

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE 2010-03

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AN AMENDMENT TO CHAPTER 22, ARTICLE 7 OF THE CODE OF ORDINANCES, RELATED TO THE POWERS AND DUTIES OF THE HISTORIC PRESERVATION BOARD; AMENDING DIVISION 20 OF THE LAND DEVELOPMENT CODE, ESTABLISHING REQUIRED YARDS AND LOT SIZES FOR CONTRIBUTING HISTORIC STRUCTURES WITHIN THE PASS-A-GRILLE OVERLAY AND REQUIRING PROPERTIES THAT REQUEST A REDUCTION IN REQUIRED YARDS TO SUBMIT PROPOSED ALTERATIONS TO THE EXTERIOR OF THE CONTRIBUTING STRUCTURE TO THE APPROPRIATE BOARD OF AUTHORITY FOR REVIEW FOR CONSISTENCY WITH THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES; AMENDING DIVISION 28 OF THE LAND DEVELOPMENT CODE REGARDING HISTORIC PRESERVATION, DELETING THE LIMITATION OF ADDITIONS TO 1,000 SQUARE FEET, AND REQUIRING MINIMUM STANDARDS FOR THE CONTENTS OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS; PROVIDING FOR THE REPEAL OF ORDINANCES OF PARTS OF ORDINANCES IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Policy 2.6.2 of the City of St. Pete Beach Comprehensive Plan states that the City shall consider adoption of incentives to encourage preservation and enhancement of historic or architecturally significant structures and resources; and

WHEREAS the area in the City known as Pass-a-Grille has the highest concentration of historic resources in the City, identified by the Historic Resource survey conducted in 2003 and submitted to the United States Department of the Interior for the expansion of a National Register Historic District; and

WHEREAS the City has found that the certain provisions in the Land Development Code pertaining to various zoning districts in the area known as the Pass-a-Grille Overlay do not coincide with or allow for the historic development pattern and has not encouraged the preservation or rehabilitation of historic resources; and

WHEREAS the Historic Preservation Board, Planning Board, and City Commission have recognized that further code amendments need to be undertaken to encourage the rehabilitation of its existing historic resources; and

WHEREAS the Planning Board of the City of St. Pete Beach and the City Commission of the City of St. Pete Beach conducted public hearings noticed pursuant to Florida law and

conducted pursuant to Ordinance 88-36 of the City of St. Pete Beach and Section 3.4 of the Land Development Code; and

WHEREAS, the City Commission finds this Land Development Code amendment to be in the best interest of the citizens of the City of St. Pete Beach.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. Section 20 of the Land Development Code regarding the Pass-a-Grille Overlay is hereby amended as exhibited in "Attachment A".

Section 2. Section 28 of the Land Development Code regarding Historic Preservation is hereby amended as exhibited in "Attachment B".

Section 3. Chapter 22, Article VII of the Code of Ordinances Regarding the Historic Preservation Board is hereby amended as exhibited in "Attachment C".

Section 4. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

Section 5. If any portion or part of this Ordinance is declared invalid by a court of competent jurisdiction, the valid remainder hereof shall remain in full force and effect.

Section 6. This Ordinance shall become effective immediately upon adoption.



Michael Finnerly, MAYOR

FIRST READING : 4-13-2010
PUBLISHED : 4-17-2010
SECOND READING : 4-27-2010
PUBLIC HEARING : 4-27-2010

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 27th day of April, 2010.



Theresa B. McMaster, City Clerk

“Attachment A”

St Pete Beach Land Development Code

Pass-a-Grille Overlay

Sec. 20.1. Purpose and intent.

The City recognizes that Pass-a-Grille contains historic resources that were constructed prior to the development of suburban zoning regulations. The PAG Pass-a-Grille Overlay District is intended to allow for structures that are considered “contributing” to the National Register Historic District to be considered conforming regarding lot size and setbacks, as well as provide additional control over development and uses of property within the Pass-a-Grille area situated south of 32nd Avenue, in order to ensure that structures and uses will be compatible with the character of existing development, including the area within the designated Pass-a-Grille Historic District.

Sec. 20.2. Permitted principal uses and structures.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, permitted uses and structures in the PAG Pass-a-Grille Overlay District are as follows:

- (a) All uses permitted in the underlying zoning district; and
- (b) Transient occupancy in single-family dwellings, so long as any such transient occupancy of less than 30 days does not occur more than three times in any 12-month period on any parcel.

