

ORDINANCE NO. 387

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF HAVANA AND THE LAND USE ELEMENT OF THE HAVANA COMPREHENSIVE PLAN TO DESIGNATE A CENTRAL BUSINESS DISTRICT IN DOWNTOWN HAVANA AND TO ESTABLISH LAND USES, TRANSPORTATION ELEMENTS, LANDSCAPE STANDARDS AND SIGN STANDARDS FOR SUCH DISTRICT; PROVIDING FOR PERMITTED USES, SINGLE FAMILY RESIDENTIAL STANDARDS, NON-CONFORMING USES, DESIGN STANDARDS, THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS, AND FOR DEMOLITION OR RELOCATION PERMITS; SPECIFICALLY EXCLUDING PERMITTED USES IN THIS DISTRICT FROM THE PROXIMITY REQUIREMENTS OF CHAPTER 3 OF THE TOWN'S ALCOHOLIC BEVERAGE CODE; FURTHER PROVIDING FOR HISTORIC PRESERVATION DESIGN STANDARDS, INCLUDING PURPOSE, DEFINITIONS, PENALTIES, THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS, DEMOLITION OR RELOCATION PERMITS, PLANNING HISTORIC PRESERVATION COMMITTEE, AND FOR HISTORIC DESIGNATION PROCEDURES AND CRITERIA; FURTHER MAKING PROVISION FOR OBSTRUCTION OF PAVEMENT OR SIDEWALKS; AND PROVIDING FOR CODIFICATION AND EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HAVANA, FLORIDA:

SECTION 1. That the Code or Ordinances of the Town of Havana and the Land Use Element of the Havana Comprehensive Plan are amended to henceforth contain the provisions hereinafter stated.

Town of Havana, Florida
Consolidated Proposed Ordinances



Recommendations made in partnership with
Havana Main Street and the Apalachee Regional Planning Council



Central Business District (CBD) Plan (Pg. 1-8)
Central Business District (CBD) Design Standards (Pg. 9-17)
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Obstruction of Pavement or Sidewalk (Pg. 34-35)

Revision Date: April 22, 2021

Proposed CBD

Town of Havana, Florida



CENTRAL BUSINESS DISTRICT (CBD) PLAN

Purpose and intent. The purpose and intent of this area plan is to establish land uses, transportation elements, landscape standards and sign standards to enhance and build on the existing character of the rural historic downtown of Havana.

Mixed Use Overlay categories.

- (a) The land use element of the Havana Comprehensive Plan provides policies that recognize the special character of the downtown. To implement stated objectives in the adopted Local Planning Area Master Plan, a Central Business District Mixed Use Overlay is established with the following allowable land uses for the Central Business District (CBD):

Central Business District (CBD)

		Permitted Uses	
1. District Intent	2. Principal Uses		3. Accessory Uses
<p>The Central Business District (CBD) is intended to be located in areas designated mixed use in the future land use map of the Comprehensive Plan and shall apply to lands within the Local Planning Area adopted Master Plan.</p> <p>All new construction, renovation, and repair to structures in the CBD shall be designed to promote public health, safety and general welfare and shall be consistent with the principles of the International Crime Prevention Through Environmental Design Association (CPTED). To ensure the inclusion of CPTED principles and techniques in project design and construction, the Town Council may request review and guidance from the Town of Havana Police Department (HPD) in the design review evaluation</p>	<p>(1) Antique shops. (2) Automotive-retail, parts, accessories, tires, etc. (3) Automotive service and repair, including car wash. (4) Bait and tackle shops. (5) Banks and other financial institutions (with and without drive through facilities). (6) Camera and photographic stores. (7) Cocktail lounges and bars. (8) Commercial art and graphic design. (9) Commercial printing. (10) Community facilities, including libraries, religious facilities, and police/fire stations. Elementary, middle, and high schools are prohibited. Other community facilities may be allowed.</p>	<p>(34) Retail computer, video, record, and other electronics. (35) Retail department, apparel, and accessory stores. (36) Retail drug store. (37) Retail florist. (38) Retail food and grocery. (39) Retail furniture, home appliances and accessories. (40) Retail home/garden supply, hardware and nurseries. (41) Retail jewelry stores. (42) Retail needlework and instruction. (43) Retail newsstand, books, and greeting cards. (44) Retail office supplies.</p>	<p>(1) A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure and which comprises no more than 33 percent of the floor area or cubic volume of the principal use or structure, as determined by the Town Manager or designee. (2) Light infrastructure and/or utility services and facilities necessary to serve permitted uses, as determined by the Town Manager or designee.</p>

<p>process. CPTED principles and techniques, or other suggestions recommended by HPD to promote safety and crime prevention, shall be incorporated into approved CBD design and construction projects to the greatest extent possible.</p>	<p>(11) Day care centers. (12) Gift, novelty, and souvenir stores. (13) Indoor amusements (bowling, billiards, skating, etc.). (14) Indoor theaters (including amphitheaters). (15) Laundromats, laundry and dry-cleaning pick-up stations. (16) Mailing services. (17) Medical and dental offices, services, laboratories, and clinics, mortuaries. (18) Motor vehicle fuel sales. (19) Museum and art galleries. (20) Non-medical offices and services, including business and government offices and services. (21) Nursing homes and residential care facilities. (22) Off-street parking facilities. (23) Outdoor amusements (golf courses, batting cages, driving ranges,</p>	<p>(45) Retail optical and medical supplies. (46) Retail pet stores. (47) Retail picture framing. (48) Retail sporting goods and toy stores. (49) Retail trophy stores. (50) Self-moving operation. (51) Shoes, luggage, and leather products. (52) Sign shops. (53) Social fraternal and recreational clubs and lodges, including assembly halls. (54) Studios for photography, music, art, drama, voice. (55) Tailoring. (56) Tobacco stores and stands. (57) Other uses, which in the opinion of the Town Manager or designee, are of a similar and compatible nature</p>	
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	<p>etc.).</p> <p>(24) Passive recreational facilities.</p> <p>(25) Pawnshops.</p> <p>(26) Personal services (barber shops, fitness clubs, etc.).</p> <p>(27) Pest control services.</p> <p>(28) Rental and sales of dvds, video tapes and games.</p> <p>(29) Rental of tools, small equipment, or party supplies.</p> <p>(30) Repair services, non-automotive.</p> <p>(31) Restaurants, with or without drive-in facilities.</p> <p>(32) Retail bakeries.</p> <p>(33) Retail caskets and tombstones.</p>	<p>to those uses described in this district.</p> <p>(59) Residential single-family attached (townhomes), range of 6 du/ac to 12 du/ac.</p>	
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- (b) Permitted principal uses (7) cocktail lounges and bars and (31) restaurants, listed in subsection (a) of this section, that are located within the CBD boundary and that are properly licensed vendors of alcoholic beverages as defined in CHAPTER 3: ALCOHOLIC BEVERAGES, shall not be subject to the proximity rule stipulated in Section 3-1 (d)(4)b of CHAPTER 3 of the Code of Ordinances which states such establishments are to be "...at least 500 feet from an established church, school, or public playground area..." All other provisions of CHAPTER 3 shall apply to these specified CBD principal uses.

