

ORDINANCE NO. 96-04

AN ORDINANCE ESTABLISHING THE ENHANCEMENT AND PERPETUATION OF HISTORIC RESOURCES THAT REFLECT ELEMENTS OF THE TOWN'S CULTURAL, SOCIAL, ECONOMIC, POLITICAL, AND ARCHITECTURAL HISTORY. ADDITIONALLY ESTABLISHING THE HISTORIC EATONVILLE TOWN LIMITS BASED UPON THE 1919 BOUNDARIES WHICH INCLUDE THE CURRENT NORTH TOWN LINE, THE CURRENT EASTERN TOWN LINE, THE CURRENT SOUTHERN TOWN LINE, AND THE CENTERLINE OF CAMPUS VIEW DRIVE.

CONTENTS

	Page Numbers
PREAMBLE	
INTRODUCTION	1
SECTION I. HISTORIC DISTRICTS AND LANDMARKS	1
SECTION II. LOCAL REGISTER OF HISTORIC PLACES	5
CRITERIA FOR LISTING ON THE LOCAL REGISTER	6
EFFECTS OF LISTING ON LOCAL REGISTER	6
SECTION III. CERTIFICATES OF APPROPRIATENESS	7
CRITERIA FOR ISSUING	8
PROCEDURE	10
SECTION IV. DEMOLITION	12
DEMOLITION BY NEGLECT	12
SECTION V. HISTORIC PRESERVATION BOARD	13
SECTION VI. GENERAL FUNCTIONS POWERS AND DUTIES	14
SECTION VII. BUILDING PERMITS	15
SECTION VIII. SITE PLAN	18
SECTION IX. LANDSCAPE DEVELOPMENT	19
SECTION X. TREE REMOVAL	20
SECTION XI. COMMERCIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS	21
SECTION XII. STREET, CURB OR SIDEWALK	21
SECTION XIII. SUB-SURFACE UTILITY	21

SECTION XIV.	ZONING	21
SECTION XV.	PLANNED UNIT DEVELOPMENT	21
SECTION XVI.	STORM WATER PERMITS	21
SECTION XVII.	REPAIRS AND REHABILITATION	22
SECTION XVIII.	STANDARD OF REVIEW	22
SECTION XIX.	CONFLICT	22
SECTION XX.	SEVERABILITY	23
SECTION XXI.	VIOLATIONS AND PENALTIES	23
SECTION XXII.	TERM	23
SECTION XXIII.	ADOPTION	24

WHEREAS, it is the propose of this ordinance to protect the historical sites, structures, landscapes, artifacts, archaeological resources and character of the Town of Eatonville through the Preservation of these resources.

WHEREAS, the Town of Eatonville does propose to preserve and enhance the environmental quality of neighborhoods; to strengthen the township's economical base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; and to manage growth.

WHEREAS, the Town of Eatonville is committed to protect and preserve the historical resources identified, and adopted by the Town Council, in the 1990 Historic Resources Survey of Eatonville as part of the Town's Comprehensive Plan.

WHEREAS, the Town of Eatonville to which this ordinance will be supplemental to the Town's Development Comprehensive Plan.

WHEREAS, this Ordinance shall serve to supplement the processes in the existing Development Code and to enhance its scope. However, this Ordinance shall not impair nor impede nor lessen the due process requirements as enumerated in the Development Code but it may enlarge or increase such requirements.

WHEREAS, it is the intent of the Town of Eatonville to comply with Federal Secretary of Interior Standards for Historic Preservation and State of Florida Division of Historical Resources Guidelines.

BE IT ENACTED by the Town Council of Eatonville, Orange County, Florida, the Town of Eatonville enact this ordinance establishing the process of Historic Landmark Identification, the processing and issuance building permits, the processing of zoning cases, and the establishment of administrative review, through the Historic Preservation Board Development. Within the area identified as the 1919 Historical Eatonville Town boundaries, which are set forth above, this Historic Preservation Ordinance is enacted and administrative staff and Council is positioned.

SECTION I. HISTORIC DISTRICTS AND LANDMARKS.

