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Chapter 102 HISTORIC PRESERVATION

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**Cross reference**— Buildings and building regulations, ch. 14; environment, ch. 26; planning and development, ch. 54; utilities, ch. 74; planning and development, ch. 108; regulations on signs in historic districts, § 114-101 et seq.; zoning, ch. 122; historic preservation districts, § 122-566 et seq.; historic medium density residential district (HMDR), § 122-596 et seq.; historic high density residential district (HHDR), § 122-626 et seq.; historic residential commercial core districts (HRCC-1 to 3), § 122-656 et seq.; historic neighborhood commercial district (HNC-2), § 122-836 et seq.; historic neighborhood commercial district (HNC-3), § 122-866 et seq.; historic commercial tourist district (HCT), § 122-896 et seq.; historic residential/office district (HRO), § 122-926 et seq.; historic public and semipublic services district (HPS), § 122-956 et seq.; historic planned redevelopment and development district (HPRD), § 122-986 et seq.; retail sales in historic districts, § 122-1501 et seq. [\(Back\)](#)

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ARTICLE I. IN GENERAL

**ARTICLE I. IN GENERAL**

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**Sec. 102-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alteration* means any change affecting the exterior appearance of an existing structure or improvement by additions, remodeling, maintenance or structural changes involving changes in form, texture, materials, or color or any such changes in appearance in a specially designated historic site or historic interior.

*Applicant* means the record owner of the property and/or improvements located thereon or the record owner's duly designated representative.

*Appurtenance* means that structure which is accessory to another structure, including but not limited to walls, fences, light fixtures, steps, outbuildings, paving, sidewalks, shutters, and signs.

*Architecturally similar* means having substantially the same facade design and appearance and like characteristics in terms of height, scale, building footprint, structural configuration and materials, facade materials, location or setbacks on lot, and exterior appearance.

*Building* means any structure having a roof and which is entirely separated from any other structure by space or by walls in which there are no communicating doors or windows or any similar opening.

*Certificate of appropriateness* means a written document issued by the historic architectural review commission (HARC) upon its approval of specified alterations, demolition, expansion, construction or other work to a designated historic site or for a building or structure within the historic zoning districts.

*Contributing* means a building that contributes to the character of the historic district by sharing the same period of significance, architectural qualities, or historical or cultural attributes.

*Demolition* means the act or process of wrecking, destroying, moving or removing any building or structure, or any exterior or structural part thereof.

*Exterior* means the outside surfaces of any building or structure.

*Facade* means the exterior vertical surfaces of a building, including without limitation the shape, appearance, and material of the sides, front, and rear of any building.

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*Historic building* means any building or structure which, in whole or in any structural part, was built 50 or more years prior to the current date, and which is located in the historic zoning districts of the city or has been designated as a historic building and/or structure.

*Landscape* means any improvement or vegetation, including but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture, and exterior lighting and site improvements, including but not limited to subsurface alterations, site regrading, fill deposition, and paving.

*Local register of historic places* means a listing and a means by which to identify, classify and recognize various archaeological sites, building, structures, improvements, districts, and appurtenances as historically and/or architecturally significant.

*National Register of Historic Places* means a federal listing, maintained by the United States Department of the Interior, of buildings, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended from time to time.

*Noncontributing building or structure* means a building that contributes less or not at all to the character of the historic district because it is too recently built, too highly altered, or it is irrevocably compromised by extreme deterioration.

*Ordinary maintenance* means work done to repair ordinary damage or to prevent ordinary deterioration or decay of a building or structure or any part thereof as nearly as possible to its condition prior to such damage, deterioration, or decay, and which does not involve or cause a change in the design, the material, or the exterior appearance of the building.

*Public place* means any property owned by or leased to any entity of government, including without limitation public streets, sidewalks, and rights-of-way, and any spaces, including without limitation state and federal waters, and sites accessible to public use. The term also includes any private real property normally accessible to the public, during the hours of such access.

*Structure* means anything constructed of tangible interdependent and interrelated parts in a definite pattern of organization, by human work, and affixed to real property or used as though affixed, and having its highest point more than 30 inches above surrounding grade level.

(Ord. No. 97-10, § 1(3-10.3(A)(a)—(r)), 7-3-1997; Ord. No. 06-14, § 4, 8-1-2006; Ord. No. 10-04, § 2, 1-5-2010)

**Cross reference**— Definitions generally, § 1-2.

#### **Sec. 102-2. Protection of historic resources.**

Within any historic preservation district or other designated historic site or resource, prior to obtaining a building permit, an applicant for development shall comply with the city's historic architectural review commission's Design Guidelines in Key West's Historic District, as well as the U.S. Secretary of the Interior's Standards for Rehabilitation pursuant to procedures stipulated in this chapter.

(Ord. No. 97-10, § 1(3-10.3), 7-3-1997)

#### **Sec. 102-3. Appeals; Variances.**

- (a) *Appeals from historic architectural review commission.* Appeal from final rulings of the historic architectural review commission shall be made pursuant to division 4 of article V of [chapter 90](#)
- (b) *Variance.* A variance from the term "architecturally similar" as defined in [section 102-1](#), which requires that an architecturally similar building shall have like characteristics in terms of location or

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setbacks on a lot, can be granted by the planning board after notice and hearing as for other zoning variances and after the board's consideration of the recommendation of the historic architectural review commission favoring or opposing the variance as provided in division 3 of article V of [chapter 90](#)

(Ord. No. 97-10, § 1(3-10.3(H)), 7-3-1997; Ord. No. 08-04, § 15, 5-20-2008)

**Sec. 102-4. Other permits as required.**

Nothing in this chapter shall be construed as relieving any person from permit requirements otherwise made applicable by subpart A and this subpart B of the Code.

