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AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; ADOPTED IN ACCORDANCE WITH FLORIDA STATUTES 196.1997, RELATING TO HISTORIC PROPERTIES AND PRESERVATION; CREATING THE EUSTIS HISTORIC PRESERVATION BOARD; ENUMERATING POWERS AND DUTIES OF THE EUSTIS HISTORIC PRESERVATION BOARD; STATING PURPOSE AND DECLARING PUBLIC POLICY; PROVIDING DEFINITIONS; DIRECTING DESIGNATION OF HISTORIC LANDMARKS, LANDMARK SITES AND DISTRICTS; PROVIDING EXCEPTIONS TO CERTIFICATE OF APPROPRIATENESS; PROVIDING PROCEDURES FOR APPEAL OF DECISION ON AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS; ESTABLISHING PROVISIONS FOR APPROVAL OF CHANGES TO POTENTIAL LANDMARKS AND LANDMARK SITES; PROVIDING FOR MAINTENANCE AND REPAIR OF HISTORIC LANDMARKS, LANDMARK SITES AND DISTRICTS; PROVIDING PENALTIES; PROVIDING CIVIL REMEDIES; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR CONSTRUCTION WITH OTHER LAWS, PROVIDING FOR SEVERABILITY; PROVIDING PROCEDURES FOR THE REVIEW AND SALE OF 50 YEAR OLD SURPLUS BUILDINGS; PROVIDING FOR REPORTING; PROVIDING FOR AN EFFECTIVE DATE.

RECORDED
LAKE COUNTY
SEP 25 11 00 AM '95
CLERK OF DISTRICT COURT

WHEREAS, significant rehabilitation of historic buildings has occurred in Eustis and has made a major contribution to the vitality of the City; and

WHEREAS, Eustis contains buildings and areas that illustrate its development and its role in the growth of the State of Florida; and

WHEREAS, the City of Eustis became actively involved in historic preservation with the creation of the Eustis Historical Museum and Preservation Society, Inc.; and

WHEREAS, many buildings and areas in the United States having historic, architectural, archaeological, aesthetic or cultural interest and value have been neglected, altered, destroyed notwithstanding the feasibility and desirability of preserving and continuing the existence of such buildings and areas and without proper consideration of the irreplaceable loss to the public; and

WHEREAS, structures of architectural, historic, cultural or aesthetic importance enhance the quality of life of the City of Eustis, serve as lessons of the past and examples of quality for today, and contribute to the tourist economy of the City; and

WHEREAS, the Federal and State governments and other Florida cities have passed laws to protect and preserve landmarks and historic districts, and the National Historic Preservation Act was amended in 1980 to establish a Certified Local Government program creating a new federal-state-local partnership to encourage the efforts by cities to protect and preserve their landmarks and historic districts;

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS THAT:

SECTION 1 - ESTABLISHED

There is hereby established a Eustis Historic Preservation Board (Hereinafter referred to as the Board) in order to carry forward the purposes of the National Historic Preservation Act, as amended in 1980

(Pub. Law 96-515); and such other purposes as may be created by ordinance or law.

SECTION 2 - MEMBERSHIP

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- (a) The Board shall consist of five members and one (1) alternate. In any meeting, where the Development Services Division determines that a Board member will not be present for a meeting, the alternate will be called. Of the first members appointed, three (3) shall be appointed for two (2) years and two (2) shall be appointed for three (3) years, but thereafter all appointments shall be for three (3) years or until their successors are qualified and appointed. No board member shall serve more than two consecutive terms. Each member of the Board shall be a resident of the City of Eustis during his or her entire term. A member of the Board may be removed during his or her term by the Mayor, with the approval of the City Commission.
- (b) To meet the requirements of the Certified Local Government program, as provided in the National Historic Preservation Act, as amended in 1980 (Pub. Law 96-515), and to carry out its responsibilities under this Chapter, the membership of the Board shall include, to the extent available, three persons who are educated or who practice in one of the disciplines of architecture, history, architectural history, planning, archaeology or related disciplines. Whenever an individual is nominated to the Board, the Mayor and the City Commission shall consider the professional qualifications of the individual to ensure that the requirements of the Certified Local Government program are met. Members of the Board shall be appointed by the Mayor, subject to confirmation by the City Commission. When a vacancy occurs on the Board, it shall be filled as quickly as possible with due consideration to the qualifications of any candidate. No position shall remain unfilled on the Board for a period exceeding sixty (60) days.

SECTION 3 - POWERS AND DUTIES

The Board shall have the following powers and duties, which shall be complimentary to and carried out in accordance with, the responsibility of the State Historic Preservation Officer as described in 36 C.F.R. 61.4(b), as may be amended from time to time:

- (a) To meet at regular intervals but not less than four (4) times per year.
- (b) To conduct an ongoing survey and inventory of historic buildings, areas, and archaeological sites in the City of Eustis, which shall be compatible with the Florida Master Site File, and to plan for their preservation; copies of the final works products of such survey and inventory shall be forwarded to the State Preservation Office;
- (c) To identify potential landmarks and potential landmark sites and to make recommendations to the City Commission as to whether those potential landmarks, and landmark sites should be officially designated as landmark and landmark sites;
- (d) To recommend that the City Commission designate specified areas as historic districts and to identify which structures should be considered to be contributing structures;
- (e) To maintain and update a detailed inventory of the designated historic districts, landmarks, and landmark sites within the City of Eustis and a detailed inventory of potential landmarks and landmark sites, which inventories shall be open to the public for review;
- (f) To develop specific guidelines for the alteration, construction, relocation or removal of designated property;

(g) To promulgate standards for architectural review which are consistent with standards for rehabilitation which have been or may be established from time to time by the United States Secretary of the Interior;

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(h) To approve or deny applications for certificate of appropriateness for alteration, construction, demolition, relocation or removal of landmarks, landmark sites, and property in historic districts;

(i) To work with and advise the federal and state governments and other departments or boards of city government;

(j) To advise and assist property owners and other persons and groups including neighborhood organizations on physical and financial aspects of preservation, renovation, rehabilitation, and reuse and to advise and assist property owners in becoming eligible for federal and state tax incentives;

(k) To cooperate with and enlist the assistance of persons, organizations, corporations, foundations, and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse;

(l) To initiate plans for the preservation and rehabilitation of individual historic buildings;

(m) To undertake public information programs including the preparation of publications and the placing of historic markers;

(n) To make recommendations to the City Commission concerning the acquisition of or acceptance of development rights, facade easements, the imposition of other restrictions and the negotiation of historical property contracts for the purposes of historic preservation;

(o) To review buildings which are owned by the City and which are at least fifty (50) years old and considered for surplus by the City to determine their historical or architectural significance prior to sale by the City and to make recommendations concerning the disposition of properties considered to have historical or architectural significance;

(p) To review proposed capital improvement projects of the City and its independent agencies, or their agents or contractors, costing in excess of fifty thousand dollars (\$50,000.00) in a historic district or affecting a designated landmark or landmark site. Such review shall be made annually during the City Commission's normal budgetary process, and the Board shall advise the Commission of any concerns or objections that it may have about such projects. Capital Improvement Projects for the maintenance of existing facilities are exempted from this requirement;

(q) To conduct public hearings to consider historic preservation issues, the designation of landmarks, landmark sites, and historic districts, applications for certificate of appropriateness and nominations to the National Register of Historic Places;

(r) To make such rules and regulations as it deems necessary for the administration of ordinances for which it is responsible; and

(s) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance.

