



MEMORANDUM

To: Board of Commissioners

From: Renea Vincent, AICP, CPM, Planning and Zoning Director

Date: February 6, 2024

Subject: **Land Development Code Amendment –
Neighborhood Conservation Overlay District**

Background:

The City is currently engaged in the following neighborhood planning efforts in the Greektown and Union Academy areas of the City:

- Greektown Traditional Cultural Property Preservation and Placemaking Plan
- Union Academy Cultural Resource Survey (recently completed)
- Central Tarpon Springs Potential Community Redevelopment Area

As part of community engagement conducted during these planning efforts, a neighborhood conservation overlay tool has been discussed as a mechanism for retention of neighborhood character. A neighborhood conservation overlay (NCO) is a land use tool that offers communities the ability to tailor the management of community character to the needs of specific areas and neighborhood residents, as opposed to the one-size-fits-all approach of a traditional historic preservation ordinance.¹ The City already has a mechanism and process for the designation of a traditional historic district (Land Development Code Article VII, Section 108.00). Staff has created a draft land development code amendment that provides a process for the establishment of NCOs (attached). Based on the public engagement feedback received thus far through community surveys and workshops, the idea of adding the NCO mechanism to the City's toolbox has generally been well received. At this point, staff would like to receive direction from the Board of Commissioners.

Staff Recommendation:

Review and consider the draft amendment language of Land Development Code, Article VII – Heritage Preservation (attached). Provide Board feedback regarding the attached draft. Direct staff with respect to initiation of a text amendment to the Land Development Code.

¹ Cook et al. 2018. Neighborhood Conservation Districts: Planning and Administrative Practices.

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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98)

106.01 Historic Districts And Neighborhood Conservation Overlay Districts (NCO)

There are two primary types of preservation programs within the City, Historic Districts and Neighborhood Conservation Overlay Districts:

- (A) Historic Districts, as regulated by Sections 108-115, establish the highest standards of review for new structures, modifications and additions to existing structures and demolition. Certificates of Appropriateness are required, design review guidelines are required, and Secretary of the Interior Standards are applied.
- (B) Neighborhood Conservation Overlay Districts, as regulated by Sections 118.00-06 may utilize any of the regulatory standards utilized within an Historic District, but may opt for less stringent review with a primary emphasis to:
 - 1. Discourage demolition of historic and cultural assets;
 - 2. Discourage demolition by neglect;
 - 3. Ensure new construction and exterior building renovations are ~~is~~ compatible with ~~and~~, complimentary to, and culturally sensitive to the integrity and the established identity of the Neighborhood Conservation Overlay District;

§ 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:

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.

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.

BOARD OF COMMISSIONERS—The governing body of the City of Tarpon Springs.

BOARD—A Heritage Preservation Board created by this Code as described in § 228.00 and referred to in this Article as the "Board."

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 a historically or architecturally related complex, such as a house or jail, or a barn.

CANOPY—An ornamental roof-like structure, or cloth covering held horizontally over an entrance.

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 historic district.

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.

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.

CONTRIBUTING STRUCTURE—A structure in a 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.

CULTURE—The traditions, beliefs, practices, lifeways, arts, crafts and social institutions of any community, or a local ethnic group.

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.

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.

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

DORMER—A structure projecting from a sloping roof, usually housing a window or ventilating louvers.

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

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.

ELEVATION—A two dimensional representation or drawing of an exterior face of a building.

FACADE—The elevation or face of a building.

FENESTRATION—The design and placement of windows.

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.

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

HISTORIC SITE—A single lot or portion of a lot containing an improvement, landscape feature, or archaeological site, or a historically related complex of improvements, landscape features or archaeological sites that may yield information on history or prehistory.

JALOUSIE—A type of window comprised of a series of horizontal slats connected to a mechanical device operated by a crank.

KIOSK—A small, freestanding non-habitable structure used as an information center.

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.

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

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.

MASONRY—Brick, block or stone which is secured with mortar.

MULLION—A vertical member separating windows, doors or panels set in a series.

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.

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.

ORDINARY REPAIRS OR MAINTENANCE—Work done to prevent deterioration of a building or structure or decay 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.

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

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.

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.

PORCH ORNAMENTATION—Decorative elements include, but are not limited to, scrollwork, balustrade, porch supports that are decorative.

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

RECONSTRUCTION—The authentic reproduction of a building or site that once existed, but disappeared or was demolished.

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.

RELOCATION—The moving of a structure from its existing location to a new location.

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.

