

ORDINANCE NO. 08-11

AN ORDINANCE ESTABLISHING A PINELLAS COUNTY COUNTYWIDE HISTORIC PRESERVATION PROGRAM; PROVIDING FOR DECLARATION OF HISTORIC PRESERVATION AS A PUBLIC POLICY; PROVIDING FOR THE BENEFITS OF HISTORIC PRESERVATION; PROVIDING FOR LOCAL HISTORIC PRESERVATION PROGRAMS FOR THE COUNTY AND MUNICIPALITIES; PROVIDING FOR IMPLEMENTATION OF A HISTORIC PRESERVATION PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR THE FILING OF THE ORDINANCE AND FOR AN EFFECTIVE DATE.

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;

WHEREAS, the Historic Preservation Task Force has met for two years and has now developed recommendations that can be considered by the Board of County Commissioners;

WHEREAS, the Historic Preservation Task Force has conducted three community workshops throughout Pinellas County to gain information and public input on the proposed Historic Preservation Program, and based upon that developed a proposed ordinance;

WHEREAS, the Historic Preservation Task Force conducted two community workshops on the proposed ordinance and the Chairman presented the same to all interested City Commissions in the County; and

WHEREAS, the task force has filed its report with the County Commission and encourages the County Commission to adopt an ordinance that would establish the Countywide Historic Preservation Program.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
2008 FEB 29 AM 9:11

FILED

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida, in a regular session duly assembled on this 19th day of February, 2008, that:

Section 1: That a Countywide Historic Preservation Program is established.

Section 2. Declaration of Historic Preservation as Public Policy. The Board of County Commissioners finds that Pinellas County and its municipalities have played an important part in the history of the State of Florida and the nation and that history is evidenced by the historic resources located throughout Pinellas County. Historic resources are defined to include historic buildings, structures and objects, historic districts and archaeological sites. The Board further finds that the preservation and protection of these historic resources are a public necessity due to their character and value as visible reminders of the shared history and heritage of these municipalities, Pinellas County, Florida and the nation.

The Board finds that the preservation and protection of these historic resources contribute to the education, culture, economy and quality of life of the citizens of Pinellas County. The Board further finds that the County's historic resources are irreplaceable and therefore, this legacy must be protected for future generations.

The Board finds that preservation of historic resources will assist in the creation of a higher quality of life for all citizens; therefore, the Board directs that historic preservation goals be integrated into all aspects of County policies and procedures and encourages decisions that support and further the goals of historic preservation.

Section 3. Benefits of Historic Preservation. The Board of County Commissioners finds that there are many diverse and valuable benefits that arise from historic preservation including the following benefits:

- a. Historic resources are a tangible reminder of our past, of our ancestors and their way of life. The preservation of these historic resources educates us about our past, expresses the connections across generations and cultures and provides continuity of our shared history.
- b. Historic resources are valued as things of beauty as they evidence a variety of architectural styles, building methods and materials as well as expressing our cultural diversity and values.
- c. Through their architecture and aesthetic appeal, historic resources create a sense of place that is unique to each site, the surrounding community, the municipality and to Pinellas County.
- d. Historic preservation is a significant positive contributor to the economy of Pinellas County and Florida through heritage tourism, creation of jobs, private investment in historic sites and enhancement of the value of historic areas. In 2002, the total economic impact of historic preservation in Florida was \$4.2

billion dollars annually and this impact is expected to continue. (Source: *Economic Impacts of Historic Preservation in Florida* by the Center for Governmental Responsibility at the University of Florida College of Law and the Center for Urban Policy Research at Rutgers, the State University of New Jersey, September, 2002.)

Section 4. Establishment of Countywide Historic Preservation Program. The Board of County Commissioners hereby establishes the components of the Countywide Historic Preservation Program as follows:

1. **Survey and Identification:** The County shall establish and maintain a County Register of Historic Resources (hereinafter “Historic Register”) (defined to include significant historic buildings, structures and objects, historic districts and archaeological sites) within the County and its municipalities.

