

# MANATEE COUNTY GOVERNMENT

## AGENDA MEMORANDUM

<b>SUBJECT</b>	Z-13-01 – Robinson Preserve Expansion Rezone	<b>TYPE AGENDA ITEM</b>	Advertised Public Hearing - Consent
<b>DATE REQUESTED</b>	08/15/13 BC	<b>DATE SUBMITTED/REVISED</b>	08/06/13
<b>BRIEFINGS? Who?</b>	No	<b>CONSEQUENCES IF DEFERRED</b>	N/A <span style="float: right;"><i>JB</i></span>
<b>DEPARTMENT/DIVISION</b>	Building and Development Services / Comprehensive Planning and Public Hearings	<b>AUTHORIZED BY TITLE</b>	Lisa Barrett, Planning Manager, Building and Development Services
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	Stephanie Moreland 748-4501 ext. 3880	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	Stephanie Moreland/ Planner / 748-4501 ext. 3880
<b>ADMINISTRATIVE APPROVAL</b>			

### ACTION DESIRED INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED

I move to recommend approval of Z-13-01 per the recommended motion in the staff report attached to this memo.

### ENABLING/REGULATING AUTHORITY

**Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy**

Manatee County Comprehensive Plan and Manatee County Land Development Code.

### BACKGROUND/DISCUSSION

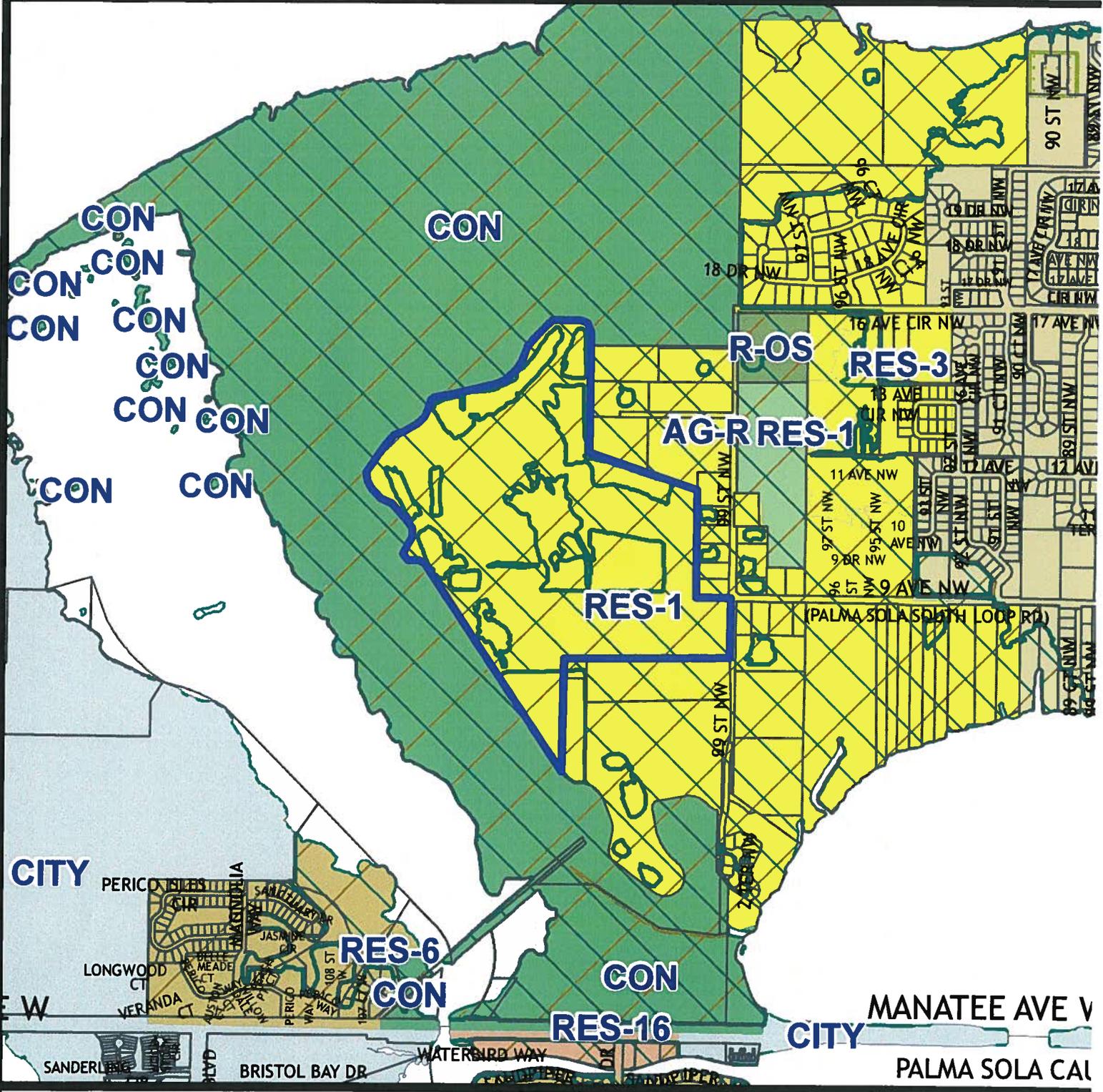
- The request is to rezone 149.18 ± acres on the west side of 99<sup>th</sup> Street N.W., and west of 9<sup>th</sup> Street N.W. at 1704 99<sup>th</sup> Street N.W., Bradenton from PDR (Planned Development residential) to CON (Conservation).
- The site is in the RES-1 (Residential, one dwelling unit per acre) Future Land Use Category (FLUC). The proposed CON zoning district is consistent with the RES-1 FLUC.
- There are no wetlands or wetland impacts associated with this request. There are no known historic or archaeological resources on the site. The site is in the A11, BFE 10', A12 BFE 10' & 11', A13 BFE 10' Flood Zone Categories.
- Special Approvals are required for a project adjacent to a perennial stream, in the Coastal Evacuation Area, and the Coastal High Hazard Area. The Special Approvals will be requested with the Environmental Preserve Management Plan (EPMP) to be approved by the Board of County Commissioners on 9/5/13, concurrent with the rezone request.
- The CON zoning district is consistent with the community character of the immediate neighborhood and will allow more passive recreational amenities including an educational environmental discovery center for nearby residents and visitors. Additionally, Manatee County will be able to maintain and restore natural habitats.
- Staff recommends approval.

### COUNTY ATTORNEY REVIEW

<b>Check appropriate box</b>	
<input checked="" type="checkbox"/>	<b>REVIEWED</b> <b>Written Comments:</b> <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: WEC)
<input type="checkbox"/>	<b>NOT REVIEWED (No apparent legal issues.)</b>
<input type="checkbox"/>	<b>NOT REVIEWED (Utilizes exact form or procedure previously approved by CAO.)</b>
<input type="checkbox"/>	<b>OTHER</b>

<b>ATTACHMENTS: (List in order as attached)</b>		<b>INSTRUCTIONS TO BOARD RECORDS:</b>	
Staff Report		n/a	
<b>COST:</b>	n/a	<b>SOURCE (ACCT # &amp; NAME):</b>	n/a
<b>COMMENTS:</b>		<b>AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)</b>	

# FUTURE LAND USE



Parcel ID #(s) 7309000059

Project Name: Robinson Preserve Expansion  
 Project #: Z-13-01  
 DTS#: 20130216  
 Proposed Use: Rezone

S/T/R: Sec 26,23 Twn 34 Rng 16  
 Acreage: 149.18  
 Existing Zoning: PD-R  
 Existing FLU: RES-1  
 Overlays: NONE  
 Special Areas: Greenway

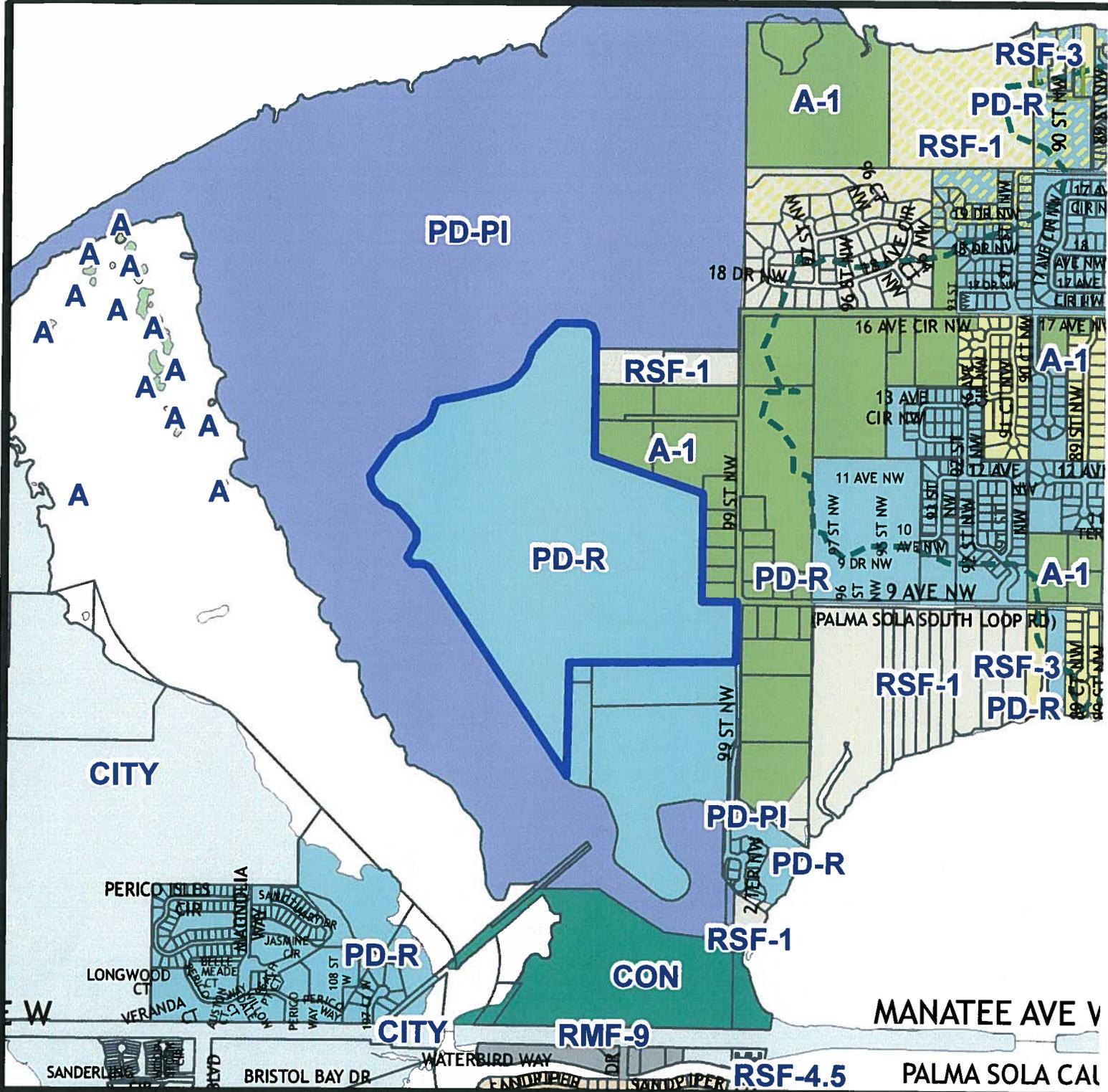
CHH: Y  
 Watershed: NONE  
 Drainage Basin: DIRECT RUNOFF TO BAY  
 Commissioner: John Chappie

-  CHHA 2012
-  Coastal Evacuation Area

Manatee County  
 Staff Report Map

Map Prepared 7/24/2013  
 1 inch = 1,250 feet

# ZONING



Parcel ID #(s) 7309000059

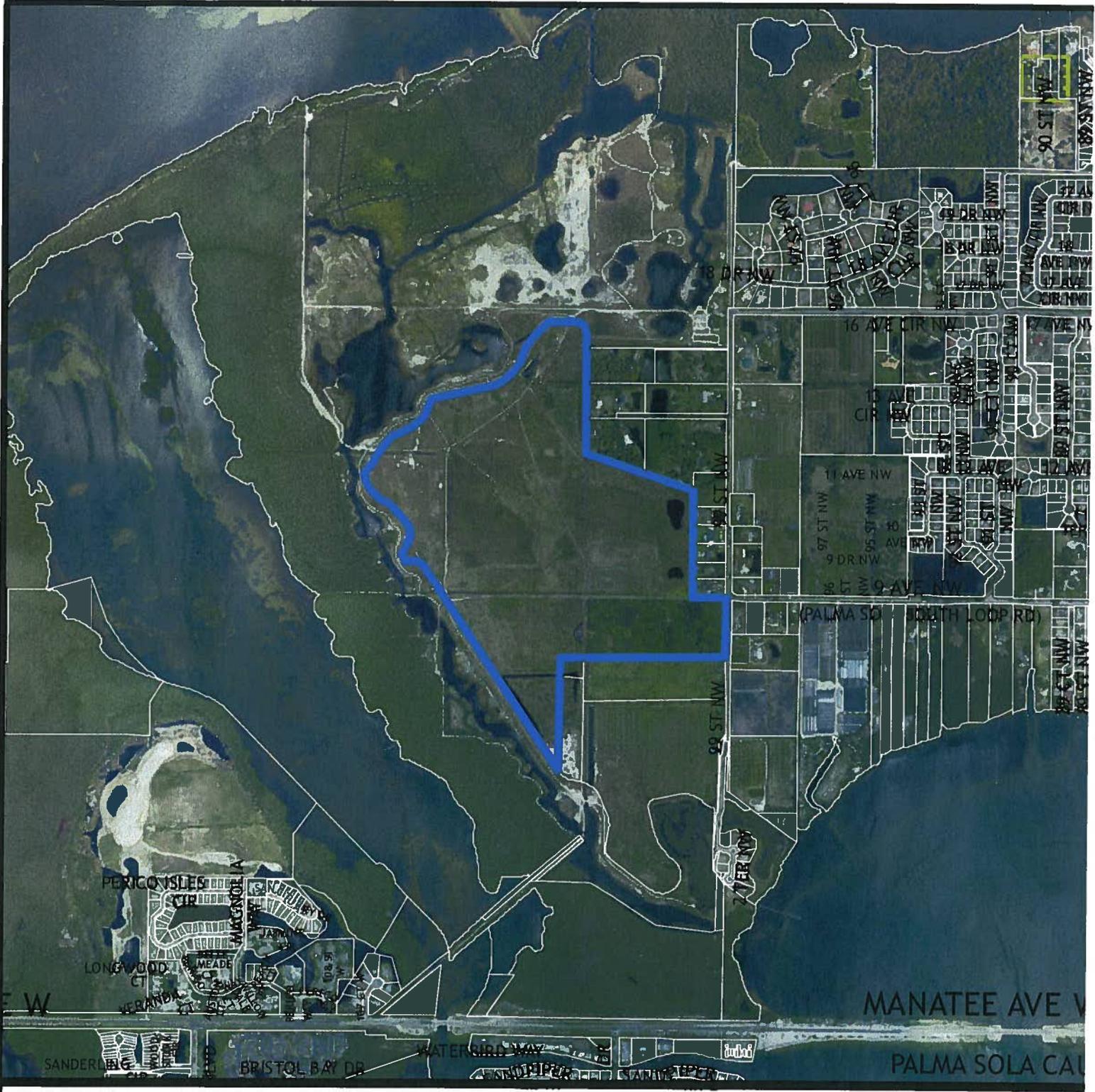
Project Name: Robinson Preserve Expansion  
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 Proposed Use: Rezone

S/T/R: Sec 26,23 Twn 34 Rng 16  
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 Existing Zoning: PD-R  
 Existing FLU: RES-1  
 Overlays: NONE  
 Special Areas: Greenway

CHH: Y  
 Watershed: NONE  
 Drainage Basin: DIRECT RUNOFF TO BAY  
 Commissioner: John Chappie

Manatee County  
 Staff Report Map  
 Map Prepared 7/24/2013  
 1 inch = 1,250 feet

# AERIAL



Parcel ID #(s) 7309000059

Project Name: Robinson Preserve Expansion  
 Project #: Z-13-01  
 DTS#: 20130216  
 Proposed Use: Rezone

S/T/R: Sec 26,23 Twn 34 Rng 16  
 Acreage: 149.18  
 Existing Zoning: PD-R  
 Existing FLU: RES-1  
 Overlays: NONE  
 Special Areas: Greenway

CHH: Y  
 Watershed: NONE  
 Drainage Basin: DIRECT RUNOFF TO BAY  
 Commissioner: John Chappie



Manatee County  
 Staff Report Map

Map Prepared 7/24/2013  
 1 inch = 1,250 feet

P.C. 08/15/13

**Z-13-01 – Robinson Preserve Expansion County Initiated Rezone (Buzzsaw B00000218,  
DTS #20130216)**

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 149.18± acres on the west side of 99<sup>th</sup> Street N.W., and west of 9<sup>th</sup> Avenue N.W., at 1704 99<sup>th</sup> Street N.W., Bradenton, from PDR (Planned Development Residential) to CON (Conservation) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

**P.C.:** 8/15/13

**B.O.C.C.:** 08/27/13, 09/05/13

**RECOMMENDED MOTION:**

**Based upon the staff report, evidence presented, comments made at the Public Hearing, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the Manatee County Land Development Code, I move to recommend ADOPTION of Manatee County Zoning Ordinance No. Z-13-01, as recommended by staff.**

<b>PROJECT SUMMARY</b>	
<b>CASE#</b>	<b>Z-13-01 (B00000218, DTS #20130215)</b>
<b>PROJECT NAME</b>	<b>Robinson Preserve Expansion</b>
<b>APPLICANT(S):</b>	<b>Manatee County</b>
<b>PROPOSED ZONING:</b>	<b>CON (Conservation)</b>
<b>EXISTING ZONING:</b>	<b>PDR (Planned Development Residential)</b>
<b>CASE MANAGER:</b>	<b>Stephanie Moreland</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL</b>

**DETAILED DISCUSSION**

The request is to rezone a 149.18± acre site west of 99<sup>th</sup> Street N.W. and west of 9<sup>th</sup> Avenue N.W. to CON (Conservation) zoning district for an expansion of an existing passive recreation preserve, Robinson Preserve. The expansion will include development of an environmental center (discovery center), parking facility, restrooms, kayak launch, age specific playgrounds, multi-purpose trail network and botanical tree canopy trail.

