

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PINELLAS, AMENDING THE PINELLAS COUNTY CODE, CHAPTER 146, THE HISTORIC PRESERVATION ORDINANCE; AMENDING SECTION 146-1, THE DEFINITION SECTION; AMENDING SECTION 146-2, THE PURPOSE AND INTENT SECTION; AMENDING SECTION 146-4, ESTABLISHING THE PINELLAS COUNTY HISTORIC PRESERVATION ADVISORY BOARD; AMENDING SECTION 146-5, ESTABLISHING POWERS AND DUTIES OF THE HISTORIC PREERVATION ADVISORY BOARD; AMENDING SECTION 146-6, ADDING THE LOCAL DESIGNATION OF HISTORIC RESOURCES; RENUMBERING AND AMENDING SECTION 146-7, CERTIFICATE OF APPROPRIATENESS; RENUMBERING AND AMENDING SECTION 146-8, MAINTENANCE AND MINOR REPAIR PROVISIONS; RENUMBERING AND AMENDING SECTION 146-9, INCENTIVES; RENUMBERING AND AMENDING SECTION 146-10; STOP WORK ORDERS; RENUMBERING AND AMENDING SECTION 146-11, PENALTY FOR VIOLATION OF CHAPTER; RENUMBERING, AMENDING AND ADDING SECTION 146-12, REVIEW OF DECISIONS; RENUMBERING AND ADDING SECTION 146-13, CONFLICTING PROVISIONS; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT A PUBLIC HEARING AND/OR WITH RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILTY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, In 1992, the Pinellas County Board of County Commissioners adopted Ordinance No. 92-7, the Historic Preservation Ordinance, to recognize, preserve, and protect the historical and archeological resources of unincorporated Pinellas County; and

**WHEREAS**, the Historic Preservation Ordinance was amended in 1993, 1995, 1998 and in 2004; and

**WHEREAS**, on June 28, 2005, by Resolution 05-135, the Board of County Commissioners established a task force to evaluate historic preservation in Pinellas County and make recommendations concerning a countywide historic preservation program;

**WHEREAS**, the Historic Preservation Task Force included members from the diverse regions of Pinellas County with a variety of educational and professional backgrounds, representing municipalities, non-profit historic preservation organizations and historical societies, County staff and others;

**WHEREAS**, the Historic Preservation Task Force conducted independent research on the status of historic preservation programs generally and within Pinellas County; and

**WHEREAS**, in February 2008, based on a recommendation from the Historic Preservation Task Force, the Board of County Commissioners adopted Ordinance No. 08-11 establishing a Countywide Historic Preservation Program; and

**WHEREAS**, as part of the Historic Preservation Program contained in Ordinance No. 08-11, the Pinellas County Historic Preservation task force was renamed to Pinellas County Historic Preservation Advisory Board; and

**WHEREAS**, in the past two years, the Pinellas County Historic Preservation Advisory Board has been working with County staff to update the 1992 Historic Preservation Ordinance; and

**WHEREAS**, the Pinellas County Historic Preservation Advisory Board reviewed the 1992 Historic Preservation Ordinance and has recommended several changes to the Ordinance; and

**WHEREAS**, The Pinellas County Local Planning Agency (LPA) held a public hearing on September \_\_\_\_, 2011 to receive public comment on the proposed revisions to the Historic Preservation Code, Chapter 146, and the LPA has determined that the proposed revisions to the Historic Preservation Code, Chapter 146, is consistent with the adopted goals, objectives, and policies of the Pinellas County Comprehensive Plan.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled on this ---- day of -----2011, that:

**SECTION 1.** Section 146-1. The Definition section is hereby amended to read, as follows:

**Sec. 146-1. Definitions.**

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

*Aggrieved party* means anyone who has a legally recognizable interest which is or may be adversely affected by an action taken by fulfilling the requirements of this chapter.

~~*Archaeological preservation overlay zoning district* is a zoning district contained in chapter 138 that will be used to designate archaeological sites.~~

*Archaeological site* means an individual historic resource recognized for its prehistoric or historic artifacts and features. This also includes archaeological sites recorded in the state site file records and identified in the county historic resource database.

*Architect or preservation architect* means a person who is licensed by the state department of professional regulation and is certified to practice in the state.

*Balcony* means an elevated platform projecting from the wall of a building and enclosed by a railing or parapet.

*Building* means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, or property of any kind.

*Building code* means "Florida State Building Code".

*Building official* means the county building department officer, or his designee,

designated as the person responsible for administering and enforcing the provisions of the Florida State Building Code building codes of the county.

*Certificate of appropriateness* means a written authorization by the Pinellas County Historic Preservation Advisory Board or the county administrator to the owner(s) of a designated property, or any building, structure or site within a designated historic district, landmark, or landmark site allowing a proposed alteration, relocation, or the demolition of a building, structure or site. A certificate of appropriateness is required for any proposed work that will result in the alteration, demolition, relocation, reconstruction, new construction or excavation of a designated historic resource landmark, landmark site or a property in a designated historic district.

*Certified Local Government* means a government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State of Florida.

*Compatibility means*, when applied to structures, sensitivity of a building design to the existing character of a neighborhood, surrounding blocks, or historic or special area. This is measured by how the design of a building or project relates to the design elements of the surrounding natural/physical and manmade environment. Compatibility measures include but are not limited to the following: building relationship to the street (such as height, facade details, landscaping, activities); the rhythm of spacing between buildings; the use of building materials which match in dimension, color, pattern and finish/texture; and building scale and mass.

*Contributing property* means and includes any building, structure or site which contributes to the overall historic significance of a designated historic district and was present during the period of historic significance and possesses historic integrity reflecting the character of that time or is capable of yielding important information about the historically significant period or independently meets the criteria for designation as a landmark and landmark site historic resource.

*County administrator* means the county administrator for Pinellas County, or his designee.

County planning department or planning department means Pinellas County Planning Department.

County staff means the Director of the Pinellas County Planning Department or designated staff to review, monitor and administer the provisions of this chapter.

*Demolition* means the complete removal of a building, structure, or portions thereof from a site.

*Demolition by neglect* means the willful abandonment of a building or structure by the owner, resulting in such a state of deterioration that its self-destruction is inevitable, or where demolition of the building or structure to remove a health and safety hazard is a likely result.

*Design element* means the features of a building that include architectural style and facade details, the rhythm and proportion of windows, porches, doors, and vertical and

horizontal features, and building form, scale, color, and materials and finish.

*Designation* means action by the board of county commissioners to approve a historic preservation overlay zoning district, landmark and landmark site ~~an archaeological preservation overlay zoning district~~ for a parcel or parcels of land or district containing historic resources.

*Designation report* means a written document indicating the basis for the findings of the Pinellas County Historic Preservation Advisory Board and the Pinellas County Local Planning Agency, as applicable, ~~examiner's hearing~~ concerning the proposed designation of a historic resource with a historic or ~~archaeological~~ preservation ~~zoning overlay~~ district, landmark and landmark site pursuant to this chapter.

~~*Examiner's hearings* means public hearings conducted by the zoning examiner pursuant to provisions of chapter 138.~~

*Exterior* means all outside surfaces of a building or structure visible from a public right-of-way or the street easement of the building or structure.

*Facade* means the face or elevation of a building.

*Florida Master Site File* means an inventory of surveyed historical and archaeological resources compiled by the State of Florida, Division of Historical Resources for Pinellas County.

