

ORDINANCE NO. 2021-2181

AN ORDINANCE OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE TEXT OF THE CITY OF LAKE CITY LAND DEVELOPMENT REGULATIONS, AS AMENDED, PURSUANT TO AN APPLICATION, LDR 21-01, BY THE CITY COUNCIL, PROVIDING FOR AMENDING SECTION 10.11 ENTITLED APPROVAL OF CHANGES TO LANDMARKS AND LANDMARK SITES BY ADDING THREE CATEGORIES OF PROJECTS, ROUTINE MAINTENANCE, MINOR WORK AND MAJOR WORK, FOR THE PURPOSE OF DETERMINING IF APPROVAL IS REQUIRED BY THE LAND DEVELOPMENT ADMINISTRATOR OR THE HISTORIC PRESERVATION AGENCY AND BY ADDING DESIGN GUIDELINES; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Section 166.021, Florida Statutes, as amended, empowers the City Council of the City of Lake City, Florida, hereinafter referred to as the City Council, to prepare, adopt and enforce land development regulations;

WHEREAS, Sections 163.3161 through 163.3248, Florida Statutes, as amended, the Community Planning Act, requires the City Council to prepare and adopt regulations concerning the use of land and water to implement the comprehensive plan;

WHEREAS, an application for an amendment, as described below, has been filed with the City;

WHEREAS, the Planning and Zoning Board of City of Lake City, Florida, hereinafter referred to as the Planning and Zoning Board, has been designated as the Local Planning Agency of the City of Lake City, Florida, hereinafter referred to as the Local Planning Agency;

WHEREAS, pursuant to Section 163.3174, Florida Statutes, as amended, and the Land Development Regulations, the Planning and Zoning Board, serving also as the Local Planning Agency, held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the Planning and Zoning Board, serving also as the Local Planning Agency, reviewed and considered all comments received during said public hearing concerning said application for an amendment, as described below, and recommended to the City Council approval of said application for an amendment, as described below;

WHEREAS, pursuant to Section 166.041, Florida Statutes, as amended, the City Council held the required public hearing, with public notice having been provided, on said application for an amendment, as described below, and at said public hearing, the City Council reviewed and considered all comments received during said public hearing, including the recommendation of the Planning and Zoning Board, serving also as the Local Planning Agency, of said application for an amendment, as described below; and

WHEREAS, the City Council has determined and found that a need and justification exists for the approval of said application for an amendment, as described below;

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, is consistent with the purposes and objectives of the comprehensive planning program and the Comprehensive Plan;

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, will further the purposes of the Land Development Regulations and other ordinances, regulations and actions designed to implement the Comprehensive Plan; and

WHEREAS, the City Council has determined and found that approval of said application for an amendment, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. Pursuant to an application, LDR 21-01, by the City Council, to amend the text of the Land Development Regulations, Section 10.11 entitled Approval of Changes to Landmarks and Landmark Sites, is hereby amended to read, as follows:

SECTION 10.11 APPROVAL OF CHANGES TO LANDMARKS AND LANDMARK SITES

10.11.1 Description of Projects

Changes made to a property within the two (2) National Historic Districts, or other individually listed Historic Properties, and the viewshed falls into one of the following three (3) categories. The nature of the work will determine whether the change requires Land Development Administrator or Historic Preservation Agency approval. Not every project requires a property owner to obtain a Certificate of Appropriateness. There are three (3) basic levels of projects:

1. Routine maintenance;
2. Minor work; and
3. Major work.

10.11.2 Design Guidelines

1. Land Development Regulations, Article Ten Historic Sites and Structures Preservation Regulations, Section 10-11 Approval of Changes to Landmarks and Landmark Sites;
2. U. S. Department of Interior - The Secretary of Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings;
3. Florida Building Code - Existing Buildings, Chapter 12 Historic Buildings; and
4. National Fire Protection Association, National Fire Protection Association 914 Code for Fire Protection of Historic Structures.

10.11.3 Routine Maintenance may require the issuance of a Certificate of Appropriateness by the Land Development Administrator or the Historic Preservation Agency. A National Historic District, or Individually listed Historic Property, a Certificate of Appropriateness application is required to be completed and filed with the Growth Management Department. It is encouraged for the property owner to contact the Growth Management Department to confirm that the project is consistent with routine maintenance standards. At discretion of the Land Development Administrator, an application for routine maintenance may be forwarded to the Historic Preservation Agency if the work is questionable as to whether it is consistent with the Design Guidelines.

