

Sec. 30-4.28. - Historic preservation/conservation overlay.

A. *Findings.* The city commission hereby finds as follows:

1. There are located within the city districts, sites, buildings, structures, objects and areas, both public and private, which are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;
2. In recognition of these assets, the city has adopted the Comprehensive Plan historic preservation element;
3. The historic preservation element of the Comprehensive Plan by reference includes a survey of historic and cultural resources which has been adopted;
4. Through this and other dedicated efforts of local public and private groups and individuals, the value of a district and several sites, buildings, structures, objects and areas, both public and private, has been recognized by their inclusion in the National Register of Historic Places, the state inventory maintained by the division of archives, history and records management, department of state, the city's survey of cultural resources, and/or the county architectural survey; however, many other resources remain unidentified;
5. The recognition, protection, enhancement and use of such resources is a public purpose and is essential to the health, safety, morals and economic, educational, cultural and general welfare of the public, since these efforts result in the enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic benefits to the city and its inhabitants, the promotion of local interest, the enrichment of human life in its educational and cultural dimensions, serving spiritual as well as material needs, and the fostering of civic pride in the beauty and noble accomplishments of the past;
6. It is the policy of the city to encourage beautification and general improvement of and cleanliness within the city by requiring the installation of appropriate landscaping which will enhance the community's ecological, environmental and aesthetic qualities and which will preserve the value of the property;
7. The city has for many years exerted efforts in an attempt to encourage redevelopment of the original center of the city and continues to do so;
8. The city commission desires to take advantage of all available state and federal laws and programs that may assist in the development of the city;
9. The federal government has established a program of matching grants-in-aid for projects having as their purpose the preservation for public benefit of properties that are significant in American history and architecture;
10. There are other federal programs providing monies for projects involving the rehabilitation of existing districts, sites, buildings, structures, objects and areas;
11. The policy of the city is to conserve the existing housing stock and extend the economic life of each housing unit through the rehabilitation of such units under housing and neighborhood development programs in selected areas;
12. The city, in applying for block grant funds under the Housing and Community Development Act of 1974, shall comply with the requirements of several federal laws relating to the protection of historical, architectural, archaeological and cultural resources as part of the environmental review process;
13. Inherent in the enactment and implementation of these federal mandates is the policy of the United States government that the spirit and direction of the nation are founded upon and reflected in its historic past; that the historical and cultural foundations of the nation should be

preserved as a living part of our community life and development in order to give a sense of orientation to the American people; that in the face of the ever-increasing extensions of urban centers, highways, and residential, commercial and industrial developments, the present governmental and nongovernmental programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation;

14. It is the will of the people of the state as expressed in Article II, Section 7 of the 1968 Constitution, that the state's natural resources and scenic beauty be conserved and protected; and
 15. It is the will of the state legislature, as expressed in F.S. Ch. 267, that the state's historic sites and properties, buildings, artifacts, treasure troves and objects of antiquity, which have scientific or historical value, or are of interest to the public, be protected and preserved.
- B. *Purpose.* In recognition of these findings, the purpose of this section is to promote the health, morals, economic, educational, aesthetic, cultural, and general welfare of the public through:
1. The identification, protection, enhancement, perpetuation and use of districts, sites, buildings, structures, objects and areas that are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide this and future generations examples of the physical surroundings in which past generations lived;
 2. The enhancement of property values, the stabilization of neighborhoods and business centers of the city, the increase of economic and financial benefits to the city and its inhabitants, and the promotion of local interests;
 3. The preservation and enhancement of varied architectural styles, reflecting the city's cultural, social, economic, political and architectural history; and
 4. The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past.

