

Subdivision II. - Historic Preservation Board

Sec. 111-88. - Established.

An historic preservation board is hereby created and established in and for the city. The board is hereby vested with the power, authority and jurisdiction to recommend designations, regulate and administer historical, cultural, archaeological and architectural resources in the city, as prescribed by this chapter under the direct jurisdiction and legislative control of the city commission.

(Code 1983, § 23-21; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-89. - Composition, qualification of members.

- (a) *Membership.* The historic preservation board shall consist of seven members. Each member of the city commission shall appoint one member, to serve concurrently with the appointing commissioner's term. Additionally, two at-large members shall be appointed by majority vote of the city commission. Each at-large member shall serve for a term of four years. To the extent available within the city, the commission shall appoint professional members from the disciplines of architecture, history, architectural history, planning, archaeology, real estate, law, engineering, construction, or any other historic preservation related disciplines such as urban planning, American studies, American civilization, cultural geography and cultural anthropology. Alternatively, to the extent that professional individuals in such disciplines are not available, there may instead be appointed lay individuals that have substantial experience, interest, or knowledge in the fields mentioned above.
- (b) *Intent.* It is the intent of this section that members of the board shall be appointed on the basis of civic pride, integrity, and interest in the field of historic preservation. Board members shall be persons of mature and ethical judgment and background, having the ability and desire to act in the public interest and having the ability to make and form an equitable decision concerning the preservation and protection of the cultural environment.
- (c) *Residency requirements; terms of office.* Each member of the board shall be a resident of the city or operate a business in the city during the term of appointment. Members shall hold office until their successors have been duly appointed and qualified.
- (d) *Special advisers.* Special advisers may be appointed by the city commission upon recommendation by the historic preservation board. The board may also seek expertise on proposals or matters requiring evaluation by a profession not represented on the board.
- (e) *Removal.* Any member may be removed for cause by a majority vote of the city commission. Appointments for replacement of any member due to death, resignation or removal shall be made by the city commission for the un-expired term. Vacancies shall be filled within 60 days

except that an extension of 60 additional days may be requested of the state historic preservation office.

- (f) *Attendance.* Absence from three consecutive regular meetings, or 50 percent of all meetings of the board shall operate to vacate the seat of a member unless such absence is excused by the board setting forth the fact of such excuse duly entered upon the minutes.

(Code 1983, § 23-22; Ord. No. K-72, § 2, 4-16-2001; Ord. No. L-95, § 1, 11-16-2009; Ord. No. L-126, § 3, 7-6-2010; Ord. No. 22-004, § 1, 1-18-2022)

Sec. 111-90. - Reserved.

Editor's note— Ord. No. 22-004, § 2, adopted January 18, 2022, repealed § 111-90, which pertained to appointment procedure and derived from the Code of 1983; and Ord. No. K-72, adopted April 16, 2001.

Sec. 111-91. - Reserved.

Editor's note— Ord. No. 22-004, § 3, adopted January 18, 2022, repealed § 111-91, which pertained to member terms and derived from the Code of 1983; and Ord. No. K-72, adopted April 16, 2001.

Sec. 111-92. - Organization.

The members of the historic preservation board shall elect members to serve as board chair and vice chair, for a period of one year. The board may also create and fill such other offices as it may deem desirable. Nothing shall prevent the board from naming a chair for successive terms. The historic preservation officer or such officer's representative shall serve as staff liaison to the board with no vote. A secretary may be present to record minutes, take roll, swear in speakers at public hearings, and shall also have no vote.

(Code 1983, § 23-25; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-93. - Meetings, records.

- (a) *Meetings.* The historic preservation board shall be required to hold regular meetings but may also hold special meetings as the board may determine, or at the call of the chair or the officer thereof, for consideration of business before the board. The board shall hold a minimum of four regular meeting per year. All meetings of the board shall be publicly announced and shall be open to the public. Meetings will have a previously advertised agenda. The time and place of the meetings, and the order of business and procedure to be followed at meetings, shall be as prescribed by the board, and shall be available for public inspection.

(b)

Voting. All board decisions will be made in a public forum. A majority of the board shall constitute a quorum and an affirmative vote equal to a majority of the full board shall be necessary for the adoption of any motion thereof. No member of the board shall vote on any matter that may affect the property, income or business interests of that member. Any member who abstains from voting due to a conflict of interest shall not be considered as part of the total membership for that vote.

(c) *Minutes.* The board shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. Such records shall be filed in the office of the secretary of the board and shall be open for public inspection.

(Code 1983, § 23-26; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-94. - Compensation.

The members of the historic preservation board shall serve without compensation. When necessary, persons serving on the board may attend educational meetings or workshops to develop a special interest, expertise, experience or knowledge in preservation, architecture, or quasi-judicial boards. Board members may be reimbursed for these expenses, and for other expenses necessarily incurred in the performance of their duties, subject to the prior approval of the city manager.

(Code 1983, § 23-27; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-95. - Funding.