Single-Family Residential in the CBD.

Standards in this section refer to the construction, exterior remodel or major renovation of single residences within the CBD.

- (a) The CBD is intended to encourage residential development above ground floor commercial development. It also allows for first floor residential occupancy provided it does not occupy more than one-third (1/3) of the commercial or retail area on the first floor and is not located along any commercial or retail frontage. Residential uses above the first floor are not restricted in size.
- (1) *Roof.* Roof forms and materials shall be visually compatible with the existing architectural context of the streetscape and the majority of dwellings in the immediate neighborhood. The pitch of the roof is critically important to the success of being visually compatible with the typical surrounding dwellings, and well-extended overhangs will help protect the home from frequent and heavy rainfall. The pitch of the major roof shall have a minimum vertical rise of four inches for each 12 inches of horizontal run with a minimum 12-inch overhang, measured horizontally from the outer edge of the sloped roof to the vertical face of the wall under the roof. The roof covering shall be visually compatible with the dwellings in the immediate neighborhood.
- (2) *Exterior finishes.* Exterior wall and trim materials shall be visually compatible with the existing architectural context of the streetscape and immediate neighborhood.
- (3) *Design elements.* All new or structurally or materially altered dwellings shall provide some sort of architectural character with the use of design elements. Examples of design elements which could be used for this purpose include, but are not limited to, roof dormers, extended entryways, covered porches, decorative columns and wing walls to enhance the appearance and alter the straight line or rectangular shape of the structure to be consistent with the majority of the dwellings in the immediate neighborhood.
- (4) *Windows and doors.* Proportion, scale, height, shape, detailing and building material of windows and doors shall be consistent with the style of the proposed dwelling and other dwellings in the immediate neighborhood. Windows and doors shall be set back two to three inches from siding and trim to prevent the appearance of flatness to the facades, which is contrary to the appearance of the majority of buildings in Havana.

- (5) *Crawl space.* The crawl space of an elevated above-grade building (that area located between the grade and the lowest floor member) shall be shielded by some architectural feature which is compatible with the design and architecture of the building so that the line of site from any public road, alley or walkway does not include any portion of the underside of the structure. Such feature shall be included as part of any building permit application.
- (6) *Foundation and enclosure.* A permanent foundation and enclosure shall be required to present a clean, uncluttered appearance around the perimeter of every new elevated home.
- (7) *Accessory structures.* All accessory structures, if in the line of sight from any public road, alley or walkway, shall reflect architectural compatibility with the main structure and neighborhood.

Nonconforming uses.

Nonconforming uses of land.

- (a) A nonconforming use of open land may not be enlarged or increased, nor may it be extended to cover more land than was occupied by that use when it became nonconforming.
- (b) A nonconforming use shall not be moved in whole or in part to any other portion of the parcel occupied by such use when it became nonconforming, except for manufactured homes.
- (c) In no event shall a nonconforming use be changed to a more intensive nonconforming use.
- (d) A nonconforming use may be changed to a conforming use regardless of whether the new use conforms to the development standards or other dimensional requirements of this chapter.
- (e) If a nonconforming use is discontinued for less than or equal to 180 days, it may be resumed without further review by the town. If, however, a nonconforming use is abandoned for more than 180 days, any subsequent use of the land shall conform to the use and the development standards or other dimensional requirements of this chapter.
- (f) A nonconforming use may resume after being discontinued for more than 180 days under the condition that it can be proven that the property has been actively, but unsuccessfully, marketed for sale, lease, or rent within the first 180 days of the discontinued use.
- (g) The town may determine that the legal nonconformity status of a nonconforming use of land has been lost under any of the following circumstances:
 - (1) Abandonment of the use for more than 180 days;
 - (2) Unlawful extension or expansion of the use; or
 - (3) Change of use to a more intensive use.
- (h) A nonconforming use may be transferred by inheritance or ownership and allowed to persist as a nonconforming use at the discretion of the Town Council.

Nonconforming use of a building or structure.

- (a) A nonconforming use of a building or structure may not be enlarged or increased nor may it be extended to cover more area of the building or structure than was occupied by that use when it became nonconforming. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this chapter, but no such use shall be extended to occupy any land outside such building. If no structural alterations are made, any nonconforming use of a structure, or a structure and land, may be changed to another nonconforming use provided that the Town Council by making findings in the specific case, shall find that the proposed use is more appropriate to the zone than the existing nonconforming use. In permitting such change, the Town Council may require appropriate conditions and safeguards in accord with the provisions of this chapter.
- (b) A nonconforming use of a building or structure may be changed to a conforming use regardless of whether the new use conforms to the development standards or other dimensional requirements of this chapter. Any structure, or a structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zoning district in which the structure is located, and the nonconforming use may not thereafter be resumed.
- (c) If a nonconforming use of a building or structure is discontinued, it may be resumed within 180 days without further review by the town. If, however, a nonconforming use of a building or structure is abandoned for more than 180 days, any subsequent use of the land shall conform to the applicable use and development standards or other dimensional requirements of this chapter. Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction, for the purposes of this subsection, means damage to an extent of more than 50 percent of the structural value of the structure immediately prior to destruction. Additions, extensions and alterations may be made to any nonconforming public use, if the addition, extension or alteration:
 - (i) does not extend beyond the boundaries of the site in existence when the use became nonconforming; and
 - (ii) does not infringe upon any off-street parking required by this chapter.
- (d) The Town Council may determine that the legal nonconformity status of a nonconforming use of a building or structure has been lost under any of the following conditions:
 - (1) Abandonment of the nonconforming use (equal to or greater than 180 days);
 - (2) Unlawful extension or expansion of the nonconforming use; or
 - (3) Change of use to a more intensive nonconforming use.

CENTRAL BUSINESS DISTRICT (CBD) DESIGN STANDARDS

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of appropriateness means a document evidencing approval by The Town Council of an application to make a material change in the appearance of a property or of a property located within a designated zoning district CBD.

Demolition by neglect means deterioration of a historic property or a contributing structure in a designated historic district by virtue of the withholding of ordinary maintenance and repair, to the extent that the property or structure could be reasonably expected to become unsafe.

Exterior architectural features means the architectural style, general arrangements of the exterior of a building or other structure, including but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features mean all those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic property means an individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the town council.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of a historic property or any structure, site or work of art within a historic district, and may include any one or more of the following:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including any of its architectural elements or details;
- (2) Demolition of an historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way;
- (5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Penalty

Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, building, site, structure, appurtenance, or landscape feature, either to its appearance prior to the violation or in accordance with a certificate of appropriateness required by the town council. Such person will also be liable for a fine of not less than \$100.00 per day between the day on which the work is cited as being in violation of this article and the date on which the Town Manager certifies and verifies to the

town council that the violation has been corrected. This civil remedy may be obtained through proceedings before a court of competent jurisdiction, and shall be in addition to and not in lieu of any other civil or criminal prosecution and/or penalty otherwise provided in this Code of Ordinances, or the laws of the state.