1. Generally.

(A) Statement Of Intent. The intent of the following regulations is to serve the best interest of the health, safety, prosperity and welfare of the citizens of Eatonville by:

- (1) Protecting, enhancing and perpetuating historic resources that represent or reflect elements of the Town's cultural, social, economic, political and architectural history.
- (2) Stabilizing and improving property values through the revitalization of older residential and commercial properties and neighborhoods.

(3) Fostering an awareness and pride in the accomplishments and achievements of the past.

(4) Protecting and enhancing the Town's historic attractions to residents, tourists and visitors which in turn serves to stimulate the local economy and draw new business and industry.

(5) Enriching the quality of life in Eatonville by fostering knowledge of the living heritage of the past.

(6) Conserving existing housing stock and extending the economic life of housing units through the rehabilitation of such units under housing and neighborhood redevelopment programs.

(B) **Statement Of Purpose.** The Town Council shall identify, evaluate, recognize, preserve and protect historical and archaeological resources within the Town limits of Eatonville, in the best interest of the health, safety, prosperity and welfare of the citizens of Eatonville by:

(1) Creating a Historic Preservation Board with the power to effectively administer the duties provided for herein.

(2) Developing a process to designate individual properties (buildings, structures, sites, objects) and groups of properties (districts) as historically significant.

(3) Protecting the integrity of designated historic resources by requiring a review of proposals to add to, demolish or in any way alter the exterior historic fabric of such resources.

(4) Encouraging historic preservation by providing technical assistance and financial incentives.

(5) Obtaining Certified Local Government status as provided for in the National Historic Preservation Act of 1966, as amended in 1980 (P.L. 96-515) and as procedures dictate in 36 C.F.R. 61 (1987)

(C) **Definitions.**

(1) **Archeological Site.** A site that contains prehistoric or historic artifacts, relics, or structures which represent a particular culture, historic event or epoch and which are of local, regional or statewide significance.

(2) **Building.** 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.

(3) Demolition. The tearing down or razing of 25% or more of a structure's external walls.

(4) District. 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.

(5) Historic Property. Any prehistoric or historic district, site, building, object or other real or personal property, of historical, architectural or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure coves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the Town of Eatonville.

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

(7) Ordinary Maintenance. 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 hereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

(8) Original Appearance. That appearance which, to the satisfaction of the Planning Director or Board, 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 Planning Director or Board, to the style and materials of the building.

(9) Site. The location of a significant event, a prehistoric or historic occupation or activity, or building, or structure, whether standing, ruined, or vanished, where the location itself maintains a historical or archeological value regardless of the value of any existing structures.

(10) Structure. A structure is anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground.

SECTION II. LOCAL REGISTER OF HISTORIC PLACES.

(A) 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 and/or architecturally significant. The Local Register will be kept by the Planning Director.

(B) Initiation Of Placement On The Local Register. Placement of sites, buildings, structures, objects or districts on the Local Register may be initiated by 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.

(C) 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:

(1) A nomination form, available from the Planning Department, shall be completed by the applicant and returned to the Department.

(2) Upon receipt of a completed nomination form, including necessary documentation, the planning Director 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.

(3) Adequate notice of the Historic Preservation 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 fifteen (15) days in advance of the meeting at which the nomination will be considered by the Board.

(4) The Board shall, within sixty (60) 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 outlined in this Section along with any owner's objections to the listing. The recommendation shall also include a map that shows the proposed boundaries for any historic district and any individual historic property recommended for 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 and non-contributing to the historical significance of the district. If the sixty (60) 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 Planning Board.

(5) The nomination form and the Board's recommendation shall be sent to the Planning Board. The nomination shall then be handled as any other rezoning.

(D) Criteria For Listing On The Local Register.

(1) Any site, building, structure, object or district which is listed on the National Register of Historic Places shall be automatically nominated by the Historic Presentation Board for the Local Register pursuant to subsection (C) above.

(2) A site, building, structure, object, or district must meet the following criteria before it may be listed on the Local Register:

(a) It possesses integrity of location, design setting, materials, workmanship, feeling and association; and

(b) It is associated with events that have made a significant contribution to the broad patterns of our history; or is associated with the lives of persons significant to our past; or 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; or have yielded or may be likely to yield information important to history or prehistory.