The Historic Register will be updated on a regular basis, readily available to the public through the County’s website and shall be organized to allow for research on the major features of the site, such as building type, year built, style, location/jurisdiction, architect/builder and applicable County criteria. The criteria for listing historic resources on the Historic Register shall be consistent with the standards established by the National Park Service for the National Register of Historic Places and with the criteria described on Exhibit A. The eight local criteria that reflect the themes of development and history in Pinellas County include: Coastal Living, Tourism, Agriculture, Transportation, Wars, Florida Boom, Community Life, and Pre-History/Archaeology.

2. **Preservation Programs:** The County shall develop and promote preservation regulations and programs that support the historic preservation policies of this Ordinance.

Programs that will be pursued include the identification of a model historic preservation plan element, model preservation protection ordinance, model design guidelines as well as outstanding examples of preservation documents and programs from other governments or preservation sources. This information will be readily available to the public through the County’s website and in publication form.

3. **Educational Outreach:** The County shall provide educational programs and technical assistance to municipalities, owners of historic property, architects and contractors, preservation commission and historic society members, developers, historic preservation professionals and other citizens interested in historic preservation.

The educational programs may include but are not limited to a “how- to tool box” for preservation advocates describing preservation methods, workshops and

conferences, technical assistance, preservation website, publications and presentations.

4. Financial Incentives: The County shall research, develop and promote financial and tax incentives at all levels of government that will encourage historic preservation.

In addition to promoting and adopting the existing historic preservation incentives such as the local ad valorem tax incentive and the federal income tax credit, other financial and tax incentives for adoption by local governments and the State of Florida shall be pursued. The program shall also develop and promote creative local incentives and emergency funding for threatened historic/ archaeological sites.

5. The County shall demonstrate leadership through protecting and preserving the historic resources owned or leased by the County.
6. The County shall integrate the historic preservation public policy of this Ordinance and all historic resources into its planning processes, including the Comprehensive Plan and all of its elements, neighborhood/sector plans and any other applicable plans that govern the future development in the County. The County shall evaluate the development of criteria for the review of Land Use Plan amendments, rezoning applications and site plan applications in relation to their impact on historic resources.
7. Within one year after adoption of this Ordinance, the County shall evaluate its Comprehensive Plan, Land Development Regulations, policies and procedures to determine their level of consistency with the historic preservation public policy as adopted in this Ordinance. As soon as is practicable after the evaluation is complete, the County shall amend its Comprehensive Plan, Land Development Regulations, policies and procedures to include goals, objectives, regulations, policies and procedures that implement this historic preservation public policy.

The Board finds that a historic preservation protection ordinance is a critical component in the implementation of this Historic Preservation policy and directs the County staff to develop such an ordinance. The Board further recognizes that there are varying levels of significance among the historic resources on the Historic Register; therefore, the revised Comprehensive Plan and Land Development Regulations will reflect varying levels of protection for historic resources based on the differing levels of significance.

After adoption of this Ordinance and while the review of the County's Comprehensive Plan and ordinances are underway, the County will consider development of a process to identify threatened historic resources and a method to place a hold on irreparable harm to the historic resource while alternatives to demolition are explored.

8. The Board of County Commissioners directs the County staff to also conduct an evaluation of the Countywide Plan and Rules and any other applicable planning documents to determine their level of consistency with the historic preservation public policy as adopted in this Ordinance. The Board directs that this evaluation be conducted within one year after adoption of this Ordinance. As soon as is practicable after the evaluation is complete, the County staff, in cooperation with the Pinellas Planning Council, shall propose amendments to the Countywide Plan and Rules that implement this historic preservation public policy.
9. The protection of historic resources of countywide, state or national significance is declared to be in the County's public interest. Therefore, within one year of adoption of this Ordinance, the County shall research and evaluate the development of an ordinance to restrict the demolition of historic resources that have countywide, state and/or national significance. This provision would focus on resources that are listed in the National Register of Historic Places or potentially eligible for listing as determined by the State Historic Preservation Officer.
10. The County shall authorize the staff and financial resources required to implement and administer the historic preservation public policy of this Ordinance.