(t) Subject to City Commission approval, to seek professional services and expertise when deemed necessary.

SECTION 4 - REVIEW AUTHORITY - NATIONAL REGISTER OF HISTORIC PLACES PROCEDURES

Upon application by the property owner or designated agent for the nomination of local property to the National Register of Historic Places, or in extraordinary circumstances, upon application by the City Commission for the nomination of local property to the National Register of Historic Places and with respect to the National Register of Historic Places, the Board shall have the following authority:

- (a) The Board shall review all nominations of local property to the National Register of Historic Places pursuant to the regulations established by the State Historic Preservation Officer. The Board shall request the Mayor or his designee to render written opinions as to whether each property should be nominated to the National Register. Following the notice and hearing requirements contained herein, and after notifying the applicant and property owner thirty (30) days prior to the public hearing, the Board shall review the nomination. The Board may seek expert advice while reviewing the nomination, subject to budgetary restrictions of the Development Services Division. The Board shall forward to the State Historic Preservation Officer its recommendation on the nomination and the recommendations of the local official.
- (b) In the development of the Certified Local Government Program, as provided in the National Historic Preservation Act, as amended in 1980 (Pub. Law 96-515), the City Commission may ask the Board to perform such other responsibilities as may be delegated to the City from time to time pursuant to the National Historic Preservation Act.

SECTION 5 - PUBLIC HEARINGS AND RECORDS

The Board shall promulgate appropriate rules providing for the establishment and maintenance of a record of all Board meetings and public hearings. A verbatim transcript of the record is not required but the Board shall establish the record in sufficient degree to disclose the factual basis for its determinations and recommendations. The Board shall prepare and maintain for public inspection a written annual report of its historic preservation activities, cases, decisions and qualifications of its members.

SECTION 6 - ORGANIZATION

- (a) The Board shall annually elect a chairperson, one or more vice chairpersons as provided in its rules and a secretary from among its members. The officers shall have such duties of chairing the meetings and other responsibilities as are assigned to them by the rules of the Board.
- (b) The Board may, from time to time, authorize the establishment of task forces to carry out specialized and detailed projects within the scope of its purposes; any task force may include persons who are not members of the Board.
- (c) The Development Services Division shall furnish the Board with administrative support, including fiscal support, subject to budgetary approval by the City Commission.

SECTION 7 - DECLARATION OF PUBLIC POLICY AND PURPOSE

The City Commission finds and declares as follows:

- (a) The City Commission declares as a matter of public policy that the preservation, protection, enhancement, perpetuation and use of landmarks, landmark sites, and historic districts is a public necessity because they have a special historic, architectural, archaeological, aesthetic or cultural interest and value and thus serve as visible reminders of the history and heritage of this city, state and nation. The City Commission finds that this ordinance benefits the residents and property owners of Eustis and

declares as a matter of public policy that this ordinance is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people.

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- (b) The purpose of this ordinance is to:
- (1) Effect and accomplish the preservation, enhancement, protection, perpetuation and use of landmarks, landmark sites and historic districts having a special historic, architectural, archaeological, aesthetic or cultural interest and value to this city, state and nation;
 - (2) Safeguard the City's historic, aesthetic, and cultural heritage as embodied and reflected in such landmarks, landmark sites, and districts;
 - (3) Promote the use of historic districts, landmarks, and landmark sites for the education, pleasure and welfare of the people of the City;
 - (4) Foster civic pride in the value of notable accomplishments of the past;
 - (5) Strengthen the economy of the City;
 - (6) Protect and enhance the City's resources to residents, tourists and visitors and serve as a support and stimulus to business and industry; and
 - (7) Enhance the visual and aesthetic character, diversity and interest of the City.

SECTION 8 - DEFINITIONS

As used in this ordinance, the following terms shall mean:

- (a) Alteration means any act that changes the exterior features of a building or structure.
- (b) Certificate of appropriateness means a written document approved by the Eustis Historic Preservation Board allowing an applicant to proceed with approved alteration, demolition, relocation or new construction of a designated landmark, landmark site or property in a historic district, following a determination of the proposal's suitability to applicable criteria.
- (c) Certified local government means government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and implementing regulations of the United States Department of the Interior and the State of Florida. A government that becomes certified will review all nominations to the National Register within its jurisdiction before review at the state and federal levels.
- (d) City means the City of Eustis.
- (e) City Commission means the City Commission of the City of Eustis.
- (f) Board means the Eustis Historic Preservation Board.
- (g) Contributing structure means a building or structure which is at least fifty (50) years old and which is within the boundaries of a designated historic district and which contributes to the historic or architectural character of the district and which is identified by the City Commission in its designation of the historic district.
- (h) Decision or recommendation means, when referring to the Board, the executive action taken by the Board on an application for a designation or a certificate of appropriateness regardless of

whether that decision or recommendation is immediately reduced to writing.

- (i) Demolition means any act that destroys in whole or in part a landmark, a building or structure on a landmark site or a contributing structure in a historic district.
- (j) Development Services Division means the Development Services Division of the City of Eustis. **BOOK 1387 PAGE 1841**
- (k) Historic district means an area which meets at least two of the criteria contained in Section 11(J) 1-8, and has at least fifty percent (50%) of its structures identified as contributing structures, and has been so designated by the City Commission.
- (l) Historic Preservation office means the Historic Preservation office of the City of Eustis.
- (m) Historic Preservation officer means the Historic Preservation officer of the City of Eustis.
- (n) Landmark means a building or structure which is at least fifty (50) years old and meets at least two of the criteria contained in Florida Administrative Code Section 10(J)1-7 and has been so designated by the City Commission and has significant archaeological or architectural features or the location of a historical event.
- (o) Landmark site means: 1) a parcel of real property containing either an improvement, landscape feature or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that are at least fifty (50) years old and meet at least two (2) of the criteria contained in Sec. 10(J)1-7; or 2) the site of a historic event without any architectural or landscape features.
- (p) Majority for the purpose of this ordinance means a simple majority consisting of over half of the members present and voting if a quorum is established.
- (q) Potential landmark means a building or structure which is identified by the Board as being a building or structure which may be a landmark or a building or structure which is nominated to be designated as a landmark pursuant to Florida Administrative Code Section 10(J)1-7.
- (r) Potential landmark site means a parcel of real property which may be a landmark site and which is nominated for designation as a landmark site pursuant to Florida Administrative Code Section 10(J)1-7.
- (s) Quorum means a majority of the membership of the Eustis Historic Preservation Board.
- (t) Significant architectural feature means an architectural feature of a landmark, landmark site or historic district which contributes significantly to identifying a landmark, landmark site or historic district.
- (u) Undue economic hardship means an onerous and excessive financial burden that would be placed upon a property owner by the denial of a certificate of appropriateness or a similar burden which would be placed on a property owner by conditions which the Board seeks to place on the granting of a certificate.

