

EXECUTIVE SUMMARY



To: Patti McLauchlin, City Manager

Through: Katie P. Halloran
Planning Director

From: Enid Torregrosa-Silva
Historic Preservation Planner

Kathleen McDonald
Historic Preservation Planner II

Meeting Date: March 15, 2022

Agenda Item: **Text amendment to the Historic Architectural Review Commission's Guidelines** - An Ordinance of the City Commission of the City of Key West, Florida, amending 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's 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 require construction materials beyond the capacity of private property owners to maintain in order to conserve and protect the value of buildings and land while also driving up 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 constructed in that period can have replacement windows made of aluminum or metal.

The new guidelines promote the preservation and restoration of historic windows but allow their replacement with impact resistant units to match existing units 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 muntin 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:

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| 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 |
| Planning Board Approval: | February 17, 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, and

the Planning Board on February 17, 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. In determining whether to grant a requested amendment, the City Commission shall consider the consistency of the proposed amendments with the intent of the Comprehensive Plan and with the 2021-2024 City of Key West Strategic Plan.

Comprehensive Plan

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 vulnerability to 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.

In addition, 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.

Furthermore, Objective 1A-1.5 of the Comprehensive Plan - *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 new proposed amendments to the guidelines promote the preservation of historic windows, they also allow historic window replacement with impact resistant units. These amendments are also in accordance with Federal Historic Preservation Standards and practices and make historic buildings less vulnerable to 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.

2021-2024 Strategic Plan

The proposed amendments to the guidelines will help to implement priorities 2 *Adaptation and Sea Level Rise* and 4 *Environmental Protection* of the 2021-2024 *Strategic Plan*. The new guidelines amendments

include as alternative replacement the use of impact resistant windows, which will protect vulnerable structures from hurricanes and storms. In addition, the proposed amendments will assist property owners to obtain credits for their wind insurance. These amendments are also consistent with Goal 3 *Long-term Adaptation Plan* and Goal 5 *Regulatory changes and new measures to support long-term resiliency* as windows in buildings are a key issue in protecting a structure during a storm and through hurricane season. Many of the historic houses and buildings that have non-impact windows require the installation of removable panels and other means of protection, and in many cases citizens either install them months ahead when they are not on the property or cannot find assistance to install them.

Furthermore, impact glass and approved window films to retrofit existing windows and storefronts will make buildings more compliant with energy efficiency by reducing carbon footprint. The Strategic Plan proposes clean energy initiatives, and the use of energy efficient glass will reduce the consumption of air conditioning and electricity. In conclusion, it is staff's opinion that the proposed amendments for windows and window protection guidelines will contribute to achieve the goals and objectives of the City's Strategic Plan.

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.

OPTIONS/ ADVANTAGES/ DISADVANTAGES:

Option 1: Approve the text amendment to the Historic Architectural Guidelines for windows and shutters as per the recommendations from the Historic Architectural Review Commission and the Planning Board through Resolution 2022-010.

- a. **Consistency with the City's Comprehensive and Strategic Plans:** This action would provide new guidelines that will allow the use of stronger construction materials for windows and window protection, retrofit existing windows with more energy efficient films, and will provide clear regulations to citizens while protecting the historic character and quality of the historic district, which is consistent with several objectives of the City's Comprehensive and Strategic Plans.
- b. **Financial Impact:**
There will be no cost to the City if this request is approved.

Option 2: Deny the proposed text amendment to the Historic Architectural Guidelines for windows and shutters.

- a. **Consistency with the City's Comprehensive and Strategic Plans:** This action would not be consistent with both the City's Comprehensive and Strategic Plans, as the current window and shutters guidelines, written in 2002, do not reflect available materials and technology for windows and their protection, nor promote the use of impact resistant and energy efficient windows and retrofits much in demand from our citizens.

- b. **Financial Impact:**
There will be no cost to the City if this request is denied.

RECOMMENDATION:

The Historic Architectural Review Commission, the Planning Board, and the Planning Department recommend consideration and approval of Option 1.