The existing Preserve, consisting of approximately 492± acres was rezoned to PDPI [PDPI-03-06(Z)(G)] on May 20, 2003. The approval included a General Development Plan for a Manatee County park with a visitor’s center, playground, canoe launch, native plant nursery, 15 primitive campsites, a series of trails, boardwalks, blueways, picnic shelters with grills, a caretaker’s residence and an historic interpretation area.

The subject site is in the RES-1 Future Land Use Category (FLUC). The RES-1 FLUC is intended for low density suburban or clustered low density urban residential environments. In addition to suburban or urban residential uses, the range of potential uses includes low intensity recreational uses.

The proposed CON zoning district provides special protection and preservation of natural resources. In this case, Manatee County will expand an existing passive recreation preserve by adding an educational facility (discovery center). The center will provide education and will serve as an enhancement of natural resources, as well as enjoyed by nearby residents and visitors to the area.

Special Approval is required because the site is adjacent to a perennial stream, in the Coastal Evacuation Area and in the Coastal High Hazard Area. The Special Approvals will be requested with the Environmental Preserve Management Plan (EPMP). The EPMP is required to be approved by the BOCC. That plan is being reviewed and will be considered by the BOCC concurrent with this rezone on September 05, 2013.

Staff recommends approval.

**SITE CHARACTERISTICS AND SURROUNDING AREA**

<b>ADDRESS:</b>	<b>1704 99<sup>th</sup> Street N.W., Bradenton</b>
<b>GENERAL LOCATION:</b>	<b>West side of 99<sup>th</sup> Street N.W. and west of 9<sup>th</sup> Avenue N.W.</b>
<b>ACREAGE:</b>	<b>149.18 ± acres</b>
<b>EXISTING USE(S):</b>	<b>County Preserve</b>
<b>FUTURE LAND USE CATEGORY(S):</b>	<b>RES-1 (Residential, one dwelling unit per acre)</b>
<b>SPECIAL APPROVAL:</b>	<b>Project adjacent to a perennial stream, Coastal Evacuation Area, Coastal High Hazard Area. Special Approvals to be requested with EPMP (running concurrently with this request).</b>
<b>OVERLAY DISTRICT(S):</b>	<b>Coastal Planning Area, Coastal Evacuation Area, in the Coastal High Hazard Area,</b>

**SURROUNDING USES & ZONING**

<b>NORTH</b>	<b>Robinson Reserve zoned PDPI (Planned Development Public Interest), single-family residence zoned RSF-1 (Residential Single-Family, one dwelling unit per acre) and A-1 (Suburban Agriculture, one dwelling unit per acre)</b>
<b>SOUTH</b>	<b>Vacant land zoned PDR , Robinson Preserve zoned PDPI, farther south is zoned CON.</b>
<b>EAST</b>	<b>Across 99<sup>th</sup> Street N.W. single-family zoned A-1.</b>
<b>WEST</b>	<b>Robinson Preserve zoned PD-PI.</b>

**SITE DESIGN DETAILS**

<b>LOT SIZE(S):</b>	<b>149.18± acres</b>
<b>FLOOD ZONE(S):</b>	<b>A11, BFE 10', A12 BFE 10' &amp; 11', A13 BFE 10' per FIRM Panel 120153 0168B, revised 3/15/84.</b>
<b>UTILITY CONNECTIONS:</b>	<b>Water and Sewer</b>

**ENVIRONMENTAL INFORMATION**

<b>Overall Wetland Acreage:</b>	<b>None</b>
<b>Proposed Impact Acreage:</b>	<b>None</b>

**NEARBY DEVELOPMENT**

<b>PROJECT</b>	<b>LOTS / UNITS</b>	<b>DENSITY</b>	<b>YEAR APPROVED</b>
<b>Hawthorn Park</b>	<b>92</b>	<b>2.12</b>	<b>4/1993</b>
<b>Azalea Park Northwest</b>	<b>89</b>	<b>2.31</b>	<b>8/1986</b>
<b>Geraldson Subdivision</b>	<b>5</b>	<b>1.2</b>	<b>2/1982</b>
<b>Estuary Golf Club Estates</b>	<b>20</b>	<b>0.01</b>	<b>8/17/06</b>
<b>Long Lot Subdivision</b>	<b>4</b>	<b>0.30</b>	<b>3/1980</b>
<b>Fiddlers Green</b>	<b>43</b>	<b>2.76</b>	<b>3/1988</b>

**POSITIVE ASPECTS**

- CON will allow Manatee County to provide passive recreational opportunities for nearby residents and visitors of Manatee County.
- Sewer and water are available in this area.
- CON will allow population to be directed away from the Coastal Areas.

**STAFF RECOMMENDED STIPULATIONS**

**Not applicable. This is a "straight rezone" from PDR to CON. Stipulations cannot be attached to a straight rezone.**

**REMAINING ISSUES OF CONCERN**

**None**

## COMPLIANCE WITH MANATEE COUNTY COMPREHENSIVE PLAN

The site is in the RES- 1 (Residential, one dwelling unit per acre) Future Land Use Category (FLUC). A list of Comprehensive Plan Policies applicable to this request is attached. This project was specifically reviewed for compliance with the following policies:

**Policy 2.1.2.7 Appropriate Timing.** The timing is appropriate given development trends in the area. Except for the small parcel zoned RSF-1 and A-1 to the east, the site is surrounded mostly by the PDPI zoning district, which allows the existing passive nature parks and accessory structures and provides recreation amenities for surrounding residential developments.

**Policy 2.2.1.9.1 Range of Potential Uses:** Suburban or urban residential uses, neighborhood retail uses, short term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses.

**Policy 2.6.1.1 Compatibility.** A rezone to CON is consistent with the RES-1 FLUC and compatible with the surrounding zoning and uses of nearby properties.

**Policy 2.6.5.5 Preserve/Protect Open Space.**

The CON zoning district is intended to preserve and provide special protection to the continued operation of the use relative to the health, safety, welfare and any aesthetic impacts on nearby properties.

## COMPLIANCE WITH THE LAND DEVELOPMENT CODE SECTION 504.5 - REZONE CRITERIA

### *Factors for Review and Adoption of Proposed Amendments.*

- 1. Compatibility with Neighbors. Is the requested change compatible with the existing development pattern and the zoning of nearby properties?**

The 149.18± acre property is zoned PDR (Planned Development Residential). The proposed CON zoning district is consistent with the surrounding zoning of nearby properties. To the north and west is the Robinson Preserve zoned PDPI (Planned Development Public Interest). To the north and east are single-family residences zoned RSF-1 (Residential Single-Family-one dwelling unit per acre) and A-1 (Suburban Agriculture, one dwelling unit per acre). To the south is zoned PDR. Farther south is zoned PDPI.

- 2. Changes from Original Conditions. Has there been a change in the conditions upon which the original zoning designation was based? Have major land uses or conditions changed since the zoning was established?**

In 1998, the property was approved as a planned residential community with a golf course, and other accessory uses. Since that time, the property has been reconfigured but still proposed as a residential community and golf course.

Since the 1998 approval, the Robinson Preserve was established and restored. The subject property will be incorporated into the natural preserve and will provide additional opportunities for recreational trails and other passive recreational uses.

**3. Comprehensive Plan. Does the current zoning or the proposed zoning better conform to the current Comprehensive Plan?**

The subject property is designated RES-1 on the Future Land Use Map (FLUM). The RES-1 FLUC is intended for low density suburban or clustered low density urban residential environments. In addition to suburban or urban residential uses, the range of potential uses includes low intensity recreational uses. The existing PDR zoning is consistent with the current RES-1 FLUC.

The proposed CON zoning district also conforms to the current RES-1 FLUC. The Conservation District is intended to preserve and protect large areas of open space, vegetative habitat, natural drainage systems, aquifer recharge areas, soils and wildlife habitats in areas of major public or privately held lands as desired by the property owner which are reserved primarily for the preservation of natural resources.

**4. Conflicts with Public Improvements. Will the proposed change conflict with existing or planned public improvements?**

The proposed change will not conflict with existing or planned public improvements. The property will become part of the existing Robinson Preserve.

**5. Sufficient Public Facilities. Whether the proposed change will be supported by sufficient public facilities, based upon a consideration of the following factors:**

**(i) Will the proposed change adversely affect traffic patterns or congestion?**

No adverse affects relative to traffic patterns or congestion are anticipated.

**(ii) Will the proposed change adversely impact population density or development intensity such that the demand for schools, sewers, streets, recreational areas and facilities, and other public facilities and services are adversely affected?**

The proposed change will reduce the previously approved demand for schools, sewer, streets, and other public facilities. The site will provide additional recreational areas for the County.

**(iii) Are sufficient public facilities planned and funded to support any change in density or intensity pursuant to the requirements of the Comprehensive Plan and applicable law?**

Sufficient public facilities are available to the site.

**6. Neighborhood Changes. Will the proposed change adversely affect the health, safety or welfare of the neighborhood?**

The proposed zoning change will not have an adverse affect on the health, safety, or welfare

of the neighborhood.

**7. Compliance with LDC. Is the proposed amendment in conformance with all applicable requirements of this Code?**

Special Approval is required for a project adjacent to a perennial stream, in the Coastal Evacuation Area and Coastal High Hazard Area. To satisfy this requirement, the Special Approval is being requested with the Environmental Preserve Management Plan (EPMP), which is running concurrently with this request for a straight zone.

**8. Orderly Development. Is the proposed amendment consistent with the development patterns in the area and appropriate for orderly development of the community? The cost of land or other economic considerations pertaining to the applicant shall not be a consideration in reviewing the request.**

The proposed amendment is consistent with the development patterns in the area and appropriate for orderly development of the community. A rezone to CON furthers the intent of the Manatee County Comprehensive Plan which encourages the limitation of population in the Coastal Areas.

**9. Expanding Districts. Is the proposed amendment the logical expansion of adjacent zoning districts?**

The proposed amendment may be considered a logical expansion of adjacent zoning districts. With the exception of two small parcels zoned A-1, and RSF-1, the site is surrounded mostly by PDPI for Robinson Preserve. CON is consistent and compatible with the surrounding zoning districts.

**10. Trends. Is the timing of the request appropriate given the development trends in the area?**

The timing is appropriate given development trends in the area. The immediate surrounding area is characterized by residential developments. The existing passive nature parks and accessory structures provide recreational amenities for surrounding residential developments.

**11. Historic Resources. Will the proposed change adversely impact historic resources?**

The proposed change will not adversely impact historic resources.

**12. Environmental Impacts. Will the proposed change have an adverse environmental impact on the vicinity?**

The proposed change will not have an adverse environmental impact on the vicinity.

**13. Lighting. Will the proposed change allow uses that require so much outdoor lighting that even the light from shielded fixtures may reflect off-site with potentially adverse effects on residential areas?**

Lighting is specifically regulated by LDC Section 709 and will be addressed with the EPMP.

**14. County Wide Changes. Will the proposed change adversely affect the health, safety and welfare of the County as a whole?**

The proposed change will not adversely affect the safety, and welfare of the County as a whole. The passive nature parks and accessory structures provide recreation amenities for surrounding residences and visitors to the area to exercise while enjoying the natural environment of the Preserve, thus improving the health of the County as a whole.

**15. Mobile Homes. For any rezoning that would result in the removal or relocation of mobile home owners residing in a mobile home park, has the applicant demonstrated that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners, within the meaning of, and pursuant to, Section 723.083, Florida Statutes.**

N/A

**16. Other Matters. Any other matters which may be appropriate for consideration pursuant to this Code, the Comprehensive Plan or applicable law.**

N/A

**COMPLIANCE WITH MANATEE COUNTY LAND DEVELOPMENT CODE (LDC)**

**Note: Compliance with the standards of the CON zoning district and all other applicable requirements of the LDC will be reviewed and verified with future site plan approvals for this site.**

**CONCURRENCY**

**CLOS APPLIED FOR: No ( A CLOS application cannot be filed with a straight rezone)**

**TRAFFIC STUDY REQ'D: Yes (A TIS was submitted, however, a detailed study may be required at PSP or FSP)**

NEAREST THOROUGHFARE	LINK(S)	ADOPTED LOS	EXISTING LOS
9 <sup>TH</sup> Avenue NW	83 <sup>rd</sup> Street West to 99 <sup>th</sup> Street West (Link #1030)	D	C

**In summary, the results of the TIS identified no off-site improvements at this time. However, a detailed study may be required at the PSP or FSP review stage to determine if any improvements will be required.**

**OTHER CONCURRENCY COMPONENTS**

**Solid waste landfill capacity and preliminary drainage intent will be reviewed at the time of PSP. Potable water and waste water will be reviewed at the time of FSP/Construction Drawings.**

**ATTACHMENTS**

- 1. Applicable Comprehensive Plan Policies**
- 2. Zoning Disclosure Affidavit**
- 3. Copy of Newspaper Advertising**

**APPLICABLE COMPREHENSIVE PLAN POLICIES**

Policy:	2.2.1.9	<b>RES-1:</b> Establish the Residential-1 Dwelling Unit/Gross Acre future land use category as follows:
Policy:	2.2.1.9.1	Intent: To identify, textually in the Comprehensive Plan's goals, objectives, and policies, or graphically on the Future Land Use Map, areas which are established for a low density suburban residential environment, or a clustered low density urban residential environment where appropriate, and which may be utilized for compatible agricultural activities in the short-term, while recognizing that suburban or clustered urban uses are the preferred long-term land use for these areas. Also, to provide for a complement of residential support uses normally utilized during the daily activities of residents of these suburban or urban areas.
Policy:	2.2.1.9.2	Range of Potential Uses (see Policies 2.1.2.3 - 2.1.2.7, 2.2.1.5): Suburban or urban residential uses, neighborhood retail uses, short term agricultural uses, agriculturally-compatible residential uses, farmworker housing, public or semi-public uses, schools, low intensity recreational uses, and appropriate water-dependent/water-related/water-enhanced uses (see also Objectives 4.2.1 and 2.10.4).
Policy:	2.2.1.9.3	<p>Range of Potential Density/Intensity:</p> <p>Maximum Gross Residential Density: 1 dwelling unit per acre</p> <p>Maximum Net Residential Density: 2 dwelling units per acre or 6 dwelling units per acres (see 2.2.1.9.4(b) and (c) for explanation)</p> <p>Maximum Floor Area Ratio: 0.23 (0.35 for mini-warehouse uses only)</p> <p>Maximum Square Footage for Neighborhood Retail Uses: Medium (150,000sf)</p>
Policy:	2.2.1.9.4	<p>Other Information:</p> <p>a) All mixed and multiple-use projects require special approval, as defined herein, and as further defined in any land development regulations developed pursuant to § 163.3202, F.S.</p>

- b) Maximum net residential density within areas which are predominantly developed at a net residential density of 2 du/ga or less, or where existing development has not utilized "clustering" to achieve a net density which is significantly greater than gross density, shall be limited to a 2 dwelling units/acre on any part, or all, of a proposed project.
- c) Maximum net residential density within areas which are generally undeveloped, or which have experienced development which has predominantly utilized "clustering" to achieve net densities which are significantly greater than gross densities of the same projects(s), shall be limited to 6 dwelling units per acre on any part, or all of any proposed project. Net densities greater than 6 dwelling units per net acre may be considered within the WO (Evers) or CHHA Overlay Districts, pursuant to policies 2.3.1.5 and 4.3.1.5, to maximize protection of natural resources and to maximize reserved open space.
- d) Any project containing any net density in excess of 1 dwelling unit per acre shall require special approval.
- e) Any nonresidential project exceeding 30,000 square feet of gross building area shall require special approval.

