

Comprehensive Historic Preservation Ordinance – Draft 2

I. General

- a. The City Council hereby makes the following findings of fact:
  - i. The protection, enhancement, perpetuation and use of structures, sites and districts of historical significance located within the City of Venice is a public necessity, and is required in the interest of the prosperity, community sustainability, civic pride, and general welfare of the people;
  - ii. The design of the City of Venice by renowned city planner John Nolen is a unique component to Venice's identity that inspires said prosperity, community sustainability, civic pride, and general welfare of the people;
  - iii. The economic, cultural, and aesthetic standing of this City cannot be maintained or enhanced by disregarding the heritage of the City or by allowing the unnecessary destruction or defacement of such historical resources;
  - iv. The number of historical resources will continue to grow and vary, and need to be identified, represented, and preserved;
  - v. There are numerous economic benefits to historic preservation activities including the creation of jobs, significant contributions to tax collections, investments of private funds in historic projects and partnerships between private investors and local governments, maintenance of property values, and increases in money spent by tourists visiting historic areas.
- b. In recognition of these findings, it is the purpose of this chapter to:
  - i. Safeguard historical resources in the City for current and future generations;
  - ii. Lay out procedures for the review, mitigation, and protection of historical resources;
  - iii. Provide incentives for the preservation of historical resources;
  - iv. Encourage the use of said resources for the education, stimulation, and welfare of the people of the City;
  - v. Reinforce the historical uniqueness of the City of Venice in promoting tourism and enhancing business; and
  - vi. Promote local historic preservation efforts through the identification and protection of historic resources throughout the city.
- c. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - i. *Ad valorem tax exemption* means an incentive that is provided by City and County law that is intended to encourage the rehabilitation and maintenance of historic structures.
  - ii. *Addition* means a construction project physically connected to the exterior of an historic building or that increases the gross floor area of the building.
  - iii. *Alteration* means any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving exterior changes in form, texture, materials or color, or any such changes in appearance to a local landmark or contributing structure in a Local Historic District.

- iv. *Architecturally Significant* means embodying the distinctive characteristics of a type, period, style or method of construction or use of indigenous materials, or representing the work of an important builder, designer, architect, engineer, or craftsman who has contributed to the development of the community, County, State or Nation.
- v. *Board* means the historic preservation board
- vi. *Certificate of Appropriateness* means a certificate issued in compliance with this ordinance for any exterior alteration to a local landmark or property within a designated Local Historic District for the purpose of protecting the integrity of the local landmark or Local Historic District.
- vii. *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.
- viii. *Contributing Structure* means a site, structure or object in a Local Historic District which adds to the historical/architectural qualities, historic associations or archaeological values for which a Local Historic District is significant because a) it was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time, b) it is capable of yielding important information about the period, or c) it independently meets the National Register of Historic Places criteria for evaluation.
- ix. *Council* means the Venice City Council
- x. *Cultural Resource* means a single specific location that has yielded, or based on previous research is likely to yield, information on local history, ancient history, or prehistory.
- xi. *Demolition* means the complete or constructive removal of any part or the whole of a structure on any site.
- xii. *Demolition by Neglect* means a situation in which a property owner intentionally allows a historic property to suffer severe deterioration, potentially beyond the point of repair.
- xiii. *Easement* means a right or interest in real property that is appropriate to retaining the structural integrity or physical appearance of sites or properties of historic, architectural, archaeological or cultural significance in accordance with F.S. § 704.06.
- xiv. *Economic Hardship* means an onerous and excessive financial burden that destroys reasonable and beneficial use of property and that would amount to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income-producing properties.
- xv. *Florida Master Site File* means the listing of historic resources maintained by the Florida Department of State, Division of Historical Resources.
- xvi. *Historical Resource* means sites, buildings, structures, objects, landscape elements and settings, and areas, whether public or private, that are considered significant by means of listing on the Local Register or the National Register of Historic Places.