C. *Local register of historic places.*

1. *Creation.* A local register of historic places is hereby created as a means of identifying, classifying and protecting various sites, buildings, structures, objects, and districts as historic or architecturally significant.
2. *Process.*
 - a. *Nomination.* The city commission, the historic preservation board, or the owner of a site, building, structure, or object may nominate such for placement on the local register by submitting a form provided by the city. Nominations of individually listed properties by the city commission or the historic preservation board shall have the consent of the property owner, or shall be approved with a six-sevenths vote of the city commission and a six-ninths vote of the historic preservation board.
 - b. *Removal.* Application may be made for the removal of a property from the local register, and the same procedure shall be employed as in the placement of a property on the local register. A property may be removed if the board makes a new and negative evaluation of the reasons for its original recommendation or for any other valid reason approved by the board.
 - c. Upon receipt of a completed nomination form, including necessary documentation, the city manager or designee 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 in time to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
 - d. The historic preservation board shall, within 90 calendar 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 that are classified as contributing to the historical significance of the district.

- e. The nomination form and the board's recommendation shall be sent to the city plan board. The nomination shall then be handled as any other rezoning and the procedure for amendments to the Land Development Code set forth in this chapter shall be followed. From the date the board recommends the nomination to the city plan board until the city commission either approves or denies the amendment to the Land Development Code, or until one year has elapsed, whichever shall occur first, no permit for the demolition or relocation of a structure nominated for individual listing on the local register or of a structure classified as contributing to the character of a district nominated for listing on the local register shall be issued unless the board follows the procedures and requirements for a certificate of appropriateness set forth in this section and finds that such a permit may be issued.

- 3. *Review criteria.* In order to be listed on the local register, a site, building, object, structure, or district shall be determined to be significant and to possess integrity. To be significant, a building, object, structure, or district shall meet at least three of the criteria listed below, or if approved by at least six members of the historic preservation board at least one of the criteria listed below. A site, building, object, structure, or district shall possess integrity as defined by the National Park Service in National Register Bulletin #15: How to Apply the National Register Criteria for Evaluation. The quality of significance in American history, architecture, archaeology, engineering, and culture is present in a district, site, building, structure, or object when the district, site, building, structure, or object:

- a. Is associated with events that are significant to our local, state, or national history;
- b. Embodies the distinctive characteristics of a type, period, or method of construction;
- c. Represents the work of a master;
- d. Possesses high artistic values; or
- e. Represents a significant and distinguishable entity whose components may lack individual distinction.

- 4. *Recording.* Upon placement of a property or properties on the local register, the board shall cause this designation to be recorded in the official record books of the county.

- 5. *Certificate and signs.* The city manager or designee shall 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 or designee is additionally authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.

D. *Effect.*

- 1. *Modification of existing zoning requirements.* Placement of sites, buildings, structures, objects, or districts on the local register of historic places is an overlay district classification, and the underlying zoning district categories are neither abandoned nor repealed. The existing regulations remain in effect and are modified only to the extent provided for in this section.
- 2. *Modification of dimensional requirements.* To facilitate new construction, redevelopment, rehabilitation, or relocation of buildings or structures in historic districts or individually listed on the local register, the city manager or designee or the appropriate board within the development review process may determine dimensional requirements such as front, side, and rear setbacks, building height, separation between buildings, floor area ratios, and maximum lot coverage for

buildings and structures based on historic development patterns. Any change shall be based on competent demonstration by the petitioner of the following:

- a. The proposed development will not affect the public safety, health, or welfare of abutting property owners or the district;
- b. The proposed change is consistent with historic development, design patterns or themes in the historic district. Such patterns may include reduced front, rear, and side yard setbacks, maximum lot coverage and large floor area ratios;
- c. The proposal reflects a particular theme or design pattern that will advance the development pattern of the historic district; and
- d. The proposed complies with utility, stormwater, access requirements, and other requirements related to site design in the Land Development Code.