Purpose.

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of properties in the town is among its most valued and important assets, that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people, and the special historic character, and in order to stimulate revitalization of the districts and properties and to protect and enhance local historical and aesthetic attractions and thereby promote and stimulate business, the town council hereby declares it to be the purpose and intent of these land development regulations to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation, and use of historic places (i.e., districts, sites, buildings, structures, and works of art having a special historical, cultural, or aesthetic interest or value).

Certificate of Appropriateness.

- (a) *When required.* After the designation of the CBD, no material change in the appearance of a designated historic structure or surrounding property shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a certificate of appropriateness has been submitted to the town for review by Planning/Historic Preservation Committee and approved by the town council.
- (b) *Exceptions.*
 - (1) Emergency repairs which are temporary in nature and are necessary to assure the structural integrity of an historic property or to eliminate an unsafe condition shall not require a certificate of appropriateness. Emergency temporary repairs shall be allowed to remain for no longer than three months, with an extension allowed for up to 12 months, upon application to the historic design review board.
 - (2) Paint color does not require an application for certificate of appropriateness.
- (c) *Guidelines and criteria for certificates of appropriateness.*
 - (1) *New construction.* The town council shall issue certificates of appropriateness for new structures proposed for construction within designated historic districts or on designated historic properties. These structures shall conform in design, scale, building materials, setback, and landscaping to the character of the district specified in the board's design guidelines as outlined in subsection (f).
 - (2) *Alterations, reconstruction, major repairs.*

- a. When considering applications for certificates of appropriateness for alterations, reconstruction, major repairs, or maintenance to existing buildings requiring review, the Secretary of the Interior's "Standards of Rehabilitation" shall be used as a guide. These standards shall be liberally interpreted with the understanding of economic need relative to reasonable use of a structure, while keeping in mind the intent of the town to preserve, restore and protect historic resources of the town. These standards shall be applied in accordance with the contributory nature of individual structures and open spaces within the zoning district. Contributory structures shall conform to the most stringent standards of appropriateness, with emphasis on preservation and restoration. Noncontributory structures that have their own historic or architectural merit should also be preserved, with restoration work as appropriate. Noncontributory structures that could feasibly contribute to the historic district but have been subjected to unsympathetic alterations should be restored to their original contributory form if appropriate alterations are economically feasible. All work on structures and appurtenances, regardless of their contributory nature, shall be done in a manner that does not detract from the historical or architectural character of the historic district or historic property.
 - b. In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and designation standards, the documented, original design of the building may be considered, among other factors.
 - c. Any material change in the exterior appearance of any existing nonhistoric building, structure or appurtenance in a designated historic district will be generally compatible with the form, proportion, mass, configuration, building material, texture and location of historic buildings, structures or sites adjoining or reasonably approximate to the nonhistoric building, structure or site.
- (d) *Interior alterations.* In its review of applications for certificates of appropriateness, neither the Planning Committee/Historic Preservation nor the town council shall consider interior arrangement or use having no effect on exterior appearance.
- (e) *Technical advice.* When dealing with difficult technical questions, the committee and the town council shall have the power to seek expert advice.
- (f) [*Visual compatibility.*] All improvements to buildings, structures and appurtenances and new construction of buildings within a designated historic district shall be visually compatible. Visual compatibility will be defined in terms of the following criteria:
- Height.* The height of proposed buildings or modifications will be visually compatible in comparison or relation to the height of existing structures and buildings.
- Front façade proportion.* The front façade of each building or structure will be visually compatible with and in direct relationship to the width of the building and to the height of the front elevation of other adjacent or adjoining buildings within a historic district.

Proportion of openings (windows and doors). The openings of any building within a historic district will be visually compatible with the openings exemplified by the prevailing historic architectural styles within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings within the district will be visually compatible.

Rhythm of solids to voids—front façades. The relationship of solids to voids in the front façade of a building or structure will be visually compatible with the front façades of historic buildings or structures within the district.

Rhythm of buildings on streets. The relationship of the building of buildings to open space between it or them and adjoining buildings will be visually compatible with the relationship between historic sites, buildings or structures within a historic district.

Rhythm of entrance and/or porch projections. The relationship of entrances and porch projections to the sidewalks of a building will be visually compatible with the prevalent architectural styles of entrances and porch projections on historic sites, buildings and structures within a historic district.

Relationship of materials and texture. The relationship of materials and texture of the façade of a building will be visually compatible with the predominant materials used in the historic sites, buildings and structures within a historic district.

Roof shapes. The roof shape of a building or structure will be visually compatible with the roof shapes of a historic site, building or structure within a historic district.

Walls of continuity. Appearances of a building or structure such as walls, wrought iron, fences, evergreen landscape masses, or building facades, will form cohesive walls of enclosure along a street to insure visual compatibility of the building to historic buildings, structures or sites to which it is visually related.

Scale of building. The size of a building, the building mass in relation to open spaces, windows, door openings, balconies and porches will be visually compatible with the building size and building mass of historic sites, buildings and structures within a historic district.

Directional expression of front elevation. A building will be visually compatible with the buildings, structures and sites in its directional character: vertical, horizontal or nondirectional.

- (g) *Filing of application for certificate of appropriateness for consideration by Planning Committee and the town council.* A pre-application meeting with staff is encouraged. The purpose of this conference is to discuss the nature of the application as well as its compatibility with Code and certificate of appropriateness review criteria.

A completed application for a certificate of appropriateness shall be filed with the Town Clerk at least 15 days prior to the Planning Committee meeting at which such application is to be considered.

- (h) *Content of application and plans.* All applications must be signed by the property owner or duly authorized agent for the property owner. Each application for a certificate of appropriateness shall be accompanied by the required fee, as may be established by town council resolution. A completed application package shall include 5 copies of the application and exhibits. Exhibits should include, at a minimum, detailed plans and elevations of the existing and/or proposed building(s), indicating all dimensions, surface materials, design features and elements, texture, landscaping, and all attachments such as signs, lighting fixtures, balconies, awnings and appurtenances which are attached to the walls or roof. Elevations shall indicate window design and all architectural elements. In addition, exhibits should include a site plan indicating the location of buildings (existing and proposed), streets, sidewalks, parking spaces, fences and other major site features. Detailed photos showing the existing and proposed street elevations are encouraged.
- (i) *Response to application for certificate of appropriateness.*
- (1) The Planning Committee shall recommend that the town council approve, or approve with conditions, the application and issue a certificate of appropriateness if it finds that the proposed material changes in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the board shall consider guidelines as outlined in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture, and material of the architectural features involved and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.
 - (2) Planning Committee may recommend that the town council deny a certificate of appropriateness if it finds that the proposed material change in appearance would have substantial adverse effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.
- (j) *Town council review of applications for certificates of appropriateness.*
- (1) Within 45 days of the rendering by the Planning Committee of a recommendation on an application for certificate of appropriateness, the town council shall conduct a publicly-noticed hearing on the application, after which, the town council shall approve, approve with conditions, or disapprove an application for a certificate of appropriateness based on the criteria contained in this section. Evidence of approval shall be by a certificate of appropriateness issued by the town council.
 - (2) Except in circumstances in which the town council and an applicant have mutually agreed to extend the time period of reaching a decision, failure of the town council to act within 45 days of its first public hearing on the application for certificate of appropriateness shall constitute approval, and no other evidence of approval shall be needed.
 - (3) In the event the town council rejects an application, it shall transmit a record of such actions and reasons to the applicant. The town council may suggest alternative courses

of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application. A re-application will be processed in the same manner as a new application, as outlined in this section.