SECTION 9 - DESIGNATION OF LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS

Upon application by the owner or designated agent, extraordinary circumstances, or the formation of a task force for a district, the City Commission may by ordinance designate landmarks, landmark sites and

historic districts located within the City of Eustis. Each designation of a landmark shall include a designation of a landmark site and each designation of a historic district shall include an identification of the contributing structures within the historic district. Each designation of a historic district shall set forth the design guidelines that apply to the historic district and the actions that would require a certificate of appropriateness. Any actions affecting a landmark or landmark site that would require a certificate of appropriateness shall be reviewed for consistency with the Secretary of the Interiors Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. Except where noted in this ordinance to the contrary, the vote of a majority shall be required for decisions involving designation of landmarks, landmark sites and historic districts. When an owner objects to an application involving designation of the owner's property as a landmark, landmark site, or inclusion within a historic district, recommendation of approval by the Board and approval of the City Commission shall require a majority vote plus one vote.

SECTION 10 - DESIGNATION PROCEDURES AND APPLICATION REQUIREMENTS

The following procedures shall be followed with respect to the designation of landmarks and landmark sites:

- (a) Consideration by the Board of the designation of a landmark or landmark site shall be initiated by the filing of an application for designation by the property owner or his authorized agent or by the City Commission in extraordinary circumstances.
- (b) The applicant shall complete an application form provided by the Eustis Historic Preservation Board which shall, to the extent possible, include:
 - (1) A written description of the architectural, historical, or archaeological significance of the proposed landmark or landmark site specifically addressing and documenting the criteria set forth in 10(J)1-7 of this ordinance.
 - (2) Date of construction of the structures on the property.
 - (3) Photographs of the property;
 - (4) Legal description and map of the property to be designated as a landmark, or landmark site; and
 - (5) The names and addresses of all owners of real property in the City of Eustis within three hundred fifty (350) feet of the boundaries of the land upon which the designation of a landmark or a landmark site is requested and the real estate assessment numbers for each property within three hundred fifty (350) feet of the boundaries of the land upon which the designation of a landmark or landmark site is requested.
- (c) Consideration of the designation of a landmark or landmark site already listed on the National Register as of January 1, 1990, may be initiated by the filing of a copy of the nomination forms, including all maps and photographs, already approved by the State Historic Preservation office and the National Park Service.
- (d) The Development Services Division shall determine when an application is complete and may request additional information when such application is determined to be incomplete. The Development Services Division shall review the application for designation and forward its findings and recommendations to the Board prior to the public hearing. At the time an application for designation of a landmark or landmark site is forwarded to the Board, the property, buildings and structures referred to in the application shall be considered potential landmarks or landmark sites.

- (e) The Board shall hold a public hearing on the proposed designation of a landmark or landmark site within forty-five (45) days of the filing of a completed application.
- (f) Notice of the time and place of the public hearing which is required to be held with respect to the proposed designation of a landmark, or landmark site, shall be posted by the Development Services Division at least fourteen (14) days in advance of the hearing, by United States mail, to the owner of the property proposed to be designated, to the applicant, and to all owners of real property in the City of Eustis within three hundred fifty feet of the boundaries of the land upon which the designation is requested. For the purpose of notice requirements to the owner and adjoining owners, the names and addresses of owners shall be deemed to be those on the current tax records in the Office of the Property Appraiser. The failure of any adjoining owner required by this section to be notified by mail to receive the notice shall not invalidate or otherwise have any effect upon a public hearing or action taken by the Board or City Commission on application for designation. All notices required by this section shall state clearly the boundaries of a proposed landmark or landmark site.
- (g) Notice of a public hearing shall be published once in a newspaper of general circulation in the City not less than fourteen (14) days in advance of the date of the hearing. The published notice shall be in a form prescribed by the Board and placed by the Development Services Division at the applicant's expense. The Development Services Division shall file proof of publication with the Board prior to the public hearing.
- (h) The applicant for a proposed designation shall post signs at intervals of not more than two hundred feet along all street sides of land upon which an application for proposed designation is made within five (5) working days after filing of a completed application. The signs shall be in the form required by the Board and shall be posted in full view of the public. Where the land does not have frontage on a public street, the signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land upon which the designation is sought, or at such other locations and at such intervals, as determined by the Development Services Division as will ensure that the signs will be seen by as many persons as possible. The signs shall be maintained by the applicant until such time as the advisory recommendation has been made by the Board. The signs shall be removed by the applicant within ten (10) days after final action by the City Commission.
- (i) Within thirty (30) days following the close of the public hearing or within sixty (60) days if the Board votes to defer, the Board shall determine whether, based upon the evidence, the nominated landmark, or landmark site, does or does not meet the criteria for designation. Such a determination shall be made by advisory recommendation of the Board and shall be accompanied by a report stating the findings of the Board concerning the relationship between the nominated landmark or landmark site and the National Register of Historic Places criteria for designation set forth below. At least two of the criteria must be met.
 - (1) Its value as a significant reminder of the cultural, historical, architectural, or archaeological heritage of the city, state or nation.
 - (2) Its location is the site of a significant local, state, or national event.
 - (3) It is identified with a person or persons who significantly contributed to the development of the city, state or nation.

