

ARTICLE VII

HERITAGE PRESERVATION

106.00 PURPOSE AND INTENT

It is the purpose of this Article to establish standards for the protection, enhancement, and preservation of historic and cultural resources consistent with the following objectives:

- (A) to effect and accomplish the protection, enhancement, and perpetuation of buildings, structures, geographic districts, landscape features, and archaeological resources that represent distinctive elements of the City's historical, cultural, archaeological, aesthetic, and architectural heritage;
- (B) to safeguard the City's historical, cultural, archaeological, and architectural heritage, while allowing the reasonable and productive use of such resources;
- (C) to foster civic pride in the beauty, accomplishments, and living heritage of the past and to recognize the contributions of previous generations through neighborhood conservation and cultural preservation;
- (D) to promote tourism through the preservation and expansion of the physical characteristics that attract visitors and patrons thereby stimulating the economic base of the community, which relies upon tourism, and;
- (E) to stabilize neighborhoods, encourage in-fill development, avoid inappropriate and ineffective design, promote business growth and investment, encourage continued private ownership and use of buildings and land and improve property values.

107.00 DEFINITIONS

Unless specifically defined below, words or phrases in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article its most reasonable application:

- (1) **ARCHAEOLOGICAL SITE** - A location that has yielded or may yield information on history or prehistory. An archaeological site contains physical remains of the past. An archaeological site may be found within archaeological zones, historic sites, or historic districts.

- (2) **ARCHAEOLOGICAL ZONE** - A geographically defined area, designated on a base map pursuant to the provisions of this Article, which may reasonably be expected to yield information on local history or prehistory based upon broad prehistoric or historic settlement patterns.
- (3) **BOARD OF COMMISSIONERS** - The governing body of the City of Tarpon Springs.
- (4) **BOARD** - A Heritage Preservation Board created by this Code as described in Section 228.00 and referred to in this Article as the "Board."
- (5) **BUILDING** - A structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar structure. Buildings may refer to an historically or architecturally related complex, such as a house or jail, or a barn.
- (6) **CANOPY** - An ornamental roof-like structure, or cloth covering held horizontally over an entrance.
- (7) **CERTIFICATE OF APPROVAL** - A certificate issued by the City of Tarpon Springs Heritage Preservation Board indicating its approval of plans for the alteration, construction, removal, or demolition of a landmark or of a structure within a district.
- (8) **CONSISTENT - SITE DESIGN** - That site design for new construction, including building setbacks, the location of parking and access, and the planning of landscape elements, including fences, walls and paving materials should respect the precedents set by existing historic structures and their sites.
- (9) **CONSISTENT - STRUCTURES** - That the proposed renovation, alteration or rehabilitation of a contributing structure or the design of proposed new construction is appropriate and compatible with surrounding architecture, reflecting the proportion, materials, texture, fenestration and style of other contributing structures or the established historic time and place of the District and that any change of use of a structure, property or site within the District is compatible with other land uses and furthers or amplifies the historical and cultural context of a District established by this Code.
- (10) **CONTRIBUTING STRUCTURE** - A structure in an historic or cultural district that contributes to the district's historical or cultural significance through use, location, design, setting, materials, workmanship, feeling and association, and other considerations, and which shall be afforded the same consideration as landmarks.
- (11) **CULTURE** - The traditions, beliefs, practices, lifeways, arts, crafts and social institutions of any community, or a local ethnic group.

(12) CULTURAL RESOURCE - Buildings, structures, or patterns of land uses reflecting the cultural traditions that are rooted in the community's history and are important in maintaining its continuing cultural identity.

(13) DEMOLITION - The complete or constructive removal of a building or any substantial part thereof when same will not be relocated to a new site and when same requires the issuance of a demolition permit from the City.

(14) DISTRICT - A geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united by past events, cultural or ethnic traditions or aesthetically by plan or physical development.

(15) DORMER - A structure projecting from a sloping roof, usually housing a window or ventilating louvers.