Where the proposed modification would encroach into a side or rear yard setback that adjoins an existing lot, notice will be provided to the adjacent property owner. Staff or the appropriate reviewing board will document the basis for its decision. If staff makes the decision, it will provide a written determination on the complete modification request within 21 calendar days of receiving the request. If the adjacent property owner objects to the encroachment in writing within 16 calendar days of the date from which the notice was mailed, the request shall be referred to the development review board, which shall review the request using the same standards in this section used by staff. If the decision is to be made by a board, the board shall hear the objection of the adjacent property owner as part of its public hearing. The remainder of the requirements, regulations and procedures set forth in this chapter shall remain applicable.

3. *Modification of building code requirements.* Structures and buildings listed individually on the local register or deemed contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the standard codes where appropriate.
4. *Ad valorem tax exemption.* Historic properties may be eligible for an exemption from ad valorem taxes resulting from an increase in value as specified by the provisions of chapter 25, article IV of the Code of Ordinances.
5. *Demolition by neglect.* The intent of this section is to stop the continuing deterioration of historic properties and neighborhoods through application of chapters 13 and 16 of the Code of Ordinances.
 - a. The historic preservation board may, on its own initiative, file a formal complaint with the codes enforcement division requesting repair or correction of defects to any designated structure so that it is preserved and protected.
 - b. The code enforcement division shall provide written notice to the staff member assigned to the historic preservation board when a building or structure that is either listed on the national or local historic register or is a contributing structure to either a nationally or locally designated historic district is deemed:
 - i. As having a minor or major housing code violation, or
 - ii. "Dangerous," as defined by chapter 16 of the Code of Ordinances.

Upon receipt of this notice, the city manager or designee is authorized to access these properties accompanied by a code enforcement officer to assess the damage that formed the basis for the decision to find the building "dangerous." The assessment will be presented to the historic preservation board, which shall be allowed to appeal the determination to the development review board pursuant to section 16-27 of the Code of Ordinances and present evidence against the determination that the building is "dangerous."

E. *Certificate of appropriateness.*

1. *Required.* A certificate of appropriateness is required in accordance with this section for any sites, buildings, structures, objects, or districts on the local register of historic places. No final approval of development plans and no building or demolition permit shall be granted for any development that includes any of the actions specified in this section without the issuance of a certificate of appropriateness. If a certificate of appropriateness is issued for demolition in conjunction with new construction, the applicant shall file a development plan or apply for a building permit prior to receiving a demolition permit.
2. *Effective term.* A certificate of appropriateness is effective for one year from the date of approval. After one year, the applicant shall reapply for a new certificate of appropriateness and shall be subject to any changes in the Historic Preservation Rehabilitation and Design Guidelines that took effect during the intervening period.
3. *Applicability.* A property owner/agent shall obtain a certificate of appropriateness before: 1) performing any of the following external work items on a structure listed individually on the local register or designated as contributing to a district listed on the local register, 2) performing work regarding fencing or additions to a lot or structure designated as noncontributing to a district listed on the local register, or 3) taking any of the actions listed in subsection 5. below. However, ordinary maintenance, as defined in this chapter, may be performed without first receiving a certificate of appropriateness.
 - a. *Abrasive cleaning.* Cleaning of exterior walls with high-pressure wash or blasting with abrasive materials.
 - b. *Additions.* New additions to structures or alterations that change the three-dimensional outline of a structure.
 - c. *Appurtenances.* Installation of air conditioning units, mechanical equipment, satellite dishes, solar collectors, and pool filtration systems.
 - d. *Auxiliary structures.* Installation of new auxiliary structure such as shed or pool enclosure.
 - e. *Awnings or canopies.* Installation, alteration or removal of awnings or canopies.
 - f. *Decks.* Installation of all decks or modification to existing decks.
 - g. *Exterior doors and door frames.* Installation or alteration of an exterior door or door frame, or the creation or infill of a door opening.
 - h. *Exterior walls.* Installation, alteration, or removal of any exterior wall or exterior wall material, including foundations and the enclosure of any porch or other outdoor area.
 - i. *Fencing.* Installation, relocation, or removal of fencing or garden walls.
 - j. *Fire escapes, exterior stairs, and ramps.* Installation, alteration, or removal of all fire escapes, exterior stairs or ramps, including those for disabled accessibility.
 - k. *Landscape structures.* Installation of swimming pools, garden structures, gazebos, and greenhouses.
 - l. *Painting.* Painting unpainted masonry, including stone, brick, terracotta, and concrete. Alteration to existing historic paint on decorative exterior building artwork such as stenciling, graining, trompe l'oeil, and glazing.
 - m. *Porches, entry stairs, and balconies.* Installation, alteration, or removal of porch and balcony fixtures, such as railings, columns, brackets, balustrades, screens, materials, and decorative elements.
 - n. *Roofs and chimneys.* Installation of new materials, or removal of existing materials. Installation of antennae and satellite dishes on the roof.
 - o. *Security grilles.* Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.