- (4) It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state or nation.
 - (5) Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
 - (6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
 - (7) Its suitability for preservation or restoration.
- (j) The Board shall be responsible for considering and making an advisory recommendation to the City Commission with respect to each proposed designation of landmarks or landmark sites and shall notify the applicant and the property owner within ten (10) days of its recommendation. The Board is authorized to prescribe procedural and administrative rules it deems necessary or appropriate to administer this function. The Board shall promulgate appropriate rules providing for the establishment and maintenance of a record of applications for designation of landmarks or landmark sites considered by the Board. A verbatim transcript of the record is not required by the Board but the Board shall establish the record in sufficient degree to disclose the factual basis for its recommendation with respect to each application.
 - (k) Upon approval of the application for designation of the landmark or landmark site by the Board, the City Attorney shall prepare an ordinance on behalf of the Board and shall present the ordinance to the City Commission for approval or disapproval. The City Commission shall make its determination in the same manner as provided in State law for the adoption of such an ordinance. The City Commission shall consider the same criteria set forth in Florida Administrative Code Section 10(J)1-7.
 - (l) The Director of Development Services shall notify the applicant and subject property owner of the final decision relating to the property within seven (7) days of the City Commission's action and shall cause the designation of a property as a landmark or landmark site to be recorded in the official records of Lake County, Florida, at the expense of the applicant for such designation. The City Clerk shall also notify the Property Appraiser's office of the designation.
 - (m) When a designation is made, the Director of Development Services shall enter the designation as an overlay to the land use map in accordance with State law.
 - (n) Whenever the City Commission has denied an application for designation no further application shall be filed for the same designation for a period of one (1) year from the date of such City Commission denial. The time limit stated herein may be waived by the Commission when this action is deemed necessary in the best interests of the City.
 - (o) The designation of any landmark or landmark site may be amended or rescinded through the same procedure utilized for the original designation, by the filing of an application for rescission or amendment of designation utilizing the procedure hereinabove set forth. Any Board recommendation to amend or rescind a prior designation shall be based upon new evidence and negative evaluation according to the same criteria used for designation in existence at the time of such application for revision or amendment.
 - (p) In extraordinary circumstances, the City Commission may, by majority vote plus one (1), without notice to the owner, recommend the designation of a building, structure or site as a potential

landmark and/or a potential landmark site. In any such recommendation for designation, the City Commission shall at its next scheduled meeting, and in no event later than forty-five (45) days, complete the application described in this ordinance and schedule the public hearing required. In the event, the owner of the potential landmark or potential landmark site objects to the recommended designation and provides written notice of such objection to the Board, the Board must complete its review of the application within ninety (90) days of receipt of the City Commission's original recommendation for designation as a potential landmark or potential landmark site.

SECTION 11 - DESIGNATION PROCEDURES AND APPLICATION REQUIREMENTS FOR HISTORIC DISTRICTS

The following procedures shall be followed with respect to the designation of historic districts:

- (a) Consideration by the Board of the designation of a historic district may be initiated by the filing of an application for designation with the Board by a property owner within the proposed district or his authorized agent, providing such application is accompanied by a petition containing the name, address, phone number, and signature of at least thirty percent (30%) of the property owners within the proposed district according to the latest available tax rolls from the county Property Appraiser's office. Consideration may also be initiated by request of the City Commission, in extraordinary circumstances.
- (b) After obtaining an application for nomination of a historic district but prior to its submittal to the Historic Preservation Board for review, the applicant shall organize a task force within the proposed Historic District. This task force shall be comprised of a minimum of ten percent (10%) of the owners of real property within the proposed district. It shall be the role of this task force to develop design guidelines which shall be included as part of the application package for designation of a historic district. These design guidelines shall be used to review any proposed work within the proposed historic district which requires a certificate of appropriateness. If the district is approved, all recommendations made by the Historic Preservation Board shall include consideration as to whether the proposed work is consistent with the design guidelines.
- (c) The applicant shall complete an application form provided by the Eustis Historic Preservation Board which shall, to the extent possible, include:
 - (1) A written description of the architectural, historical, or archaeological significance of the structures, sites, and buildings in the proposed historic district specifically addressing and documenting the criteria set forth in subsection (j) of this section;
 - (2) An identification of all buildings, structures and sites within the proposed historic district and the proposed classification of each as contributing or non-contributing with an explanation of the criteria utilized for the proposed classification;
 - (3) A physical description of the proposed historic district, accompanied by photographs of buildings, structures and sites within the district indicating examples of contributing and non-contributing structures within the district;
 - (4) A statement of recommended boundaries for the proposed historic district and a justification for those boundaries, along with a map showing the recommended boundaries;

- (5) The names and addresses of all owners of real property in the City of Eustis within the boundaries of the land upon which the designation of the historic district is requested and the real estate assessment numbers for the property within the boundaries of the land upon which the designation is requested.
- (d) The Development Services Division shall determine when an application is complete and may request additional information when such application is determined to be incomplete. The Development Services Division shall review the application for designation and forward its findings and recommendations to the Board prior to the public hearing.
- (e) The Board shall hold a public hearing on the proposed designation within ninety (90) days of the filing of a completed application. The Board shall hold at least one workshop at which the proposed district will be explained and discussed. A quorum is not necessary to conduct the workshop.
- (f) Notice of the time and place of the public hearing which is required to be held with respect to the proposed designation of a historic district, shall be posted by the Development Services Division at least forty-five (45) days in advance of the hearing, by United States mail, to all owners of real property in the City of Eustis within the boundaries of the proposed historic district. For the purpose of notice requirements to owners, the names and addresses of owners shall be deemed to be those on the current tax records in the Office of the Property Appraiser. All notices required by this section shall state clearly the boundaries of a proposed historic district.
- (g) The notice referred to in subsection (f) above shall include the following information and documents:
- (1) The notice shall state that the creation of a historic district will impose design review on certain permitted activities.
 - (2) The notice shall state that the ordinance creating the historic district will contain requirements that must be met in order to alter, renovate or demolish a structure or building within the district. These requirements may relate to density, siting, building materials and architectural features as well as other matters.
 - (3) The notice shall state that a list of contributing and non-contributing structures has been compiled and that contributing structures will be identified in the ordinance creating the historic district.
 - (4) The notice shall state that the design guidelines for reviewing certain permitted activities will be discussed and voted on by the Board at the public hearing.
 - (5) The notice shall state that if the district is created the owners shall be required to obtain a certificate of appropriateness before certain work is done on the property.
 - (6) The notice shall state that the application for creating the historic district is on file with the Board and that the Board shall have on file all information submitted by the Development Services Division, including recommendations.
 - (7) The notice shall state the time, date, and place of any workshops scheduled by the Board. However, nothing herein shall prohibit the Board from holding other workshops with published notice.
- (h) Notice of a public hearing shall also be published once in a newspaper of general circulation in the City not less than

fourteen (14) days in advance of the date of the hearing. The published notice shall be in a form prescribed by the Board and placed by the Development Services Division at the Development Services Division's expense. The Development Services Division shall file proof of publication with the Board prior to the public hearing.

