

- 1 Sec. 30-4.27. - ~~Heritage overlay~~ Neighborhood Conservation overlay.
- 2 A. *Purpose*. The ~~heritage~~ Neighborhood Conservation overlay district is established as an overlay
3 zoning district to maintain, protect, conserve and preserve residential areas with a distinct ~~visual~~
4 identity by regulating development to ensure compatibility with the existing style, character or identity
5 of the district area. The purpose of this section is to create the process ~~by which property owners can~~
6 ~~request that the city impose additional regulatory requirements upon their residential area in order to~~
7 help conserve the design and visual characteristics that give the area a distinct identity and a
8 harmonious appearance.
- 9 B. *Objectives*. The objectives of the heritage overlay district are to promote the economic, educational,
10 aesthetic, cultural and general welfare of the city's ~~residential~~ neighborhoods by:
- 11 ~~1. Encouraging property owners to participate in the development process within their general~~
12 ~~geographic areas;~~
- 13 2. Encouraging the use of existing buildings through adaptive rehabilitation;
- 14 3. Enhancing the diversity of the city's housing stock;
- 15 4. Encouraging construction that will lead to continuation, conservation and improvement that
16 complements the scale and physical character of the original buildings; and
- 17 5. Protecting neighborhoods' distinct identities.
- 18 C. *Effect*.
- 19 1. The ~~heritage~~ neighborhood conservation overlay ~~district~~ classification is an overlay district
20 classification. When the ~~heritage~~ overlay district is applied to any property, the underlying
21 zoning district categories are neither abandoned nor repealed. The existing regulations remain
22 in effect, with further restrictions on regulated work items as specified in the design standards
23 report, and no building permit shall be issued for regulated work items without the approval of
24 the heritage overlay district board. If there is a conflict between the provisions of the ~~heritage~~
25 overlay district and the underlying zoning district, the ~~heritage~~ overlay district prevails.
- 26 2. Design standards for regulated work items shall be specified in each ordinance that places the
27 heritage overlay district on an area.
- 28 3. Whether or not the regulated work item is consistent with standards of the applicable ~~heritage~~
29 overlay district shall be determined by the ~~heritage overlay district board, city manager or~~
30 ~~designee based on the adopted ordinance for that particular district.~~
- 31 ~~4. The heritage overlay district shall be applied only to residential uses zoned RSF-1, RSF-2, RSF-~~
32 ~~3, RSF-4, and RC. Changing the zoning of a parcel to a zoning district other than RSF-1, RSF-~~
33 ~~2, RSF-3, RSF-4, or RC shall also require a simultaneous rezoning to remove the heritage~~
34 ~~overlay district.~~
- 35 ~~5. Fees for petitions to designate an area as a heritage overlay district or to amend an existing~~
36 ~~district, for verification of petition signatures and for petitions for review of regulated work items~~
37 ~~shall be paid to the city in accordance with the schedule set out in appendix A and such~~
38 ~~payment shall be made at the time of submitting a petition to the city.~~
- 39 D. *Criteria*. An area shall meet all of the following criteria to be eligible ~~for designation~~ as a ~~heritage~~
40 neighborhood conservation overlay district:
- 41 1. It shall consist of at least 25 compact and contiguous parcels and shall not cause the creation of
42 an enclave or pocket within the area, as those terms have been defined by Florida Statutes and
43 case law relating to annexations;
- 44 ~~2. Residences within the area shall consist only of one- and two-family dwellings;~~
- 45 ~~3. All land within the area shall be zoned RSF-1, RSF-2, RSF-3, RSF-4, or RC;~~

- 1 ~~2.4.~~ Each boundary of the area shall be one of the following identifiable landmarks: a street, alley,
2 publicly owned right-of-way, platted subdivision boundary, or a creek; and
- 3 ~~3.5.~~ No area boundaries shall overlap the boundary of an existing **heritage** overlay district or
4 historic district.
- 5 E. *Additional criteria.* In addition, an area shall meet one of the following criteria to be eligible for
6 designation as a **heritage** overlay district:
- 7 1. Its visual characteristics give it a distinct identity;
- 8 2. It has distinguishing characteristics of an architectural style valuable for the study of a period,
9 method of construction, or use of **indigenous** materials; or
- 10 3. It has character as a geographically definable area possessing a significant concentration of
11 buildings or structures united by its plan or physical development- ; or
- 12 4. Its cultural significance both locally and/or nationally.
- 13
- 14 F. *Procedures.* The procedures for application and designation are as follows:
- 15 1. *Application and process.* Any owner of property within a proposed **heritage overlay** district may
16 apply by petition to have that area designated a **heritage** overlay district and impose special
17 regulations on that area. The process for the imposition of the overlay district shall be as
18 provided in article III of this chapter for zoning changes. The city plan board and the city
19 commission may approve the overlay district boundaries and regulations only with a finding,
20 supported by data and analysis, that the area has unique and identifiable features and
21 characteristics, that those characteristics are or may be threatened by incompatible or
22 inconsistent development, and that the proposed regulations are reasonably related to
23 protecting those identified features and characteristics.
- 24 2. *Petition requirements.* In order to impose the **heritage** overlay district on an area, a petition
25 requesting imposition of the overlay district on that area shall be submitted to the city on forms
26 provided by the city. Each petition shall meet all of the following requirements:
- 27 a. The petitioner shall be an owner of legal title of property located within the proposed
28 overlay district area and shall be the designated contact person responsible for processing
29 the petition with the city;
- 30 b. The petition shall clearly and accurately describe the proposed boundaries of the area and
31 shall include an accurate, reproducible map of the proposed overlay district area depicting
32 all lot divisions, block divisions, roads and the boundaries of the area;
- 33 c. **The petition shall include a design standards report, as described in subsection 4. below;**
- 34 d. At a minimum, the petition shall contain authentic signatures of a majority of the homestead
35 property owners (as further described in subsection 3. below) within the proposed overlay
36 district area. To be verified by the city, signatures shall be accompanied by the legibly
37 printed name of the signer, the address of the parcel owned by the signer, the parcel
38 number of the parcel owned by the signer, and the date the petition was signed. Signatures
39 dated more than six months prior to the date the petition is filed with the city are not
40 acceptable. For the purpose of the petition, jointly owned parcels are considered owned by
41 a single person, and any co-owner may sign a petition for the parcel. Only one owner of
42 each parcel shall be included in the majority requirement stated above. If a person owns
43 more than one parcel of property within the proposed district area, that person may sign
44 the petition one time for each parcel owned; and
- 45 e. The petition shall advise each signer of the general type of restrictions that may be
46 imposed on the property if the overlay district is imposed upon the area.
- 47 3. *Petition verification.* When the petition is submitted to the city, the city manager or designee
48 shall verify the names, signatures, and homestead status of the property, and shall determine