- p. *Setting/landscape features.* Removal of features around a building that reflect a property's history and development, such as distinctive plantings, parks or gardens, site lighting, signs, benches, or historic paving materials.
 - q. *Sidewalks and walkways.* Installation, alteration, or removal of sidewalk, walkways, and their materials.
 - r. *Siding.* Installation of new materials, or removal of existing materials.
 - s. *Skylights.* Installation or removal of skylights.
 - t. *Screen windows and doors.* Installation of screen windows or screen doors.
 - u. *Windows and window frames.* Installation of a window or window frame, or the creation or infill of a window opening. Replacement or alteration of window, frame, or opening, including shutters, exterior screens, and louvres.
 - v. *Rooftop solar.* Installation of a rooftop solar photovoltaic power system.
4. *Staff approval.* The city manager or designee may issue a certificate of appropriateness if the work will either result in the original appearance of the structure, as defined in this chapter, or will meet the city's Historic Preservation Rehabilitation and Design Guidelines on file with the city. The city manager or designee shall refer the application to the historic preservation board if the work cannot be approved pursuant to this subsection.
- a. *Rooftop solar photovoltaic power systems.* For the installation of a rooftop solar photovoltaic power system, as defined in this chapter, the city manager or designee may issue a certificate of appropriateness if the system: 1) will not be seen from any street frontage, 2) will meet the city's Historic Preservation Rehabilitation and Design Guidelines, and 3) will meet the following additional design criteria as applicable:
 - i. The system will be installed on a non-contributing accessory structure, such as a shed or garage, to a contributing or individually listed structure, or on a non-historic portion of a contributing or individually listed structure;
 - ii. The system will be located in a manner such that it does not affect the primary roof façade elevations;
 - iii. Installation will not result in the permanent loss of significant character-defining features of a historic resource, such as existing roof lines or dormers;
 - iv. Installation will not result in the removal or permanent alteration of historic fabric and is reversible;
 - v. The system will be flush to the roof or low profile, to the extent feasible;
 - vi. On flat roofs, the system will be set back from the edge. If there is a parapet, the system will be located behind the parapet walls; and
 - vii. The system will blend into the surrounding features of the historic resource.
5. *Historic preservation board approval.* A property owner/agent shall obtain a certificate of appropriateness from the historic preservation board before: 1) performing any work items that cannot be approved by the city manager or designee pursuant to subsection 4. above, or 2) taking any of the following actions:
- a. Erecting a new building, structure, or parking lot within a district listed on the local register.
 - b. Erecting a new auxiliary structure within a district listed on the local register when the action does not meet the guidelines for staff approval established in the city's Historic Preservation Rehabilitation and Design Guidelines.
 - c. Demolishing a building, structure or object listed individually on the local register or designated as contributing to a district listed on the local register.

- d. Relocating a building, structure or object listed individually on the local register or designated as contributing to a district listed on the local register.
- e. Increasing the size of either a contributing or noncontributing structure within a district listed in the local register by constructing an addition, adding an additional floor, or enclosing one or more porches, carports or any other architectural features that will increase the size of the structure or change the roof form, when the action does not meet the guidelines for staff approval established in the city's Historic Preservation Rehabilitation and Design Guidelines.