(16) DOUBLE-HUNG WINDOW (SASH WINDOW) - A window with two sides, one above the other, arranged to slide vertically past each other.

(17) ECONOMIC HARDSHIP - A condition resulting from failure to issue a Certificate of Approval, inflicting excessive financial burden upon the owner and amounting to the taking of the owner's property without just compensation.

(18) ELEVATION - A two dimensional representation or drawing of an exterior face of a building.

(19) FAÇADE - The elevation or face of a building.

(20) FENESTRATION - The design and placement of windows.

(21) FOUNDATION ENCLOSURES - A foundation is the supporting portion of a structure below the first floor construction, or below grade, including the footings. Many foundations were enclosed with open brickwork or wood lattices, which were often decorative and open to allow ventilation. Foundations should be enclosed only with the materials that are appropriate to the building style.

(22) HISTORIC PROPERTY OR HISTORIC RESOURCE - Any prehistoric or historic district, site, building, object, or other real property of historical, cultural, architectural, or archaeological value subject to this Article.

(23) HISTORIC SITE - A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or an historically

related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.

(24) JALOUSIE - A type of window comprised of a series of horizontal slats connected to a mechanical device operated by a crank.

(25) KIOSK- A small, freestanding non-habitable structure used as an information center.

(26) LANDMARK - A building, object, site or structure of the highest historical, cultural, architectural, or archaeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of the City of Tarpon Springs. The property on which these are located shall be considered historic sites as defined by this Article.

(27) LATTICE - A panel of criss-crossed, diagonal or perpendicular slats often utilized as decorative infill between masonry foundation piers.

(28) MAJOR LANDSCAPE PLAN -The removal, alteration or installation of the major contributing landscape features of a public park or site, such as planting plans, pedestrian pathways, hardscapes, monuments, grand trees or champion trees.

(29) MASONRY- Brick, block or stone which is secured with mortar.

(30) MULLION - A vertical member separating windows, doors or panels set in a series.

(31) NON-CONTRIBUTING STRUCTURE - A building, object, site or structure that neither adds to nor detracts from a district's sense of time and place and historical development.

(32) OBJECT - A material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature or design, movable, yet related to a specific setting or environment.

(33) ORDINARY REPAIRS OR MAINTENANCE - Work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by maintaining the building or structure as nearly as practicable to its condition prior to such deterioration, decay, or damage.

(34) OWNER OF RECORD - The individual listed on the current Pinellas County tax rolls or the current title holder of a specific property.

(35) PARAPET - A low, solid protective, wall or railing along the edge of a roof or balcony, usually used to surround a flat or built-up roof.

(36) PETITION FOR DESIGNATION - A petition or application submitted to the City of Tarpon Springs Heritage Preservation Board requesting designation by City ordinance of a building, structure, site, district, or archaeological resource as historically, culturally, or archaeologically significant.

(37) PORCH ORNAMENTATION - Decorative elements include, but are not limited to, scrollwork, balustrade, porch supports that are decorative.

(38) PRESERVATION - The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic or cultural properties.

(39) RECONSTRUCTION - The authentic reproduction of a building or site that once existed, but disappeared or was demolished.

(40) REHABILITATION - The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

(41) RELOCATION - The moving of a structure from its existing location to a new location.

(42) REPAIR - To restore broken, damaged or deteriorated elements of a building to their original condition using the same materials and style as the original construction. Using the same kind of materials is the preferred option, but substitute materials are acceptable if the form and design, and substitute materials, impart the visual appearance of the remaining parts.

(43) RESOURCE - Sites, buildings, structures, districts, objects, and areas, public or private, singly or in combination.

(44) RESTORATION - The creation of an authentic reproduction utilizing the existing parts of an original object or building.

(45) SETBACK - The distance from the lot line to the building. See the City of Tarpon Springs Land Development Code for the required setbacks.

(46) SITE - The location of a significant event, activity, building, structure, or archaeological resource.