(Ord. No. 97-10, § 1(3-10.3(I)), 7-3-1997)

**Sec. 102-5. Remedies; penalties.**

- (a) *Enforcement.* This chapter shall be enforced by the code enforcement special master. However, apparent violations certified by the special master or by the city manager as not being susceptible to effective resolution by the special master, whether due to the emergency nature of the violation or whether due to limitations inherent in the statutory processes and enforcement capabilities of the special master, shall be referred to the state attorney for prosecution and penalty or shall be referred to a code enforcement officer for citation for civil infraction and penalty, as provided by division 3 of article VI of [chapter 2](#). Each day upon which work is performed in violation of the terms of this chapter shall be considered a separate violation.
- (b) *Penalty.* Any person who knowingly causes any major alteration of a historic building, which major alteration is in violation of the terms of this chapter, may be subject to suspension or revocation of his contractor's license after a hearing of the city contractors examining board.
- (c) *Injunctive relief.* Nothing in this section shall be construed to limit any civil rights the city may have to seek from any court of competent jurisdiction injunctive relief requiring full compliance with the terms of this chapter. The city may maintain an action for injunctive relief to cause, where possible, the complete or partial restoration or reconstruction of any historic buildings altered in violation of this chapter.

(Ord. No. 97-10, § 1(3-10.3(J)), 7-3-1997)

**Sec. 102-6. Other regulations applicable to all development proposed.**

Development activities shall include precautions necessary to prevent the following adverse impacts to historic or archaeological sites of significance:

- (1) Destruction or alteration of all or part of such site;
- (2) Isolation from or significant alteration to its surrounding environment;
- (3) Introduction of visible, audible, or atmospheric elements that are out of character with the property or significantly alter its setting;
- (4) Transfer or sale of a site of significance without adequate conditions or restrictions regarding preservation, maintenance, or use; and
- (5) Other forms of neglect resulting in its deterioration.

(Ord. No. 97-10, § 1(3-10.3(J)), 7-3-1997)

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**Sec. 102-7. Mitigation plan required.**

Development impacting a historic or archaeological site or structure shall include a site plan that mitigates any potential adverse impacts. The site plan shall address the following:

- (1) Destruction or alteration of all or part of such site;
- (2) Isolation from or alteration of the surrounding environment;
- (3) Introduction of visual, audible, or atmospheric elements that are out of character with a property or alter its setting;
- (4) Transfer or sale of the site of significance without adequate conditions or restrictions regarding preservation, maintenance, use or reuse;
- (5) Vegetation removal shall not be permitted on a historic or archaeological site unless the vegetation to be removed is a part of a duly authorized scientific excavation or is a part of an approved development plan; and
- (6) Other forms of neglect resulting in resource deterioration.

(Ord. No. 97-10, § 1(3-10.3(K)), 7-3-1997)

**Secs. 102-8—102-35. Reserved.**

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***DIVISION 2. LOCAL REGISTRATION***

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**Sec. 102-61. Designation criteria for historic site, historic district or historic interior.**

- (a) *Qualifying factors.* To qualify as a historic site, historic district or historic interior, individual properties, structures, sites, or buildings must have significant character, interest, or value as part of the historical, cultural, aesthetic and architectural heritage of the city, state or nation. To qualify as a historic site or historic district, the property must fulfill one or more of the criteria set forth in subsections (b) or (c) of this section; however, to qualify as a historic interior the interior must fulfill one or more of the criteria set forth in subsection (b) of this section as well as meet the criteria set forth in subsections (c)(1) and (4) of this section.
- (b) *Historical or cultural significance criteria.* A building, structure, site, interior or district will be deemed to have historical or cultural significance if it meets one or more of the following criteria:
- (1) Is associated in a significant way with the life or activities of a major person important in city, state, or national history (for example, the homestead of a local founding family);
  - (2) Is the site of a historic event with significant effect upon the city, state, or nation;
  - (3) Is associated in a significant way with a major historic event, whether cultural, economic, social, military, or political;
  - (4) Exemplifies the historical, political, cultural, economic, or social trends of the community in history; or
  - (5) Is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the city.
- (c) *Architectural or aesthetic significance criteria.* A building, structure, site, or district is deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria, except that to qualify as a historic interior it must meet the criteria contained within subsections (c)(1) and (4) of this section:
- (1) Portrays the environment in an era of history characterized by one or more distinctive architectural styles;
  - (2) Embodies those distinguishing characteristics of an architectural style, period, or method of construction;
  - (3) Is a historic or outstanding work of a prominent architect, designer, landscape architect, or builder; or
  - (4) Contains elements of design, detail, material or craftsmanship of outstanding quality or which represented, in its time, a significant innovation or adaptation to the South Florida environment.

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- (d) *Other criteria.* A building, structure, site, interior, or district will be deemed to have historic significance if, in addition to or in the place of the criteria in this section, the building, structure, site, or zone meets historic development standards as defined by and listed in the regulations of and criteria for the National Register of Historic Places as prepared by the United States Department of the Interior under the Historic Preservation Act of 1966, as amended. Such regulations, as amended from time to time, are made part of this chapter as if fully set forth in this chapter.

(Ord. No. 97-10, § 1(3-10.3(B)(1)), 7-3-1997)

**Sec. 102-62. Classification of structures and buildings.**

All historic buildings, structures, archaeological sites, districts, neighborhoods, and the like will be classified and designated on the city historic preservation survey, which will be approved by the city commission and shall be made an overlay to the city zoning map and land use plan. Such buildings, structures, districts, neighborhoods, and the like will be divided into two classes as follows:

- (1) *Contributing.* Those buildings, structures, archaeological sites, or districts classified as historic shall possess identified historical or architectural merit of a degree warranting their preservation. All buildings, structures, archeological sites, and the like, listed in the city historic preservation survey, as adopted and approved by the city commission, will be considered worthy of preservation and may be designated as a historic site or a historic district.
- (2) *Noncontributing.* Noncontributing classes are those buildings and structures within a historic district not listed in the city historic preservation survey and those buildings and structures determined by the historic architectural review commission to be of no contributing value pursuant to article III of this chapter.
- (3) If due to the passage of time, a noncontributing building or structure would become contributing, then the historic architectural review commission shall determine its contributing status and forward the property to the city commission for inclusion in the historic resources inventory. The historic architectural review commission's determination shall be made at a public hearing upon at least ten days' written notice to the property owner.