The city commission shall appropriate funds in the budget to the historic preservation board for expenses necessary in the conduct of its work. The historic preservation board may, in order to accomplish the purposes and activities required by this chapter, recommend to the city manager to expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants and other sources, provided acceptance of loans or grants shall be approved by the city commission.

(Code 1983, § 23-28; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-96. - Rules and regulations.

The historic preservation board shall make and prescribe such rules and regulations as are reasonably necessary and appropriate for the proper conduct of business. No such rules and regulations shall become effective unless or until a public hearing has been held before the board upon the proposed rules and regulations, and any amendments or modifications thereto, and the same has been approved by the city commission and filed with the city clerk. Upon approval by the city commission, such rules and regulations shall have the force and effect of law within the city. The historic preservation officer, with advice and consent of the board, shall devise forms for use by applicants in compliance with the provisions of this chapter.

(Code 1983, § 23-29; Ord. No. K-72, § 2, 4-16-2001)

Sec. 111-97. - Functions, powers and duties.

The historic preservation board, in addition to such other powers, duties and authority, as may be set forth elsewhere in this Code or in any other ordinance of the city, shall have the following powers and duties:

- (1) Maintain and update files from any previous historic survey within the city for the purpose of identifying those sites, districts and zones of special historic, aesthetic, architectural, archaeological, cultural, or social value or interest. The board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance.
- (2) Recommend to the city commission properties for designation as historic sites and historic districts, and monitor the administration and upkeep of the local register of historic sites and historic districts.
- (3) As a certified local government, participate in the National Register Program for properties within its jurisdiction as directed by the 36 CFR part 61, and provisions of this chapter.
- (4) Serve as a quasi-judicial instrument to approve or deny certificates of appropriateness pursuant to division 4 of this article.
- (5) Recommend zoning and building code amendments, pursuant to section 125-313(b).
- (6) Recommend as appropriate that certain provisions of the zoning code be varied, waived, or superseded when appropriate as a means of encouraging historic preservation.
- (7) Make recommendations to the city commission concerning facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.
- (8) Maintain a record of historically or archaeologically significant sites, districts or zones within the city. All inventory materials shall be compatible with the Florida Master Site File. Inventory materials shall be available to the public upon request, and copies of inventory materials shall be provided to the state historic preservation office.
- (9) Increase public awareness of the value of historic preservation by developing and participating in public information programs.
- (10) Make recommendations to the city commission concerning the utilization of grants from federal and state agencies or private groups and individuals, and utilization of city funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones.

- (11) Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archeologically, historically and aesthetically significant sites, districts and zones.
- (12) Contact public and private organizations and individuals and endeavor to arrange intervening agreements to ensure preservation of archaeologically, historically or aesthetically significant sites, districts and zones for which demolition or destruction is proposed.
- (13) In the name of the city, and subject to and with the approval of the city commission, apply for, solicit, receive or expend any federal, state, or private grant, gift or bequest of any funding, property or interest in property, in furtherance of the purposes of historic, archaeological, and cultural preservation.
- (14) Approve historic markers and plaques and issue certificates of recognition to designated historic sites and historic districts within the city.
- (15) Advise the city commission on all matters related to the use, administration and maintenance of city-owned designated historic sites and historic districts.
- (16) Consider the issuance of design guidelines for historic properties and districts to be used in addition to the Secretary of the Interior's Standards of Rehabilitation.
- (17) Recommend if and when appropriate to the commission that the commission consider adoption of an ordinance allowing ad valorem tax exemptions to historic properties, subject to requirements of this chapter and F.S. § 196.1997.
- (18) Recommend if and when appropriate to the commission that the commission consider adoption of an ordinance providing for the assessment of historic properties that are used for commercial or certain nonprofit purposes, as provided by F.S. § 193.503.
- (19) Coordinate with the State of Florida's Division of Historical Resources Certified Local Government program by satisfying the following requirements:
 - a. The division shall be given 30 days' prior notice of all meetings and within 30 days following such meetings the division shall be provided with the minutes and record of attendance of both the board and the public.
 - b. The division shall be notified of any change of board members within 30 days of their appointment.
 - c. Notify the state historic preservation officer immediately of all new historic designations or alterations to existing designations.
 - d. Any amendments to the ordinance shall be submitted to the state historic preservation officer for review and comment at least 30 days prior to adoption.
 - e.

The division of historical resources shall be provided with an annual report by November 1 covering activities of the previous October 1 through September 30 and shall include the following information:

1. Any changes in the board's rules of procedure;
2. All new National Register listings;
3. All new local historic designations and alterations to existing designations;
4. Any changes to board memberships and a copy of their resumes;
5. Revised resumes of board members as appropriate;
6. Any amendments to this chapter;
7. A review of survey and inventory activity with a description of the system used;
8. A program report on each grant-assisted activity; and
9. Number of projects reviewed.

(Code 1983, § 23-31; Ord. No. K-72, § 2, 4-16-2001)

Secs. 111-98—111-122. - Reserved.