(47) SOFFIT - The exposed underface of an overhead component of a building structure.

(48) STRUCTURE - A work constructed by man, made of interdependent and interrelated parts in a definite pattern of organization. It may be an engineering project large in scale, such as a bridge, wall, gate, or building, or small in scale, such as monuments or fountains.

(49) STUCCO - A masonry material applied as exterior wall fabric.

(50) TRADITIONAL CULTURAL PROPERTY (TCP) - A building, structure or site that is associated with and reflective of the cultural practices or beliefs which are rooted in the community's history and are important in maintaining the continuing cultural identity of the community. TCP's may be, but are not required to be, eligible for inclusion in the National Register of Historic Places.

108.00

DESIGNATION OF HISTORIC AND CULTURAL DISTRICTS, LANDMARKS, AND SITES

(A) The Board shall have the authority to recommend to the Board of Commissioners the designation of areas, places, buildings, structures, traditional cultural properties, landscape features, archaeological sites, and other improvements or physical features as individual sites or districts, in accordance with the following criteria:

(1) Sites or districts which are significant to the City of Tarpon Springs' history, architecture, archaeology, or culture and possess an integrity of location, design, setting, materials, workmanship, or association.

(2) Sites or districts which are associated with distinctive elements of the social, cultural, political, economic, scientific, religious, prehistoric, and architectural history of the City of Tarpon Springs, the state, or the nation.

(3) Sites or districts which are associated with the lives or culture of persons significant in the city's, state's, or nation's past.

(4) Sites or districts which embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or that represent a pattern of land use based on customs, traditions or social practices of the community.

(5) Sites or districts which have yielded or are likely to yield information about the prehistory, history or culture of the City of Tarpon Springs.

(6) Sites or districts which are listed in the National Register of Historic Places.

(B) Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been removed from their original locations, properties commemorative in nature, and properties that have achieved significance within the last fifty years, will not normally be considered for designation. Such properties will qualify, however, if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(1) a religious property deriving primary significance from cultural, architectural or artistic distinction of historical importance;

(2) a building or structure removed from its location but which is primarily significant for architectural or cultural value, or is the surviving structure most importantly associated with an historic event, tradition, custom, or person;

(3) a birthplace or grave of an historical figure of outstanding importance if there is no other appropriate site or building directly associated with that figure's productive life;

(4) a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events;

(5) a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical or cultural significance, or

(6) a property or district achieving significance within the past fifty years if it is of exceptional importance.

(C) The following procedure shall apply for the petitioning for designation of structures, landmarks, districts or sites pursuant to this Article:

(1) a petition for designation shall be made to the City of Tarpon Springs Heritage Preservation Board on a form prepared by the City Planning and Zoning Department.

(2) a petition may be submitted by a member of the Board, the owner of record of the nominated property or structure, the Board of Commissioners, or the City Planning and Zoning Department.

- (3) the Board shall hold a public hearing on the petition and shall notify the affected property owner(s) by first class mail at least 15 days in advance of the hearing. Notice of the public hearing shall also be published in a newspaper of general circulation at least 15 days in advance of the hearing.
- (D) The petition for designation shall contain the following minimum information:
- (1) a written description of the historical, cultural, architectural, and archaeological significance of the property or properties recommended for designation, including the dates of construction and names of former owners, if available;
 - (2) an identification of all structures within a proposed district, classifying them as contributing or non-contributing, with an explanation of the criteria used in developing the classification;
 - (3) a legal description of the boundaries of the site, structure, or district recommended for designation; an explanation of the reasons for those boundaries; and a map illustrating the boundaries;
 - (4) photographic documentation of individual sites and structures recommended for designation; and
 - (5) the names and addresses of all property owners of record affected by the application.
- (E) The Board shall hold a public hearing upon every Petition for Designation submitted to the City. At such public hearing, any person may present testimony or documentary evidence concerning the significance of the property under consideration. At the close of the public hearing the Board shall vote on the proposed designation for recommendation to the Board of Commissioners.
- (F) The Board action shall be reported to the Board of Commissioners. Such report shall not require a public hearing before the Board of Commissioners.
- (G) After hearing a report from the Heritage Preservation Board, the Board of Commissioners may direct the preparation of an ordinance providing for the recommended designation. Alternatively, the Board of Commissioners may act to deny the proposed designation without further hearing.