(Ord. No. 97-10, § 1(3-10.3(B)(2)), 7-3-1997; Ord. No. 06-14, § 5, 8-1-2006)

**Sec. 102-63. Review of buildings, structures, archaeological sites, interiors or district nominations.**

- (a) *Generally.* All buildings, structures, archaeological sites, interiors, or districts which meet the criteria of this division may be designated as historic sites, interiors, or districts and may be listed on the local register of historic places.
- (b) *Nomination source.* Nominations for building, structure, archaeological site, interior, or district designation shall be made to the historic architectural review commission on an application form developed and approved by the historic architectural review commission and made available to the nominating person. Nominations are initiated as follows:
  - (1) Nominations for historic site or interior status may be initiated by the historic architectural review commission, the city commission, or the property owner.
  - (2) Nominations for historic district status may be initiated by the historic architectural review commission, the city commission, or a neighborhood association.

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- (3) Any city resident may make a recommendation only, and submit the recommendation to the historic architectural review commission that any building, structure, archaeological site, or district should be designated as a historic site or district.
- (c) *Nomination application.* A property owner, the historic architectural review commission or the city commission, making a nomination for historic site designation, is responsible for completing the application form and submitting it along with any nomination fee or charges to the historic architectural review commission. The historic architectural review commission may require the property owner who initiates a nomination application form to provide any documentation or supporting evidence it deems necessary.
- (d) *Historic architectural review commission review of application.* The historic architectural review commission will first conduct a preliminary evaluation of the information provided on each nomination application form to make sure it generally conforms with historic status criteria defined in this division. The historic architectural review commission will then prepare a designation report which will contain the following information:
- (1) Proposed legal boundaries of the historic building, archaeological site, structure, or district;
  - (2) Any proposed conditional zoning regulation designed to replace or complement existing zoning regulations with regard to but not limited to use, floor area, density, height, setbacks, parking minimum, lot size, and the like or create any additional conditions provide for in this subsection;
  - (3) Analysis of the historic significance and character of the nominated property; and
  - (4) Analysis of optional historic interiors for those buildings and structures with interior features of exceptional architectural, aesthetic, artistic or historic significance.
- (e) *Moratorium.* Following the setting of a date for a public hearing before the historic architectural review commission for the consideration of a nomination for designation for status as a historic site or historic district, no permits will be issued by the city for any new construction, alteration, relocation, or demolition of the real property included in the nomination. This delay in the issuance of permits will remain in effect until one of the following takes place:
- (1) The historic architectural review commission denies the nomination for historic site designation, and no appeal is filed with the city commission within 30 days of the historic architectural review commission's denial; or
  - (2) The city commission formally approves or denies the nomination for historic site or district status.
- (f) *Public hearings.* After the historic architectural review commission prepares its designation report, it will set and hold the public hearing on each proposed designation with notification as follows:
- (1) *Owner notification.* The historic architectural review commission will mail by certified mail a copy of the designation report and a notice of public hearing to the property owner of record as of the date of nomination. This notice will serve as notification of the intent of the historic architectural review commission to consider designation and must be mailed at least ten days prior to a public hearing.
  - (2) *Public hearing notification.* For each site or district nominated for designation, a public hearing will be held within 30 days from the date a formal application is submitted to the historic architectural review commission. All property owners within a 300-foot radius of the nominated site or district will be notified of the public hearing by mail to the last known address of the party being served. However, failure to receive such notice will not invalidate the notice or hearing. Such notice shall also be provided by publishing a copy thereof in a newspaper of general

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circulation in the city at least ten days prior to the date of the hearing. All interested persons will be given an opportunity to be heard at the public hearing.

- (g) *Actions by historic architectural review commission.* After a public hearing, if the historic architectural review commission finds that the nomination fulfills the proper designation criteria and all procedures have been followed correctly, it will vote on the designation. If a majority of the entire historic architectural review commission present and voting agrees, it will transmit the nomination and its findings and recommendation for final approval of the designation to the city commission. If the historic architectural review commission finds that the nominated site or district does not fulfill the criteria, no further action will be required unless the actual property owner of record as of the date of nomination or a subsequent bona fide purchaser of the site or district appeals the historic architectural review commission's action to the city commission.
- (h) *Action by city commission.* The city commission may, upon recommendation by the historic architectural review commission, designate historic sites and districts. Such designations will appear upon city zoning maps as provided by city ordinance. The procedures shall be as follows:
  - (1) *Public hearing.* Within 30 days of a positive recommendation for historic status by the historic architectural review commission, the city commission will hold a public hearing concerning the recommendation in accordance with the city commission's established procedures for public hearings.
  - (2) *Approval.* Within a reasonable time after its public hearing, the city commission will vote on the historic architectural review commission's recommendation for nomination. A designation of historic status will be deemed to be approved by a majority vote of the entire city commission (at least three affirmative votes); however, if a directly affected property owner has objected to such historic designation, the city commission approval will require a super majority vote of the entire city commission (at least four affirmative votes).
- (i) *Appeals.* Appeals of historic architectural review commission denial of a nomination must be presented to the special master in writing and on forms developed by the historic architectural review commission, within ten days of the historic architectural review commission's denial. The special master will then hold a public hearing on the appeal within 30 days of filing of an appeal and will approve or deny the appeal after the public hearing. Only the actual property owner of record or a subsequent bona fide purchaser of the property as of the date of nomination will have the right to appeal a denial by the historic architectural review commission.

