

**ORDINANCE
NUMBER 2026-12**

AN ORDINANCE OF THE CITY OF LABELLE, FLORIDA, AMENDING CHAPTER 8.7, HISTORIC PRESERVATION, OF THE CITY OF LABELLE CODE OF ORDINANCES, TO CONFORM THE CITY'S HISTORIC PRESERVATION PROGRAM TO THE REQUIREMENTS OF THE CERTIFIED LOCAL GOVERNMENT PROGRAM UNDER 36 CFR PART 61; REVISING THE COMPOSITION, TERMS, AND DUTIES OF THE HISTORIC PRESERVATION BOARD; ADDING PROVISIONS FOR PUBLIC MEETINGS, STATE REPORTING, NATIONAL REGISTER NOMINATIONS, AND STANDARDS COMPLIANCE; UPDATING REFERENCES TO STATE AGENCIES; ADOPTING DESIGN GUIDELINES BY REFERENCE; ESTABLISHING AN AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF HISTORIC PROPERTIES UNDER SECTION 196.1997, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECITALS

WHEREAS, the City of LaBelle recognizes the importance of preserving, protecting, and promoting its historic resources, heritage, and unique sense of place; and

WHEREAS, the City has adopted Chapter 8.7, Historic Preservation, of its Code of Ordinances (originally Ord. No. 2004-08, as amended) to designate, regulate, and administer the City's historic resources; and

WHEREAS, the Certified Local Government (CLG) program is a federal-state partnership administered in Florida through the Florida Department of State, Division of Historical Resources, that provides participating local governments with technical assistance, training, and access to certain historic preservation grant funds; and

WHEREAS, participation in the CLG program requires that the City's local historic preservation legislation, review commission, survey and inventory system, public participation, and performance of responsibilities meet the requirements of 36 CFR Part 61; and

WHEREAS, the City Commission finds it to be in the best interest of the City and its residents to amend Chapter 8.7 to conform the City's historic preservation program to those requirements and to otherwise improve the administration of the chapter; and

WHEREAS, the City intends to prepare the LaBelle Historic District Design Guidelines to assist the Historic Preservation Board, City staff, and applicants in the review of certificates of appropriateness, consistent with the Secretary of the Interior's Standards; and

WHEREAS, upon completion, the City intends to adopt the LaBelle Historic District Design Guidelines by resolution and authorize the Board to maintain and amend the guidelines as provided herein;

51
52 **WHEREAS**, section 196.1997, Florida Statutes, authorizes a municipality by
53 ordinance, and without a referendum, to allow an ad valorem tax exemption for improvements
54 to historic properties, and the City Commission finds it appropriate to establish such an
55 exemption to encourage the rehabilitation of the City’s historic buildings, including residential
56 properties; and

57
58 **WHEREAS**, the City Commission has provided notice and held public hearing(s) on
59 this Ordinance as required by law;

60
61 **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of
62 LaBelle, Florida:

63
64 **Section 1. Recitals.** The foregoing recitals are true and correct and are
65 incorporated herein by this reference.

66
67 **Section 2. Amendment of Chapter 8.7.** Chapter 8.7, Historic Preservation, of
68 the City of LaBelle Code of Ordinances is hereby amended to read as set forth in Exhibit A
69 attached hereto and incorporated herein, in which new language is indicated by underlining
70 and deleted language is indicated by ~~strike-through~~. Text not shown in Exhibit A is unaffected
71 by this Ordinance.

72
73 **Section 3. Adoption of design guidelines.** Future Adoption of Design
74 Guidelines. Upon completion, the LaBelle Historic District Design Guidelines shall be
75 presented to the City Commission for consideration and adoption by resolution. Once adopted,
76 the guidelines shall be used to assist the Historic Preservation Board, City staff, and applicants
77 in the review of certificates of appropriateness under Chapter 8.7. A current copy of the adopted
78 guidelines shall be maintained on file with the City Clerk and made available for public
79 inspection.

80
81 **Section 4. Conflicts.** All ordinances or parts of ordinances in conflict with this
82 Ordinance are hereby repealed to the extent of such conflict.

83
84 **Section 5. Severability.** If any section, subsection, sentence, clause, phrase, or
85 portion of this Ordinance is for any reason held invalid or unconstitutional by a court of
86 competent jurisdiction, such portion shall be deemed a separate, distinct, and independent
87 provision, and such holding shall not affect the validity of the remaining portions hereof.

88
89 **Section 6. Codification.** The provisions of this Ordinance shall be incorporated
90 into the City of LaBelle Code of Ordinances. The word “ordinance” may be changed to
91 “section,” “article,” or other appropriate word, and the sections may be renumbered or
92 relettered to accomplish such intention.

93
94 **Section 7. Effective Date.** This Ordinance shall take effect immediately upon
95 adoption.

96
97
98 **PASSED AND DULY ADOPTED** this ____ day of _____, 2026.

100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129

**CITY COMMISSION OF THE CITY OF
LABELLE, FLORIDA**

By: _____
Vince Ross, Mayor

ATTEST:

By: _____
Tijauna Warner, City Clerk

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

By: _____
City Attorney

Vote:	AYE	NAY
Mayor Ross	_____	_____
Commissioner Vargas	_____	_____
Commissioner Ratica	_____	_____
Commissioner Holland	_____	_____
Commissioner Spratt	_____	_____

130 **EXHIBIT A**

131 **THE LABELLE CODE**

132 **CHAPTER 8.7 – HISTORIC PRESERVATION**

133 **ARTICLE I. – IN GENERAL**

134 **Sec. 8.7-1. Short title.**

135 This chapter shall be known as and may be cited as the “City of LaBelle Historic
136 Preservation Ordinance.”

137 **Sec. 8.7-2. Declaration of legislative intent.**

138 It is hereby declared as a matter of public policy that the protection, enhancement and
139 perpetuation of properties of aesthetic, archaeological, architectural, cultural, historical, and
140 paleontological merit are in the interests of the health, prosperity, and welfare of the people of
141 LaBelle. It is further the intent of the City that this chapter be consistent with the requirements
142 of the Certified Local Government program under 36 CFR Part 61. Therefore, this chapter is
143 intended to:

- 144
- 145 (1) Effect and accomplish the protection, enhancement, and perpetuation of buildings,
146 structures, improvements, landscape features, and archaeological and
147 paleontological resources of sites and districts that represent distinctive elements of
148 the city’s architectural, cultural, economic, natural, political, prehistoric, religious,
149 scientific, and social history;
 - 150 (2) Safeguard the city’s architectural, cultural, economic, natural, political, prehistoric,
151 religious, scientific, and social heritage, as embodied and reflected in such
152 individual sites, districts, and archaeological zones;
 - 153 (3) Foster understanding and civic pride in the accomplishments and events of the past;
 - 154 (4) Protect and enhance the city’s attraction to visitors and residents, encourage
155 appropriate redevelopment, and provide support and stimulus to the city’s
156 economy; and
 - 157 (5) Promote the use of individual sites and districts for the education, pleasure, and
158 welfare of the people of the City of LaBelle.

