

City of Palm Coast, Florida Agenda Item

Agenda Date: August 11, 2026

Agenda Item: E.3

Department CITY ATTORNEY Division	Amount Org/Account #
Subject: ORDINANCE 2026-XX HISTORICAL PRESERVATION	
Presenter: Marcus Duffy, City Attorney	
Attachments: 1. Ordinance	
Background: City Council directed the City Attorney to draft an ordinance on historical preservation which is attached to this item for consideration and direction.	
Recommended Action: FOR PRESENTATION AND DIRECTION	

ORDINANCE 2026-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AMENDING THE CITY OF PALM COAST UNIFIED LAND DEVELOPMENT CODE, BY AMENDING CHAPTER 10, SECTION 10.05, ENTITLED “CULTURAL AND HISTORIC RESOURCES PROTECTION”; ESTABLISHING REGS FOR PLAN REVIEW, DEVELOPMENT PROJECTS, AND LAND DISTURBANCES; DEFINING CORE PRESERVATION TERMS; SPECIFYING SURVEY REQUIREMENTS FOR LANDS SUBJECT TO CULTURAL INVESTIGATIONS; CREATING A HISTORIC PRESERVATION BOARD AND DEFINING ITS COMPOSITION, POWERS, DUTIES, AND QUORUM REQUIREMENTS; PROVIDING PROCEDURES FOR FORTUITOUS FINDS AND UNMARKED BURIALS; APPOINTING A HISTORIC PRESERVATION OFFICER; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Palm Coast recognizes that the City’s historic, cultural, archaeological, aesthetic, and architectural resources are irreplaceable assets that reflect the diverse history, government, and culture of the City, Flagler County, and the State of Florida; and

WHEREAS, the preservation of these unique historic and cultural resources is essential to fostering civic pride, enriching public education, and promoting the pleasure, welfare, and general quality of life for the residents and visitors of Palm Coast; and

WHEREAS, the City Council desires to establish clear, robust regulatory procedures and protective standards for development plan reviews, land excavations, and historic resources to ensure these physical reminders of the past are protected to the maximum extent feasible; and

WHEREAS, Chapter 267 of the Florida Statutes sets forth the state's public policy regarding historical resources and directs local governments to cooperate in the identification, evaluation, and protection of historic assets; and

WHEREAS, the City Council intends to seek inclusion and status within the National Register of Historic Places Program and the Florida Certified Local Government (CLG) program administered by the Florida Department of State, Division of Historical Resources; and

WHEREAS, matching local policy with the rules of the United States National Historic Preservation Act and Certified Local Government guidelines links federal, state,

and local entities to unlock critical grant funding, preservation awards, and federal tax incentives for local property owners; and

WHEREAS, establishing a dedicated, professionally qualified Historic Preservation Board and appointing a Historic Preservation Officer ensures that Palm Coast handles designations, certificates of historic appropriateness, and historic surveys through precise administrative, legal, and expert channels; and

WHEREAS, the City Council has determined that the adoption of this Ordinance serves a vital public purpose and protects the health, safety, and welfare of the community by preserving its heritage against undocumented destruction or unsympathetic alterations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM COAST, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS. The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Council.

SECTION 2. AMENDING SECTION 10.05 CULTURAL AND HISTORICAL RESOURCES. Section 10.05 of the Land development shall be amended as attached here to and incorporated herein by reference as Exhibit “A.”

SECTION 3. SEVERABILITY. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. CONFLICTS. All ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 5. SCRIVENER’S ERROR. The City Clerk, after consultation with the City Attorney, is authorized to correct scrivener’s errors found by filing a corrected copy of this ordinance in the official records of the City.

SECTION 6. IMPLEMENTING ACTIONS. The City Manager is hereby authorized to take any actions necessary to implement the action taken in this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon adoption by the City Council.

DULY PASSED AND ADOPTED by the City Council of the City of Palm Coast, Florida, on this ____ day of _____ 2026.

ATTEST:

CITY OF PALM COAST

KALEY COOK, CITY CLERK

MICHAEL NORRIS, MAYOR

APPROVED AS TO FORM AND LEGALITY

MARCUS DUFFY, CITY ATTORNEY

Attachment: Exhibit "A"

Exhibit "A"

Chapter 10 - Environmental and Cultural Resources Protection

Sec. 10.05. Cultural and Historic Resources.

10.05.01. *Purpose and intent.* The purpose of this section is to safeguard and protect the City's significant historic, cultural, and archaeological, aesthetic, and architectural resources to the maximum extent feasible. By establishing clear regulatory procedures for plan review, development projects, and protective standards, this section intends to foster civic pride, enrich public education, and preserve physical reminders of the City's diverse history. ~~by providing procedures for the review of plans and development projects as well as standards for the protection of these important resources.~~

A. In addition, the provisions of this article will assist the city and property owners to be eligible for federal tax incentives, federal and state grant funds and other potential property tax abatement programs for the purpose of furthering historic preservation activities, including but not limited to, F.S. § 193.503, or subsequent statutes, and the National Register of Historic Places Program.

B. It is also the purpose of this article to foster civic pride in the accomplishments of the past, to protect and enhance the city's attraction to visitors, and to promote the use of individual sites and districts for the education, pleasure and welfare of the people of the city.

10.05.02. Definitions.

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

Accessory structure means a use or structure on the same lot with, and of nature customarily incidental and subordinate to, the principal use or structure.

Adaptive use means the process of converting a building to a use other than that for which it was designed.

Addition means a construction project physically connected to the exterior of a historic building.

Alteration means any changes in structural parts, stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress or egress, or other changes affecting or regulated by the building code or this regulation, except for minor changes or repairs not involving the aforesaid features.

Archaeological site means a single specific location that has yielded or is likely to yield information on local history or pre-history.

Artifact means any object which is a product of human modification or objects that have been transported to a site by a people.

Board or the historic preservation board means the city historic preservation board as acting in its capacity as a board responsible for the designation and protection of historic property of the city as required by the Florida certified local government program of the Florida Department of State, Division of Historic Resources.

Building means any structure, temporary or permanent, with a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Certificate of historic appropriateness means a written document, issued pursuant to this article, permitting specified alterations, demolition, new construction, or other work to a designated historic resource or for a contributing resource within a designated historic district.

Certificate of recognition means a certificate issued by the historic preservation officer recognizing properties designated as historic on the city register of historic places pursuant to this article.

Certificate to dig means a certificate issued by the historic preservation board granting permission for certain ground disturbing activities, such as filling, grading, swimming pool excavation and the removal of vegetation or trees that may involve the discovery of as yet unknown or known archaeological resources within a designated archaeological zone.

Certified local government means a government satisfying the requirements of the United States National Historic Preservation Act amendments of 1980 (Public Law 96-515) and the implementing of regulations of the U.S. Department of the Interior and the state.

Contributing resource means a building, landscape feature, object, structure or archaeological site or zone that adds to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because:

(1) It was present during the period of significance, it relates to the documented significance of the property and it possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period; or

(2) It independently meets the national register criteria.