- (i) The applicant for a proposed designation shall post signs within five (5) working days after filing of a completed application, which signs shall be in the form required by the Board and shall be posted in full view of the public. The sign or signs shall be posted on the boundaries of the proposed historic district at each public right-of-way intersecting the boundary of the proposed historic district, or at such other locations and at such intervals, as determined by the Development Services Division, as will ensure that the signs will be seen by as many persons as possible. The signs shall be maintained by the applicant until such time as the advisory recommendation has been made by the Board. The signs shall be removed by the applicant within ten (10) days after final action by the City Commission.
- (j) At the close of the public hearing, the Board shall determine whether, based upon the evidence, the proposed historic district does or does not meet the criteria for designation. Such a determination shall be made by a report stating the findings of the Board concerning the relationship between the proposed historic district and the National Register of Historic Places criteria for designation set forth below. At least two of the criteria must be met.
 - (1) Its value as a significant reminder of the cultural, historical, architectural, or archaeological heritage of the city, state or nation.
 - (2) Its location is the site of a significant local,, state or national event.
 - (3) It is identified with a person or persons who significantly contributed to the development of the city, state or nation.
 - (4) It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, state or nation.
 - (5) Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance.
 - (6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials.
 - (7) Its character is a geographically definable area or neighborhood possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events, or united in culture, architectural style, or aesthetically by plan or physical development.
 - (8) Its suitability for preservation or restoration.
- (k) At the close of the public hearing, the Board shall also adopt the design guidelines it will recommend to apply to the proposed historic district and shall identify what actions to be taken on property within the proposed historic district would require a certificate of appropriateness.
- (l) Upon approval of the application for designation of a historic district by the Board, the City Attorney shall prepare an ordinance on behalf of the Board and shall present the ordinance to the City Commission for approval or disapproval. The City Commission shall follow regular procedures for ordinance adoption

and shall consider the same criteria set forth in subsection (j). Any ordinance designating a historic district shall set forth the design guidelines that apply to the historic district and the actions that would require a certificate of appropriateness.

- (m) Approval by the City Commission upon second and final reading of the ordinance designating the District shall not become effective until an affirmative vote of a majority of the property owners voting by certified ballots has been received. A vote of disapproval by a majority of the property owners voting by certified ballot shall cause the ordinance to become null and void.

Following the second reading and approval by the City Commission of Eustis of the ordinance designating the proposed district and its rules, the City Clerk shall send a copy of the Ordinance and a certified ballot to the property owners as listed in the last property tax roll available from the Lake County Property Assessor's Office. The certified ballot shall be of the following form:

Do you as a property owner of property located within the proposed Historic District as designated in Ordinance No. _____:

_____ approve of the designation of the District and its rules?; or

_____ disapprove of the designation of the District and its rules?

The certified ballots shall be mailed to property owners by certified mail within ten (10) days following the second affirmative vote of the City Commission on the designating ordinance and must be returned by the property owner to the City Clerk of the City of Eustis within ten (10) days of receipt by certified mail. Delivery to the last known address according to the last property tax roll of the Lake County Property Assessor's Office shall constitute receipt by the property owner of the certified ballot. Ballots lost in the mail, lost by the property owner or other, or misdirected by the Postal Service are not the responsibility of the City and shall not constitute grounds for finding the balloting procedure invalid.

Thirty days following the sending of the certified ballots or following the receipt of the returned certified ballots of the property owners, the City Clerk or his/her designee and Mayor (or in the Mayor's absence, the Vice Mayor) shall count the ballots and prepare a ballot certificate that will be presented at the next scheduled City Commission Meeting to be considered for final Certification of the Ballot by vote of the City Commission. Upon the vote of the City Commission, the Ballot shall be certified as approved or disapproved. "Certified Approved" shall mean that a majority of the property owners voting voted in the affirmative for the designation of the chairperson of the Historic District and its rules and that the ordinance creating the District shall become effective upon the certifying vote of the City Commission. "Certified Disapproved" shall mean that a majority of the property owners voting voted in the negative for the designation of the Historic District and its rules and that the ordinance creating the District shall become null and void upon the certifying vote of the City Commission.

The City Clerk shall notify by certified mail all property owners of the proposed Historic District, the Historic Board, and the Property Appraiser's Office of the results of the Certified Ballot.

Upon the Certification of the Ballot affirming the creation of the District, the City Clerk shall cause the designating ordinance and the Ballot Certification to be recorded in the Official Records of Lake County, Florida, at the expense of the applicant for the designation.

- (n) When a historic district designation is certified by ballot, the Director of Development Services shall enter the approved

designation as an overlay on the land use map in accordance with law.

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- (o) Whenever the City Commission has denied an application for the designation of a historic district no further application shall be filed for the same historic district designation for a period of one (1) year from the date of such City Commission denial.
- (p) The designation of any historic district may be amended or rescinded through the same procedure utilized for the original designation, by the filing of an application for rescission or amendment of designation utilizing the procedure hereinabove set forth. Any Board recommendation to amend or rescind a prior designation shall be based upon new evidence and evaluation according to the criteria used for historic district designation in existence at the time of such application for rescission or amendment.

SECTION 12 - APPROVAL OF CHANGES TO LANDMARKS, LANDMARK SITES, AND PROPERTY IN HISTORIC DISTRICTS; APPLICATION PROCEDURES

Procedures with respect to changes to historic landmarks, landmark sites, and property in historic districts shall be as follows:

- (a) The ordinance designating a landmark or landmark site or historic district shall designate those activities that require the issuance of a certificate of appropriateness. Nothing in this section shall be construed to require a certificate of appropriateness for the demolition of a non-contributing structure in a historic district or for routine maintenance activity within established rights-of-way or easements by governmental and/or utility entities.
- (b) Whenever any alteration, new construction, demolition, except demolition of a non-contributing structure in a historic district, or relocation as specified in subsection (a) is undertaken on a landmark, landmark site, or property in a historic district without a certificate of appropriateness whether or not a building permit is required, the City Building Official or Director or Development Services is authorized to issue a notice of violation to stop all work.
- (c) The City of Eustis and each independent agency of the City of Eustis or their agents or contractors shall be required to advise the Board of construction of non-capital improvement projects within a historic district or affecting a landmark or landmark site including, but not limited to, the construction of streets, sidewalks and curbs, drainage, water and sewer projects, new street lighting, new public utility poles, construction of utilities, building, and other similar public improvements, which cost in excess of fifty thousand dollars (\$50,000.00) except emergency actions that must be undertaken to protect the health, safety and welfare of the public. Capital Improvement Projects for the maintenance of existing facilities is exempted from this requirement.

The City of Eustis shall provide the Board with a list of proposed capital improvement projects of the City and its independent agencies, or their agents or contractors, for the maintenance of existing facilities costing in excess of fifty thousand dollars (\$50,000.00) in a historic district or affecting a designated landmark or landmark site. Such list shall be provided to the Board annually during the City Commission's budgetary process, and the Board shall advise the City Commission of any concerns or objections that it may have about such projects.