- (4) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the town council shall be binding upon the development administrator or other administrative officer charged with issuing building permits, and, in such a case, no building permit shall be issued. It shall be the responsibility of the town council to provide written notice to the development administrator, or such other administrative officer charged with issuing building permits, of the town council rejection of the application for a certificate of appropriateness.
- (k) *Undue hardship.* Where, by reason of unusual circumstances, the strict application of any provision of this article would result in an undue hardship upon any owner of a specific property, the town council, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship, provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the town council may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this article. An undue hardship shall be a situation not of the person's own making, which is: (i) a problem unique to a specific property, or (ii) in order to comply with this article, the person will conflict with another ordinance of the town.
- (l) *Requirement of conformance with certificate of appropriateness.* Work not in accordance with an issued certificate of appropriateness shall be halted before it is completed.
- (m) *Certificate of appropriateness void if construction not commenced.* A certificate of appropriateness shall become void unless construction is commenced within one year of the date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable at the town council's discretion.
- (n) *Recording of applications for certificate of appropriateness.* The town council and the planning committee shall each keep a public record of all applications for certificates of appropriateness, and of all proceedings in connection with said application.
- (o) *Acquisition of property.* The board may, where such action is authorized by the town council, and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

Demolition or relocation permit applications.

- (a) *Authority to comment on demolition or relocation permit applications.* The Planning Committee and the town council shall have the authority to comment on any request for a permit to demolish or relocate a structure within a historic district or classified as a historic property.
- (b) *Action on permit.* The Planning Committee shall have the authority to recommend approval or denial of demolition or relocation permits within its jurisdiction to the town council, who shall have the final decision in said matter.
- (c) *Review of post-demolition and post-relocation plans.* The town council shall not grant demolition permission or relocation permission without reviewing at the same time the plans for the building that would replace the structure being demolished or removed.
- (d) *Demolition or relocation criteria.* Upon receipt of an application for a certificate of appropriateness for demolition or relocation, the planning committee shall make a recommendation to the town council, supported by a written report, whether one or more of the following criteria are met:
 - (1) The structure is of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic or architectural landmark.
 - (2) The structure is of such unusual or uncommon design texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense.
 - (3) Retention of the structure would aid substantially in preserving and protecting a structure which meets subsection (1) or (2) of this section.

Where the planning committee determines that one or more of these criteria are met, no certificate of appropriateness for demolition or relocation shall be recommended.

- (4) *Feasible alternatives to demolition or relocation.* No certificate of appropriateness for demolition or relocation shall be considered until an applicant has demonstrated that no other feasible alternative to demolition or relocation can be found. The planning committee and town council may ask interested individuals and organizations for assistance in seeking an alternative to demolition or relocation. On all demolition or relocation applications, the question of economic hardship for the applicant shall be considered, as well as a determination whether the landmark can be put to reasonable beneficial use without the approval of the demolition or relocation application. In the case of an income-producing building, the Planning Committee shall also determine whether the applicant can obtain a reasonable return from his or her existing building. The committee may ask applicants for additional information to be used in making these determinations 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 board shall recommend denial of the demolition or relocation application.

The town council may recommend a certificate of appropriateness for demolition or relocation even though the designated landmark or designated landmark site has reasonable beneficial use if:

- a. The committee determines that the property no longer contributes to a historic district or no longer has significance as an historic, architectural or archeological landmark; and
- b. The Planning Committee determines that the building demolition or relocation on the designated property is required by a community redevelopment plan or the town's comprehensive plan.

Maintenance and use of historic property.

Ordinary maintenance, including painting or repainting a structure, or repair of any exterior architectural feature in or on historic property, that does not involve a material change in design, material, or outer appearance thereof, is excluded from review.

Nothing in this article shall be construed as to exempt property owners from complying with existing town building codes, or to prevent any property owner from making any use of his or her property not prohibited by other statutes, ordinances, or regulations.

Prevention of demolition by neglect.

- (a) The following shall apply to maintenance and repair of historic property or contributing structures in a designated historic district, as well as any other historic property designated as such by the town:
 - (1) The owner, lessee, or other person in physical control of the structure shall comply with all applicable codes, laws and regulations governing the maintenance and safety of property including but not limited to town ordinances, as applicable. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of a structure designated as a historic structure or a contributing structure to a historic district, and the interior portions thereof when such preservation is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration, and shall be free from structural damage through prompt correction of any of the following defects:
 - a. Facades which may fall and injure members of the public or property;
 - b. Deteriorated or inadequate foundations, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
 - c. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members, which sag, split, or buckle due to defective material or deterioration;

- d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
 - e. Any fault or defect in the building which renders it not properly watertight or structurally unsafe; and
 - f. Any other fault or defect in the building which may render such structure unsafe.
- (b) In the event that a historic property or contributing structure in the zoning district, or any other historic property designated as such by the town, is not in good repair and appears to be in the course of being demolished by neglect, the owner of record shall be notified by The Planning Committee of the condition of the structure and the items in need of repair. The committee shall request a meeting with the owner of the historic property and, if appropriate, the tenant. At such meeting, the committee shall present ways to improve the condition of the property. If the owner and/or tenant does not meet with the committee, or otherwise fails to take action to improve the condition of the property, the committee shall notify the code enforcement officer and request that he/she conduct an investigation. Upon receipt of such notification, the code enforcement officer shall conduct an investigation, and thereafter take such action(s) as that officer deems appropriate, including reporting any apparent violations of state law to the appropriate official(s).

Planning Committee

Generally.

- (a) The Planning Committee will have advisory authority in recommending historic property and historic district designation; providing recommendation to the town council on applications for certificate of appropriateness and applications for demolition or structure relocation.
- (b) Unless otherwise designated, or appointed by the Town Council, the Town Council will serve the role of the Planning Committee.

HISTORIC PRESERVATION DESIGN STANDARDS

Findings.