RESOURCE—Sites, buildings, structures, districts, objects, and areas, public or private, singly or in combination and associated intangible cultural resources such as social practices, rituals, oral traditions, performing arts, events, knowledge, or skills.

RESTORATION—The creation of an authentic reproduction utilizing the existing parts of an original object or building.

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

SITE—The location of a significant event, activity, building, structure, or archaeological resource.

SOFFIT—The exposed underface of an overhead component of a building structure.

STRUCTURE—A work constructed by man, made up 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.

STUCCO—A masonry material applied as exterior wall fabric.

TRADITIONAL CULTURAL PROPERTY OR PLACE (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 or Historic Places. A building, structure, object, site, or district that may be eligible for inclusion in the NR for its significance to a living community because of its association with cultural beliefs, customs, or practices that are rooted in the community's history and are important in maintaining the community's cultural identity (NPS). TCPs are not a separate type of National Register property/place, but an overlay of intangible cultural heritage associated with a tangible property listed in or eligible for listing in the National Register, such as a building, structure, district, object or site.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2009-10, passed 11-3-09)

§ 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;

Commented [RV1]: Reworded from Tina's recommendation to tie intangibles to a physical asset or location.

- (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; or
 - (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 50 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 a historic event, tradition, custom or person;
 - (3) A birthplace or grave of a 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;
 - (6) A property or district achieving significance within the past 50 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, 51% of the property owners for a district designation, the Board of Commissioners, or the City Planning and Zoning Department, or a non-profit, civic organization.
 - (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.

(6) Petition for district designations must provide evidence of support from at least 51% of the affected property owners, unless waived by the Board of Commissioners, or if the nomination is submitted by the Board of Commissioners, City Planning and Zoning Department, or a non-profit, civic organization.

- (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. In addition, the owner or owners of property proposed for designation shall also be given written notification by first class mail a minimum of 15 days before the scheduled public hearing. Notice of the public hearing shall also be published in a newspaper of general circulation at least 15 days in advance of the meeting.
- (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 § 108.02 of this Article is required to remove such designation. The public notice requirements of subsection (H) 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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2009-10, passed 11-3-09)

§ 108.01 Recording of Designated Property.

- (A) The Planning and Zoning Department shall maintain a 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 § 22.00 of this Code.
- (D) The historic and cultural sites map, identified in paragraph "A" of this section shall be adopted by ordinance as Exhibit "B" of this Article. Changes and amendments to this map shall be adopted in accordance with procedures outlined in Section 108.00 of this Article.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2010-02, passed 2-16-10)

§ 108.02 Criteria for Removal of Designation.

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

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98)

§ 109.00 CERTIFICATE OF APPROVAL.

- (A) A Certificate of Approval from the Heritage Preservation Board shall be required before the actions enumerated in items (1) through (7) below affecting a designated site or any property within a designated 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 structures in a 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 a historic or cultural district or the removal of any significant historical or cultural feature;
 - (5) Any construction which may potentially affect the integrity of a designated archeological 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.

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(Supp. No. 2021, S-54)

- (7) This section shall apply equally to construction activity on private property as well as construction activity on public lands, ~~publically~~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.

EXHIBIT "A" TARPON SPRINGS HERITAGE PRESERVATION BOARD Certificate of Approval Quick Reference Chart		
CA ISSUED BY HPB or Staff: Residential & Commercial		
Type of Construction Activity	Contributing, Contributing "but Altered", & Traditional Cultural Properties	Non-contributing Structure/Vacant Lot
Accessory Structure, New	HPB	HPB
Addition to Primary or Accessory Building	HPB	HPB
Carport or Porch Enclosure, New	HPB	HPB
Deck, New Above Grade	HPB	Staff
Demolition	HPB	Staff
Driveway, New	HPB	HPB
Fence/Wall, Repair Existing Consistent w/Design Guidelines Not consistent w/Design Guidelines	Staff HPB	Staff HPB
Fence/Wall, New If visible from Right-Of-Way	HPB, if not consistent with Design Guidelines; Staff if consistent	Staff, if consistent with Design Guidelines; HPB if not consistent
Fire Escape	HPB if visible from street; Staff if not	Staff
Foundation Enclosure	HPB	Staff
Hurricane Shutters	HPB (only if permanent)	Staff
Kiosk, Ticket Booth, etc.	HPB	HPB
Landscaping, Major Plan*	HPB	HPB
Move Structure onto site	HPB	HPB
Paint	Not reviewed	Not reviewed
Parking Lot		
Resurface only (no additional area)	Staff	Staff
New or Expanded Lot	HPB	HPB
New structure parking	HPB	HPB
Patio at grade	HPB	Staff
Pool/Spa, New	Staff	Staff
Pool cage, New	Staff	Staff
Porch Supports/Ornamentation Repair (original materials/style only*)	Staff	Staff
Porch, replace & repair		
With original materials/style	Staff	Staff
With other than original materials/style	HPB	Staff
Primary Structure, including Dormers, New	HPB	HPB
Roof, New		
With original materials/style	Staff	Staff
With other than original Roofs enclosed with no change to existing Parapet, walls exempt	HPB	Staff