Cultural resources means any prehistoric or historic district or building, archaeological site, building, object, or other real or personal property of historical, architectural, or archaeological value and folk life resources. These properties or resources may include, but are not limited to, monuments, memorials, Native American habitations, ceremonial sites, abandoned settlements, sunken or abandoned shops, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the State.

Cultural resources, potentially significant means a cultural resource or archaeological site that may be considered, after further investigation, by the State Historic Preservation Officer to be eligible for the National Register of Historic Places

Cultural resources, protection of means a measures taken to avoid, minimize, or mitigate effects to cultural resources consistent with the provisions of this LDC.

Cultural resources, significant means an archaeological site of prehistoric or historic significance that the State Historic Preservation Officer considers eligible for the National Register of Historic Places.

Demolition means the act or process of wrecking, destroying or removing any building or structure, or any portion thereof.

Department means the city's community development department.

Designated exterior means all outside surfaces of any improvement listed in the designation report a shaving significant value to the historic character of the building or district.

Designation report means a document prepared by the historic preservation officer for all properties and districts that are proposed for local historic designation. The designation report, at a minimum, must include a boundary description of the proposed historic property or district, an evaluation of its historic significance as it relates to the criteria for significance, location map, representative photographs, and physical description of the historic resource.

Earthworks means linear ridges, circular embankments and causeways constructed of earth and/or shell ,as well as their associated borrow pits, and both linear and circular ditches. These are most often associated with other pre-contact features such as mounds or middens, but they may occasionally be encountered in isolation.

Excavation means to make a hole, unearth, scrape, or dig out for the purpose of construction, demolition, or stump/root removal with specific relation to a tree drip line and root system.

Exterior means that portion of a building extending from grade to the top of the roof ridge line or height of the parapet wall, and the entire width of the building elevation; and includes all outside surfaces of a structure.

Facade easement means a binding agreement whereby a property owner pledges to retain intact the exterior of a building and such outbuildings and appurtenances that are relevant to the history or design of the structure.

Historic property means a building, site, structure, or object which is:

- (1)Individually listed in the National Register of Historic Places;
- (2) A contributing property in a National Register listed historic district;
- (3) Designated as a historic property or landmark under the provisions of a local historic preservation ordinance; or

Historic preservation officer means a person appointed by the city manager to serve as the staff to the historic preservation board. That person shall be experienced in and knowledgeable about architectural history, urban design, historic preservation principles, planning and land use regulations.

Historic resource means any site, building, structure, object, landscape feature or other real or personal property of historical, architectural or archaeological value, which resource has been designated as historic on the city register of historic places pursuant to procedures described in this article. The properties may include, but are not limited to, monuments, memorials, habitations,

ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof relating to the history, government or culture of the city, county, the state or the United States of America.

Historic site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, when the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing resource

Historic survey means the results of a systematic process of identifying significant buildings, sites and structures through visual inspection and research, with the results archived in the Florida Master Site File maintained by the Florida Department of State, Division of Historical Resources.

Improvement means any building, structure, fence, gate, wall, walkway, driveway, park, light fixture, bench, fountain, sign, work of art, earth works, or other manmade objects constituting a physical improvement of real property, or any part of such improvement.

Infill means descriptive of buildings that have been designed and built to replace missing structures or otherwise fill gaps in the streetscape.

Integrity. Any resource proposed for historic designation must retain its historic integrity. Integrity is measured by the retention of location, design, feeling and association. For example, if a building has been subject to unsympathetic alterations that have compromised the quality of its design, it may not be designated. With regard to association, if the property proposed for designation has been moved, or the context of its original use or setting has been compromised, it may not be listed.

Landscape feature means an embellishment to the natural environment by blending manmade or natural materials with plantings in order to improve the outdoor aesthetics of a property. Landscape features, which include decorative planters, stone work, brick work, shall not exceed three feet in height. A Landscape feature, as defined herein is not a fence or wall.

Lot means a parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law.

National register of historic places means a federal listing maintained by the United States Department of the Interior of buildings, sites, structures, objects and districts that have met the criteria for significance as determined by the Historic Preservation Act of 1966, as amended.

Noncontributing resource means a building, landscape feature, object, structure or archaeological resource that does not add to the historic architectural qualities, historic associations, or archaeological values for which a property is significant because it was not present during the period of significance, or it does not relate to the documented significance of the property, and/or, due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is incapable of yielding important information about the period, or it does not independently meet the national register criteria. A noncontributing resource shall not be subject to the requirements for a certificate of historic appropriateness.

Opt-out provision means a policy which allows the legal owner of record to decline the historic designation of their property. Their opposition to the local historic designation shall be substantiated by written evidence of their ownership, accompanied by a copy of the form, prepared by the historic preservation officer, which elects the "opt-out" provision.

Ordinary maintenance or repair means any work for which a building permit is not required by law, and where the purpose and effect of such work is to repair damage or to prevent deterioration or

decay of a building or structure, or any part thereof, by restoring the building or structure, or any part thereof, as nearly as possible, to its condition prior to the occurrence of such deterioration, damage, or decay. Ordinary maintenance or repair shall not be subject to the requirements for a certificate of historic appropriateness.

Owner means:

(1) As to real property, the fee simple owner as identified in official records of the county.

(2) As to personal property, the owner as supported by an affidavit of ownership.

Preservation means the identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties.

Real property means land and all improvements to the land that generally include only immovable improvements.

Reconstruction means the act or process of reproducing, by means of new construction, the exact form, features, and detail of a non-surviving building, structure or object, or a part thereof, as it appeared at a specific period in time.

Rehabilitation means the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Relocation means the process of physically moving a building, structure, or object to another site. For historic resources, relocation is recommended only when there are no other preservation alternatives, and the destruction of the historic property at its present location is imminent.

Rendition means the date that a written determination is filed in the records of the secretary to the historic preservation board.

Restoration means the act or process of accurately recovering the form, features, and character of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Secretary of the Interior's Standards for Rehabilitation means a set of guidelines produced by the United States Department of the Interior that establish professional standards for the sensitive rehabilitation of an historic property. The ten standards generally address design issues which include character defining features; changes which have occurred over the course of the property's history; desirable approaches to the repair of damaged features; appropriate cleaning methods, and design approaches to new construction.

Setting means the physical environment of a historic property. It involves how, not just where, the property is situated and its relationship to surrounding features and open space.

Site improvement includes, but is not limited to, walls, fences, signs, sidewalks, planters, driveways, paving and exterior lighting.

Stabilization means the act or process of applying measures to reestablish weather resistant enclosure and structural stability while maintaining the essential form, as it exists at present.

Structure means anything constructed, installed or portable, the use of which requires a location on a parcel of land, such as buildings, manufactured homes, mobile homes, fences, billboards, swimming pools, poles, pipelines, transmission lines, advertising signs, a gas or liquid storage tank, seawall, bulkhead, revetment, or other man-made facilities or infrastructure.

