

Sec. 23.2-7. - Historic resources preservation board.

- a) *Purpose* . The historic resources preservation board ("HRPB") shall have the following purposes, which shall be complementary to and implemented in accordance with the responsibilities of the state historic preservation officer described in 36 C.F.R. 61.4(b):
- (1) To effect and accomplish the preservation, protection, perpetuation, enhancement and appropriate use of landmarks, and historic districts having a special historic, architectural, archaeological, aesthetic or cultural interest and value to the city, state and nation;
 - (2) To promote the educational, cultural, economic and general welfare of the people and safeguard the city's history and heritage as embodied and reflected in landmarks, and historic districts;
 - (3) To stabilize and improve property values in historic districts;
 - (4) To foster civic pride and cultural stability through conservation of historic neighborhoods and business districts;
 - (5) To strengthen and contribute to the stabilization of the economy of the city through the continued use, preservation, conservation and revitalization of its historic resources;
 - (6) To protect and enhance the scale, character and stability of existing neighborhoods, and protect against the destruction of or encroachment upon areas which contribute to the special character of the city;
 - (7) To protect and enhance the city's attractiveness to residents, business owners, tourists and visitors and serve as a support and stimulus to business and industry;
 - (8) To enhance the visual and aesthetic character; diversity and interest of the city;
 - (9) To provide a review process for the continued preservation and appropriate, compatible and sensitive development of new construction and additions to landmarks and structures within historic districts; and
 - (10) To avoid unnecessary demolition of, or other adverse affects on, landmarks and historic districts which could cause an irreparable loss to the city, by requiring a city approval to demolish or otherwise alter historic resources prior to the city's granting of permits to proceed with the intended work.
- b) *Members; terms; vacancies*. The historic resources preservation board shall consist of seven (7) members. All members of the board shall be residents of or property owners in the city. Members of the historic resources preservation board shall serve without compensation. The seven (7) members shall be appointed by the city commission. All members of the board shall be appointed for a term of three (3) years. If any member of the board shall fail to be present at three (3) consecutive regularly scheduled meetings or at twenty-five (25) percent of the public meetings of the board held within any twelve-month period, the city clerk shall declare the member's office vacant and the city commission shall promptly fill such vacancy. Vacancies in the board membership by resignation, illness or other causes shall be filled by the city commission for the unexpired term of the member involved. Members of the historic resources preservation board may be removed from office by the city commission at its discretion. The board shall select its own chairman and vice-chairman annually at the first meeting in January. The city's preservation planner shall serve as secretary and advisor to the board.

To meet the requirements of the certified local government program and to carry out its responsibilities under this article, the membership of the HRPB shall include, to the extent available, members from the disciplines of architecture, architectural history, planning, archeology or related fields. At least two (2) members of the HRPB shall be experienced in the areas of real estate sales, land development, banking or law. One (1) member shall be from a professional discipline as described above and one (1) member shall be a citizen at large. The city commission shall determine whether or not the existing members of the HRPB meet the requirements of the certified local government program and may

appoint up to two (2) additional members to the HRPB, if needed. Whenever a new member is appointed to the HRPB, the city commission shall consider the professional requirements of the new member to ensure that the requirements of the certified local government program are met. When necessary, persons serving on the HRPB shall attend educational meetings to develop a special interest, expertise, experience or knowledge in history, architecture, or related disciplines.

- c) *Powers and duties.* In general the HRPB shall have both advisory and decision making duties. These duties shall include, but are not limited to:
- (1) Conducting an on-going, and updating any existing, survey and inventory of historically, archaeologically, culturally, aesthetically, and architecturally significant properties, structures, resources and areas, which shall be compatible with the Florida Master Site File, and planning for their conservation and preservation;
 - (2) Investigating potential landmarks and historic districts and recommending to the city commission those potential landmarks and historic districts which should be officially designated as individual landmarks and historic districts;
 - (3) Investigating and recommending to the city commission those specific areas to be designated as historic districts and to identify those structures within them which should be considered to be contributing structures;
 - (4) Making recommendations regarding regulating the alteration of, demolition of, relocation of, and new construction upon designated property;
 - (5) Recommending adoption by the city commission of specific guidelines for alteration, construction, relocation, demolition or other changes to designated landmarks or property in designated historic districts;
 - (6) Promulgating development guidelines and standards for architectural review which are consistent with the standards for rehabilitation which have been or may be established from time to time by the United States Secretary of the Interior;
 - (7) Approving or denying, at a quasi-judicial hearing, applications for certificates of appropriateness for alteration, construction, demolition or relocation of landmarks or property within historic districts;
 - (8) Working with and advising the federal, state and county governments and other departments and commissions of city government;
 - (9) Advising and assisting property owners and other persons and groups, including neighborhood organizations, who are interested in historic preservation, and advising and assisting property owners in becoming eligible for federal, state and local tax abatement and other incentives for preservation of resources;
 - (10) Initiating plans for the preservation and rehabilitation of individual historic buildings;
 - (11) Reviewing capital improvement plans of the city, its agencies, and its agents or contractors for all projects in excess of ten thousand dollars (\$10,000.00) which are within a historic district or which directly affect a designated landmark or landmark site;
 - (12) Cooperating with and enlisting the assistance of persons, organizations, corporations, foundations and public agencies in matters involving historic preservation, renovation, rehabilitation and reuse;
 - (13) Undertaking public information programs including the preparation of publications and the placing of historic markers;
 - (14) Making recommendations to the city commission regarding the acquisition of or acceptance of development rights, façade easements, the imposition of other restrictions and the negotiation of contracts for the purpose of historic preservation;