159 **Sec. 8.7-3. Scope of regulations.**

160 This chapter is intended to and shall govern and be applicable to all property located within
161 the City of LaBelle, Hendry County, Florida. Nothing contained herein shall be deemed to
162 ~~superecede~~ supersede or conflict with applicable building and zoning codes. Provisions
163 contained herein shall be cumulative and read in conjunction with other provisions of the City
164 of LaBelle Code and any applicable provisions of the Hendry County Code and laws of the
165 State of Florida.

166 The superintendent of public works shall have the legal authority to initiate or appear as a
167 party or witness, in an official capacity, in any administrative or legal proceeding in any matter
168 arising out of the City of LaBelle Historic Preservation Ordinance. In such matters, the
169 superintendent of public works may be represented by the city attorney.

170 **Sec. 8.7-4. Definitions.**

171 *Archaeological materials:* Human-manufactured objects or natural objects altered by
172 human activity that are one hundred (100) years of age or more. Consistent with state law,
173 unmarked human remains and associated burial artifacts and materials that are seventy-five

(75) years of age or older and discovered during lawful archaeological activities may also be considered archaeological materials for the purposes of this chapter.

Archaeological zone: An area designated by this chapter that is likely to yield largely subsurface information on the prehistory and history of the city based on prehistoric and historic settlement and land use patterns within the city as determined in consultation with the ~~Southeast Florida Regional Preservation Office~~ Florida Public Archeology Network. These zones will tend to conform to certain natural physiographic features that were the focal points for prehistoric and historic activities.

Certificate of appropriateness (COA): A certificate or permit issued by the city's historic preservation board permitting certain alterations or improvements to a designated individual site or property within a designated district;

(a) *Regular certificate of appropriateness:* A regular COA shall be issued by the staff assigned to the historic preservation board, without the need for board approval, based upon certain guidelines for their issuance approved by the board.

(b) *Special certificate of appropriateness:* For all applications for a special COA involving the demolition, removal, reconstruction, new construction, or other actions described in the guidelines promulgated by the historic preservation board at an individual site or a site within an historic district, a special COA is required that is issued directly by the board.

Certificate to dig (CTD): A certificate approved by the historic preservation board, with the advice and consultation of the ~~Southeast Florida Regional Preservation Office~~ Florida Public Archeology Network, for certain digging and excavation actions or projects that may involve a known or unknown archaeological or paleontological site or archaeological or paleontological resources within a designated archaeological or paleontological zone, designated individual historic site or designated historic district.

Certified Local Government (CLG): A local government certified by the State Historic Preservation Officer and the National Park Service, pursuant to the National Historic Preservation Act and 36 CFR Part 61, as meeting the requirements for participation in the Certified Local Government program.

Chief elected local official: The Mayor of the City of LaBelle, or such other elected official designated as the head of the City's governing body, who serves as the appropriate chief elected local official for purposes of the Certified Local Government program.

Contributing structures: Structures within an historic district that retain aesthetic, archaeological, architectural, cultural, or historical significance and are integral to the identity of the historic district.

Demolition: The complete constructive removal of a building, structure, significant landscape feature, or other significant improvement to real property within a designated archaeological zone, designated individual historic site or designated historic district.

Districts: A collection of two (2) or more archaeological zones, buildings, structures, landscape features or other improvements that are concentrated within proximity to one another and have been designated collectively pursuant to this chapter.

Exterior: All outside surfaces of a building or structure.

Florida Master Site File: An archive and database of all known archaeological and historical sites and districts recorded within the State of Florida that is maintained by the

Florida Department of State Division of Historical Resources and is organized alphabetically by county and numerically, as recorded.

Guidelines for preservation: As promulgated and amended, The U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and related U.S Department of the Interior standards and guidelines documents-, together with the LaBelle Historic District Design Guidelines adopted by resolution by the city and administered by the historic preservation board pursuant to sections 8.7-15(6) and 8.7-17(3), as amended from time to time by the board.

Historic preservation board: A board of citizens created by this chapter, as described herein, to administer the historic preservation ordinance, with the assistance of city staff.

Historic Preservation Fund: The federal fund, authorized by the National Historic Preservation Act, from which matching grants-in-aid are appropriated to the states and, in part, regranted to certified local governments for historic preservation activities.

Historic survey: The body of information contained within the Historic Properties Survey of LaBelle, Florida, as well as other historic properties listed by the ~~Southeast Florida Regional Preservation Office~~ Florida Department of State, Division of Historical Resources and the City of LaBelle Planning Council as Local Areas of Particular Concern, and properties listed within the State of Florida's Florida Master Site File, and any other studies within the city that describe properties of aesthetic, archaeological, architectural, cultural, historical, and paleontological merit.

Individual site: An archaeological or paleontological zone, historic building, structure, significant landscape feature, place, or other improvement to real property that has been designated as an individual site pursuant to this chapter. Under provisions of this chapter, interior spaces may be regulated only where a building or structure is a designated individual site and when so specified in the designation report.

Landscape feature: Any landscape improvement or vegetation including, but not limited to, courtyards, decorative stone, earthen mounds, exterior lighting, fences, gates, outbuildings, planters, plantings, shrubbery, sidewalks, signage, statuary, street furniture, trees, and walls.

National Register nomination: A proposal, prepared on forms and according to standards established by the National Park Service, to list a district, site, building, structure, or object in the National Register of Historic Places.

National Register of Historic Places: A federal government listing maintained by the U.S. Department of the Interior that catalogues individual archaeological, paleontological, and historical sites, structures, landscape features and districts that have attained a quality of significance as determined by the National Historic Preservation Act of 1966, as amended.

Noncontributing structures: Structures within an historic district that are not historically or architecturally compatible with other contributing structures within the district.

Ordinary repairs and maintenance: Work done to prevent deterioration of a building or structure or decay or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay, or damage.

Owner of a designated property: As reflected on the current Hendry County tax rolls or current title holder.

Paleontological zone: An area designated by this chapter that is likely to yield largely subsurface information on the prehistory and fossil history of the city based on prehistoric environmental patterns within the city as determined in consultation with the ~~Southeast Florida Regional Preservation Office~~ Florida Public Archeology Network. These zones will tend to conform to certain geological features and deposits.

Rules of Procedure: The written rules adopted by the historic preservation board governing its meetings, transactions, and review procedures, which shall be available for public inspection.

State Historic Preservation Officer (SHPO); State Historic Preservation Office: The official designated pursuant to s. 267.031, Florida Statutes, and the office within the Florida Department of State, Division of Historical Resources, responsible for administering the state historic preservation program, including the Certified Local Government program.

Undue economic hardship: The occurrence when the failure to issue one of the several certificates would place an onerous and excessive financial burden upon the property owner that would amount to a taking of the owner's property without just compensation.