(Ord. No. 97-10, § 1(3-10.3(B)(3)), 7-3-1997; Ord. No. 06-14, § 6, 8-1-2006)

**Sec. 102-64. Listings and maintenance.**

- (a) If the city commission approves the nomination of a property for designation as a historic site or group of properties for designation as a historic district, such property or group of properties will be listed on the city local register of historic places. The local historic register will be maintained by the city and shall be kept current; copies shall be provided to the state historic preservation officer.
- (b) Upon placement of a property on the local register, the historic architectural review commission will cause this designation to be recorded in the official records of the county.
- (c) The historic architectural review commission will issue a certificate of historic significance to the owner of the property listed individually on the local historic register or judged as contributing to the character of a historic district listed on the local historic register. The city manager is authorized to issue and place official signs denoting the geographic boundaries of each historic district listed in the local historical register.

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(Ord. No. 97-10, § 1(3-10.3(B)(4)), 7-3-1997)

**Secs. 102-65—102-90. Reserved.**

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***DIVISION 3. NATIONAL REGISTRATION***

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**Sec. 102-91. Nomination review.**

- (a) *Generally.* The historic architectural review commission shall review proposed nominations to the National Register of Historic Places submitted by the state historic preservation officer or other sponsor qualified pursuant to United States Department of the Interior regulations.
- (b) *Historic architectural review commission's review.* The historic architectural review commission will develop or receive the documentation necessary to nominate properties to the National Register of Historic Places. The historic architectural review commission shall evaluate nomination proposals received for completeness in a timely manner. If a nomination proposal is not technically complete, the historic architectural review commission shall notify the proposal's sponsor, identifying the technical deficiencies in writing, within 30 days of receipt of the nomination proposal. If the nomination proposal is technically complete, the historic architectural review commission shall place the item on its agenda for the earliest possible regular meeting after notification procedures are complete.
- (c) *Notification.* In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the historic architectural review commission meeting at which the nomination proposal will be considered. The historic architectural review commission shall notify the following of its intention to consider a nomination proposal:
  - (1) Property owners of record, as obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified;
  - (2) The mayor of the city and the mayor of the county, who shall have 30 days from receipt of notice within which to submit to the historic architectural review commission a written recommendation supporting or opposing the nomination; and
  - (3) The state historic preservation officer.
- (d) *Outside expertise.* When the historic architectural review commission considers a nomination proposal that will impact properties which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the historic architectural review commission, the historic architectural review commission shall seek professional expertise in this area before rendering a decision, but failure to obtain such advice shall not invalidate its determination on the proposal.
- (e) *Review criteria.* In reviewing National Register of Historic Places nomination proposals, the historic architectural review commission shall follow the regulations found in 36 CFR 60, and as amended, promulgated by the National Park Service, Department of the Interior under the Historic Preservation Act of 1966, as amended.

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(Ord. No. 97-10, § 1(3-10.3(C)(1)), 7-3-1997)

**Sec. 102-92. Public meeting.**

- (a) *Generally.* Proposals for nomination to the National Register of Historic Places shall be considered by the historic architectural review commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the historic architectural review commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the historic architectural review commission and the recommendation of the appropriate local official, to the state historic preservation officer within 30 days of the historic architectural review commission meeting at which they were considered.
- (b) *Public input.* Any person supporting or opposing the nomination of a property to the National Register shall be afforded the opportunity to make his views known in writing. Such comments shall be notarized where they contain factual assertions. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the state historic preservation officer. For disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the state historic preservation officer.
- (c) *Availability of nomination proposals for public inspection.* Nomination proposals to be considered by the historic architectural review commission shall be on file at city offices for at least 30 days but not more than 75 days prior to the meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as the library, courthouse, or other public place.

(Ord. No. 97-10, § 1(3-10.3(C)(2)), 7-3-1997)

**Sec. 102-93. Appeals.**

Any person may appeal the decision of the historic architectural review commission regarding a proposed nomination made under this division to the state historic preservation officer in writing within 30 days of the historic architectural review commission decision.

(Ord. No. 97-10, § 1(3-10.3(C)(3)), 7-3-1997)

**Sec. 102-94. Alteration prohibited.**

No person shall cause alteration of any historic building unless such work has been authorized pursuant to the terms of article IV of this chapter. This prohibition shall apply notwithstanding any other section of the Code of Ordinances, including but not limited to this chapter. At its discretion, the historic architectural review commission may consult with the historic preservation planner regarding findings required pursuant to this chapter.

(Ord. No. 97-10, § 1(3-10.3(D)), 7-3-1997)

**Secs. 102-95—102-120. Reserved.**

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**Sec. 102-121. Applicability.**

[Section 102-94](#) and article IV of this chapter shall have no application to historic buildings for which a certificate of no contributing value has been issued by the historic architectural review commission according to the process in this article.

(Ord. No. 97-10, § 1(3-10.3(F)), 7-3-1997)

**Sec. 102-122. Application and fee.**

Written application for the certificate of no contributing value, together with an application fee as determined by city commission resolution, shall be submitted by the owner of the subject building or by his agent.

(Ord. No. 97-10, § 1(3-10.3(F)(1)), 7-3-1997)

**Sec. 102-123. Required information for application.**

The application for the certificate of no contributing value shall include, except when not reasonably attainable, the following:

- (1) A map showing the location of the building or structure on its property with reference to neighboring properties;
- (2) Photographs of all street facade elevations;
- (3) A description of the building or structure, including a description of its age, architectural style, historical associations and importance;
- (4) The reason and explanation for the application; and
- (5) A brief description of the present and/or proposed use of the property on which the building or structure is located.

(Ord. No. 97-10, § 1(3-10.3(F)(2)), 7-3-1997)

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**Sec. 102-124. Public meetings.**

The historic architectural review commission shall hold two regular historic architectural review commission meetings regarding the application for the certificate of no contributing value, which hearings shall be at least 14 days apart and which shall each be advertised at least five days in advance in a newspaper of general circulation published in the city.