F. *Review criteria for certificates of appropriateness.*

1. *Generally.* The decision on all certificates of appropriateness, except those for demolition or relocation, 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:
 - a. *Height.* Height shall be visually compatible with adjacent buildings.
 - b. *Proportion of building, structure or object's front facade.* 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.
 - c. *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.
 - d. *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 buildings and places to which it is visually related.
 - e. *Rhythm of buildings, structures, objects or parking lots on streets.* The relationship of the buildings, structures, objects or parking lots 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.
 - f. *Rhythm of entrance and porch projection.* The relationship of entrances and projections to sidewalks of a building, structure, object or parking lot shall be visually compatible to the buildings and places to which it is visually related.
 - g. *Relationship of materials, texture and color.* The relationship of materials, texture and color of a parking lot or 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.
 - h. *Roof shapes.* The roof shape of the building, structure or object shall be visually compatible with the buildings to which it is visually related.
 - i. *Walls of continuity.* Appurtenances of a building, structure, object or parking lot such as walls, fences and landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to ensure visual compatibility of the building, structure, object or parking lot to the building and places to which it is visually related.
 - j. *Scale of building.* The size of the building, structure, object or parking lot; the building mass of the building, structure, object or parking lot in relation to open space; and the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
 - k. *Directional expression of front elevation.* A building, structure, object or parking lot shall be visually compatible with the buildings and places to which it is visually related in its directional character.

2. *Review criteria for relocations.* In addition to the guidelines provided in subsection 3. below concerning demolition, issuance of certificates of appropriateness for relocations shall be guided by the following factors:
 - a. The historic character and aesthetic interest the building, structure or object contributes to its present setting;
 - b. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding areas will be;
 - c. Whether the building, structure or object can be moved without significant damage to its physical integrity; and
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.
3. *Review criteria for demolitions.* A decision by the historic preservation board approving or denying a certificate of appropriateness for the demolition of buildings, structures, or objects other than those in the Pleasant Street Historic District shall be guided by:
 - a. The historic or architectural significance of the building, structure or object;
 - b. The importance of the building, structure or object to the ambience of a district;
 - c. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail or unique location;
 - d. Whether the building, structure or object is one of the last remaining examples of its kind in the neighborhood, the county or the region;
 - e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
 - f. Whether reasonable measures can be taken to save the building, structure or object from collapse; and
 - g. Whether the building, structure or object is capable of earning reasonable economic return on its value.
4. *Review criteria for demolitions in Pleasant Street Historic District.* A decision by the historic preservation board approving or denying a certificate of appropriateness for the demolition of buildings, structures, or objects in the Pleasant Street Historic District shall be guided by:
 - a. *The significance of the property.* Significance concerns historic or architectural aspects of the building, structure, or object. A property shall be considered to be significant if it meets one the following criteria:
 - i. The property is located on an important street and within a cluster of historic buildings. Cluster of historic buildings is defined by the presence of three historic buildings adjacent to each other on the same block as the property proposed for demolition, either on the same side of the street, across the street, or on adjacent side street of the block containing the property. Important streets is defined as NW 2nd, 3rd, or 4th Street, NW 2nd, 3rd, or 4th Avenue, NW 4th or 6th Place, the 200—600 block of NW 1st Street, the 200—400 block of NW 7th Avenue, and the 300 block of NW 5th Avenue.
 - ii. The property is located on an important street or within a cluster of historic buildings, and meets one of the following criteria: 1) It maintains its basic plan and additions, if any, were made to nonprominent elevations and porches were not enclosed; 2) Its features are unique and there are few remaining occupied buildings of its type in the neighborhood; or 3) It is associated with an important person based on original ownership documentation contained in the nomination of Pleasant Street to the National Register of Historic Places.