- (H) The Board of Commissioners shall follow normal procedures of public hearing in the adoption of an ordinance providing for such historic designation.
- (I) After the final adoption of a designation ordinance by the Board of Commissioners, structures, sites and districts shall remain designated as historically, culturally, or archaeologically significant unless such designation is removed by subsequent ordinance of the City. A positive finding by the Board of Commissioners in accordance with the criteria of Section 108.02 of this Article is required to remove such designation. The public notice requirements of Subsection (C) above, shall also be followed in the removal of such designation.
- (J) A change to the status of an individual site shall be processed in the same manner as a petition for designation outlined in Sections 108.00 (C) through (I). Petitions for removal of an historic, cultural, or archaeological designation shall also meet the standards of Section 108.02.

108.01 RECORDING OF DESIGNATED PROPERTY

- (A) The Planning and Zoning Department shall maintain an historic and cultural sites map. The historic and cultural sites map series shall show the location of all sites and structures designated as landmarks or traditional cultural properties and shall show the boundaries of all designated historic and cultural districts.
- (B) Within districts, a map and certified listing shall identify contributing and non-contributing structures, sites and properties.
- (C) Rules of interpretation shall be in accordance with Section 22.00 of this Code.

108.02 CRITERIA FOR REMOVAL OF DESIGNATION

The Board of Commissioners may remove the historic, cultural, or archaeological designation from a structure, site, traditional cultural property or district by ordinance if one or more of the following criteria are met:

- (1) The subject property no longer meets the applicable criteria for designation found in Section 108.00 of this Article as a result of structural or architectural alterations that have been done to the property, demolition or destruction by fire or other force majeure, or upon receipt of additional information which contradicts the original designation.

- (2) An error was made in the petition or the procedure for designation of the subject property.

109.00

CERTIFICATE OF APPROVAL

- (A) A certificate of Approval shall be required from the Heritage Preservation Board before the actions enumerated in items 1-7 below affecting a designated site or any property within an historic or cultural district may be undertaken:
 - (1) any construction, reconstruction, development, redevelopment, alteration, restoration, or rehabilitation which requires a Building Permit from the City and affects the exterior appearance or group occupancy of the structure involved;
 - (2) the construction of any new structure(s) in an historic or cultural district;
 - (3) the relocation of any historic structure, traditional cultural property or any contributing structure located in any historic or cultural district;
 - (4) the demolition of any historic site, traditional cultural property, or any contributing structure located in an historic or cultural district or the removal of any significant historical or cultural feature; or
 - (5) any construction which may potentially affect the integrity of a designated archaeological site;
 - (6) any activity listed as requiring Heritage Preservation Board approval on the "Certificate of Approval Quick Reference Chart" attached as Exhibit "A" to this ordinance. If there is any conflict between the Quick Reference Chart and Sections 109.00(A)(1-5), then Sections (A)(1-5) shall govern the review.
 - (7) this section shall apply equally to construction activity on private property as well as construction activity on public lands, publicly owned buildings and sites, even if a building permit would not be required for the construction activity on public lands, publicly owned buildings and sites.
- (B) Written notification for applications for a Certificate of Approval other than for those activities listed on the "Certificate of Approval Quick Reference Chart" for which only Staff approval is required, shall be sent to property owners within 200 feet, no less than 10 days prior to review by the Heritage Preservation Board.

