

Sec. 3.01.00. - Historic districts and landmarks.

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

*Building* means a structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel or similar structure. The term "building" may refer to a historically or architecturally related complex, such as a courthouse and jail, or a house and barn. Parking lots and garages are hereby deemed to be buildings.

*Cultural resource* means a site, object, structure, building or district listed on the town's survey of cultural resources or in the historic preservation portion of the town comprehensive plan or on the local register of historic and archaeological places.

*Demolition* means the tearing down or razing of 25 percent or more of a structure's external walls.

*District* means a geographically definable area, possessing a significant concentration, linkage or continuity of sites, buildings, structures, objects or areas, which are united historically, archaeologically aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

*Landmark* means any site (including significant trees or other plant life located thereon), building or structure of particular historic or aesthetic significance to the town, the state or the nation. Landmarks include sites, building or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or which important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of construction, or a notable work by a master designer or architect.

*Ordinary maintenance* means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure, or part thereof as nearly as practicable to its condition prior to the damage, deterioration or decay.

*Original appearance* means that appearance (except for color) which, to the satisfaction of the town manager, closely resembles the appearance of either:

- (1) The feature on the building as it was originally built or was likely to have been built; or
- (2) The feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the manager, to the style and materials of the building.

*Site* means the location of a significant event, activity, building, structure or archeological resource where the significance of the location and any archeological remains outweighs the significance of any existing structures.

3.01.02 *Local register of historic places.*

- (1) *Created.* A local register of historic places is hereby created as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic, archeological and/or architecturally significant. The local register will be kept by the town manager.
- (2) *Initiation of placement on the local register.* Placement of sites, buildings, structures, objects or districts on the local register may be initiated by the town council or the historic preservation board. In addition, placement may be initiated by the owner of the site, building, structure, object or area; or, in the case of a

district, by the owner of a site, building, structure, object or area within the proposed district.

- (3) *Placement on the local register.* The following procedure shall be followed for placement of sites, buildings, structures, objects, areas and districts on the local register:
- a. A nomination form, available from the town clerk, shall be completed by the applicant and returned to the town manager.
  - b. Upon receipt of a completed nomination form, including necessary documentation, the town manager shall place the nomination on the agenda of the next regularly scheduled meeting of the historic preservation board. If the next regularly scheduled meeting of the board is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
  - c. Adequate notice of the historic preservation board's consideration of the nomination shall be provided to the public at large, and to the owners of the nominated property, at least 15 days in advance of the meeting at which the nomination will be considered by the board.
  - d. The board shall, within 90 days from the date of the meeting at which the nomination is first on the board's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the local register. The recommendation shall also include any owner's objection to the listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists or other means, those buildings, objects or structures which are classified as contributing to the historical significance of the district. If the 90-day period runs and the board has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the board, the nomination may be submitted by the applicant directly to the town council.
  - e. The nomination form and the board's recommendation shall be sent to the town council. The nomination shall then be handled as any other rezoning/amendment to land use element.

(4) *Criteria for listing on the local register.*

- a. A site, building or district must meet the following criteria before it may be listed on the local register:
  1. The site, building or district possesses integrity of location, design setting, materials, workmanship, archeological significance, feeling and association; and
  2. The site, building or district is associated with events that are significant to local, state or national history; or the district site, building, structure or object embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction.
- b. A site or building located in a local register of historic places district shall be designated as contributing to that district if it meets the following criteria:
  1. The property is one which, by its location, design, archeological significance, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.
  2. A property should not be considered contributing if the property's integrity of location, design, setting materials, workmanship, feeling and association have been so altered that the overall integrity of the property has been irretrievably lost.

3. Structures that have been built within the past 50 years shall not be considered to contribute to the significance of a district, unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.

(5) *Effect of listing on local register.*

- a. The town may issue an official certificate of historic significance to the owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The town manager is authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.
- b. Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the Florida Building Code.
- c. No demolition, alteration, relocation or construction activities may take place except as provided in this subsection 3.01.03 of this section.

