

ARTICLE III. - HISTORIC AND ARCHEOLOGICAL RESOURCE PROTECTION

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Sec. 66-71. - Purpose.

The purpose of this article is to protect the significant historic and archaeological resources of Sarasota County to the maximum extent practicable, in accordance with Apoxsee [the Comprehensive Plan], by providing procedures for the review of plans and development projects as well as standards for the Protection of these resources.

(Ord. No. 95-050, § 1, 6-6-1995; Ord. No. 98-051, § 1, 5-26-1998)

Sec. 66-72. - Definitions.

Adverse effect (on Historic Resources) means an effect which may reduce or impair any of the elements of integrity or other criteria for significance of a historic resource identified in Section 4(B) [Section 66-74(b)], including, but not limited to: physical destruction, damage, or alteration of all or part of the property; isolation of the resource from or alteration of the character of the resource's setting when that setting contributes to the resource's significance; or introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting.

Comprehensive Plan means the document "the Revised and Updated Sarasota County Comprehensive Plan," adopted by the Board of County Commissioners and filed with the Clerk of said Board pursuant to Sarasota County Ordinance No. 89-18.

Conservation Easement means a right or interest in real property that is appropriate to retaining the structural integrity or physical appearance of sites or properties of historic, architectural, archaeological or cultural significance in accordance with F.S. § 704.06.

County means Sarasota County, a political subdivision of the State of Florida.

Director means the Executive Director of the Community Services Business Center or designee.

Florida Master Site File means the listing of historic resources maintained by the Florida Department of State, Division of Historical Resources, Bureau of Archaeological Research.

FOOTNOTE(S):

(50) *Cross reference— Administration, ch. 2. (Back)*

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(Ord. No. 95-050, § 1, 6-6-1995; Ord. No. 98-051, § 1, 5-26-1998)

Sec. 66-72. - Definitions.

Adverse effect (on Historic Resources) means an effect which may reduce or impair any of the elements of integrity or other criteria for significance of a historic resource identified in Section 4(B) [Section 66-74(b)], including, but not limited to: physical destruction, damage, or alteration of all or part of the property; isolation of the resource from or alteration of the character of the resource's setting when that setting contributes to the resource's significance; or introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting.

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Director means the Executive Director of the Community Services Business Center or designee.

Florida Master Site File means the listing of historic resources maintained by the Florida Department of State, Division of Historical Resources, Bureau of Archaeological Research.

Historic Resources means prehistoric or historic districts, sites, buildings, objects, or other real or personal property of historic, architectural, or archaeological value.

Historic Resource Protection Area means an area with historic significance to be set aside in perpetuity so that it will not be disturbed, in accordance with the historic preservation chapter of the Comprehensive Plan.

Local Register means the local register of historic places, which is a listing of buildings, structures, objects, sites and districts that have been designated as historically significant in Sarasota County.

National Register of Historic Places means the official listing of culturally significant buildings, structures, objects, sites, and districts in the United States maintained by the U.S. Department of the Interior.

Potentially Significant Historic Resource means a historic resource so identified in accordance with the provisions of Section 66-74 of this article.

Protection means measures taken to avoid, minimize, or mitigate effects to historic resources, consistent with the provision of this article.

Research Design means a description of the purposes and goals of a proposed site assessment survey, including the previous work that has been done in the area, research topics to be addressed, the area to be covered, the kinds of information to be collected, what work will be done, what methods will be used, who will do the work, and a schedule for completion of the work.

(Resource of) Exceptional Importance means a historic resource that has achieved significance within the last 50 years because of the extraordinary importance of an event that has occurred there on the local, state, or national level; or the fragility of the resource; or the community's strong associative attachment to the resource; or the recognition by the architectural profession of its historic significance for its developmental or design value.

Significant Historic Resource means a historic resource so identified in accordance with the provisions of Section 66-74.

Site Management Plan means a long term management program designed to protect historic resources. A site management plan includes, at a minimum, provisions for documentation of existing site conditions, strategies and techniques for site stabilization, security, maintenance, monitoring, and identification of compatible uses.

(Ord. No. 95-050, § 2, 6-6-1995; Ord. No. 98-051, § II, 5-26-1998; Ord. No. 2004-073, § 2, 7-14-2004; Ord. No. 2011-031, § 2, 5-24-2011)

Sec. 66-73. - Authorization and development review.

- (a) The provisions of this article shall govern the County review of the proposed actions or developments identified in this section for Adverse Effect on the Historic Resources of Sarasota County.
 - (1) The Director shall not recommend approval of any proposed action or development identified in subsections (b) and (c) of this section unless it has been reviewed for Adverse Effects on Historic Resources and specified appropriate measures to avoid, minimize, or mitigate such effects, in accordance with the provisions of this article.
 - (2) The Board of County Commissioners shall not approve any proposed action or development within their authority as identified in subsections (b) and (c) of this section unless the Director has reviewed it for Adverse Effects on Historic Resources, and issued a written determination as to its effects, and recommended appropriate measures to avoid, minimize, or mitigate Adverse Effects to Historic Resources, in accordance with the provisions of this article.
- (b) The Director shall review applications for all of the following:
 - (1) Developments of regional impact under Ordinance No. 88-53 (Chapter 94, Article V, Division 2, of this Code).
 - (2) Developments of critical concern under Ordinance No. 89-77 (Chapter 94, Article VI, of this Code).
 - (3) Rezoning (map amendments) and special exception petitions under Ordinance No. 75-38 (Appendix A to this Code).
 - (4) Site and development plans and preliminary subdivision plans under Ordinance No. 81-12 (Chapter 74 of this Code).
 - (5) Earthmoving permits under Ordinance No. 81-60 (Chapter 54, Article XII, of this Code).
 - (6) Critical area plans under Ordinance No. 89-93 (Chapter 94, Article IV, of this Code).
 - (7) Comprehensive Plan amendments under Ordinance No. 90-11 (Chapter 94, Article III, Division 2, of this Code).

These reviews shall be conducted according to the procedures specified in Section 66-76.

