

Attachment 5: Venice Historic Preservation Code

Sec. 86-28. - Historic preservation.

(a) *Historic preservation board and director of historical resources.*

(1) *Generally.*

- a. *Findings.* The city council hereby makes the following findings of fact: The purpose of this chapter is to promote the health, safety, education, cultural and economic welfare of the public by preserving and protecting properties of historical, cultural, archaeological, aesthetic and architectural merit which serve as visual reminders of the city's cultural, social, economic, political, scientific, religious, and architectural history. Furthermore, it is the purpose of this chapter to strengthen the economy of the city by stabilizing and improving property values in historic areas, combat urban decay through rehabilitation and revitalization, and to encourage quality new construction and developments that are harmonious with neighboring historic structures.
- b. In addition, the provisions of this chapter will assist the city and property owners to be eligible for federal tax incentives, federal and state grant funds and other potential property tax abatement programs for the purpose of furthering historic preservation activities, including but not limited to F.S. § 193.503 and the National Register Program.

(2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Area means a clear or open space of land or right-of-way, or the enclosed space or location on which a building stood, stands or could stand; or a definitely bounded part or section of a site, building, structure or object set aside for a specific purpose.

Board means the historic preservation board.

Building means any structure that encloses a space used for sheltering any occupancy. Each portion of a building separated from other portions by a firewall shall be considered a separate building.

Building official means the officer or other designated authority, or their duly authorized representative, charged with administration and enforcement of the city's construction codes.

Certificate of appropriateness means the permit which is required to be issued by the board prior to any action as set forth in subsection (d)(1).

Committee means the review committee, which shall consist of the building official and the director of historical resources or their designees.

Demolition means the complete or constructive removal of any part or the whole of a structure on any site.

Director means the director of historical resources or his designee.

Documentation means photographs, slides, drawings, plans or written descriptions.

Local register means the official inventory of the city's designated resources.

Material alteration means any change in exterior appearance of a resource. For buildings, structures or objects, material alteration shall include but is not limited to the changing of roofing or siding materials, or changing, eliminating or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies or other ornamentation.

National Register of Historic Places is the official federal list of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering and culture.

Object means a material thing of functional, aesthetic, cultural, historical or scientific value.

Ordinary maintenance means work done to repair damage or to prevent deterioration or decay, including painting of a structure or any part thereof, by restoring the structure or part thereof as nearly as practicable to its condition prior to such damage, deterioration or decay.

Preservation means the process of maintaining the existing form, integrity and materials of a resource.

Rehabilitation means the act or process of returning a resource to a state of utility through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of features of the resource which are significant to its historical and architectural values.

Resource means sites, buildings, structures, objects, landscape elements and settings, and areas, whether public or private, that are historically, architecturally and/or archaeologically significant.

Site means the location of a significant event, activity, building, structure or archaeological resource.

Site modification means any change in use of a site. This shall include but is not limited to the erection of a parking lot or additional structures on a site.

Structure means a work constructed by man, made up of interdependent and interrelated parts in a definite pattern of organization.

(3) *Director of historical resources.*

- a. An official to be known as the director of historical resources, appointed by the city manager, shall be responsible for administering the various historical programs and to coordinate with the historic preservation board, city staff and public, and to administer the city archives and area historical collection.
- b. The director of historical resources may be either a full-time or part-time paid city employee or an unpaid volunteer, as determined by the city council after recommendation by the city manager. If a volunteer, the director shall be eligible for reimbursement of those expenses authorized by the council.

(4) *Historic preservation board.*

- a. *Established; purpose* . There is hereby established a historic preservation board. The purpose of this board shall be to advise city council on matters of historical interest and preservation, to assist the planning commission in development of a historic preservation element in compliance with the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq.), and to do such other tasks as may be assigned by city council.
- b. *Membership; compensation of member; term of members*. The board shall be composed of seven regular members and one non-voting member from a Venice area high school student body recommended by the principal or his designee appointed by the mayor and confirmed by city council. Members shall serve without compensation. All voting members shall be city residents or an owner of real property located within the city. The members shall be individuals who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines, as well as the heritage of the city. The terms of office for the voting members of the board shall be a term of three years. The non-voting student member shall be appointed for a one-year term.
- c. *Removal of members* . Any member of the board may be removed from office for just cause by a majority vote of the entire city council.
- d. *Vacancies* . It shall be the duty of the chair of the board to notify the mayor promptly of any vacancies occurring in the membership. The mayor shall promptly appoint a member, subject to approval of the city council, to fill any such vacancy for the unexpired term.

