

DIVISION 8. - HISTORIC RESOURCES, STRUCTURES, AND ARCHAEOLOGICAL SITES

Sec. IV-801. - Purpose and applicability.

- A. It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of structures, sites and districts of historical, architectural or archaeological merit, including archival and artifacts is in the interest of the health, prosperity and welfare of the people of the city. Therefore, this division is intended to:
1. Effect and accomplish the protection, enhancement and perpetuation of structures, sites and districts which represent distinctive elements of the city's cultural, social, economic and architectural history;
 2. Protect to the maximum extent practicable the city's historical, cultural, archaeological and architectural heritage, as embodied and reflected in such individual artifacts, structures, sites and districts;
 3. Protect and enhance the city's attractiveness to residents and to visitors;
 4. Strengthen the economy of the community by stabilizing and improving property values in historic districts;
 5. Foster civic pride in the accomplishments of the past; and
 6. Promote the use of individual structures, sites and districts for the education, pleasure and welfare of the people of the city.

(Ord. No. 02-4357, 4-29-02; Ord. No. 08-4819, § 2(att. 1), 7-21-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-802. - Historic designation application requirements.

(a) Initiation of application.

- (1) *Proposal by property owner.* When designation is proposed by the property owner, an application for designation shall be filed in the city auditor and clerk's office on forms approved by the neighborhood and development services department. If a property owner withdraws the request for historic designation, after the historic preservation board has recommended the designation, then the historic designation process shall terminate. Any subsequent request by the property owner to historically designate the same property shall proceed in accordance with this section as if no prior request had been submitted.
- (2) *Proposal by historic preservation board.* When designation is proposed by a majority vote of the members of the historic preservation board, notice of the proposed designation shall be sent by certified mail to the owner of record of the property proposed for designation and to each owner of record of property in a proposed district. The notice shall describe the property proposed for designation and shall announce a public hearing of the historic preservation board to consider such designation to be held within 30 days after the mailing of such notice.
- (3) *Objections.* Upon notification, any owner or owners of property who object to the proposed designation shall return a notarized statement to the historic preservation board certifying that the party is the sole or partial owner of the property and that he objects to the proposed designation. A blank statement of objection shall be mailed to each property owner together with the notice of proposed designation as provided above. The property owner shall be advised that in order to object to the proposed designation the notarized statement of objection must be completed and returned within 15 days after receipt.

- B. In addition to the general application requirements set forth in administrative regulations, an application for a historic designation shall be accompanied by information necessary to demonstrate that the proposed designation is consistent with the criteria of section IV-806.

(Ord. No. 02-4357, 4-29-02; Ord. No. 08-4819, § 2(att. 1), 7-21-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-803. - Designation staff review and report.

- A. *Historic structures and sites, signs and archaeological sites.* The neighborhood and development services department shall review the application for the designation and shall prepare a written staff analysis of the issues raised by the application which analysis shall contain a statement of the historic or archaeological significance of the structure, site or sign proposed for designation, and shall include photographic documentation of the structure, site or sign.
- B. *Historic districts and archaeological districts.* The neighborhood and development services department shall review the application for the designation and shall prepare a written staff analysis of the issues raised by the application which analysis shall contain:
1. An explanation of the historical, cultural, architectural or archaeological significance of the district and a statement of the historic significance of the structures within the district.
 2. The proposed boundaries for the district and an explanation of a choice of boundaries for the district.
 3. A map showing the boundaries of the district.
 4. A description of typical architectural styles and types of structures in the district.
 5. An identification of all structures within the district and the proposed classification of such structures as contributing, contributing with alterations, or noncontributing with an explanation of the criteria utilized for the proposed classification.
 6. Photographic documentation of structures within the district indicating examples of contributing, contributing with alterations or noncontributing structures within the district and buildings outside the boundaries of the district.

(Ord. No. 02-4357, 4-29-02; Ord. No. 08-4819, § 2(att. 1), 7-21-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-804. - Historic preservation board review of historic designation.