Minor Work projects are reviewed by the Land Development Administrator. If the Land Development Administrator approves the application, the Certificate of Appropriateness may be issued; a placard must be displayed on site during the course of the work. If the Land Development Administrator does not approve the application or if the work is questionable, as to whether it is consistent with the Design Guidelines, then the application will be heard at the next Historic Preservation Agency meeting as a regular agenda item. At discretion of the Land Development Administrator, an application for minor work may be forwarded to the Historic Preservation Agency.

Major Work projects shall be reviewed by the Historic Preservation Agency and, if approved, will be issued a Certificate of Appropriateness. All other regulations of the City and the State of Florida shall apply. In order to obtain a Certificate of Appropriateness for major work, an application must be properly completed and filed with the Growth Management Department.

10.11.4 Routine Maintenance

Routine maintenance may require a Certificate of Appropriateness. Property owners are required to complete and file with the Growth Management Department, a Certificate of Appropriateness application before making any exterior changes to structure(s) within the National Historic Districts, or individually listed properties.

Routine maintenance items are types of exterior work that keep a property in good condition. Such projects include any repair where no change is made to the appearance of the structure or site. Repair of features or conditions as soon as they become apparent can prevent severe deterioration and loss of original character and material. It is highly encouraged that property owners conduct routine inspections of a property and take preventative steps to alleviate the necessity of more intense and larger repairs, rehabilitations or restorations. Routine Maintenance of a property usually does not require approval from the Historic Preservation Agency or the Land Development Administrator unless it will change the exterior appearance, but property owners must contact the Growth Management Department before starting a maintenance project to ensure that no Certificate of Appropriateness or permit will be required.

Routine maintenance includes, but is not limited to the following:

1. Caulking and weather stripping;
2. Repairs to existing wood or cast iron fences as long as the repair matches the original in location, material, size, shape, and color;
3. Repairs to walks, patios, fences and driveways as long as replacement materials match the original or existing materials in detail and color;
4. Replacement of existing residential shutters and awnings as long as replacement materials match the original or existing materials in detail and color;
5. Replacement of small amounts (no greater than thirty-two (32) square feet) of missing or deteriorated siding, trim, porch flooring, steps, etc., as long as the replacement matches the original or existing materials in location, design, size, shape, texture, and material, and provided such work does not damage or eliminate prominent architectural features. For siding and porch flooring, approximately ten (10) square feet or less will be considered Routine Maintenance;
6. Repair of asphalt, fiberglass or composite roof coverings with a material of similar texture and general appearance (thirty-two (32) square feet or less);
7. Repair of wood, slate, tile, or metal roof coverings where there is no change in design, dimension, detail, color, texture, and materials (thirty-two (32) square feet or less);
8. Repair of existing stone, brick, or stucco walls as long as the repair matches the original in material, size, shape, and color (repair is replacing a stone or brick and repointing);
9. Repointing and other masonry repairs when the color and composition of the mortar matches the original and new brick or stone matches the original as closely as possible;
10. Replacement of or the in-kind repair of existing gutters and downspouts;
11. Installation of window air-conditioners on the side and rear of the building (not seen from the main street);
12. Temporary placement of signs, such as real estate and political.
13. Installation of address numbers and mailboxes that are compatible with the neighborhood;
14. Repair of existing street and/or yard lighting;
15. Replacement of foundation vents on the side and rear of the building and replacement of foundation wall access doors;
16. Repair to walks, driveways, patios and decks, as long as the repair matches the original in location, material, size, shape, color and texture;

17. The general display of merchandise along business fronts;
18. Installation of life safety equipment (i.e. Automated External Defibrillators and fire extinguishers) or items for special events (i.e. tents, displays and storage pods) that is compatible with the historic district, or individually listed historic property; and
19. Removal of existing fencing;

10.11.5 Minor Work

Minor work projects require an application and issuance of a Certificate of Appropriateness. Minor work projects may be approved by the Land Development Administrator if the proposed work is consistent with the Design Guidelines. The Land Development Administrator may meet with the property owner on site if necessary to determine if the proposed work is major or minor. If the proposed work is determined to be minor, a Certificate of Appropriateness shall be issued. If the Land Development Administrator does not approve the proposed work, an application for Certificate of Appropriateness shall be presented to the Historic Preservation Agency for review. Minor work projects are not considered to have a material effect on neighboring properties and therefore the City does not require that the adjacent property owners be notified.

The Land Development Administrator will brief the Historic Preservation Agency each month on Certificates of Appropriateness issued for minor works during the previous month on the Consent Agenda. The Land Development Administrator has the discretion to refer any routine maintenance or minor work project to the Historic Preservation Agency for any reason. The Land Development Administrator does not have the authority to deny a Certificate of Appropriateness or approve an after the fact Certificate of Appropriateness.