**MANATEE COUNTY GOVERNMENT  
BUILDING & DEVELOPMENT SERVICES DEPARTMENT  
ZONING DISCLOSURE AFFIDAVIT**

Project name: Robinson Preserve Expansion Z-13-01

The Manatee County Land Development Code 90-01, as amended requires that all applications for Zoning Atlas Amendments shall include public disclosure of applicants and their percentage of interest.

If the property is owned by a CORPORATION, list the principal officers and principal stockholders and the percentage of stock owned by each.

If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

If the property is in the name of a PARTNERSHIP or LIMITED PARTNERSHIP, list the name of the principals below, including general and limited partners.

If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the principal officers, stockholders, beneficiaries, or partners. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust. This is in addition to the list of owners.

FOR ANY CHANGES OF OWNERSHIP OR CHANGES IN CONTRACTS FOR PURCHASE SUBSEQUENT TO THE DATE OF THE APPLICATION, BUT PRIOR TO THE DATE OF FINAL PUBLIC HEARING, A SUPPLEMENTAL DISCLOSURE OF INTEREST SHALL BE FILED.

Disclosure shall not be required of any entity whose interests are solely equity interest which are regularly traded on an established securities market in the United State or another country.

<u>NAME, ADDRESS AND OFFICER</u>	<u>PERCENTAGE STOCK, INTEREST OR OWNERSHIP</u>
Check if owner (X ) or contract purchaser ( )	
<u>Manatee County BOCC</u>	<u>100% Ownership</u>
<u>Charlie Hunsicker</u> <u>415 10<sup>th</sup> Street West, Bradenton, FL</u>	

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

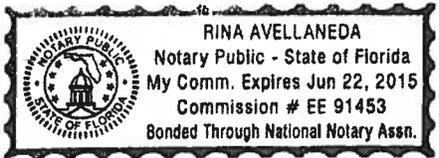
Signature: Charlie Hunsicker  
Director, Natural Resources Department  
(Applicant): \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 22ND day of MAY 2013 by CHARLIE HUNSICKER, who is personally known to me or who has produced \_\_\_\_\_ as identification.  
(type of identification)

Rina Avellaneda  
Notary Signature  
RINA AVELLANEDA  
Print or type name of Notary  
ADMINISTRATIVE ASSISTANT  
Title or Rank

My Commission Expires: JUNE 22, 2015  
Commission No: EE 91453



Revised 2/8/10  
B-4

Copy of Newspaper Advertising

Bradenton Herald

Sarasota Herald Tribune

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, August 15, 2013 at 9:00 a.m. at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matter:

**Z-13-01 - ROBINSON PRESERVE EXPANSION COUNTY INITIATED REZONE**

B00000218, DTS #20130216  
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 149.18± acres on the west side of 99th Street N.W., and west of 9th Avenue N.W., at 1704 99th Street N.W., Bradenton, from PDR (Planned Development Residential) to CON (Conservation) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may

obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org)

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will

need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

**Americans With Disabilities:**

The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

**THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION  
Manatee County Building and Development Services Department  
Manatee County, Florida  
7/31/2013**

**NOTICE OF ZONING CHANGES IN UNINCORPORATED MANATEE COUNTY**

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, August 15, 2013 at 9:00am at the Manatee County Government Administrative Center, 1st Floor Chambers, 1112 Manatee Avenue West, Bradenton, Florida to consider, act upon, and forward a recommendation to the Board of County Commissioners on the following matters:

**Z-13-01- ROBINSON PRESERVE EXPANSION COUNTY INITIATED REZONE**

B0000218, DTS #20130216  
An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the official zoning atlas (Ordinance No. 90-01, the Manatee County Land Development Code), relating to zoning within the unincorporated area; providing for the rezoning of approximately 149.18± acres on the west side of 99th Street N.W., and the rezoning of approximately 149.18± acres on the west side of 99th Street (Planned Development Residential) to CON (Conservation) zoning district; setting forth findings; providing a legal description; providing for severability, and providing an effective date.

It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners. Interested parties may examine the Official Zoning Atlas, the applications, related documents, and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2nd Floor, Bradenton, Florida, telephone number (941) 748-4501x6878; e-mail to: [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org)

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

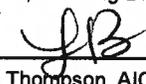
**Americans With Disabilities:** The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

**THIS HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS. MANATEE COUNTY PLANNING COMMISSION  
Manatee County Building and Development Services Department  
Manatee County, Florida**

Date of Pub: July 31, 2013

# MANATEE COUNTY GOVERNMENT

## AGENDA MEMORANDUM

<b>SUBJECT</b>	Ordinance 13-26 – Land Development Code Amendment regarding Historic Preservation and Certified Local Government	<b>TYPE AGENDA ITEM</b>	Advertised Public Hearing – Regular
<b>DATE REQUESTED</b>	08/15/13	<b>DATE SUBMITTED/REVISED</b>	08/07/13
<b>BRIEFINGS? Who?</b>	No	<b>CONSEQUENCES IF DEFERRED</b>	Delays implementation of the Certified Local Government program
<b>DEPARTMENT/DIVISION</b>	Building & Development Services Department/Comprehensive Planning and Public Hearings	<b>AUTHORIZED BY TITLE</b>	Lisa Barrett, Planning Division Manager 
<b>CONTACT PERSON TELEPHONE/EXTENSION</b>	Kathleen Thompson, AICP 748-4501 ext. 6841	<b>PRESENTER/TITLE TELEPHONE/EXTENSION</b>	Kathleen Thompson, AICP / Planning Manager / 941-748-4501 ext. 6841
<b>ADMINISTRATIVE APPROVAL</b>			

<b>ACTION DESIRED</b> INDICATE WHETHER 1) REPORT; 2) DISCUSSION; 3) FORM OF MOTION; OR 4) OTHER ACTION REQUIRED
I move to recommend ADOPTION of Ordinance 13-26 per the recommended motion in the staff report attached to this memo.

<b>ENABLING/REGULATING AUTHORITY</b> Federal/State law(s), administrative ruling(s), Manatee County Comp Plan/Land Development Code, ordinances, resolutions, policy
Manatee County Comprehensive Plan and Manatee County Land Development Code.

<b>BACKGROUND/DISCUSSION</b>
<ul style="list-style-type: none"> <li>• Manatee County Government is seeking a Certified Local Government (CLG) certification from the Florida Division of Historic Preservation and the National Park Service.</li> <li>• The Certified Local Government Program is a preservation partnership between local, state and national governments focused on promoting historic preservation at the local level.</li> <li>• As a Certified Local Government (CLG), local cultural and historic resources, significant to the history of Manatee County, may be granted a <i>locally significant</i> historic landmark designation. The designation provides protection to those sites worthy of preservation.</li> <li>• Matching grant funds are available to conduct surveys to identify and evaluate significant historic properties, to fund the preparation of National Register nominations as well as funding development of preservation education materials, publications or other media presentations of the community's history.</li> <li>• Once certified, staff must follow specific performance standards:             <ul style="list-style-type: none"> <li>▪ Provide the State Historic Preservation Officer (SHPO) with 30 days notice prior to all meetings</li> <li>▪ Submit Minutes and Record of Attendance to SHPO within 30 days after each meeting</li> <li>▪ Notify SHPO within 30 days of any change in Historic Preservation Board membership</li> <li>▪ Hold a minimum of 4 meetings per year</li> <li>▪ Provide an Annual Report</li> </ul> </li> <li>• Staff recommends approval.</li> </ul>

<b>COUNTY ATTORNEY REVIEW</b>	
<b>Check appropriate box</b>	
<input checked="" type="checkbox"/>	<b>REVIEWED</b> <b>Written Comments:</b> <input type="checkbox"/> Attached <input checked="" type="checkbox"/> Available from Attorney (Attorney's initials: WC/MS)
<input type="checkbox"/>	<b>NOT REVIEWED (No apparent legal issues.)</b>

<input type="checkbox"/>	<b>NOT REVIEWED</b> (Utilizes exact form or procedure previously approved by CAO.)
<input type="checkbox"/>	<b>OTHER</b>

ATTACHMENTS: (List in order as attached)		INSTRUCTIONS TO BOARD RECORDS:	
Staff Report LDC Ordinance CLG Application Package		n/a	
<b>COST:</b>	n/a	<b>SOURCE (ACCT # &amp; NAME):</b>	n/a
<b>COMMENTS:</b>		<b>AMT./FREQ. OF RECURRING COSTS: (ATTACH FISCAL IMPACT STATEMENT)</b>	

P.C. 08/15/13

**ORDINANCE 13-26**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING HISTORIC PRESERVATION; AMENDING SECTION 306 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE MANATEE COUNTY HISTORIC PRESERVATION BOARD; AMENDING CHAPTER 5 OF THE LAND DEVELOPMENT CODE TO ESTABLISH SECTION 522 TO PROVIDE FOR HISTORIC LANDMARK DESIGNATION AND TO AMEND SECTION 514.3.2.4.1 TO PROVIDE A TIMEFRAME FOR DECISION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**RECOMMENDED MOTION**

**Based upon the staff report, evidence presented, comments made at the Public Hearing and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan, I recommend ADOPTION of Manatee County Ordinance 13-26, amending the Manatee County Land Development Code, (Ordinance 90-01, as amended), as recommended by the staff.**

### **Background/Discussion:**

In a continuing effort to enhance our Historic Preservation program, Manatee County Government is seeking a Certified Local Government (CLG) certification from the Florida Division of Historic Preservation and the National Park Service.

The Certified Local Government Program is a preservation partnership between local, state and national governments focused on promoting historic preservation at the local level. The program is jointly administered by the National Park Service (NPS) and the Florida State Historic Preservation Office (SHPO).

With assistance from the Florida Division of Historic Preservation, staff has prepared a Historic Preservation Ordinance that amends the Land Development Code (LDC) to include the Reporting Requirements and Historic Landmark Designation Criteria and Procedures for compliance with the Certified Local Government program. A CLG application is required, in addition to the LDC amendments, stating our intent to continue to maintain a qualified Historic Preservation Board and perform the responsibilities of a Certified Local Government.

The signed Ordinance (ORD13-26) and completed CLG application will be sent to the Florida Bureau of Historic Preservation for completeness review and then forwarded on to the National Park Service. The National Park Service is the final authority for approval. A signed *Certified Local Government Agreement* between the State and Manatee County will also be required.

### **Benefits of a Certified Local Government Certification**

As a Certified Local Government (CLG), local cultural and historic resources, significant to the history of Manatee County, may be granted a *locally significant* historic landmark designation. The designation provides protection to those sites worthy of preservation. Matching grant funds are available to conduct surveys to identify and evaluate significant historic properties, to fund the preparation of National Register nominations as well as funding development of preservation education materials, publications or other media presentations of the community's history.

Once certified, staff must follow specific performance standards:

- Provide SHPO with 30 days notice prior to all meetings
- Submit Minutes and Record of Attendance to SHPO within 30 days after each meeting
- Notify SHPO within 30 days of any change in Historic Preservation Board membership
- Hold a minimum of 4 meetings per year
- Provide Annual Reports

**Consistency with the Comprehensive Plan**

The Historic Element (Goal 7.1) with numerous goals and policies of the Comprehensive Plan requires protection of historical resources to preserve the cultural, architectural and archaeological history of Manatee County.

The Historic Preservation Board (HPB) was established to preserve and protect Manatee County's archaeologically, historically and aesthetically significant sites, districts and zones. The HBP duties include recommending properties for designation as historic landmarks, increasing public awareness of the value of historic preservation, recommending approval or denial on Certificates of Appropriateness requests and review/approve floodplain variances regarding the elevation of historic structures.

The Future Land Use Element of the Comprehensive Plan established a Historic Resources Overlay District (Policy 2.2.2.6) for historic sites and neighborhoods as priority areas for protection of historic resources.

**Proposed Land Development Code Amendment**

The proposed amendment to Section 306 - Historic Preservation Board provides additional powers and duties to the Historic Preservation Board while the creation of a new Section 522 - Historic Landmark Designation establishes the Reporting Requirements and Historic Landmark Designation, Criteria and Procedures for compliance with the Certified Local Government program. This LDC amendment further strengthens the Comprehensive Plan and associated policies.

**Staff recommends approval**

**Proposal:**

Add language to the Land Development Code to comply with the Certified Local Government program. The proposed language is shown below in underline and ~~strike-through~~ format:

**Amendment Section 306. Historic Preservation Board**

This amendment includes minimum requirements of the Certified Local Government program.

306.1. Purpose and Intent. The Historic Preservation Board is established in order to preserve and protect Manatee County's archaeologically, historically and aesthetically significant sites, districts and zones; to encourage historical and archaeological preservation; to identify historic buildings and sites and archaeological sites in Manatee County; and to ensure ~~insure~~ appropriate preservation, restoration, renovation, development and adaptive reuse of historical buildings and archaeological sites.

306.2. Duties and Powers. The Historic Preservation Board, in addition to such other powers, duties and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

306.2.1. Maintain and update files of the Manatee County Historic Survey for the purpose of identifying and conserving those sites, districts and zones of special archeological, historic, aesthetic, architectural, cultural, social, or political value or interest. It-In exercising this authority, the Historic Preservation Board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance. The Manatee County Historic Survey shall utilize the format provided by the Florida Master Site File (FMSF), and the Building and Development Services Department shall provide copies of all survey forms to the FMSF.

306.2.2. Recommend properties for designation as historic landmarks, historical and archaeological overlay districts, and historic vista protection areas in accordance with the criteria and procedures specified in this Code for each type of action. Regulate and administer properties as historic landmarks and historic landmark districts.

306.2.3. Participate in, and review nominations of landmarks to, the national register program for Florida to the greatest possible extent, ~~should the County choose to participate in the certified local government program,~~ as specified by the 1981 amendments to the National Historic

Preservation Act of 1966, as amended, and by regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Historic Preservation Office, which encourages such local participation and initiative.

306.2.4. Approve or deny Certificates of Appropriateness pursuant to Section 514 of this Code, or provide standards for administrative approval of certain Certificates of Appropriateness.

306.2.5 Recommend zoning text or atlas amendments to the Board for referral, ~~if they deem feasible,~~ to the Planning Commission.

306.2.6. Recommend to vary, waive, or supersede provisions of this Code, when appropriate as a means of encouraging significant historic preservation.

306.2.7. Recommend approval for ~~Exercise the authority to grant~~ certificates of transfer of development rights in accordance with procedures set forth by the Board.

306.2.8. Make recommendations to the Board concerning the transfer of development rights, facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.

306.2.9. Maintain a record of ~~unique~~ archaeologically, historically or aesthetically significant sites, districts or zones within the County and update the record through on-going historical resource surveys. The Building and Development Services Department shall provide copies of the current record to the Florida Master Site File (FMSF) and the State Historic Preservation Officer (SHPO).

306.2.10. Increase public awareness of the value of historic preservation ~~conservation~~ by developing and participating in public information programs.

306.2.11. Make recommendations to the Board concerning the utilization of grants from Federal and State agencies or private groups and individuals, and utilization of County funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones.

306.2.12. Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.

306.2.13. Contact public and private organizations and individuals and endeavor to arrange intervening agreements and/or actions to ensure

preservation of archaeologically, historically or aesthetically significant sites, districts and zones for which demolition or destruction is proposed.

306.2.14. Recommend and approve placement of historic markers and plaques and issue recognition to designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas within Manatee County and those persons, organizations or entities deserving of recognition in the field of archeological, historic or aesthetically significant site preservation.

306.2.15. Advise the Board on all matters related to the use, administration and maintenance of County-owned designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas.

306.2.16. Review and approve all projects and construction requiring Certificates of Appropriateness issued by the Historic Preservation Board pursuant to Section 514 within the Historic Vista Protection Areas.

306.2.17. Recommend to vary, waive or supersede provisions of this Code the building and other codes, to the appropriate agencies, when appropriate as a means of encouraging significant historic preservation. Request that the appropriate agencies or departments investigate alternative methods so that health, building, fire and barrier free code related alterations required by the Florida Building Code, Florida Fire Prevention Code, Florida Americans with Disabilities Accessibility Implementation Act, and state health code are done in a manner to preserve character-defining spaces, features and finishes.

306.2.18. Adopt regulations which would allow administrative review by the Building and Development Services Planning Department without further review by the Historic Preservation Board for certain Certificates of Appropriateness so designated by the Historic Preservation Board.

306.2.19. Establish criteria for administrative review of Certificates of Appropriateness which are consistent with criteria established for Historic Preservation Board review of Certificates of Appropriateness.