- A. *Objections to a historic designation.*
1. The historic preservation board shall not act upon a proposed designation of an individual property if the property owner has returned a statement of objection.
 2. The historic preservation board shall not act upon a proposed district designation if a statement of objection has been received from:
 - a. The owner or owners of a majority of the separate zoning lots in the proposed district; or
 - b. The owner or owners of a majority of the land area in the proposed district.
- B. *Action by the historic preservation board.*
1. The historic preservation board shall conduct a public hearing to review the proposed designation, and shall consider the analysis of the staff and the testimony at the public hearing, and make a recommendation upon the proposed designation. The recommendation shall set forth the historic preservation board's findings in regard to whether the proposed designation will satisfy the

standards set forth in section IV-806. The historic preservation board's recommendation to designate a historic district shall further classify all structures within the proposed district as contributing, contributing with alterations or noncontributing. The historic preservation board may by resolution designate a historic sign.

2. If the historic preservation board votes to recommend in favor of the proposed designation, such action shall be forwarded to the city commission. If the historic preservation board votes against the proposed designation, the decision of the historic preservation board in this regard shall be final, and the structure, site or sign shall not be designated by the city commission. The historic preservation board shall take final action to either recommend in favor of the proposed designation or to deny the proposed designation within one (1) year after the application for designation is filed, or the application shall be deemed withdrawn.

(Ord. No. 02-4357, 4-29-02; Ord. No. 04-4547, § 4, 6-7-04; Ord. No. 08-4819, § 2(att. 1), 7-21-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-805. - City commission review of historic designation.

The city commission shall, in accordance with the provisions of section IV-202, review the proposed designation of the structure, site, district or sign, the written staff analysis and the recommendation of the historic preservation board, and shall approve, approve with conditions or deny the designation, after a public hearing. Action taken by the city commission to approve a historic designation shall be documented in the form of an ordinance.

The ordinance providing for the designation of a structure or sign as historically significant shall pertain to the structure or sign and may apply to the site upon which the structure or sign is located. The designation ordinance may contain conditions to ensure the preservation of the setting in which the structure or sign exists, if the setting was a significant consideration in the designation of the structure or sign. The designation ordinance shall be recorded in the chain of title in the public records of the county.

(Ord. No. 02-4357, 4-29-02; Ord. No. 08-4819, § 2(att. 1), 7-21-08)

Sec. IV-806. - Designation standards for review.

The criteria to be applied by the historic preservation board and the city commission in the designation of a structure, district, site or sign as historically or archaeologically significant, shall be as follows:

- (1) *Historic structures or sites.* A structure or site is of historic significance if it possesses integrity of location, design, setting, materials, workmanship and association, and if it:
 - a. Exemplifies or reflects the broad cultural, political, economic or social history of the city, the county, the state, or the United States of America;
 - b. Is associated with events which have made a significant contribution to the broad patterns of our local, state or national history;
 - c. Is associated with the life of a person who has played a significant role in our local, state or national history;
 - d. Embodies the distinctive visible characteristics of an architectural style or period, or a method of construction;
 - e. Represents the work of a designer or builder whose work has been generally acknowledged;
or
 - f. Is a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan and when no other building or association has survived.

- (2) *Historic districts.* A district is of historic significance when it possesses integrity of location, design, setting, materials, workmanship and association, and if it:
 - a. Represents a significant entity whose components may lack individual distinction;
 - b. Represents a geographically defined area which contains structures, sites, objects, and spaces linked historically through location, design, setting, materials, workmanship, feeling and association; or
 - c. Represents a geographically defined entity whose individual structural components collectively convey a sense of time and place in history (which may relate to one or more periods in history).
- (3) *Archaeological sites and districts.* A site or district is of archaeological significance, and if it:
 - a. Has yielded or is likely to yield significant information relating to prehistory or history; or
 - b. Contains any subsurface remains of historical or archaeological importance or any unusual ground formations of archaeological significance.
- (4) *Historic signs.* Any sign, regardless of its age, which satisfies one or more of the following criteria:
 - a. The sign is significant to the history of the city, including, but not limited to, the character of the city as a seaside community, tourist attraction, or cultural center;
 - b. The sign is unique, notably aesthetic, or creative so as to make a significant contribution as a work of art;
 - c. The sign merits recognition as an important example of technology, craftsmanship, materials or design of the period in which it was constructed and may not longer be economically feasible to produce or manufacture the sign today; or
 - d. The sign is incorporated into the architecture of a building, so as to be essential to the integrity of the building.