Section 5. Local Historic Preservation Program for Municipalities. The Board of County Commissioners encourages all municipalities within the County to embrace the importance of historic preservation public policy as adopted in this Ordinance and will assist and support the municipalities as they develop their local preservation program. The Board of County Commissioners strongly encourages each municipality to adopt a local historic preservation program with the following minimum components.

- a. Survey and identify historic resources (defined to include historic buildings, structures and objects, historic districts and archaeological sites) within its boundaries in accordance with the standards established by the National Park Service for the National Register of Historic Places. Historic resource surveys should be an ongoing systematic process with the goal to ultimately survey all historic areas within the municipality's boundaries.
- b. Protect the historic resources within its municipal boundaries through local regulations. The municipality is encouraged to develop its historic preservation program in compliance with the Certified Local Government program established by the National Park Service.
- c. Integrate the goals of historic preservation and all historic resources into its planning processes, including the Comprehensive Plan and all of its elements, neighborhood/sector plans and any other applicable plans that govern the future development in the municipality. The Municipality shall evaluate the development of criteria for the review of Land Use Plan amendments, rezoning

applications and site plan applications in relation to their impact on historic resources.

- d. Demonstrate leadership through protecting and preserving the historic resources owned or leased by the municipality.
- e. Demonstrate leadership through protecting and preserving the historic resources owned or leased by the municipality.
- f. Develop and implement regulatory and financial incentives to encourage private property stewardship of historic resources.
- g. Municipalities who have adopted a local preservation program composed with these minimum components (Items a-e above) shall be given priority in technical assistance, educational opportunities, financial incentives and other preservation resources offered by the County.

The following elements are optional components of a historic preservation program and the Board strongly encourages the municipalities to additionally incorporate these components into its local preservation program.

1. The municipality is encouraged to develop diverse educational programs to inform historic property owners, citizens and the development community about the municipality's preservation program and the importance of historic preservation.
2. The municipality is encouraged to publish information about historic resources and make this information accessible to the public.
3. The municipality is encouraged to implement other preservation programs and projects that reflect its community character.

Section 6. Implementation. The Board of County Commissioners shall appoint a Historic Preservation Advisory Board to implement the historic preservation policy of this Ordinance. 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 Board of County Commissioners, who shall serve as the Chairman of the Advisory Board. The initial term of appointment for Board members shall be two years.

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. The Historic Preservation Task Force, as appointed in Resolution 05-135, shall serve as the Historic Preservation Advisory Board for an initial two year term to complete the initial education and information resources materials. Following this initial two year term, the Board of

County Commissioners will appoint a Historic Preservation Advisory Board for a term of not to exceed three years and as defined above.

The Historic Preservation Advisory Board shall direct the development of the Countywide Program and assist the municipalities in developing their local preservation program. The Board of County Commissioners directs the Advisory Board to meet on a regular basis and to annually report to the Board as to its accomplishments and additional recommendations for the future.

Section 7. Severability. If any section, subsection, sentence, clause, word, phrase, or provision of this Ordinance, or the particular application thereof, is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, words or phrases and their application shall not be affected thereby.

Section 8. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes, a certified copy of this 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 filing of the ordinance with the Department of State.

Section 9. Area Embraced. This Ordinance shall apply in incorporated and unincorporated areas of Pinellas County.

EXHIBIT A

PINELLAS COUNTY REGISTER OF HISTORIC RESOURCES REGISTER LISTING CRITERIA

Buildings, sites, structures, objects and districts within Pinellas County are considered historically significant resources if they possess and exhibit significance in American history, architecture, archaeology, engineering and /or culture.

Historically significant buildings, sites, structures, objects and districts shall be included on the Pinellas County Register of Historic Resources when they meet the following general and local criteria.

A. GENERAL CRITERIA

1. The historic resource is at least 50 years of age.

A building, site, structure, object or district may be included on the local Register of Historic Resources if it is less than 50 years of age and meets the criteria of the National Register of Historic Places regarding age showing exceptional importance to the nation, State of Florida or Pinellas County, and

2. The building, site, structure, object or district meets one or more of the following criteria;
 - a. The building, site, structure, object or district is the location of a significant local, state or national event;
 - b. The building, site, structure, object or district is associated with the life of a significant person(s);
 - c. The building, site, structure, object or district embodies the distinctive characteristics of an architectural style, historical period, method of construction or is the work of a master builder, designer or architect whose individual work has influenced the development of the nation, State of Florida or Pinellas County; or
 - d. The site has yielded or is likely to yield information important to the prehistory or history of the nation, the State of Florida or Pinellas County.