~~306.2.20. Any other function which may be designated by the Board.~~

306.2.2021. Review and approve any variance regarding floodplain elevation of structures that requires approval by the Historic Preservation Board pursuant to Sections 509.3 and 604.6 within the Cortez Fishing Village Historical and Archaeological Overlay District.

306.2.21. Subject to availability and appropriation of funds and advance approval by the Board, attend local, state and national information or education meetings, workshops and conferences when such attendance is

relevant to the duties of the Historic Preservation Board.

306.2.22. Any other function which may be designated by the Board.

The Historic Preservation Board is authorized to exercise the foregoing powers throughout unincorporated Manatee County. The responsibilities assigned to the Historic Preservation Board pursuant to this Section 306 shall be complementary to the Historic Preservation Office of the State of Florida.

### 306.3. Membership and Meeting.

306.3.1. Establishment. A Historic Preservation Board is hereby established which shall consist of ~~seven (7)~~ or five (5) members appointed by the Board of County Commissioners. ~~The number of members shall be established by resolution of the Board of County Commissioners.~~

306.3.2. Qualifications. Members of the Historic Preservation Board shall be qualified ~~residents~~ ~~electors~~ in Manatee County who have knowledge of archaeological, historical or architectural development or have deep concern for the preservation, development and enhancement of historic resources in the County. The Historic Preservation Board shall, whenever possible, be composed of professional members from individuals with the following disciplines background: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, and ~~or~~ historic preservation or related disciplines, plus two (2) at large members. In the event there are insufficient professionals in the County, lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall comprise the balance of the Historic Preservation Board.

306.3.3. Terms of Office. The term of office of the Historic Preservation Board members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one (1) year. A member whose term expires shall continue to serve until his or her successor is appointed.

306.3.4. Removal from Office. Any member of the Historic Preservation Board may be removed from office by a majority plus one (1) vote of the full membership of the Board following a hearing by the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Historic Preservation Board.

306.3.5. Officers. The Historic Preservation Board shall annually elect a Chairman and Vice Chairman from among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election.

306.3.6. Vacancies. Whenever a vacancy occurs on the Historic Preservation Board, the Board shall fill such vacancy for the remainder of the term. The Board shall attempt to appoint new members within sixty (60) days of the date of any vacancy, subject to availability of qualified individuals.

306.3.7. Quorum. Except as provided in this Section, no meeting of the Historic Preservation Board shall be called to order, nor shall any business be transacted by the Historic Preservation Board, without a quorum consisting of at least three (3) members of the Historic Preservation Board being present. ~~A seven member board shall require a four person quorum, and a five member board a three person quorum.~~ The Chairman shall be considered and counted as a member. When there is no quorum, those members of the Historic Preservation Board who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.

306.3.8. Meetings. Regular meetings of the Historic Preservation Board shall be held as necessary, with at least one (1) meeting held every three (3) months. Meetings may be called by the Chairman of the Board, the Chairman of the Historic Preservation Board, a majority of the members of the Historic Preservation Board, a majority of the Board, or the County Administrator or his or her designee. If consideration of a matter is postponed for any reason due to lack of a quorum, the Chairman of the Historic Preservation Board may shall continue the matter to meeting as a special meeting or to be held within seven (7) working days thereafter. ~~In the case of delays caused by other reasons, the meeting should be rescheduled the matter to the next Historic Preservation Board meeting.~~ The Building and Development Services Department Planning Director shall notify all Historic Preservation Board members of the date of any the continued meeting. A public notice and the agenda for each Historic Preservation Board meeting shall be advertised in a newspaper of general circulation in Manatee County at least thirty (30) calendar days before the meeting. Meeting agendas shall include information required by the rules of procedure.

306.3.9. Attendance. Historic Preservation Board members shall be removed from office by the Building and Development Services Director for failure to attend three (3) successive meetings, excluding workshop meetings, or when a member's absences exceed 25% of all scheduled meetings, including workshop meetings, in a calendar year if the absence is not approved by the Board for cause. Any member who fails to attend a meeting during at least 75% of the time the meeting is in session shall be considered not to have attended the meeting.

306.3.109. Rules of Procedure. The Historic Preservation Board shall, by majority vote of the entire membership, adopt written rules of procedure as

may be necessary for the transaction of its business. In any proceeding deemed quasi-judicial under this Code, the Historical Preservation Board shall adhere to the procedures established pursuant to this Code, and any additional procedures established by resolution of the Board. The Chairman shall appoint members of the various committees established by the Historic Preservation Board.

306.3.1140. Public Meetings. All meetings of the Historic Preservation Board ~~and its committees~~ shall be public meetings and conducted in accordance with the applicable rules of procedure.

306.3.1244. Vote. No action of the Historic Preservation Board shall be valid unless authorized by a majority vote of the quorum membership present. The Historic Preservation Board members shall be subject to Chapter 112, Part III, Florida Statutes.

306.3.1342. Clerk Records. The Clerk of Circuit Court, in his or her capacity as Clerk to the Board of County Commissioners, shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the names of all witnesses giving testimony, findings of fact by the Historic Preservation Board and the vote of each member, or if absent, or, failing to vote, such fact. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep indexed records of all Resolutions, Certificates of Appropriateness, variances, transactions, findings and determinations.

306.3.14. Records. All such records of the Historic Preservation Board, including but not limited to historic survey files and rules of procedure, shall be official public records and shall be open to the public in accordance with Chapter 119, ~~covered by all~~ Florida Statutes, pertaining to public records.

306.4. Appeals. Any aggrieved person, including Manatee County, may file a petition for review of appeal any final decision of the Historic Preservation Board to the Circuit Court. Such petition ~~An appeal~~ shall be filed within thirty (30) days of the decision to be reviewed ~~appealed~~.

306.5. Staff. The Building and Development Services Department shall provide staff to the Historic Preservation Board for the performance of its duties and powers. Subject to availability and appropriation of funds, the County may enter into contracts to obtain additional expertise to the Building and Development Services Department in considering national register nominations when a professional discipline is not represented as a member of the Historic Preservation Board.

306.6. Certified Local Government Program. The Building and Development Services Department shall perform all activities required for compliance with the Certified Local Government Program administered by the State Historic Preservation Officer (“SHPO”). The Building and Development Services Department shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation. The Building and Development Services Department shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:

1. Changes in Historic Preservation Board membership.
2. Amendment of regulations governing the Historic Preservation Board; provided, however, that the SHPO shall review and approve any amendments prior to adoption by the Historic Preservation Board.

306.7. Reporting. The Building and Development Services Department shall provide duplicates of all documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.

306.7.1. The Building and Development Services Department shall submit advance written notice of each Historic Preservation Board meeting to the SHPO at least thirty (30) calendar days before each meeting.

306.7.2. The Building and Development Services Department shall submit proposed amendments to any ordinance governing the Historic Preservation Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Historic Preservation Board until after the SHPO has reviewed and approved such amendments.

306.7.3 The Building and Development Services Department shall submit draft minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.4. The Building and Development Services Department shall submit approved minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.

306.7.5. The Building and Development Services Department shall submit written records of attendance by Historic Preservation Board members at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.6. The Building and Development Services Department shall submit written records of attendance by the public at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.7. The Building and Development Services Department shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:

1. A copy of the rules of procedure for the Historic Preservation Board;
2. A copy of the historic preservation ordinance;
3. Resumes of all Historic Preservation Board members;
4. Changes to the membership of the Historic Preservation Board;
5. The total number of projects reviewed by the Historic Preservation Board;
6. A review of survey and inventory activity with a description of the system used;
7. New historic landmark designations;
8. New listings on the National Register of Historic Places; and
9. A report of all grant assisted activities.

#### **Amendment Section 514. Certificate of Appropriateness**

This amendment provides a timeframe for continuance of Historic Preservation Board action.

514.3.2.4.1 The Historic Preservation Board may approve, deny or continue a decision for a period not to exceed one (1) year ~~defer taking action~~ on an application for a request Certificate of Appropriateness for demolition in order to:

- a. Contact interested individuals and organizations for assistance in seeking an alternative to demolition; or
- b. Allow an applicant to supply additional information as requested by the Historic Preservation Board which may include, but is not limited to,

evidence showing that plans for a new building on the site will be implemented.

## **New Section 522. Historic Landmark Designation**

This new amendment establishes the criteria and process to grant a *locally significant historic landmark* to a historic resource worthy of preservation.

522.1. Authority. The Historic Preservation Board shall have the authority to recommend to the Board that sites, structures, objects or districts be granted historic landmark designation and be listed in the National Register of Historic Places. The Board shall have final authority for such designation and listing. The members of the Historic Preservation Board are encouraged to participate in survey and planning activities of the County in the manner and to the extent permitted under applicable law.

522.2. Purpose. The purpose of historic landmark designation and listing in the National Register of Historic Places is to maintain a list of sites, structures, objects and districts that are significant to the history of the County. Landmark designation also provides recognition to property owners for their efforts in preserving the heritage of the County.

522.3. Criteria. A site, structure, object or district may be considered for historic landmark designation and listing in the National Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the County. A site, structure, object or district must also have integrity in at least two (2) of the following attributes: location, design, setting, materials, workmanship, feeling and association. In addition to attributes of integrity, a site, structure, object or district must meet one (1) or more of the following criteria to be considered for historic landmark designation and listing in the National Register of Historic Places:

1. The site, structure, object or district is listed in the National Register of Historic Places.
2. The site, structure, object or district is associated with events that have made a significant contribution to broad patterns of local, regional, state or national history.
3. The site, structure, object or district is associated with the lives of persons significant in local, regional, state, or national history.
4. The site, structure, object or district embodies the distinctive architectural characteristics of a type, period or method of construction, or represents the work of a master builder, architect or designer, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack

individual distinction.

5. The site, structure, object or district has yielded or is likely to yield important archeological information related to history or prehistory.
6. The site, structure, object or building has been removed from its original location but is significant primarily for its architectural value or is the only surviving site, structure, object or building significantly associated with a historic person or event.
7. The site is a cemetery which derives its primary significance from age, distinctive design features, or association with historic events or cultural patterns.

522.4. Procedures. Historic landmark designation and listing in the National Register of Historic Places shall comply with the requirements and procedures set forth in this subsection.

522.4.1. Applicant. An application for historic landmark designation and listing in the National Register of Historic Places shall be filed by the property owner.

522.4.2. Application. The applicant shall complete an application form provided by the Building and Development Services Department and submit the application form and documentation to the Building and Development Services Department. The applicant shall pay a fee in an amount established by the Board at the time the application for historic landmark designation and listing in the National Register of Historic Places is submitted. The Building and Development Services Department shall determine when an application is complete and may request additional information if the application is determined to be incomplete.

522.4.2.1. Each application shall contain the following information:

1. A written description of the architectural, historical or archaeological significance of the proposed site, structure, object or district referring to the criteria set forth in subsection 522.3 above. The written report shall state the qualifications of the site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places;
2. The date of construction of the site, structure, object or district;
3. The notarized signatures of the property owners requesting the historic landmark designation and listing in the National Register of Historic Places;

4. Photographs of the site, structure, object or district; and
5. The legal description and a map of the property encompassing the site, structure, object or district.

522.4.2.2. An application for a historic district shall include the following additional information:

1. Evidence of approval of the historic district designation from the owners of two-thirds of the properties within the proposed district boundaries or from the owner or owners of two-thirds of the land area within the proposed district boundaries;
2. A written description of the boundaries of the proposed historic district; and
3. A list of contributing and non-contributing sites, structures and objects within the proposed district boundaries.

522.4.3. Notices. All notices relating to applications for historic landmark designation and listing in the National Register of Historic Places shall be published, mailed and posted not less than thirty (30) calendar days and not more than seventy-five (75) calendar days prior to any public hearing by the Historic Preservation Board or the Board. Notice of public hearing shall be published in compliance with the requirements of subsection 502.7 and paragraph 502.7.2 of this Code. Notice shall be mailed by the applicant to all owners of the proposed site, structure or object or all property owners within the proposed district boundaries, any persons representing the owners of the proposed site, structure or object or any persons representing any property owners within the proposed district boundaries, and all property owners located within 1,000 feet of the proposed site, structure, object or district in compliance with the requirements of subsection 502.7.3 of this Code. Notice shall also be posted by the applicant on the property where the proposed site, structure or object is located and on the right-of-way of all roads and streets which enter the boundaries of the proposed district in compliance with the requirements of paragraph 502.7.4 of this Code. The applicant shall pay all costs for publishing, mailing and posting the notices required by this paragraph.

522.4.4. Recommendation. The Historic Preservation Board shall hold a public hearing on an application for historic landmark designation and listing in the National Register of Historic Places within ninety (90) days after the Building and Development Services Department determines that

such application is complete, provided that notices have been published, mailed and posted as required by paragraph 522.4.3 above. The Building and Development Services Department shall prepare a written analysis and report for the public hearing. The public hearing by the Historic Preservation Board shall be conducted in accordance with subsection 306.3 of this Code. In addition, the requirements of paragraph 504.7.1 of this Code shall also apply to any public hearing conducted by the Historic Preservation Board. The applicant, local officials, property owners and the public shall have an opportunity to present testimony and evidence supporting or objecting to the proposed historic landmark designation and listing in the National Register of Historic Places. Any property owner who objects to the proposed historic landmark designation and listing in the National Register of Historic Places must submit a written statement containing his or her notarized signature. At the conclusion of the public hearing, the Historic Preservation Board shall vote whether to recommend the proposed site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places.

522.5. Decision. Following a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Board shall hold a public hearing on the application. The requirements of paragraph 504.7.2 of this Code shall apply to any public hearing conducted by the Board. At the conclusion of the public hearing, the Board may approve or deny the recommendation of the Historic Preservation Board or may continue the public hearing and defer a decision if adequate information is not available. In the event of continuation and deferral, the Board shall reopen the public hearing and consider the recommendation of the Historic Preservation Board at the earliest opportunity after adequate information is made available. The Building and Development Services Department shall notify each applicant, property owner, person representing any property owner and person who received notice as required by paragraph 522.4.3 above of the Board's decision relating to the property in writing no later than thirty (30) days after the Board meeting.

522.6. Permits. The Building and Development Services Department may issue a development order or permit for any property without a Certificate of Appropriateness if the Board denies a recommendation by the Historic Preservation Board on an application or if an applicant withdraws an application for historic landmark designation and listing in the National Register of Historic Places before a decision is made by the Board. Following approval by the Board of a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Building and Development Services Department shall not issue a development order or permit for any exterior alteration, new construction, demolition, or relocation on the property or within the district which is the subject of the application until a Certificate of Appropriateness is approved in compliance with Section 514 of this Code.

522.7. Implementation. If the Board approves the recommendation of the Historic Preservation Board relating to the site, structure, object or district, the Building and Development Services Department shall take appropriate action to implement the historic landmark designation and listing in the National Register of Historic Places.

522.7.1. The Building and Development Services Department shall be authorized to issue a permit for a sign or plaque identifying any site, structure, object or district approved with a historic landmark designation, provided that the owner of the site, structure or object or any property owner within the district submits an application and pays a fee established by the Board for a sign permit and provided that the sign or plaque is constructed or installed in compliance with this Code and the Florida Building Code.

522.7.2. The Building and Development Services Department shall be authorized to process applications and prepare staff reports for land development incentives to preserve any site, structure, object or district approved with a historic landmark designation, including but not limited to, variances, transfer of development rights, and conditional use permits, provided that the owner of the site, structure or object or any property owner within the district submits an application, pays a fee established by the Board, and complies with all requirements and procedures for such actions set forth in this Code.

522.7.3. The Building and Development Services Department shall not issue a permit for demolition, alteration, relocation or construction activities on any site, structure or object or within any district approved with a historic landmark designation except in compliance with a Certificate of Appropriateness issued pursuant to Section 514 of this Code.

522.7.4. The Building and Development Services Department shall list any site, structure, object or district approved with a historic landmark designation in the National Register of Historic Places.

522.7.5. The Building and Development Services Department shall update the complete listing of the National Register of Historic Places for the Manatee County Comprehensive Plan, as amended.

**ORDINANCE NO. 13-26**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING HISTORIC PRESERVATION; AMENDING SECTION 306 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE MANATEE COUNTY HISTORIC PRESERVATION BOARD; AMENDING CHAPTER 5 OF THE LAND DEVELOPMENT CODE TO ESTABLISH SECTION 522 TO PROVIDE FOR HISTORIC LANDMARK DESIGNATION AND TO AMEND SECTION 514.3.2.4.1 TO PROVIDE A TIMEFRAME FOR DECISION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners (“Board”) relies upon the following findings in the adoption of this Ordinance:

1. The Board has adopted the Manatee County Land Development Code (hereinafter, the “Code”), which applies to all property in the unincorporated area of Manatee County.
2. Section 306 of the Code establishes the Historic Preservation Board with certain powers and duties pertaining to historic preservation in unincorporated Manatee County.
3. The Board desires to participate in the certified local government program for historic preservation within unincorporated Manatee County by directing the Building and Development Services Department to perform all activities required for compliance with said program.
4. The Board desires to provide for historic landmark designation within unincorporated Manatee County by creating criteria and procedures for applications, notices, public hearings, recommendations, decisions, permits and implementation for such designation.