- e. *Officers.* The board shall annually elect a chair, vice-chair and secretary from among its members to serve one-year terms.
- f. *Meetings.*
 - 1. All meetings of the board shall be open to the public, and reasonable notice of time and place thereof shall be given to the public.
 - 2. Meetings shall be held at least monthly, and at such other times as determined by the board.
 - 3. The board shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, and its resolutions, findings, recommendations and actions. The minutes of the board shall be a public record.
- g. *Absence of members from meetings.* Absence of a member from more than three consecutive meetings of the board or from more than one-half the meetings in a calendar year shall be cause for the member's replacement.
- h. *Rules of procedure ; quorum.* The board shall adopt rules of procedure. A majority of the voting members of the board shall constitute a quorum.
- i. *Expenditures.* The expenditures of the board shall be within the amounts appropriated for its purpose by city council. Members of the board shall require no fee or salary for their services.
- j. *Powers and duties .* The board shall have the powers and duties to undertake such actions reasonably necessary to its purpose, including but not limited to the following:
 - 1. Identify and recommend the designation of historic districts.
 - 2. Identify and recommend designation of historic landmarks and archaeologically significant sites.
 - 3. Identify and nominate eligible properties to the National Register of Historic Places and administer applications for the National Register of Historic Places.
 - 4. Notify appropriate local officials, and owners of record of proposed board actions concerning a proposed nomination to the National Register of Historic Places.
 - 5. Develop and maintain a system for survey and inventory of historic properties. Such inventory shall be:
 - (i) Compatible with the Florida Master Site File.
 - (ii) Kept current and regularly submitted to the state historic preservation officer for incorporation in the Florida Master Site File.
 - 6. Identify and make recommendations regarding city policies which have an effect upon historic resources.
 - 7. Assist the planning commission in the preparation, implementation and administration of the historic preservation element in the city's comprehensive plan.
 - 8. Coordinate local activities with state and national preservation efforts, and review relevant legislation.
 - 9. Evaluate and make recommendations to city council regarding decisions by other public agencies affecting the physical development and land use patterns affecting districts or landmarks.
 - 10. Comply with city's comprehensive plan.
 - 11. Further public awareness of the city's past and of preservation in general.
 - 12. Inform the public of the board's activities and of preservation needs in the community.

13. Provide for public participation in the designation of historic landmarks, including the process of recommending properties for nomination to the National Register of Historic Places.
14. Determine eligibility for listing on the local register. Determine whether applications for changes to local register properties meet established guidelines.

(b) *Preservation of resources.*

(1) *Summary of regulations .*

- a. *Placement on local register.* Placement of a resource on the local register is accomplished by filing an application form with the director, review and recommendation by the board, and approval by city council. Refer to subsection (c) for details of this process.
- b. *Issuance of certificate of appropriateness .* Once a resource is on the local register, alterations, additions, demolition, relocation or site modifications of it shall require the issuance of a certificate of appropriateness by the board. Refer to subsection (d) for details of this process. If a resource is listed on the local register, it is exempt from the regulations and procedures of the architectural review districts.
- c. *Maintenance and repair requirements .* To prevent the deterioration of a resource on the local register, the board may initiate the enforcement of demolition by neglect subsection of this chapter through the code enforcement board. Refer to subsection (e) for conditions warranting such a filing.
- d. *Incentives for preservation .* Upon recommendation by the director and board, city council may pursue incentives and grants on the federal, state and local level to stimulate the preservation of resources on the local register. The board shall assist owners in preparing grant applications and in qualifying for incentives. Refer to subsection (f) for incentives that will benefit owners of resources on the local register.

(c) *Local register of historical resources .*

(1) *Created; contents.*

- a. A local register of historical resources is hereby created, which will consist of various sites, buildings, structures, objects and areas, which have historical, architectural and/or archaeological significance.
- b. The local register shall include the name and location of the resource and shall reference documentation maintained by the director of historical resources.

