

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 102 ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTION 102-217 "REQUIRED PUBLIC MEETINGS AND STAFF APPROVAL", BY AMENDING THE REQUIREMENTS TO OBTAIN APPROVAL TO DEMOLISH HISTORIC BUT NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AFTER CONCLUSION OF ONE REGULAR HISTORIC ARCHITECTURAL REVIEW COMMISSION MEETING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Historic Architectural Review Commission ("HARC") amendments to Chapter 102 of the Land Development Regulations are initiated by the Historic Architectural Review Commission from time to time to better preserve the character and appearance of the historic preservation districts and other designated historic site or resources; and

**WHEREAS**, HARC members finds that reducing the number of hearings from two to one specific for developments that require demolition of historic but non-contributing buildings or structures in the historic district will hasten the process for property owners to enhance their properties and property values in the historic district; and

**WHEREAS**, the Land Development Regulations includes as one criteria to define a historic building, its construction date of 50 or more years prior to the current day, as this is the National standard age for a building to be considered historic; and

**WHEREAS**, contributing resources are those buildings, structures and sites that contribute and preserve the character and integrity of the historic district with a period of historic significance from 1829 to 1945; and

**WHEREAS**, the city's Comprehensive Plan establishes as an objective the maintenance of unique architectural heritage of historically significant resources, of which certain historic but non-contributing buildings and structures lack as they are too highly altered or are not part of the period of significance of the historic district; and

**WHEREAS**, the Land Development Regulations contains specific criteria for evaluating proposed development requesting the demolition of significant historic buildings and structures and establish the issuance of a Certificate of Appropriateness by the Historic Architectural Review Commission for new construction; and

**WHEREAS**, the Planning Board held a noticed public hearing on February 16, 2023, where based on the consideration of recommendations by the city planner and city attorney, the Board recommended approval of the proposed amendments;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMISSION OF KEY WEST, FLORIDA, AS FOLLOWS:**

Section 1. Division 3, "Demolitions", of Article 4 "Certificate of Appropriateness", of Chapter 102 "Historic Preservation", of the Code of Ordinances, are amended as follows\*:

**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

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

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 non-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~~ only 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.

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 \_\_\_\_\_, 2023.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Filed with the Clerk \_\_\_\_\_, 2023.

Mayor Teri Johnston \_\_\_\_\_

Vice Mayor Sam Kaufman \_\_\_\_\_

Commissioner Lissette Carey \_\_\_\_\_

Commissioner Mary Lou Hoover \_\_\_\_\_

Commissioner Clayton Lopez \_\_\_\_\_

Commissioner Billy Wardlow \_\_\_\_\_

Commissioner Jimmy Weekley \_\_\_\_\_

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TERI JOHNSTON, MAYOR

ATTEST:

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CHERYL SMITH, CITY CLERK