

Sec. 30-4.27. - Heritage overlay.

- A. *Purpose.* The heritage overlay district is established as an overlay zoning district to help strengthen the distinct visual and cultural identity present in the City's economically and socially diverse neighborhoods. The intent of the district is to collaboratively create and implement development regulations for designated neighborhoods to ensure compatibility with the existing style, character and/or identity in areas that are located proximate to major activity centers and may be experiencing rapid demographic and physical changes. The heritage overlay district will create opportunities for involvement in decision making for neighborhoods, who have historically been underrepresented in planning and development decisions.
- B. *Objectives.* The objectives of the heritage overlay district are to promote the equitable development and general welfare of the city's neighborhoods by:
1. Encouraging residents to participate in and create a plan for neighborhood outreach and development within their neighborhood;
 2. Encouraging the use of existing buildings through adaptive rehabilitation;
 3. Enhancing the diversity of the city's housing stock;
 4. Encouraging construction that will lead to continuation, conservation and improvement that compliments the scale and physical character of the historic buildings; and
 5. Protecting neighborhoods' distinct identities by empowering citizens to build upon community pride, encourage reinvestment that will enhance the quality of life, and create an attractive and affordable place to live.
- C. *Effect.*
1. The heritage overlay district is an overlay district classification. When the heritage overlay district is applied to any property, the underlying zoning district categories are neither abandoned nor repealed. The existing regulations remain in effect, with further restrictions on regulated work items as specified in the design standards report, and no building permit shall be issued for regulated work items without the approval of the _____ board. If there is a conflict between the provisions of the heritage overlay district and the underlying zoning district, the stricter of the provisions prevails.
 2. Design standards for regulated work items shall be specified in each ordinance that places the heritage overlay district on an area.
 3. Whether or not the regulated work item is consistent with standards of the applicable heritage overlay district shall be determined by the _____ board, based on the adopted ordinance for that particular district.
 4. The heritage overlay district shall require a rezoning to remove the heritage overlay district.
 5. Fees for petitions to designate an area as a heritage overlay district or to amend an existing district, and for petitions for review of regulated work items shall be paid to the

city in accordance with the schedule set out in appendix A and such payment shall be made at the time of submitting a petition to the city.

- D. *Criteria.* An area shall meet all of the following criteria to be eligible for designation as a heritage overlay district:
1. Each designated heritage overlay district shall be located within the boundaries of the Heritage Overlay District Eligibility Area Map.
 2. It shall consist of at least 25 compact and contiguous parcels and shall not cause the creation of an enclave or pocket within the area, as those terms have been defined by Florida Statutes and case law relating to annexations;
 3. Each boundary of the area shall be one of the following identifiable landmarks: a street, alley, publicly owned right-of-way, platted subdivision boundary, or a creek; and
 4. No area boundaries shall overlap the boundary of an existing heritage overlay district, historic district or planned development.
- E. *Procedures.* The procedures for designation are as follows:
1. *Application and process.* Any owner of property within a proposed heritage overlay district may apply by petition to have that area designated a heritage overlay district and impose special design standards on that area. Alternatively, the City Commission may initiate an application for a heritage overlay district designation. The process for the imposition of the overlay district shall be as provided in article III of this chapter for zoning changes.
 2. *Required Pre-Petition Conference.* Prior to submittal of a petition and the required pre-submittal neighborhood meeting, a pre-petition conference with the Director or designee shall be required.
- F. *Additional Requirements*
1. *Design standards report.* The petitioner shall submit a proposed design standards report for the proposed heritage overlay district area. If the heritage overlay designation is approved, the design standards report shall be included in the ordinance that imposes the overlay. The report shall include the following:
 - a. A proposed map of the overlay area.
 - b. Documentation of a consistent, identifiable physical character.
 - c. Documentation of historical, social, or other significance applicable to the neighborhood.
 - d. A discussion of specific physical elements or development patterns that are not adequately addressed by the base zoning regulations.
 - e. A plan for neighborhood outreach and overlay development.
 - f. Any other materials the petitioner(s) believe are pertinent to the request.
 - g. Regulated work items which are limited to any one or more of the following:

1. Building heights;
 2. Individual building square footage
 3. Building height-to-width ratio;
 4. Building orientation;
 5. Exterior building materials;
 6. Fences;
 7. Front porches and balconies;
 8. Off-street parking design;
 9. Windows and doors;
 10. Demolitions in whole or part;
 11. Additional notice requirements
2. At a minimum, the petition shall contain authentic signatures of a majority of the homestead property owners within the proposed overlay district area. To be verified by the city, signatures shall be accompanied by the legibly printed name of the signer, the address of the parcel owned by the signer, the parcel number of the parcel owned by the signer, and the date the petition was signed. Signatures dated more than six months prior to the date the petition is filed with the city are not acceptable. For the purpose of the petition, jointly owned parcels are considered owned by a single person, and any co-owner may sign a petition for the parcel. Only one owner of each parcel shall be included in the majority requirement stated above. If a person owns more than one parcel of property within the proposed district area, that person may sign the petition one time for each parcel owned. The petition shall advise each signer of the general type of restrictions that may be imposed on the property if the overlay district is imposed upon the area.
- G. *Amendments to district.* Any property owner within a heritage overlay district may apply for an amendment to the district's design standards report. Any property owner whose land is contiguous to a heritage overlay district may apply for inclusion in the district through extension of the district's boundaries. Any land added to an existing heritage overlay district shall be subject to the adopted ordinance for that heritage overlay district and shall not be required to submit a new or revised design standards report with the petition for extension of the boundaries. All amendments shall be subject to review and consideration according to the applicable terms of this section and shall be processed as a zoning change (if amending the district boundaries) or as a text change (if amending the design standards report) in accordance with article III of this chapter. The city commission may amend or repeal any heritage overlay district from time to time in accordance with the same standards and procedures.