(2) *Criteria for listing on local register.*

- a. City council shall have the authority to designate, upon recommendation by the board, areas, places, buildings, structures, landscape features, archaeological sites and other improvements or physical features as individual sites or archaeological zones that are significant in the city's history, architecture, archaeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:
 1. Are associated with distinctive elements of cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, the city, the state or the nation;
 2. Are associated with the lives of persons significant in past history;
 3. Embody the distinctive characteristics of a type, period, style or method of construction or work of a master; or possess high artistic value; or represent a distinguishable entity whose components may lack individual distinction;
 4. Have yielded or are likely to yield information in history or prehistory;
 5. Are listed individually in the National Register of Historic Places;

6. Are characterized as a geographically definable area possessing a significant concentration, linkage or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; or
 7. Are characterized as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.
- b. No minimum or maximum number of criteria shall be required for listing on the local register.
- (3) *Placement on local register* . Resources shall be placed on the local register only after nomination, review and approval.
- a. *Nomination* . A property owner shall complete a nomination form and return it to the director. Nomination forms are available from the director.
 - b. *Review*.
 1. The review process shall commence when the board officially accepts a completed nomination form at a duly called board meeting. Within 90 days of accepting the nomination, the board must write an initial determination of suitability and hold a public hearing. The initial determination shall be based on the criteria set forth in subsection (c)(2). Notice of the public hearing will be provided to the public at large, and individual notice, including the initial determination, shall be furnished to the property owners affected by the nomination.
 2. Following the public hearing, the board shall review and revise, if needed, the initial determination of suitability, and shall write a recommendation, indicating suitability for listing the resource on the local register.
 3. If the board determines that listing on the local register is appropriate, it shall recommend to city council the adoption of an ordinance placing the resource on the local register. Failure to review and write a recommendation within 90 days will be deemed a recommendation denying listing on the local register, unless the period of 90 days is extended by mutual written consent reached by the property owner and the board.
 - c. *Approval*. The nomination form, the board recommendation and the ordinance placing the resource on the local register shall be sent to city council.
 - d. *Effect of approval* . Upon adoption of the ordinance, the owners of each resource shall be given written notification of such designation by city council. Upon placement of a structure on the local register, it shall be so identified on the city's official zoning maps and shall be recorded in the official record books of the county. Thereafter, any request to initiate any of the actions specified in subsection (d)(1) for a resource shall require a certificate of appropriateness.
- (4) *Removal from local register* . Application may be made for the removal of a resource from the local register, and the same procedure shall be employed as in the placement of a resource under section (c)(3). A resource may be removed if the board makes a new and negative evaluation of the reasons for its original recommendation or for any other valid reason approved by the board.
- (d) *Consent of the owner*. Notwithstanding any provision of this section, no property or resource shall be placed on any register without the prior written consent of the owner of the property or resource.
- (e) *Certificates of appropriateness for historical resources* .
- (1) *Actions requiring certificate* . A certificate of appropriateness shall be required to:
 - a. Materially alter the exterior appearance of a building, structure or object listed on the local register.

- b. Erect an addition to an existing building, structure or object or make a site modification to a resource listed on the local register.
- c. Demolish a building, structure or object listed on the local register.
- d. Relocate a building, structure or object listed on the local register.

(2) *Exceptions .*

- a. *Ordinary maintenance .* Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any resource, which does not involve a change in the design, material or outer appearance thereof.
- b. *Unsafe buildings .* If the building official determines that any resource is unsafe pursuant to section 90-202(1), he shall immediately notify the board with copies of such findings. Where reasonably feasible within applicable laws and regulations, the building official shall endeavor to have the owner repair the structure, rather than demolish, and shall take into consideration any comments and recommendations by the board. No demolition shall be permitted unless a certificate of appropriateness is obtained pursuant to subsection (d)(9).
- c. *Emergency conditions .* For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained in this section shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to a resource pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of a resource damaged by fire or natural calamity shall be permitted to stabilize the resource immediately and to rehabilitate it later under the normal review procedures of this article.

(3) *Application.*

- a. *Duties of building official .* Upon receipt of a request to initiate any of the actions specified in subsection (d)(1), the building official shall inform the persons making the request that they must submit to the board a fully completed written application form requesting the issuance of a certificate of appropriateness. Application forms and summaries of deadlines and application procedures shall be maintained by the building official.
- b. *Preapplication conference .* The property owner shall confer with the building official concerning the nature of the proposed action and requirements related to it. The building official will advise the property owner of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application.
- c. *Application .* Following the preapplication conference described in subsection (b) of this section, the property owner shall submit to the building official a completed application and the required supporting exhibits. No application shall be deemed filed until all supporting materials have been provided. Determination whether the proposed change is of major or minor impact shall be done within one working day after the property owner has made a written request for such determination.
- d. *Initiation of review .* It shall be the responsibility of the building official to institute the applicable and appropriate review procedure.