Sec. 8.7-5—8.7-10. Reserved.

ARTICLE II. – HISTORIC PRESERVATION BOARD

Sec. 8.7-11. Created and Established.

There is hereby created a historic preservation board (hereinafter "the board") as a governmental agency of the City of LaBelle. The board is hereby vested with the power, authority, and jurisdiction to designate, regulate, and administer aesthetic, archaeological, architectural, cultural, historical, and paleontological resources within the City of LaBelle, as prescribed by this chapter under the direct jurisdiction and legislative control of the city commission.

Sec. 8.7-12. Members.

- (1) The board shall consist of the elected (5) members of the city commission. The Board shall be comprised of five (5) members, each of whom shall be appointed by the chief elected official at the recommendation of the city commission. To the extent practicable, include city residents, county residents, and community stakeholders. All members shall possess demonstrated knowledge, experience and commitment to historic preservation. The city shall appoint, to the extent such professionals are available in the community, professionals in history, architecture, or related disciplines to make up the members. All members, professional or lay, will meet the minimum requirement of having a demonstrated interest, competence, or knowledge in historic preservation per 36 CFR 61.6(e)(2).
- (2) The terms of office for each board member shall be staggered and the terms of office shall be four (4) years.
- (3) Any member may resign by submitting written notice to the City Clerk. Any member may be removed by the chief elected official at the recommendation of the city commission for cause, including failure to maintain qualifications required by this section, failure to abide by the Board's Rules of Procedure, neglect of duty, or misconduct.
- (4) Any vacancies on the board shall be filled within sixty (60) days.
- (5) ~~(2)~~ The city superintendent of public works and the city clerk, or their designees, may serve as ex officio nonvoting members of the board. The city attorney or the

city attorney's designee may provide legal guidance to the board in carrying out its powers and duties.

Sec. 8.7-13. Organization.

The members of the board shall annually elect a chair who shall serve at the pleasure of the board and other such officers as may be deemed necessary or desirable. The city superintendent of public works shall provide adequate professional staff for the operational support of the board, including but not limited to a professional historic preservation officer and staff and representatives from the departments of development services, parks and recreation, and public works. Minutes of each board meeting shall be kept and prepared under the supervision and direction of the board, and copies of such minutes shall be filed with the city clerk. All meetings of the board will be publicly announced, open to the public, and have a previously advertised agenda. All decisions will be given in a public forum, and all meeting records will be available to the public.

Sec. 8.7-14. Rules and regulations.

The board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this chapter. Such rules and regulations shall conform to the provisions of this chapter and shall not conflict with the Constitution and laws of the State of Florida, and shall govern and control the procedures, hearings, and actions of the board. The Board and City shall follow all applicable Secretary of the Interior historic preservation standards for archeology and historic preservation in accordance with 36 CFR 61.3.

No such rules and regulations shall become effective until a public hearing has been held upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by the city commission and filed with the city clerk. Upon approval of the city commission, such rules and regulations shall have the force and effect of law within the City of LaBelle. The board shall prescribe forms for use by applicants in compliance with the provisions of this chapter. The board may authorize any one (1) of its members or staff to administer oaths and certify official acts. The City of LaBelle agrees to follow all conflict-of-interest provisions contained in Chapter 3, Section C of the Historic Preservation Fund Grants Manual and to follow all the requirements of the National Park Service's Conflict of Interest Policy.

Sec. 8.7-15. Powers and duties.

The historic preservation board shall have the following enumerated powers and duties:

- (1) Adopt or amend rules of procedure. Rules of Procedure must be available for public inspection.
- (2) Designate individual sites, districts, archaeological and paleontological zones.
- (3) Issue or deny certificates of appropriateness and certificates to dig.
- (4) Approve historical markers and provide other recognition for individual sites, districts, and zones.
- (5) Recommend zoning and building code amendments to the proper authorities that assist in promoting historic preservation.
- (6) Establish guidelines for preservation and criteria for the issuance by staff of regular certificates of appropriateness.
- (7) Promote the awareness of historic preservation and its community benefits.
- (8) No actions of this board will supercede or be construed as superceding the authority of the city commission.

- (9) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere. All survey and inventory materials shall be compatible with the Florida Master Site File. Duplicates of all inventory materials shall be sent to the State Historic Preservation Office. All inventory materials shall be open to the public except when restrictions on the release of locational information are mandated because such disclosure might (1) cause a significant invasion of privacy; (2) risk harm to historic property; or (3) impede the use of a traditional religious site by practitioners, in accordance with Section 304 of the National Historic Preservation Act (54 U.S.C. 307103).
- (10) Implement the authority of this chapter and fulfill the tasks set forth for this board by the city commission in this chapter and other ordinances.
- (11) Record and maintain records of the board's actions and decisions.
- (12) Follow and abide by the laws of the United States of America, the State of Florida, and the City of LaBelle.
- (13) Provide an annual report to the city commission concerning the board's actions and decisions.
- (14) Review and make recommendations to city staff regarding grants and financial incentives available to property owners and to the city that assists in promoting historic preservation within the city.
- (15) Attend pertinent informational or educational meetings, workshops and conferences.
- (16) Have at least four (4) meetings per year at regular intervals.
- (17) Seek expertise on proposals or matters requiring evaluation by a profession not represented on the historic preservation board.
- (18) Board members shall be encouraged to participate in survey and planning activities.
- (19) The board shall review proposed National Register nominations within its jurisdiction.
- (20) The board shall have responsibilities complementary to those of the State Historic Preservation Office.
- (21) Satisfactory performance of Certified Local Government responsibilities. The responsibilities required to maintain status as a Certified Local Government in good standing will be maintained to the established standards.

Prior notice of all meetings of the Board shall be provided to the State Historic Preservation Officer at least 30 calendar days prior to the meeting.

Following each meeting of the Board, records of attendance of the review commission, minutes of the meeting, and public attendance figures shall be submitted to the State Historic Preservation Officer within 30 calendar days of each meeting.

Notification to the State Historic Preservation Officer shall be provided within 30 calendar days for any change in Board membership. Any amendments to this ordinance shall be submitted for review and comment at least 30 days prior to adoption.

When new historic designations or alterations to existing designations are passed by the Board, the State Historic Preservation Officer shall be immediately notified.

By November 1st of each year, an annual report covering the activities of the previous year from October 1st to September 30th shall be submitted to the State

Historic Preservation Officer. The annual report shall include the following information:

A copy of the Rules of Procedure;

A copy of the historic preservation ordinance;

Resume of board members;

Changes to the board;

New local designations;

New National Register listings;

Review of survey and inventory activity with a description of the system used;

Program report on each grant-assisted activity; and

Number of projects reviewed.

Sec. 8.7-16. Designation process and procedure.