*Historian* means a person with a master's degree in history or American history or museum studies and two years of experience in conducting historical studies, or graduation from an accredited college or university with a major in American history or museum studies and four years of experience in conducting historical studies, or an equivalent combination of training, education and experience.

*Historic district* means a geographically definable area designated pursuant to this chapter possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements separated geographically but linked by association or history. To qualify as an historic district, an area may contain both contributing and noncontributing properties.

*Historic preservation overlay zoning district* is a zoning district contained in chapter 138 that will be used to designate a historic district ~~resources~~ in unincorporated areas of the county.

*Historic resource database* means the compilation of Florida Master Site File data gathered on historic and archaeological sites in Pinellas County, Florida, based on the findings of An Archaeological and Historical Survey of the Unincorporated Areas of Pinellas County, Florida (1991), A Historic Resources Survey of Unincorporated Pinellas County, Florida (1993), the Countywide Cultural Resources Study (2008), and any subsequent historic or archaeological survey deemed acceptable by the county administrator.

*Historic resources* means any prehistoric or historic district, site, building, structure, object, or other real or personal property of historical, architectural, or archaeological value

that has been surveyed by a historian and submitted to the Florida Master Site File Section of the State of Florida, Division of Historical Resources. ~~as determined through criteria for designation contained in this chapter.~~ Historic resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, or other objects with intrinsic historic or archaeological value, or any part thereof, relating to the history, government, or culture of the county, the state, or the United States.

Landmark means an archaeological or historical site or a structure designated pursuant to the requirements of this chapter. A "landmark" may include the location of significant archaeological features or of a historical event.

Landmark site means the land designated pursuant to the requirement of this chapter on which a landmark and related structures, or archaeological features and artifacts are located and the land that provides the grounds, the premises or the setting for the landmark.

~~Housing official means the county community development housing code enforcement officer, or his designee, designated as the person responsible for administering the provisions of the county housing code.~~

*National Register of Historic Places* is a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended, 16 U.S.C. 470, or as may be amended, renumbered or replaced, and its implementing regulation, 36 CFR 60, National Register of Historic Places, or as may be amended, renumbered or replaced. Areas listed on the National Register are identified in the county historic resource database.

*Noncontributing property* means and includes any building, structure or site which does not contribute to the overall historic significance of a designated historic district due to alterations, disturbances or other changes and, therefore, no longer possesses historic integrity or was not present during the period of historic significance or is incapable of yielding important information about that period.

*Ordinary maintenance and repairs* means work done to prevent deterioration, decay, or damage or to repair damages to a designated landmark, landmark site, or a building or structure within a designated historic district, or any part thereof, by restoring the landmark site, building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage. Ordinary maintenance and repair does not include chemical or physical treatments, such as sandblasting, that cause damage to historic materials.

*Outside professional opinion* means an opinion of an individual who practices and/or operates a business in the field of history, architecture, or archaeology, and who is licensed by the state, where appropriate.

*Owner or owners* means those individuals, partnerships, corporations or public agencies holding fee simple title to real property as listed by the county property appraiser's office. "Owner" does not include individuals, partnerships, corporations, or public agencies holding easements or less than a fee simple interest (including

leaseholds) in real property.

Porch means a structure that extends along the outside of a building consisting of a floor that is typically raised above the finished horizontal elevation of the lot. The porch is unenclosed except for a balustrade and the flooring and may be roofed or open to the sky. Porches may be located within any yard, however, when located within the front or side yard, the porch typically provides a primary access into the structure. When providing primary access, the design elements of the porch are typically consistent with those of the attached structure and include the finish materials of any exterior surface, stem wall materials and/or foundation skirting.

~~Staff means the staff person designated by the county administrator to review, monitor and administer the provisions of this chapter.~~

*State master site file* means a compilation of archaeological and historic resources surveyed in the county and recorded with the state bureau of historic preservation, division of historical resources.

*Structure* means that which is built or constructed. The term "structure" shall be construed as if followed by the words "or part thereof."

*Undue economic hardship* means an onerous and excessive financial burden that would be placed upon a property owner by the failure to issue a certificate of appropriateness for demolition, thereby amounting to the taking of the owner's property without just compensation.

~~Zoning administrator means the administrator of the zoning division, or his designee, as the person responsible for administering the provisions of chapter 138.~~

~~Zoning examiner means the county administrator or his designee who holds monthly public hearings and examines land use and zoning applications.~~

*Zoning ordinance* means chapter 138. Such chapter may be referred to in this chapter as the "zoning ordinance."

**SECTION 2.** Section 146-2. The Purpose and Intent section is hereby amended to read, as follows:

**Sec. 146-2. Purpose and intent.**

The purpose of this chapter is to implement goals, objectives and policies in the comprehensive plan by identifying, evaluating, preserving and protecting historic buildings and structures, and historic and archaeological sites and districts, and to promote the health and the cultural, moral, economic, educational, aesthetic and general welfare of the public by:

- (4a) Giving the authority, power and duty to the Pinellas County Historic Preservation Advisory Board and county administrator to review historic sites, areas, structures and buildings for possible designation as ~~historic resources~~ landmarks, landmark sites or historic district(s);

- (2b) Establishing procedures whereby the board of county commissioners can designate significant historic resources;
- (3c) Protecting designated ~~historic resources~~ landmarks, landmark sites or historic district(s) by requiring the issuance of certificates of appropriateness before allowing alterations to those designated historic resources;
- (4d) Encouraging historic preservation by creating programs of technical assistance and financial incentives for preservation practices;
- (5e) Stabilizing and revitalizing unique older residential and commercial neighborhoods;
- (6f) Enhancing the county's attraction to visitors and the ensuing positive impact on the economy as a result of historic preservation activities;
- (7g) Creating and promoting cultural and educational programs aimed at fostering a better understanding of the community's heritage; and
- (8h) Promoting the sensitive use of historic and archaeological sites, resources and districts for the education, pleasure and welfare of the people of the county.
- (i) Implementing components of the Countywide Historic Preservation Program, as specified in Sections 38-141 through 38-146 of the Pinellas County Code.

**SECTION 3.** Section 146-4 is hereby amended to establish Pinellas County Historic Preservation Advisory Board, as follows:

**Sec. 146-4. Pinellas County Historic Preservation Advisory Board**

(a) Establishment; Composition; Terms; Quorum.

(1) Establishment. The Pinellas County Historic Preservation Advisory Board established in Pinellas County Code Section 38-146 shall serve as the board responsible for matters pertaining to historic and archaeological preservation. It is the Pinellas County Board of County Commissioner's intent that this Board shall meet the requirements of the state and federal Certified Local Government program.

(2) Composition. The Historic Preservation Advisory Board shall be composed of a minimum of seven (7) and a maximum of fifteen (15) individuals to include one member from the Pinellas County Board of County Commissioners, who shall serve as the Chairman of the Advisory Board. The Historic Preservation Advisory Board shall be composed of community advocates; municipal representatives; and historic preservation professionals with expertise and/or

knowledge in the historic preservation field and shall, to the extent possible, include representation from the following fields: archaeology, preservation architecture, history, architectural history, historical museum studies and preservation planning. When a new member is appointed by the Pinellas County Board of County Commissioners, the local residency and the professional education and qualifications of the new member should be considered to insure that the requirements of the Certified Local Government program are met. When necessary, persons serving on the Historic Preservation Advisory Board shall attend educational meetings to develop a special interest, experience or knowledge in history, architecture, or related disciplines.