- (d) A certificate of appropriateness shall be in addition to any other building permits required by law, provided that a certificate of appropriateness shall not be required for issuance of a permit to a contractor who is in possession of an order from the City to proceed with demolition, emergency action or boarding up of an

unsafe structure. Any conditions contained in the certificate of appropriateness shall be included as a requirement to any building permit for which the certificate of appropriateness was issued. There shall be no application fee required for a certificate of appropriateness.

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- (e) Any work, including ordinary repairs and maintenance, which is not referred to in subsection (a), may be undertaken without a certificate of appropriateness.
- (f) The City Building Official shall forward to the Board each application for a certificate of appropriateness that would authorize an alteration, new construction, demolition or relocation affecting a landmark, landmark site, or a property in a historic district. The applicant shall complete an application form provided by the Development Services Division accompanied by the plans, elevations and specifications thereof so far as they relate to the proposed appearance, color, texture of materials and architectural design of the exterior, (including the front, sides, rear and roof of the building, alterations or addition or of any out building, party wall, courtyard, fence or other accessory structure thereof). The Development Services Division shall determine when an application is complete and may request additional information when such application is determined to be incomplete. The Development Services Division shall review the application and forward its recommendations and findings to the Board prior to the public hearing. Nothing in this subsection shall preclude a pre-application conference between the Board and the applicant at the applicant's request.
- (g) The Board shall be responsible for considering and passing upon applications for a certificate of appropriateness, and all certificates shall be issued by the Board and signed by the Chairman thereof. The Board is authorized to prescribe procedural and administrative rules it deems necessary or appropriate to administer this function. The Board shall promulgate appropriate rules providing for the establishment and maintenance of a record of applications for a certificate of appropriateness considered by the Board. A verbatim transcript of the record is not required but the Board shall establish the record in sufficient degree to disclose the factual basis for its determination with respect to each application.
- (h) The Board shall hold a public hearing on each application for a certificate of appropriateness at its next regular meeting, after a completed application has been filed with the Development Services Division at least fourteen (14) calendar days before the meeting. The Board shall make a decision on each application within thirty (30) days after the hearing provided that the Board may extend the time for decision an additional thirty (30) days when the application is for relocation, new construction, or demolition. Upon mutual consent between the Board and the applicant, any decision on a certificate may be deferred for an additional thirty (30) days.
- (i) Notice of the time and place of the public hearing which is required to be held with respect to an application for a certificate of appropriateness, shall be posted, by the Development Services Division, by United States mail to the applicant and the owner of the designated property, at least seven (7) days in advance of the hearing. For the purpose of notice requirements to the owner, the name and address of the owner shall be deemed to be those on the current tax records in the Office of the Property Appraiser or that which has been provided to the Board by the property owner or his designated agent.
- (j) The applicant for a certificate of appropriateness shall post signs at intervals of not more than two hundred feet along all street sides of land upon which the request for a certificate of appropriateness is made within five (5) working days after the filing of a completed application. The signs shall be eight and

one-half inches wide, eleven inches in height and light blue and shall be posted in full view of the public. Where the land does not have frontage on a public street, the signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land upon which the application for a certificate of appropriateness has been filed, or at such other locations and at such intervals, as determined by the Development Services Division, as will ensure that the signs will be seen by as many persons as possible. The signs shall be maintained by the applicant until a final determination has been made by the Board on the application for a certificate of appropriateness. If the signs are not posted within the time requirements, the public hearing notice will be deemed inadequate and no action shall be taken until proper posting is accomplished. The signs shall be removed by the applicant within ten (10) days after final action by the Board.

- (k) The Board shall approve, approve with conditions, approve the withdrawal of, or deny each application, based on the criteria contained in this section. Notice of the decision of the Board shall be sent by regular mail to the applicant and the owner of the property within fourteen (14) days of the meeting when the decision was made by the Board. In the case of a denial of an application, the Board shall state the reasons for such a denial in writing and transmit the written statement to the applicant and the owner of the designated property. The written statement shall also contain recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Board to reconsider its denial. If the Board fails to act on an application within the specified time period, the application shall be deemed approved.
- (l) In considering an application for a certificate of appropriateness for alteration, new construction, demolition, or relocation, the Board shall be guided by the following general standards:
- (1) The effect of the proposed work on the landmark, landmark site or property within a historic district upon which such work is to be done;
 - (2) The relationship between such work and other structures on the landmark site or other property in the historic district;
 - (3) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture and materials of the landmark or the property will be affected;
 - (4) Whether the plans may be carried out by the applicant within a reasonable period of time;
- (m) Applications for certificates of appropriateness for alterations, shall be considered by the Board in accordance with the following additional guidelines, which are based on the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings:
- (1) Every reasonable effort shall be made to use a property for its originally intended purpose, or to provide a compatible use for a property that requires minimal alteration of the building structure, or site.
 - (2) The distinguishing original qualities or character of a building, structure, or site shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when reasonably possible.
 - (3) Each building, structure, and site shall be recognized as a product of its own time. An alteration which has no

- historical basis and which seeks to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity.
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever reasonably possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. However, technologically advanced materials shall be considered and used as replacement alternatives. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be not undertaken.
 - (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.
- (n) In considering an application for certificate of appropriateness for new construction, the Board shall consider the following additional guidelines:
- (1) Height. The height of any proposed alteration or construction shall be compatible with the style and character of the landmark and with surrounding structures in a historic district.
 - (2) Proportions of windows and doors. The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the landmark and with surrounding structures in a historic district.
 - (3) Relationship of building masses, setbacks and spaces. The relationship of a structure within a historic district to the open space between it and adjoining structures shall be compatible.
 - (4) Roof shape. The design of the roof shall be compatible with the architectural style and character of the landmark and surrounding structures in a historic district.
 - (5) Landscaping. Landscaping shall be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in a historic district.
 - (6) Scale. The scale of the structure after alteration, construction, or partial demolition shall be compatible with its architectural style and character and with surrounding structures in a historic district.