(3) A property located in a district shall be designated as contributing to that district if 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.

(4) A property should be considered non-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; or the property was built within the past fifty (50) years, 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 fifty (50) years old.

(E) Effect Of Listing On Local Register.

(1) The Town Manager is authorized to issue and place official markers identifying designated historic properties and districts.

(2) 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 Standard Building Code as provided

by Chapter 1, Section 101.5 of the Standard Building Code Congress International, Inc.

(3) No demolition, alteration, relocation or construction activities may take place on designated historic properties or within the boundaries of designated historic districts except as provided below.

SECTION III. CERTIFICATES OF APPROPRIATENESS.

(A) When Required.

(1) A certificate of appropriateness shall be required for any of the following activities on properties within designated historic districts and individually designated historic properties:

- (a) Any material change or alteration in the exterior appearance of existing buildings, objects or structures.
- (b) Demolition of any building, object or structure.
- (c) The movement or relocation of any building, object or structure.
- (d) Any new construction of principal or accessory buildings or structures.
- (e) Disturbance of an archaeological site.
- (f) Division of a tract or parcel of land into two (2) or more lots.

(2) Upon designation of a historic district or individual historic property the designating ordinance shall prescribe those architectural features considered significant to the district or property and the types of regulated work items other than those requiring a Town permit, that should be reviewed for appropriateness.

(3) For each of the regulated work items listed in the designating ordinance, the following applies:

- (a) Ordinary Maintenance: If the work constitutes "ordinary maintenance" as defined in this Part, the work may be done without a certificate of appropriateness.
- (b) Staff Approval: If the work is not "ordinary maintenance, but will result in the "original appearance" as defined in this Part, the certificate of appropriateness may be issued by the Planning Director for the Town.

(c) 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 Presentation Board before the work may be done.

(4) A certificate of appropriateness shall be a prerequisite to the issuance of any other permits required by law. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the Town of Eatonville. A building permit or other municipal permit shall be invalid if it is obtained without a certificate of appropriate required for the proposed work.

(B) Criteria For Issuing.

(1) The decision on all certificates of appropriateness, except those for demolition, shall be guided by the Secretary of the Interior's General Standards For Preservation Projects and Specific Standards for Rehabilitation stated as follows:

(a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

(b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(c) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design sign, color, texture, and other visual qualities. Repair or replacement of missing architectural

features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structure shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any acquisition,

(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 the effect of those plans on the character of the surrounding area;

(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.

(4) Issuance of certificates of appropriateness for demolition shall be guided by the following factors:

(a) the historic or architectural significance of the building, structure, or object;

(b) the importance of the building, structure, or object to the ambiance 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 the effect of those plans on the character of the surrounding properties;

(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.

(5) Issuance of a certificate of appropriateness for any division of a tract or parcel of land into two (2) or more lots shall be guided by these criteria:

(a) to what extent the proposed division will disrupt the historic pattern of development;

(b) the intended use of the proposed division;

(c) the compatibility of the use of the proposed division with the surrounding historic district; and

(d) to what extent the owner of the property will experience an economic hardship if the request is denied.

(C) Procedure.

(1) A person wishing to undertake any of the actions specified in (A) above shall file an application for a certificate of appropriateness, and supporting documents, with the Planning Director.

(2) The prospective applicant shall confer with the Planning Director concerning the nature of the proposed action and requirements related to it. The Planning Director 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.

Following the conference with the Planning Director, a pre-application conference shall be held with the Historic Preservation Board if requested by the applicant.

(3) Upon receipt of a completed application and all required submittals and fees, the Planning Director shall place the application on the next regularly scheduled meeting of the Historic Preservation Board 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 Planning Director, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.

(4) No less than seven (7) days, but not more than thirty (30) days, prior to the meeting at which the application is to be heard, the Planning Director shall give the following notice:

(a) 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 Department.