3.01.03 *Certificates of appropriateness.*

(1) *When required.*

- a. A certificate of appropriateness must be obtained before making certain alterations, described in subsections 3.01.03(1)b and c of this section as regulated work items, to contributing structures and structures listed individually on the local register.
- b. For each of the regulated work items listed in subsection 3.01.03(1)c of this section, the following applies:
  1. *Ordinary maintenance.* If the work constitutes "ordinary maintenance," as that term is defined in this Land Development Code, the work may be done without a certificate of appropriateness.
  2. *Staff approval.* If the work is not ordinary maintenance, but will result in the "original appearance," as that term is defined in this Land Development Code, the certificate of appropriateness may be issued by the town manager.
  3. *Board approval.* If the work is not ordinary maintenance and will not result in the original appearance, a certificate of appropriateness must be obtained from the historic preservation board before the work may be done.
- c. The following are regulated work items:
  1. Installation or removal of metal awnings or metal canopies.
  2. Installation of all decks above the first-floor level and/or on the front of the structure.
  3. Installation of an exterior door or door frame, or the infill of an existing exterior door opening.
  4. Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.
  5. The installation or relocation of wood, chainlink, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.
  6. The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.
  7. Painting unpainted masonry, including stone, brick, terra-cotta and concrete.
  8. Installation or removal of railings or other wood, wrought iron or masonry detailing.
  9. Abrasive cleaning of exterior walls.

10. Installation of new roofing materials, or removal of existing roofing materials.
  11. Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.
  12. Installation of new exterior siding materials, or removal of existing exterior siding materials.
  13. Installation or removal of exterior skylights.
  14. Installation of exterior screen windows or exterior screen doors.
  15. Installation of an exterior window or window frame or the infill of an existing exterior window opening.
  16. Any change in an archeological site.
- d. A certificate of appropriateness must be obtained from the historic preservation board to erect a new building or parking lot within a district listed on the local register.
  - e. A certificate of appropriateness must be obtained from the historic preservation board to demolish a building, structure or object listed individually on the local register, or designated as contributing to a district listed on the local register.
  - f. A certificate of appropriateness must be obtained from the historic preservation board to relocate a building, structure or object listed individually on the local register, or designated as contributing to a district listed on the local register.

(2) *Criteria for issuing.*

- a. The decision on all certificates of appropriateness, except those for demolition, shall be guided by the Secretary of the Interior's Standards For Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:
  1. *Height.* Height shall be visually compatible with adjacent buildings.
  2. *Proportion of building, structure or object's front facade.* The width of the building, structure or object to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
  3. *Proportion of openings within the facility.* The relationship of the width of the windows in a building, structure or object shall be visually compatible with buildings and places to which the building, structure or object is visually related.
  4. *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with building and places to which it is visually related.
  5. *Rhythm of buildings, structures or objects on streets.* The relationship to the buildings, structures or objects to open space between it and adjoining buildings, and places shall be visually compatible to the buildings and places to which it is visually related.
  6. *Rhythm of entrance and/or porch projection.* The relationship of entrances and projections to sidewalks of a building, structure or object shall be visually compatible to the buildings and places to which it is visually related.
  7. *Relationship of materials, texture and color.* The relationship of materials, texture and color of the facade of a building, structure or object shall be visually compatible with the predominant materials used in the building to which it is visually related.
  8. *Roof shapes.* The roof shape of the building, structure or object shall be visually compatible with the

building to which it is visually related.

9. *Walls of continuity.* Appurtenances of a building, structure or object, such as walls, fences, landscape masses, shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building, structure, or object to the building and places to which it is visually related.
  10. *Scale of a building.* The size of the building, structure or object, the building mass of the building, structure or object in relation to open space, the windows, door openings, porches and balconies, shall be visually compatible with the buildings and places to which it is visually related.
  11. *Directional expression of front elevation.* A building, structure or object shall be visually compatible with the buildings and places to which it is visually related in its directional character.
- b. In addition to the guidelines provided in subsection 3.01.03(1)a of this section, issuance of certificates of appropriateness for relocations shall be guided by the following factors:
1. The historic character and aesthetic interest the building, structure or object contributes to its present setting;
  2. Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;
  3. Whether the building, structure or object can be moved without significant damage to its physical integrity; and
  4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.
- c. Issuance of certificate of appropriateness for demolitions shall be guided by the following factors:
1. The historic or architectural significance of the building, structure or object;
  2. The importance of the building, structure, or object to the ambience of a district;
  3. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail or unique location;
  4. Whether the building, structure or object is one of the last remaining examples of its kind in the neighborhood, the county or the region;
  5. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding;
  6. Whether reasonable measures can be taken to save the building, structure or object from collapse; and
  7. Whether the building, structure or object is capable of earning reasonable economic return on its value.