- (c) The Director shall review applications for all of the following for properties where Significant Historic Resources already have been identified in accordance with Section 66-74 or where an application has

been referred to the Director by another department:

- (1) Construction, alteration, and demolition permits under Ordinance No. 83-63 (Chapter 22, Article II, of this Code).
- (2) Tree removal permits under Ordinance No. 83-44 (Chapter 54, Article XVIII, of this Code).
- (3) Water and sewer permits under Ordinance No. 93-020.
- (4) On-site sewage treatment and disposal system permits under Ordinance No. 83-83 (Section 54-222 of this Code).
- (5) Coastal zone setback variances under Ordinance No. 79-03 (Chapter 54, Article XXII, of this Code).
- (6) Water and Navigation Control Authority major and minor work permits under Ordinance No. 72-84 (Chapter 54, Article XX, of this Code).
- (7) Right-of-way permits under Ordinance No. 81-12 (Chapter 74 of this Code).

These reviews shall be conducted according to the procedures specified in Section 66-76(c). Even where Significant Historic Resources have not yet been identified, all such activities remain subject to later review upon discovery of fortuitous finds as provided in Section 66-81.

- (d) The Director shall also review County projects listed in the capital budget/capital improvement program in the functional areas of: stormwater, potable water, sanitary sewer, parks and recreation, the road program projects of traffic circulation, and other County projects listed in the capital budget/capital improvement program to the extent that those projects involve construction, demolition, excavation, or other ground-disturbing activities. This review shall include an evaluation of the effect of the project on historic resources and shall result in recommended measures to avoid, minimize, or mitigate adverse effects. It shall be conducted during the conceptual design or design report stage.
- (e) The Director is hereby authorized to enter such lands and properties as are necessary to determine compliance with the provisions of this article and any development conditions or approvals issued thereunder.
- (f) The Director shall expeditiously provide access to available information to assist private parties conducting required studies and shall review the information they provide in a timely manner.
- (g) The Director shall be permitted to charge a nonrefundable administrative fee to offset administrative review and site visitation costs relating to applications for rezones, developments of critical concern, developments of regional impact, site and development plans, earthmoving permits, critical area and comprehensive plans. The amount of said fee shall be established by resolution by the Board of County Commissioners and shall accompany all applications and reapplications for these services.

Ten percent of this administrative fee shall be deposited in a Cultural Resource Protection fund to be used to further preservation of cultural resources in Sarasota County.

(Ord. No. 95-050, § 3, 6-6-1995; Ord. No. 98-051, § III, 5-26-1998; Ord. No. 2003-055, §§ 1, 2, 7-9-2003; Ord. No. 2004-073, § 3, 7-14-2004)

Sec. 66-74. - Determination of Historic Significance.

- (a) For the purposes of this article, Significant Historic Resources shall include those historic sites and structures so identified in the Comprehensive Plan, those listed in or potentially eligible for listing in the National Register of Historic Places, or the Local Register of Historic Places. It shall also include those historic resources that are not yet identified in the Comprehensive Plan, but identified through the development review process in accordance with Section 66-73, or by a County-authorized historical resources survey, in accordance with subsection (c) of this section.
- (b) The criteria to be applied by the Director in determining the significance of Historic Resources are based on those criteria used to determine eligibility for listing in the National Register of Historic Places (Code of Federal Regulations Title 36, Part 60) and are as follows:
 - (1) Significant Historic Resources must convey an overall sense of past time and place by possessing at least three of the following attributes of integrity: location, design, setting, materials, workmanship, feeling and association, and one or more of the following:
 - a. Be associated with events that have made a significant contribution to the broad patterns of local, state or national history; or
 - b. Be associated with the lives of persons significant in local, state or national history; or
 - c. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master builder, architect or designer, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - d. Have yielded, or may be likely to yield, information important in prehistory or history.
 - (2) Significance may be established on a local, state, or national level. Historic Resources shall be 50 years old or older. An exception to the 50-year rule may be made if the resource is of exceptional importance, if it contributes to a district that is eligible or potentially eligible for listing in the National Register of Historic Places, or the Local Register of Historic Places.
- (c) If a Historic Resource identified through the development review process or by a County-authorized

survey satisfies the above criteria, the Director shall declare it to be significant by issuing a written notice to the applicant, describing the location of the resource, providing a summary of the basis for the determination, and indicating the right to appeal. The Director shall maintain a list of all sites determined to be significant since the most recent amendment of the Historic Preservation Chapter of the Comprehensive Plan. This list shall be known as the "Director's List of Significant Historic Resources in Sarasota County" and shall be used to update the list of sites identified in the Comprehensive Plan. The sites on the Director's List shall be considered to be significant for the purposes of this article unless determined to be otherwise through an appeal. For the purposes of this article, the Director's determination as to significance or potential significance shall supersede any conflicting determinations by any other agency, authority, or professional, except as provided in Section 66-78

- (d) If the Director determines that the historic resource has integrity and appears likely to satisfy one of the criteria listed in subsection (b), but insufficient data exists to render a final determination of significance, then the resource shall be declared to be potentially significant by the Director, until the applicant or owner presents sufficient research to allow the Director to make a final determination.
- (e) The Director shall maintain a copy of the Florida Master Site File form for all recorded historic resources in unincorporated Sarasota County. Additionally, the Director shall maintain a series of United States Geological Survey (U.S.G.S.) topographic maps upon which historic resources recorded on the Florida Master Site File are shown. The Director shall be responsible for determining if access to such information is in accordance with F.S. § 267.135 (Location of Archaeological Sites) and determine whether such a disclosure of such information will create a substantial risk of harm, theft, or destruction at such sites.

(Ord. No. 95-050, § 4, 6-6-1995; Ord. No. 98-051, § IV, 5-26-1998; Ord. No. 2004-073, § 4, 7-14-2004; Ord. No. 2011-031, § 3, 5-24-2011)

Sec. 66-75. - Professional qualification and survey requirements.

- (a) All site assessment surveys shall be conducted under the supervision of professionals meeting the qualifications established by the National Park Service as codified in 36 Code of Federal Regulations, Part 61.
- (b) The Director shall require site assessment surveys for development projects identified in Section III that occur in areas with known historic resources for which insufficient or incomplete information is available, or that occur in areas with a moderate to high probability for the presence of historic resources based upon review of the County's Historical Resources Database or other information available. The survey's purpose is to locate and assess the significance of historic resources and to provide a basis for evaluating measures to avoid, minimize, or mitigate any adverse effects to such resources by the proposed project.
- (c) The research design for a cultural resource assessment survey shall be reviewed and approved by the Director before the survey commences. The survey shall be designed to locate all historic resources and assess their significance. At a minimum, cultural resource assessment surveys must contain sections on the following: project description, archival research, description of the reproach [research] design, description of archaeological fieldwork activities, description of historical fieldwork activities, description of archaeological results and conclusions, description of historical, architectural, or engineering results and conclusions. Florida Master Site File forms for all resources identified shall also be included. Florida Master Site File Survey Log Sheets for the project shall also be included.