- xvii. *Landscape Elements* includes, but is not limited to, trees, plants, walls, fences, courtyards, signs, and exterior lighting.
- xviii. *Local Landmark* means any building, structure or place located within the city which is of historic significance and which has been designated as a historic site by the city council.
- xix. *Local Register* means the local register of historic places, which is a listing of buildings, structures, objects, sites and districts that have been designated as historically significant in the City of Venice.
- xx. *Manager* means the Historical Resources Manager
- xxi. *National Register of Historic Places* is the official federal list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering and culture.
- xxii. *Non-Contributing Structure* means a building or structure located within the boundaries of a local landmark or Local Historic District that does not contribute to the historic significance of the district or property by virtue of its age, location, design, setting, materials, workmanship, feeling, and/or association.
- xxiii. *Ordinary Repair or Maintenance* means work on a designated structure, site, or a property located in a designated Local Historic District, that is otherwise permitted by law, and does not alter the exterior appearance of the structure, does not disturb the contents of an archaeological site, and does not alter elements significant to its architectural, historical or archaeological integrity, including, but not limited to: replacement of windows, siding, or roof, with the same material and style as exists presently.
- xxiv. *Preservation* means the process of maintaining the existing form, integrity and materials of a resource.
- xxv. *Local Historic District* means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, resources, improvements, or landscape features united by historic events or aesthetically by plan or physical development, and which area has been designated as a Local Historic District pursuant to procedures described in this ordinance. Such districts may have within its boundaries noncontributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks or resources, nevertheless contribute to the overall visual character of the district.
- xxvi. *Property Owner* means the individual or entity in possession of title for land and the buildings and improvements on it.
- xxvii. *Reconstruction* means the process of reproducing, by new construction, the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time.
- xxviii. *Rehabilitation* means the act or process of returning a resource to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of features of the resource that are significant to its historical and architectural values.

- xxix. *Relocation* means the act of preserving a historic structure, which cannot remain on its existing site, by physically moving it to a new location.
  - xxx. *Renovation* means the act of making changes and repairs so that a historic structure is back in good condition.
  - xxxi. *Restoration* means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.
  - xxxii. *Site Assessment Survey* the systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research, for the purpose of identifying landmarks or districts worthy of preservation.
  - xxxiii. *Secretary of the Interior's Standards (36 CFR 67) as periodically revised* means the standards provided by the National Park Service and the Secretary of the Interior that provide guidance on the sensitive rehabilitation of a historic property. The standards generally address issues that include; character defining elements; changes which have occurred over the course of the property's history; desirable approaches to the repair of damaged features; appropriate cleaning methods; archaeological resources; and new construction in connection with a historic property.
  - xxxiv. *Traditional Community* means a community is a one that has beliefs, customs, and practices that have continued over time, been passed down through the generations, are shared, and help to define the traditions of the community.
  - xxxv. *Traditional Cultural Property* means a property that is eligible for inclusion in the Local or National Register of Historic Places (NRHP) based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a traditional community
- II. The Board's geographic area of authority shall be the same as the boundaries of the City of Venice.
  - III. Designated historical resources may be located within any zoning district classification. Whenever a designation is made by ordinance, the regulations for both the applicable zoning district and this ordinance shall be applied to the designated property. If a conflict arises between the zoning classification and the ordinance, this ordinance shall take precedent.
  - IV. Historic Preservation Board and Manager of Historical Resources
    - a. Historical Resources Manager
      - i. The City Manager shall appoint a Manager of Historical Resources, who shall be a salaried employee of and division head within the City of Venice government structure. The City of Venice Historic Preservation Board may make recommendations to the City Manager regarding job descriptions and professional qualifications of the office of Historical Resources Manager. The Manager of the Division shall be academically trained and professionally qualified according to standards set forth within the Secretary of the Interior's Professional Qualifications Standards.