Sec. 20.3. Permitted accessory uses and structures.

- (a) Uses and structures, as regulated in sections 6.12 and 6.13, which are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures, and are not of a nature prohibited under section 20.5.
- (b) Home occupations, subject to the conditions set forth in section 6.5 of this Code.
- (c) Residential docks, including tie poles, in conformance with the provisions of section 6.23 and other applicable codes and ordinances of the city, county or state.
- (d) Temporary structures under the provisions of section 6.11.

Sec. 20.4. Allowable conditional use.

Subject to the provisions or restrictions contained in this section and elsewhere in this Code, allowable conditional uses in the PAG Pass-a-Grille Overlay District are as follows:

- (a) All permitted special exception uses permitted in the underlying zoning district.

Sec. 20.5. Prohibited uses and structures.

All uses and structures not of a nature specifically or provisionally permitted herein or within the underlying zoning district are hereby prohibited in the PAG Pass-a-Grille Overlay District.

Any use which the ~~City Commission, appropriate board of authority~~, upon appeal, and after investigating similar uses elsewhere, shall determine to be potentially noxious, dangerous or offensive to residents of the district or to those who pass by on public roadways, by reason of odor, smoke, noise, glare, fumes, gas, fire, explosion or emission of particulate matter or likely for other reasons to be incompatible with the character of the district, is hereby prohibited in the PAG Pass-a-Grille Overlay District.

Sec. 20.6. ~~Density and development standards.~~

The maximum residential density permitted in the PAG Pass-a-Grille Overlay District shall not exceed the number of units per acre permitted by the underlying zoning district. ~~All other development standards shall be as required by the underlying zoning district.~~

Sec. 20.7. ~~Additional requirements. Reduced Setbacks for Contributing Structures granted a Certificate of Appropriateness.~~

~~All proposed additions to contributing structures may be eligible for a reduction in setback requirements if the proposed plans new construction within the PAG Pass-a-Grille Overlay District shall not be issued a building permit until such plans have proposed construction has been reviewed, approved, and issued a Certificate of Appropriateness by the Historic Preservation Board pursuant to Section 28. appropriate board of authority~~ The purpose of this regulation is to ensure the design is compatible with neighboring structures. Compatible design means architectural design and construction that will fit harmoniously into the district based on scale, materials, and quality of construction with adjacent buildings and structures.

Design review shall be based on the requirements set forth in the Overlay herein and for consistency with the Secretary of Interior's Standards for Rehabilitation. If the Historic Preservation Board finds that an addition is consistent with the Secretary of the Interior's Standards and that the addition would not preclude the structure's continued designation as a contributing structure, and approves a certificate of appropriateness for the plans, then the following setbacks may apply:

Front Yard Setback: 10 feet.

Secondary Front Yard Setback: 5 Feet

Side Yard Setback: 10 % of lot the width-(Each)

Rear Yard Setback: 10 Feet.

The addition must still meet impervious surface, floor area, height, landscaping, and buffering standards in the code. The reductions in setbacks do not abrogate the responsibility of the designer or homeowner to incorporate these requirements into the plan.

Sec. 20.8. Minimum zoning lot requirements. Lots of record within the Pass-a-Grille overlay shall be deemed conforming despite the width and size regulations in the underlying zoning district, so long as the lots are not further subdivided. No more than

two lots of record may be combined to accommodate additions to existing structures or new construction. The minimum lot area and width requirements in the PAG Pass-a-Grille Overlay District shall be the same as those imposed by the underlying district.

Sec. 20.9. Minimum yard requirements.

The minimum yard depth and width requirements in the PAG Pass-a-Grille Overlay District shall be the same as those imposed by the underlying district. Lots within the Pass-a-Grille Overlay are exempt from the minimum lot width and depth requirements in each underlying zoning district; however, in no case shall a lot be subdivided to a size smaller than the platted lot of record. Existing structures that are listed as contributing structures in the most recent Historic Resources Survey or that are locally designated historic structures are exempt from the setbacks imposed by the underlying zoning district. however, additions and accessory structures shall comply with the standards in Section 20.7. All other structures shall comply with the setbacks and required yards imposed by the underlying zoning district.

“Attachment B”

St Pete Beach Land Development Code

Section 28 Historic Preservation

Sec. 28.1. 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: *Historic preservation board* means a board established by Article VII of Chapter 22 of the Code of Ordinances, with the duties and powers as expressed therein and as specifically provided in this division, including having the power and duty to review historic sites, areas, structures and buildings for possible designation as historic resources.