- (C) The Certificate of Approval shall be in addition to any other permits, procedures or approvals which may be required by this Code pertaining to structural additions, new construction, conditional uses, variances, or site development within an historic or cultural district. These processes may run concurrently.
- (D) Ordinary maintenance, repair, exterior painting or interior remodeling of any historic structure or traditional cultural property that does not involve significant change in material, design, or exterior appearance shall be permitted without prior approval by the Board or TRC.
- (E) Signage shall be permitted pursuant to ARTICLE XI of this Code or as otherwise provided in the "Certificate of Approval Quick Reference Chart". The use of neon shall require Heritage Preservation Board review.
- (F) The demolition of a non-contributing structure(s) in an historic or cultural district is permitted.
- (G) The repair or demolition of a contributing structure, on an emergency basis, may be approved when the Building Official certifies in writing that such work is necessary for the purpose of correcting conditions determined to be dangerous to life, health, or property.
- (H) The application for a Certificate of Approval shall be made on a form provided by the Planning and Zoning Department and shall be accompanied by such plans, drawings, materials, photographs or other information describing the proposed alteration, addition or new construction and enable the Board to analyze the effect of the proposed activity on the property, adjacent buildings, traditional cultural properties and streetscapes. If such application involves a designated archaeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site.

109.01

STANDARDS FOR REVIEW

- (A) It shall be the intent of this Article to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible infill development in a manner harmonious with the exterior features, including landscaping, of neighboring buildings, sites, and streetscapes.
- (B) In reviewing an application for a Certificate of Approval, the Board shall consider the following criteria:

(1) The height and width of any proposed alteration or new construction shall be consistent with that of adjacent contributing structures and with those structures of similar character and architectural style found throughout the immediate neighborhood or the district.

(2) The width and height of windows, doors, and entries shall be consistent with the character of the building's original architectural style. Repair or replacement of missing architectural features such as windows, mullions, doors, entries, hand rails, etc., should be based on accurate duplications, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(3) The relationship of a structure within an historic or cultural preservation district to the open space between it and the street and to other buildings or scenic views, vistas or streetscapes characterizing the area, shall be protected through a site plan review process addressing setbacks, roof lines, garage placement, parking and access analysis and the use of landscaping.

(4) The shape and texture of the roof shall replicate the shape, texture and type of roof distinguishing the building's original architecture and on structures of similar style and age within the Historic and Cultural Preservation Districts.

(5) The size and mass (or shape) of the building after alteration shall be reflective of the building's original architectural style. The size and mass (or shape) of a proposed structure (new construction) should reflect the character of contributing buildings within the District as well as those immediately surrounding the subject property and shall include review of architectural elements such as roof lines, fenestration, and other components of façade design.

(6) Landscaping shall be utilized as a means to enhance the architectural character and appearance of the structure or traditional cultural property and to protect and define open spaces and pedestrian ways within Historic and Cultural Preservation Districts.

(7) Distinctive architectural features shall be repaired rather than replaced, wherever possible. Architectural details, including color, materials, texture, and site lighting shall be treated so as to make the building, structure, or traditional cultural property consistent with the property's original architectural style and character. New materials should replicate the material being

replaced in composition, design, color, texture and other visual qualities.

(8) All buildings, structures, sites and traditional cultural properties shall be recognized as products of their own time. Alterations, modifications or other changes to a structure or traditional cultural property shall not attempt to create an earlier appearance than the original date of construction. Changes which may have taken place in the course of time are evidence of the history and development of the subject property and may have acquired significance in their own right. This significance shall be recognized and respected.

(9) The renovation of contributing structures in an historic or cultural district or designated sites shall meet the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

(10) The proposed project shall conform with the other requirements of this Code and be in compliance with the applicable goals, objectives, and policies of the Comprehensive Plan.

(11) The impact upon archaeological sites shall preserve the integrity of the site.

109.02

DETERMINATION BY THE BOARD

(A) Based on the Standards for Review, Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the designation report, the application for Certificate of Approval, the Staff Report, and the applicant's presentation, the Board shall approve, approve with conditions, or deny the application.