1 whether the petition meets the criteria of this section. For a signature and homestead status to
 2 be verified, the homestead status of the property and the printed name of the petition signer
 3 shall be consistent with the current records of the Alachua County Property Appraiser. If an
 4 insufficient number of acceptable homestead property owner signatures are submitted, the city
 5 shall return the petition and petition fee to the petitioner. However, the city shall retain the
 6 verification fee.

7 4. *Design standards report.* The petitioner shall submit a proposed design standards report for the
 8 proposed **heritage** overlay district area. If the **heritage** overlay designation is approved, the
 9 design standards report shall be included in the ordinance that imposes the overlay. The report
 10 shall include the following:

11 a. A map that clearly depicts the boundaries of the proposed area and identifies all lot
 12 divisions, block divisions and roads;

13 b. Architectural surveys that define the prior, current and likely future character of the area.
 14 This shall include a field survey containing written and visual information that documents
 15 items such as, but not limited to, distinctive building features, represented building style,
 16 typical building components, finishing materials, siting of buildings, degree of visual
 17 continuity, and degree of compatibility of new structures with architectural context;

18 ~~e. A clear, decipherable data set of area features that describe the character of individual~~
 19 ~~building types. This set shall define the relationships among features and shall serve as a~~
 20 ~~tool to identify common elements in the area; and~~

21 d. Based on the data, identify important characteristics and features and specify the
 22 standards by which those characteristics will be preserved and continued, and specify the
 23 regulated work items that will require review by the ~~heritage overlay district board~~ city
 24 manager or designee. All design standards regulating a particular work item should be
 25 specific and measurable, such as by height, width, amount, spacing or location.
 26 Construction, installation, addition, enlargement, relocation or removal, of a regulated work
 27 item will be subject to review and approval by the ~~heritage overlay district board~~ city
 28 manager or designee as specified in the design standards report. This section does not
 29 require that each of the regulated work items listed below be addressed in a design
 30 standards report, only those items that are applicable or desirable to preserve the
 31 character of the area as determined in the design standards report. Regulated work items
 32 are limited to any one or more of the following:

33 i. Accessory structures;

34 ii. Building heights;

35 ~~iii. Building height-to-width ratio;~~

36 iv. Building orientation;

37 v. Building setback and build-to lines;

38 ~~vi. Bulk plane restrictions;~~

39 vii. Exterior building materials;

40 ~~viii. Fences;~~

41 ix. Front porches and balconies;

42 ~~x. Garage doors;~~

43 ~~xi. Lot widths;~~

44 xii. Off-street parking design;

45 xiii. Percent of the lot covered by buildings;

46 ~~xiv. Roof lines, shapes and materials;~~

1 ~~xv.—Screening of mechanical equipment; or~~

2 ~~xvi.—Windows and doors.~~

3 e.—A ~~heritage neighborhood conservation~~ overlay district may not modify the list of permitted
4 uses for its underlying zoning district(s). In addition, the following shall not be regulated in
5 any manner by a ~~heritage~~ overlay district classification:

6 i.—Colors of structures;

7 ii.—Demolitions, in whole or in part;

8 iii.—Interior layout or interior construction;

9 iv.—Power generating solar panels;

10 v.—Television satellite dishes or antennae; and

11 vi.—Vegetation.

- 12 5. *Amendments to district.* Any property owner within a ~~heritage~~ overlay district may apply for an
13 amendment to the district's design standards report. Any property owner whose land is
14 contiguous to a ~~heritage~~ overlay district may apply for inclusion in the district through extension
15 of the district's boundaries. Any land added to an existing ~~heritage~~ overlay district shall be
16 subject to the adopted ordinance for that ~~heritage overlay~~ district and shall not be required to
17 submit a new or revised design standards report with the petition for extension of the
18 boundaries. All amendments shall be subject to review and consideration according to the
19 applicable terms of this section and shall be processed as a zoning change (if amending the
20 district boundaries) or as a text change (if amending the design standards report) in accordance
21 with article III of this chapter. The city commission may amend or repeal any ~~heritage~~
22 ~~neighborhood conservation~~ overlay district from time to time in accordance with the same
23 standards and procedures.