(Ord. No. 95-050, § 5, 6-6-1995; Ord. No. 98-051, § V, 5-26-1998; Ord. No. 2004-073, § 5, 7-14-2004)

Sec. 66-76. - Protection requirements.

- (a) If there are no Historic Resources on a development site or if the Historic Resource is determined to be not significant by the Director, then the Director shall issue a written determination approving the development project without modification for the purposes of this article.
- (b) When the Director determines that Significant or Potentially Significant Historic Resources are likely to be present on a development site, he shall require that the owner or applicant provide a site assessment survey or follow the procedure for the protection of significant resources as outlined in subsection (c)(2) of this article. For the purposes of this article, the Director shall determine the likelihood of the presence of Historic Resources based upon the proximity of the resources to known Historic Resources a review of the History Center data, and an evaluation of current and past site conditions, including land disturbances, proximity to fresh water, topographic relief, and soil type and any other applicable available data to determine the location of Historical Resources. When the Director determines that insufficient information exists to determine the significance of Historic Resources present on a development site, he shall require that the applicant provide a site assessment survey or follow the procedure for the protection of significant resources provided in subsection (c)(2) of this article.
- (c) When significant historic resources have been identified, the Director shall make a written determination of either: (i) no effect, (ii) conditional no adverse effect, or (iii) adverse effect on significant historic resources. Where the final action is to be taken by the Board of County Commissioners, the Director's determination and approval of applications under this Section shall constitute a recommendation to that Board.

- (1) If the Director makes a determination of no effect, then the project may proceed without

modification. The "no effect" determination will be reconsidered if substantive changes in project design or the location of project ground disturbing activities are made, or if new information becomes available.

- (2) If the Director determines that the proposed development would have an Adverse Effect, he shall review the project to consider alternatives to avoid, minimize, or mitigate that effect. Criteria to be considered by the Director in making this determination shall include:
 - a. The archaeological, historic or architectural significance of the building, structure, site or object;
 - b. The importance of the building, structure, or object to the ambience of a district;
 - c. The likelihood of the site to yield information important in prehistory or history;
 - d. The difficulty or the impossibility of reproducing such a building, structure, or object because of its design, texture, material, detail, or unique location;
 - e. Whether the building, structure, site or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;
 - f. Whether there are definite plans for reuse of the property, if the proposed action is carried out, and the effect of those reuse plans on the character of the surrounding properties. Proof of definite plans for reuse of the property may include, but are not limited to, a professionally developed business plan, proof of financing, documents required for the issuance of a development permit in Sarasota County, and sealed construction drawings;
 - g. Whether reasonable measures can be taken to save the building, structure, or object from collapse; and
 - h. Whether the building, structure, site or object is capable of earning reasonable economic return on its value.
- (3) The Director shall determine if a practicable project alternative exists to avoid Adverse Effects to Significant Historic resources. For the purposes of this Section, a "practicable" project alternative is one that does not cause an unreasonable and undue hardship on the use of the property, considering the significance and condition of the resource.
 - a. If the Director determines that practicable project alternatives exist to avoid Adverse Effects to Significant Historic Resources, the Director's approval shall be conditioned upon a modification of the project that establishes a conservation easement, or otherwise designates the area as a historic resource protection area on the site during construction and thereafter. Once the development plan is so modified, the Director will approve the application with a written finding of "conditional no Adverse Effect."
 - b. If practicable project alternatives do not exist to avoid Adverse Effects to significant or potentially significant historic resources on the property, the Director shall specify measures to minimize the Adverse Effects and to mitigate for the unavoidable effects. Final development approval shall be conditioned on modification of the project as specified to minimize Adverse Effects, as well as completion, review, and approval of all required work, and may also be conditioned on preparation, approval, and implementation of a Site Management Plan.
- (4) Mitigation measures shall be designed to preserve, reclaim, and compensate for as many of the values of the Historic Resource as are Adversely Affected. Such measures may include data recovery at the involved site or sites through archaeological excavation or through the documentation of the architectural fabric and other pertinent historical research for any involved structures and associated features. For structures, this may include primary archival studies, informant interviews, measured drawings, and large scale photography. For archaeological sites, this may include literature studies, informant interviews, field survey, test excavation, and artifact analysis. Mitigation may also include other measures to assure preservation of significant elements of the resources disturbed, such as voluntary transfer to a public or nonprofit agency for curation purposes. If salvage, excavation, or documentary measures are undertaken to mitigate project impacts, the resulting report must be submitted to the Director for review. All mitigation projects require the preparation and approval of a research design and final report. The Director shall require that all final development approvals or permits be conditioned upon the completion of all required mitigation work and review and approval of the results by the Director.
- (5) If a part or all of a Significant Historic Resource is to be destroyed, the Director shall have the authority to salvage significant features to ensure their preservation.
- (d) If previously unidentified historic resources are discovered, then project activities affecting those resources shall be halted until they have been evaluated to determine their significance in accordance with Section 66-81

(Ord. No. 95-050, § 6, 6-6-1995; Ord. No. 98-051, § VI, 5-26-1998; Ord. No. 2004-073, § 6, 7-14-2004)

Sec. 66-77. - Historic Preservation Board.

The Historic Preservation Board as established by Ordinance 97-133 (Chapter 66, Article IV, of this Code) shall perform the duties assigned it in this article, as well as other duties assigned by the Board of County

Commissioners.

(Ord. No. 95-050, § 7, 6-6-1995; Ord. No. 98-051, § VII, 5-26-1998)
Cross reference— Administration, ch. 2.

Sec. 66-78. - Appeals.

- (a) Any aggrieved person or party may appeal any determination of the Director pursuant to the provisions of this article by filing, with the Department of Historical Resources, a petition stating the nature of the Director's determination and the allegation of factual or interpretive error. The Historic Preservation Board shall hold a hearing within 30 days, after providing notice to the petitioner, and shall forward a recommendation to the Board of County Commissioners, which shall, after a public hearing with notice to the petitioner, affirm or reverse the Director's determination.
- (b) The provisions of Subsection (a) of this section shall supersede the administrative appeal provisions of the ordinances identified in Section 66-73 when the appeal relates to the Director's determinations as to the Protection of Historic Resources.

(Ord. No. 95-050, § 8, 6-6-1995; Ord. No. 98-051, § VIII, 5-26-1998)

Sec. 66-79. - Variances.