- ii. The city council of Venice is hereby authorized to provide suitable and adequate space for the collections acquired by the City for the citizens of the City of Venice and is hereby authorized to pay all the expenses of the Division of Historical Resources.
- iii. The Manager of Historical Resources shall serve as the City of Venice Historic Preservation Officer. The manager shall serve on the Technical Review Committee and advise the Architectural Review Board.
- b. Historic Preservation Board
  - i. The Historic Preservation Board is hereby established, to perform the duties assigned it in this and other ordinances, as well as any other duties assigned by the city council.
  - ii. The purpose of this board shall be to advise city council on matters of historical interest and preservation, to assist the planning commission in development of a historic preservation element in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq.), and to do such other tasks as may be assigned by city council.
  - iii. The Historic Preservation Board shall report on a regular basis to city council per requirements set forth by city council.
  - iv. Composition
    - 1. The board shall be composed of seven regular members and one non-voting member from a Venice area high school student body recommended by the principal or his designee, appointed by the mayor, and confirmed by city council. Members shall serve without compensation. All voting members shall be city residents or an owner of real property located within the city.
    - 2. To the extent available in the community, members shall have a demonstrated commitment to historic preservation and shall be professionals or retired professionals from the disciplines of:
      - a. Historic preservation;
      - b. History, archaeology, folklore, or anthropology;
      - c. Architecture, historic architecture, or architectural history;
      - d. Land use planning or historic preservation planning;
      - e. Real estate, land development, general or building contractor;
      - f. Landscape architecture or historic landscape architecture.
      - g. Conservation, curation, or museology;
      - h. Preservation law;
      - i. Professional engineering; or
      - j. Finance.
    - 3. The terms of office for the voting members of the board shall be a term of three years with the possible addition of two more three-year terms. Terms shall be overlapping. The non-voting student member shall be appointed for a one-year term.
    - 4. The board shall annually elect a chair and vice-chair from among its members to serve one-year terms.

5. It shall be the duty of the chair of the board to notify the mayor promptly of any vacancies occurring in the membership. The mayor shall appoint a member, subject to approval of the city council, to fill any such vacancy for the unexpired term. Vacancies on the historic preservation board shall be filled in less than sixty days.
  6. Any member of the board may be removed from office for just cause by a majority vote of the entire city council.
- v. Meetings
1. The board shall adopt rules of procedure that shall be available for public inspection.
  2. All meetings of the board shall be open to the public, and reasonable notice of time and place thereof shall be given to the public.
  3. Meetings shall be held at least monthly, and at such other times as determined by the board.
  4. The board shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, and its resolutions, findings, recommendations and actions. The minutes of the board shall be a public record.
  5. A majority of the voting members of the board shall constitute a quorum.
  6. Unexcused absences of a member from more than three meetings of the board in a calendar year shall be cause for the member's replacement.
- vi. The board shall have the powers and duties to undertake such actions reasonably necessary to its purpose, including but not limited to the following:
1. Identify, nominate, and recommend eligible local landmarks, and Local Historic Districts.
  2. Identify and nominate eligible properties to the National Register of Historic Places and administer applications for the National Register of Historic Places.
    - a. Notify appropriate local officials, and owners of record of proposed board actions concerning a proposed nomination to the National Register of Historic Places.
  3. Develop and maintain a system for surveying and inventorying of historic resources. Such inventory shall be:
    - a. Compatible with the Florida Master Site File.
    - b. Kept current and regularly submitted to the state historic preservation officer for incorporation in the Florida Master Site File.
  4. Assist the planning commission in the preparation, implementation, and administration of the historic preservation element in the city's comprehensive plan.
  5. Evaluate and make recommendations to city council regarding city policies or decisions by other public agencies affecting the physical

development and land use patterns of the city, which have an effect upon historical resources.

6. Further public awareness of the city's past and of preservation in general and to develop programs to stimulate public interest and involvement in historic and cultural preservation.
7. Coordinate local activities with state and national preservation efforts, and review relevant state and federal legislation.
8. Petition the Sarasota County Historical Commission to recommend and request the County Commission to permanently mark significant sites within the City with an official Sarasota County historical marker.
9. Issue, modify, deny, suspend, or revoke certificates of appropriateness and economic hardship in accordance with the procedures and criteria hereinafter set forth;
10. Testify before all boards and commissions including the planning commission on any matter affecting potential or designated local landmarks or Local Historic Districts.
11. Review proposed amendments to zoning regulations, applications for special uses or applications for zoning variations that affect any and all local landmarks, Local Historic Districts, National Register listings, and contributing structures in National Historic Districts.
12. Demonstrate a spirit of cooperation with property owners in the preservation of historic structures, sites and districts by advising and assisting owners of property on physical and financial aspects of preservation, renovation, rehabilitation, and reuse; and on procedures for inclusion on local or federal registers of historic places.
13. Call upon available city departments and staff as well as other experts for technical advice.
14. Recommend the city's acquisition by donation, purchase, or eminent domain of a fee or lesser interest in designated property and improvements, including but not limited to easements, covenants, and leasehold interests; to administer any system established by the City of Venice for the transfer of development rights; to induce by contract or other consideration the creation of covenants or restrictions binding on land or real property.

vii. The city council shall appropriate funds to permit the historic preservation board to perform its prescribed functions, including attending pertinent informational or educational meetings, workshops and conferences.

c. The Historic Preservation Board and the Historical Resources Manager will be responsible for meeting all requirements of the Certified Local Government Program.