Roof, Repair		
With original materials/style	Staff	Staff
With other than original	HPB	Staff
Roofs enclosed with existing parapet walls exempt		
Satellite Dish, Antenna, Security Bars	HPB only if visible from street; Staff if not	Staff
Signs, Awnings, Canopies		
Repair/replace fabric	Staff	Staff
New	HPB	HPB
Site Clearing	Staff	Staff
Skylights	Staff	Staff
Solar Collectors	HPB only if visible from street; Staff if not	Staff
Stucco/siding/brick stone/soffit/fascia, Repair		
With same materials/style	Staff	Staff
Stucco/siding/brick stone/soffit/fascia, Replace/New	HPB	Staff
Window/Door Replacement		
With original materials/style	Staff	Staff
With other than original	HPB	Staff

* See definition of Major Landscape Plan, §107.00(28)

KEY:

HPB APPROVAL: Tarpon Springs Heritage Preservation Board shall review these items prior to granting a Certificate of Approval.

STAFF APPROVAL: Technical Review Committee and/or staff may issue a Certificate of Approval, however staff has the right to refer the item to HPB.

- (B) Written notification for applications for a Certificate of Approval other than for those activities listed in the "Certificate of Approval Quick Reference Chart" for which only Staff approval is required, shall be sent to property owners within 500 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 a 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.

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- (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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 94-30, passed 9-20-94; Am. Ord. 96-01, passed 2-20-96; Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2009-10, passed 11-3-09; Am. Ord. 2019-08, passed 5-14-19)

§ 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 contemporary designs that are harmonious with the exterior and landscape features of neighboring buildings, sites, and street scapes.
- (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 District.
 - (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 facade 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 a 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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 94-20, passed 5-17-94; Am. Ord. 98-18, passed 11-17-98)

§ 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 three 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 six 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 ten days prior to the hearing.

(Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2009-10, passed 11-3-09)

§ 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;

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- (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 on its value 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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98)

§ 110.01 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 re-use;
 - (4) In the case of a proposed demolition, an estimate from an architect, developer, 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 2 years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

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- (8) Proof of payment of real estate taxes for the previous 2 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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98)

§ 111.00 APPEALS.

- (A) Within 20 days of the written decision of the Heritage Preservation Board to either approve or 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 either approve or 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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 94-30, passed 9-20-94; Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2019-09, passed 5-14-19)

§ 112.00 MAINTENANCE AND REPAIR OF CONTRIBUTING STRUCTURES, AND HISTORIC, ARCHEOLOGICAL OR CULTURAL SITES IN NEIGHBORHOOD CONSERVATION OVERLAY, 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.

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- (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.
 - (C) The provision of this section shall be in addition to the provisions of the Standard Building Code and Standard Housing Code.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2019-09, passed 5-14-19)

§ 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 Finding 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.
 - (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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98)

§ 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 request for an Economic Hardship Exception.

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- (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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98)

§ 115.00 INCENTIVES FOR PRESERVATION.

Structures listed in the National Register of Historic Places, contributing structures located in a historic or cultural district listed in the National Register of Historic Places, and historic landmarks, contributing structures, or traditional cultural properties located in a 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 nonconforming 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 § 141.00.
- (5) Such structures shall be entitled to qualify for the exemption accorded special historic buildings under the appropriate sections of the city's Standard Building Code as administered by the Building Official.
- (6) Such structures may be used, conditionally, as lodging facilities as provided by § 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.
- (8) Ad Valorem Tax Exemption in accordance with Section 117.00

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98; Am. Ord. 2010-19, passed 8-17-10)

§ 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 as a part of the Official Zoning Atlas.
- (B) The following procedures shall apply before a development order is issued for property in this zone:
 - (1) Any development involving excavation, site plan, or subdivision review proposal within an archaeological zone as defined by the Archaeological Zone Base Map shall require a study performed by a qualified archaeologist to determine the effect that any such project may have on the archaeological resources. Where no effect or adverse effect is found, the project shall proceed in accordance with the other procedures set forth in this Code and the City's building codes.
 - (2) Where an effect or adverse effect 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;

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- (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.