(1) *Criteria:* The board shall have the authority to designate areas, places, buildings, structures, landscape features, archaeological sites, roadways, and other improvements or physical features as individual sites, districts or zones that are significant in the City of LaBelle's archaeology, architecture, culture, and human and natural history and that possess an integrity of location, design, setting, materials, workmanship or association, or:

(a) Are associated with distinctive elements of the agricultural, architectural, artistic, cultural, economic, natural, political, prehistoric, religious, scientific, and social history that have contributed to the pattern of history in the City of LaBelle, Hendry County, Florida, the State of Florida, or the nation; or

(b) Are associated with the lives of persons significant in our past; or

(c) Embody distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or

(d) Have yielded, or are likely to yield, information in history, prehistory, or paleontology; or

(e) Are listed in the National Register of Historic Places or as a City of LaBelle Archaeological or Historical Cultural Resource Site.

(2) *Properties not generally considered; exceptions:* Certain properties, such as cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature, and properties that have achieved significance within the last fifty (50) years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
- (b) A building or structure removed from its location but which is primarily significant for its architectural value, moved to current location at least fifty (50) years ago or is the surviving structure most importantly associated with an historic event or person.
- (c) A birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her productive life.
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
- (e) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its historical significance.
- (f) A property or district achieving significance within the past fifty (50) years if it is of exceptional importance.
- (3) *Investigation and designation report:* Prior to the designation of an individual site, a district or a zone, an investigation and designation report must be filed with the board. The format of the designation report may vary according to the type of designation; however, all reports must address the following:
- (a) The aesthetic, archaeological, architectural, cultural, historical, or paleontological significance of the property or properties being recommended for designation;
- (b) A recommendation for boundaries for districts and zones and an identification of the boundaries of individual sites being designated; and
- (c) A recommendation of standards to be adopted by the board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig.
- (d) If clearly specified, certain identifiable elements of a site, district, or zone may be exempt from the necessity of a certificate of appropriateness or a certificate to dig because of the particular circumstances of the property or properties to be designated.
- (e) Properties previously designated by the State of Florida, or listed on the National Register of Historic Places, may have those reports previously prepared adopted by the board as a city designation report.
- (4) *Noncontributing properties.* Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district that are not historically or architecturally compatible with other significant, or “contributing,” structures in the district and denote them as noncontributing structures. The standards for regulating such noncontributing properties shall provide that certificates of appropriateness or certificates to dig may be required only for new construction on such properties.

- 478 (5) *Reports to consider effect on integrity.* All reports shall take into consideration the
479 effect of all projected, proposed, or existing public and private improvements and
480 developmental or renewal plans on the integrity of the historic district or the integrity
481 of archaeological or paleontological zones.
- 482 (6) *Procedure.*
- 483 (a) *Petition of the owner:* The owner of any property in the City of LaBelle may
484 petition the board for designation of his or her property as an individual site,
485 district, or zone provided that the owner appears before the board with sufficient
486 information to warrant the investigation of the property for future designation
487 and the board finds that the property may be worthy of designation. The board
488 shall, based upon its findings, either direct the staff to begin the designation
489 process or deny the petition. Nothing in this subsection shall be deemed to
490 restrict the power of the board to initiate the designation process pursuant to this
491 section.
- 492 (b) *Directive of the board:* The board shall, upon recommendations from staff or
493 the acceptance of a petition pursuant to subsection (a) of this subsection, direct
494 staff to begin the designation process by preparing a designation report,
495 pursuant to subsection (3) of this section and any other standards and guidelines
496 the board may deem necessary, and submitting the designation report according
497 to the procedures described herein.
- 498 (c) *Notification of owner:* For each proposed designation of an individual site, a
499 district, or a zone, the board is encouraged to obtain the permission of the
500 property owner or owners within the proposed designation area, and is
501 responsible for mailing a copy of the designation report to the owner or owners
502 as notification of the board's intent to consider designation of the proposed site,
503 district, or zone at least fifteen (15) days prior to a public hearing held pursuant
504 to this section. The designation of an individual site shall require the written
505 consent of the owner of the property, except where the property is designated as
506 a contributing property within a district. The designation of a district shall not
507 require the consent of the property owners within the proposed district and shall
508 proceed upon the notice and public hearing provided in this section.
- 509 (d) *Notification of governmental agencies:* Upon filing of a designation report, the
510 board shall immediately notify the appropriate city departments, including
511 agencies with building, demolition, environmental, planning, public works, and
512 zoning powers, that may be affected by said filing.
- 513 (e) *Notification of a public hearing:* For each individual site, district, or zone
514 proposed for designation, a public hearing must be held no sooner than ten (10)
515 days and within sixty (60) days from the date a designation report has been filed
516 with the board. Owners of record or other parties having an interest in the
517 property or properties proposed for designation, if known, shall be notified of
518 the public hearing by certified mail to the last known address of the party being
519 served; however, failure to receive such notice shall not invalidate the same as

- such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ten (10) days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.
- (f) *Requirement of prompt decision and notification:* Within seven (7) days of a public hearing on a proposed individual site, district, or zone, the board shall by written resolution state its decision to approve, deny, or amend the proposed designation and shall direct the secretary of the board (city deputy clerk) to notify the following of its actions with a copy of the resolution:
1. The appropriate city agencies with building, demolition, environmental, planning, public works, and zoning powers that may be affected by this action;
 2. The city clerk;
 3. The owner or owners of the affected property or properties and other parties having an interest in the property or properties, if known; and
 4. The Hendry County property appraiser.
- (g) *Amendment or rescission:* The board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.
- (h) *Moratorium:* Upon the filing of a designation report by the staff, the owner or owners of the real property that is the subject matter of the designation report or any individual or private or public entity shall not:
1. Erect any structure on the subject property;
 2. Alter, restore, renovate, move, or demolish any structure or any part of a structure on the subject property until such time as final administrative action, as provided by this chapter, is completed.
- (i) *Recording of designation:* The board shall provide the clerk of the circuit court with all designations for the purpose of recording such designations and the clerk of the circuit court shall thereupon record the designation according to law.
- (7) *Nominations to the National Register of Historic Places:*
- (a) The National Register of Historic Places is a list of properties maintained by the National Park Service authorized by the National Historic Preservation Act of 1966. The National Register is administered through the National Park Service and has established evaluation criteria and guidelines that allow for properties to be nominated.
- (b) In compliance with the National Historic Preservation Act, the Mayor, as the Chief Elected Local Official, will receive the Historic Preservation Board's report for nominations to the National Register of Historic Places before providing his/her opinion. The Chief Elected Local Official will ask in writing that the Board send the package to the State Historic Preservation Office on behalf of the official. This ensures that the official's opinion and the Board's report go to the State Historic Preservation Office as a single package.

(c) For nominations to the National Register, notification shall be provided at least 30 calendar days prior to a public hearing on the Board's designation, but no more than 75 calendar days prior. Objections by property owners must be notarized to prevent nomination to the National Register.