- (7) Directional expression. Facades in historic districts shall blend with other structures with regard to directional expression. Structures in a historic district shall be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition shall be compatible with its original architectural style and character.
- (8) Architectural details. Architectural details including materials and textures shall be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district. The Board will give recommendations as to appropriate colors for any landmark or historic district.
- (9) Impact on archaeological sites. New construction shall be undertaken in such a manner as to preserve the integrity of archaeological sites and landmark sites.
- (o) In considering an application for a certificate of appropriateness for demolition, the Board may delay such demolition for up to ninety (90) days and shall consider the following additional standards:
- (1) The historic or architectural significance of the building or structure;
 - (2) The importance of the building or structure to the ambiance of the historic district;
 - (3) The difficulty or the impossibility of reproducing such a building or structure because of its design, texture, material, detail or unique location;
 - (4) Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, the county or the region;
 - (5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect those plans on the character of the surrounding area would be;
 - (6) The difficulty or the impossibility of saving the building or structure from collapse;
 - (7) Whether the building or structure is capable of earning reasonable economic return on its value;
 - (8) Whether there are other feasible alternatives to demolition;
 - (9) Whether the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archaeological landmark; and
 - (10) Whether it would be undue economic hardship to deny the property owner the right to demolish the building or structure. The Board may request assistance from interested individuals and organizations in seeking an alternative to demolition. The Board may require applicants to submit such additional information as the Board deems necessary to be used in making its determination. The Board shall not deny a request for a certificate of appropriateness for demolition without also considering said request as a request for a certificate for relocation.
- (p) When an applicant seeks to obtain a certificate of appropriateness of the relocation of a landmark, a building or structure on a landmark site, or a building or structure in a historic district,

or wishes to relocate a building or structure to a landmark site or to a property in a historic district, the Board shall also consider the following:

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- (1) The contribution the building or structure makes to its present setting;
 - (2) Whether there are definite plans for the site to be vacated;
 - (3) Whether the building or structure can be moved without significant damage to its physical integrity; and
 - (4) The compatibility of the building or structure with the proposed site and adjacent properties.
- (q) In any instance where an undue economic hardship, as defined in this ordinance, is claimed by a property owner, the property owner may submit to the Board any or all of the following information before the Board makes a decision on the application for certificate of appropriateness:
- (1) An estimate of the cost of the proposed construction, alteration, demolition, or removal;
 - (2) A report from a licensed engineer, contractor or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
 - (3) The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
 - (4) In the case of a proposed demolition, an estimate from an architect, developer, licensed contractor, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - (5) 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;
 - (6) The annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
 - (7) The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;
 - (8) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
 - (9) Any listing of the property for sale or rent, price asked, and offers received, if any within the previous two (2) years;
 - (10) The assessed value of the property according to the two most recent assessments;
 - (11) The real estate taxes for the previous two (2) years;

- (12) 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;
- (13) Any other information considered necessary by the Board to a determination as to whether the property does yield or may yield a reasonable return to the property owner.

The Board may require that the property owner furnish such additional information as the Board believes is relevant to the Board's determination of any alleged undue economic hardship. No decision of the Board shall result in undue economic hardship for the property owner. In any case where undue economic hardship is claimed, the Board shall make two specific findings. First, the Board shall determine if the owner would be entitled to a certificate of appropriateness without consideration of undue economic hardship. Second, the Board shall determine whether the owner demonstrated an undue economic hardship. The Board shall hold a hearing on both matters at the same time; except that, any property owner, may request a separate hearing on each.

- (r) When a certificate of appropriateness has been applied for in connection with the replacement of roof covering, windows or doors, the Board shall allow the property owner's original design plans when the Board's design guidelines will result in a cost in excess of twenty percent of the property owner's original plans. The owner shall be required to show to the Board's satisfaction that the work to be performed will be in accordance with the original roof lines and conform to the original door and window openings of the structure and the replacement of windows, doors, or roof materials with the less expensive alternative will achieve a savings in excess of twenty percent (20%) over historically compatible materials otherwise required under this ordinance.
- (s) All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the City Building Official to inspect from time to time any work being performed pursuant to such certificate to assure such compliance. In the event work is not performed in accordance with such certificate, the City Building Official shall issue a notice of violation to stop all work and all work shall cease. No additional work shall be undertaken as long as such notice shall continue in effect.
- (t) Any certificate of appropriateness which has been approved pursuant to the provision of this section shall expire twelve (12) months from the date of issuance if the work authorized is not commenced within this period. Further, such certificate shall expire if the work authorized is not completed within three (3) years of the date of issuance, unless otherwise extended by the Board.
- (u) In any case where the City Building Official or the Code Enforcement Officer determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic district, either official may order the remedying of these conditions in accordance with other applicable laws or regulations without the approval of the Board or issuance of a required certificate of appropriateness. This section specifically includes those structures that have been defined to be unsafe pursuant to applicable City housing and building codes. The City Building Official or the Code Enforcement Officer shall promptly notify the Chairman of the Board of the action being taken.
- (v) When a landmark, building or structure on a landmark site or building or structure within a historic district, or any portion of said building or structure, has been destroyed or damaged by an act of God, the building or structure may be reconstructed to its pre-existing condition. This provision shall not be construed so

as to waive any portion of the zoning code or the building, fire, health or safety codes of the City of Eustis.

SECTION 13 - EXCEPTIONS TO CERTIFICATE OF APPROPRIATENESS

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- (a) The Board shall prepare a list of routine alterations that may receive immediate approval from the Development Services Division without a public hearing when an applicant complies with the design guidelines of the Board. These routine alterations include but are not limited to the following:
 - (1) Repair of cornices using existing materials and duplicating the original design.
 - (2) Decks at the ground level and not visible from any street and which do not require alterations to any structure.
 - (3) Installation of new doors which are compatible in size and style with the original.
 - (4) Installation of fencing located behind any street facade.
 - (5) The painting of any material or surfaces other than unpainted masonry, stone, brick, terra-cotta and concrete in a color appropriate to the architectural style or period of original construction.
 - (6) The replacement of front porch columns with ones matching the original in style, size and material.
 - (7) The replacement of a roof with one of the same material and color.
 - (8) The repair of wooden siding with wood which duplicates the original appearance.
 - (9) Installation of skylights not visible from any street front.
 - (10) The replacement of windows with ones compatible in size, and style with the original.
- (b) Board approval is not required for the repair and maintenance of any exterior building features when such work exactly reproduces the existing design and is executed in the existing material. Any staff decision may be appealed by the applicant to the Board.
- (c) A certificate of appropriateness will not be required for general, occasional maintenance of any historic building, structures or sites or any structure within a historic district. General occasional maintenance will include, but not be limited to, lawn and landscaping care and minor repair that restores or maintains the historic site or current character of the building or structure. A certificate of appropriateness will not be required for any interior alteration, construction, reconstruction, restoration, renovation or demolition, except when involving an architecturally significant feature that was a significant element in the designation as a historic building, contributing structure, or landmark.
- (d) Any city staff decision regarding routine alterations can be appealed by the applicant to the Board.
- (e) Any exterior alteration or new construction which is not visible from any street or roadway may receive immediate approval from the Development Services Division without a public hearing when an applicant complies with the design guidelines of the Board. Any staff decision may be appealed by the applicant to the Board.
- (f) The ordinance designating a landmark or landmark site or historic district may designate additional exceptions to a certificate of appropriateness.

- (g) In any instance where a certificate of appropriateness for demolition has been denied, the applicant may reapply upon the expiration of twelve (12) months from the date of the initial decision of the Board denying the certificate of appropriateness whether or not the applicant appeals the initial decision.
- (h) City capital projects approved by the City Commission and noticed to the Board, do not require a certificate of appropriateness.