(Ord. No. 02-4357, 4-29-02; Ord. No. 08-4819, § 2(att. 1), 7-21-08)

Sec. IV-807. - Reserved.

Editor's note— Section 2, attachment 1 or Ord. No. 09-4838, adopted Feb. 17, 2009, repealed § IV-807 which pertained to appeals of decisions and derived from Ord. No. 02-4357, adopted Apr. 29, 2002.

Sec. IV-808. - Changes to structures with historic designation/certificate of appropriateness.

A. *Building permits.*

- 1. After a structure or site has been historically designated, the director of neighborhood and development services shall refer all completed applications for building permits which affect the exterior of the structure or the site to the historic preservation board for review and decision by the historic preservation board. Applications for building permits for interior renovations shall be referred to the historic preservation board only if the designation ordinance so specifies.
- 2. After designation of an historic district, the director of neighborhood and development services shall refer all completed applications for building permits for new construction and for permits to modify structures classified as contributing or as contributing with alterations to the historic preservation board for review and decision by the historic preservation board.
- 3. After a site or district has been archaeologically designated, the director of neighborhood and development services shall refer all completed applications for construction, development or

excavation within the site or district to the historic preservation board for review and decision by the historic preservation board.

4. After the board has recommended historic designation of a structure or site and prior to the city commission voting on the designation, the director of neighborhood and development services shall refer all completed applications for building permits that modify the structure to the historic preservation board for review and decision by the historic preservation board.
5. Except for applications for building permits for minor work the historic preservation board shall conduct a public hearing on the application. However the requirements of section IV-202(c) (pertaining to notice and hearing) shall not apply. Notice of hearing shall be provided by posting a copy of the notice on the bulletin board at city hall for at least three workdays prior to the hearing. The historic preservation board shall grant, grant with conditions, or deny the certificate of appropriateness for a building permit, subject to appeal under section IV-827 to the city commission.
6. The historic preservation board shall adopt rules that provide for the referral to and approval of applications for certificates of appropriateness for minor work by the director of neighborhood and development services, subject to appeal to the historic preservation board. Minor work shall be defined by the historic preservation board and may include, but not necessarily be limited to: fences, driveways, patios, decks, replacement of windows and doors of the same dimensions, and roof replacements that do not change the structure of the roof.
7. An owner of a structure or site shall be exempt from the requirements of this section, if:
 - a. The owner has appeared before the city historic preservation board for plan review and written comment which shall be transmitted to the county historic preservation board; and
 - b. Thereafter, the owner has received a determination of eligibility for an ad valorem exemption by the county historic preservation board, pursuant to Sarasota County Ordinance 97-134, as amended, for the value of the improvements for which work is to be performed under a building permit.

B. *Demolition permits.*

1. After a structure or site has been historically designated, the director of neighborhood and development services shall refer all completed applications for demolition permits affecting the designated structure site to the historic preservation board for review and decision by the historic preservation board.
2. After designation of an historic district, the director of neighborhood and development services shall refer all completed applications for demolition permits affecting contributing structures or structures which are contributing with alterations in the district to the historic preservation board for review and decision by the historic preservation board.
3. After a site or district has been archaeologically designated, the director of neighborhood and development services shall refer all completed applications for demolition of structures on the site or within the district to the historic preservation board for review and decision by the historic preservation board.
4. The historic preservation board may grant or deny certificates of appropriateness for demolition permits with or without conditions or may grant a certificate of appropriateness conditioned upon a stay of demolition for up to one year.
5. The historic preservation board shall conduct a public hearing on the application in accordance with the requirements of section IV-202 (pertaining to notice and hearing). The historic preservation board shall grant, grant with conditions, or deny the certificate of appropriateness for a demolition permit, subject to appeal under section IV-827 to the city commission.

C. *Permits for moving of buildings.*

1. After a structure or site has been designated as historically significant, the director of neighborhood and development services shall refer all completed applications for moving permits

affecting the structure or site to the historic preservation board for review and decision by the historic preservation board.