- iii. The property is not on an important street and not within a cluster of historic buildings, but it has been evaluated for its architectural quality and structural condition and merits preservation.
 - b. *Plans for redevelopment.* Demolition of historic building without definitive plans for redevelopment is discouraged. This factor evaluates the proposed reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
 - c. *Condition of the building.* The historic preservation board will evaluate the structural integrity, weathertightness and the economic feasibility of rehabilitation based on the condition of the roof, foundation and walls as well as the cost of replicating features and details on the historic building in any proposal for new development, and will determine if reasonable measures can be taken to save the building, structure, or object from collapse. The applicant shall allow the city manager or designee to inspect the structure with reasonable notice.
5. *Consideration of economic impact on property owner.* If an owner claims that the decision of the historic preservation board will cause economic hardship, he or she may petition the board for a hearing to consider relevant evidence of hardship. The owner shall submit all evidence to the city manager or designee within 60 calendar days of the board's original decision. The hearing shall then be held at the next regular board meeting taking place at least 24 calendar days after the evidence is submitted.

The historic preservation board shall review all the evidence presented at the public hearing and make a determination no later than 30 calendar days after the hearing. The applicant shall show by competent substantial evidence that the denial or conditional approval of the certificate of appropriateness or demolition permit has caused or will cause an economic hardship. If the board determines that the applicant has proved economic hardship, it shall consider whether relief is available that will not result in economic hardship and will provide minimal adverse effect to the historic building or structure. If found, the board may grant this relief, or grant the relief requested with conditions that ensure the minimum adverse effect and does not result in unreasonable economic hardship.

Relevant evidence includes the following:

- a. A written estimate from a licensed engineer, contractor or architect with experience in rehabilitation of the cost of the proposed construction, or alteration, and a written estimate of any additional cost that would be incurred in order to comply with the recommendation of the historic preservation board. "Experience in rehabilitation" means work on certified rehabilitation projects where federal tax credits for historic preservation were received, or work on a building or structure in Florida which required a local certificate of appropriateness;
- b. A written report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of the subject structure and its suitability for rehabilitation. The report shall include detailed documentation (including scope of work, and cost of materials and labor) of the cost of complying with the recommendation of the historic preservation board;
- c. An independent written appraisal by an appraiser with competent credentials of the estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the historic preservation board; and, in the case of a proposed demolition, both after renovation of the existing property for continued use and after demolition and new construction (an appraiser shall at least have a state license to be considered competent);
- d. In the case of a proposed demolition, an estimate from a licensed architect, contractor, certified appraiser or other professional experienced in rehabilitation as to the economic

feasibility of rehabilitation or reuse of the existing structure on the property. Estimates of the proposed construction cost shall include the cost of replacing the historic structure with one of similar design and character-defining interior and exterior features; and

- e. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

If the property is income-producing the historic preservation board may also consider the following information in determining economic hardship:

- f. The annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- g. All appraisals performed by a certified appraiser within the previous two years for the owner or applicant in connection with the purchase, financing or ownership of the property.
- h. Any listing of the property for sale or rent, price asked, and offers received, if any, within the previous two years.
- i. The assessed value of the property according to the two most recent assessments.
- j. The real estate taxes for the previous two years.
- k. The form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
- l. Any other information, including the income tax bracket of the owner, applicant or principal investors in the property, considered necessary by the preservation board to a determination as to whether the property does yield or may yield a reasonable return to the owners.

G. *Review procedure for certificates of appropriateness.*

1. *Application.* A person wishing to undertake any of the actions specified in this section as requiring a certificate of appropriateness shall file an application on a form provided by the city.
2. *Pre-application conference.*
 - a. The prospective applicant shall confer with the city manager or designee concerning the nature of the proposed action and requirements related to it. The city manager or designee 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 historic preservation board from requiring additional material prior to making its determination in the case.
 - b. Following the conference with the city manager or designee, a pre-application conference shall be held with the historic preservation board if requested by the applicant.
3. *Referral to historic preservation board.* Upon receipt of a completed application and all required submittals and fees, the city manager or designee shall place the application on the next regularly scheduled meeting of the historic preservation board, as applicable, allowing for notice 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 city manager or designee, the application may be set for hearing at a public meeting later than the next regularly scheduled meeting.
4. *Hearings.*
 - a. The hearing shall be held at the time and place indicated in the notice. 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.