Minor work projects do not substantially alter the visual character of the structure or site. Minor work projects may include, but are not limited to the following:

1. Replacement of broken or damaged glass, as long as the replacement matches the original;
2. Installation of gutters and downspouts as long as the color matches the house trim color;
3. Installation of new mechanical and utility equipment including but not limited to, heating and air conditioning units that are screened from view with shrubbery or appropriate fencing that meet or exceed screening requirements;
4. Light fixtures affixed to a structure that are in keeping with the neighborhood and in compliance with the Design Guidelines;
5. Removal of siding covering original material;
6. Total removal of asbestos (which must have an asbestos report submitted to the Growth Management Department), asphalt, or other artificial siding when the original siding beneath is to be repaired and repainted or stained;
7. New walks and driveways with materials compatible with era and neighborhood;
8. Construction or repair of fences and walls located in the side or rear yard that meet the era and neighborhood;
9. Repair of fences and walls located in the front yard that meet the Design Guidelines;
10. Addition of decks and patios on rear facing façade;
11. Construction of an arbor, water feature (not including pools), pergola and/or trellis in the rear yard that is not visible from the street;
12. Temporary and permanent signage that meets standards of the Design Guidelines;

13. Screening in of an existing porch that is not visible from the street;
14. Resurfacing buildings with material that is compatible or similar to the original siding;
15. Resurface porch with a material that is compatible or similar to the original or existing flooring in design and appearance;
16. Removal of deteriorated accessory buildings, which are not original to the site or otherwise historically significant;
17. Construction of small utility buildings, playhouses or playground equipment (or other minor construction) that are inconspicuously located in the rear yard (or not easily visible from a primary right-of-way);
18. Installation of skylights or solar panels which are flush mounted and inconspicuously located on non-primary façades;
19. Replacement of exterior stairs, landings and steps, when there is no change to the original design;
20. Replacement of doors and windows compatible to the style, material, size, and color;
21. Replacement of missing details, including missing or deteriorated siding and trim, porch floors, ceilings, columns and balustrade or other architectural details, with new materials that are identical to the original details;
22. New roof coverings or replacement roofing that is consistent with the era and neighborhood;
23. All installation of metal roofs consistent with the era and neighborhoods;
24. Painting in-kind of exterior of structure. All paint colors shall be consistent with the era and neighborhood;

10.11.6 Major Work

Major work projects require an application and issuance of a Certificate of Appropriateness by the Historic Preservation Agency. In general, these projects involve a change in the appearance of a building or site, and are more substantial in nature than routine maintenance or minor work projects. They include changes from the original design or material, or replacement, alteration or removal of an original feature. Major work requires that all property owners within three hundred (300) feet be notified by certified mail by the applicant and proof of the receipt of these notices be submitted as part of the application.

Major works include, but are not limited to, the following:

1. New residential or commercial construction;
2. Additions (including decks visible from the right-of-way);
3. Removal or demolition of any structural part of a building except as authorized under minor works;
4. New residential accessory structures;
5. Moving of buildings, including accessory structures;
6. Changes to roof lines;
7. Resurfacing buildings with material(s) not compatible or similar to the original material;

8. New shutters and awnings;
9. New roof coverings or replacement roofing that is not consistent with the era or neighborhood;
10. All installation of metal roofs not consistent with the era or neighborhood;
11. Replacement or new installation of windows and doors that is not compatible with the existing or original window(s) and/or door(s);
12. Replacement of architectural details when there will be a change in design or materials from the original or existing details;
13. Installation of a permanent or temporary handicapped ramp and exterior fire exits;
14. New parking areas;
15. Construction of fences or walls in front yard;
16. Removal of healthy tree(s) in the yard(s) along the street front on private property that is greater than four (4) inches Diameter at Breast Height;
17. Installation of long-term (one- year or greater) or potentially long-term structures or features that may not be permanently affixed (i.e. modular units);
18. Discovery of any archaeological resource on the site; and
19. Minor work items not approved by the Land Development Administrator.

Whether the work is routine maintenance, minor work or major work, permits from the Building Official shall be required regardless if a Certificate of Appropriateness is required or not.

- 10.11.7 Certificate of Appropriateness. No person may undertake the following actions affecting a designated landmark or landmark site without first obtaining a Certificate of Appropriateness from either the Land Development Administrator or Historic Preservation Agency:
1. Alteration of an archeological site or the exterior part or premises of a building or a structure;
 2. New construction;
 3. Demolition; or
 4. Relocation.