10.05.03. Lands not subject to cultural resource survey. A cultural resource field survey and assessment report is not required for parcels that have undergone a cultural resource investigation, and the assessment concludes that the land does not contain cultural resources that are considered by the Florida Department of Historical Resources State Historic Preservation Officer to be significant or potentially significant. A copy of correspondence from the state historic preservation officer shall be submitted to the City, verifying that the subject property does not contain significant or potentially significant cultural resources.

10.05.04. Lands subject to cultural resource investigation. A cultural resource investigation shall be accomplished before the issuance of a development order or permit or prior to the commencement of construction activities, or any other physical disturbance of land that:

- A. Takes place within a parcel that has not been previously investigated for cultural resources.
- B. Takes place within a parcel that contains a site that is listed in the Florida Master Site File as "significant" or as "potentially significant" requiring further investigation.
- C. Takes place within a recently discovered site that has not yet been entered into the Florida Master Site File.

10.05.05. Professional qualifications and survey requirements.

A. Professional qualification. Cultural resource professionals are certified archaeologists that meet the qualification in "The Secretary of the Interior's Historic Preservation Professional Qualification Standards" (Federal Register Vol. 62, No. 119, p. 33707).

B. Cultural resources survey and assessment. Cultural resource assessment surveys and related reports shall follow the guidelines of the Florida Division of Historical Resources, Department of State, and the requirements of all applicable Florida Statutes. Prior to the issuance of a development order or permit, or prior to the commencement of construction activities, a copy of a survey clearance letter issued by the Compliance Review Section, Division of Historical Resources, or other documentation of authorization by the State Historic Preservation Officer, shall be submitted to the City. Management recommendations regarding the protection, preservation, or mitigation of impact of historical or archaeological sites, in concurrence with the Division of Historical Resources should be followed. In addition, copies of Florida Master Site File forms generated during the cultural resource assessment study for the Division of Historical Resources shall be submitted to the City for their records. An initial site investigation may be utilized to determine cultural resource site probability for lands requiring a cultural resource investigation as approved by a certified archaeologist utilizing necessary criteria in accordance with state law to determine cultural resource site probabilities. Said criteria include, but are not limited to, historical data, soil types, and site elevations. The following may substitute for a cultural resource site survey and assessment if certified by a certified archaeologist in writing to the Land Use Administrator:

1. A determination that subject property has a low probability of yielding cultural resources.
2. A determination that proposed development activities will have no effect on cultural resources listed or eligible for listing in the National Register of Historic Places.
3. A determination that proposed development activities will have no effect on cultural resource value under federal and state requirements.

10.05.06. Property containing potential and significant cultural resource sites. If property is determined to have a potentially significant or a significant cultural resource in areas proposed for development, the City shall adhere to the recommendations of the state historic preservation officer and shall require the applicant to do one or more of the following prior to the issuance of a development order or permit:

- A. Preserve cultural resources within the open space of the development.
- B. Redesign the development to accommodate preservation of all or a portion of the site containing the cultural resource.
- C. The property owner may voluntarily fund or seek funding for excavation of the resource, if agreed to by the Florida Department of Historical Resources.

10.05.07. Fortuitous finds and unmarked human burials. The following requirements apply to all building construction or alteration, or land alteration activities:

- A. Evidence of the existence of cultural resources. If evidence of the existence of cultural resources is discovered or observed at development sites or during development activities after final approval, permits, or issuances of development orders, all work shall cease in the area of effect. The developer, owner, contractor, or agent thereof shall immediately notify a professional archaeologist and the City. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. A professional archaeologist selected and hired by the applicant, shall assess the significance of the finds and, if warranted, notify the Florida Department of Historical Resources in accordance with federal and state requirements. A report or letter shall be submitted to the City from a professional archaeologist and, if warranted, a copy of a clearance letter from the state historic preservation officer indicating that the proposed development will have no effect on cultural resources listed or eligible for listing in the National Register of Historic Places, or otherwise of historical, architectural, or archaeological value.
- B. Discovery of human skeletal remains. In accordance with the Florida Statutes, if any human skeletal remains or unmarked human burial is discovered, other than during a cultural resource excavation authorized by the state or an educational institution, all activity that may disturb the unmarked human burial shall cease immediately and the district medical examiner shall be notified. Such activity shall not resume unless specifically authorized by the district medical examiner or the state archaeologist.

10.05.08. Appointment; duties of historic preservation officer.

The historic preservation program provided for in this article shall be assigned to the community development department of the city but such assignment may be altered from time to time as determined by the City Manager. The City Manager shall appoint a person to serve as historic preservation officer to assist the historic preservation board. The appointee shall be experienced with, and knowledgeable in, architectural history, urban design, local history, landscape materials, site planning and land use regulations. The historic preservation officer shall:

A. Schedule meetings of the historic preservation board, prepare agendas for the historic preservation board meetings, and ensure that proper notice is given to the public for all regular and special historic preservation board meetings and hearings.

B. Prepare local historic designation reports and make recommendations to the historic preservation board as to whether or not they meet the designation criteria established in section 10.05.11.

C. Prepare and review National Register of Historic Places nominations.

D. Provide advice to applicants for certificates of appropriateness regarding the standards and guidelines incorporated within the Secretary of the Interior's Standards.

E. Serve as a resource to applicants concerning the criteria as well as the process and procedures for the designation of historic resources, historic districts, archaeological sites and zones.

F. Review completed applications for a certificate of historic appropriateness for a designated historic resource or for contributing properties within an historic district; provide any necessary field checks of the site; and make approval/denial recommendations to the historic preservation board.

G. Maintain and update an official inventory that includes photographs and maps for all officially designated historic resources, districts, archaeological sites and zones listed in the city register of historic places.

H. Prior to issuance of any building permits, review all final development plans for designated historic resources and historic districts for their compliance with terms and conditions of the approved certificate of historic appropriateness, as applicable.

I. Issue all certificates of recognition for designated historic resources.

J. Issue all approved certificates of appropriateness for designated historic resources and for properties within historic districts.

K. Coordinate with other city departments, public agencies and private groups, and the general public, as required, to provide a continuing effort to protect and preserve significant elements of the manmade and the natural environment through public education and encouragement of preservation policies.

L. Serve as the certified local government coordinator between the historic preservation board and the Division of Historical Resources, Florida Department of State.

M. Promote the awareness of historic preservation and its community benefits to the general public and to school children through promotional materials, guidebooks, tours, informational brochures, educational tools, workshops, lectures, and presentations.

N. Apply for preservation awards and grants.

O. Participate in other preservation programs, as appropriate.

P. Submit a preliminary application for historic designation pursuant to the direction of the historic preservation board.

10.05.09. Historic Preservation Board.

A. Creation. There is hereby created the city historic preservation board, referred to in this section as the board, as an agency of the city government in and for the city. The board is hereby vested with the power, authority, and jurisdiction to inventory, designate, certify, regulate, and manage historic resources in the city as provided for in this section.