(3) *Procedure.*

- a. A person wishing to undertake any of the actions specified in subsection 3.01.03(1) of this section shall file an application for a certificate of appropriateness, and supporting documents, with the town manager.
- b. The prospective applicant shall confer with the manager concerning the nature of the proposed action and requirements related to it. The manager shall advise the applicant of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application. Such

advise shall not preclude the historic preservation board from requiring additional material prior to making its determination in the case. Following the conference with the manager, a preapplication conference shall be held with the historic preservation board if requested by the applicant.

- c. Upon receipt of a completed application and all required submittals and fees, the manager shall place the application on the next regularly scheduled meeting of the historic preservation board allowing for notices as required herein. Applications for certificates of appropriateness may be heard at specially called meetings of the historic preservation board provided all notice requirements are met. Upon mutual agreement between the applicant and the manager, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.
- d. At least 15 days, but not more than 30 days, prior to the meeting at which the application is to be heard, the town manager shall give the following notice:
  1. Written notice of the time and place of the meeting shall be sent to the applicant and all persons or organizations filing written requests with the town manager.
  2. One advertised notice in a newspaper of general circulation.
- e. The hearing shall be held at the time and place indicated in the notice. The decision of the historic preservation board shall be made at the hearing.
- f. The historic preservation board shall use the criteria set forth in subsection 3.01.03(2) of this section to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the board shall take one of the following actions:
  1. Grant the certificate of appropriateness with an immediate effective date;
  2. Grant the certificate of appropriateness with special modifications and conditions;
  3. Deny the certificate of appropriateness.
- g. The historic preservation board shall make written findings and conclusions that specifically relate the criteria for granting certificates of appropriateness. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony or other means. All parties shall be given the opportunity to rebut evidence through cross examination or other means.
- h. The town clerk shall record and keep records of all meetings. The records shall include the vote, absence or abstention of each member upon each question, all official actions of the historic preservation board, and the findings and conclusions of the board. All records shall be filed in the town.
- i. Any person aggrieved by the decision reached by the historic preservation board may appeal the decision to the town council.
- j. No work for which a certificate of appropriateness is required may be undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted on the property where the work is to be performed.

3.01.04 *Certified local government added requirements.* The following requirements are added so as to comply with state and national certified local government requirements:

- (1) The board may grant a certificate of appropriateness for demolition which may provide for a delayed effective date up to six months from the date of the board's action. The effective date of the certificate will be determined by the board based on the relative significance of the structure and the probable time required to

arrange a possible alternative to demolition. In general, the board may delay the demolition of designated historic sites and contributing buildings within historic districts for up to six months, while demolition of noncontributing buildings within historic districts may be delayed for up to three months. During the demolition delay period, the board may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but not be limited to, consultation with community groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

- (2) The board may consider any request for National Register status after approval of local register status. The applicant or owner of record of any non-town property shall be given a minimum of 30 days and not more than 75 days prior to a board meeting in which to comment and/or object to the listing of their property in the National Register of Historic Places.
- (3) Site file data and other appropriate material will be provided by the state historic preservation office.
- (4) Provide the state preservation officer at least 30 days notice prior to any board meeting, and submit the minutes of each meeting within 30 days of the meeting which provides a record of attendance of the board members as well as public attendance figures.
- (5) Notify the state of any changes in board membership within 30 days of a change.
- (6) Notify the state of any new historic designations or of any alterations to existing designated properties.
- (7) Submit the required annual report by November 1 of each year covering through September 30.
- (8) Board meetings will be announced to the public as required by state law.

(Ord. No. 91-6, § 3(3.01.00), 2-11-1992; Ord. No. 94-1, 1-5-1994; Ord. No. 94-2, § 1(d), 2-8-1994; Ord. No. 2009-03, § 4(3.01.02E2), 6-9-2009)