Sec. 8.7-17. Application for certificates of appropriateness and certificates to dig; demolition.

(1) *Certificate required as prerequisite to alteration, etc.:* No building, structure, improvement, landscape feature or archaeological or paleontological site within the City of LaBelle that is designated pursuant to section 8.7-16 of this chapter shall be altered, constructed, demolished, excavated, moved, rehabilitated, renovated, or restored until an application for a certificate of appropriateness or certificate to dig has been submitted that describes the proposed alteration, construction, demolition, excavation, movement or removal, rehabilitation, renovation, or restoration, or other similar actions, has been submitted to and approved by the board or staff pursuant to the procedures in this section. Architectural features shall include, but are not limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style, and color of roofs, windows, doors, and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to section 8.7-16. Landscape features and site improvements shall include, but are not limited to, subsurface alterations and excavations, fill deposition, paving, landscaping, walls, fences, courtyards, signs, and exterior lighting. As permitted in section 8.7-16 and if specified in a designation report, certain identifiable elements of a site, district, or zone may be exempt from the necessity of a certificate of appropriateness or a certificate to dig. However, no certificate of appropriateness or certificate to dig shall be approved unless the architectural or engineering or other acceptable work plans for the proposed alteration, construction, demolition, excavation, movement or removal, rehabilitation, renovation, or restoration, or other similar actions, are approved by the board.

(2) *Board to develop procedures:* The board shall develop procedures for making application for either a regular or special certificate of appropriateness or a certificate to dig.

(3) *Standards for issuance:* The board shall adopt and may from time to time amend the standards by which applications for any certificate of appropriateness or certificate to dig are to be measured and evaluated. In adopting these guidelines, it is the intent of the board to promote the maintenance, restoration, rehabilitation, renovation, and adaptive reuses appropriate to a property or properties, and compatible contemporary designs that are harmonious with the exterior architectural and landscape features and improvements of neighboring buildings, structures, sites, and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular certificates of appropriateness and certificates to dig. All

certificates of appropriateness and certificates to dig shall permit the staff to the board and the representatives of other appropriate governmental agencies to inspect from time to time any work approved pursuant to this chapter. The Board and City shall follow all applicable Secretary of the Interior historic preservation standards for archeology and historic preservation in accordance with 36 CFR 61.3. The standards and guidelines adopted under this subsection are set forth in the LaBelle Historic District Design Guidelines, adopted by resolution under this chapter. The board may amend the design guidelines from time to time by action taken at a regular public meeting of the board, obtaining professional or technical assistance as it deems necessary, without the necessity of a separate public hearing and without amendment of this chapter.

- (4) *Regular certificates of appropriateness:* Based upon the guidelines for preservation, the designation report, a complete application for a regular certificate of appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the board may deem necessary, the staff of the board shall, within twenty-one (21) days from the date a complete application has been filed, approve or deny the application for a regular certificate of appropriateness by the owner or owners of a designated site or property within a district or zone. The findings of the staff shall be sent by regular mail to the applicant within three (3) days of the staff decision, accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff decision by applying through a written request for a special certificate of appropriateness within thirty-one (31) days of the staff's findings.

- (5) *Special certificates of appropriateness:* An applicant for a special certificate of appropriateness shall submit his or her application to the board pursuant to section 8.7-16 and accompany such application to the board with full plans and specifications, site plans, and samples of materials as deemed appropriate by the board to fully describe the proposed appearance, color, texture, or materials, and architectural design of the building and any courtyards, decorative stone, earthen mounds, exterior lighting, fences, gates, outbuildings, planters, plantings, shrubbery, sidewalks, signage, statuary, street furniture, trees, and walls or other structures or landscape features.

(a) The applicant shall provide adequate information to enable the board to visualize the effect of the proposed action on the applicant's property and adjacent properties and streetscapes. If such application involves a designated archaeological or paleontological zone, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the zone.

(b) The board shall hold a public hearing upon an application for a special certificate of appropriateness affecting any city designated site, district, or zone. In such instances, notice and procedure of the public hearing shall be given to the property owner or owners by certified mail and to other interested parties by

an advertisement in a newspaper of general circulation at least ten (10) days prior to the public hearing.

(c) The board shall act upon an application within forty-five (45) days of receipt of application materials adequately describing the proposed action. The board shall approve, deny, or approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed thirty-one (31) days in order to seek technical advice from outside the board members, allow the applicant to reconsider and propose revisions or modifications to the application, or for staff to meet further with the applicant to revise or modify the application.

(d) The decision of the board shall be issued in writing. Evidence of approval of the application shall be by certificate of appropriateness issued by the board or the board's staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the appropriate city agencies with building, demolition, environmental, planning, public works, and zoning powers that may be affected by this action. When an application is denied, the board's notice shall provide an adequate written explanation of its decision to disapprove the application. The board shall keep a record of its actions under this chapter.

(e) Unless otherwise provided in the authorizing language of a particular certificate of appropriateness at the discretion of the board, both regular and special certificates of appropriateness shall expire after three hundred sixty-five (365) days. Staff may grant extensions of time of up to an additional one hundred eighty (180) days for restoration or rehabilitation work only upon satisfaction that the scope of the work originally approved has not changed and provided that a written request is filed and work is commenced before the expiration of the original certificate. A public hearing is not required for granting an extension.

(6) *Certificates to dig:*

(a) *When required; how granted:* Within an archaeological or paleontological zone or within an individual site or district when specified, any new construction, filling, digging, trenching, boring, tree or shrub removal, or any other activity that may alter or reveal surficial, embedded, or buried archaeological or paleontological material shall be prohibited without a certificate to dig. All permit applications to any city agencies with building, demolition, environmental, planning, public works, and zoning powers involving new construction, filling, digging, trenching, boring, tree or shrub removal, or other similar ground-disturbing activities within an archaeological or paleontological zone, or similar protected area within an individual site or district, shall require a certificate to dig before approval.