The owner of a property may seek a variance from any restrictions imposed upon that property pursuant to this article, by filing a petition with the Sarasota County History Center. Variances shall be granted only where the restrictions are: (i) so extreme as to improperly deprive the owner of all reasonable use of his property, or (ii) arbitrary, capricious, or inordinately burdensome as applied to that property. The Board of County Commissioners shall hold a public hearing, after providing notice to the petitioner, and shall render a final determination on the variance petition. The Board may grant such relief as it deems to be appropriate, including, but not limited to, funding or otherwise providing for all or part of any required survey or mitigation.

(Ord. No. 95-050, § 9, 6-6-1995; Ord. No. 98-051, § IX, 5-26-1998; Ord. No. 2004-073, § 7, 7-14-2004)

Sec. 66-80. - Violations and penalties.

- (a) When disturbance or destruction of an Historic Resource is found by the Code Enforcement Special Master to be irreparable or irreversible in nature, the violator may be required to pay a civil fine of up to \$5,000.00, which shall be placed in a special revenue fund and used by the County for historic preservation purposes.
- (b) The provisions of this article, or of any permit, variance, or development approval issued thereunder, may be enforced by any other means available at law or in equity, including, but not limited to, proceedings before the Code Enforcement Special Master, pursuant to F.S. ch. 162 and Sarasota County Ordinance No. 93-006, as amended (Chapter 2, Article VIII, of this Code), or through civil injunctive relief.
- (c) Any development approval obtained in violation of this article, or based on the submission of false, misleading, or incomplete information, may be voidable by the Board of County Commissioners.

(Ord. No. 95-050, § 10, 6-6-1995; Ord. No. 98-051, § X, 5-26-1998)

Sec. 66-81. - Fortuitous finds and unmarked human burials.

The following requirements apply to all building construction or alteration, or land alteration activities:

- (1) If evidence of the existence of historic resources is discovered or observed at development sites or during development activities after final approval, all work shall cease in the area of effect as determined by the Director. The developer, owner, contractor, or agent thereof shall notify the Director of Historical Resources within two working days. Examples of such evidence include whole or fragmentary stone tools, shell tools, aboriginal or historic pottery, historic glass, historic bottles, bone tools, historic building foundations, shell mounds, shell middens, or sand mounds. The Director shall assess the significance of the finds within three working days of notification and to mitigate any Adverse Effects so as to minimize delays development activities.
- (2) If any human skeletal remains or associated burial artifacts are discovered at development sites or during development activity, all work in the area must cease, and the permittee must immediately notify the nearest law enforcement office and notify the Director of Historical Resources within two working days. According to F.S. ch. 872, it is unlawful to disturb, vandalize, or damage a human burial.

(Ord. No. 95-050, § 11, 6-6-1995; Ord. No. 98-051, § XI, 5-26-1998; Ord. No. 2004-073, § 8, 7-14-2004)

Sec. 66-82. - Territorial applicability.

The provisions of this article shall be effective throughout the unincorporated area of Sarasota County,

Florida. Where any provision of this article refers to a local ordinance, board, or official, it shall refer to the appropriate County ordinance, board, or official, and not to any municipal one. However, the Board may provide for enforcement of the standards provided in this Article within any municipality by interlocal agreement. Any activity that violates the terms of such an agreement would constitute a violation of this article and be subject to enforcement actions as provided herein.

(Ord. No. 95-050, § 12, 6-6-1995; Ord. No. 98-051, § XII, 5-26-1998; Ord. No. 2000-062, § 3, 9-13-2000; Ord. No. 2002-022, § 2, 5-22-2002)

Sec. 66-83. - Interpretation.

Where any provision of this article refers to or incorporates a title or organization, or another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current title, organization, or version, incorporating any amendments thereto or redesignation thereof.

(Ord. No. 95-050, § 13, 6-6-1995; Ord. No. 98-051, § XIII, 5-26-1998; Ord. No. 2004-073, § 9, 7-14-2004)

Sec. 66-84. - Severability.

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

(Ord. No. 95-050, § 14, 6-6-1995; Ord. No. 98-051, § XIV, 5-26-1998)

Sec. 66-85. - Sunset provision.

This article shall be automatically repealed on May 24, 2018, unless otherwise amended or ratified by the Board of County Commissioners.

(Ord. No. 98-051, § XV, 5-26-1998; Ord. No. 2004-073, § 10, 7-14-2004; Ord. No. 2011-031, § 4, 5-24-2011)

Secs. 66-86—66-110. - Reserved.

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ARTICLE IV. - HISTORIC RESOURCES DESIGNATION

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- Sec. 66-112. - Definitions.
- Sec. 66-113. - Historic Preservation Board.
- Sec. 66-114. - Criteria for the Designation of resources.
- Sec. 66-115. - Procedures for the Designation of resources.
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- Sec. 66-117. - Certificates of Appropriateness.
- Sec. 66-118. - Unsafe conditions.
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- Sec. 66-120. - Territorial applicability.
- Sec. 66-121. - Interpretation.
- Sec. 66-122. - Severability.
- Sec. 66-123. - Sunset Provision.
- Secs. 66-124—66-150. - Reserved.

Sec. 66-111. - Purpose.

- (a) It is hereby declared as a matter of public policy that the protection, enhancement, and perpetuation of properties of historical, cultural, archaeological, aesthetic, and architectural merit are in the interest of the health, prosperity and welfare of the people of Sarasota County.

- (b) The purpose of this article is to protect the historic resources of Sarasota County, to the maximum extent practicable, by providing procedures for the designation and subsequent review of certain types of changes that occur at these resources.

(Ord. No. 97-133, § 1, 12-16-1997; Ord. No. 2004-074, § 2, 7-14-2004; Ord. No. 2011-032, § 2, 5-24-2011)

Sec. 66-112. - Definitions.

The following terms, phrases, words, and their derivations shall have the meaning given herein when not inconsistent with the context:

Comprehensive Plan means the document "the Revised and Updated Sarasota County Comprehensive Plan," adopted by the Board of County Commissioners and filed with the Clerk of said Board pursuant to Sarasota County Ordinance No. 89-18.

Applicant means those persons or groups who are able to submit an application for nominating a historic resource for designation and includes the owner of a historic resource which is the subject of an application, Sarasota County Staff, the Historic Preservation Board, or the Board of County Commissioners.

Board of County Commissioners means the governing body of Sarasota County.

Building Official means the director of the Sarasota County Construction and Property Standards Department or his duly authorized representative.