2. After a historic or archaeological district has been designated, the director of neighborhood and development services shall refer all completed applications for permits to move any structures in to, out of, or within the boundaries of the district to the historic preservation board for review and decision by the historic preservation board.
3. After an archaeological site has been designated, the director of neighborhood and development services shall refer all completed applications for a moving permit for moving of structures on to or off of the site to the historic preservation board for review and decision by the historic preservation board.
4. The historic preservation board shall conduct a public hearing on the application in accordance with the requirements of section IV-202 (pertaining to notice and hearing). The historic preservation board shall grant, grant with conditions, or deny the certificate of appropriateness for a moving permit, subject to appeal under section IV-827 to the city commission.
5. Approval of the board of adjustment shall not be required for moving any structure that is required to have a certificate of appropriateness prior to moving in accordance with this section.

D. *Sign permits.*

1. After a sign has been historically designated, the director of neighborhood and development services shall refer all completed applications for sign permits to the historic preservation board for review and approval or denial.
2. The historic preservation board shall conduct a public hearing on the application in accordance with the requirements of section IV-202 (pertaining to notice and hearing). The historic preservation board shall grant, grant with conditions, or deny the certificate of appropriateness for a sign permit, subject to appeal under section IV-827 to the city commission.

(Ord. No. 02-4357, 4-29-02; Ord. No. 03-4430, § 5, 1-21-03; Ord. No. 04-4515, § 5, 1-20-04; Ord. No. 07-4720, § 2, 5-21-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 09-4888, § 2(att. 1), 11-2-09; Ord. No. 10-4927, § 2(att. 1), 2-22-11)

Sec. IV-809. - Criteria for issuance of certificates of appropriateness.

- A. *Building permits.* When passing upon a certificate of appropriateness for the issuance of a building permit, the historic preservation board shall consider the criteria listed in the U.S. Secretary of the Interior's Standards for Rehabilitation at 36 Code of Federal Regulations, part 68 which are hereby adopted by reference as though fully set forth herein. Copies of the Secretary of the Interior's standards shall be kept on file in the neighborhood and development services department.
- B. *Demolition permits.* When passing upon a certificate of appropriateness for the issuance of a demolition permit, the historic preservation board shall consider the following criteria:
 1. The historic or architectural significance of the building or structure;
 2. The importance of the building or structure to the ambiance of a district, if applicable;
 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 neighborhood or in the city;
 5. The future utilization of the site;
 6. Whether the applicant has demonstrated that reasonable measures can be taken to save or relocate the building or structure; and

7. Whether the building or structure 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.
- C. *Moving permits.* When passing upon a certificate of appropriateness for the issuance of a moving permit, the historic preservation board shall consider the following criteria:
1. The historic character and aesthetic interest the building or structure contributes to its present setting;
 2. The reasons for the proposed move;
 3. The proposed new setting and general environment of the proposed new setting;
 4. Whether the building or structure can be moved without significant damage to its physical integrity;
 5. Whether the proposed relocation site is compatible with the historical and architectural character of the building or structure; and
 6. When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
- D. *Sign permits.* When passing upon a certificate of appropriateness for the issuance of a sign permit, the historic preservation board shall consider the following criteria:
1. Whether the work described in the sign permit can be performed without materially altering the historic style, design, scale, height, type of material or dimensions of the historic sign; and
 2. Whether the work described in the sign permit is necessary to maintain the structural integrity of the historic sign.

(Ord. No. 02-4357, 4-29-02; Ord. No. 07-4720, § 2, 5-21-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-810. - Reserved.

Editor's note— Section 2, attachment 1 of Ord. No. 09-4838, adopted Feb. 17, 2009 repealed § IV-810 which pertained to appeals to city commission and derived from Ord. No. 02-4357, adopted Apr. 29, 2002.

Sec. IV-811. - Removal of designation.

- A. Structures, sites, signs and districts shall remain designated as historically or archaeologically significant unless such designation is removed by subsequent ordinance of the city commission, or in the case of signs, by resolution of the historic preservation board.
- B. The historic or archaeological designation may be removed from a structure, site or sign provided that:
1. The subject property or sign no longer meets the applicable criteria for designation;
 2. Additional information indicates that the subject property or sign does not meet the applicable criteria for designation;
 3. An error in professional judgment was made in the staff recommendation for designation of the subject property or sign;
 4. A procedural error occurred in the original designation process; or