B. The historic preservation board shall consist of seven members and two alternates, appointed by the city council.

C. Alternate members may attend complete board meetings regardless of whether a quorum of regular members is seated. Alternate members may always participate in board deliberations and debate, but they may make motions and vote only in the absence or voting disqualification of a regular member or the vacancy in a regular member's seat. In the event that six regular members are present and voting and two alternate members are present, the alternate member who may vote and make motions is the alternate member who has served on the board for the longest period of time, regardless of whether said service is interrupted.

D. As a participant in the Florida certified local government program as declared by the Florida Department of State, Division of Historical Resources, appointments to the historic preservation board shall be made based upon a reasonable effort to appoint members who are residents of the city from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, landscape architecture, real estate, general contracting or building contracting. Lay persons who are residents, owners of property located within the city and individuals engaged in business within the city may make up the balance of the membership in the event that there are not enough qualified and eligible residents, provided the individual has demonstrated special interest, experience or knowledge in history, architecture, or a related discipline. The term "engaged in business" shall mean owning a business or serving as an officer or director of a corporation or other business entity so engaged.

E. Terms. In soliciting applications for the initial appointees, four of the seven regular member positions shall be for a three-year term and the remaining three regular member positions shall be for a two-year term. One of the alternate positions shall be for a two-year term and the other alternate position shall be for a one-year term. Members shall be eligible for reappointment in accordance with Sec. 2-2 (a)(1), *City of Palm Coast Code of Ordinances*. All appointments after the historic preservation review board is first established shall be for a three-year term.

F. Compensation. The members of the historic preservation board shall serve without compensation or honorarium.

G. The presence at a meeting of four regular or alternate members of the historic preservation board constitutes a quorum. The affirmative vote of a majority of the regular and alternate board members present and voting is necessary for the adoption of any motion.

H. The historic and preservation board shall schedule a minimum of four regular meetings per year.

I. An individual from city staff shall serve as recording secretary to the board and that individual shall be charged with maintaining board records in accordance with established city policies.

J. An individual shall be appointed by the city manager to serve as historic preservation officer to the board on behalf of the city, as prescribed by section 10.05.08.

K. In its capacity as the designated historic preservation board, the board is hereby vested with the power, authority and jurisdiction on a city-wide basis to recommend local historic designations, regulate and administer historical, cultural, archaeological and architectural resources in the city as prescribed by Section 10.05 under the direct jurisdiction and legislative control of the city council.

10.05.10. Duties of the Board.

The historic preservation board, in addition to such other powers, duties, and authority as may be set forth elsewhere in this Code or in any other ordinance of the city, shall have the following powers and duties:

A. Ensure the maintenance and updating of the files from any previous historic survey within the city for the purpose of identifying those resources, districts and sites and zones of special historic, aesthetic, architectural, archaeological, cultural, or social value or interest. The historic preservation board shall ensure improvement and expansion of the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and shall periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance.

B. Recommend to the city council properties for designation as historic resources, historic districts, archaeological sites and zones on the city register of historic places and monitor the administration and up keep of the local register of historic resources and historic districts.

C. Participate in the national register program in the state to the greatest possible extent, as defined by the Historic Preservation Act of 1966, as amended, and regulations and rules drafted pursuant to that Act by the National Park Service and the Florida State Bureau of Historic Preservation.

D. Serve as a quasi-judicial instrument to approve or deny special certificates of appropriateness pursuant to this Code.

E. Recommend to the appropriate bodies that certain provisions of the city's codes be amended, varied, waived, or superseded when appropriate as a means of encouraging historic preservation.

F. Develop, establish and regulate guidelines concerning contemporaneous architectural styles, building materials and so forth for historic resources and within historic districts that will supplement the Secretary of the Interior's Standards. Such guidelines will be subject to review by the planning and zoning board, and will be subject to approval by the city council.

G. Make recommendations to the city council about facade easements and the imposition of other restrictions.

H. Maintain an inventory of historically or archaeologically significant resources, districts, sites or zones within the city. All inventory materials shall be compatible with the Florida Master Site File. Inventory materials shall be available to the public upon request, and copies of inventory materials, as permitted by law, regulation or statute, shall be provided to the Florida Bureau of Historic Preservation.

I. Increase public awareness of the value of historic preservation by developing and participating in public information programs.

J. Make recommendations to the city council concerning the utilization of grants, donations, and/or city funds to promote the preservation and conservation of historically and/or aesthetically significant archaeological sites and zones, historic resources and historic districts.

K. Evaluate, comment upon and make recommendations to the city council concerning the deliberations and decisions of other public agencies affecting the physical development and appearance of historically and aesthetically significant archaeological sites, archaeological zones, historic resources, and historic districts.

L. Contact public and private organizations, businesses and individuals to endeavor to arrange agreements to help ensure the conservation and preservation of historically and aesthetically significant resources, buildings, structures, and districts for which demolition or destruction is proposed.

M. In the name of the city, and only with the express approval of the city council, seek, apply for, solicit, receive and expend any federal, state or private grant, gift or bequest of any funding, property, or interest in property to further the purposes of historic and heritage conservation and preservation. Acceptance of any loans, grants, bequests, gifts or revenues from sources other than fees must be approved by the city council.

N. Create and approve standardized historic markers and plaques and issue recognition to designated historic resources and historic districts within the city.

O. In its capacity as the historic preservation board, provide recommendations to city council, the planning and zoning board, and projects subject to architectural review as appropriate, that relate to historic preservation in order to ensure its place as an integral

and ongoing part of all city planning and zoning codes, the city land use plan, and any comprehensive use planning required by the state.

P. Advise the city council on all matters related to the use, administration and maintenance of city owned designated historic resources and historic districts.

Q. Recommend to city council, as appropriate, that city council adopt an ordinance allowing ad valorem tax exemptions to historic properties subject to the requirements of this article and F.S. § 196.1997.

R. Recommend to city council, as appropriate, that city council adopt an ordinance providing for the assessment of historic properties that are used for commercial or certain non profit purposes, as provided for by F.S. § 193.503.

S. Comply with the requirements of the State of Florida's Division of Historical Resources Certified Local Government Program.

T. Execute any other functions that may be approved by ordinance or resolution of the city council.

10.05.11. Designation process and procedure.

A. Design and construction criteria. Consistent with the criteria established by the National Register of Historic Places, the historic preservation board shall recommend for designation on the city register of historic places as individual historic resources, historic districts, archaeological sites and zones, those places, buildings, structures, objects, landscape features, archaeological sites, archaeological zones, and other improvements that are significant in the city's history, architecture, archaeology and culture, and that possess integrity of location, design, setting, materials, workmanship or association; and that meet one or more of the following criteria:

1. Is associated with events that have made significant contributions to the pattern of history in the community, the county, the state or the nation. In order to justify eligibility for a property under the "events" criterion, the property must have an important association with the event or historic trend, and retain its historic integrity. Examples of properties associated with events could be the site of a battle, the building in which an important invention was developed; or an archaeological site at which a major new aspect of prehistory was discovered, such as the first evidence of man and extinct pleistocene animals being contemporaneous. Properties associated with a pattern of events could include a trail associated with migration; a railroad station that served as the focus of a community's transportation system and commerce; a building used by an important social organization, or a downtown district representing a town's growth as the commercial focus of the surrounding area.

