

## EXECUTIVE SUMMARY



**To:** Greg Veliz, City Manager

**Through:** Katie P. Halloran  
Planning Director

**From:** Kathleen McDonald, MHP  
Historic Preservation Planner II

**Meeting Date:** January 20, 2021

**RE:** **Text Amendments to the Historic Architectural Review Commission Design Guidelines and Amendments to Section 86-9, Definition of Terms, of the Land Development Regulations** – An Ordinance of the City Commission of the City of Key West, Florida, amending Chapter 86, Section 86-9, entitled “Definition of Terms,” of the City of Key West Land Development Regulations; Amending the Historic Architectural Review Commission Design Guidelines Chapter VI, Article u, entitled “Decks, Patios, Hot Tubs and Pools” and Chapter IX, entitled “Architectural Glossary,” as referenced in Chapter 90, 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.

### **ACTION STATEMENT:**

The purpose of this Ordinance is to amend current definitions in Chapter 86 and Historic Architectural Review Commission Design Guidelines referenced in Chapter 90 of the Land Development Regulations, specifically those related to the current HARC Design Guidelines for Decks, Patios, Hot Tubs and Pools.

### **BACKGROUND:**

At both the November 2019 and January 2020 Historic Architectural Review Commission meetings, the current Historic Architectural Design Guidelines for Decks, Patios, Hot Tubs and Pools were a topic of concern due to their somewhat confusing and conflicting nature. It was requested by the Commission members that HARC staff revisit the guidelines and propose amendments that would be more straightforward and in keeping with the character of the historic district.

First, the preamble was amended to make it clear that pools, hot tubs, spas and related equipment will not be permitted in the front or side yard of a property adjacent to the public right-of-way, as they would detract from the sense of time and place that sets our district apart from modern developments. There is also now a separate paragraph in the preamble dedicated to clarifying the

importance of front and street-side yards in the historic district, and how excessive paving is not appropriate in these areas.

Next, vague wording, such as “should” or “may,” was omitted for clarification. Some concern was brought up regarding the confusing nature of guidelines #3 and #6, particularly the phrase “best efforts” in guideline #3 and the “rear half of the side yard” stipulation in guideline #6. As a result, guideline #3 was amended, and guideline #6 was omitted.

Other proposed amendments include additions, omissions and changes to the text of some of the existing guidelines. For example, verbiage regarding landings required by the Florida Building Code was added to guideline #2, in order to differentiate “landings” from “decks,” and guideline #3 was changed to omit landscape as an appropriate screening technique accepted by HARC. Guidelines #4 and #5 were omitted entirely, as they were made redundant by the new text of the preamble.

Finally, glossary definitions for courtyards, decks, landings, patios, paving and ponds are proposed to be added and amended, in order to provide clarification. The addition/amendment of these definitions also required amending the existing definitions for “courtyard” and “patio” in Chapter 86 of the LDRs, as the existing definitions are out-of-date and somewhat misleading.

**PREVIOUS CITY ACTIONS:**

HARC Discussion Item:	June 23, 2020 - Reviewed and Filed July 29, 2020 - Postponed
HARC Recommendation of Approval:	August 25, 2020
Planning Board:	November 19, 2020 - Approved
City Commission:	January 5, 2021 - Approved at First Reading

**HARC STAFF ANALYSIS:**

The amendments under review were proposed by the Historic Architectural Review Commission in November of 2019 and January of 2020. The amendments were recommended by HARC for approval on their August 25, 2020 regular virtual meeting. The amendments were then presented to the Planning Board on their November 19, 2020 regular meeting and were recommended for approval through Resolution 2020-41. On January 5, 2021, the amendments were presented to the City Commission and approved on first reading. Section 90-520 of the Code outlines required information for a petition to amend the Land Development Regulations. 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.
- (2) **Current and proposed comprehensive plan land use 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 the Historic Architectural Guidelines and the Land Development Regulations have been proposed by the Historic Architectural Review Commission and recommended for approval by the Planning Board through Resolution 2020-41. The Historic Preservation Element under Future Land Use in the City of Key West Comprehensive Plan states, under several objectives and policies, the importance of protective regulations in the Land Development Regulations that guarantee the preservation of the visual quality and character of the historic district.

Goal 1A-A of the City’s Comprehensive Plan states: *“To identify and protect resources of archaeological and architectural significance.”* Objective 1A-1.2, entitled “Designated Historic Districts and Landmarks,” establishes the City’s responsibility to *“...ensure the stability, maintenance and improvement of designated historic districts and independently listed landmarks...”* through *“...updating HARC Guidelines.”* Furthermore, under Policy 1A-1.2.1, entitled “HARC Guidelines,” it is stated 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 updates are necessary to ensure that the Historic Architectural Review Commission is equipped to review projects using HARC Guidelines that are up-to-date, straightforward, and in keeping with the character of the historic district.

The City Attorney’s office and the Planning Director have worked with HARC staff in the review of the proposed text amendments to ensure that the changes are consistent with the Comprehensive Plan and the LDRs. 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 are necessary to clarify language and intent of the HARC Guidelines for “Decks, Patios, Hot Tubs and Pools,” as well as associated definitions in the LDRs, in order to better assist HARC in their responsibilities.

### **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. The Planning

Board has approved the text amendment and the City Commission has approved the text amendment at first reading. The review process now requires a second reading and approval of the proposed amendments at City Commission. 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 Land Development Regulations as per the recommendations from the Historic Architectural Review Commission and the Planning Board through Resolution 2020-41.

a. **Financial Impact:**

There will be no cost to the City if this request is approved.

**Option 2: Deny** the proposed text amendment to the Land Development Regulations.

a. **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.