Archaeological site means an individual historic resource recognized for its prehistoric or historic artifacts and features.

Building means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, or property of any kind.

Certificate of appropriateness means a written authorization by the historic preservation board to the owner of a voluntarily designated property allowing a proposed alteration, relocation or the demolition of a building, structure or site.

Certified local government means a designated local government meeting the requirements of the National Historic Preservation Act of 1966, as amended, 16 USC 470, which extends some aspects of the federal and state responsibilities for historic preservation to qualified local governments. Under the program, local governments are certified to review and make recommendation to the Florida National Register Review Board concerning nominations to the National Register of Historic Places.

Contributing property means and includes any building, structure or site which contributes to the overall historic significance of a designated historic district and which was present during the period of historic significance. In addition, the building, structure or site possesses historic integrity reflecting the character of that time or is capable of yielding important information about a historically significant period or independently meets the criteria for designation as a historic resource.

Demolition means the complete removal of a building, structure or portions thereof from a site.

Demolition by neglect means the willful abandonment of a building or structure by the owner, resulting in such a state of deterioration that its self-destruction is inevitable or where demolition of the building or structure to remove a health and safety hazard is a likely result.

Designated property means any building, structure or site which has been designated by the historic preservation board as a historic resource, historic district or local landmark with agreement and written consent of the property owner.

Designation report means a written document indicating the basis for the findings of the historic preservation board concerning the proposed designation of a historic resource pursuant to this division.

District area means the general area of any historic district which may enlarge or decrease in size as contributing and noncontributing properties are included either through commission, board or staff recommendation or voluntary inclusion/exclusion.

Exterior means all outside surfaces of a building or structure visible from a public right-of-way, or the street easement of the building or structure.

Historic district means a geographically definable area designated pursuant to this division possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past development. A district may also be linked by association or history. To qualify as an historic district, an area may contain both contributing and noncontributing properties.

Historic resource means any prehistoric or historic district, site, building, structure, object or other real or personal property of historical, architectural or archaeological value. Historic resources may include but are not limited to monuments, memorials, Native American habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works or other objects with intrinsic historical or archaeological value or any part thereof, relating to the history, government, or culture of the city, the county or the state.

Incentive means any benefit, whether regulatory, procedural or financial, which becomes potentially available to a property owner upon designation as a historic resource, district or landmark. These benefits may include, but are not limited to, relief from flood mitigation requirements, relief from certain current building code or zoning standards, and abatement of local property taxes.

Land Development Code (LDC) means ordinances enacted by governing bodies for the regulation of any aspect of the development and includes any local government zoning, rezoning, subdivision, building construction or sign regulations or any other regulations controlling the development of land.

Landmark means a building, structure or site which meets one or more of the criteria contained in this division. A landmark may include the location or significant archaeological features or a historical event.

Local landmark means a building, structure or site which may not qualify to be on the National Register, or the state site file, but is recognized by the city as having local historic significance.

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 USC 470, or as may be amended, renumbered or replaced and its implementing regulation, 36 CFR 60, "National Register of Historic Places"; or as may be amended, renumbered or replaced.

Noncontributing property means and includes any building, structure or site which does not contribute to the overall historic significance of a designated historic district due to alterations, disturbances or other changes and, therefore, no longer possesses historic integrity or was not present during the period of historic significance or is incapable of yielding important information about that period.

Ordinary maintenance and repairs means work done to prevent the deterioration, decay or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Owner means an individual, partnership, corporation or public agency holding fee simple title to real property. The term "owner" does not include individuals, partnerships, corporations or public agencies holding easements of less than a fee simple interest, including leaseholds, in real property.

Reconstruction means a faithful facsimile or re-creation of the original structure which utilizes a portion of the original building or structure and is not merely a replication or reproduction of a preexisting structure, type of design or architectural style.

Sites file inventory means buildings and structures within the historic district/area or those contributing properties of overall historic significance outside the district listed in the State Inventory of Historic and Architectural Resources file maintained by the Secretary of State.

Structure means that which is built or constructed. The term "structure" shall be construed as if followed by the phrase "or part thereof."

Substantial improvement means the same as defined under section 106-86.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.2. Purpose and intent.