2. Recognizes the quality of design and construction and embodies the distinctive characteristics of an architectural type, period, style or method of construction; or the work of a prominent designer or builder; or contains elements of design, detail, materials, or craftsmanship of outstanding quality; or that represents a significant innovation or adaptation to the local state environment; or represents a distinguishable entity whose components may lack individual distinction. In order to justify eligibility for a property under the "design and construction" criterion,

the property must physically convey the qualities for which it is nominated. Distinctive characteristics refer to the physical features or traits that commonly recur in individual types, periods or methods of construction. Characteristics may be expressed in terms such as form, proportion, structure, plan, style or materials. They can be general, referring to ideas of design and construction such as basic plan or form, or they can be specific, referring to precise ways of combining particular kinds of materials. Properties associated with design and construction could include a residence or commercial building representing a significant style of architecture; a movie theater embodying high artistic value in its decorative features, or a bridge representing technological advances.

3. Has yielded, or is likely to yield, historical or pre-historical information. In order to justify eligibility under the "information potential" criterion, the property must have, or have had, information to contribute to our understanding of human history or pre-history, and the information must be considered important. The site must retain the ability to convey its association as the repository of important information, the location of historic events, or the representation of important trends.

4. Is listed in the National Register of Historic Places as established by the National Historic Preservation Act of 1966 (as amended).

5. Is a part of or related to a landscape, park, environmental feature or other distinctive area, and should be developed or preserved according to a plan based upon a historical, cultural, or architectural motif; or because of its prominent or spatial location, contrast of siting, age, or scale is an easily identifiable visual feature of a neighborhood or the city and contributes to the distinctive quality of such neighborhood or the city.

B. Procedures for historic designation. The historic preservation board shall review all applications for designation of properties as historic resources, historic districts, and archaeological sites and zones, according to the following procedures:

1. Individual designation as historic resource.

a. Application. The owner of any property in the city or the historic preservation officer may petition the historic preservation board for designation of the property as an individual resource by submitting an application for historic designation to the historic preservation board. An owner's application for designation of a property as a historic resource will not be deemed complete without the written and notarized consent of all owners of the subject property. The historic preservation board is empowered to initiate the designation process pursuant to this section by directing the historic preservation officer to prepare and submit a preliminary application to the board regarding a particular property.

b. Owner consent required. No property, site, building, structure, object, landscape feature or other real or personal property will be designated as a historic resource without the written consent of the property owners. The owner's consent shall be recorded in the official records of the county. If all owners of the subject property do not consent to designation of the subject property as a historic resource, then the board must deny the petition as submitted.

c. Board preliminary review. After the historic preservation board's preliminary review of the application, the owner consent and any additional relevant information, the board shall determine whether the historic preservation officer will prepare a designation report in accordance with this section.

2. Historic district designation.

a. Preliminary interest. Upon the direction of the historic preservation board, the historic preservation officer will research properties and ownership to define the boundaries of a proposed historic district and will prepare a designation report, all in accordance with this section.

b. Boundaries of the historic district. In the case of an historic district, a process will be accomplished to determine the level of owner support for the designation. The historic preservation officer will compile a complete list of the potentially "contributing" and "noncontributing" properties to be included within the proposed historic district.

1. The historic preservation officer will compile a complete list of the potentially "contributing" and "noncontributing" properties to be included within the proposed historic district.

2. The historic preservation officer or his designee shall hold a public workshop to determine the support of the property owners in the proposed district. Notice of the public workshop shall be mailed to all owners of record (as determined by the most current county tax rolls), by first class U.S. mail, postage prepaid.

3. No historic district may be created unless at least 50 percent of the lots in the proposed district reflect a contributing resource within the historic district. In the event a contributing resource within a designated historic district is deemed noncontributing after designation, such change in status of the individual property shall not require a change to the boundaries of a designated historic district.

4. No property, site, building, structure, object, landscape feature or other real or personal property will be designated as a contributing resource in the historic district without the written and notarized consent of the owners of the contributing resource. If all owners of the subject property do not consent to designation of the subject property as a contributing resource, then the board may include the subject property as a noncontributing resource within the historic district, but may not include the subject property as a contributing resource within the historic district. Property owner consent is not required to include a property as noncontributing within a designated historic district.

c. If more than 50 percent of the lots within a proposed historic district include contributing resources, the historic preservation officer shall submit a petition for designation as a historic district and a supporting designation report to the historic preservation board.

3. Designation reports. Prior to the designation of an individual resource, a historic district, an archaeological site or zone, an investigation and designation

report must be prepared by the historic preservation officer and filed with the historic preservation board. The designation report shall not be prepared without the consent of the historic preservation board. All designation reports must address the following:

a. Legal description, parcel identification number and tax account number of each property.

b. Historical, cultural, architectural or archaeological significance of the property and how the property fulfills the criteria for designation.

c. Boundaries for individual historic resources and archaeological sites and a recommendation of boundaries for historic districts and archaeological zones. When a district is recommended, the report must identify those properties that are not historically or architecturally contributing to the district. The properties identified as noncontributing shall not be subject to the requirements of the certificate of historical appropriateness process. District boundaries shall be drawn to encompass, but not exceed, the extent of the significant resources and land areas comprising the property. For example, in defining the boundaries for a residence, the boundary should be drawn so that it incorporates the footprint of the building as well as the yard, as the green space acknowledges the setting and context of the property. Buffer zones or acreage not directly contributing to the significance of the property shall not be included for purposes of identifying individual historic resources or contributing resources in a historic district.

d. Current conditions. All reports shall be based on the existing conditions of the property, and shall address whether or not the historic integrity of the property has been maintained.

e. Location map. The report shall also contain a location map and photographs of all exterior surfaces and interior if applicable.

f. Optional designation of interiors. Normally interior spaces shall not be subject to regulation under this section. However, in cases of existing structures having exceptional architectural, artistic or historical importance, interior spaces that are normally open to the public may be specifically designated. The designation report shall describe precisely those features subject to review.

4. Other relevant information. The historic preservation officer or their designee shall provide the historic preservation board with evidence of the required notices of the public hearing, evidence of the required owner consent, and other relevant information not otherwise included in the designation report.

5. Public hearing. For each historic resource, historic district, archaeological site and zone proposed for designation, where the required consent of the contributing property owner has been established and the designation report has been completed, a public hearing shall be held by the historic preservation board to determine the eligibility of the property for designation on the city register of historic places. All interested persons shall be given an opportunity to be heard at the public hearing on the proposed designation.

D. Procedures for notifications and hearings on proposed designations. The notice of public hearing, provided pursuant to this section, shall serve as notification of the intent of the historic preservation board to consider designation of the subject property as historic on city register of historic places.