(3) Terms. The term of appointment for the Historic Preservation Advisory Board members shall be three years as stated in the Pinellas County Code Section 38-146. Each person appointed by the Pinellas County Board of County Commissioners shall be considered a voting member of the Historic Preservation Advisory Board. Any vacancy in the membership of the Historic Preservation Advisory Board shall be filled for the unexpired portion of the term in the same manner as an appointment for a full term.

(4) Quorum. The presence of at least five voting members of the Historic Preservation Advisory Board shall constitute a quorum.

**SECTION 4.** Section 146-5 is hereby amended to establish the powers and duties of the Pinellas County Historic Preservation Advisory Board, as follows:

**Section 146-5. Powers and Duties of the Historic Preservation Advisory Board.**

(a) In addition to the powers and duties stated in Pinellas County Code Section 38-146(c), the Historic Preservation Advisory Board shall take action necessary and appropriate to accomplish the purposes of this chapter. These actions may include, but are not limited to:

(1) Continuing to survey and inventory historic buildings and areas and archaeological sites and to plan for their preservation;

(2) Recommending the designation of historic districts, individual landmarks and landmark sites to the Pinellas County Board of County Commissioners;

(3) Nominating and reviewing historic resources for listing on the National Register;

(4) Reviewing and acting on certificate of appropriateness applications for alterations, demolitions, relocations, and new construction to designated properties in a historic district, landmark and landmark site;

(5) Recommending specific design review criteria for designated properties and districts;

(6) Working with and advising the federal, state and municipal governments and other departments or commissions of municipal government;

(7) Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation;

(8) Initiating plans for the preservation and rehabilitation of individual historic buildings; and

(9) Undertaking educational programs including the preparation of publications and placing of historic markers and perform any other functions, duties, and responsibilities assigned to it by the Pinellas County Board of County Commissioners or by general or special law.

(b) The Historic Preservation Advisory Board shall conduct at least four public meetings a year to consider historic preservation issues. The Historic Preservation Advisory Board shall provide recording minutes of each meeting. The Historic Preservation Advisory Board shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.

(c) The county planning department is designated by the Pinellas County Board of County Commissioners as the staff to the Historic Preservation Advisory Board, as specified in Section 146-2, and as the department with the general responsibility for the conduct of the Countywide Historic Preservation Program. Other county staff members may be asked to assist the Historic Preservation Advisory Board by providing technical advice or helping in the administration of this section.

(d) The Historic Preservation Advisory Board shall review all nominations to the National Register of Historic Places located in the unincorporated area and all nominations involving county-owned property located in a municipality, following the regulations of the State Historic Preservation Office. The Historic Preservation Advisory Board shall conduct a public meeting to consider a nomination and shall publish and mail notice of the public meeting to interested individuals or organizations. When determined necessary by the Historic Preservation Advisory Board, the Board shall seek outside professional opinion before evaluating the nomination. The Historic Preservation Advisory Board shall forward its recommendation by letter to the State Historic Preservation Officer. When a property owner objects to having their property nominated to the National Register, a notarized written statement must be submitted to the Historic Preservation Advisory Board before the nomination is considered. The Historic Preservation Advisory Board may then continue its review, forwarding its recommendation to the State Historic Preservation Officer noting owner's objection or it may cease any further review and notify the State Historic Preservation Officer of the property owner's objection to the proposed listing.

**SECTION 5.** Section 146-4 is hereby renumbered to Section 146-6 and amended to read as follows:

~~Sec. 146-4. Designation of historic resources.~~

~~(a) Designation Review Process~~

- ~~(1) The historic preservation overlay zoning district shall be used to designate significant historic resources in unincorporated areas of the county. The archaeological preservation overlay zoning district shall be used to designate areas that contain known archaeological sites and are listed on the National Register of Historic Places. A review of applications requesting historic preservation or archaeological preservation overlay zoning designations shall be conducted as part of the zoning examiner's hearing procedure, pursuant to the zoning ordinance.~~
- ~~(2) The county administrator may designate up to three qualified county staff to assist the zoning examiner when hearing applications which pertain to designation of historic resources. The zoning examiner and designated staff shall review applications pertaining to the provisions of this chapter and transmit their recommendations on proposed historic resource designations to the board of county commissioners pursuant to the zoning ordinance. When considering proposed historic resource designations, the county may seek outside professional opinion, if it is determined necessary by the county administrator. The county staff shall maintain a mailing list of interested citizens/groups to be notified when applications for a historic or archaeological preservation overlay zoning district are received. The county staff shall also notify the county historical commission of any application for a historic preservation overlay zoning district.~~
- ~~(3) The designated county staff assisting the zoning examiner shall be comprised of individuals who have a combination of education and experience in the field of history, urban planning, archaeology, and architecture.~~

~~(b) *Initiation of the designation process.*~~

- ~~(1) The designation process may be initiated by the owner(s), his or their appointed agent(s), or the county planning director. The designation of historic resources shall utilize the historic resource database. This database shall be used as the initial database when considering the designation of historic resources.~~
- ~~(2) The procedures for utilizing the historic preservation and archaeological preservation overlay zoning districts shall be those contained in the zoning ordinance, except as they may be specifically modified by provisions within this chapter. In cases where the provisions of the zoning ordinance and the~~

~~historic preservation ordinance conflict, the provisions of the historic preservation ordinance shall govern.~~

## **Sec. 146-4. 6. Local Designation of Historic Resources**

### (a) Designation of Landmark and Landmark Site

#### (1) Initiation of designation process

The designation process may be initiated by the owner(s), his or their appointed agent(s), or the county planning director by filing an application for designation in a form provided by the county planning department. The historic resource database shall be used as the initial database when considering the designation of historic resources as a landmark and landmark site. Each request for designating a landmark shall include a request for the designation of a landmark site.

#### (2) Designation review process

a. Pinellas County Historic Preservation Advisory Board's review and recommendation. The Historic Preservation Advisory Board shall conduct a public hearing on the proposed designation within 60 days of the submission of a completed application. Notice of the public hearing and notice to the owners shall state clearly the boundaries for the proposed landmark or landmark site. After evaluating the testimony, survey information and other material presented at the public hearing, the Historic Preservation Advisory Board shall make a recommendation on the proposed designation. The Historic Preservation Advisory Board may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application at the earliest opportunity after adequate information is made available. County staff shall notify the applicant and the property owner of the Historic Preservation Advisory Board's recommendation.

b. Pinellas County Board of County Commissioners' review and action. Upon receipt of the findings and recommendation of the Historic Preservation Advisory Board, the Pinellas County Board of County Commissioners shall hold a public hearing to consider the designation of an individual landmark and landmark site. At the Board of County Commissioners' public hearing, a representative of the Historic Preservation Advisory Board may present the Advisory Board's recommendation. The Pinellas County Board of County Commissioners shall approve, approve with modifications, defer or deny the proposed designation. The Pinellas County Board of County Commissioners may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application after adequate information is made available. A super majority vote shall be required to approve designation over an owner's objection. County staff shall notify each applicant and property owner of the decision relating to his/her property and shall arrange that the designation of a property as a landmark and landmark site be recorded in the official Zoning Map.

