

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

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.

**WHEREAS**, Section 102-2 of the Land Development Regulations requires applicants for building permits within any historic preservation district or other designated historic site or resource to comply with the city's historic architectural review commission's Design Guidelines; and

**WHEREAS**, amendments to the design guidelines 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**, the Historic Architectural Review Commission ("HARC") initiated the proposed amendments to Chapters VI and IX of the HARC design guidelines, in order to clarify

guidelines for and glossary definitions relevant to decks, patios, hot tubs and pools; and

**WHEREAS,** amendments and additions to the HARC architectural glossary required amendments to two existing definitions provided in Section 86-9 of the City of Key West Land Development Regulations; and

**WHEREAS,** Section 90-142 of the Land Development Regulations adopted the historic architectural review commission guidelines by ordinance; and

**WHEREAS,** amendments to the design guidelines must follow the same procedural requirements as amendments to the Land Development Regulations as specified in Sections 90-516 - through 90-524 of the Code of Ordinances; and

**WHEREAS,** the Historic Architectural Review Commission held a noticed virtual public meeting on August 25, 2020, where the proposed changes to the guidelines for and glossary definitions relevant to decks, patios, hot tubs and pools were recommended for approval; and

**WHEREAS,** the Planning Board held a noticed public meeting on November 19, 2020, where it was found to be in the public's interest to amend the City of Key West's Land Development Regulations and recommended approval of the proposed amendments; and

**WHEREAS,** the City determined that the proposed amendments: are 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.

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

**Section 1.** Chapter 86 of the City of Key West Land Development Regulations is amended as follows\*:

Chapter 86 General Provisions;

**Section 86-9 Definition of Terms**

*Courtyard* means an open, unobstructed, unoccupied space, other than a yard, on the same lot with the principal building and fully enclosed on at least three adjacent sides by walls of the principal building, or at least three or more exterior structural walls.

~~*Patio* means an open unoccupied space on the same lot fully enclosed on all four sides by the principal building~~ a paved, uncovered area directly on the ground, which can either be attached to or detached from a building.

**Section 2.** Chapter VI and Chapter IX of the Historic Architectural Review Commission design guidelines are amended as follows:

Chapter VI. Design Guidelines in Key West's Historic District;

---

\*Coding: Added language is underlined; deleted language is ~~struck through~~ at first reading. Added language is double underlined and ~~double struck through~~ at second reading.

**Article u. Decks, Patios, Hot Tubs and Pools**

**DECKS, PATIOS, HOT TUBS, SPAS,—& POOLS AND RELATED  
EQUIPMENT**

~~Modern installations of decks, pools, patios, and hot tubs shall be considered on a case by case basis. The appropriateness of such modern features shall vary according to siting, size and design. Amenities such as pools, decks and hot tubs should not be located on any publicly elevation. Brick patios and wood decking with excessive square footage in proportion to the area of the lot damages historical integrity and appearance.~~

The installation of pools, hot tubs, spas and related equipment that are located in the front or to the side of a property adjacent to the public right-of-way—excluding rear yards—are not permitted in the historic district, as these modern features detract from the sense of time and place that sets the district apart from modern developments.

External areas in front or to the side of properties visible from the public right-of-way are an important contributor to the historic district. The introduction of excessive areas of paving material that exceed forty

percent of a front or street-side yard is not permitted in the historic district.

1. Wood decking or brick patios are allowed on non-street-side or rear yards. Wood decks ~~shall~~ must not be built on the front or street-side yard of any ~~house~~ building adjacent to the public right-of-way.
  
2. ~~Wooden decks in side yards not adjacent to public right of way shall be set back a minimum of ten feet from the front wall of a structure and~~ are not allowed in front of the front façade of a property. If deemed appropriate to be located in a side yard, wooden decks shall be screened with fencing or landscaping. This guideline shall not pertain to landings required by the Florida Building Code.
  
3. ~~Best efforts shall be made to ensure that decks, pools, hot tubs and patios are not visible~~ Pools and related equipment proposed in HARC-approved locations must be screened from the elevation sight from the right-of-way by use of landscape or HARC-approved fence screening.

~~4. The proportion of decking, patio or pool dimensions shall not exceed fifty percent of the total lot minus the building footprint.~~

~~5. No swimming pool shall be built in a front yard of any structure in the historic district.~~

~~6. Swimming pools may be built in a side or rear yard adjacent to a public right of way only if the pool is located directly behind the principle structure or it is set to the rear half of the side yard. A property owner shall not seek a change of address to circumvent this rule.~~

4. The above guidelines pertain to both in-ground and above-ground hot tubs, spas, and pools, as well as any related equipment.

5. The above guidelines shall not pertain to ponds.

## Chapter IX. Architectural Glossary;

### **Architectural Glossary**

**Courtyard:** An open, unobstructed, unoccupied space, other than a yard, on the same premises on which the building is located. An unoccupied open space on the same lot with the principal building and fully enclosed on at least three adjacent sides by walls of the

principal building, or at least three or more exterior structural walls.

**Deck:** A raised outdoor platform with or without a roof.

**Landing:** A platform that sits at the base of a set of stairs/steps, a ramp, an entrance/exit or a door. Minimum dimensions are 36" by 36" for dwelling units, and maximum dimensions are 60" by 60" for ADA accessible units.

**Patio:** A paved, uncovered area directly on the ground, which can either be attached to or detached from a building.

**Paving:** A hard ground covering that is laid using materials including, but not limited to: asphalt, bricks, concrete, gravel, stones, tiles, wood, and synthetics.

**Pond:** A small body of still water not deeper than 18 inches, which is used as a landscape feature and not for human occupation.

**Section 3.** 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 4.** 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 5.** 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 State Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Read and passed on first reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Read and passed on final reading at a regular meeting held this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Authenticated by the presiding officer and Clerk of the Commission on \_\_\_ day of \_\_\_\_\_, 2020.

Filed with the Clerk \_\_\_\_\_, 2020.

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

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

Commissioner Gregory Davila \_\_\_\_\_

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

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

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

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

\_\_\_\_\_  
TERI JOHNSTON, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL SMITH, CITY CLERK