V. Preservation of Historical Resources

a. Local Register

- i. A local register of historical resources is hereby created, which will consist of various places, buildings, structures, landscape features, or archaeological sites that have historical, architectural, cultural, and/or archaeological significance.

- ii. The local register shall include the name(s) and location(s) of the resource(s) and shall reference documentation maintained by the manager of historical resources.
- b. Criteria for Designation
  - i. City council shall have the authority to designate, upon recommendation by the historic preservation board, places, buildings, structures, landscape features, or archaeological sites of historical, architectural, cultural, and/or archaeological significance that are significant in the city's history and culture and possess an integrity of location, design, setting, materials, workmanship, or:
    - 1. Are associated with distinctive elements of cultural, social, political, economic, scientific, religious, ancient, prehistoric and architectural history that have contributed to the pattern of history in the community, the city, the state or the nation;
    - 2. Are associated with the lives of persons significant in past history;
    - 3. Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or possess high artistic value; or represent a distinguishable entity whose components may lack individual distinction;
    - 4. Are a traditional cultural property associated with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community.
    - 5. Have yielded or are likely to yield information in history, ancient history, or prehistory;
    - 6. Are listed individually in the National Register of Historic Places;
    - 7. Are a contributing structure to a National Historic District; or
    - 8. Are characterized as a geographically definable area possessing a significant concentration, linkage or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development.
  - ii. No minimum or maximum number of criteria shall be required for listing on the local register.
- c. Designation of Historical Resources
  - i. The historic preservation board or any person may propose local landmarks for designation by the city council by filing a nomination for any property or properties and structures located within the geographical boundaries of the City of Venice. Nomination forms shall be filed with the City of Venice Division of Historical Resources.
  - ii. Upon receipt of a completed nomination form, including necessary documentation, the manager shall review the nomination form for completeness and accuracy. Once accepted by the manager, the nomination shall be placed on the agenda of a regularly scheduled meeting of the Historic Preservation Board.
  - iii. The nomination process shall commence when the board officially accepts a completed nomination form at a duly called board meeting.



1. Within 90 days of accepting the nomination, the board must write an initial determination of suitability and hold a public hearing. The initial determination shall be based on the criteria set forth in aforementioned subsection b. i. Notice of the public hearing will be provided to the public at large, and individual notice, including the initial determination, shall be furnished to the property owners affected by the nomination. Failure to review and write a recommendation within 90 days will be deemed a recommendation denying listing on the local register, unless the period of 90 days is extended by mutual written consent reached by the property owner(s) and the board.
  2. Following the public hearing, the board shall review and revise, if needed, the initial determination of suitability, and shall write a recommendation, indicating suitability for listing the resource on the local register.
  3. If the board determines that listing on the local register is appropriate, it shall recommend to city council the adoption of an ordinance placing the resource on the local register. A written recommendation shall be forwarded to city council for its approval, based upon the evidence presented at a public hearing. The recommendation shall include specific findings and conclusions as to why the nomination does meet the appropriate criteria outlined in this ordinance along with any comments from the applicant. Adequate notice of the city council hearing and consideration of the nomination shall be provided to the owner(s) and their agent in advance of the meeting at which the nomination will be considered.
  4. If the board determines that listing on the local register is not appropriate, it shall provide the applicant with written findings as to the reasons for denial.
- iv. No city permits for any demolition, alteration, construction, relocation, land disturbing or development activities, shall be issued once a nomination form is filed until the city council acts to approve or deny the nomination, or for twelve months, whichever shall occur first.
  - v. Historical resources shall be placed on the local register only after nomination, review and approval.
  - vi. Whenever the City Council has denied an application for designation no further application shall be filed for the same designation for a period of one year from the date of such City Council denial. The time limit stated herein may be waived by the Council when this action is deemed necessary in the best interests of the City.
  - vii. Should a designated landmark or Local Historic District be incorporated into the City of Venice, the city's historical preservation ordinance shall govern it.
  - viii. A property owner may object either in person or in writing to having their property nominated as a local landmark. If objecting in writing, a notarized statement must be submitted at least fifteen (15) days prior to the nomination being considered at the public hearing. The historic preservation board may then either continue its review, forwarding its recommendation to the city council and noting the property owner's objection or, the historic preservation

board may cease any further review process and notify the city council of the property owner's objection to the proposed listing.