(4) *Major review by historic preservation board.* The major review procedure described in this section shall occur for alterations, additions, demolitions, relocations, site modifications or other significant changes to the appearance of a resource, which has a major impact on the significant historical or architectural character of the resource.

- a. *Criteria.* All reviews, recommendations and decisions regarding the application shall specifically address and list all facts and considerations which support or refute whether the proposed alteration, demolition, etc., is compatible with criteria listed in subsections (e)(8), (9) and (10).

- b. *Recommendation by committee; scheduling of public hearing.* After submission of the application, the committee shall prepare a written recommendation which addresses the criteria listed in subsections (e)(8), (9) and (10) and which recommends approval, denial, or approval with conditions of the application. Within 30 days of the submission of the application, the building official shall schedule a public hearing before the historic preservation board for action on the application. Notice of a public hearing shall be given at least 15 days in advance of the public hearing as follows:
1. By mail to the owner of the property for which the certificate of appropriateness or other board action is sought, or his agent or attorney as designated on the application;
 2. By prominently posting the property for which the certificate of appropriateness or other board approval is sought;
 3. By advertisement in a newspaper of general circulation in the city at least one time;
 4. By mail to all owners of property within 250 feet of the boundary line of the property for which the certificate of appropriateness or other board approval is requested, or within 250 feet of the centerline of any right-of-way or waterbody adjacent to the subject property, whichever distance is greater; provided, however, that where the applicant is the owner of land not included in the application, and such land is a part of or adjoins the parcel for which the request is made, the 250-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application up to a maximum of 600 feet; and
 5. For purposes of this provision, the notice shall be sent to each property owner at the address listed in the tax collector's office for tax notices. Failure of a property owner to receive mailed notice shall not invalidate the hearing or subsequent action related thereto. The city clerk shall sign and affix the official seal to a certificate containing the names and addresses of those persons notified, and the dates the notice was mailed. The certificate shall be prima facie evidence of the fact that notice was mailed.
- c. *Public hearing and decision.* The board shall act upon the application at the public hearing. Within 30 days after the public hearing, the board shall issue its written decision approving, denying, or approving with conditions the application. The decision must address the criteria described in subsection a. of this section and must state the reasons for such a decision.
- d. *Approval, denial, or approval with conditions.* If the application is approved, the certificate of appropriateness shall be issued by the board. If the application is denied, a certificate of appropriateness shall not be issued. If the application is approved with conditions, the certificate of appropriateness shall be issued with the conditions noted, and the property owner must meet all such conditions.

(5) *Minor administrative review.*

- a. *Applicability.* The minor review procedure described in this section shall be an administrative review performed by the committee. It shall occur for alterations and site modifications of a resource. This procedure shall apply, but shall not be limited to the following:
1. Fences and gates in the rear yard.
 2. Awnings.
 3. Replacement, using the same or like materials, of gates, fences, driveways, walkways, steps, siding, roofs, doors or windows.
 4. Mechanical systems, including heating and cooling equipment and irrigation systems.
 5. Any other request determined by the committee to have minor impact or no potential detriment on the structure.

If the committee determines that there would be a major impact or potential detriment as a result of the proposed action, the application shall be submitted for major review.

