Chapter 98

HISTORIC PRESERVATION*

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*Cross references—Buildings and building regulations, ch. 14; environment, ch. 30; utilities, ch. 70; development standards, ch. 86; housing, ch. 102; subdivisions, ch. 114; utilities, ch. 118; zoning, ch. 126.

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ARTICLE I. IN GENERAL

Sec. 98-1. Definitions.

For the purposes of this section, the following terms shall be defined as follows:

Alterations means any material change to the exterior architectural features of any improvement, less than demolition, removal or construction of any such improvement. Any renovation of the interior of such improvement which has no appreciable effect upon the exterior architectural features of such improvement shall not be deemed an alteration.

Applicant means any person, persons, association, partnership or corporation, tenant or other person in charge, who applies for approval from the planning commission (and historic preservation commission) in order to make any environmental change on his property. Persons other than the fee owner need the owner's consent to apply.

Archaeological landmark means a site meeting the criteria set forth in this chapter.

Certificate of appropriateness means a certificate which must be obtained before making any alteration, changes, repairs, removal or demolition of any structure, building, site or object listed on the local register.

Environmental change means any alteration, demolition, removal or construction of any on improvement on the designated historic site.

Exterior architectural feature means the architectural style, design, general arrangement and components of all outer surfaces of an improvement, as distinguished from the interior architectural features enclosed by such exterior surfaces, including, but not limited to the kind, color and texture of the building material and type and style of all windows, doors, lights, signs, decorative elements, and other fixtures appurtenant to such improvement.

Historic landmark means a site or structure meeting the criteria set forth in this chapter.

Minor exterior work means any change in, addition to, or removal from the parts, elements and materials comprising the structure where such change, addition or removal does not constitute a structural or alteration and is of such a nature that it may be lawfully accomplished without a building permit.

Ordinary maintenance means work which does not require a development permit or a building permit, and that is done to repair damage or to prevent deterioration, or decay of a building or structure, or a part thereof, as nearly as practicable to its condition prior to the damage, deterioration or decay.

Original appearance means the appearance (except for color), which, to the satisfaction of city manager, closely resembles the appearance of either:

(1) The feature on the building as it was originally built or was likely to have been built; or

(2) The feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the city manager, to the style and materials of the building.

Owner means any person or persons having title, in fee, to the historic landmark or archeological site.

Structure means a combination of materials to perform a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of the land.

(Ord. No. 85-26, § 1(I.K.3(a)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Cross reference—Definitions generally, § 1-2.

Sec. 98-2. Purpose.

The city council finds that the historic heritage of the city is among its most valued and important educational, cultural and economic assets. It is the intent of the city council to provide for the protection of historic landmarks or historic archaeological sites within the city in order to:

(1) Protect and improve the quality of its environment through the identification, recognition, conservation, maintenance and enhancement of landmarks, sites, struc-

tures, or objects which constitute or reflect distinctive features of the political, economic, social, cultural or architectural history of the city and its distinctive physical features.

(2) Foster appropriate use and wider public knowledge and appreciation of such features.

(3) Resist and restrain environmental influences adverse to such purposes.

(4) Discourage commercial development which will adversely affect the integrity of such facilities.

(5) Encourage private and public efforts in support of such purpose and by furthering such purposes, to promote the public welfare, to strengthen the cultural and educational life of the city, the county and the state, and to make a more attractive and desirable place in which to live, visit and work.

(Ord. No. 85-26, § 1(I.K.1), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-3—98-30. Reserved.

ARTICLE II. REGISTRATION

Sec. 98-31. Local register of historic landmarks created.

A local register of historic landmarks is hereby created as a means of identifying and classifying various archaeological and historic sites, buildings, structures and objects as historically, archaeologically or architecturally significant. The local register will be kept by the city manager.
(Ord. No. 85-26, § 1(I.K.2(a)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-32. Initiation of placement on the local register.

The placement of sites, buildings, structures, or objects on the local register may be initiated by the owner; by the city through the city manager; by the historic preservation committee by resolution; by the city council by resolution; or by the people through the initiative process.
(Ord. No. 85-26, § 1(I.K.2(b)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-33. Procedure for placement on the local register.

(a) The following procedure shall be followed for placement of sites, buildings, structures or objects on the local register:

(1) A nomination form, available from the city manager, shall be completed by the applicant and returned to the city manager.