- (15) Conducting public hearings to consider historic preservation issues, the designation of landmarks and historic districts, applications for certificates of appropriateness, and nominations to the National Register of Historic Places;
 - (16) Periodically reviewing the city's land development regulations and recommending amendment or repeal of their provisions which are necessary to protect or conserve historic resources;
 - (17) Testifying before all boards and commissions of the city, on any matter affecting historically, culturally or architecturally significant properties, structures and areas;
 - (18) Recommending to the city commission properties which qualify for tax abatement and other incentives for historic preservation;
 - (19) Reviewing applications for certain land development permits for designated landmarks or properties within historic districts located in the city zoning districts for consistency with this article, including:
 - a. To review and decide applications for conditional uses and major site plan review. Upon completion of its review, the HRPB may approve the application as submitted; approve the application with reasonable conditions, limitations or requirements; deny the application for a specific reason(s); or postpone its decision pending submission of additional information which it determines is required to make its decision.
 - b. To hear and decide appeals where it is alleged there is error in any order, interpretation, requirement, decision, or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto that affects properties in the historic districts located in the city zoning districts. In hearing appeals, the board may, in conformity with the provisions of these LDRs, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or interpretation appealed from and may make such order, requirement, decision, or interpretation as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. Appeals will be held based on the record made in the proceeding below.
 - c. To authorize upon appeal in specific cases which do not involve use or density such variance from the terms of these LDRs as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the chapter will result in unnecessary hardship.
 - d. To act as the local planning agency and review and recommend to the city commission applications for rezoning of properties and for amendments to the future land use map of the city's comprehensive plan.
 - (20) Making such rules and regulations as it deems necessary for the administration of its duties;
 - (21) Hearing and deciding appeals from decisions of administrative officials pursuant to this article, based on the record of the proceeding below; and
 - (22) Such other duties and responsibilities as may be specifically delegated to it by the city commission.
- d) *Meetings* . The HRPB shall meet on the second Wednesday of each month. The meeting time may be set and amended as deemed necessary by the chairperson and the director for community sustainability. The presence of four (4) or more members shall constitute a quorum of the board. Matters to be voted upon by the board shall pass upon a vote of the majority of a quorum of the board; however, no such matters involving a historic designation, a variance, a waiver, a demolition or a planned development shall be adopted or approved except by an affirmative vote of at least three (3) members of the board. Applicants shall be given written notification of the HRPB's decisions. The HRPB shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.

- e) *Procedures*. In reviewing an application for any of the permits or certificates required by these LDRs, the HRPB shall be aware of the importance of imposing special conditions which will be reasonable for the property owner to carry out. Any conditions or requirements imposed shall be reasonably related to the permit or certificate sought or actually received by the applicant. Notice of the HRPB meetings shall be provided to the public and to interested property owners as provided in section 23.2-15. The HRPB shall conduct quasi-judicial hearings pursuant to section 23.2-16 of this article.
- f) *Decisions and appeals* . On rezoning, comprehensive plan and future land use map advisory matters, the HRPB shall submit its recommendation in a written report to the city commission, with a copy to the applicant and preservation planner, documenting each consideration substantiating the board's recommendation. On conditional uses, major site plans, variances and other matters for which the HRPB renders a decision, such decision shall be in the form of a written order, giving reasons therefor and including findings of fact. Denials shall include a citation to the applicable legal authority forming the basis for the denial. Should the applicant or an affected party decide to appeal the decision of the HRPB to the city commission, the applicant or affected party shall provide a notice of appeal to the development review official within fourteen (14) days of the issuance of the written decision. A formal written appeal shall thereafter be submitted to the development review official outlining the basis for the appeal within thirty (30) days of the HRPB's written decision. See also section 23.2-17 of this article.
- g) *Staff* . The HRPB shall receive assistance in the performance of its historic preservation responsibilities from the planning, zoning and historic preservation division of the department for community sustainability, which shall provide expertise in historic preservation or a closely related field. Other city staff members may be asked to assist the HRPB by providing technical advice or helping in the administration of its duties.