The purpose of this division is to identify, evaluate, preserve and protect historical and archaeological sites and districts, and to promote the cultural, moral, economic, educational, aesthetic and general welfare of the public by:

- (1) Empowering the historic preservation board to determine the historic significance of sites and structures;
- (2) Empowering the to designate historically significant resources and local landmarks;
- (3) Protecting voluntarily designated historic resources by requiring the issuance of certificates of appropriateness before allowing alterations to these resources;
- (4) Encouraging historic preservation by providing incentives to encourage the sensitive rehabilitation and use of designated historic resources;
- (5) Stabilizing and improving property values through the preservation of older residential and commercial properties by allowing for building additions to be of a size and scale that promote harmony with existing structures in the area;
- (6) Encouraging the design and construction of new structures, buildings and developments, and the redevelopment and alteration of existing noncontributing structures, buildings and developments, to be in harmony with, and to preserve the integrity of, the historical district, echoing design elements of size, height and scale of existing historic structures; and
- (7) Promotion of a living history which will foster educational programs aimed at better understanding of the barrier island community heritage.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.3. Scope.

This division shall be applicable to all real property within the city.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.4. Effect of incentives.

(a) Any property for which any preservation incentive has been received as a result of said property's voluntary designation as a historic resource shall remain so designated for the life of all structures thereon; provided, however, where the incentive is for property tax relief for said property alone, the incentive shall remain in effect through the last day of the life of all structures thereon or the first day of the tax year in which the incentive is terminated, whichever shall occur first.

(b) The voluntary historic designation of any property which is not the subject of any incentives provided by this program, may be terminated any time after 12 months following initial said

designation as a historic resource. A minimum of 30 days' written notice of intent to withdraw must be provided to the historic preservation board.

(c) Any property owner who elects to take advantage of incentives set forth in this division and who subsequently sells or transfers ownership to another owner shall also be transferring all restrictions relating to this division. The restrictions shall be binding upon the new owner for the remainder of the timeframe established in this section.

(d) The historic preservation board may not deny a request for a certificate of appropriateness for a demolition permit for a structure which has been designated and has taken advantage of any of the incentives provided; however, the historic preservation board may impose a stay of demolition for up to 90 days in order to explore possible alternatives to the demolition of the designated structure.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.5. Ordinary maintenance and repair.

Nothing in this division shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic building, structure or site which does not involve a substantive change in material, design or outer appearance.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.6. Unsafe structures.

Nothing in this division shall prevent the emergency stabilization and weatherization of a designated structure on an emergency basis when the city manager certifies in writing that such work is necessary for the purpose of correcting conditions determined to be dangerous to life, health or property.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.7. Appeals.

All appeals shall be in accordance with the provisions of section 3.14 of the Land Development Code.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.8. Certificate of appropriateness required; criteria for issuance: application requirements.

~~(a)~~ ~~(a)~~—No new construction, addition, moving or demolition permit shall be issued for a voluntarily designated historic resource until a certificate of appropriateness has been issued.

~~(a)(b)~~ No additions to contributing structures within the Pass-a-Grille overlay that would encroach on the underlying zoning district's setbacks or required yards may be issued a building permit until a certificate of appropriateness has been issued.

~~(c)~~ ~~(b)~~ The criteria for issuance of a certificate of appropriateness shall be the U.S. Secretary of the Interior's Standards for Rehabilitation, 36 CFR 67 (1983), or as may be amended, renumbered or replaced, and the City Comprehensive Plan, which are adopted by reference as though set forth fully in this division. Copies of the Secretary of the Interior's standards and the City Comprehensive Plan shall be kept on file in the Department of Community Development.

~~(d)~~ ~~(e)~~ A minimum of ~~45~~45 days prior to the date of the historic preservation board meeting at which the hearing shall be conducted, the applicant for a certificate of appropriateness

shall submit to the city a completed application for certificate of appropriateness on a form provided by the city, which application shall include the following:

1. A recent survey of the property.;
2. Elevations, drawn to scale, of the proposed addition(s), signed and sealed by a registered architect or engineer. The elevations shall include detailed information regarding the materials to be used.
3. A site plan, drawn to scale, of the proposed addition(s), signed and sealed by a registered architect or engineer. The plans shall include existing and proposed square footage, proposed landscaping, paving, and existing and proposed amounts of impervious surface.
4. Digital photographs of each existing elevation of the subject property.
5. Digital photos of the adjacent properties.