(Ord. 90-10, passed 5-1-90; Am. Ord. 93-33, passed 10-19-93; Am. Ord. 98-18, passed 11-17-98)

§ 117.00 PROCEDURE FOR AD VALOREM TAX EXEMPTIONS FOR HISTORIC PROPERTIES.

- (A) *Generally.* Florida Statutes authorize the City to adopt an ordinance allowing certain ad valorem tax exemptions under the State Constitution for historic properties which meet certain requirements.
- (B) *Purpose and intent.* The City hereby creates an ad valorem tax exemption authorized by F.S. § 196.1997 et seq., for improvements to properties designated as historic properties by the City's Heritage Preservation Ordinance that qualify under the State Statute for eligibility for tax exemption. There is no intent to establish tax exemptions authorized by F.S. §§ 196.1998 or 196.1961. The City intends that the following purposes will be accomplished by implementing this tax exemption within Tarpon Springs:
 - 1. Provide property owners a positive financial incentive for designation of historic landmarks and areas within the City;
 - 2. Encourage restoration, rehabilitation and renovation of designated historic structures within the City;
 - 3. Stabilize and improve property values, and enhance the property tax base of the City by encouraging improvement and maintenance of designated historic properties;

4. Improve and maintain the appearance of designated historic properties within the City thus contributing to the City's appeal as a community where tourists and visitors will want to visit and return to and where people will want to settle as residents, business owners, and workers.

(C) *Definitions.* For the purposes of this section, the following words shall have the following meanings:

ASSESSED VALUE means the total value of a tax parcel (including the structures, land and any other rights appurtenant thereto) as determined by the Pinellas County Property Appraiser and shown on the property tax bill sent to the owner of record by Pinellas County.

COVENANT means the Historic Preservation Property Tax Exemption Covenant required to be recorded to obtain an exemption pursuant to this Article.

EXEMPTION means the Ad Valorem Tax Exemption for Historic Properties authorized pursuant to this Article.

IMPROVEMENTS means changes in the condition of the real property brought about by the expenditure of labor or money for the restoration, renovation, or rehabilitation of such property. Improvements shall include additions and accessory structures (i.e., a garage, cabana, guest cottage, storage/utility structure) so long as the new construction is compatible with the historic character of the building and site in terms of size, scale, massing, design and materials, and preserves the historic relationship between a building or buildings, landscape features and open space.

NATIONAL REGISTER OF HISTORIC PLACES means the list of historic properties significant in American history, architecture, archeology, engineering, and culture maintained by the Secretary of the Interior, as established by the National Historic Preservation Act of 1966 (Public Law 89-665; 80 STAT. 915; 16 U.S.C. 470), as amended.

OWNER means any person, group of persons, firm or firms, joint venture, corporation or corporations, or any other legal entity having legal title to the land regulated under this Article.

PERSON means an individual, firm, association, organization (whether social, fraternal or business), partnership, joint venture, trust company, corporation, receiver, syndicate, business trust or other group or combination acting as a unit.

QUALIFYING IMPROVEMENT means: Any change in the condition of a qualifying property which is sympathetic to the architectural and/or historical integrity of the structure as determined by a review for a certificate of appropriateness; and

- (1) Which occurs as a result of the expenditure of money on labor or materials for the restoration, renovation or rehabilitation of such property; and
- (2) Which expenditures the property owner can document to the satisfaction of the City; and
- (3) Which improvements were made on or after the adoption of this section on August 17, 2010; and
- (4) That the total expenditure on the qualifying improvement was paid within the two years prior to the date of submission of the request for review of completed work; and
- (5) That the qualifying improvement complies with the City's certificate of appropriateness criteria and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1990) U.S. Department of Interior, National Park Service and FAC 1A-38.
- (6) No addition(s) that increases the total square footage of the original buildings on the property by more than 50% shall qualify for a tax exemption under this Article. If multiple phased additions are made to any property only the additions that do not cause the total square footage to exceed the 50% mark may qualify for a tax exemption under this Article.

QUALIFYING PROPERTY means real property which is:

- (1) Property designated as a local landmark;
- (2) A contributing, or contributing altered resource to a local historic district;

- (3) A contributing resource that has been individually designated as a Historic Site in accordance Section 108.00 and identified within the official map boundary of Section 108.01(D);
- (4) A property listed on the National Register of Historic Places;
- (5) A contributing resource in a historic district listed on the National Register of Historic Places; or,
- (6) A property proposed for listing as an individual or contributing resource on either historic register. "Proposed" in this instance means that a City landmark application or National Register designation report has been submitted to the City for review or an agreement has been signed by the City or other parties to prepare the landmark application or National Register nomination. A property must be officially designated a historic landmark or contributing resource by the City or by the federal government's keeper of the National Register before the City Council will approve the ad valorem tax exemption request.