5. It has been determined by the city commission that the property owner has violated a term or condition of a certificate of appropriateness, or of a conditional use approval pertaining to the designated property or sign.
- C. Applications for removal of historic or archeological designation may be filed with the city auditor and clerk on a form approved by the director of neighborhood and development services. If a property owner withdraws the request for removal at any time prior to the city commission adopting on second reading the ordinance removing the designation, then the removal process shall terminate. The process for reviewing applications for removal of designation shall include:
1. Analysis of the application by the neighborhood and development services department regarding criteria listed in section IV-811(b).
 2. Review by the historic preservation board. The historic preservation board shall conduct a public hearing to review the proposed designation, and shall consider the analysis of the staff and the testimony at the public hearing, and make a recommendation upon the proposal to remove designation. The historic preservation board's recommendation to remove designation or deny removal of designation shall set forth the historic preservation board's findings in regard to whether the proposal to remove designation will satisfy the standards set forth in section IV-811(b). The historic preservation board's recommendation shall be forwarded to the city commission.
 3. *Review by the city commission.* The city commission shall, in accordance with the provisions of section IV-202, review the proposal to remove designation, the written staff analysis and the recommendation the historic preservation board, and shall approve or deny the removal of designation, after a public hearing. Action taken by the city commission to remove designation shall be documented in the form of an ordinance.

(Ord. No. 02-4357, 4-29-02; Ord. No. 04-4515, § 6, 1-20-04; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-812. - Reserved.

Editor's note— Section 2, attachment 1 of Ord. No. 09-4838, adopted Feb. 17, 2009 repealed § IV-812 which pertained to nondesignated residential structures and derived from Ord. No. 02-4357, adopted Apr. 29, 2002; and Ord. No. 07-4720, adopted May 21, 2007.

Sec. IV-813. - Relief from certain building code regulations.

Historically designated structures and structures which are located in a designated historical district and which have been classified as contributing or contributing with alterations shall qualify for the exemption accorded to special historic buildings under section 101.6 of the city building code (Standard Building Code, 1994 Edition), as may be amended, provided that the building meets all other requirements of that section to the satisfaction of the director of neighborhood and development services. This exemption shall be applied only to structures described in this section.

(Ord. No. 02-4357, 4-29-02; Ord. No. 07-4720, § 2, 5-21-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-814. - Major conditional use approval for uses of historic structures.

Except in single-family residential zone districts (RSF-E, RSF-1, RSF-2, RSF-3, RSF-4 and RSM-9) owners of locally designated historic structures and owners of structures classified as contributing or contributing with alterations in a locally designated historic district may petition the planning board for a

major conditional use for any type of use which would serve to perpetuate the viable contemporary utilization of the historic structure, regardless of whether such use is permitted by a conditional use permit in the zone district in which the historic structure is located. The procedure for issuance of the conditional use approval shall be the same as that set forth in article IV, division 9 of these regulations. In addition,

- A. The proposed use(s) shall be limited to only the locally designated historic structure in existence at the time the conditional use approval is granted. No new additions to the historic structure will be allowed as part of the conditional use approval.
- B. The property owner shall be required to prove to the satisfaction of the city commission and planning board that it will adequately provide for each of the criteria enumerated in section IV-906 to the extent applicable.
- C. The applicant shall demonstrate that the proposed conditional use will be a reasonable compatible reuse of the historic structure and will not adversely impact the historic building.
- D. The burden of proof is on the applicant to show that the evidence is satisfactory and no guarantee is made for approval of the conditional use.

(Ord. No. 02-4357, 4-29-02; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-815. - Reserved.

Sec. IV-816. - Relief contingent upon designation.

Nothing herein shall be construed to prevent a property owner from filing a petition under section IV-814 of this article at the same time as a petition for designation and having both matters proceed simultaneously. The director of neighborhood and development services and board of adjustment and planning board shall be authorized to act upon the petition filed under section IV-814 prior to final designation of the subject structure, district or site; provided that approval of any such petition shall be made contingent upon the final designation of the structure, district or site, as historically or archaeologically significant by ordinance of the city commission.

(Ord. No. 02-4357, 4-29-02; Ord. No. 07-4720, § 2, 5-21-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09; Ord. No. 13-5041, § 2(att. 1), 3-4-13)

Sec. IV-817. - Reserved.

Editor's note— Section 2, attachment 1 of Ord. No. 09-4838, adopted Feb. 17, 2009 repealed § IV-817 which pertained to demolition stay—Florida master site file structure and derived from Ord. No. 02-4357, adopted Apr. 29, 2002; and Ord. No. 07-4720, adopted May 21, 2007.

