

## ***ARTICLE II. ADMINISTRATION<sup>1</sup>***

### ***DIVISION 1. GENERALLY***

**Secs. 46-31—46-55. Reserved.**

### ***DIVISION 2. HISTORIC PRESERVATION BOARD<sup>2</sup>***

**Sec. 46-56. Established.**

There is established a Eustis Historic Preservation Board in order to carry forward the purposes of the National Historic Preservation Act, as amended in 1980, PL 96-515, and such other purposes as may be created by ordinance or law.

(Ord. No. 95-27, § 1, 9-7-1995)

**Sec. 46-57. Membership.**

- (a) The board shall consist of five members and one 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 shall be appointed for two years and two shall be appointed for three years, but thereafter all appointments shall be for three years or until their successors are qualified and appointed. Each member of the board shall be a resident of the city during his or her entire term. A member of the board may be removed during his or her term by 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, PL 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 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 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. Whenever possible, no position shall remain unfilled on the board for a period exceeding 60 days.

(Ord. No. 95-27, § 2, 9-7-1995; Ord. No. 01-17, § 2, 6-21-2001; Ord. No. 17-12, § 1(Exh. A), 10-5-2017)

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<sup>1</sup>Cross reference(s)—Administration, ch. 2.

<sup>2</sup>Cross reference(s)—Administration, ch. 2.

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### **Sec. 46-58. Organization.**

- (a) The board shall annually elect a chairperson, vice-chairperson, 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, such as advocating for a historic district designation or local landmark designation; any task force may include Eustis citizens 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.

(Ord. No. 95-27, § 6, 9-7-1995; Ord. No. 01-17, § 3, 6-21-2001; Ord. No. 17-12, § 1(Exh. A), 10-5-2017)

### **Sec. 46-59. Reporting.**

The board shall annually make a report to the city commission of its activities.

(Ord. No. 95-27, § 19, 9-7-1995)

### **Sec. 46-60. Powers and duties.**

The board shall have the following powers and duties, which shall be complementary to and carried out in accordance with the responsibility of the state historic preservation officer as described in 36 CFR 61.4(b), as may be amended:

- (1) To meet at regular intervals, but not less than four times per year;
- (2) To conduct an ongoing survey and inventory of historic buildings, areas and archaeological sites in the city, which shall be compatible with the state 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;
- (3) 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 landmarks and landmark sites;
- (4) To recommend that the city commission designate specified areas as historic districts and to identify which structures should be considered to be contributing structures;
- (5) To maintain and update a detailed inventory of the designated historic districts, landmarks and landmark sites within the city and a detailed inventory of potential landmarks and landmark sites, which inventories shall be open to the public for review;
- (6) To develop specific guidelines for the alteration, construction, relocation or removal of designated property;
- (7) To promulgate standards for architectural review which are consistent with standards for rehabilitation which have been or may be established by the United States Secretary of the Interior;
- (8) 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;

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- (9) To work with and advise the federal and state governments and other departments or boards of city government;
  - (10) 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;
  - (11) To cooperate with and enlist the assistance of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse;
  - (12) To initiate plans for the preservation and rehabilitation of individual historic buildings;
  - (13) To undertake public information programs, including the preparation of publications and the placing of historic markers;
  - (14) 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;
  - (15) To review buildings which are owned by the city and which are at least 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;
  - (16) To review proposed capital improvement projects of the city and its independent agencies, or their agents or contractors, costing in excess of \$50,000.00 in an historic district or affecting a designated landmark or landmark site, such review to 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; however, capital improvement projects for the maintenance of existing facilities are exempted from this requirement;
  - (17) 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;
  - (18) To make such rules and regulations as it deems necessary for the administration of ordinances for which it is responsible;
  - (19) 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 chapter; and
  - (20) Subject to city commission approval, to seek professional services and expertise when deemed necessary.

(Ord. No. 95-27, § 3, 9-7-1995)

#### **Sec. 46-61. Review authority.**

Upon application by the property owner or his 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:

- (1) 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 in this

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article, and after notifying the applicant and property owner 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.

- (2) In the development of the certified local government program, as provided in the National Historic Preservation Act, as amended in 1980, PL 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.

(Ord. No. 95-27, § 4, 9-7-1995)

### **Sec. 46-62. 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.

(Ord. No. 95-27, § 5, 9-7-1995)

### **Secs. 46-63—46-90. Reserved.**