(Ord. No. 97-10, § 1(3-10.3(F)(3)), 7-3-1997)

**Sec. 102-125. Historic architectural review commission findings precedent to issuance.**

Upon conclusion of the hearings and the historic architectural review commission's deliberations, the historic architectural review commission shall issue the certificate of no contributing value only if it finds, by clear and convincing evidence, that the building or structure, by virtue of its design, workmanship, materials, setting, and/or history does not meet any of the nine criteria set forth below. The building or structure:

- (1) Embodies no distinctive characteristics of a type, period, or method of construction of aesthetic or historic significance in the city and is not a significant and distinguishable building entity whose components may lack individual distinction;
- (2) Is not specifically associated with events that have made a significant contribution to local, state, or national history;
- (3) Has no significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state or nation, and is not associated with the life of a person significant in the past;
- (4) Is not the site of a historic event with a significant effect upon society;
- (5) Does not exemplify the cultural, political, economic, social, or historic heritage of the city;
- (6) Does not portray the environment in an era of history characterized by a distinctive architectural style;
- (7) If a part of or related to a square, park, or other distinctive area, nevertheless should not be developed or preserved according to a plan based on the area's historic, cultural, natural, or architectural motif;
- (8) Does not have a unique location or singular physical characteristic which represents an established and familiar visual feature of its neighborhood or of the city, and does not exemplify the best remaining architectural type in a neighborhood; and
- (9) Has not yielded, and is not likely to yield, information important in history.

(Ord. No. 97-10, § 1(3-10.3(F)(4)), 7-3-1997; Ord. No. 06-14, § 7, 8-1-2006)

**Secs. 102-126—102-150. Reserved.**

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**ARTICLE IV. CERTIFICATE OF APPROPRIATENESS**

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DIVISION 1. GENERALLY

***DIVISION 1. GENERALLY***

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**Sec. 102-151. Scope.**

A certificate of appropriateness shall be required as stipulated in this article.

(Ord. No. 97-10, § 1(3-10.3(E)(1)), 7-3-1997)

**Sec. 102-152. Requirements for permits.**

- (a) No person shall cause any of the activity in this section to occur without first obtaining a certificate of appropriateness for such work and all other permits required by the Code of Ordinances, including the land development regulations. A certificate of appropriateness is required for the erection of any new structure, building, fence, deck or sign or the painting, repainting, repair, alteration, remodeling, landscaping or demolition of the exterior of any existing building, structure, fence, deck, sign, landscape, or lot located in any of the following areas:
- (1) In the historic preservation districts of the city;
  - (2) In tidal waters contiguous to and within 600 feet of the historic preservation districts;
  - (3) In a location so as to directly affect any building, structure or property listed in the city historic sites survey as may be amended from time to time and the National Register of Historic Places; or
  - (4) Within a building, structure, archaeological site or district classified as "contributing" on the city historic preservation survey.
- (b) A certificate of appropriateness may only be granted by a vote of the historic architectural review commission, attested by signature of its presiding member.

(Ord. No. 97-10, § 1(3-10.3(E)(1)(a)), 7-3-1997; Ord. No. 00-04, § 15, 2-1-2000)

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**Sec. 102-153. Issuance of certificates of compliance.**

No certificate of occupancy shall be issued for any structure within the historic districts of the city for work which directly affects any building, structure, and property listed in the local register of historic places and the National Register of Historic Places or in a district classified as "contributing" on the city historic preservation survey unless a certificate of compliance with the historic architectural review commission regulations is issued by the historic architectural review commission inspector or preservation planner following inspection of the finished work.

(Ord. No. 97-10, § 1(3-10.3(E)(1)(b)), 7-3-1997)

**Sec. 102-154. Compliance with certain federal standards.**

The historic architectural review commission shall not approve any proposed work which would be in conflict with the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (revised 1992).

(Ord. No. 97-10, § 1(3-10.3(E)(1)(c)), 7-3-1997)

**Sec. 102-155. Formulation and publication of regulatory criteria for accomplishing delegated responsibilities.**

- (a) The historic architectural review commission shall formulate and publish such regulations as it deems reasonably necessary and appropriate to:
- (1) Designate the subject matter and format of information to be provided in the application for a certificate of appropriateness.
  - (2) Govern the historic architectural review commission evaluation of, and ruling upon, the application. The regulations shall include but are not limited to terms providing for historic architectural review commission assessment of the design, scale, massing, materials, color, texture, appearance, and location of the subject property and of the proposed work thereon.
  - (3) Designate those specific items that are subject to final staff approval without further application to the historic architectural review commission.
- (b) The regulations shall be submitted to the city manager for presentation to the city commission. Upon approval or amendment by the city commission or upon the expiration of 45 days without final city commission action thereon, the regulations shall govern the form, content and evaluations of applications to the historic architectural review commission, subject at all times to amendment by resolution of the city commission.

(Ord. No. 97-10, § 1(3-10.3(E)(1)(d)), 7-3-1997)

**Sec. 102-156. Contents of permits.**

All permits issued by the city pursuant to this article shall show the nature and extent of the intended work in detail sufficient to demonstrate that the project is consistent with all laws and regulations of the city and of the historic architectural review commission.

(Ord. No. 97-10, § 1(3-10.3(E)(1)(e)), 7-3-1997)

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**Sec. 102-157. Acknowledgment of compliance.**

Prior to the issuance of any permit as provided in this article, the applicant shall acknowledge in writing that the completed work must be in full compliance with all laws and regulations of the city and of the historic architectural review commission.

(Ord. No. 97-10, § 1(3-10.3(E)(1)(f)), 7-3-1997)

**Sec. 102-158. Stop work order and penalty.**

- (a) The city manager is authorized and directed to post a signed and dated notice to stop work on any site on which work is being performed in violation of the laws and regulations of the city or of the historic architectural review commission. Any person who engages in the following activities shall be guilty of an offense punishable as provided in [section 1-15](#)
- (1) Performing work with actual or constructive knowledge that the work site has been posted by such notice, which notice has not been withdrawn by dated, signed order of the city manager; or
  - (2) Removing, defacing, concealing or altering such notice to stop work without dated, signed authorization of the city manager.
- (b) Where such offenses are of a continuing nature, no two separate offenses shall be charged against that same person for the same property within any one-hour period.