5. It is in the best interest of the County to amend the Code relating to historic preservation for the purpose of participation in the certified local government program and in order to provide for historic landmark designation as set forth in this Ordinance.
6. The Manatee County Planning Commission reviewed the amendments set forth in this Ordinance, found them to be consistent with the Comprehensive Plan, and recommended their adoption by the Board, on August 15, 2013.

Section 3. Amendment of Section 306 of the Land Development Code. Section 306 of the Code is hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Amendment of Chapter 5 of the Land Development Code. Chapter 5 of the Code is hereby amended to add Section 522, as set forth in Exhibit "B" to this Ordinance.

Section 5. Amendment of Chapter 5 of the Land Development Code. Chapter 5 of the Code is hereby amended to update Section 514.3.2.4.1 to provide a timeframe for decision, as set forth in Exhibit "C" to this Ordinance.

Section 6. Repeal of Prior Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held valid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 9. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this Ordinance into the Code.

Section 10. Effective Date. This Ordinance shall become effective as provided by law.

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 5<sup>th</sup> day of September, 2013.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Larry Bustle, Chairman**

**ATTEST: R.B. SHORE**  
**Clerk of the Circuit Court**

By: \_\_\_\_\_  
**Deputy Clerk**

**ORDINANCE 13-26**  
**EXHIBIT "A"**  
**AMENDMENT OF SECTION 306**  
**(underlined text to be added, strike-through text to be deleted)**

Section 306. Historic Preservation Board.

306.1. Purpose and Intent. The Historic Preservation Board is established in order to preserve and protect Manatee County's archaeologically, historically and aesthetically significant sites, districts and zones; to encourage historical and archaeological preservation; to identify historic buildings and sites and archaeological sites in Manatee County; and to ensure ~~insure~~ appropriate preservation, restoration, renovation, development and adaptive reuse of historical buildings and archaeological sites.

306.2. Duties and Powers. The Historic Preservation Board, in addition to such other powers, duties and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

306.2.1. Maintain and update files of the Manatee County Historic Survey for the purpose of identifying and conserving those sites, districts and zones of special archeological, historic, aesthetic, architectural, cultural, social, or political value or interest. ~~It~~ In exercising this authority, the Historic Preservation Board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance. The Manatee County Historic Survey shall utilize the format provided by the Florida Master Site File (FMSF), and the Building and Development Services Department shall provide copies of all survey forms to the FMSF.

306.2.2. Recommend properties for designation as historic landmarks, historical and archaeological overlay districts, and historic vista protection areas in accordance with the criteria and procedures specified in this Code for each type of action. Regulate and administer properties as historic landmarks and historic landmark districts.

306.2.3. Participate in, and review nominations of landmarks to, the national register program for Florida to the greatest possible extent, ~~should the County choose to participate in the certified local government program,~~ as specified by the 1981 amendments to the National Historic Preservation Act of 1966, as amended, and by regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Historic Preservation Office, which encourages such local participation and initiative.

306.2.4. Approve or deny Certificates of Appropriateness pursuant to Section 514 of this Code, or provide standards for administrative approval of certain Certificates of Appropriateness.

306.2.5 Recommend zoning text or atlas amendments to the Board for referral; ~~if~~

~~they deem feasible~~, to the Planning Commission.

306.2.6. Recommend to vary, waive, or supersede provisions of this Code, when appropriate as a means of encouraging significant historic preservation.

306.2.7. Recommend approval for ~~Exercise the authority to grant~~ certificates of transfer of development rights in accordance with procedures set forth by the Board.

306.2.8. Make recommendations to the Board concerning the transfer of development rights, facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.

306.2.9. Maintain a record of ~~unique~~ archaeologically, historically or aesthetically significant sites, districts or zones within the County and update the record through on-going historical resource surveys. The Building and Development Services Department shall provide copies of the current record to the Florida Master Site File (FMSF) and the State Historic Preservation Officer (SHPO).

306.2.10. Increase public awareness of the value of historic preservation ~~conservation~~ by developing and participating in public information programs.

306.2.11. Make recommendations to the Board concerning the utilization of grants from Federal and State agencies or private groups and individuals, and utilization of County funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones.

306.2.12. Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.

306.2.13. Contact public and private organizations and individuals and endeavor to arrange intervening agreements and/or actions to ensure preservation of archaeologically, historically or aesthetically significant sites, districts and zones for which demolition or destruction is proposed.

306.2.14. Recommend and approve placement of historic markers and plaques and issue recognition to designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas within Manatee County and those persons, organizations or entities deserving of recognition in the field of archeological, historic or aesthetically significant site preservation.

306.2.15. Advise the Board on all matters related to the use, administration and maintenance of County-owned designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas.

306.2.16. Review and approve all projects and construction requiring Certificates

of Appropriateness issued by the Historic Preservation Board pursuant to Section 514 within the Historic Vista Protection Areas.

306.2.17. Recommend to vary, waive or supersede provisions of this Code the building and other codes, to the appropriate agencies, when appropriate as a means of encouraging significant historic preservation. Request that the appropriate agencies or departments investigate alternative methods so that ~~health, building, fire and barrier free code related~~ alterations required by the Florida Building Code, Florida Fire Prevention Code, Florida Americans with Disabilities Accessibility Implementation Act, and state health code are done in a manner to preserve character-defining spaces, features and finishes.

306.2.18. Adopt regulations which would allow administrative review by the Building and Development Services Planning Department without further review by the Historic Preservation Board for certain Certificates of Appropriateness so designated by the Historic Preservation Board.

306.2.19. Establish criteria for administrative review of Certificates of Appropriateness which are consistent with criteria established for Historic Preservation Board review of Certificates of Appropriateness.

~~306.2.20. Any other function which may be designated by the Board.~~

306.2.2021. Review and approve any variance regarding floodplain elevation of structures that requires approval by the Historic Preservation Board pursuant to Sections 509.3 and 604.6 within the Cortez Fishing Village Historical and Archaeological Overlay District.

306.2.21. Subject to availability and appropriation of funds and advance approval by the Board, attend local, state and national information or education meetings, workshops and conferences when such attendance is relevant to the duties of the Historic Preservation Board.

306.2.22. Any other function which may be designated by the Board.

The Historic Preservation Board is authorized to exercise the foregoing powers throughout unincorporated Manatee County. The responsibilities assigned to the Historic Preservation Board pursuant to this Section 306 shall be complementary to the Historic Preservation Office of the State of Florida.

### 306.3. Membership and Meeting.

306.3.1. Establishment. A Historic Preservation Board is hereby established which shall consist of ~~seven (7) or~~ five (5) members appointed by the Board of ~~County Commissioners.~~ ~~The number of members shall be established by resolution of the Board of County Commissioners.~~

306.3.2. Qualifications. Members of the Historic Preservation Board shall be qualified residents ~~electors~~ in Manatee County who have knowledge of

archaeological, historical or architectural development or have deep concern for the preservation, development and enhancement of historic resources in the County. The Historic Preservation Board shall, whenever possible, be composed of professional members from individuals with the following disciplines background: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, and of historic preservation or related disciplines, plus two (2) at-large members. In the event there are insufficient professionals in the County, lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall comprise the balance of the Historic Preservation Board

306.3.3. Terms of Office. The term of office of the Historic Preservation Board members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one (1) year. A member whose term expires shall continue to serve until his or her successor is appointed.

306.3.4. Removal from Office. Any member of the Historic Preservation Board may be removed from office by a majority plus one (1) vote of the full membership of the Board following a hearing by the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Historic Preservation Board.

306.3.5. Officers. The Historic Preservation Board shall annually elect a Chairman and Vice Chairman from among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election.

306.3.6. Vacancies. Whenever a vacancy occurs on the Historic Preservation Board, the Board shall fill such vacancy for the remainder of the term. The Board shall attempt to appoint new members within sixty (60) days of the date of any vacancy, subject to availability of qualified individuals.

306.3.7. Quorum. Except as provided in this Section, no meeting of the Historic Preservation Board shall be called to order, nor shall any business be transacted by the Historic Preservation Board, without a quorum consisting of at least three (3) members of the Historic Preservation Board being present. ~~A seven-member board shall require a four-person quorum, and a five-member board a three-person quorum.~~ The Chairman shall be considered and counted as a member. When there is no quorum, those members of the Historic Preservation Board who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.

306.3.8. Meetings. Regular meetings of the Historic Preservation Board shall be held as necessary, with at least one (1) meeting held every three (3) months. Meetings may be called by the Chairman of the Board, the Chairman of the Historic Preservation Board, a majority of the members of the Historic Preservation Board, a majority of the Board, or the County Administrator or his or

her designee. If consideration of a matter is postponed for any reason due to lack of a quorum, the Chairman of the Historic Preservation Board may shall continue the matter to meeting as a special meeting or to be held within seven (7) working days thereafter. In the case of delays caused by other reasons, the meeting should be rescheduled the matter to the next Historic Preservation Board meeting. The Building and Development Services Department Planning Director shall notify all Historic Preservation Board members of the date of any the continued meeting. A public notice and the agenda for each Historic Preservation Board meeting shall be advertised in a newspaper of general circulation in Manatee County at least thirty (30) calendar days before the meeting. Meeting agendas shall include information required by the rules of procedure.

306.3.9. Attendance. Historic Preservation Board members shall be removed from office by the Building and Development Services Director for failure to attend three (3) successive meetings, excluding workshop meetings, or when a member's absences exceed 25% of all scheduled meetings, including workshop meetings, in a calendar year if the absence is not approved by the Board for cause. Any member who fails to attend a meeting during at least 75% of the time the meeting is in session shall be considered not to have attended the meeting.

306.3.109. Rules of Procedure. The Historic Preservation Board shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business. In any proceeding deemed quasi-judicial under this Code, the Historical Preservation Board shall adhere to the procedures established pursuant to this Code, and any additional procedures established by resolution of the Board. The Chairman shall appoint members of the various committees established by the Historic Preservation Board.

306.3.1140. Public Meetings. All meetings of the Historic Preservation Board and its committees shall be public meetings and conducted in accordance with the applicable rules of procedure.

306.3.1241. Vote. No action of the Historic Preservation Board shall be valid unless authorized by a majority vote of the quorum membership present. The Historic Preservation Board members shall be subject to Chapter 112, Part III, Florida Statutes.

306.3.1342. Clerk Records. The Clerk of Circuit Court, in his or her capacity as Clerk to the Board of County Commissioners, shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the names of all witnesses giving testimony, findings of fact by the Historic Preservation Board and the vote of each member, or if absent, or, failing to vote, such fact. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep indexed records of all Resolutions, Certificates of Appropriateness, variances, transactions, findings and determinations.

306.3.14. Records. All such records of the Historic Preservation Board, including but not limited to historic survey files and rules of procedure, shall be

official public records and shall be open to the public in accordance with Chapter 119, covered by all Florida Statutes, pertaining to public records.

306.4. Appeals. Any aggrieved person, including Manatee County, may file a petition for review of appeal any final decision of the Historic Preservation Board to the Circuit Court. Such petition ~~An appeal~~ shall be filed within thirty (30) days of the decision to be reviewed ~~appealed~~.

306.5. Staff. The Building and Development Services Department shall provide staff to the Historic Preservation Board for the performance of its duties and powers. Subject to availability and appropriation of funds, the County may enter into contracts to obtain additional expertise to the Building and Development Services Department in considering national register nominations when a professional discipline is not represented as a member of the Historic Preservation Board.

306.6. Certified Local Government Program. The Building and Development Services Department shall perform all activities required for compliance with the Certified Local Government Program administered by the State Historic Preservation Officer ("SHPO"). The Building and Development Services Department shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation. The Building and Development Services Department shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:

1. Changes in Historic Preservation Board membership.
2. Amendment of regulations governing the Historic Preservation Board; provided, however, that the SHPO shall review and approve any amendments prior to adoption by the Historic Preservation Board.

306.7. Reporting. The Building and Development Services Department shall provide duplicates of all documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.

306.7.1. The Building and Development Services Department shall submit advance written notice of each Historic Preservation Board meeting to the SHPO at least thirty (30) calendar days before each meeting.

306.7.2. The Building and Development Services Department shall submit proposed amendments to any ordinance governing the Historic Preservation Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Historic Preservation Board until after the SHPO has reviewed and approved such amendments.

306.7.3 The Building and Development Services Department shall submit draft minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.4. The Building and Development Services Department shall submit approved minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.

306.7.5. The Building and Development Services Department shall submit written records of attendance by Historic Preservation Board members at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.6. The Building and Development Services Department shall submit written records of attendance by the public at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.7. The Building and Development Services Department shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:

1. A copy of the rules of procedure for the Historic Preservation Board;
2. A copy of the historic preservation ordinance;
3. Resumes of all Historic Preservation Board members;
4. Changes to the membership of the Historic Preservation Board;
5. The total number of projects reviewed by the Historic Preservation Board;
6. A review of survey and inventory activity with a description of the system used;
7. New historic landmark designations;
8. New listings on the National Register of Historic Places; and
9. A report of all grant assisted activities.

**ORDINANCE 13-26**  
**EXHIBIT "B"**  
**AMENDMENT OF CHAPTER 5 TO ESTABLISH SECTION 522**

Section 522. Historic Landmark Designation.

522.1. Authority. The Historic Preservation Board shall have the authority to recommend to the Board that sites, structures, objects or districts be granted historic landmark designation and be listed in the National Register of Historic Places. The Board shall have final authority for such designation and listing. The members of the Historic Preservation Board are encouraged to participate in survey and planning activities of the County in the manner and to the extent permitted under applicable law.

522.2. Purpose. The purpose of historic landmark designation and listing in the National Register of Historic Places is to maintain a list of sites, structures, objects and districts that are significant to the history of the County. Landmark designation also provides recognition to property owners for their efforts in preserving the heritage of the County.

522.3. Criteria. A site, structure, object or district may be considered for historic landmark designation and listing in the National Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the County. A site, structure, object or district must also have integrity in at least two (2) of the following attributes: location, design, setting, materials, workmanship, feeling and association. In addition to attributes of integrity, a site, structure, object or district must meet one (1) or more of the following criteria to be considered for historic landmark designation and listing in the National Register of Historic Places:

1. The site, structure, object or district is listed in the National Register of Historic Places.
2. The site, structure, object or district is associated with events that have made a significant contribution to broad patterns of local, regional, state or national history.
3. The site, structure, object or district is associated with the lives of persons significant in local, regional, state, or national history.
4. The site, structure, object or district embodies the distinctive architectural characteristics of a type, period or method of construction, or represents the work of a master builder, architect or designer, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
5. The site, structure, object or district has yielded or is likely to yield important archeological information related to history or prehistory.

6. The site, structure, object or building has been removed from its original location but is significant primarily for its architectural value or is the only surviving site, structure, object or building significantly associated with a historic person or event.
7. The site is a cemetery which derives its primary significance from age, distinctive design features, or association with historic events or cultural patterns.

522.4. Procedures. Historic landmark designation and listing in the National Register of Historic Places shall comply with the requirements and procedures set forth in this subsection.

522.4.1. Applicant. An application for historic landmark designation and listing in the National Register of Historic Places shall be filed by the property owner.

522.4.2. Application. The applicant shall complete an application form provided by the Building and Development Services Department and submit the application form and documentation to the Building and Development Services Department. The applicant shall pay a fee in an amount established by the Board at the time the application for historic landmark designation and listing in the National Register of Historic Places is submitted. The Building and Development Services Department shall determine when an application is complete and may request additional information if the application is determined to be incomplete.

522.4.2.1. Each application shall contain the following information:

1. A written description of the architectural, historical or archaeological significance of the proposed site, structure, object or district referring to the criteria set forth in subsection 522.3 above. The written report shall state the qualifications of the site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places;
2. The date of construction of the site, structure, object or district;
3. The notarized signatures of the property owners requesting the historic landmark designation and listing in the National Register of Historic Places;
4. Photographs of the site, structure, object or district; and
5. The legal description and a map of the property encompassing the site, structure, object or district.

522.4.2.2. An application for a historic district shall include the following

additional information:

1. Evidence of approval of the historic district designation from the owners of two-thirds of the properties within the proposed district boundaries or from the owner or owners of two-thirds of the land area within the proposed district boundaries;
2. A written description of the boundaries of the proposed historic district; and
3. A list of contributing and non-contributing sites, structures and objects within the proposed district boundaries.