Sec. IV-818. - Demolition by neglect.

In the event the historic preservation board determines that a historically designated structure, historically designated sign, or a structure within a designated district which is contributing, or contributing with alterations, is in the course of being demolished by neglect, the historic preservation board shall notify the owner of record of such preliminary findings, stating the reasons therefore, and shall give the owner of record 30 days from the date of such notice in which to commence work rectifying the evidence of neglect cited by the historic preservation board. Such notice shall be accomplished by certified mailing to the last known address of the owner of record or, in the event that this procedure is unsuccessful, then by attaching such notice to the structure for a seven-day period.

Upon the failure of the owner of record to commence work within 30 days of such notice, the historic preservation board shall notify the owner of record in the manner provided above to appear at the next

meeting of the historic preservation board. The historic preservation board shall cause to be presented at such meeting the reasons for the notice and the owner of record shall have the right to present any rebuttal thereto. If thereafter the historic preservation board shall determine that the structure or sign is being demolished by neglect, such condition shall constitute a violation of the zoning code (1998).

(Ord. No. 02-4357, 4-29-02; Ord. No. 08-4819, § 2(att. 1), 7-21-08; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-819. - Ordinary maintenance.

Nothing in this division shall be construed to prevent the ordinary maintenance or repair of any exterior feature of any historic structure or historic sign which does not involve a change in material, design or outer appearance thereof.

(Ord. No. 02-4357, 4-29-02)

Sec. IV-820. - Danger to life, health or property.

Nothing in this division shall prevent the alteration, construction, reconstruction, repair or demolition of a designated structure or designated sign on an emergency basis when the director of neighborhood and development services certifies in writing that such work is necessary for the purpose of correcting conditions determined to be dangerous to life, health or property.

(Ord. No. 02-4357, 4-29-02; Ord. No. 07-4720, § 2, 5-21-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-821. - Revocation of certificates of appropriateness.

In any cases where work has commenced which requires a certificate of appropriateness under the terms of this division, and where no such certificate has been obtained, a stop work order shall be issued by the director of neighborhood and development services. The stop work order shall be issued to the property owner, the occupant, or any person, company or corporation commencing work or preparation for work in violation of this division. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained.

The historic preservation board may revoke or suspend a certificate of appropriateness upon a determination that a project for which a certificate has been previously granted has violated one or more conditions of its approval. Such determination shall be made at a regular or special meeting of the historic preservation board. In the event that the project has been completed, the historic preservation board may recommend to the city commission that the historic designation of the structure or sign should be revoked by ordinance.

(Ord. No. 02-4357, 4-29-02; Ord. No. 07-4720, § 2, 5-21-07; Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-822. - Nationally registered historic resources.

The neighborhood and development services department shall review all development proposals that include nationally individually registered historic resources within 120 days. This review shall include an evaluation of the effect of the project on the historic resources and shall result in recommended measures to avoid, minimize, or mitigate the project's adverse effects. Mitigation for significant national historic

resources may require the applicant for a demolition permit to undertake all reasonable measures to save the building on site or by relocating the building.

(Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-823. - Nondesignated Florida master site file structures.

Structures listed on the Florida master site file which are to be used for residential purposes only may be exempt from the provisions of article V of these regulations; provided, that the proposed repair or rehabilitation is approved by the historic preservation board. The director of neighborhood and development services shall have reviewed and approved all applications for building permits before forwarding same to the historic preservation board for review, pursuant to this section.

(Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-824. - Demolition stay—Florida master site file structures.

Upon the filing of an application to demolish a structure that is on the Florida master site file, the neighborhood and development services department shall conduct a historic review to determine if the structure is a contributing building to a historic district, eligible for local or national designation or if there are any viable alternatives to the demolition of the structure. The staff of the neighborhood and development services department shall be permitted access to the premises and to the subject structure during this review period at reasonable times and by appointment with the owner or designated agent for this review process as well as for showing the structure to individuals who may be interested in restoring and/or relocating the structure.