(Ord. No. 97-10, § 1(3-10.3(E)(1)(h)), 7-3-1997)

**Sec. 102-159. Expiration.**

A certificate of appropriateness shall expire two years from the date of its approval if the work has not commenced under a duly issued building permit. Upon application of the property owner, the historic architectural review commission, or its designee, may extend a certificate of appropriateness for a specified period of time not to exceed two years upon a finding of no substantially changed circumstances.

(Ord. No. 06-14, § 8, 8-1-2006)

**Secs. 102-160—102-185. Reserved.**

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***DIVISION 2. ECONOMIC HARDSHIP***

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**Sec. 102-186. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Undue economic hardship* means:

- (1) For applicants seeking approval of demolitions under division 3 of this article, an exceptional financial burden that would amount to the taking of property without just compensation or, for properties producing income at the time of application for a certificate of appropriateness, failure to achieve a reasonable economic return as measured against commercial properties of similar nature and location and as expected by market conditions. The evidence and testimony needed to establish an undue economic hardship is specified in sections [102-187](#) through [102-189](#)
- (2) For applicants seeking approval of substitution of alternative building materials for historic or traditional materials under [section 102-190](#)
  - a. For an individual, either the current receipt of assistance through the mayor's revolving loan fund, rental rehabilitation program, or other program which is income-indexed and which provides for physical improvements to the subject property; or the current receipt of fixed income benefits such as social security, AFDC, or private pension benefits, and the applicant's total income is below 80 percent of the median income for the city, all as evidenced by income tax return or affidavit; or
  - b. For a corporation, current tax-exempt status as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code.

(Ord. No. 97-10, § 1(3-10.3(A)(s)), 7-3-1997)

**Cross reference**— Definitions generally, § 1-2.

**Sec. 102-187. Avoidance.**

If a decision of the historic architectural review commission shall result in undue economic hardship for the property owner, as provided in this article, the historic architectural review commission shall have authority to determine the existence of such hardship in accordance with the definition of undue economic hardship found in [section 102-186](#).

(Ord. No. 97-10, § 1(3-10.3(E)(2)(d)(i)), 7-3-1997)

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**Sec. 102-188. Filing affidavit.**

When there is a claim of undue economic hardship under this article, the owner shall submit an affidavit affirmed by a notary public to the historic architectural review commission at least 15 days prior to the public hearing, which certifies that the applicant meets one of the following criteria for undue economic hardship:

- (1) Currently receives fixed income benefits such as social security, aid to families with dependent children, or private pension benefits and that the total household income is below 80 percent of the median income for the city;
- (2) Currently receives assistance through the mayor's revolving loan fund, rental rehabilitation program, or other program which is income-indexed and which provides for physical improvements to the subject property; or
- (3) The applicant corporation currently has tax-exempt status as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(d)(ii)), 7-3-1997)

**Sec. 102-189. Additional information.**

The historic architectural review commission may require that an applicant furnish such additional information as the historic architectural review commission believes is relevant to its determination of undue economic hardship and may provide, in appropriate instances, that such additional information be furnished under seal. If any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(d)(ii)), 7-3-1997)

**Sec. 102-190. Use of substitute material.**

In cases of undue economic hardship of the applicant, as defined in [section 102-186](#), the historic architectural review commission may allow the substitution of alternative construction materials for historic or traditional materials where the substitute materials are sufficiently similar in character to such historic or traditional materials so as not to detract from the original character of the historic district.

(Ord. No. 97-10, § 1(3-10.3(E)(1)(g)), 7-3-1997)

**Secs. 102-191—102-215. Reserved.**

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***DIVISION 3. DEMOLITIONS***

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[Sec. 102-221. Unsafe structures.](#)

[Secs. 102-222—102-250. Reserved.](#)

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

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.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(a)), 7-3-1997; Ord. No. 06-14, § 9, 8-1-2006; Ord. No. 12-14, § 1, 6-5-2012)

**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 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 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](#)

(Ord. No. 97-10, § 1(3-10.3(E)(2)(b)), 7-3-1997; Ord. No. 06-14, § 10, 8-1-2006; Ord. No. 11-11, § 5, 8-2-2011; Ord. No. 12-14, § 1, 6-5-2012)

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**Sec. 102-218. Criteria for demolitions.**

- (a) The historic architectural review commission shall issue a certificate of appropriateness for an application for demolition:
  - (1) If the subject of the application is a contributing or historic building or structure, then it should not be demolished unless its condition is irrevocably compromised by extreme deterioration or it does not meet any of the criteria of [section 102-125](#)(1) through (9).
  - (2) For a contributing historic or noncontributing building or structure, a complete construction plan for the site is approved by the historic architectural review commission.
- (b) The historic architectural review commission shall not issue permits that would result in:
  - (1) Removing buildings or structures that are important in defining the overall historic character of a district or neighborhood so that the character is diminished;
  - (2) Removing historic buildings or structures and thus destroying the historic relationship between buildings or structures and open space; and
  - (3) Removing an historic building or structure in a complex; or removing a building facade; or removing a significant later addition that is important in defining the historic character of a site or the surrounding district or neighborhood.
  - (4) Removing buildings or structures that would otherwise qualify as contributing, as set forth in [section 102-62](#)(3).
- (c) Nothing in this section is intended to alter the authority of the Building Official to condemn for demolition dangerous buildings, as provided in [chapter 14](#) of the Code of Ordinances.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(c)), 7-3-1997; Ord. No. 06-14, § 12, 8-1-2006)

**Sec. 102-219. Denial of certificate of appropriateness.**

The historic architectural review commission's refusal to grant a certificate of appropriateness requested by a property owner for the purpose of demolition will be supported by a written statement describing the public interest that the historic architectural review commission seeks to preserve.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(e)), 7-3-1997)

**Sec. 102-220. Approval of certificate of appropriateness.**

- (a) *Generally.* The historic architectural review commission may grant a certificate of appropriateness as requested by a property owner for demolition which may provide for a delayed effective date. The effective date of the certificate will be determined by the historic architectural review commission based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.
- (b) *Delay of demolition.* The historic architectural review commission may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months, while demolition of noncontributing buildings within the historic district may be delayed for up to three months.
- (c) *Historic architectural review commission actions during delay period.* During the demolition delay period, the historic architectural review commission may take such steps as it deems necessary to

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preserve the structure concerned and ensure that the structure is secure and stabilized. Such steps may include but are not limited to consultation with community groups, public agencies, and interested citizens; recommendations for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving one or more structures or other features.