RENOVATION OR REHABILITATION means, for historic properties or portions thereof which are of historical significance, the act or process of returning property to a state of utility through repair or alteration which makes possible and efficient contemporary use while preserving those portions or features of the property which are significant to its historical values. For historic properties or portions thereof which are of archaeological significance or are severely deteriorated, renovation or rehabilitation means the act or process of applying measures designated to sustain and protect the existing form and integrity of the property, or reestablish the stability of an unsafe or deteriorated property while maintaining the essential form of the property as it presently exists.

RESTORATION means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means or the removal of later work or by replacement of missing earlier work.

USEABLE SPACE means that portion of the space within a building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.

- (D) *Ad valorem tax exemption for historic properties.* A qualifying property that has completed a qualifying improvement may be granted an exemption from that portion of the ad valorem taxation levied by the City on 100 percent of the assessed value of the qualifying improvement. This exemption shall not be allowed for that portion of the assessed value of a qualifying improvement which exceeds \$100,000.00 for residential properties and \$200,000.00 for commercial properties, unless the Board of Commissioners, after hearing the evidence and testimony of the applicant and City Staff, finds:
 - (1) That the qualifying property is of great significance based on the criteria met for historic designation and the historic significance, value, character and contribution of the property. That the additional exemption is necessary to save the property from destruction and to ensure the rehabilitation, renovation or restoration of the property; or
 - (2) That the additional exemption is necessary to meet City, state or federal building code requirements to ensure the rehabilitation, renovation or restoration of the property.
 - (3) This exemption shall not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of electors pursuant to s. 9(b) or s. 12, Article VII of the State Constitution.
- (E) *Ad valorem tax exemption period.* Any exemption granted shall remain in effect for up to ten years, with the effective date being January 1 of the year following substantial completion of the qualifying improvement. The exemption shall continue in force if the authority of the City to grant exemptions changes or if ownership of the property changes (including any change from a tax exempt entity to a tax paying entity except as set forth in the following subsection).
- (F) *Application Process.*
 - (1) *Preconstruction Application.* Consideration of the exemption shall be initiated by the filing of a preconstruction application by the property owner on the form provided by the City prior to the

initiation of any work on a qualifying improvement. Qualifying improvements or any portion thereof initiated prior to approval of the preconstruction application shall not be eligible for the exemption.

- a. The property owner shall also simultaneously apply for a Certificate of Approval review in accordance with this Article. The proposed cost of the qualifying improvement based on a licensed contractor's price estimates or other City approved cost estimate method, and a copy of the most recent tax assessment and bill for the property shall be included with the application.
 - b. The TRC or HPB, as appropriate, shall review and approve or deny the preconstruction application and Certificate of Approval and shall follow the review and appeal procedures for a Certificate of Approval. The property owner shall be notified in writing of the approval, approval with conditions, or denial of the Certificate of Approval and (1) whether the proposed work is a qualifying improvement; (2) whether the work, as proposed, is consistent with the criteria for the certificate of appropriateness and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 1990) U.S. Department of Interior, National Park Service and FAC 1A-38 and any additional criteria required by the codes and ordinances of the City; and (3) making recommendations for correction of work which is not consistent with the foregoing.
 - c. Any changes made to the qualifying improvement after approval of the preconstruction application must receive prior approval by the TRC or HPB, as appropriate to ensure compliance with the criteria set forth herein. Failure to obtain prior approval may result in denial of the exemption.
 - d. The property owner must complete the qualifying improvement within two years following the date of approval of a preconstruction application. A preconstruction Application approval shall automatically be revoked if the property owner has not submitted a request for review of completed work within two years following the date of approval of a preconstruction application. The TRC may grant an extension to this provision for up to six months if such request is made in writing prior to the expiration of the initial period. Any other extensions must be approved by the HPB and shall require a public hearing and notification as set forth for a Certificate of Approval determination.
- (2) *Request for Review of Completed Work.* A request for review of completed Work shall be submitted to the Development Services Department ("Department") upon completion of the qualifying improvement and shall include documentation acceptable to the City showing the total cost of the qualifying improvement. Appropriate documentation may include paid contractor's bills, canceled checks, an approved building permit application listing cost of work to be performed and any other information required by the Department. The Department may inspect the qualifying improvement to determine compliance with this section. Within 21 days following submission of a properly completed request for review of completed work, the Department shall recommend that the Board of Commissioners grant or deny the exemption and shall notify the property owner in writing of the recommendation and the date which the Board of Commissioners shall consider the exemption.
- a. If the completed qualifying improvement complies with the requirements set forth in the preconstruction application approval, this section, the certificate of approval, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and any additional conditions required by the TRC or HPB then the Department shall recommend that Board of Commissioners grant the exemption.
 - b. If the completed qualifying improvement does not comply with the requirements of subsection a, then the Department shall provide a written summary of the reasons for that determination, including recommendations to the property owner concerning changes to the proposed work necessary to comply and shall recommend that Board of Commissioners deny the exemption.
 - c. If the property owner is notified that the improvement does not comply with the requirements of subsection a., the property owner shall have ten days from the date of the Department's