- (a) *Noncontributing or ineligible structures for either local or national designation.* The neighborhood and development services director may authorize demolition of any Florida master site file noncontributing structure or building that is not eligible for either local or national designation once the historic review has been completed.
- (b) *Structures contributing to a historic district or structures individually eligible for local or national designation.* Structures that are on the Florida master site file, which are eligible for consideration by the National Register of Historic Places, historic designation by the City of Sarasota, or as a contributing building to a historic district shall not be issued a demolition permit until the neighborhood and development services department staff has issued the historic review, which shall include an evaluation prescribing what measures are required to avoid, minimize, or mitigate the adverse effect on the historic resource. Staff shall issue the decision for the mitigation of the historic resource within 120 days of the application for a demolition permit. Mitigation for significant historic resources, including structures potentially eligible for local or national designation, may require the applicant undertake all reasonable measures to save the resource on site or relocate the building. A structure that is on the Florida master site file which is eligible for either local or national designation, or as a contributing structure to a historic district may be demolished if the historic preservation board finds the measures required to avoid, minimize, or mitigate the adverse effect to the historic resource has been met in accordance with this provision and upon the majority vote of the historic preservation board.

(Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-825. - Archaeological resources.

- (a) The neighborhood and development services department shall maintain a file of all known archaeological sites that may be affected by earth-moving activities, excavation, or development. The file shall include maps and a list of property addresses.

- (b) Prior to issuing a permit that requires excavation, or other ground-disturbing activities in areas identified as potential archaeological sites, the neighborhood and development services department shall immediately notify the secretary of the historic preservation board. Permits shall not be issued until a review is completed. This review shall include an evaluation of the effect of the project on archaeological resources and shall result in recommended measures to avoid, minimize or mitigate adverse effects.
- (c) The secretary of the historic preservation board shall be responsible for determining if access to such information is in accordance with F.S. 267.135 (location of archaeological sites) as amended and whether disclosure of such information will create a substantial risk of harm, theft, or destruction at such sites.
- (d) All development activities remain subject to later review upon discovery of fortuitous finds, including historical or artifactual materials and those resources that have yet to be identified.

(Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-826. - Fortuitous finds and unmarked human burials.

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

- (a) If evidence of the existence of historic or archaeological resources is discovered at a development site or during development activities, all work shall cease in the area affected as determined by the neighborhood and development services department. The developer, owner, contractor, or agent thereof, shall notify the neighborhood and development services department within one (1) business day of the discovery of the resource. The neighborhood and development services department shall assess the significance of the find and recommend what action, if any, is required to mitigate any adverse effects to the resource.
- (b) If any human skeletal remains or associated burial artifacts are discovered at a development site or during development activities, all work in the area must cease, for it is unlawful to disturb, vandalize, or damage a human burial. The permittee must immediately notify the Sarasota Police Department and the neighborhood and development services department. The neighborhood and development services department shall notify the Florida Department of State, Division of Historical Resources in accordance with F.S. 872.05, as amended.

(Ord. No. 09-4838, § 2(att. 1), 2-17-09)

Sec. IV-827. - Appeals of decision.

- (a) *Neighborhood and development services department.* An appeal of a written decision of the neighborhood and development services department may be made to the historic preservation board. A notice of appeal in the form of a letter shall be filed with the city auditor and clerk's office within ten days of the neighborhood and development services department's decision. The historic preservation board shall hold a de novo public hearing to consider the appeal and may affirm, affirm with conditions or reverse the decision of the neighborhood and development services department. The notice and procedures for the conduct of public hearing is set out in section IV-202.
- (b) *Historic preservation board.* An appeal of a written decision of the historic preservation board may be made to the city commission. A notice of appeal in the form of a letter shall be filed with the city auditor and clerk's office within ten days of the historic preservation board's decision. The city commission shall hold a de novo public hearing to consider the appeal, and may affirm, affirm with conditions or reverse the decision of the historic preservation board. The notice and procedures for the conduct of public hearing is set out in section IV-202.

- (c) *City commission.* An appeal of a written decision of the city commission may be made to the circuit court for Sarasota County, Florida, by filing a petition for writ of certiorari as provided under Florida Rules of Appellate Procedure. A decision of the city commission to approve or deny a decision of the historic preservation board shall be deemed to have been rendered on the date that the city commission adopts a resolution setting forth its findings and decision.

(Ord. No. 09-4838, § 2(att. 1), 2-17-09)