

1 **CITY OF LABELLE**

2 **Historic Preservation Board / Planning Staff**

3 **MEMORANDUM**

4
5 **TO:** Honorable Mayor and City Commission; City Attorney

6 **FROM:** Jerika Mungillo

7 **DATE:** August 13th, 2026

8 **RE:** Proposed amendments to Chapter 8.7, Historic Preservation — strike-and-underline
9 draft for review and open items to resolve before adoption
10

11 **1. Purpose and how to read this document.**

12 Attached is a working draft of the proposed amendments to Chapter 8.7, Historic
13 Preservation, of the City of LaBelle Code of Ordinances, presented in standard legislative
14 strike-and-underline (redline) format so the Commission, the public, and the State Historic
15 Preservation Office can see precisely what is changing. The amendments are drawn from the
16 marked working copy of Chapter 8.7 (Supp. No. 43) and are intended principally to bring the
17 ordinance into conformance with the federal Certified Local Government (CLG) program
18 requirements at 36 CFR Part 61.

19 **New language** to be added to the Code is shown underlined. **Existing language** to be
20 deleted is shown ~~struck through~~. All other text is existing Code shown for context and is
21 unchanged.

22 This draft reproduces the affected chapter text from the City's Municode export (Supp. No.
23 43) for readability; the base (unchanged) text should be proofed against the official codified
24 version before adoption.

25 **2. Recommended adopting vehicle.**

26 Amendments to the Code of Ordinances are ordinarily adopted by **ordinance** — typically
27 with two readings and a public hearing — rather than by resolution, which is generally reserved
28 for policy directives (such as the City's recent CLG-participation resolution). A draft amending
29 ordinance is provided in Part II. Please confirm the appropriate vehicle and adoption procedure.
30 if a resolution is preferred, the same Exhibit A text can be attached to a resolution instead.

31 **3. Policy decisions reflected in this draft.**

32 The policy questions raised by the marked working copy were addressed based on guidance
33 provided by the appropriate state representative and are incorporated into Exhibit A as follows:

34 (a) **Board composition.** The board is reconstituted as a five (5)-member body appointed
35 by the chief elected official (the Mayor) for demonstrated knowledge of and interest
36 in historic preservation, replacing the former board that consisted of the elected city
37 commission. (Sec. 8.7-12)

38 (b) **Member qualifications.** Professional members (architecture, history, and related
39 disciplines) are to be appointed to the extent practicable, consistent with the Certified

- Local Government “reasonable effort” accommodation available to smaller communities. The City should retain written documentation of its efforts to recruit qualified professionals. (Sec. 8.7-12)
- (c) **Terms of office.** Board members serve staggered four (4)-year terms. (Sec. 8.7-12(2))
- (d) **Owner consent for designations.** Designation of an individual site requires the written consent of the property owner (except for a property designated as contributing within a district). Designation of a district does not require an owner-consent threshold and proceeds on notice and public hearing. (Sec. 8.7-16)
- (e) **Use of civil-penalty revenue.** Civil penalties collected under the chapter are dedicated to the Historic Preservation Board Trust Fund (Sec. 8.7-23) for preservation purposes. (Secs. 8.7-20, 8.7-22)
- (f) **FEMA 50% Rule.** A provision recognizing that designated and National-Register properties may qualify for the National Flood Insurance Program historic-structure exemption has been added, cross-referencing the City’s floodplain-management ordinance and FEMA rather than granting the exemption directly. (Sec. 8.7-24)
- (g) **Successor agency references.** References to the former “Southeast Florida Regional Preservation Office” have been updated by function — to the Florida Department of State, Division of Historical Resources (Bureau of Archaeological Research) for regulatory matters (the Florida Master Site File, discoveries of archaeological materials, and unmarked human remains), and to the Florida Public Archeology Network for local consultation and technical guidance.
- (h) **Definitions added.** Definitions for “Certified Local Government,” “Chief elected local official,” “Historic Preservation Fund,” “National Register nomination,” “Rules of Procedure,” and “State Historic Preservation Officer / Office” have been added to Sec. 8.7-4, drawn from 36 CFR Part 61 and the Florida CLG guidelines.
- (i) **Design guidelines adopted by resolution.** The LaBelle Historic District Design Guidelines will be adopted by resolution (Ordinance Part II, Section 3) as the board’s guidelines for preservation and its standards for certificates of appropriateness, and the definition in Sec. 8.7-4 and Sec. 8.7-17(3) are updated to reference them. The board may amend the guidelines, with professional or technical assistance as needed, by action at a regular public meeting of the board — without a separate public hearing and without a further Code amendment. A current copy will be kept on file with the City Clerk for public inspection. (Note: the board still acts at an open, noticed meeting under the Sunshine Law; only the separate public hearing is dispensed with.)
- (j) **Residential rehabilitation tax exemption.** A new Sec. 8.7-26 establishes the ad valorem tax exemption for the rehabilitation of historic properties under § 196.1997, Florida Statutes — up to ten years on the added value of qualifying work, available for residential or commercial property. This complements, and does not replace, the existing commercial/nonprofit exemption in Sec. 8.7-25. The City Commission sets

the term when it grants each exemption; confirm the term, percentage, and administration with the City Attorney and the Hendry County Property Appraiser.

- (k) **Technical cleanup.** Subsection numbering in Secs. 8.7-12 and 8.7-16 has been made sequential; obvious typographic errors in the new language were corrected; and the 36 CFR 61.3 standards provision has been retained in both Sec. 8.7-14 and Sec. 8.7-17(3), as each serves a distinct function.

4. Remaining confirmations before adoption.

A small number of items still require outside confirmation:

- (a) **Charter / appointment authority.** Confirm with the City Attorney that reconstituting the board as an appointed body, and vesting appointment authority in the Mayor as chief elected official, is consistent with the City charter and the City's appointment procedures. The City Attorney should also review the new owner-consent, flood-exemption, design-guideline-adoption, and historic-rehabilitation-tax-exemption (§ 8.7-26) provisions (including that amending the guidelines without a separate public hearing, but at an open board meeting, is consistent with the Sunshine Law and the CLG public-participation requirement).
- (b) **Proof the base text.** Proof the reproduced (unchanged) chapter text in Exhibit A against the official codified version (Supp. No. 43) before adoption.
- (c) **State review.** Submit the proposed amendment to the State Historic Preservation Officer for review and comment at least thirty (30) days before adoption, as required for Certified Local Government status.
- (d) **Adoption vehicle.** Adopt by ordinance with two readings and a public hearing (Part II). If a resolution is preferred, the same Exhibit A may be attached to a resolution instead.

End of memorandum. The proposed amending ordinance follows as Part II; the full strike-and-underline text of Chapter 8.7 follows as Exhibit A.