~~the major illustrative materials (blueprints, sketches, photographs, color samples, etc.) associated with the request, and other such information as may be deemed necessary by the city. This material shall remain with the building permit application. Additional illustrations can be brought to the historic preservation board meeting, but the illustrations filed with the city shall clearly demonstrate the applicant's intent.~~

- (ed) Under this division, the historic preservation board shall have reviewed and approved all applications for building, demolition or moving permits before forwarding such to the city manager for review pursuant to this division. The historic preservation board shall consider the granting or denial of a certificate of appropriateness at a public hearing to be held for such purpose. Public notice shall be in accordance with the provisions of section 3.4 of the City of St. Pete Beach Land Development Code.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.9. Issuance criteria.

Under this division, a building, moving or demolition permit may be issued once the city manager has been provided a valid certificate of appropriateness.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.10. Building permits.

After a building, district or site has been historically designated, the city manager shall refer all related applications for building permits to the historic preservation board for review prior to permit issuance.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.11. Demolition permits.

(a) After a building or district has been designated under this division, the city manager shall refer all related applications for demolition permits to the historic preservation board for review prior to permit issuance.

(b) The historic preservation board may not deny a request for a certificate of appropriateness for a demolition permit, but may impose a stay of demolition for up to 90 days in order to explore possible alternatives to the demolition of the designated structure. When reviewing a certificate of appropriateness request for the issuance of a demolition permit, the historic preservation board shall consider the following criteria:

- (1) The historic or architectural significance of the building.

- (2) The importance of the building to the character of a district, if applicable.
 - (3) The difficulty or impossibility of reproducing such a building because of its design, texture, material, detail, or unique location.
 - (4) Whether the building is one of the last remaining examples of its kind in the neighborhood or city.
 - (5) Whether reasonable measures can be taken to save the building.
 - (6) Whether the building is capable of earning a reasonable economic return on its value and whether the perpetuation of the building, considering its physical condition, its location and the anticipated expense of rehabilitation would be economically feasible.
- (Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.12. Moving permits.

- (a) After a building or district has been historically designated, the city manager shall refer all related applications for moving permits to the historic preservation board for review prior to permit issuance.
 - (b) When passing upon a certificate or appropriateness for the issuance of a moving permit, the historic preservation board shall consider the following criteria:
 - (1) The historic character and aesthetic interest the building contributes to its present setting.
 - (2) The reasons for the proposed move.
 - (3) The proposed new setting and general environment of the proposed new setting.
 - (4) Whether the building can be moved without significant damage to its physical integrity.
 - (5) Whether the proposed relocation site is compatible with the historical and architectural character of the building.
 - (6) When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
 - (7) Special consideration may be afforded to an application request to move a building or structure, provided the building or structure remains within the corporate limits.
 - (8) Any building or structure which has obtained approval to be moved to a site within the historical district of the city must conform to the standards, guidelines and associated land development regulations of the district.
- (Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.13. Variances.

- (a) Notwithstanding the provisions of Article II of Chapter 22, section 22.41 of the City Code of Ordinances and section 3.13 of the Land Development Code, no board of authority shall have power to authorize a variance request for any property designated under this division unless a certificate of appropriateness has been granted for said property by the historic preservation board, as applicable.
- (Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.14. Review of requests for variances.

- (a) All requests for a variance for a designated historic property under this division shall be presented to the historic preservation board, which shall upon review submit its objection, recommendation and comment to the board considering the request. The historic preservation board shall establish rules for reviewing such requests. Public notice shall be in accordance with the provisions of section 3.4 of the City of St. Pete Beach Land Development Code.

(b) Before recommending that a variance be granted, the historic preservation board shall find that:

(1) The variance shall be in harmony with the general appearance and character of the community.

(2) The variance shall not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.

(3) The proposed work is designed and arranged on the site in a manner that minimizes aural and visual impact on the adjacent properties while affording the owner a reasonable use of his land.

(c) In recommending the granting of variances, the historic preservation board may also recommend any appropriate conditions necessary to protect and further the interest of the area and abutting properties, including but not limited to:

(1) Landscape materials, walls and fences as required buffering.

(2) Modifications of the orientation of any openings.

(3) Modifications of site arrangements.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.15. Variance relief from certain building code regulations.

(a) Voluntarily designated historic resources shall be eligible for relief from the provisions of the building code, as adopted in section 98-26 of the City Code of Ordinances, and for administrative variances or other forms of relief from applicable building codes as provided in this section.

