic Places, the new guidelines require an assessment of each proposed replaced window. The window assessment must demonstrate that more than 55% of the window’s historic fabric has been lost for it to be replaced with a unit that replicates the original window. Otherwise, the window must be retained and restored. Impact glass will be allowed. The guidelines also include graphics of types of traditional windows, a visual glossary of window terms and a graphic with all possible traditional muntins sections. Changes in window fenestrations, including dimensions and locations are also addressed in the guidelines.

Other regulations incorporated in the guidelines are the differentiation between architectural shutters and window protection and storm shutters. Photographs of different architectural shutters and window protection are part of the document. Protection and preservation guidelines for historic stained-glass windows are also provided in the document. In conclusion, the intent of these new regulations is to provide HARC with current tools to guide their decisions based on Florida Statute 163.04 and Historic Preservation Federal Standards and Guidelines while preserving the historic character of the unique Key West Historic District and contributing buildings outside of the district.

Previous City Actions:

HARC Public Workshop	September 21, 2021
HARC Discussion Item:	October 27, 2021 – Reviewed and Filed November 23, 2021 - Reviewed and Filed December 21, 2021 – Reviewed and Filed
HARC Recommendation of Approval:	January 25, 2022

Analysis:

The proposed amendments, drafted as ordinance, are attached as part of this report. The amendments under review were approved by the Historic Architectural Review Commission on January 25, 2022, for the purpose of having new windows and window protection guidelines that reflect today’s preservation and resilience needs and to fulfill requirements under Florida Statute 163.04. The Historic Architectural Guidelines are adopted under Section 90-142 of the Land Development Regulations and any changes

require compliance with Section 90-520 of the Code. A review of the proposed ordinance relative to Section 90-520 is provided below:

- (1) **Property Description** - Historic District, specifically zones HMDR, HSMDR, HHDR, HRCC1, HRCC2, HRCC3, HRCC4, HNC1, HNC2, HNC3, HCT, HRO, HPS, HPS1, HPS2, HPRD and HCL. Buildings and structures listed as contributing outside of the historic zoning districts.
- (2) **Current and proposed comprehensive plan land use map designation** - No changes proposed in land use map designation.
- (3) **Current and proposed zoning** - No changes proposed in zoning designation.
- (4) **Existing and proposed use** - Not applicable.
- (5) **Disclosure of ownership** - Not applicable.
- (6) **Justification** - The amendments to windows and window protection regulations under the Historic Architectural Guidelines have been proposed and recommended for approval by the Historic Architectural Review Commission. The Historic Preservation Element under Future Land Use in the City of Key West Comprehensive Plan states the importance of protecting resources of architectural significance and encourages the sensitive treatment and use of historic structures.

Under Policy 1A-1.2.1 – HARC Guidelines, the Comprehensive plan mandates that *“the City and HARC shall continue to protect all historically significant structures and historic districts by periodically updating the HARC Guidelines”*. It is staff’s opinion that the proposed new guidelines for windows and window protection contain current trends and language that preserve the character of historic buildings and structures while incorporating regulations to minimize their vulnerabilities under storms and hurricanes. Windows and their protections are considered energy devices and as such city regulations must conform with Federal and State mandates, including Florida Statute 163.04.

Policy 1.A-1.3.3 – Apply HARC Guidelines and Federal Standards *“the City shall encourage the restoration, rehabilitation, and adaptive re-use of historic resources. The rehabilitation of historic resources using public or private funds shall require compliance with (HARC) Guidelines and the Secretary of the Interior’s Standards for Rehabilitation”*. It is staff’s opinion that the new proposed guidelines are based on the Secretary of the Interior’s Standards and promote the preservation and resilience of historic buildings.

In addition, objective 1A-1.5 Historic Preservation in Coastal High Hazard Areas, requires the City to meet or exceed standard coastal management practices, policies, and FEMA standards by developing strategies for the historic district. Although the guidelines promote the preservation of historic windows it also allows historic window replacement with impact resistant units. This is in accordance with Federal Historic Preservation Standards and practices while making historic buildings less vulnerable through future storms and hurricanes.

The proposed amendments are consistent with the City’s Comprehensive Plan and the 2021-2024 Strategic Plan. The Historic Architectural Review Commission is chartered to preserve the character and appearance of the Key West Historic District through review and regulation of proposed changes in the district. The proposed amendments for new guidelines for windows and window protection will assist HARC and their staff in their responsibilities.

Section 90-522 establishes the Planning Board review process for proposed changes of the Land Development Regulations.

(a) The planning board, regardless of the source of the proposed change in the land development regulations, shall hold a public hearing thereon with due public notice. The planning board shall consider recommendations of the city planner, city attorney, building official and other information submitted at the scheduled public hearing. The planning board shall transmit a written report and recommendation concerning the proposed change of zoning to the city commission for official action. In its deliberations the planning board shall consider the criteria stated in section 90-521.

The City Attorney’s office and the Planning Director have worked with HARC staff in the review of the proposed HARC Guidelines amendments to ensure that the changes are consistent with the LDRs and more in compliance with Florida Statutes and are necessary to assist our citizens in maintaining and preserving their buildings. The proposed text amendment does not alter the official zoning map Section 90-521 of the LDRs, entitled “Criteria for approving amendments to official zoning map,” and therefore it is not applicable under this review.

Process:

Section 90-523 of the Land Development Regulations states that the City Commission shall review and act upon all proposed amendments to the LDRs and the official zoning map. If the Planning Board approves the text amendment the City Commission shall schedule a public hearing on the petition. The City Commission review process requires two readings of the proposed amendments. Absent of any appeals, the ordinance will be rendered to the Florida Department of Economic Opportunity, who will have 60 days to issue an order of consistency. The final ordinance will be sent to the Florida Department of State, Division of Historical Resources, as required by the city’s Certified Local Government Agreement of 1991.

RECOMMENDATION:

The Historic Architectural Review Commission and Planning Department staff recommend consideration and approval of the submitted window and window protection guidelines amendments, based on requirements and objectives set forth in the Land Development Regulations and the City of Key West Comprehensive Plan.