1. Based upon the language of the designation report for the property involved, the board or representative staff shall approve, deny, or

- 687 approve with modifications the certificate to dig, in consultation with
688 the ~~Southeast Florida Regional Preservation Office~~ Florida Public
689 Archeology Network, within thirty-one (31) days from the date the
690 completed application is filed. A failure to reply within the time
691 provided shall constitute an approval of the board's action, absent
692 circumstances preventing a timely response.
- 693 2. An approved certificate to dig may be subject to specified conditions,
694 including, but not limited to, excavations and other studies by a qualified
695 professional archaeologist.
- 696 3. If the certificate to dig is issued by staff without a board hearing, the
697 applicant may make a written request for a hearing before the board to
698 challenge the terms of the certificate to dig within thirty-one (31) days
699 of the staff's findings. The board shall convene within thirty-one (31)
700 days after such a request is received by the board to reconsider the
701 original staff decision regarding the application for the certificate to dig.
702 The decision of the board that reconsiders the application shall be
703 reduced to writing within seven (7) days from the date of the board's
704 hearing.
- 705 (b) *Approved certificates to dig*: Approved certificates to dig shall contain an
706 effective date at which time the proposed activity must have begun. A certificate
707 to dig may provide for up to six (6) months, with one six (6) month extension
708 that may be approved by the board, from the original date of issuance, after
709 which time the certificate expires and a new application must be made.
- 710 (c) *Work to conform to certificate to dig; stop work order*: All work performed
711 pursuant to the issuance of a certificate to dig shall conform to the requirements
712 of the certificate. It shall be the duty of the appropriate governmental agencies
713 and the staff to the board to inspect from time to time any work approved
714 pursuant to this chapter to ensure compliance. In the event work is not
715 performed in accordance with such certificate, the city superintendent of public
716 works shall appoint an official empowered to issue a stop work order on the
717 board's behalf and all work not in compliance with the certificate shall cease.
718 No person, firm, business entity, agent, or contractor shall undertake any work
719 on such project as long as the stop work order shall continue in effect.
- 720 (7) *Demolition*:
- 721 (a) The demolition of a designated building, structure, improvement, site, district,
722 or zone may not occur without the issuance of a special certificate of
723 appropriateness, unless by a ~~superceding~~ superseding order of a government
724 agency or a court of competent jurisdiction.
- 725 (b) Government agencies having the authority to demolish unsafe structures shall
726 receive notice of designation of individual sites, districts, or zones pursuant to
727 section 8.7-16. The staff of such agencies shall consult with the staff of the
728 historic preservation board before entering a demolition order or placing such

properties on an official agenda. Such unsafe structures agencies shall not enter a demolition order unless they first determine in writing that there exists no feasible alternative to demolition.

- (c) The board and the City of LaBelle shall be deemed interested parties and shall receive ten (10) days prior written notice of any public hearings conducted by said government agencies regarding the demolition of any designated property within the city. The board may make recommendations and suggestions to such government agencies and the property owner or owners relative to the feasibility of and the public interest in preserving the designated property.
- (d) At the written request of the board, such unsafe structures agencies shall continue any hearing on any designated property for not less than thirty (30) days to allow consultation with the board. If such an agency subjects a designated property to an order providing for demolition, the order shall also, at the written request of the board, establish a grace period of no less than sixty (60) days to obtain a permit to repair the property, followed by no less than one hundred eighty (180) days to substantially complete such repairs. After entry of such a repair or demolition order, such unsafe structures agencies shall have the jurisdiction and authority to grant additional extensions of the grace period, provided the agency is satisfied that the repair will be completed within a reasonable time. Nothing in this section shall prohibit any unsafe structures agency from entering an order requiring a designated property to be secured.
- (e) No permit for voluntary demolition of a designated building, structure, improvement, landscape feature, zone, site, or other protected element of a property shall be issued to the owner or owners thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this section. Refusal by the board to grant a special certificate of appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved.

The board shall be guided by the criteria contained in subsection (f) herein. The board may grant a special certificate of appropriateness that may provide for a delayed effective date. The effective date shall be determined by the board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this chapter. Such steps may include, but shall not be limited to, consultation with interested persons and private organizations, civic groups, and other public agencies, recommendations for acquisition of the property by public or private agencies or organizations, and exploration of the possibility of moving one (1) or more structures or other features.

- (f) In addition to all other provisions of this chapter, the board shall consider the following criteria in evaluating applications for demolition of designated properties:
1. Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an archaeological, architectural, or historical landmark?
 2. Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
 3. Is the structure one (1) of the last remaining examples of its kind within the city or Hendry County?
 4. Does the structure contribute significantly to the historic character of a designated district?
 5. Would retention of the structure promote the general welfare of the city by providing an opportunity for study of local history, architecture, or design or by developing an understanding of the importance and value of a particular culture or heritage?
 6. Are there definite plans for reuse of the property if the proposed demolition is carried out and what will be the effect of those plans on the character of the surrounding area?
- (8) *Building permit not to issue without a certificate:* No building or other permit that affects any designated property within the City of LaBelle shall be issued by any city agency without an approved certificate of appropriateness or certificate to dig.
- (9) *Compliance of work with certificate standards; official and staff:* All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the certificate. The city superintendent of public works shall hire an historic preservation professional or designate an appropriate existing official, along with any other necessary staff, to assist the board by making necessary inspections in connection with enforcement of this chapter and shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the board and copies of any stop work orders shall be furnished to both the board and the applicant. The official selected by the city superintendent of public works as staff for the board shall be responsible for ensuring that any work not in accordance with an issued certificate of appropriateness or other provisions of this article shall be corrected to comply with the certificate or provision prior to withdrawing the stop work order.
- (10) *Emergency and temporary measures:* For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, or other necessary repairs to a designated building or site within the City of LaBelle, pursuant to an order of a government agency or a court of competent jurisdiction.

- (a) The owner of any designated property damaged by storm, fire or other calamity shall be permitted to stabilize the building immediately without board approval and to repair, restore, reconstruct, or rehabilitate the property later under the normal review procedures to this chapter.
- (b) The city working with property owners and other government agencies are encouraged to develop a disaster management plan for designated properties within the city as outlined in the publication Disaster Planning for Florida's Historic Resources (2003), as revised, which was developed with the assistance of the Florida Department of State Division of Historic Resources.
- (11) *No action to constitute approval:* If no action upon a completed application is taken within sixty (60) days from the date of its receipt, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time limit may be waived by mutual written consent of the applicant and the board.
- (12) *Power of review:* The board shall have the authority to review applications for certificates of all property within the City of LaBelle, however owned, by either public or private parties. The purposes of this chapter shall apply equally to plans, projects, or work executed or assisted by any private party, governmental body or agency, department, authority or board of the city, county, or state.
- (13) *Archaeological sites or districts:* To protect a designated archaeological site, district, or zone (hereinafter "site"), the board may require any of the following:
- (a) An archaeological survey at the applicant's expense conducted by a qualified archaeologist approved by the board containing an assessment of the significance of the archaeological site and an analysis of the impact of the proposed activity on the site;
 - (b) Scientific excavation as an evaluation of the site at the applicant's expense by a qualified, professional archaeologist;
 - (c) Mitigation measures to offset any potential detrimental effects from activities affecting the site;
 - (d) Protection or preservation of all or part of the archaeological site for green space; and
 - (e) Request the oversight, technical guidance, or intervention of the ~~Southeast Florida Regional Preservation Office~~ Florida Public Archeology Network, as appropriate. The board may also require an archaeological survey or scientific excavation as a precondition to consider further action.

Sec. 8.7-18. Standards for archaeological work; discovery of archaeological sites.

- (1) *Archaeological work:* Archaeological surveys, assessments, excavations, and other work required by this article shall be conducted by a qualified, professional archaeologist and be consistent with accepted professional standards and regulations developed by the Florida Department of State Division of Historical Resources and the United States Department of the Interior, or their successor agencies.