(b) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use or usage of a building or structure may be made without conformance to the technical requirements of the building code when the proposed work has been approved by a certificate of appropriateness and also by the city manager, pursuant to the authority granted to the city manager by other ordinances or statutes and further provided that:

(1) The restored building will be no more hazardous based on considerations of life, fire and sanitation than it was in its original condition.

(2) Plans and specifications are sealed by a state-registered architect or engineer, if required by the city manager.

(3) The city manager has required the minimum necessary corrections to be made before use and occupancy which will be in the public interest of health, safety and welfare.

(4) Nothing in this section shall be construed to prevent a property owner from filing a petition for designation simultaneously with a petition for a conditional use or zoning variance which is adjudicated by any board of authority other than the historic preservation board. The city manager and the appropriate board of authority shall be authorized to act upon the petition filed prior to final designation of the subject building, district or site, provided that approval of any such petition shall be made contingent upon the final designation of the building, district or site by the city commission.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.16. Variance from floodplain management regulations.

(a) Any alteration or addition to an historic structure, designated pursuant to this division, shall be eligible to request variance from the substantial improvement and/or substantial damage regulations in Article V of Chapter 98 of the Code of Ordinances, as provided in this section if:

- (1) The structure was designated by the city at the time the city was a certified local government; and
 - (2) The structure is listed on the National Register of Historic Places; or
 - (3) The structure is certified by the Secretary of the Interior of the United States as a contributing property; or
 - (4) The structure is listed on the State of Florida Inventory of Historic Places.
- (b) The historic preservation board may grant a variance as provided in subsection (a) hereof, at a public hearing, subject to the requirements of sections 28.22 and 28.23 of this division, upon a finding that:
- (1) The variance will not preclude the structure's continued designation as a historic structure.
 - (2) The variance is the minimum necessary to preserve the historic character and design of the original structure.
- (Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.17. Exterior maintenance and repair work.

The following criteria shall be applied by the historic preservation board when considering variances pursuant to this division:

- (a) Distinctive external architectural features and materials shall be repaired whenever possible and shall be replaced only when repair is not possible due to severe deterioration.
 - (b) The removal of historic materials or the alteration of features and spaces that characterize a property shall be avoided to retain the historic character of the structure.
 - (c) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic structure shall be preserved.
- (Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.18. Additions and modern equipment.

Because changes to identified historic resources can impact the historic integrity of sites and structures, it is of paramount importance that due consideration be given to any request to alter the architecture, structural components or site layout of ~~any designated historic resources~~. The following guidelines are provided as reasonable limits to be applied by the historic preservation board when considering variances and certificates of appropriateness pursuant to this division. Any approvals granted in excess of these standards must be accompanied by a specific finding of fact which determines that such approval does not jeopardize the suitability of the sites and structures involved for continued designation as historic resources or contributing structures and that such approvals do not violate the applicable standards of any National Register designation or other requirement under this division.

~~(a) Building additions and new building construction shall be limited to a maximum of 1,000 gross square feet.~~

~~(a)~~ (b) Additions shall use the same or compatible architectural style and materials as the main building. Paint colors should match the colors of the original structure.

~~(b)~~ (c) Additions shall not overpower the original structure, ~~and~~ the scale and massing of additions to the original structure shall be secondary thereto, and the new portion of the structure shall be distinguishable from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

~~(c)~~ (d) Additions shall be attached to the rear and/or to the side of the original structure.

(de) Modern equipment and amenities, such as air conditioning, shall be concealed from sight by placing them as far as possible from the street and to the rear of the original structure.
(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.19. Designation procedure; notification required.

The following procedure shall apply for the designation of buildings, structures, districts or sites as historic resources:

- (1) Designation may only be considered at the written request of the property owner.
- (2) When designation is proposed by the property owner, a petition shall be filed with the historic preservation board on forms approved by the historic preservation board. The historic preservation board shall hold a public hearing on the petition. They shall notify the property owner by certified mail at least 30 days in advance of the hearing, unless such notice is waived by the applicant.
- (3) An applicant may reapply for historic designation six months after an unfavorable, final designation decision is reached by the historic preservation board.
- (4) The historic preservation board shall conduct public hearings for a proposed historic district area designation or area extension. Notice of the proposed designation shall be sent by certified mail to the owners of record of the properties proposed for designation. The notice shall describe the properties proposed for designation and shall announce a public hearing of the historic preservation board to consider such designation, to be held no less than 30 days after the mailing of such notice. The properties affected by such district designation shall not be subject to the certificate of appropriateness requirements of this division unless written application for designation of the property shall have been submitted individually by the owner of said property and approved by the historic preservation board in accordance with the requirements of this division.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.20. Designation report.