(b) Designation of Historic District

(1) Development of an application to designate a historic district shall involve owners of property within the proposed historic district and any interested citizens.

(2) Initiation of designation process. The historic preservation overlay district shall be used to designate historic districts in unincorporated areas of the county. The zoning designation process may be initiated by the owner(s), his or their appointed agent(s), or the county planning director. The historic resource database shall be consulted when considering the designation of a historic district.

(3) The procedures for using the historic preservation overlay district shall be those utilized in implementing Chapter 138 (Zoning), except as they may be modified by provisions within this chapter. In cases where the provisions of Chapter 138 and this chapter conflict, the provisions of this chapter shall govern.

(4) The Historic Preservation Advisory Board shall review and make a recommendation on a proposal to apply the historic preservation overlay district using the process in section 146-6(a)(2). The Historic Preservation Advisory Board recommendation shall be provided to both the Local Planning Agency and the Board of County Commissioners for their consideration when making decisions on the proposed historic district designation.

(c) Application requirements for designation

The application form provided by the county planning department shall require that the applicant provide the following information:

(1) A written description of the architectural, historical, or archaeological significance of the proposed landmark and landmark site, or structures in the proposed historic district and specifically addressing and documenting those related points contained in the criteria for designation listed in this chapter;

(2) A copy of the Florida Master Site File for the subject property;

(3) Date of construction of the structures on the property;

(4) Photographs of the property; and,

(5) Legal description and map of the property to be designated as a landmark, landmark site, or historic district.

On applications for the designation of historic districts, the applicant shall also submit:

(6) A written description of the boundaries of the district; and

(7) A list of contributing resources.

The county staff shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

*(ed) Designation report.*

Prior to the designation of a landmark and landmark site ~~any historic resource or a historic districts~~ pursuant to this chapter, a designation report shall be prepared by county staff and ~~transmitted~~ provided to the Historic Preservation Advisory Board, the Local Planning Agency (proposed historic district designation only) and to the Pinellas County Board of County Commissioners with any request for landmark and landmark site or historic district designation. ~~a historic preservation overlay zoning district or an archaeological preservation overlay zoning district.~~ The designation report shall contain the following information:

(1) Landmark and landmark ~~Individual historic or archaeological sites:~~

- a. A physical description of the building, structure or site and its character-defining features, accompanied by photographs.
- b. A statement of the historic, cultural, architectural, archaeological or other significance of the building, structure or site as defined by the criteria for designation established by this chapter.
- c. A description of the existing condition of the building, structure or site including any potential threats or other circumstances that may affect the integrity of the building, structure or site.
- d. A statement of rehabilitative or adaptive use proposals.
- e. A location map, showing relevant zoning and land use information.
- f. Recommendations concerning the eligibility of the building, structure or site for designation pursuant to this chapter and a listing of those features of the building, structure or site which require specific historic preservation treatments.

(2) ~~Historic or archaeological districts:~~

- a. A physical description of the district, accompanied by photographs of buildings, structures or sites within the district indicating examples of contributing and noncontributing properties within the district. Also, a list of

- all contributing properties outside the proposed boundaries of the district.
- b. A description of typical architectural styles, character-defining features, and types of buildings, structures or sites within the district.
- c. An identification of all buildings, structures and sites within the district and the proposed classification of each as contributing, contributing with modifications, or noncontributing, with an explanation of the criteria utilized for the proposed classification.
- d. A statement of the historic, cultural, architectural, archaeological, or other significance of the district as defined by the criteria for designation established by this chapter.
- e. A statement of recommended boundaries for the district and a justification for those boundaries, along with a map showing the recommended boundaries.
- f. A statement of incentives requested, if any, and the specific guidelines which should be used in authorizing any alteration, demolition, relocation, excavation or new construction within the boundaries of the district.

(e) Criteria for designation of a landmark and landmark site, or historic and archaeological preservation overlay zoning districts.

- (1) The Board of County Commissioners shall have the authority to designate historic resources as a landmark, landmark site or historic district based upon their significance in the county's history, architecture, archaeology or culture and/or for their integrity of location, design, setting, materials, workmanship or association, and because they:
  - a. Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric, or architectural history that have contributed to the pattern of history in the community, the county, southwestern Florida, the state or nation;
  - b. Are associated with the lives of persons significant in the county's past;
  - c. Embody the distinctive characteristics of a type, period, style or method of construction or are the work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction;
  - d. Have yielded, or are likely to yield, information on history or prehistory; or
  - e. Are listed or have been determined eligible for listing in the National Register of Historic Places.

(2) A historic resource shall be deemed to have historic or cultural significance if it fulfills one or more of the following criteria:

- a. Is associated with the life or activities of a person of importance in local, state, or national history;
- b. Is the site of a historic event with a significant effect upon the county, state or nation;
- c. Is associated in a significant way with a major historic event;
- d. Is exemplary of the historical, political, cultural, economic, or social trends of the community in history; or
- e. Is associated in a significant way with a past or continuing institution which has contributed substantially to the life of the community.

(3) A historic resource shall be deemed to have architectural or aesthetic significance if it fulfills one or more of the following criteria:

- a. It portrays the environment in an era of history characterized by one or more distinctive design element or architectural styles;
- b. It embodies the characteristics of an architectural style, period or method of construction;
- c. It is a historic or outstanding work of a prominent architect, designer, or landscape architect; or
- d. It contains elements of design, detail, material, or craftsmanship which are of outstanding quality or which represented, in its time, a significant innovation, adaptation or response to the southwest Florida environment.

(f) *Determination of archaeological significance.* A historic resource shall be deemed to have archaeological significance and eligible for designation as a landmark or landmark site, if it is listed on the National Register of Historic Places.

(g) *Suspension of activities.*

Upon the filing of a designation request, no permits may be issued authorizing building, demolition, relocation or excavation on the subject property until such time as final action by the Board of County Commissioners has occurred. Any permits issued prior to filing of the designation request may be suspended.

**SECTION 6.** Section 146-5 is hereby renumbered to Section 146-7 and amended to read as follows:

**Sec. 146-57 Certificates of appropriateness**

*(a) General requirements.*

(1) Prerequisite to issuance of building permit. No building, moving, demolition, or other development permit shall be issued for a designated landmark, a designated landmark site, or a property in a designated historic district ~~designated historic resource or a building, structure or site that is a part of a designated historic or archaeological site or district,~~ until a certificate of appropriateness has been issued.

(2) Work not requiring a certificate of appropriateness. A certificate of appropriateness shall not be required for work requiring a building permit and classified as "ordinary maintenance and repair" by this chapter, or for any work that will result, to the satisfaction of the county administrator, in the close resemblance in appearance of the building, architectural feature or landscape feature to its appearance when it was built or was likely to have been built, or to its appearance as it presently exists so long as the present appearance is appropriate to the style and materials. County staff may develop specific criteria to determine the type of work that does not require a certificate of appropriateness, provided the criteria are consistent with the foregoing description.