The Town Council hereby finds as follows:

- (a) Within the town there are districts, areas, sites, structures and objects that are examples of architectural styles of the past, are important reminders of people and events that are significant to local, state, and national history, or are unique and irreplaceable assets and resources to the town and local neighborhood;
- (b) The recognition, protection, enhancement and use of such resources is a public policy of the town and is essential to further the health, safety, morals, and social, educational, economic, cultural, and general welfare of the public since these efforts result in the enhancement of property values, the stabilization of neighborhoods and areas of the town, the increase of economic benefits to the town and its inhabitants, the promotion of local interest, the enrichment of human life in its educational and cultural dimensions, serving spiritual as well as material needs, and the fostering of civic pride in the beauty and noble accomplishments of the past;
- (c) There are numerous economic benefits to historic preservation activities including the creation of jobs, significant contributions to tax collections of Florida state and local governments, investments of private funds in historic projects and partnerships between private investors and local governments, maintenance of property values, and increases in money spent by tourists visiting historic sites;
- (d) The Town Council desires to take advantage of all available state and federal laws that may assist in the development of the town;
- (e) The Town Council desires for the town to become a Certified Local Government (CLG) as designated by the Department of State, Office of Cultural and Historical Programs in order to provide the town the opportunity to receive state and federal funds to aid the survey, designation, and preservation of these resources;
- (f) The federal and state government have established a program of matching grants-in-aid for projects having as their purpose the preservation for public benefit of properties that are significant in American history and architecture;
- (g) There are other federal and state programs providing funds for projects involving the rehabilitation of existing districts, sites, structures, objects and areas;
- (h) Inherent in the enactment and implementation of these federal mandates is the policy of the United States government that the spirit and direction of the nation are founded upon and reflected in its historic past; that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; that in the face of the ever-increasing extensions of urban centers, highways, and residential, commercial and industrial developments, the present governmental and nongovernmental programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation;

- (i) It is the will of the people of the State of Florida as expressed in Article II, section 7 of the 1968 Florida Constitution, that the state's natural and scenic beauty be conserved and protected; and
- (j) It is the will of the State of Florida legislature, as expressed in F.S. Chapter 267, that the state's historic sites and properties, buildings, artifacts, treasure troves and objects of antiquity, which have scientific or historical value, or are of interest to the public, be protected and preserved.

Purpose.

In recognition of these findings, it is the purpose of this chapter to:

- (a) Promote the health, safety, morals, and social, educational, economic, cultural and general welfare of the public through identification, designation, enhancement and preservation of districts, areas, sites, structures and objects that are examples of architectural styles of the past, are important reminders of people and events that are significant to local, state, and national history, or are unique and irreplaceable assets and resources to the town and local neighborhoods;
- (b) Preserve such districts, areas, sites, structures and objects by requiring review of any proposed alterations to these resources and issuance of certificates of appropriateness before allowing alteration of these resources;
- (c) Preserve such districts, areas, sites, structures and objects by encouraging the construction of new structures and the alteration of existing non-contributing structures to preserve and be in harmony with the integrity of existing historical resources;
- (d) Stabilize and improve property values;
- (e) Increase economic benefits to the town and its residents;
- (f) Stimulate the local and regional tourist industry;
- (g) Encourage historic preservation by providing incentives to encourage the sensitive rehabilitation and use of designated historic resources;
- (h) Fulfill the requirements for the town's desire to be designated as a Certified Local Government by the Department of State, Office of Cultural and Historical Programs;
- (i) Promote a living history which will foster educational programs aimed at creating a better understanding of the town's history, culture, and heritage.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Certificate of appropriateness means a document evidencing approval by The Town Council of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Demolition by neglect means deterioration of a historic property or a contributing structure in a designated historic district by virtue of the withholding of ordinary maintenance and repair, to the extent that the property or structure could be reasonably expected to become unsafe.

Exterior architectural features means the architectural style, general arrangements of the exterior of a building or other structure, including but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features mean all those aspects of the landscape or the development of the site which affect the historical character of the property.

Historic district means a geographically definable area which contains structures, sites, works of art or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the town council.

Historic property means an individual structure, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the town council.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of a historic property or any structure, site or work of art within a historic district, and may include any one or more of the following:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including any of its architectural elements or details;
- (2) Demolition of an historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way;
- (5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Penalty

Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, building, site, structure, appurtenance, or landscape feature, either to its appearance prior to the violation or in accordance with a certificate of appropriateness required by the town council. Such person will also be liable for a fine of not less than \$100.00 per day between the day on which the work is cited as being in violation of this article and the date on which the Town Manager certifies and verifies to the town council that the violation has been corrected. This civil remedy may be obtained through proceedings before a court of competent jurisdiction, and shall be in addition to and not in lieu of any other civil or criminal prosecution and/or penalty otherwise provided in this Code of Ordinances, or the laws of the state.

Certificate of Appropriateness.

- (a) *When required.* After the designation of an historic property or an historic district, no material change in the appearance of a designated historic structure or surrounding property shall be made or be permitted to be made by the owner or occupant thereof, unless or until application for a certificate of appropriateness has been submitted to the town for review by the Historic Preservation Committee and approved by the town council.
- (b) *Exceptions.*
 - (1) Emergency repairs which are temporary in nature and are necessary to assure the structural integrity of an historic property or to eliminate an unsafe condition shall not require a certificate of appropriateness. Emergency temporary repairs shall be allowed to remain for no longer than three months, with an extension allowed for up to 12 months, upon application to the historic design review board.
 - (2) Paint color does not require an application for certificate of appropriateness.
- (c) *Guidelines and criteria for certificates of appropriateness.*
 - (1) *New construction.* The town council shall issue certificates of appropriateness for new structures proposed for construction within designated historic districts or on designated historic properties. These structures shall conform in design, scale, building materials, setback, and landscaping to the character of the district specified in the board's design guidelines as outlined in subsection (f).
 - (2) *Alterations, reconstruction, major repairs.*
 - a. When considering applications for certificates of appropriateness for alterations, reconstruction, major repairs, or maintenance to existing buildings requiring review, the Secretary of the Interior's "Standards of Rehabilitation" shall be used as a guide. These standards shall be liberally interpreted with the understanding of economic need relative to reasonable use of a structure, while keeping in mind the intent of the town to preserve, restore and protect historic resources of the town. These standards shall be applied in accordance with the contributory nature of individual structures and open spaces within the historic district. Contributory structures shall conform to the most stringent standards of appropriateness, with emphasis on preservation and restoration. Noncontributory structures that have their own historic or architectural merit should also be preserved, with restoration work as appropriate. Noncontributory structures that could feasibly contribute to the historic district but have been subjected to unsympathetic alterations should be restored to their original contributory form if appropriate alterations are economically feasible. All work on structures and appurtenances, regardless of their contributory nature, shall be done in a manner that does not detract from the historical or architectural character of the historic district or historic property.