d. Local Historic Districts

- i. Before the establishment of a Local Historic District, the historic preservation board or applicant shall conduct studies and research and make a report on the historic significance of the exteriors of structures, features, sites, and objects in the proposed district. After a thorough investigation such report shall list the results of properties, structures, or areas that are contributing or non-contributing based upon one (1) or more of the aforementioned criteria in subsection b. i.
  - ii. Following the procedures established in subsection (c), the historic preservation board may recommend to the city council the designation of Local Historic Districts where no more than fifty percent (50%) of the property owners whose property is located within the boundaries of the proposed district object to the designation.
  - iii. A property owner may object either in person or in writing to having their property nominated as part of a Local Historic District. If objecting in writing, a notarized statement must be submitted at least fifteen (15) days prior to the nomination being considered at the public hearing. The historic preservation board may then either continue its review, forwarding its recommendation to the city council and noting the owner's objection or, the historic preservation board may cease any further review process and notify the city council of the property owner's objection to the proposed listing.
  - iv. Should an individual, individuals or entity own more than one parcel of property within the boundaries of the proposed historic district according to the latest available tax rolls from the county property appraiser's office, then such individual, individuals or entity shall be considered a property owner for each parcel of property for purposes of calculating the number of property owners in the proposed local historic district. Should a parcel of property be owned by more than one individual for purposes of calculating the number of property owners within the boundaries of the proposed local historic district, such co-owners shall be considered cumulatively as one property owner regardless of their number.
  - v. After said public hearing the historic preservation board shall submit a final report with recommendations to the city council.
  - vi. The city council shall hold a public hearing at a regularly scheduled city council meeting to consider establishment of a Local Historic District.
- e. The designation of any local landmark or contributing structure of a Local Historic District may be amended or rescinded through the same procedure utilized for the original designation, by the filing of an application for rescission or amendment of designation utilizing the procedure hereinabove set forth. Any historic preservation board recommendation to amend or rescind a prior designation shall be based upon new evidence and negative evaluation according to the same criteria used for designation in existence at the time of such application for revision or amendment.

f. National Register Listings

- i. Nominating properties or districts to the National Register of Historic Places shall follow the procedures laid out by the Florida Division of Historical Resources.
- ii. Properties or districts currently listed in the National Register of Historic Places are eligible for nomination to the local register of historic places based upon the criteria set forth in subsection b. 1.

g. Cultural Resources

- i. If evidence of the existence of cultural resources is discovered or observed at permitted development activities, all work shall cease in the area of potential effect. The developer, owner, contractor, or agent thereof shall notify the City within two (2) calendar days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds.
  1. The developer, owner, contractor, or agent thereof shall provide a site assessment survey for cultural resources discovered at permitted development projects. The survey's purpose is to locate and assess the significance of cultural resources and to provide a basis for determining if the project has no effect or adverse effect on the cultural resources.
  2. All site assessment surveys shall be conducted by professionals meeting the qualifications established by the National Park Service as codified in 36 Code of Federal Regulations Part 61 and shall be conducted consistent with rules promulgated by the Florida Bureau of Archaeological Research.
  3. The research design for a site assessment survey shall be reviewed and approved by the Historical Resources Manager before the survey commences. The survey shall be designed to locate all cultural resources and assess their significance. At a minimum, site assessment surveys must contain the following sections:
    - a. Project scope;
    - b. Archival research;
    - c. Research design;
    - d. Fieldwork;
    - e. Analysis;
    - f. Conclusions; and
    - g. Florida Master Site File forms for all resources identified shall also be included.
  4. Upon completion of the site assessment survey, the City and the developer, owner, contractor, or agent thereof shall evaluate the findings.
    - a. If the finding is that there is no effect then the project may proceed without modification. The no effect finding will be reconsidered if substantive changes in project design or the

location of project ground-disturbing activities are made, or if new information becomes available.