Certificate of Appropriateness means the certificate approving specified alteration, rehabilitation, construction, reconstruction, relocation, or demolition of a historic structure, historic site or improvement in a historic district.

Certified Local Government means a local historic preservation program which has been certified by the Florida Department of State, Division of Historical Resources in accordance with the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), as amended.

Contributing Resource means a building, site, structure, or object that adds to the historic, architectural or archaeological significance of a property or district. Contributing resources are eligible for all incentives afforded individually listed historic resources.

County means Sarasota County, a political subdivision of the State of Florida.

Design Guidelines means The Sarasota County Design Guidelines for Historic Properties as approved by the Sarasota Board of County Commissioners.

Designation means the process by which a building, structure, site, object, or district is formally recognized as historically important.

Director means the Executive Director of the Community Services Business Center or designee.

District means a grouping of two or more buildings, structures, sites, objects, or other real or personal property.

Exceptional Importance when applied to a historic resource, means a historic resource that has achieved significance within the last 50 years because of the extraordinary importance of an event that has occurred there on the local, state, or national level; or the fragility of the resource; or the community's strong associative attachment to the resource; or the recognition by the architectural profession of its historic significance for its developmental or design value.

Historic Preservation Board means an advisory board appointed by the Board of County Commissioners to perform the duties assigned it in this and other ordinances, as well as any other duties assigned by the Board of County Commissioners.

Historic Resource means a building, structure, object, or other real or personal property of historic, architectural, or archaeological value.

Improvement means any building, structure, place, work of art, or other object constituting a physical betterment of real property, or any part of such betterment, including, but not limited to, streets, alleys, sidewalks, curbs, lighting fixtures, and signs.

Integrity means the authenticity of a resource's historic identity, evidenced by the survival of physical characteristics that existed during the resource's historic or prehistoric period.

Local Register means the local register of historic places, which is a listing of buildings, structures,

objects, sites, and districts, that have been designated as historically important in Sarasota County.

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 (16 U.S.C. 470 et seq.), as amended.

Ordinary Maintenance means minimal work conducted on a historic resource which specifically stems deterioration and which exactly replicates the existing material of the resource in form and substance.

Rehabilitation means the 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 and features of the property which are significant to its historic, architectural, and cultural values.

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

Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings means those standards, codified in 36 CFR 67, and those guidelines developed by the Secretary of the Interior, to guide work undertaken on historic resources.

(Ord. No. 97-133, § II, 12-16-1997; Ord. No. 2004-074, § 3, 7-14-2004; Ord. No. 2011-032, § 3, 5-24-2011)

Sec. 66-113. - Historic Preservation Board.

- (a) The Historic Preservation Board is hereby established, to perform the duties assigned it in this and other ordinances, as well as any other duties assigned by the Board of County Commissioners. The Historic Preservation Board shall also review National Register nominations in accordance with the National Historic Preservation Act of 1966, as amended. The actions of the Historic Preservation Board shall be complimentary with the responsibilities of the State Historic Preservation Office.
- (b) The Historic Preservation Board members shall be appointed by the Board of County Commissioners. The Historic Preservation Board shall be comprised of seven members. All members shall be residents of Sarasota County. Members of the Historic Preservation Board shall, when possible, be practicing or retired professionals from any of the following disciplines with a demonstrated commitment to historic preservation:
 - (1) Anthropology.
 - (2) Real estate, land development or finance.
 - (3) History, folklore or architectural history.
 - (4) Conservation or curation.
 - (5) Architecture or historic architecture.
 - (6) Historic preservation.
 - (7) Land use planning or historic preservation planning.
 - (8) Landscape architecture or historic landscape architecture.
 - (9) General or building contractor.
 - (10) Professional engineering.
- (c) Vacancies on the Historic Preservation Board shall be filled in less than 60 days.
- (d) Each member shall be appointed for a term not to exceed three years by the Board of County Commissioners. Members currently serving on the Sarasota County Historic Preservation Board shall continue in office for the remainder of their term.
- (e) The Historic Preservation Board shall establish procedures for its conduct including the development of such things as a regular meeting schedule with a minimum of four meetings per year, rules of procedure, recording of minutes, provision for training opportunities for board members and the Director, election of officers and seeking of assistance on matters requiring expertise not represented within its membership.

(Ord. No. 97-133, § III, 12-16-1997; Ord. No. 2004-074, § 4, 7-14-2004)

Cross reference— Administration, ch. 2

Sec. 66-114. - Criteria for the Designation of resources.

- (a) Any site, building, structure, object or District which is listed in the National Register of Historic Places shall be nominated for Designation.
- (b) In order for a site, building, structure, object, or District which is not listed in the National Register of Historic Places to be designated, it must convey an overall sense of past time and place by possessing at least three of the following attributes of Integrity: location, design, setting, materials, workmanship, feeling

and association, and one or more of the following:

- (1) Be associated with events that have made a significant contribution to the broad patterns of local, State or national history; or
 - (2) Be associated with the lives of persons significant in local, State or national history; or
 - (3) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master builder, architect or designer, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (4) Have yielded, or may be likely to yield, information important in prehistory or history.
- (c) Interior spaces shall not be designated unless the interiors have exceptional architectural, artistic, or historical importance, and are customarily open to the public.

(Ord. No. 97-133, § IV, 12-16-1997)

Sec. 66-115. - Procedures for the Designation of resources.