(3) Work requiring a certificate of appropriateness. A certificate of appropriateness shall be required by the county prior to initiation of any work involving the alteration, demolition, relocation, reconstruction, excavation or new construction which will result in a change to the original appearance or integrity of the surface or subsurface materials of a designated landmark, designated landmark site, or a property in a designated historic district, ~~historic resource.~~

(4) Application procedures.

a. An applicant for a certificate of appropriateness shall submit an application to the county planning department. ~~of development review services. All applications shall be reviewed by staff from the county planning department of planning, and the department of building and department, and department of development review services. An application for a certificate of appropriateness for properties located within the Old Palm Harbor Downtown Zoning District or the Downtown Palm Harbor Historic District shall be reviewed by the Downtown Palm Harbor Review Committee prior to the County Administrator taking action on the application. An application for a certificate of appropriateness for a~~ designated landmark, a designated landmark site, or a property in a historic district is reviewed by the Historic Preservation Advisory Board or county

staff. An application for a certificate of appropriateness shall be accompanied by:

1. Full plans and specifications, including pictures;
  2. ~~A site plan~~ If required, site plan, elevation drawing and specifications to support the project; and
  3. In the case of sites involving buildings or structures, samples of materials as deemed appropriate by ~~the county staff administrator~~ or the Historic Preservation Advisory Board to fully describe the proposed appearance, color, texture, materials, or design of the building(s) or structure(s) and any outbuilding, wall, courtyard, porch, façade, balcony, fence, landscape feature, paving, signage or exterior lighting.
- b. The applicant shall provide adequate information as determined by ~~the county staff~~ or the Historic Preservation Advisory Board to enable the reviewing county staff or the Historic Preservation Advisory Board to visualize the effect of the proposed action on the historic resources and on adjacent buildings and streetscapes within a historic district.

(5) Review of certificates of appropriateness for exterior alterations and new construction.

a. Review of certificate of appropriateness applications for a landmark, landmark site, or properties in a historic district shall be the responsibility of either the Historic Preservation Advisory Board or county staff as shown in the following Certificate Of Appropriateness Reference Table. The following Certificate Of Appropriateness Reference Table shows what type of construction activity requires a review by either the Historic Preservation Advisory Board or by county staff.

## Certificate of Appropriateness (COA) Reference Table

<u>COA ISSUED BY Historic Preservation Advisory Board or County Staff:</u>		
<u>Residential &amp; Commercial</u>		
<u>Type of Construction Activity</u>	<u>Contributing Properties/Landmark/landmark Site</u>	<u>Non-Contributing Properties and Vacant lots</u>
<u>Addition or Accessory Structure, New</u>	<u>HPAB</u>	<u>HPAB</u>
<u>Carport or Porch Enclosure, New</u>	<u>HPAB</u>	<u>HPAB</u>
<u>Deck, New Above Ground</u>	<u>HPAB</u>	<u>Staff</u>
<u>Demolition/Moving</u>	<u>HPAB</u>	<u>Staff</u>
<u>Fence/Wall, Repair Existing Consistent w/Design Guidelines</u>	<u>Staff</u>	<u>Staff</u>
<u>Fence/Wall, New</u>	<u>Staff</u>	<u>Staff</u>
<u>Hurricane Shutters</u>	<u>HPAB</u> <u>(if permanent)</u>	<u>Staff</u>
<u>Move Structure onto Site</u>	<u>HPAB</u>	<u>HPAB</u>
<u>Porch Supports/Ornamentation Repair (same materials/style only)</u>	<u>Staff</u>	<u>Staff</u>
<u>Porch Replace &amp; Repair With same materials/style</u>	<u>Staff</u>	<u>Staff</u>
<u>Primary Structure, including Dormers, New</u>	<u>HPAB</u>	<u>HPAB</u>
<u>Roof, Replace/Repair With same materials/style</u>	<u>Staff</u>	<u>Staff</u>
<u>With other materials</u>	<u>HPAB</u>	<u>Staff</u>
<u>Satellite Dish, Antenna, Solar Collectors</u>	<u>Staff</u>	<u>Staff</u>
<u>Signs, Awnings, Canopies Repair/replace fabric</u>	<u>Staff</u>	<u>Staff</u>
<u>New</u>	<u>Staff</u>	<u>Staff</u>
<u>Stucco/siding/brick/stone/soffit/fascia, Repair With same materials/style</u>	<u>Staff</u>	<u>Staff</u>
<u>Stucco/siding/brick/stone/soffit/fascia, Replace/New</u>	<u>HPAB</u>	<u>Staff</u>
<u>Window/Door Replacement With same materials/style</u>	<u>Staff</u>	<u>Staff</u>
<u>With other materials</u>	<u>HPAB</u>	<u>Staff</u>

KEY:

HPAB: Pinellas County Historic Preservation Advisory Board is responsible for reviewing and issuing Certificates of Appropriateness

Staff: County staff is responsible for reviewing and issuing Certificates of Appropriateness, however staff has the right to refer the item to the HPAB.

~~eb.~~ The Historic Preservation Advisory Board or county staff administrator shall act upon an application for a certificate of appropriateness within 60 days of receipt of the application and materials adequately describing the proposed action. The Historic Preservation Advisory Board or county staff administrator may request outside professional opinions in the review of specific applications. The Historic Preservation Advisory Board or county staff administrator shall approve, deny or approve the certificate of appropriateness with conditions (subject to the acceptance of the conditions by the applicant), or suspend action on the application for a period not to exceed 30 days from the date the application is made in order to seek technical advice from outside sources, or to meet further with the applicant to revise or modify the application.

~~d. c.~~ Failure of the Historic Preservation Advisory Board or county staff administrator to act upon an application within 60 days (if no additional information is required) or 90 days (if additional information is required) from the date the application was received, shall result in the immediate issuance of the certificate of appropriateness applied for, without further action by the ~~county administrator~~ Historic Preservation Advisory Board or county staff. The applicant may seek in writing a continuance for good cause shown and any continuance shall toll the running of the 60- or 90-day time period until the applicant advises the county, by written notice to proceed with review of the application. The time remaining upon receipt of the notice to proceed shall be the time otherwise remaining for review, or 30 days, whichever is greater.

d. The Historic Preservation Advisory Board shall hold a public meeting within 60 days (if no additional information is required) or 90 days (if additional information is required) from the date the application was received to review and consider applications for a certificate of appropriateness. A notice of the meeting will be posted on the Pinellas County website and a copy of the certificate of appropriateness application will be posted in front of the applicant's property.

~~e. The review of applications for a certificate of appropriateness (COA) for properties within the Downtown Palm Harbor Historic District, shall include a review and approval by the Downtown Palm Harbor Review Committee as established in section 138-1015 of the this land development code, utilizing the procedure in section 138-1015 and section 138-1016.~~

~~(6)(5)~~ General criteria for evaluating certificates of appropriateness. The criteria for issuance of a certificate of appropriateness shall be as follows:

a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property shall be retained and preserved. The

removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

i. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

j. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

~~(7)~~(6) Design criteria for downtown Palm Harbor historic district. The following design criteria apply to the downtown Palm Harbor historic district as sited and depicted in the zoning ordinance and zoning atlas. Downtown Palm Harbor historic district is a unique example of the county's past. There are several contributing buildings within the district. The historical "contributing" buildings located in the district do not fall into any specific architectural style but are instead considered a part of the "folk" architectural tradition. For this reason, design criteria cannot be based upon specific, stylistic elements but instead must be based upon the connecting elements and characteristics that are

present in the district. These characteristics include: the relationship between the shape, size and height of the buildings; the front-facing orientation of the buildings and the lack of setbacks from the main street; the major roof types; window/door design and placement; and minimal ornamentation and architectural detailing. Minor connecting elements in the district include shutters, porches, and fences.