(B) A denial of a Certificate of Approval shall be accompanied by a statement of the reason(s) for such denial. The Board shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the Board to reconsider its denial and shall attempt to resolve the differences between the owner and the Board. The applicant may amend an application in order to provide for the recommendations of the Board.

(C) In granting a Certificate of Approval the Board may prescribe appropriate conditions and safeguards in conformity with the intent of this Article to insure compliance with the standards for review or to minimize any potential adverse impacts to adjoining property or to the district. In the case of a non-contributing structure, the Board, with the consent of the owner, may initiate the procedure for inclusion on the list of contributing structures if

after the completion of the proposed activity, the structure will contribute to the district.

- (D) A Certificate of Approval shall expire within 3 years from the date of approval by the Board unless a building permit for construction has been obtained. If the Certificate of Approval expires for failure to obtain a building permit, the Heritage Preservation Board may grant one 6-month extension provided the request is received in writing at least 30 days prior to the expiration date and provided notification by mail has been given to property owners within 200 feet no less than 10 days prior to the hearing.

110.00 DEMOLITION

- (A) A request to demolish a designated landmark site or any contributing structure within a designated historic or cultural preservation district shall require the issuance of a Certificate of Approval by the Heritage Preservation Board.
- (B) When authorizing a Certificate of Approval for the issuance of a demolition permit, the Board shall consider the following criteria:
 - (1) the historic, architectural or cultural significance of the building or structure;
 - (2) the importance of the building or structure to the ambiance of a district or to the patterns of land uses reflecting cultural traditions of the community or local ethnic group;
 - (3) the difficulty or impossibility of reproducing such a building or structure because of its design, texture, material, detail, or unique location;
 - (4) whether the building or structure is one of the last remaining examples of its kind in the district or in the city;
 - (5) the future utilization of the site and/or group occupancy of the structure;
 - (6) whether reasonable measures can be taken to save the building, structure or traditional cultural property; and
 - (7) whether the building, structure or traditional cultural property is capable of earning a reasonable economic return and whether the perpetuation of the building or structure, considering its physical condition, its location and the anticipated expense of rehabilitation, would be economically feasible.

ECONOMIC HARDSHIP EXCEPTION

- (A) Upon final notification that a Certificate of Approval to permit a demolition has been denied, the applicant shall have 30 days to apply for an Economic Hardship Exception on the basis that the denial will result in the loss of all beneficial or economic use of the property.
- (B) Application for an Economic Hardship Exception shall be made on a form provided by the Planning and Zoning Department. The City shall schedule a public hearing concerning the application and provide notice in the same manner as required for a Certificate of Approval.
- (C) The Board may solicit expert testimony or require that the applicant for an Economic Hardship Exception make submissions concerning any or all of the following information:
 - (1) estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would potentially be incurred if the owner were to comply with the recommendations of the Board for the changes necessary to obtain a Certificate of Approval;
 - (2) a report from a licensed engineer, architect or contractor with experience in rehabilitation, as to the soundness of any structures on the property and their suitability for rehabilitation;
 - (3) estimated market value of the property in its current condition; after demolition or removal; after any requirements to obtain a Certificate of Approval; and, after renovation of the existing property for continued use or reuse;
 - (4) an estimate from an architect, developer, licensed general contractor, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;
 - (5) amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
 - (6) if the property is income-producing, the capitalization rate based on the net operating income (NOI), derived from the effective gross income less expenses;

(7) all certified appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;

(8) proof of payment of real estate taxes for the previous two years;

(9) form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other; and,

(10) a statement from the owner, applicant or investor as to the viability of proposed alternative use(s) of the property.

(D) The Heritage Preservation Board shall review all the evidence and information required of an applicant for an Economic Hardship Exception and make a determination whether the denial of a Certificate of Approval has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. The Board shall approve, approve with conditions or deny each application for Economic Hardship Exception. Written notice of the decision shall be provided.