- b. The decision of the historic preservation board shall be made at the hearing, or no later than 45 calendar days after said hearing. The time period for reaching a decision may be extended by mutual written agreement between the applicant and the historic preservation board. Such agreement may be made at any time within the 45-day period indicated, and may be subsequently extended. The historic preservation board shall make written findings and conclusions that specifically relate the criteria for granting certificates of appropriateness.
 - c. The city 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 historic preservation board. All records shall be filed with the city.
 5. *Board decision.* The historic preservation board shall use the criteria set forth in 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 historic preservation board shall take one of the following actions:
 - a. Grant the certificate of appropriateness with an immediate effective date;
 - b. Grant the certificate of appropriateness with special modifications and conditions;
 - c. Grant the certificate of appropriateness with a deferred effective date, which date shall not exceed one year from the date of issuance;
 - d. Deny the certificate of appropriateness; or
 - e. Grant the certificate of appropriateness if the historic preservation board finds that the property cannot be put to a reasonable beneficial use without the approval of the proposed work; in the case of income-producing property, the historic preservation board shall, before making its decision, determine whether the applicant can obtain a reasonable return from the property without the approval of the proposed work.
 6. *Action on denial or deferral.* Where the certificate is denied or issued with a deferred effective date, the historic preservation board shall take or promote the taking of an action desirable for the conservation or preservation of the structure, building, object or area. Such action shall include impressing the desirability of preservation and/or conservation upon the property owner and recommending to him various alternatives that would make the project acceptable.
 7. *Effect of failure to decide within time limit.* Failure of the historic preservation board to act within the time limits established shall be deemed an approval of the application, and, upon request of the applicant, the building official shall issue any permit dependent upon the issuance of a certificate of appropriateness.
 8. *Appeals.* Any person aggrieved by a decision rendered by the historic preservation board may appeal the decision to the appeals reviewing authority as provided in this chapter.
 9. *Posting requirement.* 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 with appropriate building permits where the work is to be performed.
- H. *Emergency issuance of certificates of appropriateness.* The following procedure shall be used when the building official or designee determines that a building or structure listed on the local register of historic places or located within a district on the local register of historic places is in imminent danger of structural failure or collapse due to an event or events outside the control of the owner of the structure.
 1. The building official or designee shall convene a meeting of an emergency committee which shall consist of the building official or designee, the city manager or designee and a member of the historic preservation board who is an architect, engineer or building contractor. Every

reasonable measure shall be taken to notify the owner of the structure, as determined by the records of the Alachua County Property Appraiser. In addition, the property on which the structure is located shall immediately be posted with the time and place of the emergency meeting.

2. At the meeting, the building official or designee shall present evidence of the imminent danger of structural failure or collapse. The owner and members of the public shall be given the opportunity to present evidence.
 3. If the majority of the emergency committee finds that the structure is in imminent danger of structural failure or collapse due to an event or events outside the control of the owner, it shall issue a certificate of appropriateness for work to secure the structure in an economically efficient manner that causes the least impact to the historic and architectural integrity of the building.
 4. Actions taken by the emergency committee to preserve a structure in an emergency situation that deviate from the standards or practice of the historic preservation board shall not be considered a precedent for future actions of the board.
- I. *Violations; penalties; stop work orders.* Any person failing to comply with any of the provisions of this section shall be subject to punishment as provided in section 1-9 of the Code of Ordinances. In addition, a stop work order shall be issued by the code enforcement official in any case where work has commenced, or preparation for work has commenced, which requires a certificate of 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 appropriateness has been obtained and posted on the property, or it has been determined by the historic preservation board that no certificate of appropriateness is required.