a. *General design criteria.*

1. The scale (height/width ratio) of new construction, or of alterations/additions to existing structures, shall be similar to that of the contributing structures in the district.
2. New buildings or alterations/additions to existing structures shall not be built higher than the existing buildings in the district as of the time of designation. The height of new construction, or of alterations/additions to existing structures, shall not exceed thirty (30) feet in height when measured at the eave of the structure.
3. The historical setback patterns and street-facing orientation shall be maintained for new and reconstructed buildings. New buildings shall be built flush with the public right-of-way except in cases where the presence of mature trees requires that the building be located back from the street. The orientation of new buildings, and of alterations/additions to existing buildings, shall maintain front-facing facades with the main entrance on the street side of the building.
4. The size, slope, and type of roofs for new construction, or for alterations/additions to contributing structures, shall be similar to those of the contributing structures.
5. Shutters shall be in character with the style and period of the building. Replacement shutters shall be similar to the original in size, configuration, and style, and shall fit the window openings, not to overlap on the surface of the wall.
6. Porch additions shall have a roof type that is either similar to the existing roof or that is in character with the style and period of the building.
7. Fences within the Downtown Palm Harbor Historic District shall be limited to the following styles and materials:
  - (a) All fences and walls shall be constructed of materials appropriate to their purpose and location and shall be compatible with the streetscape materials.
    - (1) Fences and walls on all street frontages shall be constructed only of decorative open pickets, decorative aluminum, brick,

or stamped concrete which are compatible with the streetscape design materials.

- (2) No fence or wall shall be constructed of corrugated sheet metal, barbed wire, chicken wire, or similar materials.
  - (3) Chain link fences concealed by landscaping may be allowed along the side of property that has no street or alley frontage.
- (b) On all street frontages (except for frontage on an alley), walls and fences shall not exceed three feet in height.
  - (c) No fence or wall shall be constructed within a public right-of-way, right-of-way easement or utility easement, unless authorized by the county.
  - (d) No fence or wall shall enclose a water meter box or manhole, unless authorized by the county.
  - (e) Where not specifically changed in this section, fences and walls shall otherwise comply with section 138-1336.
8. Historically, building, trim, and roof colors have not been a major defining component of the district. Choice of colors should complement and enhance the character of the district. For new construction and noncontributing structures, specific color choice is left to the discretion of the property owner. For contributing structures, the general criteria for evaluating certificate of appropriateness as cited in subsection (a)(5 7) of this section shall be followed.
  9. On-street or alley parking should be maintained. Historical parking patterns should be followed in site-plan requirements for new construction.
- b. Contributing structures.*
1. If windows and doors in contributing structures are determined to be unrepairable, they shall be replaced with new windows and/or doors matching the size, spacing, and where possible, materials of the originals. The use of materials other than the original materials shall be considered by the ~~Downtown Palm Harbor Review Committee (DPHRC)~~ Historic Preservation Advisory Board or county staff and ~~Pinellas County~~ on a case-by-case basis.
  2. Porches and porch features that are in good condition or repairable, and which are in character with the style and period of the building, shall be retained. Porches and porch features shall be repaired so they match the existing in materials, size and configuration.

c. *Noncontributing structures.*

1. Where possible and appropriate, alterations and additions to noncontributing structures shall be similar to the major features, details and materials found in the contributing structures. Alterations and additions shall not introduce false historical architectural features not found in the district.
2. Where possible and appropriate, when renovating an existing noncontributing structure, new or replacement windows and/or doors shall be similar to the size, spacing, materials and general rhythm of the windows and/or doors found in the contributing structures.

d. *New construction.*

1. The roof types of new buildings shall conform to the roof types of the contributing structures in the district. Gable, pyramidal (hip), and flat roofs with parapets are found in the contributing structures. Use of a roof type that is not present in the contributing structures, and which can be seen from the street is prohibited. Alternative roof styles can be used if they are concealed by a parapet and are not visible from the street.
2. Proportions, configurations, and placement of windows and/or doors in new buildings shall be similar to the size, spacing, materials and general rhythm of the window/door fenestration found in the contributing structures.
3. Use of double-hung sash windows with two—four lites is encouraged. Jalousie windows are prohibited. Recessed entrances are encouraged.
4. Major architectural features, detailing and materials used in new construction shall be similar to those of the contributing structures found in the district.
5. Modern equipment such as solar collectors, air conditioners, etc. shall be concealed from public view.

(b) *Special requirements.*

(1) *Demolition.*

- a. Demolition of a designated ~~historic resource, landmark, landmark site~~ or a contributing property within a designated historic district may only occur pursuant to an order of a governmental body, **the Historic Preservation Advisory Board**, ~~the county administrator~~, or an order of a court of competent jurisdiction and pursuant to approval of an application by the owner for a certificate of appropriateness for demolition.

b. No permit for voluntary demolition of a designated ~~historic resource~~, landmark, landmark site or contributing site within a historic district shall be issued to the owner(s) thereof until an application for a certificate of appropriateness has been submitted to the county planning department, ~~the county administrator~~, and approved pursuant to the procedures in this section.

1. The Historic Preservation Advisory Board ~~The county administrator~~ shall approve, deny, or approve with conditions the application for a certificate of appropriateness for demolition.
2. Refusal by the Historic Preservation Advisory Board ~~the county administrator~~, to grant a certificate of appropriateness for demolition shall be evidenced by a written order detailing the public interest which is sought to be preserved.
3. The Historic Preservation Advisory Board ~~zoning administrator~~, may grant a certificate of appropriateness for demolition which may provide for a delayed effective date of six months to allow the Historic Preservation Advisory Board ~~county administrator~~ to seek possible alternatives to demolition. During the demolition delay period, the Historic Preservation Advisory Board ~~county administrator~~ may take such steps as deemed necessary to preserve the structure concerned, in accordance with the purpose of this chapter. Such steps may include, but shall not be limited to:
  - i. Consultation with civic groups, public agencies and interested citizens;
  - ii. Recommendations for acquisition of property by public or private bodies or agencies; and
  - iii. Exploration of the possibility of moving the building or other feature.

c. In addition to the general criteria of subsection (a)(~~5~~ 6) of this section, the Historic Preservation Advisory Board ~~county administrator~~ shall consider the following criteria in evaluating applications for certificates of appropriateness for demolition of designated ~~historic resources~~, landmark, landmark site or contributing properties within a designated historic district:

1. Is the building or structure of such interest or quality that it would reasonably meet national, state or local criteria for additional designation as an historic or architectural landmark.
2. Is the building or structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense.

3. Is the building or structure one of the last remaining examples of its kind in the neighborhood, the county or the region.
4. Does the building or structure contribute significantly to the historic character of a designated historic district.
5. Would retention of the building or structure promote the general welfare of the county by providing an opportunity for the study of local history or prehistory, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage.
6. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area.
7. Has demolition of the designated building or structure been ordered by the appropriate public agency due to unsafe conditions.
8. Is the cause of demolition due to self-imposed negligence of the property owner.

- d. Unless demolition has been ordered by a court of competent jurisdiction or another governmental body, a certificate of appropriateness for demolition of a designated ~~building or structure, landmark, landmark site or a contributing property in a historic district~~ shall not be issued until there are definite plans for reuse of the property and a building permit or development order for the new construction has been applied for.
- e. In the event that an undue economic hardship, as defined in this chapter, is claimed by the property owner as a result of the denial of a certificate of appropriateness for demolition, the property owner may file a takings' claim consistent with the provisions of chapter 134, article IV.