(2) Upon receipt of the completed nomination form, including necessary documentation as set forth in this chapter, the city manager shall forward the information to the historic preservation committee to be placed on the agenda of the historic preservation committee's next regularly scheduled meeting.

(3) The historic preservation committee shall, within 90 days from the date of the meeting at which the nomination was first on the historic preservation committee's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the local register. The recommendation shall include any comments of the owner either in favor or objecting to the listing. If the 90-day period runs out and the historic preservation committee has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the historic preservation committee, the nomination shall be submitted directly to the planning commission and the planning commission shall proceed with the nomination as provided in subsection (a)(4) of this section.

(4) The nomination form, together with all documentation, and the committee's rec-

ommendation shall be sent to the planning commission. The nomination shall then be handled as a long-form development permit pursuant to section 82-422 and section 82-423.

(b) Following the hearing before the planning commission, the planning commission, by resolution, with or without further public hearing, within 30 days after conclusion of the hearing, shall do one of the following:

(1) Recommend approval of the nomination for inclusion of the nomination on the local register.

(2) Recommend denial of the nomination for inclusion in the local register.

(3) Such resolution shall set forth the reasons for the action of the planning commission.

(4) A copy of such resolution, setting forth the action of the planning commission, shall be sent to the owner of the property, or his attorney if represented by counsel within ten days of the adoption of such resolution by the planning commission.

(c) The recommendation shall also be submitted to city council for action pursuant to section 82-31 et seq.
(Ord. No. 85-26, § 1(I.K.2(c)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-34. Criteria for listing on the local register.

The criteria for designation as an historic landmark or historic archaeological site shall be as provided in this chapter. Any site, improvement, or structure may be listed on the local register, as historic, according to the provisions of this chapter, if it meets one or more of the following criteria:

(1) *Historical importance.* The site, improvement, structure, has character, interest or value as a part of the development, heritage or cultural characteristics of the community; is associated with the events that have made a significant contribution to the broad pattern of local history; it is associated with the lives of persons significant to our past; it exemplifies the cultural, political, economic, social, historic and prehistoric heritage of the community; or may have yielded or may be likely to yield information on recorded history.

(2) *Architectural importance.* The improvement or structure portrays the environment of a group of people in an area of history characterized by a distinctive architectural style; it embodies those distinguishing characteristics of an architectural type, period or method; it is the work of an architect or master building whose individual work has influenced the development of the area; or it contains elements of architectural design, detail, materials or craftsmanship which represents a significant innovation.

(3) *Geographic importance.* The site, improvement or structure, because of its location or other distinctive area, should be developed or preserved according to a plan based on historic, cultural or architectural motif; or due to its unique location or singular physical characteristics represents an established and familiar visual feature of the area, community, or state.

(4) *Archaeological importance.* The site, because of its content or presumed content, should be preserved because it exemplifies the cultural, political, economic, social, historic or prehistoric heritage of the community or area, or it may have yielded or may be likely to yield information on recorded history.

(Ord. No. 85-26, § 1(I.K.2(d)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-35. Criteria for evaluation of historically significant structures as historic landmark.

An improvement or structure may be listed as an historic landmark if it meets three or more of the following criteria:

(1) The improvement or structure has retained its integrity either in original workmanship, materials, design, setting or association.

(2) The improvement or structure is at least 50 years old.

(3) The improvement or structure has outstanding historical, cultural or architectural significance to the community.

(4) The improvement or structure exemplifies the broad cultural, economic, and social history of southwest Florida.

(5) The improvement or structure has distinguishing characteristics of an architectural style representative of an historic or unique period or method of construction.

(Ord. No. 85-26, § 1(I.K.2(e)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-36. Effect of listing on local register.

(a) The city manager may issue an official certificate of historic significance to the owner of properties listed individually on the local register. The city manager is authorized to issue and place official signs denoting that such structure, building, site or object is listed on the local register.

(b) Structures, buildings, sites or objects listed on the local register shall be deemed historic and entitled to modified enforcement of the building code.

(c) No alteration, construction activities, relocation or demolition shall take place except in accordance with article III, division 2 of this chapter.

(Ord. No. 85-26, § 1(I.K.2(f)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-37. Effect of nomination for inclusion on the local register.

Where the nomination for inclusion on the local register is initiated by the city, or by initiative, from the date of nomination until the date of final action by the city no permits shall be issued for any demolition, alteration, construction activities or relocation of such structure or site. In such case, the historic preservation committee shall hear and determine the request within 30 days after nomination. The planning commission shall hear and determine the request within 30 days thereafter and the city council shall hear and determine the request within 30 days after the planning commission has determined the request.