(b) One advertised notice in a newspaper of general circulation, or a notice posted upon the property for which the certificate of appropriateness has been applied. Such posted notice shall be at least 22 inches by 28 inches in size, and shall be posted within 10 feet of the right-of-way and be visible from the right-of-way. One notice shall be posted for each 200 feet of road frontage along all roadways bordering the property.

(5) 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.

(6) The Historic Preservation Board shall use the criteria set forth in (B) above 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:

(a) grant the certificate of appropriateness with an immediate effective date;

(b) grant the certificate of appropriateness with special modifications and conditions;

(c) delay granting the certificate of appropriateness for a demolition for a period of not less than thirty (30) day nor more than sixty (60) days;

(d) deny the certificate of appropriateness.

(7) 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.

(8) The Planning Department 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 Presentation Board, and the findings and conclusions of the Board. All records shall be filed in the Planning Department or its director.

(9) Any person aggrieved by a decision reached by the Historic Preservation Board may appeal the decision to the Town Council.

(10) 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.

SECTION IV. DEMOLITION

(A) No demolition to existing structure shall take place without an approved permit. A completed application for demolition must be filed with the Town Building Department and the appropriate fees as outlined by Town Ordinances must be paid.

(B) Application must have a certificate of appropriateness and be reviewed and approved by The Historic Preservation Board and Planning Director.

(C) Applications for commercial and multi-family residential developments in existence prior to enactment of this Ordinance shall proceed subject to and conditioned upon a comprehensive historic preservation plan being negotiated with the Planning Director, The Historic Preservation Board and developer and incorporated into the development plan and approved by the Planning and Zoning Board.

(D) Any person or entity aggrieved by this Section shall be afforded all the rights and remedies under the Development Code, Revised January 1982.

Demolition By Neglect.

Determining Neglect. In the event the board determines that a property with a designated historic district or a designated historic resource is in the course of being "demolished by neglect", the board shall notify the owner of record of such preliminary findings, stating the reasons therefor. The board shall request a meeting with the owner or the tenant of the building that is not being adequately maintained, and the board shall present ways to improve the condition of the property. If the owner or tenant fails to take action, the board may notify the building official to institute proceedings before the Town of Eatonville code enforcement board under the authority of applicable laws and regulations.

(A) Statement Of Intent. The intent of the following regulations is to serve the best interest of the health, safety, prosperity, preservation of heritage, and welfare of the citizens of Eatonville by:

(B) Responsibility of Owner. Every owner of a property within a designated historic district shall keep in good repair:

(1) All of the exterior portions of such buildings or structures;

(2) All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise fall into a state of disrepair; and

(3) In addition, where the historic resource is an archaeological site, the owner shall be required to maintain his property in such a manner as not to adversely affect the archaeological integrity of the site.

SECTION V. HISTORIC PRESERVATION BOARD.

Establishment. The Historic Preservation Board is hereby established to implement the historic preservation provisions of this Chapter.

Board Membership, Officers, Etc.

(A) Membership.

(1) The Historic Preservation Board shall have a minimum of three (3) and a maximum of five (5) members appointed by the Town Council. One member of the Board shall be a registered architect, if available. The remaining six (6) appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. The Town Council should, whenever possible, appoint a representative from each of the following areas of expertise:

- (a) History
- (b) Real estate or real property appraisal
- (c) Urban planning
- (d) Engineering or Building Construction

(2) Whenever possible, each member shall reside in the Town.

(3) Each member shall be appointed to a three (3) year term except that, initially, two (2) members shall be appointed for a term of one (1) year, three (3) members shall be appointed for a term of two (2) years, and two (2) members shall be appointed for a term of three (3) years. No person may serve more than two (2) consecutive cut three (3) year terms. Persons disqualified by this provision may be re-appointed after one (1) year elapses after the expiration of the second term of service.