- b. In considering proposals for alterations to the exterior of historic buildings and structures and in applying development and designation standards, the documented, original design of the building may be considered, among other factors.
- c. Any material change in the exterior appearance of any existing nonhistoric building, structure or appurtenance in a designated historic district will be generally compatible with the form, proportion, mass, configuration, building material, texture and location of historic buildings, structures or sites adjoining or reasonably approximate to the nonhistoric building, structure or site.
- (d) *Interior alterations.* In its review of applications for certificates of appropriateness, neither the Historic Preservation Committee nor the town council shall consider interior arrangement or use having no effect on exterior appearance.
- (e) *Technical advice.* When dealing with difficult technical questions, the Historic Preservation Committee and the town council shall have the power to seek expert advice.
- (f) [*Visual compatibility.*] All improvements to buildings, structures and appurtenances and new construction of buildings within a designated historic district shall be visually compatible. Visual compatibility will be defined in terms of the following criteria:

Height. The height of proposed buildings or modifications will be visually compatible in comparison or relation to the height of existing structures and buildings.

Front façade proportion. The front façade of each building or structure will be visually compatible with and in direct relationship to the width of the building and to the height of the front elevation of other adjacent or adjoining buildings within a historic district.

Proportion of openings (windows and doors). The openings of any building within a historic district will be visually compatible with the openings exemplified by the prevailing historic architectural styles within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings within the district will be visually compatible.

Rhythm of solids to voids—front façades. The relationship of solids to voids in the front façade of a building or structure will be visually compatible with the front façades of historic buildings or structures within the district.

Rhythm of buildings on streets. The relationship of the building of buildings to open space between it or them and adjoining buildings will be visually compatible with the relationship between historic sites, buildings or structures within a historic district.

Rhythm of entrance and/or porch projections. The relationship of entrances and porch projections to the sidewalks of a building will be visually compatible with the prevalent architectural styles of entrances and porch projections on historic sites, buildings and structures within a historic district.

Relationship of materials and texture. The relationship of materials and texture of the façade of a building will be visually compatible with the predominant materials used in the historic sites, buildings and structures within a historic district.

Roof shapes. The roof shape of a building or structure will be visually compatible with the roof shapes of a historic site, building or structure within a historic district.

Walls of continuity. Appearances of a building or structure such as walls, wrought iron, fences, evergreen landscape masses, or building facades, will form cohesive walls of enclosure along a street to insure visual compatibility of the building to historic buildings, structures or sites to which it is visually related.

Scale of building. The size of a building, the building mass in relation to open spaces, windows, door openings, balconies and porches will be visually compatible with the building size and building mass of historic sites, buildings and structures within a historic district.

Directional expression of front elevation. A building will be visually compatible with the buildings, structures and sites in its directional character: vertical, horizontal or nondirectional.

- (g) *Filing of application for certificate of appropriateness for consideration by the Historic Preservation Committee.* A pre-application meeting with town staff is encouraged. The purpose of this conference is to discuss the nature of the application as well as its compatibility with Code and certificate of appropriateness review criteria.

A completed application for a certificate of appropriateness shall be filed with the Town Clerk at least 30 days prior to the Historic Preservation Committee meeting at which such application is to be considered.

- (h) *Content of application and plans.* All applications must be signed by the property owner or duly authorized agent for the property owner. Each application for a certificate of appropriateness shall be accompanied by the required fee, as may be established by town council resolution. A completed application package shall include 5 copies of the application and exhibits. Exhibits should include, at a minimum, detailed plans and elevations of the existing and/or proposed building(s), indicating all dimensions, surface materials, design features and elements, texture, landscaping, and all attachments such as signs, lighting fixtures, balconies, awnings and appurtenances which are attached to the walls or roof. Elevations shall indicate window design and all architectural elements. In addition, exhibits should include a site plan indicating the location of buildings (existing and proposed), streets, sidewalks, parking spaces, fences and other major site features. Detailed photos showing the existing and proposed street elevations are encouraged.

(i) *Response to application for certificate of appropriateness.*

- (1) The Historic Preservation Committee shall recommend that the town council approve, or approve with conditions, the application and issue a certificate of appropriateness if it finds that the proposed material changes in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. In making this determination, the Committee shall consider guidelines as outlined in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture, and material of the architectural features involved and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.
- (2) The Historic Preservation Committee may recommend that the town council deny a certificate of appropriateness if it finds that the proposed material change in appearance would have substantial adverse effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district.

(j) *Town council review of applications for certificates of appropriateness.*

- (1) Within 45 days of the rendering by the Historic Preservation Committee of a recommendation on an application for certificate of appropriateness, the town council shall conduct a publicly-noticed hearing on the application, after which, the town council shall approve, approve with conditions, or disapprove an application for a certificate of appropriateness based on the criteria contained in this section. Evidence of approval shall be by a certificate of appropriateness issued by the town council.
- (2) Except in circumstances in which the town council and an applicant have mutually agreed to extend the time period of reaching a decision, failure of the town council to act within 45 days of its first public hearing on the application for certificate of appropriateness shall constitute approval, and no other evidence of approval shall be needed.
- (3) In the event the town council rejects an application, it shall transmit a record of such actions and reasons to the applicant. The town council may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application. A re-application will be processed in the same manner as a new application, as outlined in this section.
- (4) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the town council shall be binding upon the development administrator or other administrative officer charged with issuing building permits, and, in such a case, no building permit shall be issued. It shall be the responsibility of the town council to provide written notice to the development administrator, or such other administrative officer charged with issuing building

permits, of the town council rejection of the application for a certificate of appropriateness.

- (k) *Undue hardship.* Where, by reason of unusual circumstances, the strict application of any provision of this article would result in an undue hardship upon any owner of a specific property, the town council, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship, provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the town council may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this article. An undue hardship shall be a situation not of the person's own making, which is: (i) a problem unique to a specific property, or (ii) in order to comply with this article, the person will conflict with another ordinance of the town.
- (l) *Requirement of conformance with certificate of appropriateness.* Work not in accordance with an issued certificate of appropriateness shall be halted before it is completed.
- (m) *Certificate of appropriateness void if construction not commenced.* A certificate of appropriateness shall become void unless construction is commenced within one year of the date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable at the town council's discretion.
- (n) *Recording of applications for certificate of appropriateness.* The town council and the Historic Preservation committee shall each keep a public record of all applications for certificates of appropriateness, and of all proceedings in connection with said application.
- (o) *Acquisition of property.* The board may, where such action is authorized by the town council, and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

Demolition or relocation permit applications.

- (a) *Authority to comment on demolition or relocation permit applications.* The Historic Preservation Committee and the town council shall have the authority to comment on any request for a permit to demolish or relocate a structure within a historic district or classified as a historic property.
- (b) *Action on permit.* The Historic Preservation Committee shall have the authority to recommend approval or denial of demolition or relocation permits within its jurisdiction to the town council, who shall have the final decision in said matter.
- (c) *Review of post-demolition and post-relocation plans.* The town council shall not grant demolition permission or relocation permission without reviewing at the same time the plans for the building that would replace the structure being demolished or removed.

