

ARTICLE 3

OVERLAY ZONES

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3.01.00. HISTORIC DISTRICTS AND LANDMARKS

3.01.01. Definitions

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. *Buildings* may refer to a historically or architecturally related complex, such as a courthouse and jail, or a house and barn.

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

District means a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or 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.

Object means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

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 Development Review Coordinator, 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 Development Review Coordinator, 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

- A. 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 and/or architecturally significant. The Local Register shall be kept by the Development Review Coordinator.

- B. Placement of sites, buildings, structures, objects or districts on the Local Register may be initiated by the City Council or the Plan 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.
- C. The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the Local Register:
 - 1. A nomination form, available from the Development Review Coordinator, shall be completed by the applicant and returned to the Development Review Coordinator.
 - 2. Upon receipt of a completed nomination form, including necessary documentation, the Development Review Coordinator shall place the nomination on the agenda of the next regularly scheduled meeting of the Plan Board allowing for notice.
 - 3. Adequate notice of the Plan Board's consideration of the nomination shall be provided to the public at large, and to the owner(s) of the nominated property(ies), at least 15 days in advance of the meeting at which the nomination will be considered by the Commission.
 - 4. The Commission shall, within 90 days from the date of the meeting at which the nomination is first on the Commission'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 Commission has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the Commission, the nomination may be submitted by the applicant directly to the City Council.
 - 5. The nomination form and the Commission's recommendation shall be sent to the City Council. The nomination shall then be handled as any other amendment to the future land use map.

3.01.03. Criteria for Listing on the Local Register Of Historic Places

- 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, 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, 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.

3.01.04. Effect Of Listing On Local Register

- A. The Development Review Coordinator 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 City 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 as provided for therein.
- C. No demolition, alteration, relocation or construction activities may take place except as provided below.

3.01.05. Certificates Of Appropriateness

- A. A Certificate of Appropriateness must be obtained before making certain alterations, described below as regulated work items, to contributing structures and structures listed individually on the local register.

- B. For each of the regulated work items listed below, the following applies:
 - 1. If the work constitutes "ordinary maintenance" as defined in this Code, the work may be done without a Certificate of Appropriateness.
 - 2. If the work is not "ordinary maintenance," but will result in the "original appearance" as defined in this Code, the Certificate of Appropriateness may be issued by the Development Review Coordinator.
 - 3. If the work is not "ordinary maintenance" and will not result in the "original appearance," a Certificate of Appropriateness must be obtained from the Plan 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, chain-link, 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.
- D. A Certificate of Appropriateness shall be obtained from the Plan 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.
- E. A Certificate of Appropriateness shall be obtained from the Plan 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.

3.01.06. Criteria For Issuing Certificate of Appropriateness

- 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 shall be visually compatible with adjacent buildings.
 2. The width of 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. 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. The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with buildings and places to which it is visually related.
 5. The relationship of 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. 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. 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 buildings to which it is visually related.
 8. The roof shape of the building, structure, or object shall be visually compatible with the buildings to which it is visually related.
 9. 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 insure visual compatibility of the building, structure, or object to the building and places to which it is visually related.
 10. 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. 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 A above, 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.
 4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.
- C. Issuance of Certificates 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.
7. Whether the building, structure, or object is capable of earning reasonable economic return on its value.

3.01.07. Procedure for Issuing Certificate of Appropriateness

- A. Where a Certificate of Appropriateness is required, a person wishing to undertake the work shall file an application for a certificate of appropriateness, and supporting documents, with the Development Review Coordinator.
- B. The prospective applicant shall confer with the Development Review Coordinator concerning the nature of the proposed work and requirements related to it. The Development Review Coordinator 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 advice shall not preclude the Plan Board from requiring additional material prior to making its determination in the case. Following the conference with the Development Review Coordinator, a pre-application conference shall be held with the Plan Board if requested by the applicant.
- C. Upon receipt of a completed application and all required submittals and fees, the Development Review Coordinator shall place the application on the next regularly scheduled meeting of the Plan Board allowing for notice as required herein. Upon mutual agreement between the applicant and the Development Review Coordinator, 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 Development Review Coordinator 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 Development Review Coordinator.

2. Posted notice on the site of the proposed work.
- E. The hearing shall be held at the time and place indicated in the notice. The decision of the Plan Board shall be made at the hearing.
 - F. The Plan Board shall use the criteria set forth in this Article 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 Commission shall take one of the following actions:
 1. grant the certificate of appropriateness;
 2. grant the certificate of appropriateness with special modifications and conditions;
 3. deny the certificate of appropriateness.
 - G. The Plan 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 Development Review Coordinator 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 Plan Board, and the findings and conclusions of the Commission.
 - I. 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.