- (d) *Special historic architectural review commission requests precedent to demolition.* The historic architectural review commission may, with the consent of the property owner, request that the owner, at the owner's expense, salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures and the like for reuse in the restoration of other historic properties. The historic architectural review commission may, with the consent of the property owner, request that the Historic Florida Keys Foundation or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition. The recording may include but shall not be limited to photographs, videotaping, documents, and scaled architectural drawings. At the historic architectural review commission's option, and with the property owner's consent, the historic architectural review commission or the Historic Florida Keys Foundation may salvage and preserve building materials, architectural details, and ornaments, textures, and the like at its expense, respectively.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(f)), 7-3-1997; Ord. No. 06-14, § 12, 8-1-2006)

**Sec. 102-221. Unsafe structures.**

If the chief building official determines that any structure within a designated historic site or designated historic district is unsafe pursuant to the applicable sections of the Code of Ordinances, the chief building official will immediately notify the historic architectural review commission of the findings. The unsafe condition shall include structures deemed by the chief building official to be undergoing demolition by the property owner's neglect of maintenance responsibilities. Where appropriate and in accordance with applicable ordinances, the chief building official will attempt to have the owner or other appropriate party repair the structure rather than order it to be demolished and will take into consideration any comments and recommendations by the historic architectural review commission. However, the provisions contained within sections [102-187](#) through [102-190](#) and this division 3 shall not apply to the chief building official's declaration that a building is unsafe, nor will the chief building official be precluded from taking such steps as may be required by applicable ordinances to protect the public health and safety of the community. The historic architectural review commission may also endeavor to negotiate with the owner and interested parties, provided such actions do not interfere with procedures in the applicable ordinances.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(g)), 7-3-1997)

**Secs. 102-222—102-250. Reserved.**

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DIVISION 4. BUILDING RELOCATION

***DIVISION 4. BUILDING RELOCATION***

[Sec. 102-251. Application and fee.](#)

[Sec. 102-252. Requirements precedent to relocation.](#)

[Secs. 102-253—102-280. Reserved.](#)

**Sec. 102-251. Application and fee.**

Application for a certificate of appropriateness for relocating a historic building or structure in the historic districts shall be submitted to the historic architectural review commission, together with an application fee as determined by resolution by the city commission. Applications for relocating a historic building or structure shall be reviewed by the historic architectural review commission during a regular meeting. Notice of the meeting shall be published as for a regular meeting, pursuant to [section 90-143](#).

(Ord. No. 97-10, § 1(3-10.3(E)(3)(a)), 7-3-1997; Ord. No. 11-11, § 6, 8-2-2011)

**Sec. 102-252. Requirements precedent to relocation.**

The National Register of Historic Places discourages the moving of historic structures because the significance of properties is embodied in their sites and settings as well as in the structures themselves. Any National Register building that is removed from its original foundation is removed from the National Register. After reconsideration, it may be placed back on the National Register if specific criteria are followed, but the building's National Register designation is not guaranteed. The historic architectural review commission shall not issue a certificate of appropriateness for relocating a historic building or structure unless the historic architectural review commission renders a finding that the applicant has submitted a relocation plan demonstrating that the proposed relocation satisfies the following criteria:

- (1) The built environment for the new site should be similar to the old one in terms of context, the age of the surrounding buildings, their height, materials, setback, and architectural details.
- (2) The historic relationship between buildings and streetscape and landscaped features must be maintained.
- (3) When a building may be moved, documentation of the building and the relocation must be provided.
- (4) The relocated building must be placed so that the orientation of its principal facade and front and side setbacks are compatible with surrounding buildings.
- (5) The new foundation's design, height, and facing materials must be comparable with the original historical foundation.
- (6) Relocating a contributing building outside of the historic district is prohibited.
- (7) Relocating a building to a site where the surrounding buildings date from a different period or are architecturally incompatible due to their height, materials, setback, and detailing is prohibited.
- (8) Destruction or alteration of significant features, structures, or archeological sites at the new location is prohibited.

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- (9) Improperly locating a building on its new site so that its orientation and front and side setbacks are incompatible with surrounding buildings is prohibited.
- (10) Placing the building on a new foundation whose design and materials are incompatible with the original is prohibited.

(Ord. No. 97-10, § 1(3-10.3(E)(3)(b)), 7-3-1997)

**Secs. 102-253—102-280. Reserved.**

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**ARTICLE V. REGULATIONS GENERALLY**

[Sec. 102-281. Guidelines for rehabilitation or relocation of designated historic structure; mitigation plan for relocation, demolition or rehabilitation of historic structure.](#)

[Sec. 102-282. Outdoor display of goods.](#)

[Sec. 102-283. Handicapped accessibility—Generally.](#)

[Sec. 102-284. Same—Alternative minimum handicapped requirements.](#)

[Sec. 102-285. Same—Procedures for review of handicapped accessibility requirements.](#)

**Sec. 102-281. Guidelines for rehabilitation or relocation of designated historic structure; mitigation plan for relocation, demolition or rehabilitation of historic structure.**

Any proposed rehabilitation or relocation of a designated historic structure shall follow the U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. In addition, an applicant requesting the relocation, demolition, or rehabilitation of a historic structure shall provide a mitigation plan which includes narrative and graphic information adequately identifying techniques for reinforcing the historic significance of the structure. The mitigation plan shall also address the following considerations:

- (1) The historic character and aesthetic interest the building, structure, or object contributes to its present setting.
- (2) Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding neighborhood.
- (3) Whether the building, structure, or object can be moved without significant and irreversible damage to its physical integrity.
- (4) Whether the building, structure, or object represents the last remaining example of its kind in the neighborhood or city.
- (5) Whether definite plans exist to reuse the subject property if a proposed demolition is carried out, and the effect of those plans on the character of the surroundings.
- (6) Whether reasonable measures can be taken to save the building, structure, or object to a level safe from occupation.
- (7) Whether the building, structure, or object is capable of earning reasonable economic return on its value.
- (8) [Section 106](#) of the National Historical Preservation Act of 1966 which requires that projects involving the federal government and historic resources be reviewed by the federal agency involved and the appropriate state historic preservation officer. The involved parties must jointly develop and sign a memorandum of agreement that specifies necessary actions which must be taken with respect to historic resources. All such agreements must be considered by the historic architectural review commission prior to rendering actions authorized in this chapter.