- b. If the finding is that the proposed development would have an adverse effect, the City and the developer, owner, contractor, or agent thereof shall determine measures to avoid, minimize, or mitigate any adverse effects to such resources by the project.
- ii. If any human skeletal remains or associated burial artifacts are discovered during permitted development activity, all work in the area must cease, and the developer, owner, contractor, or agent thereof must immediately notify the nearest law enforcement office and notify the Historical Resources Manager, if appropriate, within two (2) calendar days. According to Florida Statute Ch. 872, it is unlawful to disturb, vandalize, or damage a human burial.

## VI. Certificates of Appropriateness

### a. Guidelines

- i. A Certificate of Appropriateness shall be considered prerequisite to the issuance of any permits required by the city. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the city.
- ii. A Certificate of Appropriateness is required for:
  - 1. Alteration, rehabilitation, restoration, addition, or reconstruction of, the exterior of all or part of a local landmark or all or part of a contributing structure located in a local historic district; or
  - 2. Demolition which constitutes all or part of a designated structure or all or part of a contributing structure located in a designated district; or
  - 3. Construction or erection of any addition or improvement to any designated structure or to any contributing structure located in a designated district; or
  - 4. Construction or erection of any structure or improvement to any designated site.
- iii. The Historic Preservation Board shall use the most recent Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* as guidelines by which applications for Certificate of Appropriateness are to be evaluated.

### b. Application and Review

- i. A preapplication meeting may be held with the Board to review the proposed project at the schematic plan stage. The purpose of this meeting is to provide assistance to the applicant in developing plans in accordance with the guidelines.
- ii. Requests for certificates of appropriateness shall be made on application forms approved by the city. Submittal of the application must be made with the appropriate documentation needed to provide the board with a clear understanding of the proposed action. Application fees and other applicable

charges shall be established by resolution adopted by the city. Appropriate documentation includes:

1. A narrative description of the type of work proposed and its effect or impact upon the structure, site or district; and
  2. Plans and designs showing in detail any proposed alteration to a designated structure or contributing structure within a Local Historic District including, but not limited to, façade elevations and proposed materials to be used; and
  3. A site plan, if applicable, showing the location of existing structures and any proposed structures on the site; and
  4. Any other drawings, photographs, material brochures or samples, or information that may be necessary to determine and provide for compliance with this ordinance.
- iii. On receipt of a complete submittal, the manager shall refer the application to the Historic Preservation Board for review.
  - iv. Requests for a Certificate of Appropriateness shall be reviewed and determined by the historic preservation board at a public hearing held within 60 days of submittal of the request.
  - v. During a public hearing, the Historic Preservation Board may act to study alternative means whereby the work may be brought into conformity with applicable criteria.
  - vi. One of the following actions shall be taken by the Historic Preservation Board for a Certificate of Appropriateness at a public hearing:
    1. Grant the Certificate of Appropriateness; or
    2. Grant a continuance for the applicant to return in order to study alternative means whereby the work may be brought into conformity with applicable guidelines. A statement describing the required modifications and conditions and reasons for them will be entered into the minutes by the Historic Preservation Board; or
    3. Deny the Certificate of Appropriateness. A statement describing the reasons for denial will be entered into the minutes by the Historic Preservation Board.
  - vii. Copies of the decision shall be mailed to the applicant and property owner within ten (10) days of the decision. Unless appealed, the decision of the board shall be the final administrative decision.
- c. Approval
- i. The Historic Preservation Board shall issue a Certificate of Appropriateness for proposed construction or alteration if the application and other submittals demonstrate:
    1. That it is of a nature which will not adversely affect or destroy any architectural feature of the structure; and
    2. That it is in substantial conformity with any design guidelines adopted by the Board; and