(4) When a position becomes vacant before the end of the term, the Town Council shall appoint a substitute member within sixty (60) days to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

(5) An individual who misses three (3) consecutive, regularly scheduled meeting of a board without good cause shall be deemed to have resigned from that board and is not eligible for re-appointment to that or any other board for at least one (1) year. In that event, the

Town Clerk shall notify the individual that his position will be declared vacant by the Council at the next regularly scheduled Council meeting unless the individual demonstrates good cause for having been absent. In addition, the Council may terminate the appointment of any board member for cause including, but not limited to, excessive absences and conflicts of interest, upon giving notice and an opportunity to be heard. The Council shall take any and all action it deems appropriate in its sole discretion.

(B) Officers. The members of the Board shall annually elect a chair and vice chair from among the members and may create and fill other offices as the Board deems necessary.

(C) Subcommittees.

(1) The Board shall create whatever subcommittees it deems necessary to carry out the purposes of the Board.

(2) The chair of the Board shall annually appoint the membership of each subcommittee from the members of the Board.

(D) Staffing. The Planning Director shall appoint a Town employee to serve as secretary to the Board, recorder and custodian of all Board records.

(E) Compensation. Members shall not be compensated.

(F) Funding. The Town Council shall appropriate funds to permit the Historic Preservation Board to perform its prescribed functions.

(G) Required Meetings. The Board shall meet at least four (4) times each year and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the Board.

SECTION VI. GENERAL FUNCTIONS, POWERS, AND DUTIES.

(A) Generally. It shall be the general responsibility of the Planning Director to take appropriate action to ensure that the historic preservation provisions of this Chapter are implemented.

(B) Specifically. It shall be the specific responsibility of the Historic Preservation Board to:

(1) Update the local register and submit to the Town Council recommendations and documentation concerning the updating.

(2) Develop programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.

(3) Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archeological, and cultural resources.

(4) Cooperate with agencies of Town, county, regional, state and federal governments in plan proposed and future projects to reflect historic presentation concerns and policies, and assist in the development of proposed and future land use plans.

(5) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.

(6) Advise the Town Council concerning the effects of local governmental actions on cultural and historical resources.

(7) Review and recommend the designation of sites, buildings, structures, objects, and districts, both public and private, as historically or architecturally significant.

(8) Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in this Chapter.

(9) Notify the Planning Director who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this Chapter.

(10) Assist in developing a historic preservation element to be incorporated into the Town of Eatonville's Comprehensive Plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives and policies in the plan.

SECTION VII. BUILDING PERMITS

Intent.

Establishment of the process and enactment of building permits and other regulatory statutes.

(1) All commercial and residential building permits in process at the time of enactment of this Ordinance shall be allowed to proceed pursuant to Development Code, Revised January 1982 with this additional requirement. They are required to notify the Town of the discovery of any artifacts, monuments, footings, etc., and permit reasonable time for inspection, documentation and proper cataloguing.

(2) Commercial and residential building permits applied for subsequent to the enactment of this Ordinance shall be accepted or approved for projects with a demonstrated economic hardship or unusual circumstances or both. All projects shall be reviewed on a case by case basis. All permitted projects shall include the following:

(i). Plans and specifications and budget documentation to demonstrate that the project will protect, conserve and restore historic and archaeological resources discovered during construction according to Federal Secretary of the Interior Standards for preservation and State of Florida Department of Historic Resources Guidelines.

(ii.) Two (2) copies of all plans, specifications and budget documentation must be provided to the Town of Eatonville at the time the building permit is requested.

(3) For all property:

a. The assessed value of the land improvements thereon according to the two (2) most recent assessments;

b. Real estate taxes for the previous two (2) years;

c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;

d. Annual debt service, if any, for the previous two (2) years;

e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property;

f. Any listing of the property for sale or rent, price asked and offers received, if any;

g. Any consideration by the owner as to profitable adaptive uses of the property;

h. Maintenance or construction plans for the landmark in questions;

i. Financial proof of the ability to complete the project which may include but not limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and the current fair market value of the property, as determined by at least two independent appraisals made by appraisers with competent credentials.

When an indigent resident or homeowner is unable to meet the requirements set forth in this section, then the Board, at its own discretion, may waive some or all of the requirements and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the Board cannot make a determination based on information submitted and an appraisal has not been provided, then the Board shall request that an appraisal be made by the Town.