(d) *Demolition or relocation criteria.* Upon receipt of an application for a certificate of appropriateness for demolition or relocation, the Historic Preservation committee shall make a recommendation to the town council, supported by a written report, whether one or more of the following criteria are met:

- (1) The structure is of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic or architectural landmark.
- (2) The structure is of such unusual or uncommon design texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense.
- (3) Retention of the structure would aid substantially in preserving and protecting a structure which meets subsection (1) or (2) of this section.

Where the Historic Preservation committee determines that one or more of these criteria are met, no certificate of appropriateness for demolition or relocation shall be recommended.

- (4) Feasible alternatives to demolition or relocation. No certificate of appropriateness for demolition or relocation shall be considered until an applicant has demonstrated that no other feasible alternative to demolition or relocation can be found. The planning committee and town council may ask interested individuals and organizations for assistance in seeking an alternative to demolition or relocation. On all demolition or relocation applications, the question of economic hardship for the applicant shall be considered, as well as a determination whether the landmark can be put to reasonable beneficial use without the approval of the demolition or relocation application. In the case of an income-producing building, the historic design review board shall also determine whether the applicant can obtain a reasonable return from his or her existing building. The committee may ask applicants for additional information to be used in making these determinations 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 board shall recommend denial of the demolition or relocation application.

The town council may recommend a certificate of appropriateness for demolition or relocation even though the designated landmark or designated landmark site has reasonable beneficial use if:

- a. The Historic Preservation committee determines that the property no longer contributes to a historic district or no longer has significance as an historic, architectural or archeological landmark; and
- b. The Historic Preservation Committee determines that the building demolition or relocation on the designated property is required by a community redevelopment plan or the town's comprehensive plan.

Maintenance and use of historic property.

Ordinary maintenance, including painting or repainting a structure, or repair of any exterior architectural feature in or on historic property, that does not involve a material change in design, material, or outer appearance thereof, is excluded from review.

Nothing in this article shall be construed as to exempt property owners from complying with existing town building codes, or to prevent any property owner from making any use of his or her property not prohibited by other statutes, ordinances, or regulations.

Prevention of demolition by neglect.

(a) The following shall apply to maintenance and repair of historic property or contributing structures in a designated historic district, as well as any other historic property designated as such by the town:

- (1) The owner, lessee, or other person in physical control of the structure shall comply with all applicable codes, laws and regulations governing the maintenance and safety of property including but not limited to town ordinances, as applicable. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of a structure designated as a historic structure or a contributing structure to a historic district, and the interior portions thereof when such preservation is necessary to prevent deterioration and decay of the exterior. All such buildings shall be preserved against such decay and deterioration, and shall be free from structural damage through prompt correction of any of the following defects:
 - a. Facades which may fall and injure members of the public or property;
 - b. Deteriorated or inadequate foundations, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports;
 - c. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members, which sag, split, or buckle due to defective material or deterioration;
 - d. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors;
 - e. Any fault or defect in the building which renders it not properly watertight or structurally unsafe; and
 - f. Any other fault or defect in the building which may render such structure unsafe.

(b) In the event that a historic property or contributing structure in a designated historic district, or any other historic property designated as such by the town, is not in good repair and appears to be in the course of being demolished by neglect, the owner of record shall be notified by the Planning/Historic Preservation Committee of the condition of the structure and the items in need of repair. The board shall request a meeting with the owner

of the historic property and, if appropriate, the tenant. At such meeting, the Historic Preservation Committee shall present ways to improve the condition of the property. If the owner and/or tenant does not meet with the Committee, or otherwise fails to take action to improve the condition of the property, the board shall notify the code enforcement officer and request that he/she conduct an investigation. Upon receipt of such notification, the code enforcement officer shall conduct an investigation, and thereafter take such action(s) as that officer deems appropriate, including reporting any apparent violations of state law to the appropriate official(s).

Planning Committee / Historic Preservation Committee

Generally.

- (a) The Planning Committee and will have advisory authority in recommending historic property and historic district designation; providing recommendation to the town council on applications for certificate of appropriateness and applications for demolition or structure relocation.

- (b) Unless otherwise designated, or appointed, by the Town Council, the Town Council will serve the role of the Historic Preservation Committee.

Historic Preservation Committee.

- (a) *Organization.* Unless otherwise designated, or appointed, by the Town Council, the seven (7) member Town Council will serve the role of the Planning Committee/Historic Preservation Committee. As needed, the Committee will enlist the assistance and expertise of professionals from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture.

- (b) *Terms of Office.* The members of the Committee shall serve terms of office consistent with their duly elected respective terms of office as Town Council members.

- (c) *Officers.* The Committee shall elect from its members a chairman, a vice-chairman, and a secretary at the first meeting and annually thereafter. For the purposes of this committee, officer positions may be composed differently than the office positions of the Town Council (i.e. the Mayor need not also serve as Chair of this committee).

- (d) *Meetings and Records.* Regular meeting of the Committee shall be held monthly, or as necessary to fulfill their duties. The Committee shall meet a minimum of four (4)

times per year. Special meetings of the Committee may be called by the Chair as necessary, including pertinent informational or educational meetings, workshops and conferences. The Committee shall keep minutes and other records which shall be open to the public. Notice of each Committee meeting will be posted prior to the meeting. These meetings may be held separate or as part of the agenda of the Town Council's scheduled, and duly noticed, business meetings.

- (e) *Quorum.* A majority of the Committee (four) shall constitute a quorum. No application for approval of a certificate of appropriateness shall be denied except by a vote of a majority of the entire Committee.

- (f) *Powers and Duties.* The powers and duties of the Committee include, but are not limited to the following:
 - (1) Identify structures, sites, and historic districts for designation;
 - (2) Initiate and conduct necessary updates to the latest survey of historically, culturally, or architecturally significant structures and districts within the town;
 - (3) Approve historical markers and issue certificates of designation;
 - (4) Review proposed National Register nominations within the town or designated districts;
 - (5) Oversee the alteration, relocation, demolition, or removal of designated property;
 - (6) Approve or deny applications for certificates of appropriateness for alteration, relocation, demolition, or removal of designated property;
 - (7) Demonstrate a spirit of cooperation with and provide guidance to property owners in the preservation of historic structures, sites and districts;
 - (8) Develop and/or promote programs to stimulate public interest and involvement in historic and cultural preservation; and
 - (9) Seek grants from federal and state agencies or private groups or individuals to promote the preservation of historically, architecturally, or aesthetically significant structures, sites and districts.

Local Historic Designation Procedure.