- 10.11.8 Review of New Construction and Alterations. Review of new construction and alterations to designated buildings and structures shall be limited to exterior changes visible to the public. The Land Development Regulation Administrator is authorized to issue a Stop Work Order on any alteration, new construction, demolition or relocation undertaken on a designated landmark or a designated landmark site without a Certificate of Appropriateness,

Ordinary repairs and maintenance otherwise permitted by law may be undertaken on a designated landmark or a designated landmark site without a Certificate of Appropriateness provided this work does not alter the exterior appearance of the building, structure, or archeological site, or alter elements significant to its architectural or historic integrity.

A Certificate of Appropriateness for alteration, new construction, demolition, or relocation pursuant to the provisions of this Article is not effective for a period of fifteen (15) days subsequent to the Land Development Administrator's decision or Historic Preservation Agency's decision, as applicable. If during that fifteen (15) day period an appeal is made to the City Council, the decision of the Land Development Administrator or the decision of the Historic Preservation Agency, as applicable, is automatically stayed pending City Council review.

A Certificate of Appropriateness is in addition to any other building permits required by law. The issuance of a Certificate of Appropriateness does not relieve the property owner of the duty to comply with other state and local laws and regulations.

In order to be issued a Certificate of Appropriateness, a property owner must also comply with the following standards.

1. The property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize the property shall be avoided.
3. The property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other building, shall not be undertaken.
4. As most properties change over time, these changes to the property that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize the historic property shall be preserved.
6. Where possible deteriorated historic features to be rehabilitated shall be repaired rather than replaced. Where the severity of deterioration required replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and where possible, materials.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structure, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

10.11.9 Application Procedure for Certificate of Appropriateness. Each application for a Certificate of Appropriateness shall be accompanied by the required fee. The Land Development Regulation Administrator shall forward to the Historic Preservation Agency each application for a permit that authorizes an alteration, new construction, demolition or relocation affecting a landmark or a designated landmark site. The applicant shall complete an application form provided by the Land Development Regulation Administrator and submit the following:

1. Drawings of the proposed work;
2. Photographs of existing buildings or structures and adjacent properties; and
3. Information about the building materials to be used.

The Land Development Regulation Administrator determines when an application is complete and may require additional information when such application is determined to be incomplete.

10.11.10 Public Hearings for Certificates of Appropriateness. The Historic Preservation Agency shall hold a public hearing on each major work application for a Certificate of Appropriateness in accordance with Section 13. The Historic Preservation Agency shall approve, approve with conditions, or disapprove each application based on the criteria contained in this section.

In approving or in denying application for a Certificate of Appropriateness for alterations, new construction, demolition, or relocation, the Historic Preservation Agency shall examine the following general issues:

1. The effect of the proposed work on the landmark or property;
2. The relationship between such work and other structures on the site;
3. The extent to which the historic, architectural or archeological significance, architectural style, design, arrangement, texture, materials, and color of the landmark or the property will be affected;
4. Whether or not denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his or her property; and
5. Whether the plans may be reasonably carried out by the applicant.

No Certificate of Appropriateness for demolition shall be issued by the Historic Preservation Agency until the applicant has demonstrated that no feasible alternative to demolition can be found. The Historic Preservation Agency may ask interested individuals and organizations for assistance in seeking an alternative to demolition and shall study the question of economic hardship for the applicant and determine whether the landmark can be put to reasonable beneficial use without approval of the demolition application. In the case of an income-producing building, the Historic Preservation Agency shall also determine whether the applicant can obtain a reasonable return from the existing building. The Historic Preservation Agency may ask an applicant for additional information including, but not limited to, evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the Historic Preservation Agency shall deny the demolition application.

The Historic Preservation Agency may grant a Certificate of Appropriateness for demolition even though the designated landmark or landmark site has reasonable beneficial use if:

1. The Historic Preservation Agency determines that the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark; and
2. The Historic Preservation Agency determines that the demolition of the designated property is required by a community redevelopment plan or the City's Comprehensive Plan.

Section 2. Severability. If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 3. Conflict. All ordinances or portions of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

Section 5. Authority. This ordinance is adopted pursuant to the authority granted by Section 166.021, Florida Statutes, as amended, and Sections 163.3161, through 163.3215, Florida Statutes, as amended.

PASSED upon first reading this 1st day of March 2021.

PASSED AND DULY ADOPTED, upon second and final reading, in regular session with a quorum present and voting, by the City Council this _____ day of _____ 2021.

Attest:

CITY COUNCIL
CITY OF LAKE CITY, FLORIDA

Audrey Sikes, City Clerk

Stephen M. Witt, Mayor

APPROVED AS TO FORM AND LEGALITY:

Frederick L. Koberlein Jr., City Attorney