(2) *Moving permits.* The **Historic Preservation Advisory Board** ~~county-~~  
~~administrator~~ shall use the general criteria of subsection ~~(a)(5)~~ (a)(6) of this section along with the following criteria when evaluating applications for a certificate of appropriateness for the moving of ~~all a landmark or historic resources and a contributing property~~ies located within a designated historic district:

- a. The historic character and aesthetic interest the building or structure contributes to its present setting.
- b. The reasons for the proposed move.
- c. The proposed new setting and the general environment of the proposed new setting.

- d. Whether the building or structure can be moved without significant damage to its physical integrity.
- e. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure.
- f. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
- g. The effect of the move on the eligibility of the sites that are listed or may be determined eligible for listing in the National Register of Historic Places.

(3) *Archaeological sites designated as landmark and landmark site ~~or districts~~.*

- a. A certificate of appropriateness shall be required prior to the issuance of a building permit for activity within a designated landmark and landmark site containing an archaeological site ~~or district~~ pursuant to section ~~146-4(f)~~ 146-6(f). An application for a certificate of appropriateness shall be accompanied by full plans and specifications indicating areas of work that might affect the surface and subsurface of the archaeological site or sites. The requirements outlined in subsection (a)(4) of this section shall apply to all applications and the issuance of all certificates of appropriateness for ~~archaeological sites~~, landmark and landmark site containing archaeological sites ~~and districts~~ designated pursuant to this chapter.
- b. In reviewing an application for a certificate of appropriateness for a designated ~~archaeological site~~, landmark and landmark site containing an archaeological site the county administrator may also require any or all of the following:
  - 1. Scientific excavation and evaluation of the site by an archaeologist at the owner's expense.
  - 2. An archaeological survey, conducted by an archaeologist as defined in this chapter, containing an analysis of the impact of the proposed activity on the archaeological site.
  - 3. Proposed mitigation measures pursuant to subsection (b)(4) of this section.

(4) *Guidelines for protection, mitigation and curation of archaeological resources.*

- a. *Protection.* Measures taken to protect an archaeological site may be either temporary or permanent. When a site is to be protected, it is to be shielded from deterioration, damage, and from artifact collection by other than archaeologists designated by the property owner to assess the significance of the site. Site protection is designed to sustain the existing form and

integrity of the site. Protective measures are site specific, but may include (but are not limited to) the following steps and considerations where appropriate:

1. Designing the development site plan to avoid known designated archaeological sites and/or to include them in green-space preservation areas. This design action can often result in the establishment of protective covenants or preservation easements between the county and the property owner, those proposing to develop the property, or any other authorized entities.
2. Satisfactory protection may also be achieved, under appropriate circumstances, by means of fencing, on-site public notices, covering with fill or paving over buried archaeological resources, stabilization, or a combination of these.
3. Even though basic protective measures have been agreed upon at a development site, care must be taken to avoid indirect impact to the an archaeological site resources as a result of development site preparation and construction activities. Examples of indirect impact are disturbance by the maneuvering of heavy equipment, delivery of construction materials and digging of utility line trenches. Temporary buffers, fencing or other means of site protection may therefore be required during construction and site preparation activities.

*b. Mitigation.* The term "mitigation" refers to archaeological excavation of that portion of a designated archaeological site which is threatened by an adverse impact and which cannot be preserved. If feasible, an archaeological site ~~that which~~ has been designated as a landmark or landmark site ~~an archaeological preservation overlay zoning district~~ should be preserved and protected from adverse impact. Excavation of significant sites will occur only as a last resort if the development impacts are unavoidable. If it is infeasible to preserve the site, then the owner or applicant shall hire an archaeologist to excavate that portion to be impacted in order to recover and interpret the information which the site contains.

The excavation shall be conducted in accordance with section 4.6 of the guidelines contained in the historic preservation compliance review program of the state division of historical resources. As is the case with test excavations for purposes of site assessment, adhering to these guidelines will provide a consistent level of effort for affected sites in the county and will also be sufficient for state compliance in the event the site is located within a DRI area.

*c. Curation of artifacts and related materials.* Artifacts (objects made or used by humans) and associated materials (e.g., soil samples, samples for radiocarbon dating, faunal remains, botanical specimens) recovered from archaeological excavation belong to the owner of the property from which they were recovered and should be properly curated.

1. *Materials recovered from county properties.* The county may either store or display archaeological materials recovered from county properties. In either case, care is to be taken not to lose the information concerning individual artifact provenance and the associated documentation, such as artifact catalogs. Assemblages from a single site should be stored as a unit and should be accessible to qualified researchers.

The materials should not be sold, but they may be donated or loaned to appropriate institutions which have suitable curatorial facilities, such as the Heritage Village Park Museum, other museums, colleges or universities. Whether stored or displayed, the materials should be in a physical environment that prevents deterioration. Special conservation measures may be required in some cases, especially for materials recovered from submerged sites.

2. *Materials recovered from privately owned properties.* Objects and other materials recovered from privately owned property will remain in the care of the designated archaeologists for the duration of the appropriate analysis. A copy of the archaeological report and findings shall be given to the county planning department. Once analysis has been completed and a report of the investigation has been submitted, the artifacts will be turned over to the property owner. Thus, the private property owner makes disposition of the archaeological materials from his property.

The private property owner may elect to keep the materials. In that event, the owner should take care to maintain the provenance records of the individual objects and any associated materials, to protect the collections and to store/display them in a physical environment which will prevent deterioration.

If artifacts are displayed, they should not be grouped in a manner that renders it impossible to redetermine their relative location within the archaeological site. Special conservation measures may be necessary in some cases, especially for materials recovered from submerged sites. A private property owner may choose to donate the artifacts to the county, a museum, an educational institution with suitable curatorial facilities, or other appropriate institution. It is also possible to loan the artifacts to a suitable institution for purposes of interpretive display.

**SECTION 6.** Section 146-6 is hereby renumbered to Section 146-8 and amended to read, as follows:

Sec.146-6 8. Maintenance and minor repair provisions.

(a) *Exemption for work not requiring a building permit.* Nothing in this chapter shall be construed to prevent or discourage the ordinary maintenance and repair of the exterior elements of any ~~historic resource~~, landmark, landmark site or any property within a designated historic district when such maintenance and repair does not involve a change of design, appearance (other than color), or material, and which does not require a building permit.

(b) *Enforcement of maintenance and repair provisions.* When the county administrator determines that the exterior of a designated ~~historic resource,~~ landmark, landmark site or a contributing property within a designated historic district is endangered by lack of ordinary maintenance and repair, or that other improvements in visual proximity of a designated ~~historic resource,~~ landmark, landmark site or historic district are endangered by lack of ordinary maintenance, or are in danger of deterioration to such an extent that it detracts from the desirable character of the designated ~~historic resource,~~ landmark, landmark site or historic district, the county administrator may require correction of such deficiencies under the authority and procedures of applicable ordinances, laws and regulations.

(c) *Unsafe structures.* If the building official ~~or the housing official~~ determines that any designated ~~historic resource,~~ landmark, landmark site or contributing property in a historic district is unsafe pursuant to the provisions of the applicable county ordinances, the appropriate official will immediately notify the county administrator by submitting copies of such findings. Where appropriate and in accordance with applicable ordinances, the county shall encourage repair of the building or structure rather than demolition.