notification to respond in writing describing the specific actions to be taken by the property owner to comply. If the Department receives a written response within ten days, the property owner shall have 60 days to comply with the requirements of subsection a. The Department may grant an extension to this provision for up to an additional 30 days if such request is made prior to the expiration of the initial period. At the end of this period and any extension thereof the Department shall review the qualifying improvement and make a recommendation to Board of Commissioners to grant or deny the exemption.

- (3) *Historic Preservation Property Tax Exemption Covenant.* A covenant in the form approved by the City Attorney must be executed by the property owner for the term of the exemption before an exemption is approved by the Board of Commissioners. The covenant shall provide that the property owner shall maintain and repair the property, and qualifying improvements to the property, so as to preserve and maintain the historic architectural qualities or historical or archaeological integrity of the qualifying property for which an exemption was granted. If the exemption is granted, the property owner shall have the covenant recorded with the deed for the property in the official records of Pinellas County prior to the effective date of the exemption which shall be binding on the property owner, transferees, and their heirs, successors or assigns.

The applicant shall provide a certified copy of the recorded covenant to the Department within 45 days of the Board of Commissioners' approval of the exemption or said approval by the Board of Commissioners shall be void.

If the property changes ownership during the exemption period the requirements of the covenant must be transferred to the new owner.

Violation of the covenant shall result in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated.

- (4) *Board of Commissioners Review and Approval of the Request for Review for Completion of Work.* The Board of Commissioners shall approve, modify, defer or deny the exemption by resolution within 30 days of the Department's recommendation. If approved the resolution shall include but not be limited to the following: the period of time the exemption shall be in effect and the expiration date of that period, approval of the covenant, any conditions of approval, the name of the owner and address of the property for which the exemption is granted and a finding that the property meets the requirements of F.S. § 196.1997. Said approval shall be conditioned upon receipt by the Department of a certified copy of the recorded covenant.
- (5) *Amendments.* All amendments to the approved application and permit plans must be reviewed and approved prior to the completion of the project. Minor amendments to permit plans may be approved by the Director of the Planning and Zoning Division, or designee, provided that such amendments are consistent with the certificate of appropriateness criteria of the City Code. Major amendments to the approved plans must be reviewed and approved by the Heritage Preservation Board.
- (6) *Reapplication.* A property owner previously granted an exemption may undertake additional qualifying improvements during this period or apply for additional exemptions for qualifying improvements following its expiration. A property owner may not reapply for an exemption for a qualifying improvement which has been denied by the Board of Commissioners.
- (7) *Notice to Property Appraiser.* Within ten business days following receipt of a certified copy of the recorded covenant, the Department shall transmit a copy of the approved Request for review of completed Work to the Pinellas County Property Appraiser. The property appraiser shall implement the exemption.
- (8) *Revocation Proceedings.* The Director of the Planning and Zoning Division or designee may initiate proceedings to revoke the historic tax exemption in the event that the applicant of any subsequent

owner or successor in interest to the property fails to maintain the property according to the terms, conditions and standards of the historic preservation exemption covenant. The Heritage Preservation Board shall provide notice to the current owner of record of the property and hold a hearing in the same manner as in the certificate of review specified under the Heritage Preservation Ordinance, and make a recommendation to the Board of Commissioners. The Board of Commissioners shall then hold a public hearing and determine whether or not the exemption shall be revoked. The Board of Commissioners may revoke an exemption at any time in the event that the property owner, or any subsequent owner or successor in interest to the property does any of the following: violates the historic preservation covenant; fails to maintain the qualifying property according to the terms, conditions and standards of the historic preservation covenant; fails to maintain the historic character of the property and improvements which qualified the property for the exemption; or the qualifying property has been damaged by accidental or natural causes to the extent that the historic integrity of the features, materials, appearances, workmanship and environment, or archeological integrity which made it eligible for listing or designation have been lost or damaged so that restoration is not possible.