(4) For income-producing property:

a. Annual gross income from the property for the previous two (2) years;

- b. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed;
- c. Annual cash flow, if any for the previous two (2) years; and
- d. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.
- e. The applicant shall submit all necessary materials to the Town Planner at least fifteen (15) days prior to the Board hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comment shall be forwarded to the Board for consideration and review and made available to the applicant for consideration prior to the hearing.
- f. The Board may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information is furnished under seal. The Board or its agent may also furnish additional information as the Board believes is relevant. The Board shall also state which form of financial proof it deems relevant and necessary to a particular case.
- g. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(5) Unusual and Compelling Circumstances.

When an applicant fails to prove unreasonable economic hardship the applicant may provide to the Board additional information which may show unusual and compelling circumstances in order to receive Board recommendation for demolition of or new construction in the historic district.

The Board, using criteria set forth in this ordinance, shall determine whether unusual and compelling circumstances exist and Shall be guided in its recommendation, such instances by the following additional considerations.

- (a) The historic or architectural significance of the building, object, site, or structure;
- (b) The importance of the building, object site, or structure to the integrity of a historic district, an area, or a cluster;
- (c) The difficulty of the impossibility of maintaining such a building, object, site, or structure because of its design, texture, material, detail, or unique location;

(d) Whether the building, object, site, or structure 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 and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding areas in accordance with Secretary of Interior Standards, as well as the economic impact of the new development; and

(f) Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism, or neglect.

(g) The Town of Eatonville with respect to Section V shall negotiate with the property owner or his designee, a comprehensive historic preservation plan which shall include instructions and guidelines for each resource identified and the property owner shall follow and comply with the comprehensive historic preservation plan.

(6) Unreasonable economic hardship.

(a) When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that he cannot realize a reasonable return upon the value of his property. The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the Board.

(b) The Board shall apply the test utilized by the Supreme Court of Florida in construing Article XX, Section XX of the Constitution of the State of Florida, in determining the existence of an unreasonable economic hardship. The owner shall submit by affidavit to the Historic preservation Officer for transmittal to a constituted committee of the Board for evaluation and recommendation to the full Board at least the above referenced information.

(c) Sections 5 (A), (B), and (C) shall be read in conjunction with Article VI, Development Code, Revised January 1982.

(d) Any person or entity aggrieved by a decision of the Town of Eatonville based on Section 1 shall be afforded all of the rights and remedies provided in Chapter II of the Development Code, Revised January 1982.

SECTION VIII. SITE PLAN

1. Commercial and multi-family residential site plans submitted to the Town of Eatonville prior to the enactment of this ordinance but not completely reviewed shall be allowed to proceed

subject to and conditioned upon a comprehensive historic preservation plan being negotiated with the Town of Eatonville and The Historic Preservation Board and property owner or developer and such plan shall be incorporated in its entirety into the proposed development plans.

2. All commercial or multi-family residential site plans shall be accepted or approved for review on a case by case basis according to demonstrated economic hardship or unusual circumstances or both.

3. All applications and plans submitted under Section 2 shall be reviewed by The Historic Preservation Board and Planning Director and approved by the Planning and Zoning Board. The Planning Director and The Historic Preservation Board shall make their recommendation to the Planning and Zoning Board for approval or denial.

4. Section VI, (8), and (C) shall be read in conjunction with Chapter I, Development Code, Revised January 1982.

5. Any person or entity aggrieved by a decision based on Section II shall be afforded all of the rights and remedies provided in Chapter I, Article 3, Development Code, Revised January 1982.

A. Applications made for signs prior to the enactment of this Ordinance shall be allowed to proceed pursuant to the Development Code, Revised 1982 with this additional requirement. Owner shall allow the Town to review the final plans submitted for construction to insure compliance with the Secretary of Interior guidelines.

B. All applications for new signs shall be denied while this Ordinance is in effect.

C. Existing signs may be repaired or restored exactly to current size and content following review and approval by the Planning Director and The Historic Preservation Board.