1. Notification of owners. The historic preservation officer shall, at least 15 days prior to a public hearing held pursuant to this section, mail a notice of public hearing to all property owners of record, as follows:

a. For all consenting owners of subject properties, to the address identified on the written owner consent.

b. For all designations, including both contributing and noncontributing properties in a historic district, to the name and address of the latest ad valorem tax records as published by the county property appraiser.

2. Courtesy notice. At least 15 days prior to a public hearing held pursuant to this section, a courtesy notice of the public hearing on proposed designations shall also be mailed to property owners of record within a 500-foot radius of the proposed historic resource, historic district, archaeological site or zone. Failure to receive such courtesy notice shall not invalidate the same as such notice shall also be published in a newspaper of general circulation in the city and county.

3. Notification to general public. Notice of the public hearing shall be given by publishing notice of the time and place of the public hearing in a newspaper of general circulation in the city and the county at least ten days prior to the date of the hearing.

4. Notification to staff. Notification shall be given to the community development department and the code compliance division of the city.

E. Decision of the historic preservation board. The historic preservation board shall make its decision to approve, deny or amend the proposed designation on the city register of historic places at the public hearing. It may also continue the matter for additional information or cause. Should the historic preservation board recommend the historic resource as eligible for designation pursuant to the criteria set forth in section 10.05.11 (a) and provided the owners consent as required by this section, the recommendation shall be forwarded promptly to the city council for final consideration. Failure of the city council to act on the recommendation of the historic preservation board within 180 days shall be deemed a denial by city council of the proposed historic designation.

F. City council actions. The city council shall either approve, deny or approve with conditions the designation on the city register of historic places, and shall designate pursuant to the criteria set forth in subsection A or B of this section the property by resolution. The following parties shall be notified of its actions with a copy of the resolution:

1. All affected city departments;

2. The city clerk, who shall record such resolution in the official records of the county;

3. Owner of the affected property and other parties having an interest in the property, if known; and

4. Appropriate county and state official as per the requirements for certified local governments.

G. Amendment or rescission. Subject to the same procedures used in the original designation of the city register of historic places, as amended from time to time, the city council may amend or rescind any designation provided:

1. The property fails to comply with the criteria set forth in subsection A or B of this section;

2. At the time of the designation on the city register of historic places, all owners of the subject individual resource did not consent to such designation; or

3. At the time of the designation on the city register of historic places, all owners of the particular designated contributing resource in a historic district did not consent to such designation as a contributing resource, except that such shall not require modification to the boundaries of the designated historic district such that the subject resource shall be deemed a noncontributing resource within such district.

H. Appeal of designation. A party aggrieved by a designation decision may appeal such decision to the city council in the manner provided for in this article.

10.05.12. Nomination to the national register of historic places.

A. The historic preservation board complements the Florida National Register Review Board in the review of proposed nominations to the national register. National Register nomination proposals located in the city will be reviewed by the historic preservation board. The historic preservation board will develop or receive the documentation necessary to nominate properties to the national register. The board shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the board shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the board shall place the item on its agenda for the next meeting or, should notification provisions outlined below make this impossible, for the earliest possible regular meeting.

B. The historic preservation board shall notify by standard mail the following people and organizations of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the board meeting at which the nomination proposal will be considered.

1. Owner of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.

2. City Council. Within 30 days after receipt of the nomination proposal, the city council shall submit in writing to the historic preservation board a recommendation as to whether or not the property shall be nominated to the national State historic preservation officer.

C. Nomination proposals shall be considered by the historic preservation board at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the minutes. All nomination proposals shall be forwarded, with a record of official action taken by the board and the recommendation of the city council and board of county commissioners, to the state historic preservation officer within 30 days after the historic preservation board meeting at which they were considered.

D. Any person or organization which supports or opposes the nomination of a property to the national register shall be afforded the opportunity to make its views known in writing. 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. In the case of 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.

E. Nomination proposals to be considered by the historic preservation board shall be on file at city hall for at least 30 days but not more than 75 days prior to the board 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 so that written comments regarding a nomination proposal can be prepared.

F. Historic preservation board review and notification procedures do not apply when a federal agency nominates a property under its ownership or control. The board is encouraged to coordinate with federal agencies to the extent practical in the consideration of such nominations.

10.05.13. Certificate of historic appropriateness

A. Regarding any architectural features, landscape features, or site improvements, no property, site, building, structure, object, landscape feature or other real property within the city which has been designated as historic on the city register of historic places may be erected, altered, restored, rehabilitated, renovated, excavated, relocated, or demolished until a certificate of historic appropriateness has been approved under the procedures in this article. Ordinary maintenance or repair, as defined by this article, does not require a certificate of historic appropriateness. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and material and color of roofs, windows, doors, siding, masonry, porches, storefronts and other architectural features.

B. Procedure. All applications for required certificates of historic appropriateness shall be reviewed according to the procedures set forth in this section. The standard certificate of historic appropriateness is issued by either the historic preservation officer or the historic preservation board. The special certificate of historic appropriateness is issued by the historic preservation board.

C. Regulated work items.

1. For each of the regulated work items set forth below affecting architectural features, landscape features, or site improvements designated as historic on the city register of historic places, the following applies:

a. Ordinary maintenance. If the regulated work constitutes ordinary maintenance or repair, as defined in this chapter, the regulated work may be done without a certificate of historic appropriateness.

b. Standard certificate of historic appropriateness. A standard certificate of historic appropriateness is required for work that does not constitute ordinary maintenance or repair and is deemed to have a minimal impact to the subject historic resource such that the work will result in the preservation of the original appearance and will meet the Secretary of the Interior's Standards for Rehabilitation and the applicable specific design guidelines on file in the community development department. Examples of work that may be considered to have minimal impact could include minor alterations to the rear of a historic structure that is not visible from the public right-of-way or the construction of a deck to the rear of a historic structure that does not obscure architectural features and that is easily removable.

c. Special certificate of historic appropriateness. A special certificate of historic appropriateness is required for work that does not constitute ordinary maintenance or repair and is deemed to have more than a minimal impact to the subject historic resource.

2. Regulated work. The following are regulated work items:

a. Abrasive cleaning. Cleaning of exterior walls by blasting with abrasive materials.

b. Awnings or canopies. Installation, modification or removal of awnings or canopies.

c. Decks. Installation, modification or removal of all decks located above the first-floor level and located on the front of the structure.

d. Exterior doors and door frames. Installation of an exterior door or door frame, or the infill of an existing door opening.

e. Exterior walls. Installation, modification or removal of any exterior wall, including the enclosure of any porch or other outdoor area.

f. Exterior architectural details and exterior materials. Installation, modification or removal of any exterior architectural details and exterior materials.

g. Fencing. The installation, modification or relocation of wood, chain link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.

h. Fire escapes, exterior stairs and ramps for the handicapped. The installation or removal of all fire escapes, exterior stairs or ramps.

i. New structures and new parking lots.

j. Painting. Painting unpainted masonry, including stone, brick, terracotta and concrete.

k. Porch fixtures. Installation, modification or removal of railings or other wood, wrought iron or masonry detailing.

l. Roofs. Installation of new materials, or removal of existing materials.

m. Security grilles. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.

n. Siding. Installation of new materials, or removal of existing materials.

o. Skylights. Installation or removal of skylights.

p. Screen windows and doors. Installation of screen windows or screen doors.

q. Windows and window frames. Installation of a window or window frame or the infill of an existing window opening.