- (a) The following procedures shall be used for the designation of sites, buildings, structures, objects and districts as historically important that are privately owned:
- (1) A nomination form, available from the Director, shall be completed by the Applicant and returned to the Director.
 - (2) A legal boundary description of the site of a proposed individual resource or district shall be submitted with the nomination application.
 - (3) Upon receipt of a completed nomination form, including necessary documentation, the Director shall review the nomination form for completeness and accuracy. Once accepted by the Director, the nomination shall be placed on the agenda of a regularly scheduled meeting of the Historic Preservation Board. At that meeting, the Historic Preservation Board will conduct a public hearing and subsequently discuss the nomination.
 - (4) Adequate notice of the Historic Preservation Board's public hearing and consideration of the nomination shall be provided to the public at large and to the owner(s) and their authorized agent (s) of the nominated property(ies) in advance of the meeting at which the nomination will be considered by the Historic Preservation Board. At a minimum, the owner will be notified in writing, and a public advertisement will be placed in a newspaper of general circulation, 15 days in advance of the public hearing.
 - (5) No County permits, for any demolition, alteration, construction, relocation, land disturbing or development activities, shall be issued once a nomination form is filed until the Board of County Commissioners acts to approve or deny the nomination, or for six months, whichever shall occur first.
 - (6) The Historic Preservation Board shall, within 65 days from the date of the meeting at which the nomination is first on their agenda, act upon the nomination. A written recommendation shall be forwarded to the Board of County Commissioners for their approval or denial, based upon the evidence presented at a public hearing. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria outlined in this ordinance along with any comments from the applicant. Adequate notice of the Board of County Commissioner hearing and consideration of the nomination shall be provided to the owner(s) and their agent in advance of the meeting at which the nomination will be considered.
- (b) The following procedures shall be used for the designation of sites, buildings, structures, objects and districts as historically important that are owned by Sarasota County:
- (1) A nomination form, shall be completed by the Director.
 - (2) A legal boundary description of the site of a proposed individual resource or district shall be submitted with the nomination application.
 - (3) The request for historic designation shall be reviewed by the Board of County Commissioners as a consent item at a regularly scheduled meeting.
 - (4) The application for historic designation shall be reviewed by the Historic Preservation Board a written recommendation shall be forwarded to the Board of County Commissioners for their approval or denial.
 - (5) The nomination shall be placed on the agenda of a regularly scheduled meeting of the Board of County Commissioners. At that meeting, the Board of County Commissioners will conduct a public hearing and subsequently vote to approve or deny it.
 - (6) No County permits, for any demolition, alteration, construction, relocation, land disturbing or development activities, shall be issued once a nomination form is filed until the Board of County Commissioners acts to approve or deny the nomination, or for six months, whichever shall occur first.

(Ord. No. 97-133, § V, 12-16-1997; Ord. No. 2004-074, § 5, 7-14-2004)

Sec. 66-116. - Effect of designating resources.

- The Director is authorized to issue and install official plaques identifying designated Historic Resources.
- (b) Resources which have been designated individually or as a part of a District will be added to the Administrator's list of significant resources, as defined in the Historic Resource Protection Ordinance (95-050) (Chapter 66, Article III, of this Code) and Apoxsee.
 - (c) Historic Resources which have been designated individually or as a part of a District are entitled to a variety of programs which are available as incentives for preserving designated Historic Resources. A descriptive listing of all incentives available in Sarasota County for designated Historic Resources shall be maintained by the Director.
 - (d) No demolition, alteration, relocation, or construction activities may take place on a designated historic property, except as provided in Section 66-117
(Ord. No. 97-133, § VI, 12-16-1997)

Sec. 66-117. - Certificates of Appropriateness.

- (a) With the exception of ordinary maintenance, a Certificate of Appropriateness shall be required for any demolition, alteration, construction, and/or relocation, activities on properties with individually designated historic resources and/or contributing resources, noncontributing resources, or vacant land within historic districts. Certificates of Appropriateness are required when the activities described in this section take place on a building's exterior, or designated interior. Activities on interiors which are not designated will be reviewed only when those activities are visible from the exterior.
- (b) A Certificate of Appropriateness for a noncontributing resource or vacant land within a historic district shall be issued on the basis of compatibility with the historic character of the setting in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
- (c) A Certificate of Appropriateness may be approved by the Director when the proposed work will result in either no visible change to the resource's existing appearance or a return to its appearance during the period of significance, based on documentation and/or physical evidence. The Director shall render a decision within 30 days of receipt of a complete application. If the applicant disagrees with the decision of the Director, the applicant may appeal the decision to the Historic Preservation Board. All other Certificates of Appropriateness must be approved by the Historic Preservation Board.
- (d) A Certificate of Appropriateness shall be a prerequisite to the issuance of any other County permits for properties with individually designated historic resources, or contributing resources, noncontributing resources, or vacant land within historic districts. However, the issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits or approvals required by Sarasota County or any other jurisdiction. The Director may request any information necessary to evaluate the proposed project.
- (e) Certificates of Appropriateness shall be issued in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and with Sarasota County Design Guidelines.
- (f) In addition to the guidelines provided in Section VII(E), issuance of Certificates of Appropriateness for relocations shall be guided by the following factors:
 - (1) The historic character and aesthetic interest the building, structure, or object contributes to its present setting;
 - (2) Whether there are definite plans for reuse of the property to be vacated and the effect of those plans on the character of the surrounding area;
 - (3) Whether the building, structure, or object can be moved without significant damage to its physical integrity;
 - (4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, or object; and
 - (5) Whether it can be demonstrated that no viable preservation alternatives exist at its present location.
- (g) Certificates of Appropriateness for demolitions may be delayed for a period not to exceed one year from the date that action is taken on the Certificate of Appropriateness by the Historic Preservation Board, in order to explore alternatives to the demolition and document the resource. A decision to delay demolition shall be guided by the following factors:
 - (1) The historic or architectural significance of the building, structure, or object;
 - (2) The importance of the building, structure, or object to the ambience of a district;
 - (3) The difficulty or the impossibility of reproducing such a building, structure, or object because of its design, texture, material, detail, or unique location;
 - (4) Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;
 - (5) Whether there are definite plans for reuse of the property, if the proposed demolition is carried out, and the effect of those reuse plans on the character of the surrounding properties. Proof of definite plans for reuse of the property may include, but are not limited to, a professionally developed business plan, proof of financing, documents required for the issuance of a development permit in Sarasota County, and sealed construction drawings;