111.00

APPEALS

(A) Within 20 days of the written decision of the Heritage Preservation Board to deny a Certificate of Approval or, in the case of demolition, an Economic Hardship Exception, or within 20 days of the written decision of the Technical Review Committee to deny a Certificate of Approval utilizing the "Certificate of Approval Quick Reference Chart", attached as Exhibit A, an aggrieved party may appeal the decision by filing a written notice of appeal with the Planning and Zoning Department. The notice of appeal shall state the grounds for the appeal, and a brief summary of the relief which is sought.

(B) Appeals from a Technical Review Committee decision shall be made to the Heritage Preservation Board where they will hear the item at a public hearing at which time they may affirm, modify, or reverse the decision. Appeals from any decision of the Heritage Preservation Board shall be made to the Board of Commissioners.

(C) The Board of Commissioners shall conduct a public hearing at which time it may affirm, modify or reverse the decision of the Heritage Preservation Board.

(D) Written public notice of appeals to be heard by the Heritage Preservation Board or the Board of Commissioners shall be sent to

property owners within 200 feet, at least 10 days prior to the scheduled public hearing.

- (E) Any person or persons, firm or corporation, or any officer, department, board, or bureau of a governing body aggrieved by any decision of the Board of Commissioners, may seek judicial review as provided by law.

112.00 MAINTENANCE AND REPAIR OF CONTRIBUTING STRUCTURES, AND HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES IN HISTORIC AND CULTURAL DISTRICTS

- (A) Any person(s) owning, renting or managing a contributing structure, an historic, archaeological or cultural site or a traditional cultural property in an historic or cultural district shall not be permitted to cause such site(s), building(s), or structure(s) to deteriorate, become damaged, be vandalized or otherwise to fall into a state of disrepair, by virtue of neglect and/or abandonment.
- (B) Violations of this Section will be referred to the Building Official for enforcement proceedings in accordance with the terms established for the Code Enforcement Board by Chapter 2, Article VIII and for the Board of Commissioners by Chapter 8, Article III of the Code of Ordinances for the City of Tarpon Springs.
- (C) The provision of this Section shall be in addition to the provisions of the Standard Building Code and Standard Housing Code.

113.00 EMERGENCY ACTIONS

- (A) The Board of Commissioners may hold a public hearing to receive testimony from the property owner, the Heritage Preservation Board, Planning & Zoning Department Staff, general public and/or design professionals, to establish if a threat to an historic structure or traditional cultural property which has not yet been designated by the City, exists and determine if said property may be eligible for designation.
- (B) The Board of Commissioners may initiate the adoption of a resolution to stop all work being done to the property for a maximum period of 6 months in order to provide time for the City to determine if the property warrants designation as a contributing structure or Traditional Cultural Property and to work with the property owner to remove the threat by finding a feasible way to renovate or rehabilitate the property or establish an effective re-use of the property which preserves it as an historic or cultural resource. Such resolution shall contain Findings of Facts based upon the following criteria:

- (1) the historical, architectural, cultural, or archaeological significance of the site;
 - (2) the importance of the site to neighborhood conservation and stabilization;
 - (3) the importance of the site relative to the education, pleasure, and economic welfare of the citizens of Tarpon Springs;
 - (4) whether the site is one of the last remaining examples of its kind in the neighborhood or in the City;
 - (5) whether reasonable measures can be taken to preserve the significant features of the site;
 - (6) whether preservation of the significant features of the site allow reasonable and productive use of the property; and
 - (7) whether the site is associated with a significant event, period, or person in the City's history.
- (C) During the 6-month period the Board of Commissioners shall hold an additional public hearing and may direct the Planning and Zoning Department to initiate steps to designate the property as a contributing structure or Traditional Cultural Property in accordance with the terms of this Article or to notify the property owner that the subject property is non-contributory, thereby authorizing the work originally proposed.