D. Section 3 shall be read in conjunction with Chapter VIII, Article IV, Development Code, Revised January 1982.

E. Any person or entity aggrieved by a decision based on this section shall be afforded all the rights and remedies provided in Chapter VIII, Article IV, Development Code, Revised January 1982.

F. Any person or entity violating Section 3 shall be subjected to such penalties as provided in Chapter VIII, Article IV, Development Code, Revised January 1982.

SECTION IX. LANDSCAPE DEVELOPMENT

A. Applications for area landscape development existing prior to the enactment of this Ordinance shall proceed pursuant to Development Code, Revised January 1982.

B. Applications for upgrading existing or New area landscape development shall be accepted and reviewed on a case by case basis pursuant to Section I-B (i), (ii) while this Ordinance is in effect.

C. Any person or entity aggrieved by a decision based on this Section shall be afforded all the rights and remedies under Chapter V Development Code, Revised January 1982.

SECTION X. TREE REMOVAL

A. All applications for tree removal made prior to the enactment of this Ordinance shall proceed pursuant to Development Code, Revised January 1982.

B. No application for tree removal subsequent to the enactment of this Ordinance shall be accepted or approved while this Ordinance is in effect.

C. Trees and vegetation which create hazardous and/or life threatening conditions may, in emergency situations, be removed if reviewed and approved by the Planning Director or his/her designee.

D. Any person or entity aggrieved by a decision based on this section shall be afforded all the rights and remedies under Chapter VI, Development Code, Revised January 1982.

SECTION XI. COMMERCIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

However, they are required to notify the Town of the discovery of any artifacts, monuments, footings, etc. and permit reasonable time for inspection, documentation and proper cataloguing

(A) No application for a Planned Unit Development made after the enactment of this Ordinance shall be processed, accepted or approved while this Ordinance is in effect.

(B) Any person or entity aggrieved by a decision of the Town of Eatonville based on this Ordinance shall be afforded all the rights and remedies under Chapter III, Development Code, Revised January 1982.

SECTION XII. STREET, CURB OR SIDEWALK

(A) All applications made for street, curb or sidewalk installation or improvement made prior to the enactment of this Ordinance shall be processed pursuant to the Development Code, Revised January 1982.

(B) No applications made for non-emergency street, curb or sidewalk installation or improvement subsequent to the enactment of this Ordinance shall be processed: accepted or approved while this Ordinance is in effect.

(C) Any application for Major Emergency Street Work shall be considered for approval on a case by case basis and must be reviewed and approved by the Planning Director and The Historic Preservation Board.

(D) Any person or entity aggrieved by a decision of the Town of Eatonville based on this ordinance shall have all the rights and remedies afforded under Chapter V, Development Code, Revised January 1982.

SECTION XIII. SUB-SURFACE UTILITY

(A) All applications for major sub-surface utility (water, wastewater, electrical, gas, telephone, cable etc.) made prior to the enactment of this Ordinance shall proceed pursuant to Development Code, Revised January 1982.

(B) All applications for Major Emergency subsurface Utility Work shall be considered on a case by case basis and must be reviewed and approved by the Planning Director and The Historic Preservation Board.

(C) All applications made pursuant to paragraph (B) of this Section must be accompanied with engineering plans for each approved utility project and must include specifications and guidelines which minimize impacts on historic archaeological resources.

SECTION XIV. ZONING

(A) All zoning applications made 90 days prior to the enactment of this Ordinance shall be processed pursuant to the Development Code Revised January 1982. However, they are required to notify the Town of the discovery of any artifacts, monuments, footings, etc. and permit reasonable time for inspection, documentation and proper cataloguing.

(B) No zoning application made subsequent to the enactment of this ordinance shall be processed accepted or approved during the effective period of this ordinance.

(C) Any person or entity aggrieved by a decision based on this Section shall be afforded all the rights and remedies under Chapter 11, Development Code, Revised January 1982.

SECTION XV. PLANNED UNIT DEVELOPMENT

(A) All applications for a Planned Unit Development made prior to the enactment of this Ordinance shall be processed pursuant to the Development Code, Revised January 1982.

