PLANNING BOARD
RESOLUTION NO. 2012-11

A RESOLUTION OF THE KEY WEST PLANNING BOARD RECOMMENDING APPROVAL OF AN ORDINANCE AMENDMENT OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 102 ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTION 102-217 "REQUIRED PUBLIC MEETINGS", RELAXING THE REQUIREMENTS TO OBTAIN APPROVAL TO DEMOLISH NON-HISTORIC AND NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AND INCLUDING CONTRIBUTING BUILDINGS AND STRUCTURES OUTSIDE OF THE HISTORIC DISTRICT IN SECTION 102-216; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning Department prepared an amendment to the Land Development Regulations to provide for modifications of the requirements to obtain approval for demolition of non-historic and non contributing buildings or structures in the historic district and included new requirements to obtain approval for demolition of contributing buildings and structures outside of the historic district;

WHEREAS, the Planning Board held a noticed public hearing on March 27, 2012, where based on the consideration of recommendations by the city planner, city attorney, building official and other information, the Board recommended approval of the proposed amendments; and

WHEREAS, the Planning Board determined that the proposed amendments: are

RWK Chairman

Planning Director

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.

BE IT RESOLVED by the Planning Board of the City of Key West, Florida:

Section 1. That the above recitals are incorporated by reference as if fully set forth herein.

Section 2. That AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 102 ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTION 102-217 "REQUIRED PUBLIC MEETINGS", RELAXING THE REQUIREMENTS TO OBTAIN APPROVAL TO DEMOLISH NON-HISTORIC AND NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AND INCLUDING CONTRIBUTING BUILDINGS AND STRUCTURES OUTSIDE OF THE HISTORIC DISTRICT IN SECTION 102-216; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE is hereby recommended for approval; a copy of the draft ordinance is attached.

Section 3. This Resolution shall go into effect immediately upon its passage and adoption and authentication by the signatures of the presiding officer and the Clerk of the Commission.

_____ Chairman

_____ Planning Director

Read and passed on first reading at a special meeting held this 27th day of March, 2012.

Authenticated by the Chairman of the Planning Board and the Planning Director.

4/9/2012

Richard Klitenick -Chairman
Key West Planning Board

Date

Attest:

3.30.12

Donald Leland Craig, AICP
Planning Director

Date

Filed with the Clerk:

4-10-12

Cheryl Smith, City Clerk

Date

Chairman

Planning Director

Draft
Ordinance

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA, AMENDING CHAPTER 102 ENTITLED "HISTORIC PRESERVATION" BY AMENDING SECTION 102-217 "REQUIRED PUBLIC MEETINGS", RELAXING THE REQUIREMENTS TO OBTAIN APPROVAL TO DEMOLISH NON-HISTORIC AND NON-CONTRIBUTING BUILDINGS OR STRUCTURES IN THE HISTORIC DISTRICT AND INCLUDING CONTRIBUTING BUILDINGS AND STRUCTURES OUTSIDE OF THE HISTORIC DISTRICT IN SECTION 102-216; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF INCONSISTENT PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City Commission for the City of Key West recognizes that the historic district has numerous illegal and unpermitted buildings and structures; and

WHEREAS, The City Commission for the City of Key West recognizes that the existence of these illegal and unpermitted buildings and structures pose a threat to the health, safety and welfare to the citizens and visitors of the City of Key West; and

WHEREAS, the City Commission for the City of Key West finds that expanding the authority to staff approve a HARC certificate of appropriateness for the demolition of non-contributing, non-historic buildings or structures that are part of a code case will hasten the process to bring properties in the historic district into compliance with the code of ordinances thereby promoting the health, safety

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and welfare of citizens and visitors of the City of Key West; and

WHEREAS, the City Commission for the City of Key West finds that reducing the number of hearings before the historic architectural review commission from two to one regarding the demolition of non-contributing, non-historic buildings or structures in the historic district that are not part of a code compliance case will serve to promote a more accurate historic fabric and hasten the process for property owners to enhance their properties and property values in the historic district; and

WHEREAS, the City Commission for the City of Key West finds that there exists several historic, contributing properties that are located outside of the historic district and are presently otherwise under the jurisdiction of HARC for all architectural matters except regarding demolitions,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

Sec. 102-216. - Submission of application to historic architectural review commission.

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Application for a certificate of appropriateness for any demolition of a building or structure located within a designated historic zoning district, and contributing buildings or structures that are located outside of the historic district shall be submitted by the property owner to the historic architectural review commission.

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 bone 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 shall be applicable.

(2) The historic architectural review commission shall not issue a certificate of appropriateness for demolition of a non-historic or non-contributing building or

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*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

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structure located in a designated historic zoning district except after conclusion of one regular historic architectural review commission meeting.

(3) The historic architectural review commission shall not issue a certificate of appropriateness for demolition of a historic 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 there from and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

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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.

Read and passed on first reading at a regular meeting held this _____ day of _____, 2012.

Read and passed on final reading at a regular meeting held this _____ day of _____, 2012.

Authenticated by the presiding officer and Clerk of the Commission on _____ day of _____, 2012.

Filed with the Clerk _____, 2012.

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CRAIG CATES, MAYOR

_____
CHERYL SMITH, CITY CLERK

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