The following procedure shall apply for the designation of structures, districts or sites as historic resources:

- (a) Requests for designation of an individual historic structure, site, or district may be made to the Historic Preservation Committee by motion of the committee, the town manager, by resolution of the town council, by any property owner in respect to his own property, by a majority of property owners of record within a proposed district, by request of the Gadsden County Board of County Commissioners, the county's historical societies, or by request or resolution of any organization whose purpose is to promote the preservation of historic sites.
- (b) Before the establishment of a historic district, the Historic Preservation Committee shall conduct studies and research and make a report on the historic significance of the exteriors of structures, features, sites, objects and areas in the town. The Committee's report shall contain recommendations concerning the area(s) to be included in the proposed historic districts. The reports will contain photographs and a sketch map indicating the district boundaries.
- (c) Copies of the report shall be transmitted for review and recommendation to the town council and to the Department of State of the State of Florida, Division of Historical Resources. Not less than sixty (60) days after the transmittal, the Committee shall hold a public hearing thereof after due notice, which shall include a written notice to the last known address of the owners and occupants of all properties to be included in such district(s). Notice to owners shall be at least thirty (30) days, but not more than seventy-five (75) days prior to the public hearing.
- (d) A property owner may object either in person or in writing to having their property nominated as part of a historic district. If objecting in writing, a notarized statement must be submitted at least fifteen (15) days prior to the nomination being considered at the public hearing. The Committee may then either continue its review, forwarding its recommendation to the town council and noting the owner's objection or, the Committee may cease any further review process and notify the town council of the property owner's objection to the proposed listing.
- (e) After said public hearing the Committee shall submit a final report with recommendations to the town council.
- (f) The town council shall hold a public hearing at a regularly scheduled town council meeting to consider establishment of a historic district.

- (g) Historic districts, sites, and structures when approved by the town council shall be established by resolution.
- (h) Upon adoption, the owners and occupants of each designated historic site, structure, or district shall be given written notification of such designation by the town council.
- (i) Nominations recommended by the Committee for placement on the National Register of Historic Places will be forwarded to the State Historic Preservation Officer (SHPO) for consideration.
- (j) Designated historic sites, structures, or districts shall be provided with a town approved standard sign or marker on or near the property indicating that the property has been so designated. The town manager or designee shall issue an official certificate of historic significance to the owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The town manager or designee is additionally authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.

Criteria for Designation of Historic Sites, Structures, and Districts.

- (a) *Qualifications.* In order to qualify as a local historic district, historic structure, or historic site, individual properties or groups of properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the town, state or nation, and shall meet one (1) or more of the following criteria:
 - (1) Its character as a geographically definable area possessing a significant concentration of structures, which are well designed, and other sites and objects, all of which are united by past events or by a plan or physical development;
 - (2) Its character as an established and geographically definable neighborhood united by culture, architectural styles or physical development;
 - (3) Its value as a reminder of the cultural or archaeological heritage of the town, state or nation;
 - (4) Its value as a site of a significant local, state or national event;
 - (5) Its identification with a person who significantly contributed to the development of the town, state or nation;

- (6) Its identification as the work of an architect, designer or builder whose work has influenced the development of the town, state or nation;
- (7) Its value as a building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance; or
- (8) Its value as a structure with distinguishing characteristics of an architectural style that is significant for the study of a period, method of construction or use of indigenous materials.

Such properties shall also possess an integrity of location, design, setting, materials, workmanship, feeling or association. Structures, sites, or districts over fifty (50) years old shall be presumed to be historic.

(b) *Properties not generally considered; exceptions.* Certain properties which include 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 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:

- (1) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (2) A structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person; or
- (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or structure directly associated with his/her, productive life; or
- (4) 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; or
- (5) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or

- (6) A property or district achieving significance within the past 50 years if it is of exceptional importance.

Relationship to zoning districts.

Designated historic resources may be located within any zoning district classification. Whenever a historic designation is made, the regulations for both the applicable zoning district and this chapter shall be applied to the designated site (property), structure, or district.

OBSTRUCTION OF PAVEMENT OR SIDEWALK.

Purpose

In order to maintain the character and pedestrian nature of The Local Planning Area Master Plan in the CBD, it shall be unlawful for any person to obstruct or injure, in any way or manner, any pavement, curbing or improved sidewalk.

Obstructing sidewalks, pavement or area between sidewalk and curb within the CBD.

- (a) Sidewalks within the CBD shall not be obstructed by placement, maintain or keeping any vending machines, or newspaper racks. The following shall be excepted from this prohibition:
- (1) Those obstructions specifically authorized to be in such area by ordinance of the town
 - (2) Those obstructions for which a permit has been obtained from the town. Permits from the town shall take into consideration the purpose of this ordinance
 - (3) Water or fire hydrants.
 - (4) Trash or wastepaper receptacles placed thereon by or under authority of the town.
 - (5) Receptacles maintained by the United States for receipt of mail.
 - (6) Flag poles for the display of appropriate flags on legal holidays.
 - (7) Those obstructions which are necessary, temporary and reasonable and in addition thereto do not unduly hamper the public in the use of such sidewalk and area and which are intended to remain for day light hours only
- (b) Any member of the department of public safety shall, whenever such unexcepted, unauthorized or unpermitted obstruction is placed in such area, immediately notify, if conveniently and quickly possible, any of the following:
- (1) The person who placed such obstruction in such area;
 - (2) The person who caused or ordered or directed such obstruction to be placed in such area;
 - (3) The owner of such obstruction or his agent, servant or employee;
 - (4) Any person exercising any rights of ownership or possession over such obstruction or the agent, servant or employee thereof; or
 - (5) The owner or the occupant or the tenant of the premises in front or alongside of which such obstruction is found or the agent, servant or employee of such owner or occupant or tenant. The notice shall advise any such person that such obstruction is in violation of this section and that if such obstruction is not promptly removed within a reasonable time that it will be removed from such area by the town. If such obstruction is not promptly removed from such area within a reasonable time, either after notice as

provided in this section or without notice if such notice is not conveniently and quickly possible, it shall be the duty of every member of the department of public safety to cause the obstruction to be removed from such area.


- (a) Businesses within the CBD may display merchandise for sale, or other permitted items, on the sidewalks in front of the business. Such displays shall be arranged so that an area of passage of not less than thirty-six inches (36") in width shall remain unobstructed for pedestrian movement and ADA accessibility.
 - (1) Permitted sidewalk displays of a given business may not encroach upon the sidewalk space in front of an adjacent business.
 - (2) All merchandise displayed on the sidewalk shall be removed and taken indoors by, or before, the close of the business day.

SECTION 2. It is the intention of the Town and it is hereby provided the provisions of this ordinance shall be made a part of the Code of Ordinances of the Town of Havana, Florida; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" be changed to "section", "article", or other appropriate designation.

SECTION 3. This ordinance shall take effect immediately upon its passage and approval as required by law.

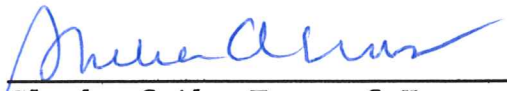
INTRODUCED in open session of the Town Council of the Town of Havana, Florida this 24th day of May, A.D. 2021.

ADOPTED AND PASSED on second and final reading in open session of the Town Council of the Town of Havana, Florida, this 7th day of June, A.D. 2021.



Presiding Officer of the Town
Of Havana, Florida

ATTEST"



Clerk of the Town of Havana and
Clerk of the Town Council thereof