Prior to the designation of any historic resource, structure or historic area district or district extension pursuant to this division, a designation report shall be prepared by city staff. The designation report shall contain the following information:

- (1) *Individual historic buildings or archaeological sites:*
 - a. A physical description of the building or site and its character-defining features, accompanied by photographs.
 - b. A statement of the historical, cultural, architectural, archaeological or other significance of the building or site as defined by the criteria for designation established by this division.
 - c. A description of the existing condition of the building or site including any potential threats or other circumstances that may affect the integrity of the building or site.
 - d. A statement of rehabilitation or adaptive use proposals, if applicable.
 - e. A location map, showing relevant zoning and land use information.
 - f. A recommendation concerning the eligibility of the building or site for designation pursuant to this division and a listing of those features of the building or site which require specific historic preservation treatments.
 - g. A photographic record of the property. Such record should include a comprehensive photographic representation of the interior and/or exterior appearance of all structures associated with the designation request.

(2) *Historic or archaeological districts:*

- a. A physical description of the district, accompanied by photographs of buildings, structures or sites within the district indicating examples of contributing and noncontributing properties within the district. Also, a list of all contributing properties outside the proposed boundaries of the district shall be provided.
- b. A description of the typical architectural styles, character-defining features, and types of buildings, structures or sites within the district.
- c. An identification of all buildings, structures and sites within the district and the proposed classification of each as contributing or noncontributing, with an explanation of the criteria utilized for the proposed classification.
- d. A statement of the historical, cultural, architectural, archaeological or other significance of the district as defined by the criteria for designation established by this division.
- e. A statement of recommended boundaries for the district and a justification for those boundaries, along with a map showing the recommended boundaries.
- f. A statement of incentives, if any, and the specific guidelines which should be used in authorizing any alteration, demolition, relocation, excavation or new construction within the boundaries of the district.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.21. Designation process; public hearing required.

- (a) At the public hearing of the historic preservation board upon a proposed designation, the historic preservation board members; the owners of structures, sites or properties within a district proposed for designation; the authorized agent of such owners; and any interested citizens may present testimony or documentary evidence concerning the significance of the building, site or district under consideration.
- (b) At the close of the public hearing, the historic preservation board shall vote to approve or deny any request for designation of individual properties, sites or structures. Such determination of designation shall be final and not subject to city commission review. For proposed historic district designations, the historic preservation board's shall forward a recommendation to the city commission with respect to the designation, which shall classify all structures within the proposed district as contributing or noncontributing.
- (c) After reviewing the recommendation of the historic preservation board, the city commission may direct the preparation of an ordinance providing for the recommended designation of the proposed district and schedule such for public hearing. Alternatively, after the reviewing recommendation of the historic preservation board, the city commission may then act to deny the proposed district designation without further notice or hearing.
- (d) If the city commission directs the preparation of a designation ordinance for a proposed historic district, a public hearing shall be held to consider adoption of the proposed ordinance. Notice of the public hearing shall conform to standard public notification procedures utilized by the city.
- (e) After final adoption of a designation ordinance by the city commission, districts shall remain designated unless such designation is removed by subsequent ordinance of the city commission.
- (f) The historic preservation board may elect to consider multiple structures or resources for designation, notwithstanding any other portion of this division. These multiple considerations may be collectively considered under one public hearing.

(g) The sale, lease or transfer of ownership of any property designated as a historic resource under this division shall not affect the designation in any way.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.22. Designation criteria established.

The criteria to be applied by the historic preservation board and city commission in the designation of a building, district area or site as historically or archaeologically significant shall be as follows:

(1) *Historic buildings.* A building is of historic significance if it possesses integrity of location, design, setting and materials, and if it:

- a. Exemplifies or reflects the broad cultural, political, economic or social history of the city, the county, the state or the United States; or
- b. Is associated with events which have made a significant contribution to the broad patterns of our local, state or national history; or
- c. Is associated with the life of a person who has played a significant role in our local, state or national history; or
- d. Embodies the distinctive visible characteristics of an architectural style or period, or a method of construction; or
- e. Is a reconstructed building accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or association has survived; and
- f. Is listed on the National Register of Historic Places or is eligible for inclusion on the National Register of Historic Places, or is included on the state master site file, individually or as contributing to a listed historic district.