- b. *Criteria* . All reviews, recommendations and decisions regarding the application shall specifically address and list all facts and considerations which support or refute whether the proposed alteration, demolition, etc., is compatible with the criteria listed in subsections (d)(8), (9) and (10).
 - c. *Recommendation and decision by committee* . After submission of the application, the committee shall prepare a written recommendation, which addresses the criteria listed in subsection b. of this section and which recommends approval, denial, or approval with conditions of the application. The recommendation of the committee shall be presented to the property owner within a reasonable period of time. After the minor review, the committee shall issue a written decision approving, denying or approving with conditions the application.
 - d. *Approval, denial, or approval with conditions* . If the application is approved, the certificate of appropriateness shall be issued. If the application is denied, a certificate of appropriateness shall not be issued. If the application is approved with conditions, the certificate of appropriateness shall be issued with the conditions noted, and the property owner must meet all such conditions.
 - e. *Right of property owner to apply for major review* . If the committee denies the certificate of appropriateness request, the property owner may apply for major review before the board.
- (6) *Appeals* . Any person aggrieved by a decision rendered by the board under this article may appeal the decision within 14 days from the date the decision by the board is reduced to writing, by filing with the city clerk a written request for review by city council. Upon receipt of a request for review, city council shall promptly consider the request at a regular meeting, and shall affirm, overrule or modify the action of the board.
- (7) *Expiration* . A certificate of appropriateness shall be valid for a period of one year after its date of approval. After the expiration date, if work is not already in progress, the property owner may be allowed a 60-day extension by the committee, if circumstances warrant, to initiate the work. Otherwise, the property owner must reapply for a certificate of appropriateness.
- (8) *Criteria for alteration, restoration or repair* .
- a. A historic building, structure, site, landscape feature, improvement or appurtenance will be altered, restored, preserved or repaired, or otherwise changed, in accordance with the Secretary of the Interior's Standards for Rehabilitation, as such standards may be amended from time to time.
 - b. The board shall also be guided by local design guidelines as may be developed.
- (9) *Criteria for demolition*.
- a. A historic building, structure, site, landscape feature, improvement or appurtenance will be demolished or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, as such standards may be amended from time to time.
 - b. The board shall study the question of economic hardship for the property owner and shall determine whether the structure can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing property, the board shall also determine whether the property owner can obtain a reasonable return from the existing building. If economic hardship or the lack of a reasonable return is not proved, along with consideration of the structural condition of the building, the board shall deny the demolition application. In reviewing applications for demolition, the board shall study the following information, to be provided by the property owner. The board may also make its own study of these points in order to obtain additional information for its decision. The building official shall determine whether an application is complete based on these sources of information.
 - 1. Estimate of the cost of the proposed demolition or removal of the structure, and any additional costs that would be incurred to comply with the recommendations of the board that would avoid demolition and allow the structure to remain on-site.

2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural integrity of the building.
3. Estimated market value of the property, both in its current condition and after completion of the proposed demolition or removal, to be presented through an appraisal by a qualified professional expert.
4. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Financial information on the property, which shall include but not be limited to:
 - i. Amount paid for the property.
 - ii. Date of purchase.
 - iii. Party from whom purchased.
 - iv. Annual gross income for the previous two years, including cash flow before and after debt service.
 - v. All appraisals obtained within the previous two years by the property owner.
 - vi. Last two assessments on the value of the property.
 - vii. Any listing of property for sale or rent, price asked and offers received for the previous two years.
 - viii. Form of ownership.
 - ix. Any other information, which would assist the board in making a determination as to whether, the property does or does not yield a reasonable return to the owners, e.g., pro forma financial analysis.
- c. The board shall also be guided by these standards when evaluating applications for a certificate of appropriateness:
 1. The historic or architectural significance of the building, structure or object.
 2. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail or unique location.
 3. Whether the building, structure or object is one of the last remaining examples of its kind in the neighborhood, the county or the region.
 4. Whether reasonable measures can be taken to save the building, structure or object from collapse.
 5. Whether the building, structure or object is capable of earning reasonable economic return on its value.
 6. A general justification in written form why demolition is being proposed.
- d. The board may grant a certificate of appropriateness for demolition for a delayed effective date of up to six months from the date of the board's action. The effective date of the certificate will be determined by the board based on the relative significance of the structure and the probable time required to arrange possible alternatives to demolition.

(10) *Criteria for relocation .*

- a. A historic building, structure, site, landscape feature, improvement or appurtenance will be relocated or otherwise changed in accordance with the Secretary of the Interior's Standards for Rehabilitation, as such standards may be amended from time to time.

- b. Relocation of historic buildings and structures to other sites will not take place unless it is shown that their preservation on their existing or original sites is not consistent with the purposes of this section or would cause undue economic hardship to the property owner.
- c. The board shall be guided by the following standards:
 - 1. The historic character and aesthetic interest the building, structure or object contributes to its present setting.
 - 2. Whether the building, structure or object can be moved without significant damage to its physical integrity.
 - 3. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.