3. That any distinctive feature, finish, construction technique or examples of craftsmanship that characterize the property are maintained; and
  4. That any new addition, exterior alteration or related new construction does not destroy the historic materials that characterize the property; and
  5. That any addition and any related construction is undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment is preserved; and
  6. That any new work is differentiated from the old and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and
  7. The historic character of the property is retained and preserved and the removal of historic materials or features that characterize the property is avoided.
- ii. Upon approval of a Certificate of Appropriateness, permit applications for the requested project may proceed.
  - iii. A Certificate of Appropriateness will become void if:
    1. 12 months have elapsed after issuance of the Certificate and no building permit has been issued; or
    2. 12 months have elapsed after issuance of the certificate and the authorized work is not commenced in that period; or
    3. there is any change in the scope of work pursuant to the approved application subsequent to the issuance of the certificate; or
    4. work is not performed in accordance with the certificate; or
    5. the work authorized is not completed within 5 years of the date of issuance, unless otherwise extended by the board.
  - d. Upon denial the applicant may appeal within 30 days to the city council. To appeal, an applicant must file a written notice of appeal with the city clerk within 30 days of the date of the board's decision. The notice shall state the grounds for the appeal. An appeal shall be heard by the city council at a regularly scheduled meeting. The appellant will be provided adequate notice of the date that their appeal will be heard by the city council. The city council shall make a determination based on the record and other evidence presented to the city council. The decision of the city council shall be the final administrative action. The city council shall affirm, modify, or deny the determination of the board. Further appeal shall be as provided by state law.
- VII. Responsibilities for Designated Listings
- a. Maintenance
    - i. Every owner of a local landmark or contributing property within a designated local historic district shall keep in good repair:
      1. All of the exterior portions of such buildings or structures;
      2. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise fall into a state of disrepair; and

3. In addition, where the historic resource is an archaeological site, the owner shall be required to maintain his property in such a manner as not to adversely affect the archaeological integrity of the site.
  - ii. The provisions of this section shall be in addition to all other provisions of law requiring any such improvement to be kept in good repair.
- b. Demolitions
  - i. Historical resources or any structures over 50 years old from their construction date shall not be issued a demolition permit unless they have approved a Certificate of Appropriateness.
    1. Structures that are not on any local or national register or are not potentially eligible for designation on any local or national register may have Certificates of Appropriateness approved administratively by the Historical Resources Manager.
    2. Structures that are on a local or national register or are potentially eligible for designation on a local or national register must have Certificates of Appropriateness approved by the Historic Preservation Board.
  - ii. When an applicant seeks a Certificate of Appropriateness for the purpose of demolition of a non-condemned historical resource, the applicant must satisfactorily demonstrate to the Board by the preponderance of the evidence that undue economic hardship or unusual and compelling circumstances support such a demolition and that no reasonable alternative, such as relocation, to demolition can be found.
  - iii. The Board may grant a Certificate of Appropriateness for demolition, which may provide for a delayed effective date of up to twelve months from the date of the Board's action. The effective date of the certificate will be determined by the Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. In general, the Board may delay the demolition of historical resources for up to twelve months.
  - iv. If a historical resource has been condemned by the building official of the city such structure may be demolished if a report from a licensed engineer or architect with experience in rehabilitation states that the structure is structurally unsound and unsuitable for rehabilitation.
  - v. In connection with any Certificate of Appropriateness for demolition of historical resources, the Board shall request for the loss incurred to the heritage of the City the following:
    1. At owner's expense, the hiring of a qualified historic preservation consultant to record the architectural details for archival purposes prior to demolition. The recording may include, but will not be limited to, photographs, documents, scaled architectural drawings, and a fully completed Florida Master Site File listing.
    2. Fees paid to the City of Venice Centennial Fund based upon fee schedules set forth by City Council for the support of historic preservation.

vi. Demolition by Neglect

1. In the event the board determines through regular surveying that a historical resource is in the course of being "demolished by neglect," the city shall notify the owner of record of such preliminary findings, stating the reasons therefore. If the owner or tenant fails to take action, the building official shall initiate proceedings through the City of Venice Code Enforcement under the authority of applicable laws and regulations.
2. In the event Code Enforcement determines that historical resources lack maintenance and repair to such an extent as to detract from the desirable character of the historical resource, the board shall notify the owner of record of such preliminary findings, stating the reasons therefor. The board shall request a meeting with the owner or tenant of the property that is not being adequately maintained, and the board shall present ways to improve the condition of the property. If the owner or tenant fails to take action, the board may notify the building official to institute proceedings through the City of Venice Code Enforcement under authority of applicable laws and regulations.