SECTION 14 - APPEAL OF THE DECISION ON AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

The determination by the Board approving or denying an application for a certificate of appropriateness shall, on the date it is issued, be appealable to the City Commission. Notice of appeal shall be filed within thirty (30) days of the date of the decision. Any decision by the City Commission regarding a certificate of appropriateness may be reviewed by writ of certiorari to the Circuit Court of Lake County, Florida.

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SECTION 15 - APPROVAL OF CHANGES TO POTENTIAL LANDMARKS AND POTENTIAL LANDMARK SITES; APPLICATION PROCEDURES

- (a) A certificate of appropriateness shall be required for any renovation or alteration to an exterior feature or demolition of a potential landmark or potential landmark site. For the purposes of granting of a certificate, a potential landmark shall be treated as a landmark, and a potential landmark site shall be treated as a landmark site. All procedures and requirements set forth in Section 12 shall be followed with respect to the granting of a certificate for potential landmarks and potential landmark sites.
- (b) A certificate shall not be required if the City Commission does not designate a potential landmark or potential landmark site as a landmark or landmark site.

SECTION 16 - MAINTENANCE AND REPAIR OF LANDMARKS, LANDMARK SITES, AND PROPERTY IN HISTORIC DISTRICTS

The following shall apply to maintenance and repair to landmarks, landmark sites, and contributing structures in historic districts.

- (a) The owner, lessee, or other person in physical control of a landmark, landmark site or contributing structure in a historic district shall comply with all applicable codes, laws and regulations governing the maintenance and safety of property, including, but not limited to, the Health and Safety, Housing and Building Codes of the City of Eustis. It is the intent of this section to preserve from deliberate or inadvertent neglect of the exterior features of a building designated as a landmark or contributing structure to a historic district, and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration and shall be free from structural defects through prompt correction of any of the following defects:
 - (1) Facades which may fall and injure members of the public or property.
 - (2) Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.
 - (3) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration.

- (4) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors including broken windows or doors.

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- (5) Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
- (6) Any fault or defect in the building which renders it not properly watertight or structurally unsafe.
- (7) Any fault or defect in the building rendering such structure an unsafe structure as defined under the provisions of the City of Eustis Code of Ordinances.
- (b) In addition, where the landmark is an archaeological site, the owner shall be required to maintain his property in such a manner so as not to adversely affect the archaeological integrity of the site.
- (c) It shall be the joint responsibility of the City Building Official and the Code Enforcement Officer to enforce the provisions of this section, and the divisions may refer violations to the City Code Enforcement Board for enforcement proceedings, pursuant to City Code of Ordinances, concerning any building or structure designated hereunder, so that the building or structure shall be preserved in accordance with the purposes of this ordinance.

SECTION 17 - CIVIL REMEDIES

In addition to the penalties established pursuant to City Codes, any person who violates any provision of this ordinance shall forfeit and pay to the City civil penalties equal to the fair market value of any property demolished, destroyed, or relocated in violation of this ordinance or the cost to repair or rehabilitate any property that is altered in violation of this ordinance. Fair market value shall be construed to mean the value of the property prior to its demolition, destruction, or relocation. In lieu of monetary penalty, any person altering or relocating property in violation of the provisions of this ordinance may be required to repair or restore any such property or to return it to its former location and condition.

SECTION 18 - INJUNCTIVE RELIEF

In addition to any other remedies provided in this ordinance, the City may seek injunctive relief in the appropriate court to enforce the provisions of the ordinance.

SECTION 19 - REPORTING

The Eustis Historic Preservation Board shall within six (6) months of its initial organizational meeting and no less than annually thereafter make a report to the City Commission of its activities.

SECTION 20 - CONSTRUCTION WITH OTHER LAWS

Whenever a provision of this ordinance conflicts with a provision of the City Code of Ordinances, the provision that is more conducive to protection of public safety, health and welfare shall prevail. Provided, however, in the event a structure that has been designated as a landmark or contributing to a historic district under the provisions of this ordinance is declared to be an unsafe structure or condemned, except emergency action, the Code Enforcement Officer shall notify the Board at the same time the owner or other responsible party is notified and no demolition of the structure shall commence until the Board has responded to the notification. Such response shall be made within sixty (60) days of such notification by the City Code Enforcement Officer. If the Board requests that the structure not be demolished, then the Board shall advise the Code Enforcement Officer as to what actions will be taken to correct the unsafe conditions and when such actions will be taken in order to avoid the necessity of the City proceeding with

abatement action. Notwithstanding, if the indicated actions are not taken within the time indicated in the Board's response, and in the opinion of the Code Enforcement Officer no such action will taken with a reasonable time, no further notice shall be required to the Board prior to the Code Enforcement Officer proceeding with abatement action. However, such abatement action shall include demolition of the structure only when the Board, at the request of the Code Enforcement Officer, determines that demolition is an appropriate action and that other abatement action is not economically feasible or practical. The Board shall give a recommendation within thirty (30) days of being requested by the Code Enforcement Officer. If the Board fails to give a recommendation within thirty (30) days, the Code Enforcement Officer shall be allowed to take whatever action he or she deems appropriate.

SECTION 21 - SEVERABILITY

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Should any section, phrase, sentence, provision, or portion of this ordinance be declared by any Court of Competent Jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional.

SECTION 22 - EFFECTIVE DATE

This ordinance shall become effective ten (10) days after its passage, approval and publication by posting according to law.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 7th day of September, 1995.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Milton Weston
Milton Weston, Mayor-Commissioner

ATTEST:

Jim R. Myers, Jr.
Jim R. Myers, Jr., City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

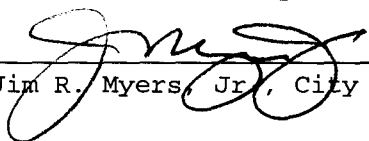
The foregoing instrument was acknowledged before me this 7th day of September, 1995, by Milton Weston, Mayor, and Jim R. Myers, Jr., Finance Director/City Clerk, who are personally known to me.



Gail Holston
Notary Public - State of Florida
My Commission Expires: May 16, 1998
Notary Serial No.: # CC 357421

CERTIFICATE OF POSTING

The foregoing Ordinance No. 95-27 is hereby approved, and I hereby certified that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Community Center, all within the corporate limits of the City of Eustis, Lake County Florida.

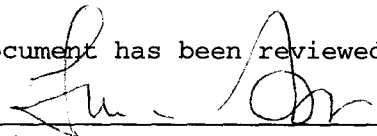


Jim R. Myers, Jr., City Clerk

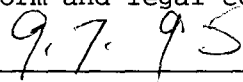
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CITY ATTORNEY'S OFFICE

This document has been reviewed and approved as to form and legal content.



City Attorney's Office



Date