(2) *Historic districts.* A district is of historic significance if it:

- a. Represents a significant entity whose components may lack individual distinction; or
- b. Represents a geographically defined area which contains buildings, sites, objects and spaces linked historically through location, design, setting, materials, workmanship, feeling and association; or
- c. Represents a geographically defined entity whose individual structural components collectively convey a sense of time and place which may relate to one or more periods in history.

(3) *Archaeological sites and districts.* A site or district is of archaeological significance if it:

- a. Has yielded or is likely to yield significant information relating to prehistory or history; or
- b. Contains any subsurface remains of historical or archaeological importance or any unusual ground formations of archaeological significance.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.23. Relationship to zoning districts.

Designated historic resources may be located within any zoning district classification. Whenever a designation is made by ordinance, the regulations for both the applicable zoning district and this division shall be applied to the designated property.

(Ord. No. 2006-01, § 1, 1-24-06)

Sec. 28.24. Certified local government requirements.

In order to establish and maintain certified local government status, city staff and the historic preservation board shall undertake the following actions, as required:

- (1) Provide the state historic preservation office with prior written notice of all meetings at least 30 days in advance.
- (2) Provide the state historic preservation office with meeting minutes within 30 days of each meeting.
- (3) Provide the state historic preservation office with meeting attendance reports within 30 days of each meeting.
- (4) Notify the state historic preservation office of any change in board membership within 30 days of action.
- (5) Immediately notify the state historic preservation office of all new historic designations or alterations to existing designations.
- (6) Submit proposed amendments to the city's historic preservation ordinance (section 28 of the Land Development Code) to the state historic preservation office for review and comment at least 30 days prior to adoption.
- (7) Submit an annual report by November 1 to the state historic preservation office covering the period October 1 through September 30, in accordance with specified requirements for format and contents.

(Ord. No. 2006-01, § 1, 1-24-06)

“Attachment C”

Sec. 22-211. Purpose; powers and duties.

(a) The historic preservation board will recommend district boundaries essential to the maintenance of the unique character of the city.

(b) The board will develop and recommend guidelines, standards and associated land development relations specific to the districts.

(c) The board shall also have the power and duty to:

~~(1)~~ Propose rules and procedures to implement this article to the city commission.

(12) Maintain and update the findings of the historical and archaeological surveys and validate those findings.

(23) Evaluate the significance and eligibility of historic resources for designation pursuant to the Land Development Code.

(34) Designate eligible historic resources pursuant to the Land Development Code.

(45) Nominate historic resources to the local and state list of historic places and to the National Register of Historic Places.

(56) Approve, deny, or approve with conditions applications for certificates of appropriateness applicable to historic resources designated pursuant to the Land Development Code.

(67) Make recommendations to the board of adjustments with respect to variance requests applicable to historic resources designated pursuant to the Land Development Code.

(78) Place historical markers and administer other programs aimed at the proper recognition of designated historic resources.

(89) Advise the city commission on all matters related to historic preservation policy, including use, administration and maintenance of city-owned historic resources.

(90) Recommend zoning and building code amendments to the appropriate board of authority to assist in the preservation of designated historic resources.

(10+) Review and make recommendations to the appropriate board of authority on proposed amendments to the comprehensive plan or land development regulations that may affect designated historic resources.

(112) Propose and recommend to the city commission financial and technical incentive programs to further the objectives of historic preservation.

(123) Increase public awareness of historic preservation and its community benefits by promoting public education programs.

(134) Record and maintain records of the board actions and decisions.

(145) Review any nominations of local properties to the National Register of Historic Places following the regulations of the state historic preservation office, as follows:

a. The responsibilities of the board in this regard shall be supplementary to the state historic preservation officer.

b. Inclusion on either the local, state or federal list is voluntary, and when a property owner objects to the nomination, he shall submit a notarized written statement to the board before the nomination is considered.

c. Owners of nominated properties shall be notified of the board meeting at which the nomination will be considered in accordance with the procedure set forth in the Land Development Code. When necessary, the board may seek outside expert advice before evaluating the nomination.

d. The board shall forward its recommendations and action on the nomination to the state historic preservation officer.

| (157) Maintain the local and state site file of historic places for the city and conduct and maintain a comprehensive survey of materials that shall be kept available to the public, and duplicates of all inventory forms shall be supplied to the state historic preservation officer.

| (168) Perform any other reasonable functions or duties relating to historic preservation assigned to it by the city commission.

| (179) Attend pertinent informational or educational meetings, workshops and conferences.