B. LOCAL CRITERIA

Pinellas County further identifies the following major themes in the development of this County and recognizes that buildings, sites or districts that reflect one or more of these themes are considered historically significant resources.

1. **Coastal Living**-Pinellas County's location on the Gulf of Mexico, Tampa Bay and the Intercoastal Waterway are reflected in historic sites and buildings used by the County's water-dependent industries such as fishing, shipping and sponging.
2. **Tourism**-Drawn by the beautiful beaches and weather, tourists have been attracted to Pinellas County since the late 1880s. Neighborhoods, hotels, beach lodgings and resorts developed to house the tourists while attractions were established to entertain them. Historic resources related to tourism include neighborhoods, historic hotels, resorts and motor courts, baseball spring training facilities, roadside attractions, gardens and other entertainment sites.
3. **Agriculture**-As the first industry in Pinellas County, agricultural historic resources are reflected in many areas of the County in farm/grove sites, warehouses, packing plants, support businesses, ditches/canals and other historic landscape features.
4. **Transportation**-The diverse modes of transportation (boat, railroad, car, airplane) greatly influenced the patterns of growth in Pinellas County at various periods in time. Historic resources related to transportation include piers and boat docks, train depots, bridges, airports, and historic/scenic roads and trails or sections of roads.
5. **Wars**-The effect of American wars is generally evidenced indirectly in Pinellas County, i.e., forts and other defense mechanisms instead of battlefields. Historic resources related to wars include Fort De Soto, military training facilities, airfields, and the Cold War defense industry buildings.
6. **Florida Boom Era**-Florida's real estate boom in the 1920s was experienced in Pinellas County as evidenced by the explosion of construction especially in housing and tourist hotels. Historic resources of the Boom Era include neighborhoods, tourist hotels, resorts and commercial buildings.

B. LOCAL CRITERIA, cont'd.

7. **Community Life**-Pinellas County was settled by and continues to attract diverse ethnic communities from different parts of the nation and world. These residents bring with them their social and cultural lifestyles which are exhibited in historic resources such as schools, religious sites, hospitals, post offices or other government buildings, meeting places, entertainment sites (e.g., theatres) parks, recreation sites (e.g. golf courses, shuffle board courts and tennis courts) and cemeteries.

8. **Pre-History/Archaeology**- Prior to settlement by Europeans, Pinellas County was occupied for more than ten thousand years by a succession of aboriginal cultures. From the Paleoindian to the Safety Harbor periods, the prehistory and early history of Pinellas County is reflected in a variety of archaeological site types. These include aboriginal mounds, middens, cemeteries, quarries, camps and villages, ceremonial sites, as well as historic period fishing ranchos, forts, homesteads, trails, domestic and industrial refuse sites, work camps and shipwrecks.

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on February 19, 2008 relative to:

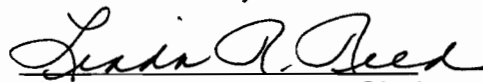
ORDINANCE NO. 08-11

AN ORDINANCE ESTABLISHING A PINELLAS COUNTY COUNTYWIDE HISTORIC PRESERVATION PROGRAM; PROVIDING FOR DECLARATION OF HISTORIC PRESERVATION AS A PUBLIC POLICY; PROVIDING FOR THE BENEFITS OF HISTORIC PRESERVATION; PROVIDING FOR LOCAL HISTORIC PRESERVATION PROGRAMS FOR THE COUNTY AND MUNICIPALITIES; PROVIDING FOR IMPLEMENTATION OF A HISTORIC PRESERVATION PROGRAM; PROVIDING FOR SEVERABILITY; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES; AND PROVIDING FOR THE FILING OF THE ORDINANCE AND FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this February 2~~6~~⁷, 2008

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Linda R. Reed, Deputy Clerk

(SEAL)