- (6) Whether reasonable measures can be taken to save the building, structure, or object from collapse; and
- (7) Whether the building, structure, or object is capable of earning reasonable economic return on its value.
- (h) Owners or their authorized agent shall use the following procedures when applying for a Certificate of Appropriateness:
 - (1) A preapplication meeting shall be held with the Director to review the proposed project at the schematic plan stage. The purpose of this meeting is to provide assistance to the applicant in developing plans in accordance with Section VII(E) [subsection (e)].
 - (2) For work requiring a County permit, application shall be made to the permitting department. Once received by the permitting department, the application will be forwarded to the Director for consideration of a Certificate of Appropriateness in accordance with Section VII(A) [subsection (a)].
 - (3) For work not requiring a County permit, application shall be made directly to the Director for consideration of a Certificate of Appropriateness in accordance with Section VII(A) [subsection (a)].
 - (4) Prior to placement on the Historic Preservation Board agenda all applications for Certificates of Appropriateness must be complete to the satisfaction of the Director.
- (i) Certificates of Appropriateness requiring a decision by the Historic Preservation Board shall be reviewed by the Historic Preservation Board within 35 days of receipt of a complete application. Adequate notice of the Historic Preservation Board's meeting and consideration of the Certificate of Appropriateness shall be provided to the public at large, and to the owner(s) and their authorized agent(s).
- (j) One of the following actions shall be taken by the Historic Preservation Board within 35 days of the review of the application and any presentations made by the owner or their agent:
 - (1) Grant the Certificate of Appropriateness.
 - (2) Grant the Certificate of Appropriateness with modifications and conditions. A statement describing the public interest and reasons for modifications and conditions will be entered into the minutes by the Historic Preservation Board.
 - (3) Deny the Certificate of Appropriateness. A statement describing the public interest and reasons for denial will be entered into the minutes by the Historic Preservation Board.
- (k) Persons aggrieved by a decision as to a Certificate of Appropriateness made by the Historic Preservation Board may appeal that decision to the Board of County Commissioners by filing, within 15 days of the decision, a written notice requesting an appeal. Persons aggrieved shall file the notice with the Clerk to the Board of County Commissioners and shall furnish a copy to the Director. The notice shall state the grounds for the appeal. An appeal shall be heard by the Board of County Commissioners at a regularly scheduled meeting. The appellant will be provided adequate notice of the date that their appeal will be heard by the Board of County Commissioners. The Board of County Commissioners shall make a determination based on the record and other evidence presented to the Board of County Commissioners, taking into consideration such factors as whether the Historic Preservation Board made a factual error, whether the decision will create an economic hardship (an economic hardship occurs when an owner is improperly deprived of all reasonable use of his property or when an owner is inordinately burdened by the Board's decision), and whether the decision of the Historic Preservation Board furthers the intent and is in compliance with this Ordinance. The Board of County Commissioners may affirm, amend or reverse the decision of the Historic Preservation Board. The Board of County Commissioners shall render a decision which shall constitute the final administrative review. The appellant shall be notified, in writing, of the decision of the Board of County Commissioners.

(Ord. No. 97-133, § VII, 12-16-1997; Ord. No. 2004-074, § 6, 7-14-2004)

Sec. 66-118. - Unsafe conditions.

The Building Official shall immediately notify the Director of cases where there are unsafe or unsanitary conditions which may adversely affect life safety, health or property which impact an individually designated Historic Resource or a resource within a designated historic District, or a structure over 50 years old. Notification to the Director shall consist of a report from the Building Official describing the conditions. Based upon the information provided, the Director shall prepare an informational report for the Historic Preservation Board. After consultation with the Director, the Building Official may order the remedying of the conditions without the approval of the Historic Preservation Board.

(Ord. No. 97-133, § VIII, 12-16-1997)

Sec. 66-119. - Enforcement and penalties.

The provisions of this article may be enforced by proceedings before the Code Enforcement Special Master, pursuant to F.S. ch. 162 and Sarasota County Ordinance No. 93-006, as amended (Chapter 2, Article VIII, of this Code); or enforced through civil injunctive relief. Additionally, any work performed which does not comply with Section 66-117(e) must be corrected in accordance with a Certificate of Appropriateness as issued by the Historic Preservation Board.

(Ord. No. 97-133, § IX, 12-16-1997)

Sec. 66-120. - Territorial applicability.

The provisions of this article shall be effective throughout Sarasota County, Florida, except as provided in Section 3.3 of the Sarasota County Charter.

(Ord. No. 97-133, § X, 12-16-1997)

Sec. 66-121. - Interpretation.

Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

(Ord. No. 97-133, § XI, 12-16-1997)

Sec. 66-122. - Severability.

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

(Ord. No. 97-133, § XII, 12-16-1997)

Sec. 66-123. - Sunset Provision.

This article shall be automatically repealed on May 24, 2018, unless otherwise amended or ratified by the Board of County Commissioners.

(Ord. No. 97-133, § XIII, 12-16-1997; Ord. No. 2004-074, § 7, 7-14-2004; Ord. No. 2011-032, § 4, 5-24-2011)

Secs. 66-124—66-150. - Reserved.

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ARTICLE V. - TAX EXEMPTIONS FOR HISTORIC STRUCTURES [51]

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- Sec. 66-159. - Notification of Property Appraiser.
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Sec. 66-151. - Purpose.

- (a) It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, aesthetic and architectural merit are in the interest of the health, prosperity and welfare of the people of Sarasota County.
- (b) The purpose of this article is to provide for an incentive for protecting nationally or locally designated

Historic Resources in Sarasota County by allowing for ad valorem tax exemptions under certain circumstances as described herein.

(Ord. No. 97-134, § 1, 12-16-1997)

Sec. 66-152. - Definitions.

The following words and phrases, when used in this ordinance, shall have the following meanings, except where the context clearly indicates a different meaning:

Applicant means the owner of record or their authorized agent.

Board of County Commissioners means the governing body of Sarasota County.

Certified Local Government means a local historic preservation program which has been certified by the Florida Department of State, Division of Historical Resources in accordance with section 101 of the National Historic Preservation Act.

Contributing Property means a building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a district is significant.

Design Guidelines means The Sarasota County Design Guidelines for Historic Properties as approved by the Sarasota Board of County Commissioners.

Director means the Executive Director of the Community Services Business Center or designee.

District means a grouping of two or more buildings, structures, sites, objects, or other real or personal property.

Historic Preservation Board means an advisory board appointed by the Board of County Commissioners to perform the duties assigned it in this and other ordinances, as well as any other duties assigned by the Board of County Commissioners.

Historic Properties means a historic resource which has been designated in accordance with Ordinance 97-133 (Chapter 66, Article IV, of this Code).

Historic Resource means a building, structure, object, or other real or personal property of historic, architectural, or archaeological value.

Improvement means changes in the condition of real property brought about by the expenditure of labor or money for the restoration, renovation or rehabilitation of such property. Improvements include additions and accessory structures (i.e., a garage) necessary for efficient contemporary use.

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.

Noncontributing Property means a building, site, structure, or object which does not add to the historic architectural qualities, historic associations, or archaeological values for which a district is significant.

Project Completion means that point at which the Director determines that the project is substantially complete in accordance with the approved application.

Property Appraiser means the Sarasota County Property Appraiser.

Renovation or Rehabilitation means the 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 and features of the property which are significant to its historic architectural and cultural 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 designed to sustain and protect the existing form and integrity of a 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 of the removal of later work or by the replacement of missing earlier work.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings means those standards developed by the Secretary of the Interior to guide work undertaken on historic resources, as codified in 36 CFR 67, as amended.