- (9) *Notice of revocation.* Upon a determination by the Commission that the historic rehabilitation tax exemption shall be revoked, the Director of the Planning and Zoning Division or designee shall provide written notice of the decision to the owner of record. The notice to the owner of record shall be accompanied by reasons and recommendations for changes to the property that may result in reinstatement of the exemption. The owner shall be given 35 calendar days from the date mailing the notice by the City to qualify for re-instatement. After 35 days, if no good-faith attempt has been made to qualify the property for re-instatement, notice of revocation shall be sent to the Pinellas County Property Appraiser.
- (10) *Reinstatement.* A property may be reinstated for the historic rehabilitation tax exemption upon satisfactory submission of evidence that the recommendations for changes to the property previously made by the Director of the Planning and Zoning Division have been completed. The process of reinstatement shall be the same as the review of the final application. Upon completion of the reinstatement process, the Director of the Planning and Zoning Division or designee shall notify the property appraiser. The historic rehabilitation tax exemption shall only be reinstated for the remaining unexpired term of the initial exemption period.
- (11) *Property inspection.* As a condition of receiving the tax exemption described in this Article the owner shall allow reasonable inspections of the exterior and interior of buildings located on the subject property by a city building inspector. The City shall send a certified letter of the intended date of inspection and the owner shall cooperate and if the date is inconvenient shall offer a series of other acceptable dates not more than one month later than the original date offered by the City in the certified letter. The City shall then choose one of the dates proposed by the owner and inform the owner of the date in writing by certified letter. If any certified letter sent pursuant to this subsection is not acknowledged by the owner the City may notice the owner by posting the property for a period of 5 working days prior to inspection. The purpose of these inspections is to insure that the subject property is not suffering likely demolition by neglect. The inspections shall take place no more frequently than once a year per property unless the City has reason to believe that the property is in imminent danger of demolition by neglect, and in that case the City may re-inspect the property pursuant to the procedures set forth in this subsection even if an inspection has occurred within the previous 12-month period.

Section 118.00 NCO Neighborhood Conservation Overlay District.

118.01 Purpose.

The NCO neighborhood conservation overlay district is intended to help preserve significant historical, cultural, architectural, and other distinctive characteristics and assets of older established residential, commercial and mixed-use neighborhoods. The NCO district allows changes in permitted uses and adjustments to site development standards in order to respond to the needs of a specific residential neighborhood or neighborhood commercial area. The NCO district may include supplementary site development standards and guidelines, based upon neighborhood conservation plan adopted in accordance with Sections 118.01 through 118.05. A Neighborhood Conservation Overlay district must be consistent with the City's Comprehensive Plan, or be amended accordingly.

118.02 Qualifications for designation; applicability; conflict provisions; permitted uses.

- (a) Qualifications for designation. To qualify for adoption, a proposed NCO district should include a contiguous area of at least five acres, including intervening streets, alleys and private ways.
- (b) Applicability. The general provisions of sections 118.00 through 118.05 and the specific provisions adopted as part of an NCO district shall apply to any project, permit, or development order in the adopted NCO district.
- (c) Conflict of provisions. Where the provisions of sections 118.00 through 118.05 and the specific provisions adopted as part of an NCO district conflict with other sections of this Code, the provisions of these sections and the specific provisions adopted as part of the NCO district shall control.
- (d) Permitted and Conditional uses. Except as may be further restricted by the NCO district provisions adopted for a particular neighborhood conservation plan, land-uses permitted or conditionally permitted in any NCO district are the same as those permitted in the base zoning district(s) underlying the NCO district.

118.03 Application for creation of district.

- a) Initiation. An application for an NCO overlay district may be initiated by:
 - (1) A majority of property owners within the proposed district;
 - (2) The Planning and Zoning Department
 - (3) The Board of Commissioners; or,
 - (4) A non-profit civic organization.

- b) A preliminary application shall be submitted to the planning department. The preliminary application content and review process is as follows:
 - (1) A statement of purpose, describing the reasons that the existing base zoning district or districts are not fully adaptable to the specific neighborhood.
 - (2) A map indicating the boundaries of the proposed NCO district.
 - (3) Upon receipt of the preliminary application the planning department will submit the application to the Board of Commissioners for authorization to proceed with drafting the required Neighborhood Conservation Overlay district plan. A projected timeline for completion and any funding requests for consultant services, community engagement, advertising, mailings and similar services shall be identified.