SECTION XVI. STORM WATER PERMITS

A. Applications for storm water management permits made to the Town of Eatonville prior to the enactment of this Ordinance shall proceed, subject to and conditioned upon engineering plans for each storm water project provided which must include specifications and guidelines which minimized impact on historic archaeological resources.

B. Storm Water problems which create hazardous or life threatening conditions may be implemented following review and approval by Planning Director and The Historic Preservation Board. If the application is accepted the requirements of paragraph (A) must be met prior to approval.

C. No applications for storm water management permits made after the enactment of this Ordinance will be accepted or approved unless subject to paragraph (B) of this Section during the effective period of this ordinance.

D. Any person or entity aggrieved by a decision based on this Section shall be afforded all the rights and remedies under Chapter VII, Development Code, Revised January 1992.

SECTION XVII. REPAIRS AND REHABILITATION

(A) Minor repairs and rehabilitation of existing single family residential structures which do not significantly change the character of the structure may be granted on a case by case basis after review and approval by Planning Director and The Historic Preservation Board.

(B) All minor repairs and rehabilitation of commercial and multi-family residential structures which do not significantly change the character of the structure may be granted on case by case basis with the approval of the Planning Director and The Historic Preservation Board.

SECTION XVIII. STANDARD OF REVIEW

(A) The standard of review for matters contained in this Ordinance shall be based on Federal Secretary of the Interior Standards for Historic Preservation and State of Florida Division of Historical Resources Guidelines which are attached and will be adopted as an appendix to this Ordinance.

(B) Upon the request of any person the Town of Eatonville shall provide such person with copies of the Federal Secretary of the Interior Standards for Historic Preservation and State of Florida Division of Historical Resources Guidelines at costs not to exceed .25 per page,

SECTION XIX. CONFLICT

(A) Any conflict with this Ordinance and the Development Code pertaining to procedure and method of review of an aggrieved party shall be resolved in favor of the Development Code.

(B) Any conflict with this ordinance and the Development Code pertaining to standard of review shall be resolved in favor of this Ordinance.

SECTION XX. SEVERABILITY

If any section, part of section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative, void, such holdings of invalidity shall not effect the remaining portions of this ordinance and it shall be construed to have been the legislative intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this ordinance, after exclusion of such part or parts, shall be deemed to be held valid se if such part or parts had not been included therein; or if this Ordinance 01 any provision thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such hold shall not affect the applicability thereof to any other person or property, or circumstances.

SECTION XXI. VIOLATIONS AND PENALTIES

Any person, firm, corporation, or agent who shall violate a provision of this Ordinance or fail to comply therewith or with any of the requirements thereof shall be guilty of a violation of this Ordinance.

Upon conviction, the party shall be fined an amount not exceeding two hundred dollars (\$200.00) or imprisoned in jail for a period not exceeding thirty (30) days, or be both fined and imprisoned.

Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable thereunder.

Nothing herein contained shall prevent the Town of Eatonville from taking such other lawful action as necessary to prevent or remedy any violation.

SECTION XXII. TERM

This Ordinance shall remain in effect from the date of its enactment, subject to amendments and revisions.

SECTION XXIII. ADOPTION

This Ordinance shall take effect upon its final passage and its adoption.


Section XXIII: Effective Date: This Ordinance shall become effective immediately upon passage and adoption.

FIRST READING this _____ day of _____ 1996.

SECOND READING this 20th day of August 1996.
20th

	YES	NO
Charles Bargaineer - <i>Absent</i>	_____	_____
Paul Cobaris	<u>X</u>	_____
Michael Johnson	<u>X</u>	_____
Theo Washington	<u>X</u>	_____
Roy Sanderson	<u>X</u>	_____
Anthony Grant, Mayor	<u>X</u>	_____

ATTEST:

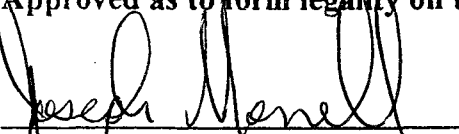


Anthony Grant, Mayor



Larry Williams, Town Clerk

Approved as to form legality on this 27th day of August 1996
~~July~~



Joseph Morrell, Town Attorney