(Ord. No. 97-134, § II, 12-16-1997; Ord. No. 2004-075, § 2, 7-14-2004; Ord. No. 2011-033, § 2, 5-24-2011)

Sec. 66-153. - Ad valorem tax exemptions for Historic Properties.

The Board of County Commissioners may, at its discretion, allow tax exemptions, from that portion of ad valorem taxes levied by Sarasota County, for the restoration, renovation or rehabilitation of historic properties.

- (1) The exemption shall apply to 100 percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation.
- (2) The exemption shall apply only to improvements to real property and does not apply to personal property.
- (3) The exemption shall apply only to ad valorem taxes levied by Sarasota County government. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII, of the Florida Constitution.
- (4) The exemption shall remain in effect for ten years regardless of any change in the authority of the County to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained over the period for which the exemption is granted.

(Ord. No. 97-134, § III, 12-16-1997; Ord. No. 2004-075, § 3, 7-14-2004)

Sec. 66-154. - Covenant.

To qualify for an exemption, the property owner must enter into a covenant or agreement with the Board of County Commissioners for the term of the exemption. The form of the covenant or agreement must be established by the Department of State and must require that the character of the property and the qualifying improvements to the property be maintained during the period that the exemption is granted. On or before the effective date of the exemption, the owner of the property shall have the covenant recorded with the deed for the property in the official records of Sarasota County. The covenant or agreement shall be binding on the current property owners, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement will 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 or agreement 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 as provided in F.S. § 212.12(3).

(Ord. No. 97-134, § IV, 12-16-1997)

Sec. 66-155. - Eligible properties and Improvements.

In order for the improvements to a property to be eligible for an ad valorem tax exemption, the Historic Preservation Board must certify to the following:

- (1) At the time the exemption is granted, the property is locally designated under the provisions of a local historic preservation ordinance as a historic resource, or as a contributing property to a historic district, and the property meets the criteria for designation outlined in the Sarasota County Historic Preservation Ordinance 97-133 (Chapter 66, Article IV, of this Code).
- (2) The improvement:
 - a. Is consistent with the Design Guidelines and Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings; and
 - b. Is equal to or greater than 15 percent of the assessed value of the property, excluding the value of the land, in the year in which the qualifying improvement was initiated; and
 - c. Has an exterior component equal to \$2,500.00 or 15 percent of the project budget for improvements to real property, whichever is more; and
 - d. Meets the criteria established in rules adopted by the Department of State.

(Ord. No. 97-134, § V, 12-16-1997; Ord. No. 2004-075, § 4, 7-14-2004)

Sec. 66-156. - Application.

The owner of record or authorized agent of an historic resource that desires an ad valorem tax exemption for improvements to that historic resource must submit a written application to the Board of County Commissioners, through the Director, which, at a minimum, shall contain such information as required by F.S. § 196.1997.

(Ord. No. 97-134, § VI, 12-16-1997)

Sec. 66-157. - Review of application.

The Historic Preservation Board shall review the application in a manner which is consistent with the routine schedules and procedures which are set forth in the Sarasota County Historic Preservation Ordinance 97-133 (Chapter 66, Article IV, of this Code). As a result of the application review, the Historic Preservation Board shall determine whether or not the property and improvements qualify for an exemption, pursuant to this section.

- (b) When applicable and to the extent possible, the review of the application should be conducted simultaneously with the process for issuance of a certificate of appropriateness for the subject improvements, pursuant to the Sarasota County Historic Preservation Ordinance 97-133 (Chapter 66, Article IV, of this Code).
- (c) The Historic Preservation Board must determine eligibility for an ad valorem tax exemption prior to the initiation of construction of qualified improvements.

(Ord. No. 97-134, § VII, 12-16-1997)

Sec. 66-158. - Approval of exemption.

- (a) All work associated with an ad valorem tax exemption must be completed within two years of the date of preliminary approval of the Historic Preservation Board.
- (b) Upon receipt of a request for a review of completed work and all required supporting materials, the Director shall conduct a review to determine whether or not the improvements are completed in compliance with the approved application, any approved amendments, Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Director reserves the right to conduct interim inspections of the work, at any time, to verify such compliance with requirements. Upon completion of the review of completed work, the Director shall report to the Historic Preservation Board, who shall recommend that the Board of County Commissioners grant or deny the exemption. The recommendation and reasons therefor shall be provided in writing to the applicant. The applicant shall be given reasonable notice of the date and time when the recommendation will be heard by the Board of County Commissioners and shall be provided an opportunity to be heard by the Board of County Commissioners at that meeting if so requested. In order to be granted, the exemption must be approved by a super majority of the Board of County Commissioners.
- (c) The exemption shall take effect on January 1 following approval of the exemption by the Board of County Commissioners.

(Ord. No. 97-134, § VIII, 12-16-1997; Ord. No. 2004-075, § 5, 7-14-2004)

Sec. 66-159. - Notification of Property Appraiser.

- (a) Upon approval of an ad valorem tax exemption by the Board of County Commissioners, the Sarasota County Property Appraiser shall be notified.
- (b) Upon certification of the assessment roll, or recertification, if applicable, for each fiscal year during which this article is in effect, the Property Appraiser shall report the information specified in F.S. § 196.1997(9) to the local governing body.

(Ord. No. 97-134, § IX, 12-16-1997)

Sec. 66-160. - Territorial applicability.

The provisions of this article shall be effective throughout Sarasota County, Florida, except as provided in Section 3.3 of the Sarasota County Charter.

(Ord. No. 97-134, § X, 12-16-1997)

Sec. 66-161. - Interpretation.

Where any provision of this article refers to or incorporates another provision, ordinance, statute, rule, regulation, policy, official publication, or other authority, it refers to the most current version, incorporating any amendments thereto or redesignation thereof.

(Ord. No. 97-134, § XI, 12-16-1997)

Sec. 66-162. - Severability.

If any provision of this article is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions.

(Ord. No. 97-134, § XII, 12-16-1997)

Sec. 66-163. - Sunset Provision.

This article shall be automatically repealed on May 24, 2018, unless otherwise amended or ratified by the Board of County Commissioners.

(Ord. No. 97-134, § XIII, 12-16-1997; Ord. No. 2004-075, § 6, 7-14-2004; Ord. No. 2011-033, § 3, 5-24-2011)

FOOTNOTE(S):

⁽⁵¹⁾ **Cross reference—** *Taxation, ch. 114. (Back)*