D. A required certificate of historic appropriateness shall be considered prerequisite to the issuance of any other permits required by law or this Code. The issuance of a certificate of historic appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the city or any other government agency having jurisdiction. A building permit or other city permit shall be invalid if it is obtained without a certificate of historic appropriateness required for the proposed work.

E. Landscape features and site improvements will include, but not be limited to, individual plants, such as a specimen tree, or groups of plants, such as a hedge, alley, agricultural field, planting bed, or naturally occurring plant community or habitat, walls, fences, signs, sidewalks, planters, driveways, paving and exterior lighting.

F. No certificate of historic appropriateness will be approved unless the architectural plan for said construction, reconstruction, relocation, alteration, excavation, restoration, rehabilitation, renovation, or demolition is approved by the historic preservation board or the historic preservation officer, as provided in this section.

G. Relocation of a building or structure will include, but not be limited to, moving a building or structure into or within or out of the city and will require the same review procedures as described in this section. Relocation of historic buildings and structures to other sites will not take place unless it is shown that their preservation on their existing or original sites is not consistent with the purposes of this article or would cause undue hardship to the property owner.

H. Forms and fees. Applications for certificates of appropriateness must be made on forms provided by the historic preservation officer and must be submitted with a fee, payable to the city.

I. Pre-application conference. Before submitting an application for a certificate of historic appropriateness, an applicant may confer, at such applicant's election, with

the historic preservation officer to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and historic data. The purpose of such conference is to further discuss and clarify preservation objectives and design guidelines. In no case, however, shall any statement or representation made prior to completion of official application review be binding on the city.

J. Guidelines for review and issuance.

1. In addition to adopted resource-specific design guidelines, the U.S. Secretary of the Interior's Standards for Rehabilitation are hereby adopted as the standards by which applications for any certificate of historic appropriateness are to be measured and evaluated. In adopting these guidelines, it is the intent of this article to promote the proper maintenance, restoration, preservation, rehabilitation, or reconstruction appropriate to the property, and compatible contemporary designs, that are harmonious with the exterior architectural and landscape features of neighboring buildings, and streetscapes. The salient points of these standards are as follows:

a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be retained and preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

K. Scope of review and general design considerations. The review of the exterior architectural features will include:

1. The architectural style, scale, massing, siting and the general arrangement of the structure's exterior including:

a. The type and texture of building material;

b. The type, style and materials of roofs, windows, doors, siding, and signs;

c. Prominent architectural features such as porches, balconies, dormers, storefronts, and other important elements that comprise the overall design; and

d. The collective composition of these elements.

2. In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and preservation standards, the documented, original design of the building may be considered, among other factors.

3. Demolition of historic resources or contributing resources within historic sites, archaeological sites, archaeological zones, buildings, structures, improvements, and appurtenances designated as historic on the city register of historic places shall be regulated by the historic preservation board.

L. Standard certificate of historic appropriateness. The historic preservation officer reviews and issues standard certificates of appropriateness, subject to guidelines for review and issuance set forth in subsection J of this section. Within ten business days from the receipt of a complete application, the historic preservation officer shall approve or deny the application. The findings of the historic preservation officer shall be mailed to the applicant, accompanied by a statement that explains the officer's decisions. The applicant shall have the opportunity to challenge the officer's decision by applying for a special certificate of historic appropriateness within 30 days of the officer's findings. Further, the applicant may initially request that his application be classified as a special certificate of historic appropriateness so that the historic preservation board will consider it. A standard certificate of historic appropriateness shall be effective for a period of one year from the date of approval. After one year, the applicant must reapply for a new certificate of historic appropriateness and will be subject to any changes in the historic preservation board's design guidelines that took effect during the intervening period.

M. Special certificate of historic appropriateness. The historic preservation board reviews and issues special certificates of appropriateness, subject to guidelines for

review and issuance set forth in this section. A special certificate of historic appropriateness shall be effective for a period of one year from the date of approval. After one year, the applicant must reapply for a new certificate of historic appropriateness and will be subject to any changes in the historic preservation board's design guidelines that took effect during the intervening period. When the action proposed involves a special certificate of historic appropriateness, the following procedures shall govern:

1. Time limit and public hearing. The historic preservation board shall act upon an application within 45 days of receipt of a completed application. The historic preservation board shall hold a public hearing with notice of the application and the time and place of the hearing as follows:

a. The applicant shall be notified at least ten calendar days prior to the meeting.

b. Any individual or organization requesting such notification and paying any established fees therefor shall be notified by mail at least ten calendar days prior to the hearing.

c. A courtesy notice shall be mailed to the owner of record for properties within a 500-foot radius of the affected property using addresses as set forth in the most recent copy of the ad valorem real property tax rolls prepared by the county property appraiser. Failure to receive such notice shall not invalidate the same as such notice shall also be published in a newspaper of general circulation in the city and county.

d. An advertisement shall be placed in a newspaper at least ten calendar days prior to the hearing.

2. At the public hearing, the historic preservation board shall approve, deny, or approve with conditions, subject to the acceptance of those conditions by the applicant. The historic preservation board may suspend action on the application for a period not to exceed 45 days in order to seek technical advice from outside its members or to further meet with the applicant to revise or modify the application.

3. The findings of the historic preservation board shall be mailed to the applicant within ten days of the historic preservation board's decision accompanied by a statement in full regarding the historic preservation board's decision.

4. In the event the historic preservation board denies any completed application, the applicant may appeal the historic preservation board's decision to the city council in the manner provided for in this article.

N. Records. The decision of the historic preservation board shall be issued in writing. Evidence of approval of the application shall be the issuing of a certificate of historic appropriateness by the historic preservation board or the historic preservation officer. Notice in writing of the historic preservation board's decision shall be given to the applicant, the director of the community development department and the city clerk. When an application is denied, the historic preservation board's notice shall provide an adequate written explanation of its

decision. The historic preservation board shall keep a written record showing its action on each motion considered.

O. Changes in approved work. Any change in work proposed subsequent to the issuance of a certificate of historic appropriateness shall be reviewed by the historic preservation officer.

1. If the historic preservation officer finds that the proposed change does not materially affect the historic character, or the proposed change is in accord with approved guidelines, standards, and the certificate that was previously approved, the historic preservation officer may approve the change and amend the current certificate of historic appropriateness.

2. If the historic preservation officer finds that the proposed change materially affects the historic character, or the change is not in accordance with guidelines, standards, or the certificate of historic appropriateness previously approved by the historic preservation board, a new certificate of historic appropriateness shall be required. The same time limits, notification procedures and all other procedural requirements shall be met, as the application is considered a new application.