- c) Plan Contents. After approval of the preliminary application by the Board of Commissioners an NCO district plan shall be drafted to include, or address, the following minimum components:
 - (1) Those areas that are to be conserved consisting of maps and other graphic and written material necessary to describe land uses, distinctive neighborhood characteristics, building siting and design, pedestrian facilities, site development requirements, signage, circulation, and other existing or proposed features of the proposed NCO district.

(2) If the NCO district proposes to include additional regulatory controls in addition to the base zoning and future land use map designation the plan must identify a process and procedures for issuing a NCO Certificate of Approval for demolition, new construction, additions, and alterations to existing structures, as proposed for inclusion in the plan. This process must include:

1. Affected properties
2. Identification of specific actions requiring review
3. Review and approval authority
4. Requirements for notification
5. Appeal processes
6. Standards for review
7. Enforcement mechanisms
8. Fees and Violations

118.04 Criteria for approval.

The Board of Commissioners may adopt an NCO district if the area meets one or more of the following criteria:

(a) The district is already deemed eligible or is designated as a historic resource in the Florida Master Site Files and/or listed in the National Register of Historic Places as a historic/traditional cultural district.

(b) Areas not designated in (a) above that have distinctive historic or cultural significance that should be preserved, such as:

- (1) The area has significance to a living community whose traditional beliefs and practices are the basis for cultural production and expression that should be preserved.
- (2) The area provides a good example of the distinctive lifeways of a community historically rooted in the City that would benefit by retaining a sufficient concentration, linkage, or continuity of resources that are associated with the traditional culture linked to their identity.
- (3) The area retains sufficient integrity to convey the unique identity of the living community through existing business enterprises, arts, food, land development patterns, architecture, landscapes, signage, social or ceremonial activities, and other tangible and intangible lifeways.
- (4) Designation would help preserve the integrity and distinctive characteristics of the built environment that is linked to a community's traditional culture, and that would otherwise be diminished or lost under current zoning and land-use requirements.
- (5) Designation would help to foster tourism and economic development.

(c) The area has distinctive building features, such as scale, size, type of construction, or distinctive building materials, that should be preserved.

(d) The area has distinctive site planning features, such as lot platting, setbacks, street layout, alleys or sidewalks, that the base district regulations cannot accommodate.

(e) The area has distinctive land use patterns, including mixed land uses or unique uses or activities, that the base district cannot accommodate.

(f) The area would benefit from the adoption of new design criteria that would significantly enhance the character of existing and new development or redevelopment in the area.

(g) The area has special natural or streetscape characteristics, such as parks, gardens or street landscaping, that should be preserved or respected.

118.05 Adoption and modification of NCO district and plan.

The following substantive requirements and procedural steps shall apply to the adoption or future modification of any NCO district and plan:

- (a) The NCO district application and associated neighborhood conservation plan shall be transmitted to the Planning and Zoning Board and Heritage Preservation Board (Boards).
- (b) The Boards shall hold a public hearing on the application and plan. Affected property owners shall be notified by first class mail at least 15 days in advance of each 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. After proper notice each Board shall hold a public hearing to review and make recommendations to approve, deny, or approve with changes and/or conditions the NCO district application and plan.
- (c) The recommendation of both Boards, together with that of the planning department, shall be transmitted to the Board of Commissioners for final action by Ordinance.
- (d) The Board of Commissioners, after proper notice pursuant to paragraph (b) above, shall hold a public hearing and act upon the ordinance adopting the NCO district and approving the associated conservation overlay plan, which shall be adopted as an appendix to the City's Land Development Code.
- (e) The ordinance adopting the NCO district shall include a statement of purpose and a reference to the approved neighborhood conservation overlay plan.
- (f) An ordinance adopting an NCO district shall require a super-majority vote of Board of Commissioners for approval if the Planning and Zoning Board or Heritage Preservation Board recommends denial of the NCO district or associated plan. Future amendments to an approved district or plan, or removal of the NCO, must be approved in the same manner as the original ordinance.
- (g) Each NCO district shall be shown on the zoning map, identified by the number of the enacting ordinance.

118.06 Recording of Neighborhood Conservation Overlay Districts

- (a) All NCO District Plans shall be adopted as an appendix to the City's Land Development Code in accordance with Section 118.05 (d).
- (b) The Planning and Zoning Department shall maintain a Neighborhood Conservation Overlay District map. The map shall show the location and boundaries of all Overlay Districts.
- (c) Rules of interpretation shall be in accordance with § 22.00 of this Code.