- (2) *Sites discovered during the development process:* In the event that archaeological materials are discovered by ground disturbing activities on any property within the city, such activities in the immediate vicinity of the archaeological site shall be discontinued and the City of LaBelle and the ~~Southeast Florida Regional Preservation Office~~ Florida Department of State, Division of Historical Resources (Bureau of Archaeological Research) notified. The ~~Southeast Florida Regional Preservation Office~~ Division of Historical Resources shall review the site of the discovery and may require that the site be assessed by a qualified professional archaeologist at the expense of the property owner.
- (3) *Unmarked human graves:* If a discovery is made of an unmarked human grave or graves, then the procedures for notifying the State Archaeologist and County Medical Examiner shall be followed, consistent with F.S. ch. 872, as amended. The disposition of the remains and the preservation of the burial site shall be determined consistent with state law and with the advice of the ~~Southeast Florida Regional Preservation Office~~ Florida Department of State, Division of Historical Resources (Bureau of Archaeological Research) and consent of the City of LaBelle Historic Preservation Board.

Sec. 8.7-19. Economic hardship.

Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant's property, strict enforcement of the provisions of this chapter would result in serious undue economic hardship to the applicant, the board shall have the power to vary or modify adherence to this chapter; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect the City of LaBelle.

- (1) In any instance where there is a claim of undue economic hardship, the applicant shall submit, by affidavit, to the board at least fifteen (15) days prior to the public hearing, the following information:
- (a) *For all property:*
1. The amount paid for the property, the date of purchase and the party from whom purchased;
 2. The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
 3. Real estate taxes for the previous two (2) years;
 4. Annual debt service, if any, for the previous two (2) years;
 5. All appraisals obtained for the property within the previous two (2) years by the applicant or on the applicant's behalf in connection with the purchase, financing, or ownership of the property;
 6. Any listing of the property for sale or rent, price asked and offers received, if any;
 7. Any consideration by the owner as to profitable adaptive uses for the property;
 8. All cost estimates or reports relating to the demolition of the property obtained within the previous two (2) years;
 9. All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two (2) years;

895 10. All reports relating to the engineering, architectural or construction
896 feasibility of rehabilitating or restoring the property obtained within the
897 previous two (2) years; and

898 11. All reports relating to the economic feasibility of restoring or
899 rehabilitating the property obtained within the previous two (2) years,
900 including market studies.

901 (b) *For income-producing property:*

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

903 2. Itemized operating and maintenance expenses for the previous two (2)
904 years; and

905 3. Annual cash flow, if any, for the previous two (2) years.

906 (2) The board may require that an applicant furnish such additional information as the
907 board believes is relevant to its determination of undue economic hardship. The
908 applicant shall permit access to the subject property for the purpose of inspections
909 and/or appraisals required by the board or city staff. In the event that any of the
910 required information is not reasonably available to the applicant and cannot be
911 obtained by the applicant, the applicant shall file with his affidavit a statement of the
912 information which cannot be obtained and shall describe the reasons why such
913 information cannot be obtained.

914 **Sec. 8.7-20. Maintenance of designated properties; demolition by neglect prohibited.**

915 (1) *Ordinary maintenance or repair:* Nothing in this chapter shall be construed to
916 prevent the ordinary maintenance or repair of any exterior elements of any building
917 or structure that does not involve a change of design, appearance or material, and
918 which does not require a building permit.

919 (2) *Affirmative maintenance required:* The owner of a property designated pursuant to
920 this chapter either individually or as a contributing part of a district or zone shall
921 comply with all applicable codes, laws and regulations governing the maintenance
922 of property. It is the intent of this section to preserve from deliberate or inadvertent
923 neglect the exterior features of such properties and the interior portions thereof when
924 maintenance is necessary to prevent deterioration and decay of the property. All such
925 properties shall be preserved against such decay and deterioration and shall be free
926 from structural defects through prompt corrections of any of the following defects:

927 (a) Facades that fall and injure the subject property, adjoining property, or members
928 of the public;

929 (b) Deteriorated or inadequate foundations, defective or deteriorated flooring or
930 floor supports, deteriorated walls or other vertical structural supports;

931 (c) Members of ceilings, roofs, ceiling and roof supports or other structural
932 members that may rot, sag, split or buckle due to defective material or
933 deterioration;

934 (d) Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations
935 or floors, including broken, unsecured or missing windows or doors;

- (e) Any fault or defect in the property that renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.
- (3) *Undue economic hardship*: A property owner who believes that the application of this section creates an undue economic hardship may apply for a variance or modification under section 8.7-19.
- (4) *Enforcement*:
- (a) Notice of administrative enforcement: When a City of LaBelle code enforcement officer learns of a violation of subsection (2) above, that officer shall provide written notice of the violation to the owner, with specific written details of the corrective action necessary to remedy the violation. Such notice shall be given personally, by regular U.S. mail and certified by the city clerk's office or code enforcement officer as mailed, or by posting on the property when the address of the owner cannot be located. The property owner shall have thirty (30) days from the date of such notice to perform the corrective action. Thereafter, the code enforcement officer may issue a civil citation in accordance with the city's code.
- (b) *Action for injunction and remedial relief; lien on property*: If the property owner fails to take corrective action within the fifteen (15)-day period provided in subsection (4)(a), the City of LaBelle may file an action seeking:
1. An injunction ordering the property owner to take corrective action;
 2. An order authorizing the city to enter onto the property to make corrective actions; and
 3. Civil penalties.
- The court shall order an injunction providing such remedies if the city proves that the owner has violated this article and such violation threatens the integrity or existence of an individual site or a contributing structure within a district. Such civil action may be initiated in the name of the city at the discretion of the city superintendent of public works upon an affirmative vote of a majority of the board.
- Settlements of such lawsuits may be obtained in the same manner. Nothing herein shall prevent the city commission from initiating or assuming direction of the lawsuit, at its discretion. In the event that the court authorizes the city to enter onto the property to take the required corrective action, the court shall also order that the cost of the corrective action shall constitute a lien against the property, accruing interest at the statutory rate for judgments until satisfied.
- (c) *Civil penalties*. Violation of this section shall be punished by a civil penalty of five hundred dollars (\$500.00). After expiration of the fifteen-day period provided in subsection (4)(a), each day that the corrective action is not taken shall constitute a separate violation. All civil penalties collected under this section shall be deposited into the Historic Preservation Board Trust Fund established in section 8.7-23 and used for purposes consistent with that section.

Sec. 8.7-21. Appeals.

An aggrieved party may appeal the decision by filing with the clerk of circuit court in and for Hendry county and a written notice of appeal with the city clerk. The notice of appeal shall state the decision that is being appealed, the grounds for the appeal, and a brief summary of the relief that is sought.

Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the city commission may appeal an adverse decision to the circuit court in and for Hendry County. The party taking the appeal shall be required to pay to the city clerk the sum of one hundred and fifty dollars (\$150.00) to defray the costs of preparing the record on appeal.

Sec. 8.7-22. Penalties; settlement authority for settling civil penalties.

Failure by an owner of record or any individual, corporation, public or private entity to comply with any provisions of this chapter shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine not more than five hundred dollars (\$500.00) per day for each day the violation continues and including a requirement that any work performed contrary to this chapter must be removed and the property returned to its condition prior to commencement of said action.

The board has the authority to settle any tickets or civil penalties issued to enforce this section or any other provision of this chapter. In making such a decision the board shall consider the likelihood of prevailing and whether compliance was obtained. All civil penalties collected under this chapter shall be deposited into the Historic Preservation Board Trust Fund established in section 8.7-23 and used for purposes consistent with that section.

Sec. 8.7-23. Incentives; conservation easements; trust fund.

- (1) The board and its staff shall encourage and assist property owners within the city in the nomination of eligible income-producing properties to the National Register of Historic Places in order to make available the federal investment tax credits for certified rehabilitations of historic properties pursuant to the Tax Reform Act of 1986 or any other benefits offered by local, state or federal government programs or by nonprofit organizations to such properties.
- (2) It is the policy of the City of LaBelle to develop financial incentives to encourage the policies of this chapter and to assist the owners of designated properties, including those listed within the National Register of Historic Sites and within the city's limits, through the development of a conservation easement program to obtain applicable local, state and federal tax benefits, pursuant to F.S. §§ 193.505 and 704.06, as amended, and any other governing law, provided that the city commission shall approve the acceptance, terms, and conditions of any conservation easement before it was accepted by the city.
- (3) The board may promulgate the rules for accepting such easements and covenants that shall be used by the city upon approval of the board. The board is authorized to apply for grants and other sources of funding for the creation of historic grant and loan programs.
- (4) Any funds received shall be placed in a Historic Preservation Board Trust Fund and used only for purposes consistent with this chapter or for which they were received.

The board is authorized to promulgate rules and model agreements for such a program that shall be used by the city upon approval by the city commission.

Sec. 8.7-24. Relief from building, development, and zoning regulations.

(1) Buildings, structures, improvements and properties that are designated archaeological or historical sites, districts or zones under this article or by Hendry County, the State of Florida, or are listed on the National Register of Historic Places may be eligible for administrative variances, special consideration, or other forms of relief from applicable city, county, or state building, development or zoning codes, ordinances or regulations, or other applicable laws, such as the federal Americans with Disabilities Act, as amended. Such eligible consideration may be as follows:

(a) *Repairs and alterations.* Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to the technical requirements of the Florida Building Code when the proposed work has been issued a certificate of appropriateness by the board, provided that:

1. The restored building or structure will be no more hazardous based on consideration of life, fire and sanitation safety than it was in its original condition and the board has been advised by all interested city, county, or state agencies and officials with regard to the public interest of health, safety, and welfare.

2. Plans and specifications sealed by a Florida registered architect or engineer, are not required unless required by the building code.

(b) *Permit fees:* A reduction of the city's building permit and construction and other development-related fees is permitted as determined by the city commission.

(c) *Open space:* Archaeological and historical resources that are to be preserved may be utilized to satisfy required setbacks, buffer strips or open space up to the maximum area required by development regulations. Conservation of such archaeological and historic resources shall qualify for any open space requirements mandated by development regulations.

(d) *Density calculations:* Acreage associated with archaeological and historical resources preserved within the boundaries of a project shall be included in calculating the project's permitted density.

(e) *Flood regulations; historic-structure exemption.* A property designated under this chapter, or a property individually listed in or contributing to a district listed in the National Register of Historic Places, may qualify as a "historic structure" eligible for exemption from the substantial-improvement and substantial-damage ("50 percent") requirements of the National Flood Insurance Program, to the extent provided by the City's floodplain-management ordinance and applicable Federal Emergency Management Agency regulations, provided the property retains its historic designation. Nothing in this subsection modifies the requirements of the City's floodplain-management ordinance.

Sec. 8.7-25. Tax exemptions for historic properties; classification and assessment of historic property used for commercial or certain nonprofit purposes.

The city hereby elects to adopt the classification and assessment methods provided in F.S. §§ 193.503 and 196.1961, as amended. Accordingly, subject to the definitions, conditions, and procedures established by those sections, the owners of designated archaeological and historic properties within the city qualifying under these sections may apply so that they shall be assessed either based upon the property's actual use or to allow the property a tax exemption of up to 50 percent of its assessed value, whichever is greater, pursuant to sections 4(d) and 3, Article VII, of the State Constitution. Any such classification shall terminate upon repeal of F.S. §§ 193.503 or 196.1961, or the repeal or sunset of this provision.

Sec. 8.7-26. Ad valorem tax exemption for rehabilitation of historic properties.

- (1) **Exemption established.** Pursuant to section 196.1997, Florida Statutes, there is hereby established an ad valorem tax exemption for the increase in assessed value of a historic property that is directly attributable to the rehabilitation, restoration, renovation, or improvement of the property. The exemption applies only to the ad valorem taxes levied by the City and is available for a period of up to ten (10) years, as established by the city commission when it grants the exemption, beginning January 1 following substantial completion of the improvements.
- (2) **Eligible properties.** A property qualifies if it is (a) individually designated, or a contributing property within a designated district, under this chapter; or (b) listed in, or a contributing property within a district listed in, the National Register of Historic Places. The property may be residential or commercial. The improvements must be consistent with the United States Secretary of the Interior's Standards for Rehabilitation.
- (3) **Application and review.** An owner shall apply on the form prescribed by the Florida Division of Historical Resources before the improvements are commenced. The historic preservation board or its staff shall review the application to confirm that the property is eligible and that the proposed and completed work meets the Secretary of the Interior's Standards. This review shall be coordinated with, and may be combined with, the certificate of appropriateness required under this chapter.
- (4) **Covenant required.** As a condition of the exemption, the owner shall enter into a covenant with the City, in recordable form, requiring that the historic character of the property and the qualifying improvements be maintained in good repair for the period of the exemption. The covenant shall run with the property and bind the owner and the owner's successors.
- (5) **Granting of the exemption.** After the improvements are substantially completed and staff or the board certifies that the work meets the Standards, and upon execution and recording of the covenant, the city commission shall grant the exemption by resolution.
- (6) **Administration.** The city clerk shall provide the Hendry County property appraiser with a copy of each resolution granting an exemption and of the recorded covenant,

1102 and shall provide the notice and information the property appraiser requires to apply
1103 the exemption to the tax roll.
1104 (7) **Continuing eligibility.** If the property ceases to qualify or the owner violates the
1105 covenant, the exemption terminates; the City shall notify the property appraiser, and
1106 the City may recover the taxes exempted during the period of noncompliance,
1107 together with any penalty and interest provided by law.