522.4.3. Notices. All notices relating to applications for historic landmark designation and listing in the National Register of Historic Places shall be published, mailed and posted not less than thirty (30) calendar days and not more than seventy-five (75) calendar days prior to any public hearing by the Historic Preservation Board or the Board. Notice of public hearing shall be published in compliance with the requirements of subsection 502.7 and paragraph 502.7.2 of this Code. Notice shall be mailed by the applicant to all owners of the proposed site, structure or object or all property owners within the proposed district boundaries, any persons representing the owners of the proposed site, structure or object or any persons representing any property owners within the proposed district boundaries, and all property owners located within 1,000 feet of the proposed site, structure, object or district in compliance with the requirements of subsection 502.7.3 of this Code. Notice shall also be posted by the applicant on the property where the proposed site, structure or object is located and on the right-of-way of all roads and streets which enter the boundaries of the proposed district in compliance with the requirements of paragraph 502.7.4 of this Code. The applicant shall pay all costs for publishing, mailing and posting the notices required by this paragraph.

522.4.4. Recommendation. The Historic Preservation Board shall hold a public hearing on an application for historic landmark designation and listing in the National Register of Historic Places within ninety (90) days after the Building and Development Services Department determines that such application is complete, provided that notices have been published, mailed and posted as required by paragraph 522.4.3 above. The Building and Development Services Department shall prepare a written analysis and report for the public hearing. The public hearing by the Historic Preservation Board shall be conducted in accordance with subsection 306.3 of this Code. In addition, the requirements of paragraph 504.7.1 of this Code shall also apply to any public hearing conducted by the Historic Preservation Board. The applicant, local officials, property owners and the public shall have an opportunity to present testimony and evidence supporting or objecting to the proposed historic landmark designation and listing in the National Register of Historic Places. Any property owner who objects to the proposed

historic landmark designation and listing in the National Register of Historic Places must submit a written statement containing his or her notarized signature. At the conclusion of the public hearing, the Historic Preservation Board shall vote whether to recommend the proposed site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places.

522.5. Decision. Following a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Board shall hold a public hearing on the application. The requirements of paragraph 504.7.2 of this Code shall apply to any public hearing conducted by the Board. At the conclusion of the public hearing, the Board may approve or deny the recommendation of the Historic Preservation Board or may continue the public hearing and defer a decision if adequate information is not available. In the event of continuation and deferral, the Board shall reopen the public hearing and consider the recommendation of the Historic Preservation Board at the earliest opportunity after adequate information is made available. The Building and Development Services Department shall notify each applicant, property owner, person representing any property owner and person who received notice as required by paragraph 522.4.3 above of the Board's decision relating to the property in writing no later than thirty (30) days after the Board meeting.

522.6. Permits. The Building and Development Services Department may issue a development order or permit for any property without a Certificate of Appropriateness if the Board denies a recommendation by the Historic Preservation Board on an application or if an applicant withdraws an application for historic landmark designation and listing in the National Register of Historic Places before a decision is made by the Board. Following approval by the Board of a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Building and Development Services Department shall not issue a development order or permit for any exterior alteration, new construction, demolition, or relocation on the property or within the district which is the subject of the application until a Certificate of Appropriateness is approved in compliance with Section 514 of this Code.

522.7. Implementation. If the Board approves the recommendation of the Historic Preservation Board relating to the site, structure, object or district, the Building and Development Services Department shall take appropriate action to implement the historic landmark designation and listing in the National Register of Historic Places.

522.7.1. The Building and Development Services Department shall be authorized to issue a permit for a sign or plaque identifying any site, structure, object or district approved with a historic landmark designation, provided that the owner of the site, structure or object or any property owner within the district submits an application and pays a fee established by the Board for a sign permit and provided that the sign or plaque is constructed or installed in compliance with this Code and the Florida Building Code.

522.7.2. The Building and Development Services Department shall be authorized to process applications and prepare staff reports for land development incentives to preserve any site, structure, object or district approved with a historic landmark designation, including but not limited to, variances, transfer of development rights, and conditional use permits, provided that the owner of the site, structure or object or any property owner within the district submits an application, pays a fee established by the Board, and complies with all requirements and procedures for such actions set forth in this Code.

522.7.3. The Building and Development Services Department shall not issue a permit for demolition, alteration, relocation or construction activities on any site, structure or object or within any district approved with a historic landmark designation except in compliance with a Certificate of Appropriateness issued pursuant to Section 514 of this Code.

522.7.4. The Building and Development Services Department shall list any site, structure, object or district approved with a historic landmark designation in the National Register of Historic Places.

522.7.5. The Building and Development Services Department shall update the complete listing of the National Register of Historic Places for the Manatee County Comprehensive Plan, as amended.

**ORDINANCE 13-26**  
**EXHIBIT "C"**  
**AMENDMENT OF CHAPTER 5 TO PROVIDE TIMEFRAME FOR CONTINUANCE**  
**SECTION 514.3.2.4.1**

514.3.2.4.1 The Historic Preservation Board may approve, deny or continue a decision for a period not to exceed one (1) year ~~defer taking action~~ on an application for a request Certificate of Appropriateness for demolition in order to:

- a. Contact interested individuals and organizations for assistance in seeking an alternative to demolition; or
- b. Allow an applicant to supply additional information as requested by the Historic Preservation Board which may include, but is not limited to, evidence showing that plans for a new building on the site will be implemented.

## APPENDIX C

### APPLICATION FOR CERTIFICATION FLORIDA CERTIFIED LOCAL GOVERNMENT PROGRAM

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Mail completed application to:

Survey and Registration Section  
Bureau of Historic Preservation  
R.A. Gray Building  
500 South Bronough Street, Tallahassee, Florida 32399-0250

Instructions:

1. Please use this application form.
  2. Please print or type all responses.
  3. Make sure all forms are signed.
  4. Submit two complete sets of application materials.
  5. Incomplete applications will be returned.
- 

1. Local Government Name:

Manatee County Government – Building and Development Services Department

2. County: Manatee County

3. Contact:

Kathleen Thompson, AICP, Planning Manager  
Manatee County Building and Development Services Dept  
1112 Manatee Avenue West, Bradenton FL 34205  
(941) 748-4501 x 6841  
Kathleen.thompson@mymanatee.org

4. Appropriate Local Official (Name/Title/Address/Phone/E-Mail/Fax):

Larry Bustle, Board of County Commissioners Chairman  
Manatee County Government  
1112 Manatee Avenue West, Bradenton FL 34205  
(941) 745-3708  
Larry.bustle@mymanatee.org

5. Historic Preservation Review Commission (Name/Address/Phone):

HPB (Historic Preservation Board)  
Kathleen Thompson, AICP, Planning Manager  
Manatee County Building and Development Services Dept  
1112 Manatee Avenue West, Bradenton FL 34205  
(941) 748-4501 x 6841  
Kathleen.thompson@mymanatee.org

6. Time and Place of Regular Review Commission Meetings:

Minimum of quarterly meetings: 2<sup>nd</sup> Monday 3pm  
Board of County Commissioners Board Chambers  
1112 Manatee Avenue West - 1<sup>st</sup> floor  
Bradenton FL 34205

## APPLICATION FOR CERTIFICATION

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**Briefly describe how the membership requirements for historic preservation commissions have been satisfied. Be sure to address to what extent professionals are available in the community and the positive involvement in historic preservation of the professional members. PLEASE SEE PAGES 4 AND 5 OF THIS APPLICATION**

The qualifications of the Historic Preservation Board are outlined in the Manatee County Land Development Code, Section 306 (Exhibit G).

*306.3.2. Qualifications. Members of the Historic Preservation Board shall be qualified electors in Manatee County who have knowledge of archaeological, historical or architectural development or have deep concern for the preservation development and enhancement of historic resources in the County. The Historic Preservation Board shall, whenever possible, be composed of individuals with the following background: architecture, history, planning, archaeology, or historic preservation plus two (2) at-large members.*

Resumes of current board members are included in this application package (Exhibit E). All Board members have demonstrated an interest in historic preservation.

### **8. Briefly describe your system for survey and inventory of local historic resources.**

Several historical surveys completed over the last two decades provide the basis for existing designations. Parrish, Terra Ceia, Cortez, Whitfield have all been surveyed. Sites are listed on the Florida Master Site File and in a few cases on the National Register of Historic Places. Currently, review is limited to sites listed on the National Register or in the overlay districts of Cortez, Terra Ceia and Whitfield. However, Manatee County plans on adopting procedures for designation of locally significant sites which will allow a broader scope of review and will bring sites to the forefront outside of the current overlay districts. The process for survey will include several of the local historical organizations to supply volunteers and knowledge of their community. The inventory will be assisted by the Manatee County Historical Resources Department (a division of the Manatee County Clerk of Circuit Court's Office) but will be administered by the Manatee County Building and Development Services Division.

### **9. Briefly describe how the local government intends to participate in the National Register program and detail how public participation requirements will be carried out in the local government's review of National Register nomination proposals.**

Manatee County has a rich history and many buildings and archaeological sites in the unincorporated areas illustrate that history. The Manatee County Historical Resources Department will assist Manatee County Building and Development Services Division in evaluating existing Florida Master Site File sites to see if any of them would be eligible for National Register listing. In addition, over two dozen historical organizations who are eager to assist with the inventory process and to facilitate public participation. While the Historic

Preservation Board will conduct the hearings, they will solicit the input of these organizations when the site in question is within their jurisdiction.

**10. Briefly describe why you are seeking certification.**

Manatee County's elected officials and historical organizations realize that the community lacks a system for designating local historical and archaeological sites. It is believed that obtaining CLG status will be a motivator for establishing those criteria. In addition, the community desires to have some financial incentives for historic preservation and the ability to participate in the property tax incentives is key to making historic preservation strong within Manatee County's unincorporated and incorporated areas. Finally, Manatee County staff and Historic Preservation Board members desire additional training in Historic Preservation which can be obtained through certification status.

**11. Are you planning to apply for Certified Local Government subgrants? YES XXX**

**NO** \_\_\_\_\_

If yes, briefly describe the purpose of the proposed Certified Local Government subgrant request.

Manatee County hopes to obtain funding for additional surveys in such unincorporated areas as Braden River, Myakka, Rubonia, Palm View, Gillette, and Rye. There may be future requests for funding to assist with tour publications of historic sites, restoration of National Register properties or staff and Board training.

## APPLICATION FOR CERTIFICATION

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### Membership of Review Commission

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Name and Profession	Term Expires
1. Chairperson - William "Bill" Burger	10/14/16
2. Member - Margaret Moore	10/14/14
3. Member - Allen Garner	10/14/13
4. Member - James Chiaffredo	10/14/15
5. Member - Aimee Angel	10/14/15
6. Member - Dr. Alfonz Lengyel	10/14/14
<del>7. Member - Dick Wooten</del>	<del>10/14/13</del>

(NOTE: MR. WOOTEN DID NOT SUBMIT NECESSARY INFORMATION SO IT IS ASSUMED HE IS NO LONGER INTERSTED IN REMAINING ON THE HISTORIC PRESERVATION BOARD. THEREFORE, HIS INFORMATION HAS NOT BEEN INCLUDED IN THE APPLICATION PACKAGE)









**APPLICATION FOR CERTIFICATION**

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***Historic Preservation Review Commission Member Background Information***

**Name: Aimee Angel**

**Address:** 243 Greenwood Avenue, Sarasota FL 34243 (Manatee County)

**Telephone:** (Home) (941) 358-1741  
(Office) (727) 892-5470  
aimeerossangel@gmail.com

**Occupation:** Historic Preservationist - City of St. Petersburg, FL

*Please give a brief description of your demonstrated special interest, knowledge or training in fields related to historic preservation:*

I have a BA in Architectural History and Masters in Historic Preservation. I have worked professionally in this capacity for ten years. I was appointed to the Manatee County Historic Preservation Board in May 2012.

<i>Historic Preservation training received (conferences, seminars attended)</i>	<i>Date</i>
Certified Local Government, Sanford, FL	2013
Florida Trust for Historic Preservation	2012
Preserve and Play, Chicago	2008

<i>Are you a member of:</i>	<i>Yes</i>	<i>No</i>
The Florida Historical Society	<input type="checkbox"/>	XX
The Florida Trust for Historic Preservation	XX	<input type="checkbox"/>
The National Trust for Historic Preservation	XX	<input type="checkbox"/>
_____ County Historical Society		

**Other:** None listed

Are you or have you ever been a member of any other government board or commission?  
NO   X   YES        Please list and indicate term(s) of service:



## Certified Local Government Ordinance Internal Checklist

### APPLICATION FOR CERTIFICATION

#### B.1. Requirements of Ordinance

Requirements	Ordinance Citation
a) Purpose clearly stated	<u>306.1</u>
b) Authority for appointment of suitable commission	<u>306.3.2</u>
c) Criteria for designation of historic properties clearly defined (shall be based on and consistent with the criteria used by the National Register)	<u>522.3</u>
d) Clearly defined process for designation of historic properties including the consequences of designation	<u>522.14</u>
e) Boundaries for historic districts and individual properties identified in the ordinance are clearly established	<u>604.6</u>
f) Authority for the Review Commission to review and render a decision on all proposed alterations, demolitions, relocations, and new construction within the boundaries designated by the ordinance or which directly affect designated properties	<u>514.3.2.1</u>
g) Provisions for the delay of demolitions, but not for the indefinite stay of a demolition	<u>514.3.2.4.1</u>
514.3.2.4.1. The Historic Preservation Board may <u>approve, deny or continue a decision for a period not to exceed two (2) years defer taking action on an application for a request Certificate of Appropriateness for demolition in order to:</u>	
h) Criteria for the review of proposals for alterations, new construction, relocations and demolitions clearly set forth in the ordinance (alterations shall achieve the purpose of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings)	<u>514.3.2</u>
i) Provisions for enforcing decisions	<u>514.3.4</u>
j) Penalties for non-compliance	<u>1205, 1206.4</u>
k) Specific time frames for reviews	<del>1203</del>
l) Right of appeal	<u>516</u>
m) Specific time frames for consideration of development proposals	<u>502.4, 502.5</u>

## B.2. Commission

<b>Requirements</b>	<b>Ordinance Citation</b>
a) Minimum of five (5) members (minimum of three (3) members if a population less than 10,000)	<u>306.3.1</u>
b) Area of geographic responsibility coterminous with the boundaries of local jurisdiction	<u>306.2</u>
c) Appointments made by appropriate local official or appropriate governing body	<u>306.3.1</u>
d) Commission members residents of the jurisdiction which they serve	<u>306.3.2</u>
e) Terms of office staggered	<u>306.3.3.</u>
f) Terms of office at least two (2) years, but not more than five (5) years	<u>306.3.3</u>
g) Provisions by appropriate local official or appropriate governing body to fill vacancies within sixty (60) days	<u>306.3.6</u>
h) Provisions for at least four (4) meetings per year at regular intervals	<u>306.3.8</u>
i) Provisions for recording minutes of each meeting	<u>306.3.13</u>
j) Provisions for Commission to attend pertinent informational or education meetings, workshops and conferences	<u>306.2.22</u>
k) Provisions for Commission review of proposed National Register nominations within its jurisdiction	<u>306.2.3, 522.1, 522.4.4</u>
l) Provisions for seeking expertise on proposals or matters requiring evaluation by a profession not represented on the Commission	<u>306.5</u>
m) Staff sufficient to undertake the requirements for certification and carry out delegated responsibilities	<u>306.5</u>
n) Rules of Procedure adopted by Commission	<u>306.3.10</u>
o) Commission responsibilities complementary to those of the State Historic Preservation Office	<u>306.2</u>

### B.3. Survey and inventory of Historic Properties

<u>Requirements</u>	<u>Ordinance Citation</u>
a) Provisions to initiate and continue an approved process of identification of historic properties within the jurisdiction of the Commission (inventory materials shall be compatible with the Florida Site File)	<u>306.2.1; 306.2.9</u>
b) Provision to maintain a detailed inventory of designated districts, sites and structures within the jurisdiction of the Commission	<u>306.2.1; 306.2.9</u>
c) Inventory material open to the public	<u>306.3.14</u>
d) Provisions to update inventory materials periodically	
e) Assurance that duplicates of all inventory materials will be provided to the State Historic Preservation Office	<u>306.7</u>
f) Provisions to encourage the Commission members to participate in survey and planning activities of the Certified Local Government	<u>522.1</u>

### B.4. Public Participation

<u>Requirements</u>	<u>Ordinance Citation</u>
a) Provisions that Commission meetings will be publicly announced	<u>306.3.8</u>
b) Provisions that Commission meetings will be open to the public	<u>306.3.11</u>
c) Provisions that Commission meetings will have a previous advertised agenda	<u>306.3.8</u>
d) Provisions to make meeting records available to the public	<u>306.3.14</u>
e) Provisions that all Commission decisions will be given in a public forum	<u>306.3.11</u>
f) Rules of Procedure adopted by the Commission must be available for public inspection	<u>306.3.14</u>
g) Provisions assuring that appropriate local officials, owners of record, and applicants shall be given a minimum of thirty (30) calendar days and not more than seventy-five (75) calendar days prior notice to Commission meetings in which to comment on or object to the listing of a property in the National Register	<u>522.4.3</u>

g) Objections by property owners must be notarized to prevent nomination to the National Register	<u>522.4.4</u>
i) Provisions for public and owner notification for designation and project reviews	<u>522.4.3</u>
j) Provisions for public hearings for designations and project reviews	<u>522.4.3; 522.4.4</u>