The memorandum of agreement for Truman Annex requires that: "All new construction near or adjacent to contributing buildings in the U.S. Naval Station Historic District or the Key West Historic District should be compatible with the scale, massing, color, and materials of the surrounding historic properties and should be responsive to the recommended approaches for

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new construction set forth in the Secretary's Standards. It is recognized that portions of the redevelopment will require higher density development than presently exists. In designing components of the project which will be of substantially higher density and/or which will be inconsistent in scale with the historic character of the District, suitable transition design elements, screening, set backs, and other design criteria shall be employed to minimize the effect of the new construction on individual historic buildings and the existing streetscape (view from the Public Way). Prior to initiation of construction, plans and specifications for new construction will be provided to the Florida State Historic Preservation Officer for review and comment."

(Ord. No. 97-10, § 1(3-10.3(L)), 7-3-1997)

**Sec. 102-282. Outdoor display of goods.**

Vending booths, carts, and other merchandise displays are discouraged in the front yard or side yard of any structure adjoining a public street (i.e., between the front or side facade and the public sidewalk). The preferred location for vending carts or booths is on parking lots, where vending will not displace required parking, or otherwise vacant properties. Merchandising may not be mounted or displayed on the exterior surface of the front facade. Where vending booths or carts are otherwise appropriate, they are to be set back at least five feet from the front property line and may not exceed 64 square feet, including overhang. The proportion of the total frontage occupied by vending booths or carts shall not exceed 15 percent.

(Ord. No. 97-10, § 1(3-10.3(G)), 7-3-1997)

**Cross reference**— Outdoor displays and distributions, § 106-26 et seq.

**Sec. 102-283. Handicapped accessibility—Generally.**

The Americans with Disabilities Act recognizes the national interest in preserving significant historic properties by establishing alternative minimum requirements for qualified historic properties that cannot be made physically accessible without threatening or destroying their significance.

(Ord. No. 97-10, § 1(3-10.3(M)), 7-3-1997)

**Sec. 102-284. Same—Alternative minimum handicapped requirements.**

In reviewing handicapped accessibility requirements on specific historic properties, the historic architectural review commission shall apply the following alternative minimum requirements where the historic architectural review commission determines that adherence to full accessibility requirements would threaten or destroy the significance of a building or facility under review:

- (1) One accessible route must be provided from a site access point to an accessible entrance. Using a ramp with a 1:6 slope is permissible for a run of up to two feet.
- (2) One accessible entrance must be provided. If it is not possible to make the public entrance accessible, an alternative, unlocked entrance is acceptable. Directional signage at the primary entrance and a notification system at the accessible entrance must be provided.
- (3) If toilets are provided, only one must be accessible, and it will be unisex.
- (4) Public spaces on the level of the accessible entrance must be accessible, and other public levels should be accessible whenever practical.

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- (5) Displays and written information should be located where they can be seen by a seated person. Horizontal signage should be no higher than 44 inches above the floor.
- (6) In limited instances, if it is determined in consultation with the state historical preservation officer that compliance with the alternative minimum requirements would also threaten or destroy the significance of a historic building, alternative methods of access may be used. The alternative methods of accessibility that may be used to make a building's program and activities accessible include the following:
  - a. Using audiovisual materials and devices to show inaccessible areas of a historic property.
  - b. Assigning persons to guide individuals with disabilities into or through inaccessible areas of a historic property.
  - c. Adopting other innovative methods.

(Ord. No. 97-10, § 1(3-10.3(M)(1)), 7-3-1997)

#### **Sec. 102-285. Same—Procedures for review of handicapped accessibility requirements.**

In evaluating plans for meeting handicapped accessibility standards and in applying the criteria in [section 102-284](#), the historic architectural review commission shall:

- (1) Review the historical significance of a property and identify character-defining features.
- (2) Assess the property's existing and required level of accessibility.
- (3) Comply with barrier-free access requirements in such a manner that character-defining spaces, features, and finishes are preserved.
- (4) Work with local disability groups, access specialists, and historic preservation specialists to determine the most appropriate solution to access problems.
- (5) Provide barrier-free access that promotes independence for the disabled person to the highest degree practicable, while preserving significant historic features.
- (6) Design new or additional means of access that are compatible with the historic property and its setting.
- (7) If providing barrier-free access threatens the integrity of a historic property, consult the state historic preservation officer about using the alternative minimum requirements.
- (8) Avoid the following:
  - a. Undertaking code-required alterations before identifying those spaces, features or finishes which are character-defining and must therefore be preserved.
  - b. Altering, damaging, or destroying character-defining spaces, features, and finishes while making modifications to a building or site to comply with barrier-free access.
  - c. Making changes to buildings without first seeking expert advice from access specialists and historic preservationists to determine solutions.
  - d. Installing permanent ramps that damage or diminish character-defining spaces.
  - e. Providing access modifications that do not provide a reasonable balance between independent, safe access and preservation of historic features.
  - f. Designing new or additional means of access without considering the impact on the historic property and its setting.

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- g. Providing barrier-free access which destroys significant features of a historic property without first consulting the state historic preservation officer.

(Ord. No. 97-10, § 1(3-10.3(M)(2)), 7-3-1997)

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Chapters 103—105 RESERVED

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