(d) *Emergency conditions.*

(1) For the purpose of remedying an emergency condition determined to be imminently dangerous to life, health, or property, nothing contained in this chapter will prevent the temporary construction, reconstruction, demolition, or other repairs to a ~~historic structure,~~ designated landmark, landmark site, ~~building, or site~~ or a contributing or noncontributing property in a historic district, structural improvement, landscape feature, or archaeological site within a designated historic district.

(2) Such temporary construction, reconstruction or demolition must take place pursuant to permission granted by the building official ~~or housing official~~, and only such work as is reasonably necessary to correct the emergency conditions may be carried out.

(3) The owner of a designated landmark, landmark site or a contributing property in a historic district ~~building or structure~~ damaged by fire or natural calamity will be permitted to immediately stabilize the building or structure and to later rehabilitate it under the procedures required by this chapter. The owner may request a special meeting of the county administrator to consider an application for a certificate of appropriateness to provide for permanent repairs.

(e) *Demolition by neglect.* If the county administrator finds that a landmark, landmark site or a contributing property in a historic district, ~~designated historic building or structure~~ is subject to demolition by neglect, the county administrator may recommend that the owner(s) be issued a citation by the building department ~~or community development department~~ for code violations and that penalties be instituted pursuant to this chapter or other ordinances.

**SECTION 7.** Section 146-7 is hereby renumbered to Section 146-9 and amended to read, as follows:

Sec. 146-79. Incentives.

- (a) *Tax credit.* The county staff shall encourage and assist in the nomination of eligible income-producing properties to the National Register of Historic Places in order to make available to those property owners the investment tax credits for certified rehabilitations pursuant to the Tax Reform Act of 1986 and any other programs offered through the National Register.
  
- (b) *Variance from building code.* Designated ~~historic resources,~~ landmark, landmark site and contributing properties to a designated historic district may be eligible for administrative variances or other forms of relief from applicable building codes as follows:
  - (1) Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to the technical requirements of the ~~county~~ building codes when the proposed work has been approved by a certificate of appropriateness and also by the building official ~~or housing official~~ pursuant to the authority granted to such officials by other ordinances or statutes, and further provided that:
    - a. The restored building will be no more hazardous based on considerations of life, fire and sanitation safety than it was in its original condition;
    - b. Plans and specifications are sealed by a state registered architect or engineer, if required by the building official; and
    - c. The building official ~~or housing official~~ has required the minimum necessary corrections to be made before use and occupancy which will be in the public interest of health, safety and welfare.
  - (2) Designated ~~historic resources,~~ landmarks, landmark sites or contributing properties to a designated historic district, and ~~noncontributing properties in~~ within a designated historic district may be eligible for fee exemption from the building official.
  
- (c) *Relief, special exceptions to zoning ordinance.* Designated landmarks, landmark sites or properties within a designated historic district ~~historic resources contributing properties to a designated historic district, and noncontributing properties in a designated historic district,~~ may be eligible for zoning relief and fee exemption from the zoning administrator, pursuant to the zoning ordinance. ~~Historic resources,~~ Landmarks, landmark sites and ~~contributing properties to~~ within a designated historic district may also be

eligible for special exception from the board of adjustment pursuant to the zoning ordinance.

**SECTION 8.** Section 146-8 is hereby renumbered to Section 146-10 and amended to read, as follows:

Section 146-~~8~~10. Stop work orders.

Any work conducted contrary to the provisions of this chapter shall be immediately stopped upon notice from the building official or county administrator ~~zoning~~ that the work does not conform to the terms of this chapter. Notice shall be in writing and shall be given to the property owner, his agent, or to the person doing the work. If none of these persons are immediately available on the construction site to receive the required notice, it shall be posted on the property. The notice shall state all conditions under which work may be resumed. In emergencies, the building official shall not be required to furnish written notice of the stop work order.

**SECTION 9.** Section 146-9 is hereby renumbered to Section 146-11 and amended to read, as follows:

Section 146-~~9~~11 Penalty for violation of chapter.

Violations of this chapter are punishable as provided in section 134-8. In addition, any violation of this chapter may subject work done either with or without permits issued pursuant to this chapter to review for purposes of stop work orders issued pursuant to section 146-~~8~~ 10.

**SECTION 10.** Section 146-10 is hereby renumbered to Section 146-12 and amended to read, as follows:

Section 146-~~10~~ 12 Review of decisions

~~(a) Rezoning applications. A review of a decision made by the board of county commissioners on a historic preservation overlay district rezoning application, or a landmark and landmark site application pursuant to this chapter shall use the judicial review procedures contained in the zoning ordinance. Appeals.~~

(1) County Staff. Any aggrieved party may file an appeal before the Historic Preservation Advisory Board of a final decision made by County Staff under this chapter.

(2) Historic Preservation Advisory Board. Any aggrieved party may file an appeal before the Board of County Commissioners of a final decision made by the Historic Preservation Advisory Board under this chapter.

(3) Board of County Commissioners. Any challenge to a decision by the Board of County Commissioners under this chapter is to a court of competent jurisdiction.

(b) ~~Certificates of appropriateness and special exceptions.~~ **Timing.** An appeal filed pursuant to subsections (a)(1) and (2) above shall not be required to be in any particular form, but shall be filed with the county administrator's office within ten days after receipt of notice of the final decision of the County Staff or the Historic Preservation Advisory Board. Each such appeal filing, at a minimum, shall be accompanied by a payment in sufficient amount to cover the cost of publishing notice of the required public hearing. The Board of County Commissioners or the Historic Preservation Advisory Board shall schedule and conduct a public hearing on the appeal as soon as practicable, at a convenient place and time.

- ~~(1) Any property owner whose application for a certificate of appropriateness or special exception has been denied may file for an appeal before the board of county commissioners, in writing. Appeal filings shall not be required to be in any particular form, but shall be filed with the county administrator's office within ten days after receipt of notice of the denial of a certificate of appropriateness or special exception, with a copy sent to the clerk of the board of county commissioners. Each such appeal filing shall be accompanied by a payment in sufficient amount to cover the cost of publishing notice of the required public hearing.~~
- ~~(2) The board of county commissioners shall schedule and conduct a public hearing on all appeals as soon as practicable, at a convenient place and time.~~
- ~~(3) An applicant's failure to appear or be represented at a scheduled appeal hearing shall be sufficient cause to sustain the findings of the county administrator or the board of adjustment on the strength of lack of rebuttal evidence.~~

**SECTION 11.** Section 146-11 is hereby renumbered to Section 146-13 and read, as follows:

Sec. 146-~~11~~13. Conflicting provisions.

If any provision in this chapter is found to be contrary to any other existing county ordinance, code, rule or regulation covering the same subject matter, this chapter shall supersede all other such ordinances, codes, rules or regulations to the extent that this chapter is in conflict therewith. Further, nothing in this chapter is intended to relieve the applicant or the owner from obtaining all other permits otherwise required by law or regulation.

**SECTION 12.** Severability.

It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity of unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 13.** Filing of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes, a certified copy of the ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This ordinance shall become effective upon the filing of the ordinance with the Department of State.

**SECTION 14.** Inclusion in the Code.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Last Modified on 7/06/2011