**B.5. Satisfactory Performance**

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Requirements	Ordinance Citation
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a) Provide the State Historic Preservation Officer with thirty (30)calendar days prior notice of all meetings	<u>306.7</u>
b) Submit minutes of each meeting to the State Historic Preservation Officer within thirty (30) calendar days	<u>306.7.3</u>
c) Submit record of attendance of the Review Commission to the State Historic Preservation Officer within thirty (30) calendar days after each meeting	<u>306.7.5</u>
d) Submit public attendance figures for each meeting to the State Historic Preservation Officer within thirty (30) calendar days of each meeting	<u>306.7.6</u>
e) Notify the State Historic Preservation Officer of change in Commission membership within thirty (30) calendar days of action	<u>306.6</u>
f) Notify State Historic Preservation Officer immediately of all new historic designations or alterations to existing designations	<u>306.6</u>
g) Submit amendments to ordinance to the State Historic Preservation Officer for review and comment at least thirty (30) calendar days prior to adoption	<u>306.7.2</u>
h) Submit an annual report by November 1 covering activities of previous October 1 through September 30	<u>306.7.7</u>
i) Information to be included in annual report (at a minimum)	<u>306.7.7</u>
1) A copy of the Rules of Procedure	
2) A copy of historic preservation ordinance	
3) Resume of Commission members	
4) Changes to the Commission	
5) New Local designations	
6) New National Register listings	
7) Review of survey and inventory activity with a description of the system used	
8) Program report on each grant assisted activity	
9) Number of projects reviewed	

**C.I. Procedures (Certification material contained in this submission)**

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**Requirements**

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- a) A written assurance by the chief elected local official that the local government will fulfill all of the requirements of certification Exhibit A
- b) A copy of the local legislation Exhibit B
- c) A map of the area of jurisdiction of the Commission with any and all existing designated historic districts and individual historic properties clearly identified Exhibit C
- d) A copy of the Commission's Rules of Procedure Exhibit D
- e) Resumes for each member of the Commission Exhibit E
- f) Resumes for Commission staff members Exhibit F
- g) Existing Land Development Code (LDC) Historic Preservation Policies Exhibit G

**Certification**

I hereby certify that I have read the Florida Certified local Government Guidelines and agree to comply with all terms and conditions set forth therein.

Board of County Commissioners of Manatee County, Florida

\_\_\_\_\_  
Larry Bustle, Chairman

\_\_\_\_\_  
Date

EXHIBIT A  
COVER LETTER



## MANATEE COUNTY FLORIDA

September 5, 2013

Survey and Registration Section  
Bureau of Historic Preservation  
R.A. Gray Building  
500 South Bronough Street  
Tallahassee, FL 32399-0250

RE: Manatee County Certified Local Government Program

To whom it may concern:

Manatee County respectfully requests certification as a Florida Certified Local Government.

Manatee County will continue to maintain a qualified Historic Preservation Board (HPB), provide for public participation in the local historic preservation program including the recommendation of any eligible properties for nomination to the National Register of Historic Places, and perform responsibilities required of all Certified Local Governments.

Enclosed are two complete sets of the application for your review.

Thank you for considering Manatee County for the Certified Local Government Program.

Sincerely,

Larry Bustle, Chairman  
KLT:klt

enclosure

Board of County Commissioners  
Mailing Address: P. O. Box 1000 Street Address: 1112 Manatee Avenue West, Bradenton, FL 34206-1000  
WEB: [www.myanatee.org](http://www.myanatee.org) \* PHONE: 941.745.3707 \* FAX: 941.745.3790

---

LARRY BUSTLE \* MICHAEL GALLEN \* JOHN R. CHAPPIE \* ROBIN DISABATINO \* VANESSA BAUGH \* CAROL WHITMORE  
\* BETSY BENAC

District 1  
District 7

District 2

District 3

District 4

District 5

District 6

# EXHIBIT B

## HISTORIC PRESERVATION ORDINANCE

# EXHIBIT B

## HISTORIC PRESERVATION ORDINANCE

**ORDINANCE NO. 13-26**

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA, REGARDING HISTORIC PRESERVATION; AMENDING SECTION 306 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE MANATEE COUNTY HISTORIC PRESERVATION BOARD; AMENDING CHAPTER 5 OF THE LAND DEVELOPMENT CODE TO ESTABLISH SECTION 522 TO PROVIDE FOR HISTORIC LANDMARK DESIGNATION AND TO AMEND SECTION 514.3.2.4.1 TO PROVIDE A TIMEFRAME FOR DECISION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED** by the Board of County Commissioners of Manatee County, Florida:

Section 1. Purpose and Intent. This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Local Government Comprehensive Planning and Land Development Regulation Act, Part II of Chapter 163, Florida Statutes, and Chapter 125, Florida Statutes, as amended.

Section 2. Findings. The Board of County Commissioners (“Board”) relies upon the following findings in the adoption of this Ordinance:

1. The Board has adopted the Manatee County Land Development Code (hereinafter, the “Code”), which applies to all property in the unincorporated area of Manatee County.
2. Section 306 of the Code establishes the Historic Preservation Board with certain powers and duties pertaining to historic preservation in unincorporated Manatee County.
3. The Board desires to participate in the certified local government program for historic preservation within unincorporated Manatee County by directing the Building and Development Services Department to perform all activities required for compliance with said program.
4. The Board desires to provide for historic landmark designation within unincorporated Manatee County by creating criteria and procedures for applications, notices, public hearings, recommendations, decisions, permits and implementation for such designation.

ORDINANCE 13-26  
LDC Amendments - Certified Local Government

5. It is in the best interest of the County to amend the Code relating to historic preservation for the purpose of participation in the certified local government program and in order to provide for historic landmark designation as set forth in this Ordinance.
6. The Manatee County Planning Commission reviewed the amendments set forth in this Ordinance, found them to be consistent with the Comprehensive Plan, and recommended their adoption by the Board, on August 15, 2013.

Section 3. Amendment of Section 306 of the Land Development Code. Section 306 of the Code is hereby amended as set forth in Exhibit "A" to this Ordinance.

Section 4. Amendment of Chapter 5 of the Land Development Code. Chapter 5 of the Code is hereby amended to add Section 522, as set forth in Exhibit "B" to this Ordinance.

Section 5. Amendment of Chapter 5 of the Land Development Code. Chapter 5 of the Code is hereby amended to update Section 514.3.2.4.1 to provide a timeframe for decision, as set forth in Exhibit "C" to this Ordinance.

Section 6. Repeal of Prior Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Applicability. The amendments set forth in this Ordinance shall apply to all applications, decisions or controversies pending before the County upon the effective date hereof or filed or initiated thereafter.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held valid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 9. Codification. The publisher of the County's Code, the Municipal Code Corporation, is directed to incorporate the amendments in Sections 3 and 4 of this Ordinance into the Code.

Section 10. Effective Date. This Ordinance shall become effective as provided by law.

ORDINANCE 13-26  
LDC Amendments - Certified Local Government

**PASSED AND DULY ADOPTED**, with a quorum present and voting, by the Board of County Commissioners of Manatee County, Florida, this the 5<sup>th</sup> day of September, 2013.

**BOARD OF COUNTY COMMISSIONERS OF  
MANATEE COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Larry Bustle, Chairman**

**ATTEST: R.B. SHORE**  
**Clerk of the Circuit Court**

By: \_\_\_\_\_  
**Deputy Clerk**

**ORDINANCE 13-26**  
**EXHIBIT "A"**  
**AMENDMENT OF SECTION 306**  
**(underlined text to be added, strike-through text to be deleted)**

Section 306. Historic Preservation Board.

306.1. Purpose and Intent. The Historic Preservation Board is established in order to preserve and protect Manatee County's archaeologically, historically and aesthetically significant sites, districts and zones; to encourage historical and archaeological preservation; to identify historic buildings and sites and archaeological sites in Manatee County; and to ensure ~~insure~~ appropriate preservation, restoration, renovation, development and adaptive reuse of historical buildings and archaeological sites.

306.2. Duties and Powers. The Historic Preservation Board, in addition to such other powers, duties and authority as may be set forth elsewhere in this Code, shall have the following powers and duties:

306.2.1. Maintain and update files of the Manatee County Historic Survey for the purpose of identifying and conserving those sites, districts and zones of special archeological, historic, aesthetic, architectural, cultural, social, or political value or interest. ~~In exercising this authority, the Historic Preservation Board shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically re-evaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance. The Manatee County Historic Survey shall utilize the format provided by the Florida Master Site File (FMSF), and the Building and Development Services Department shall provide copies of all survey forms to the FMSF.~~

306.2.2. Recommend properties for designation as historic landmarks, historical and archaeological overlay districts, and historic vista protection areas in accordance with the criteria and procedures specified in this Code for each type of action. Regulate and administer properties as historic landmarks and historic landmark districts.

306.2.3. Participate in, and review nominations of landmarks to, the national register program for Florida to the greatest possible extent, ~~should the County choose to participate in the certified local government program,~~ as specified by the 1981 amendments to the National Historic Preservation Act of 1966, as amended, and by regulations and rules drafted pursuant to those amendments by the National Park Service and the Florida State Historic Preservation Office, which encourages such local participation and initiative.

306.2.4. Approve or deny Certificates of Appropriateness pursuant to Section 514 of this Code, or provide standards for administrative approval of certain Certificates of Appropriateness.

306.2.5 Recommend zoning text or atlas amendments to the Board for referral, ~~if~~

~~they deem feasible~~, to the Planning Commission.

306.2.6. Recommend to vary, waive, or supersede provisions of this Code, when appropriate as a means of encouraging significant historic preservation.

306.2.7. Recommend approval for ~~Exercise the authority to grant~~ certificates of transfer of development rights in accordance with procedures set forth by the Board.

306.2.8. Make recommendations to the Board concerning the transfer of development rights, facade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.

306.2.9. Maintain a record of ~~unique~~ archaeologically, historically or aesthetically significant sites, districts or zones within the County and update the record through on-going historical resource surveys. The Building and Development Services Department shall provide copies of the current record to the Florida Master Site File (FMSF) and the State Historic Preservation Officer (SHPO).

306.2.10. Increase public awareness of the value of historic preservation ~~conservation~~ by developing and participating in public information programs.

306.2.11. Make recommendations to the Board concerning the utilization of grants from Federal and State agencies or private groups and individuals, and utilization of County funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones.

306.2.12. Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.

306.2.13. Contact public and private organizations and individuals and endeavor to arrange intervening agreements and/or actions to ensure preservation of archaeologically, historically or aesthetically significant sites, districts and zones for which demolition or destruction is proposed.

306.2.14. Recommend and approve placement of historic markers and plaques and issue recognition to designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas within Manatee County and those persons, organizations or entities deserving of recognition in the field of archeological, historic or aesthetically significant site preservation.

306.2.15. Advise the Board on all matters related to the use, administration and maintenance of County-owned designated historic landmarks, historical and archaeological overlay districts, and historic vista protection areas.

306.2.16. Review and approve all projects and construction requiring Certificates

of Appropriateness issued by the Historic Preservation Board pursuant to Section 514 within the Historic Vista Protection Areas.

306.2.17. Recommend to vary, waive or supersede provisions of this Code ~~the building and other codes~~, to the appropriate agencies, when appropriate as a means of encouraging significant historic preservation. Request that the appropriate agencies or departments investigate alternative methods so that ~~health, building, fire and barrier free code related~~ alterations required by the Florida Building Code, Florida Fire Prevention Code, Florida Americans with Disabilities Accessibility Implementation Act, and state health code are done in a manner to preserve character-defining spaces, features and finishes.

306.2.18. Adopt regulations which would allow administrative review by the Building and Development Services Planning Department without further review by the Historic Preservation Board for certain Certificates of Appropriateness so designated by the Historic Preservation Board.

306.2.19. Establish criteria for administrative review of Certificates of Appropriateness which are consistent with criteria established for Historic Preservation Board review of Certificates of Appropriateness.

~~306.2.20. Any other function which may be designated by the Board.~~

306.2.2021. Review and approve any variance regarding floodplain elevation of structures that requires approval by the Historic Preservation Board pursuant to Sections 509.3 and 604.6 within the Cortez Fishing Village Historical and Archaeological Overlay District.

306.2.21. Subject to availability and appropriation of funds and advance approval by the Board, attend local, state and national information or education meetings, workshops and conferences when such attendance is relevant to the duties of the Historic Preservation Board.

306.2.22. Any other function which may be designated by the Board.

The Historic Preservation Board is authorized to exercise the foregoing powers throughout unincorporated Manatee County. The responsibilities assigned to the Historic Preservation Board pursuant to this Section 306 shall be complementary to the Historic Preservation Office of the State of Florida.

### 306.3. Membership and Meeting.

306.3.1. Establishment. A Historic Preservation Board is hereby established which shall consist of ~~seven (7) or~~ five (5) members appointed by the Board of County Commissioners. ~~The number of members shall be established by resolution of the Board of County Commissioners.~~

306.3.2. Qualifications. Members of the Historic Preservation Board shall be qualified residents ~~electors~~ in Manatee County who have knowledge of

archaeological, historical or architectural development or have deep concern for the preservation, development and enhancement of historic resources in the County. The Historic Preservation Board shall, whenever possible, be composed of professional members from individuals with the following disciplines background: architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, landscape architecture, and or historic preservation or related disciplines, plus two (2) at-large members. In the event there are insufficient professionals in the County, lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall comprise the balance of the Historic Preservation Board

306.3.3. Terms of Office. The term of office of the Historic Preservation Board members shall be for four (4) years. Not more than two (2) of such members' terms shall expire in any one (1) year. A member whose term expires shall continue to serve until his or her successor is appointed.

306.3.4. Removal from Office. Any member of the Historic Preservation Board may be removed from office by a majority plus one (1) vote of the full membership of the Board following a hearing by the Board. In the event that any member is no longer a qualified elector or is convicted of a felony or any offense involving moral turpitude while in office, the Board shall terminate the appointment of such person as a member of the Historic Preservation Board.

306.3.5. Officers. The Historic Preservation Board shall annually elect a Chairman and Vice Chairman from among its members and may create and fill such other offices as necessary. Terms of all offices shall be for one (1) year with eligibility for re-election.

306.3.6. Vacancies. Whenever a vacancy occurs on the Historic Preservation Board, the Board shall fill such vacancy for the remainder of the term. The Board shall attempt to appoint new members within sixty (60) days of the date of any vacancy, subject to availability of qualified individuals.

306.3.7. Quorum. Except as provided in this Section, no meeting of the Historic Preservation Board shall be called to order, nor shall any business be transacted by the Historic Preservation Board, without a quorum consisting of at least three (3) members of the Historic Preservation Board being present. ~~A seven-member board shall require a four person quorum, and a five member board a three person quorum.~~ The Chairman shall be considered and counted as a member. When there is no quorum, those members of the Historic Preservation Board who are present may convene for the purposes of continuing a public hearing or scheduling a special meeting.

306.3.8. Meetings. Regular meetings of the Historic Preservation Board shall be held as necessary, with at least one (1) meeting held every three (3) months. Meetings may be called by the Chairman of the Board, the Chairman of the Historic Preservation Board, a majority of the members of the Historic Preservation Board, a majority of the Board, or the County Administrator or his or

her designee. If consideration of a matter is postponed for any reason due to lack of a quorum, the Chairman of the Historic Preservation Board may shall continue the matter to meeting as a special meeting or to be held within seven (7) working days thereafter. In the case of delays caused by other reasons, the meeting should be rescheduled the matter to the next Historic Preservation Board meeting. The Building and Development Services Department Planning Director shall notify all Historic Preservation Board members of the date of any the continued meeting. A public notice and the agenda for each Historic Preservation Board meeting shall be advertised in a newspaper of general circulation in Manatee County at least thirty (30) calendar days before the meeting. Meeting agendas shall include information required by the rules of procedure.

306.3.9. Attendance. Historic Preservation Board members shall be removed from office by the Building and Development Services Director for failure to attend three (3) successive meetings, excluding workshop meetings, or when a member's absences exceed 25% of all scheduled meetings, including workshop meetings, in a calendar year if the absence is not approved by the Board for cause. Any member who fails to attend a meeting during at least 75% of the time the meeting is in session shall be considered not to have attended the meeting.

306.3.109. Rules of Procedure. The Historic Preservation Board shall, by majority vote of the entire membership, adopt written rules of procedure as may be necessary for the transaction of its business. In any proceeding deemed quasi-judicial under this Code, the Historical Preservation Board shall adhere to the procedures established pursuant to this Code, and any additional procedures established by resolution of the Board. The Chairman shall appoint members of the various committees established by the Historic Preservation Board.