(Ord. No. 85-26, § 1(I.K.2(g)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-38—98-60. Reserved.

ARTICLE III. ADMINISTRATION*

DIVISION 1. GENERALLY

Secs. 98-61—98-75. Reserved.

DIVISION 2. CERTIFICATE OF APPROPRIATENESS

Subdivision I. In General

Secs. 98-76—98-90. Reserved.

Subdivision II. Alterations or Repairs

Sec. 98-91. Certificate of appropriateness required.

(a) A certificate of appropriateness must be obtained before making any alterations or repairs to any structures, buildings, sites or objects listed on the local register or before the removal or demolition of any structures, buildings or objects listed on the local register; except that if that work constitutes ordinary maintenance or minor exterior work, but will result in the maintenance of the original appearance as defined by this chapter, a certificate of appropriateness may be issued by the city manager in accordance with section 82-402.

(b) If the work is not ordinary maintenance or minor exterior work, a certificate of appropriateness must be obtained from the planning commission in the manner of a long-form permit as set forth in section 98-33.

(Ord. No. 85-26, § 1(I.K.3(b)(1)(a), (b)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

*Cross reference—Administration, ch. 2.

Sec. 98-92. Activities requiring certificate of appropriateness.

Activities, such as, but not limited to, the items listed in this section to be performed on or in connection with any structure, building, site, or object listed on the local register shall require a certificate of appropriateness:

(1) *Awnings or canopies.* Installation or removal of metal awnings or metal canopies.

(2) *Decks.* Installation of all decks above the first-floor level and/or on the front of the structure.

(3) *Doors/door frames.* Installation of a door or door frame, or the infill of an existing door opening.

(4) *Exterior walls.* Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.

(5) *Fencing.* The installation or relocation of wood, chainlink, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.

(6) *Fire escapes, exterior stairs and ramps for the handicapped.* The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.

(7) *Painting.* Painting unpainted masonry including stone, brick, terra-cotta and concrete.

(8) *Porch fixtures.* Installation or removal of railings or other wood, wrought iron or masonry detailing.

(9) *Abrasive cleaning.* Abrasive cleaning of exterior walls.

(10) *Roofs.* Installation of new materials, or removal of existing materials.

(11) *Security grilles.* Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.

(12) *Siding.* Installation of new materials, or removal of existing materials.

(13) *Skylights.* Installation or removal of skylights.

(14) *Screen windows and doors.* Installation of screen windows or screen doors.

(15) *Windows and window frames.* Installation of a window or window frame or the infill of an existing window opening.

(Ord. No. 85-26, § 1(I.K.3(b)(1)(c)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-93—98-110. Reserved.

Subdivision III. Demolition

Sec. 98-111. Certificate of appropriateness required.

(a) A certificate of appropriateness shall be obtained from the planning commission prior to the demolition of a building, structure, or object listed on the local register.

(b) The structures designated as historic landmarks are valuable for the historic periods that they represent. It is intended that demolition of these structures should be discouraged, as their loss will be a common loss to the municipality and the region.

(Ord. No. 85-26, § 1(I.K.3(b)(2)(a)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-112. Applications for demolition or removal of buildings.

Applications for demolition or removal of buildings shall be forwarded to the planning commission. The planning commission shall seek the advice and comment of the historic preservation committee. The planning commission shall have a period of six months within which to consult with other agencies that might be desirous of preserving and perpetuating the structure to ascertain how the city may preserve the building and/or the premises. The planning commission and historic preservation committee are empowered to assist

the owner in developing plans to preserve the structure when moving or demolition thereof would be of great loss to the city.
(Ord. No. 85-26, § 1(I.K.3(b)(2)(b)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-113. Development of plan.

If the plan has not been developed within six months from the date of filing the request for demolition, demolition or removal permits will be issued. If a plan has been developed and has not been accepted by the applicant within six months of the date of the filing of the request, no demolition or removal permit shall be issued pending an appeal by the applicant to the city council.
(Ord. No. 85-26, § 1(I.K.3(b)(2)(c)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-114—98-130. Reserved.

Subdivision IV. Relocation of Landmarks

Sec. 98-131. Certificate of appropriateness required; planning commission report.

(a) A certificate of appropriateness must be obtained from the city council to relocate a building, structure, or object listed on the local register.