P. Demolition. Demolition of a historic resource shall require a special certificate of historic appropriateness.

1. Review of any certificate of historic appropriateness for demolition shall be in accordance with criteria set forth in this section.

a. The historic preservation board may grant a certificate of historic appropriateness to demolish with a deferred effective date of up to 18 months from the date of the historic preservation board's decision after a public hearing. The effective date shall be determined by the historic preservation board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the historic preservation board may take such steps as it deems necessary to preserve the structure in accordance with the purposes of this article. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested persons, 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. After the specified expiration date of the deferred certificate of historic appropriateness, a demolition permit shall be issued if requested by the applicant.

b. No decision of the historic preservation board shall result in undue economic hardship for the property owner. The historic preservation board shall have authority to determine the existence of such hardship in accordance with the provisions established in section 10.05.14 A.

c. The historic preservation board's refusal to grant a certificate of historic appropriateness for the purpose of demolition will be supported within 15 calendar days by a written statement describing the public interest that the historic preservation board seeks to preserve.

d. In connection with any certificate of historic appropriateness for demolition of buildings or improvements, the historic preservation board may encourage the salvage and preservation of building materials or architectural details and ornaments, fixtures and the like for reuse in restoration of other historic properties.

e. The historic preservation board may also require, at the owner's expense and prior to demolition, the recording of the building for archival purposes by photographs.

2. In addition to all other provisions of this article, the historic preservation board shall consider the following standards in evaluating applications for a certificate of historic appropriateness for demolition of designated sites or buildings within a designated historic district in order to determine their relative significance, and therefore the length of the moratorium:

a. Is the structure of such interest or quality that it would reasonably meet national, state, regional or local criteria for designation as a significant historic or architectural site or structure?

b. Is the structure of such design, craftsmanship or material that it could be reproduced only with great difficulty or expense?

c. Is the structure one of the last remaining examples of its kind in the city, county or region?

d. Does the structure contribute significantly to the historic character of a designated district?

e. Would retention of the structure promote the general welfare of the city by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?

f. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

3. Special notice requirements. Notice of application for a certificate of historic appropriateness for demolition shall be posted on the premises of the building, structure or appurtenance proposed for demolition in a location and manner clearly visible from the street. Such notice will be posted within three working days of receipt of the application for demolition by the historic preservation board.

Q. Moving existing structures. An individually designated historic resource may not be relocated without a certificate of historic appropriateness. In considering such certificate, the historic preservation board shall determine whether or not any reasonable alternative is available for preserving the improvement or structure on its original site and whether or not the proposed relocation site is compatible with the historic setting and architectural integrity of the improvement or structure.

R. Removal or destruction of existing landscape features. No certificate of historic appropriateness shall be granted for removal, relocation, concealment or effective destruction by damage of any landscape features or vegetation especially designated as significant within the boundaries of an individual historic resource or historic district unless one or more of the following conditions exist:

1. The designated landscape feature or site is located in the buildable area or yard area where a structure may be placed and unreasonably restricts the permitted use of the property.

2. The designated vegetation is inappropriate in a historical context or otherwise detracts from the character of a district.

3. The designated vegetation is diseased, injured or in danger of falling and reasonably interferes with utility service, creates unsafe vision clearance or conflicts with other applicable laws and regulations.

4. As a condition for issuance of the certificate of historic appropriateness, the applicant may be required to relocate or replace designated vegetation.

5. The designated vegetation is referenced on the current Florida Exotic Pest Plant List and its removal is required by law.

10.05.14. Administration and enforcement.

A. Undue economic hardship. Undue economic hardship may be considered only after a property has been designated or after an application for approval to alter or demolish a structure has been denied by the historic preservation board. In any instance in which there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the historic preservation board, within ten days after the public hearing at which an application was denied, the following information:

1. For all property.

a. The amount paid for the property, the date of purchase and the party from whom purchased.

b. The assessed value of the land and improvements thereon, according to the two most recent assessments.

c. Real estate taxes for the previous two years.

d. Annual debt service, if any, for the previous two years.

e. All appraisals obtained within the previous two years by the owner or applicant in connection with his/their purchase, financing or ownership of the property.

f. Any listing of the property for sale or rent, price asked and offers received, if any.

g. Any consideration by the owner as to profitable adaptive uses for the property.

h. Estimates for repair using modern materials and, for comparison, estimates for historical reproduction.

2. For income-producing property.

a. Annual gross income from the property for the previous two years;

b. The assessed value of the land and improvements thereon, according to the two most recent assessments;

c. Annual cash flow, if any, for the previous two years; and

d. Itemized operating and maintenance expenses for the previous two years.

3. The historic preservation board may require that an applicant furnish such additional information believed to be relevant in the determination of undue economic hardship and may provide, in appropriate instances, that such additional information be furnished under oath or seal.

4. In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file with his/their affidavit a statement of the information that cannot be obtained and the reasons why such information cannot be reasonably obtained. When such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates that will be as accurate as are feasible

A. Appeals.

1. Within 20 days of the rendition of the written decision of the historic preservation board, an aggrieved party may appeal the decision by filing a written notice of appeal, and an appeal fee, if any, as set by the city council from time to time by resolution, payable to the city. The notice of appeal shall state the decision that is being appealed, the grounds for the appeal, and a brief summary of the relief that is sought and shall be filed with the secretary to the historic preservation board. The city council shall conduct a public hearing at which time city council may affirm, modify, or reverse the historic preservation board's decision. The decision of the city council shall constitute final administrative review, and no petition for rehearing or reconsideration shall be considered by the city.

2. Nothing contained herein shall preclude the city council from seeking additional information prior to rendering a final decision. The decision of the city council shall be in writing and a copy of the decision shall be forwarded to the historic preservation board and the appealing party.

B. Violations.

1. Violations of this article shall be subject to enforcement by the code enforcement board of the city. Failure by an owner of record or any other individual or private or public entity to comply with any provisions of this article shall constitute a violation hereof and shall be punishable by penalties for each day the violation continues. Any person who carries out or causes to be carried out any work in violation of this article shall also be required to restore the subject improvement, landscape feature or site, either to its appearance prior to the violation or in accordance with a certificate of historic appropriateness approved by the historic preservation board.

2. In addition, a stop work order shall be issued by the building official in any case where work has commenced, or preparation for work has commenced, which requires a certificate of historic appropriateness under this section and where no such certificate has been obtained. The stop work order shall be issued to the property owner, the occupant or any person, company or corporation commencing work or preparation for work in violation of this section. The stop work order shall remain in full force and effect until a certificate of historic appropriateness has been obtained and posted on the property, or it has been determined by the historic preservation officer that no certificate of historic appropriateness is required.

C. *Incentives.* All properties designated as individual sites shall be eligible, upon application by the owner, for any available financial assistance set aside for historic preservation by the city contingent on the availability of funds and the scope of the project as described in the application.

D. *Notification to division of pending amendments.* The Florida Department of State, Division of Historical Resources, shall be provided with any proposed amendment of this article for review and comment at least 30 days prior to final adoption.