vii. Public Safety Exclusion. None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Building Official or Fire Marshall and where the proposed measures have been declared necessary, by such department or departments to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall be damaged by fire or other calamity, or by Act of Nature or by the public enemy, to such an extent that, in the opinion of the aforesaid department or departments, it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

c. Economic Hardship

- i. Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in economic hardship to the applicant, the Board may grant a Certificate of Appropriateness exempting the applicant from some or all of the requirements.
  1. In any instance where there is a claim of economic hardship, the owner shall submit, by affidavit, to the Board at least 15 days prior to a regularly scheduled meeting of the Board, the following information:
    - a. For all property:
      - i. The amount paid for the property, the date of purchase and the party from whom purchased;



- ii. The assessed value of the land and improvements thereon according to the two most recent assessments;
    - iii. Real estate taxes for the previous two years;
    - iv. Annual debt service, if any, for the previous two years;
    - v. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing, or ownership of the property;
    - vi. Any listing of the property for sale or rent, price asked and offers received, if any;
    - vii. Any consideration by the owner as to profitable adaptive uses for the property; and
    - viii. Recent sales of similar properties in the immediate area.
  - b. For income producing property:
    - i. Annual gross income from the property for the previous two years;
    - ii. Itemized operating and maintenance expenses for the previous two years; and
    - iii. Annual cash flow, if any, for the previous two years.
- 2. The Board may require an applicant to furnish additional information by affidavit relevant to a determination of undue economic hardship. In the event that any of the required information cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.
- d. Relocations. Certificates of Architectural Compliance for relocations shall be guided by the following factors:
  - i. The historic character and aesthetic interest the building, structure, or object contributes to its present setting;
  - ii. Whether there are definite plans for reuse of the property to be vacated and the effect of those plans on the character of the surrounding area;
  - iii. Whether the building, structure, or object can be moved without significant damage to its physical integrity;
  - iv. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, or object; and
  - v. Whether it can be demonstrated that no viable preservation alternatives exist at its present location.
- e. Appeals. Upon denial for a Certificate of Appropriateness, the applicant may appeal within 30 days to the city council. To appeal, an applicant must file a written notice of appeal with the city clerk within 30 days of the date of the board's decision. The notice shall state the grounds for the appeal. An appeal shall be heard by the city council at a regularly scheduled meeting. The appellant will be provided adequate notice of the date that their appeal will be heard by the city council. The city council shall make a determination based on the record and other evidence presented to the city council.

The decision of the city council shall be the final administrative action. The city council shall affirm, modify, or deny the determination of the board. Further appeal shall be as provided by state law.

VIII. Incentives

- a. Ad Valorem Tax Exemptions for properties on the local register or contributing structures to Local Historic Districts shall be granted following the guidelines established in Chapter 66, Article VII of the city code.
- b. Properties listed on the local register may donate easements on their historic properties to a designated historic preservation non-profit organization with procedures established in F.S. 704.06.
- c. Properties on the local register of historic places may apply for payment of city permit fees from the Centennial Fund for any work associated with a Certificate of Appropriateness approved by the Historic Preservation Board.
- d. The Historical Resources Manager is authorized to issue and install official plaques identifying designated Local Landmarks.
- e. Structures and buildings listed individually on the Local Register or judged as contributing or significant to the character of a Local Historic District listed on the Local Register shall be entitled to modified enforcement of the Florida Building Code, Existing Building current edition.
- f. Local Historic Districts may erect street signs designating such local historic districts in accordance with Ordinance 19-3866. The design shall be first approved by the board.
- g. The Historical Resources Manager shall keep a list of all incentives available for historic resources.

IX. Enforcement and Penalties

- a. In any case where work has commenced which requires a Certificate of Appropriateness under the terms of this ordinance, and where no such certificate has been obtained, a stop work order shall be issued by the building official. The stop work order shall be issued to the property owner, the occupant, or any person, company or corporation commencing work or preparation for work in violation of this ordinance. The stop work order shall remain in full force and effect until a Certificate of Appropriateness has been obtained.
- b. Any person who carries out or causes to be carried out any work in violation of this chapter, may be required to restore the subject improvement, building, site, structure, appurtenance, or landscape feature, either to its appearance prior to the violation or in accordance with any mitigation required by the historic preservation board in order to obtain a certificate of appropriateness.
- c. Any further enforcement or penalties of this ordinance shall follow the procedures set forth in Chapter 2, Article VI of the city code.