(b) When it is necessary to move an historic landmark to another site, the planning commission shall provide a site evaluation report. The planning commission shall seek the advice and comments of the historic preservation committee. To assist it in its site evaluation, the planning commission may engage or retain experts, including historians, architects and representatives of any county or state agency engaged in the preservation of historic sites, to aid in its deliberations. Upon the completion of its deliberations and its consideration of the input from the historic preservation committee, the planning commission shall render its report to council either recommending approval or disapproval of the relocation plan.
(Ord. No. 85-26, § 1(I.K.3(b)(3)(a)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-132. Relocation plan.

The relocation plan shall then be handled as a long-form development permit pursuant to sections 82-422 and 82-423. Following the hearing before the planning commission, the planning commission, by resolution, without further public hearing, within 30 days after conclusion of the hearing, shall do one of the following:

(1) Issue a development order approving the relocation of the historic landmark.

(2) Issue a development order denying the relocation of the historic landmark.

(3) Such resolution shall set forth the reasons for the action of the planning commission.

(4) A copy of such resolution, setting forth the action of the planning commission, shall be sent to the owner of the property, or his attorney if represented by counsel, within ten days of the adoption of such resolution by the planning commission.

(5) The recommendation shall also be sent to city council for final action pursuant to section 82-31 et seq.

(Ord. No. 85-26, § 1(I.K.3(b)(3)(b)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-133—98-150. Reserved.

DIVISION 3. CRITERIA

Subdivision I. In General

Sec. 98-151. Standards for certificate of appropriateness.

The decision on all certificates of appropriateness, except those for demolition, shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, and the following visual compatibility standards:

(1) *Height.* Height shall be visually compatible with adjacent buildings.

(2) *Proportion of building, structure or object's front facade.* The width of building, structure or object to the height of the front

elevation shall be visually compatible to buildings and places to which it is visually related.

(3) *Proportion of openings within the facility.* The relationship of the width of the windows in a building, structure, or object shall be visually compatible with buildings and places to which the building, structure or object is visually related.

(4) *Rhythm of solids to voids in front facades.* The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with buildings and places to which it is visually related.

(5) *Rhythm of buildings, structures, or objects on streets.* The relationship of the buildings, structures, or objects to open space between it and adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.

(6) *Rhythm of entrance and/or porch projection.* The relationship of entrances and projections to sidewalks of a building, structure, or object shall be visually compatible to the buildings and places to which it is visually related.

(7) *Relationship of materials, texture, and color.* The relationship of materials, texture and color of the facade of a building, structure or object shall be visually compatible with the predominant materials used in the buildings to which it is visually related.

(8) *Roof shapes.* The roof shape of the building, structure, or object shall be visually compatible with the buildings to which it is visually related.

(9) *Walls of continuity.* Appurtenances of a building, structure, or object such as walls, fences, landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to insure visual compatibility of the building, structure, or object to the building and places to which it is visually related.

(10) *Scale of a building.* The size of the building, structure or object, the building mass of the building, structure or object in relation to open space, the windows, door openings, porches, and balconies shall be visually compatible with the buildings and places to which it is visually related.

(11) *Directional expression of front elevation.* A building, structure, or object shall be visually compatible with the buildings and places to which it is visually related in its directional character.

(Ord. No. 85-26, § 1(I.K.3(b)(4)(a)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-152—98-170. Reserved.

Subdivision II. Relocations

Sec. 98-171. Additional criteria.

In addition to the guidelines provided in section 98-151, issuance of certificates of appropriateness for relocations shall be guided by the following factors:

(1) The historic character and aesthetic interest the building, structure, or object contributes to its present setting;

(2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;

(3) Whether the building, structure, or object can be moved without significant damage to its physical integrity; and

(4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.

(Ord. No. 85-26, § 1(I.K.3(b)(4)(b)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-172—98-190. Reserved.

Subdivision III. Demolition

Sec. 98-191. Criteria.

Issuance of certificates of appropriateness for demolitions shall be guided by the following factors:

(1) The historic or architectural significance of the building, structure, or object;

(2) The importance of the building, structure, or object to the ambience of a district;

(3) The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location;

(4) Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;

(5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect of those plans on the character of the surrounding area would be;

(6) Whether reasonable measures can be taken to save the building, structure, or object from collapse; and

(7) Whether the building, structure, or object is capable or earning reasonable economic return on its value.

(Ord. No. 85-26, § 1(I.K.3(b)(4)(c)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)