(11) *Enforcement; penalties; jurisdiction of code enforcement board .*

- a. *Responsibility for enforcement; jurisdiction of code enforcement board.* It is the responsibility of the building official to enforce the provisions of this section. Violations of this section may be referred to the code enforcement board for enforcement proceedings.
- b. *Failure to obtain certificate of appropriateness .* Where work has commenced or preparation for work has commenced which requires a certificate of appropriateness under subsection (d)(1) and where no such certificate has been obtained, a stop work order shall be issued by the building official. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained.
- c. *Noncompliance .* It shall be the responsibility of the building official to inspect work being performed under a certificate of appropriateness to ensure compliance. If work is being performed not in accordance with such certificate, the building official is authorized to issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.
- d. *Changes in approved work .* The committee shall review any change in work proposed subsequent to the issuance of a certificate of appropriateness. If the committee finds that the proposed change does not materially affect the historic character of the structure or the proposed change is in accord with approved guidelines, standards and certificates of appropriateness previously approved by the board, the committee may issue a supplementary certificate of appropriateness for such change. If the committee determines that the proposed change is of major impact or is not in accord with guidelines, standards or certificates of appropriateness previously approved by the board, a new application for a certificate of appropriateness shall be required.
- e. *Penalties .* Any person who violates any provision of this section shall be subject to civil or criminal penalties including a fine of not more than \$500.00 per day for each day the violation continues, or a sentence of imprisonment, not to exceed 60 days, in a county detention facility. In lieu of a monetary penalty, any person altering property in violation of the provisions of this section may be required to repair or restore any such property. This civil remedy shall be in addition to and not in lieu of any criminal prosecution and penalty.

(f) *Maintenance and repair of historical resources.*

- (1) *Demolition by neglect .* Neither the owner of nor the person in charge of a structure on the local register shall permit such structure to fall into a state of disrepair, which may result in the deterioration of any exterior appurtenance, or architectural feature that contributes to the structural integrity. Such disrepair shall include but is not limited to:
 - a. The deterioration of exterior walls or other vertical supports.
 - b. The deterioration of roofs or other horizontal members.
 - c. The deterioration of exterior chimneys.

- d. The deterioration or crumbling of exterior finish materials such as stucco, shingles, paint or mortar.
- e. The ineffective waterproofing of the property, including broken windows or doors.
- f. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition.
- g. The deterioration of any architectural feature, which contributes to the architectural or historic significance and/or integrity of the structure.

If, in the judgment of the board, using accepted historic preservation principles, such disrepair has occurred, the board shall declare the structure as being demolished by neglect and notify the building official to institute proceedings before the code enforcement board to require the repair and restoration of the structure.

(2) Reserved.

(g) *Incentives for preservation of historical resources .*

(1) *Special treatment under building and zoning regulations .* Structures listed on the local register shall be:

- a. Entitled to modified enforcement of the building code as provided by the latest mandated and adopted building code of the state.
- b. Entitled to modified enforcement of the flood zone regulations pursuant to the terms of chapter 98.
- c. Designated as conforming for zoning considerations under section 86-553.
- d. Given special consideration for home occupations and other special exceptions by the planning commission upon application.

(2) *Fee waivers .* Owners of structures listed on the local register shall be exempt from fees normally required for building or development review permits.

(3) *Financial assistance .*

- a. *Federal assistance .* Income-producing resources on the National Register of Historic Places shall be eligible for investment tax credits for certified rehabilitations pursuant to the Tax Reform Act of 1986 and any other programs offered through the National Register of Historic Places.
- b. *State and county assistance .* Structures listed on the local register shall be eligible for any financial assistance set aside for historic preservation projects by the county and the state, provided they meet any additional requirements of those financial programs.
- c. *Local funding sources .* The historic preservation board shall investigate and make recommendations to city council concerning the following funding sources for rehabilitation and restoration of resources on the local register:
 - 1. Implementation of a grant fund to offset costs incurred by owners of resources.
 - 2. Establishment of a preservation fund to purchase resources scheduled for demolition.
- d. *Tax exemptions.* The historic preservation board shall investigate the feasibility of remitting all or part of the city's ad valorem tax to owners of resources on the local register.

(Code 1982, §§ 10-1—10-31; Ord. No. 2003-32, § 3, 10-28-03; Ord. No. 2005-09, § 1, 10-25-05; Ord. No. 2014-06, § 3, 3-11-14; Ord. No. 2014-17, § 5, 8-12-14; Ord. No. 2016-01, § 2, 2-9-16)