114.00

FEES AND VIOLATIONS

- (A) This Code shall establish an appropriate system of processing fees for the review of applications for designation, Certificates of Approval, and requests for an Economic Hardship Exception.
- (B) Violations of the terms of this Article shall be processed in accordance with the requirements established by Chapter 2, Article VIII of the Code of Ordinances for the City of Tarpon Springs, or any other applicable legal means.
- (C) The violation of any conditions attached to any approval granted by the Heritage Preservation Board of any violation of any type of approval under this Article shall be considered a violation of this Code.
- (D) The violation of any conditions attached to any approval granted by the Heritage Preservation Board of any violation of any type of

approval under this Article shall be considered a violation of this Code.

115.00 INCENTIVES FOR PRESERVATION

Structures listed in the National Register of Historic Places, contributing structures located in an historic or cultural district listed in the National Register of Historic Places, and historic landmarks, contributing structures, or traditional cultural properties located in an historic or cultural district designated as such under the provisions of this Article shall be entitled to the following incentives for preservation, provided that any rehabilitation or restoration is awarded a Certificate of Approval:

- (1) such structures shall be exempt from the Floor Area Ratio requirements of this Code;
- (2) such structures shall be exempt from the non-conforming provisions of this Code;
- (3) such structures shall be entitled to parking credits as provided by this Code;
- (4) such structures shall be exempt from the requirements of Section 141.00;
- (5) such structures shall be entitled to qualify for the exemption accorded special historic buildings under the appropriate sections of the Standard Building Code as administered by the Building Official;
- (6) such structures may be used, conditionally, as lodging facilities as provided by Section 25.04(E); and,
- (7) fines levied pursuant to code violations may be forgiven by the Board of Commissioners, provided the owner remediates the violation through restoration and renovation of the historic or cultural property.

116.00 ARCHAEOLOGICAL ZONE BASE MAP REQUIREMENTS

- (A) Archaeological zones within the City shall be defined on the Archaeological Zone Map adopted by this Code and maintained by the Planning and Zoning Department.
- (B) The following procedures shall apply before a development order is issued for development of a property in this zone:
 - (1) any development involving excavation, site plan, or subdivision review proposed within an archaeological zone as defined by the Archaeological Zone Base Map shall require a

study performed by a qualified archaeologist to determine the impact that any such project may have on the archaeological resources. Where no effect or adverse impact is found, the project shall proceed in accordance with the other procedures set forth in this Code or the City's building codes.

(2) where an effect or adverse impact is demonstrated by the survey in combination with the proposed development, the Planning and Zoning Department shall require one of the following:

- (a) preservation of the identified resources;
- (b) mitigation of the identified resources by adjusting the development proposal to minimize its impact; or
- (c) excavation of the identified resources as a last resort when alternatives (a) and (b) above are not possible due to one of the following:

(1) where the strict application of the requirement would effectively deprive the owner of all reasonable use of the land, due to its unusual size, shape, topography, natural conditions, or location, provided:

- (a) such effect upon the owner is not outweighed by a valid public purpose in imposing the requirement in this case.
- (b) the unusual conditions involved are not personal to, nor the result of actions of the developer, property owner or their predecessors in interest.

(2) where strict application of the requirement would be technically impractical in terms of engineering, design, or construction practices, due to the unusual size, shape, topography, natural conditions, or location, of the land or due to improved efficiency, performance, safety, or construction practices which will be realized, provided:

- (a) the development will provide an alternative adequate to achieve the purposes of the requirement.

(b) any unusual conditions creating the impracticality are not personal to, nor the result of the actions of the developer or property owner.

(3) where all or any part of the requirement has no relationship to the development, or to the impact of the development on historic or cultural resources.

(C) If, in the course of construction, a previously undefined archaeological site is discovered, whether the site is in an archaeological zone or not, the owner of the property shall immediately notify the Planning and Zoning Department for assistance in consulting with a qualified archaeologist. The final disposition of the archaeological resources shall consider appropriate measures for mitigation, excavation, or preservation of the identified resources.

(Parts 117.00 through 120.00 reserved)