306.3.1140. Public Meetings. All meetings of the Historic Preservation Board and its committees shall be public meetings and conducted in accordance with the applicable rules of procedure.

306.3.1244. Vote. No action of the Historic Preservation Board shall be valid unless authorized by a majority vote of the quorum membership present. The Historic Preservation Board members shall be subject to Chapter 112, Part III, Florida Statutes.

306.3.1342. Clerk Records. The Clerk of Circuit Court, in his or her capacity as Clerk to the Board of County Commissioners, shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the names of all witnesses giving testimony, findings of fact by the Historic Preservation Board and the vote of each member, or if absent, or, failing to vote, such fact. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep indexed records of all Resolutions, Certificates of Appropriateness, variances, transactions, findings and determinations.

306.3.14. Records. All such records of the Historic Preservation Board, including but not limited to historic survey files and rules of procedure, shall be

official public records and shall be open to the public in accordance with Chapter 119, covered by all Florida Statutes, pertaining to public records.

306.4. Appeals. Any aggrieved person, including Manatee County, may file a petition for review of ~~appeal~~ any final decision of the Historic Preservation Board to the Circuit Court. Such petition ~~An appeal~~ shall be filed within thirty (30) days of the decision to be reviewed ~~appealed~~.

306.5. Staff. The Building and Development Services Department shall provide staff to the Historic Preservation Board for the performance of its duties and powers. Subject to availability and appropriation of funds, the County may enter into contracts to obtain additional expertise to the Building and Development Services Department in considering national register nominations when a professional discipline is not represented as a member of the Historic Preservation Board.

306.6. Certified Local Government Program. The Building and Development Services Department shall perform all activities required for compliance with the Certified Local Government Program administered by the State Historic Preservation Officer ("SHPO"). The Building and Development Services Department shall provide written notice to the SHPO the next business day following the approval of any new historic landmark designation or alteration of any existing historic landmark designation. The Building and Development Services Department shall provide written notice to the SHPO no later than thirty (30) calendar days after any of the following events:

1. Changes in Historic Preservation Board membership.
2. Amendment of regulations governing the Historic Preservation Board; provided, however, that the SHPO shall review and approve any amendments prior to adoption by the Historic Preservation Board.

306.7. Reporting. The Building and Development Services Department shall provide duplicates of all documents to the SHPO and maintain written records verifying receipt of documents by the SHPO.

306.7.1. The Building and Development Services Department shall submit advance written notice of each Historic Preservation Board meeting to the SHPO at least thirty (30) calendar days before each meeting.

306.7.2. The Building and Development Services Department shall submit proposed amendments to any ordinance governing the Historic Preservation Board to the SHPO at least thirty (30) calendar days before the meeting at which such amendments will be considered; provided, however, that no amendments shall be adopted by the Historic Preservation Board until after the SHPO has reviewed and approved such amendments.

306.7.3 The Building and Development Services Department shall submit draft minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.4. The Building and Development Services Department shall submit approved minutes of each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting at which such minutes were approved.

306.7.5. The Building and Development Services Department shall submit written records of attendance by Historic Preservation Board members at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.6. The Building and Development Services Department shall submit written records of attendance by the public at each Historic Preservation Board meeting to the SHPO no later than thirty (30) calendar days after each meeting.

306.7.7. The Building and Development Services Department shall submit an annual written report to the SHPO no later than November 1 of each year covering the time period from the previous October 1 through September 30. The annual report shall include the following information:

1. A copy of the rules of procedure for the Historic Preservation Board;
2. A copy of the historic preservation ordinance;
3. Resumes of all Historic Preservation Board members;
4. Changes to the membership of the Historic Preservation Board;
5. The total number of projects reviewed by the Historic Preservation Board;
6. A review of survey and inventory activity with a description of the system used;
7. New historic landmark designations;
8. New listings on the National Register of Historic Places; and
9. A report of all grant assisted activities.

**ORDINANCE 13-26**  
**EXHIBIT "B"**  
**AMENDMENT OF CHAPTER 5 TO ESTABLISH SECTION 522**

Section 522. Historic Landmark Designation.

522.1. Authority. The Historic Preservation Board shall have the authority to recommend to the Board that sites, structures, objects or districts be granted historic landmark designation and be listed in the National Register of Historic Places. The Board shall have final authority for such designation and listing. The members of the Historic Preservation Board are encouraged to participate in survey and planning activities of the County in the manner and to the extent permitted under applicable law.

522.2. Purpose. The purpose of historic landmark designation and listing in the National Register of Historic Places is to maintain a list of sites, structures, objects and districts that are significant to the history of the County. Landmark designation also provides recognition to property owners for their efforts in preserving the heritage of the County.

522.3. Criteria. A site, structure, object or district may be considered for historic landmark designation and listing in the National Register of Historic Places if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the County. A site, structure, object or district must also have integrity in at least two (2) of the following attributes: location, design, setting, materials, workmanship, feeling and association. In addition to attributes of integrity, a site, structure, object or district must meet one (1) or more of the following criteria to be considered for historic landmark designation and listing in the National Register of Historic Places:

1. The site, structure, object or district is listed in the National Register of Historic Places.
2. The site, structure, object or district is associated with events that have made a significant contribution to broad patterns of local, regional, state or national history.
3. The site, structure, object or district is associated with the lives of persons significant in local, regional, state, or national history.
4. The site, structure, object or district embodies the distinctive architectural characteristics of a type, period or method of construction, or represents the work of a master builder, architect or designer, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
5. The site, structure, object or district has yielded or is likely to yield important archeological information related to history or prehistory.

6. The site, structure, object or building has been removed from its original location but is significant primarily for its architectural value or is the only surviving site, structure, object or building significantly associated with a historic person or event.
7. The site is a cemetery which derives its primary significance from age, distinctive design features, or association with historic events or cultural patterns.

522.4. Procedures. Historic landmark designation and listing in the National Register of Historic Places shall comply with the requirements and procedures set forth in this subsection.

522.4.1. Applicant. An application for historic landmark designation and listing in the National Register of Historic Places shall be filed by the property owner.

522.4.2. Application. The applicant shall complete an application form provided by the Building and Development Services Department and submit the application form and documentation to the Building and Development Services Department. The applicant shall pay a fee in an amount established by the Board at the time the application for historic landmark designation and listing in the National Register of Historic Places is submitted. The Building and Development Services Department shall determine when an application is complete and may request additional information if the application is determined to be incomplete.

522.4.2.1. Each application shall contain the following information:

1. A written description of the architectural, historical or archaeological significance of the proposed site, structure, object or district referring to the criteria set forth in subsection 522.3 above. The written report shall state the qualifications of the site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places;
2. The date of construction of the site, structure, object or district;
3. The notarized signatures of the property owners requesting the historic landmark designation and listing in the National Register of Historic Places;
4. Photographs of the site, structure, object or district; and
5. The legal description and a map of the property encompassing the site, structure, object or district.

522.4.2.2. An application for a historic district shall include the following

additional information:

1. Evidence of approval of the historic district designation from the owners of two-thirds of the properties within the proposed district boundaries or from the owner or owners of two-thirds of the land area within the proposed district boundaries;
2. A written description of the boundaries of the proposed historic district; and
3. A list of contributing and non-contributing sites, structures and objects within the proposed district boundaries.

522.4.3. Notices. All notices relating to applications for historic landmark designation and listing in the National Register of Historic Places shall be published, mailed and posted not less than thirty (30) calendar days and not more than seventy-five (75) calendar days prior to any public hearing by the Historic Preservation Board or the Board. Notice of public hearing shall be published in compliance with the requirements of subsection 502.7 and paragraph 502.7.2 of this Code. Notice shall be mailed by the applicant to all owners of the proposed site, structure or object or all property owners within the proposed district boundaries, any persons representing the owners of the proposed site, structure or object or any persons representing any property owners within the proposed district boundaries, and all property owners located within 1,000 feet of the proposed site, structure, object or district in compliance with the requirements of subsection 502.7.3 of this Code. Notice shall also be posted by the applicant on the property where the proposed site, structure or object is located and on the right-of-way of all roads and streets which enter the boundaries of the proposed district in compliance with the requirements of paragraph 502.7.4 of this Code. The applicant shall pay all costs for publishing, mailing and posting the notices required by this paragraph.

522.4.4. Recommendation. The Historic Preservation Board shall hold a public hearing on an application for historic landmark designation and listing in the National Register of Historic Places within ninety (90) days after the Building and Development Services Department determines that such application is complete, provided that notices have been published, mailed and posted as required by paragraph 522.4.3 above. The Building and Development Services Department shall prepare a written analysis and report for the public hearing. The public hearing by the Historic Preservation Board shall be conducted in accordance with subsection 306.3 of this Code. In addition, the requirements of paragraph 504.7.1 of this Code shall also apply to any public hearing conducted by the Historic Preservation Board. The applicant, local officials, property owners and the public shall have an opportunity to present testimony and evidence supporting or objecting to the proposed historic landmark designation and listing in the National Register of Historic Places. Any property owner who objects to the proposed

historic landmark designation and listing in the National Register of Historic Places must submit a written statement containing his or her notarized signature. At the conclusion of the public hearing, the Historic Preservation Board shall vote whether to recommend the proposed site, structure, object or district for historic landmark designation and listing in the National Register of Historic Places.

522.5. Decision. Following a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Board shall hold a public hearing on the application. The requirements of paragraph 504.7.2 of this Code shall apply to any public hearing conducted by the Board. At the conclusion of the public hearing, the Board may approve or deny the recommendation of the Historic Preservation Board or may continue the public hearing and defer a decision if adequate information is not available. In the event of continuation and deferral, the Board shall reopen the public hearing and consider the recommendation of the Historic Preservation Board at the earliest opportunity after adequate information is made available. The Building and Development Services Department shall notify each applicant, property owner, person representing any property owner and person who received notice as required by paragraph 522.4.3 above of the Board's decision relating to the property in writing no later than thirty (30) days after the Board meeting.

522.6. Permits. The Building and Development Services Department may issue a development order or permit for any property without a Certificate of Appropriateness if the Board denies a recommendation by the Historic Preservation Board on an application or if an applicant withdraws an application for historic landmark designation and listing in the National Register of Historic Places before a decision is made by the Board. Following approval by the Board of a recommendation by the Historic Preservation Board on an application for historic landmark designation and listing in the National Register of Historic Places, the Building and Development Services Department shall not issue a development order or permit for any exterior alteration, new construction, demolition, or relocation on the property or within the district which is the subject of the application until a Certificate of Appropriateness is approved in compliance with Section 514 of this Code.

522.7. Implementation. If the Board approves the recommendation of the Historic Preservation Board relating to the site, structure, object or district, the Building and Development Services Department shall take appropriate action to implement the historic landmark designation and listing in the National Register of Historic Places.

522.7.1. The Building and Development Services Department shall be authorized to issue a permit for a sign or plaque identifying any site, structure, object or district approved with a historic landmark designation, provided that the owner of the site, structure or object or any property owner within the district submits an application and pays a fee established by the Board for a sign permit and provided that the sign or plaque is constructed or installed in compliance with this Code and the Florida Building Code.

522.7.2. The Building and Development Services Department shall be authorized to process applications and prepare staff reports for land development incentives to preserve any site, structure, object or district approved with a historic landmark designation, including but not limited to, variances, transfer of development rights, and conditional use permits, provided that the owner of the site, structure or object or any property owner within the district submits an application, pays a fee established by the Board, and complies with all requirements and procedures for such actions set forth in this Code.

522.7.3. The Building and Development Services Department shall not issue a permit for demolition, alteration, relocation or construction activities on any site, structure or object or within any district approved with a historic landmark designation except in compliance with a Certificate of Appropriateness issued pursuant to Section 514 of this Code.

522.7.4. The Building and Development Services Department shall list any site, structure, object or district approved with a historic landmark designation in the National Register of Historic Places.

522.7.5. The Building and Development Services Department shall update the complete listing of the National Register of Historic Places for the Manatee County Comprehensive Plan, as amended.

**ORDINANCE 13-26**  
**EXHIBIT "C"**  
**AMENDMENT OF CHAPTER 5 TO PROVIDE TIMEFRAME FOR CONTINUANCE**  
**SECTION 514.3.2.4.1**

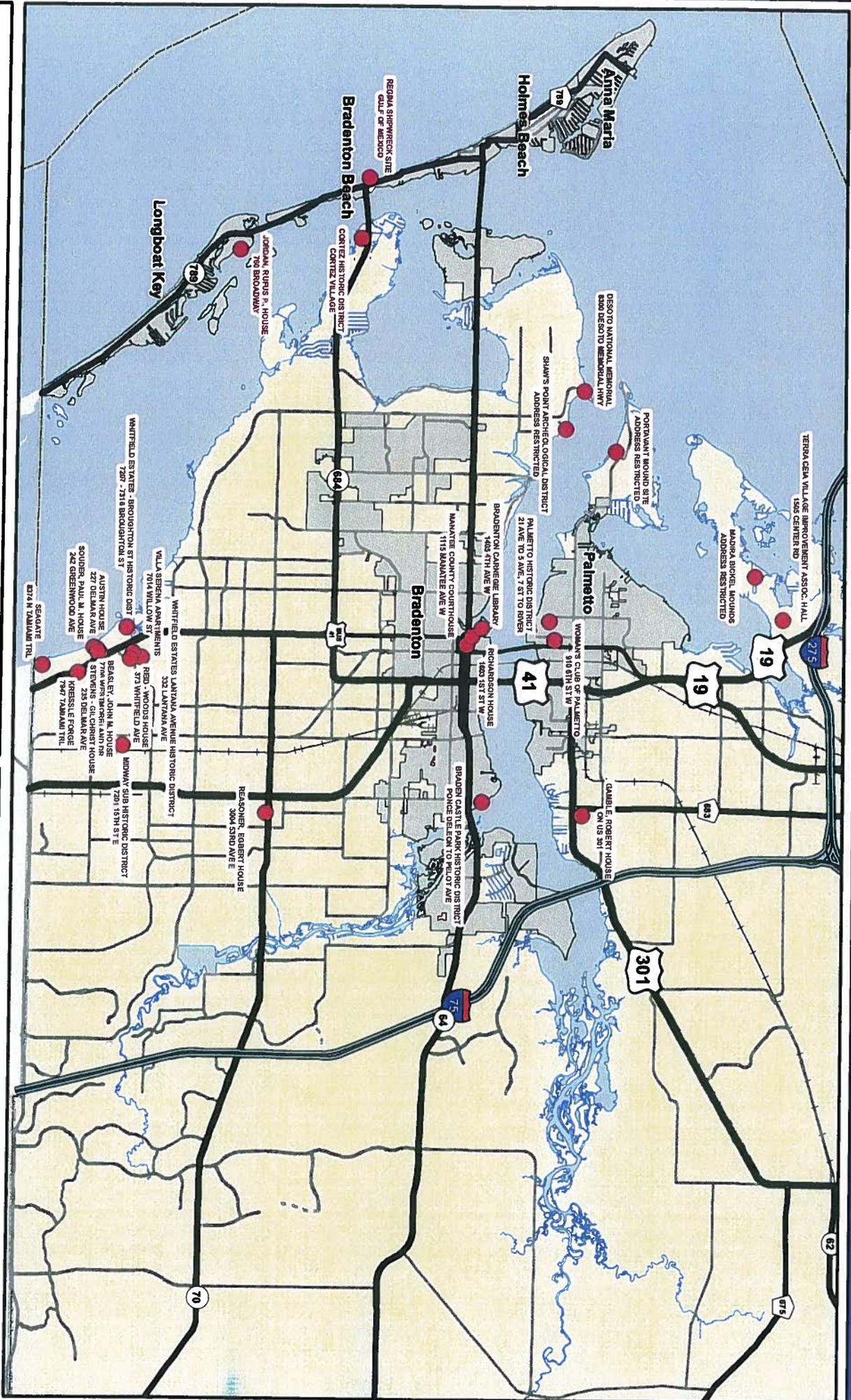
514.3.2.4.1 The Historic Preservation Board may approve, deny or continue a decision for a period not to exceed one (1) year ~~defer taking action~~ on an application for a request Certificate of Appropriateness for demolition in order to:

- a. Contact interested individuals and organizations for assistance in seeking an alternative to demolition; or
- b. Allow an applicant to supply additional information as requested by the Historic Preservation Board which may include, but is not limited to, evidence showing that plans for a new building on the site will be implemented.

# EXHIBIT C

## MAP OF DESIGNATED HISTORIC OVERLAY AREAS

# HPB JURISDICTION LOCATION MAP WITH NATIONAL REGISTRY PROPERTIES



- NATIONAL REGISTRY PROPERTIES
- HPB JURISDICTION

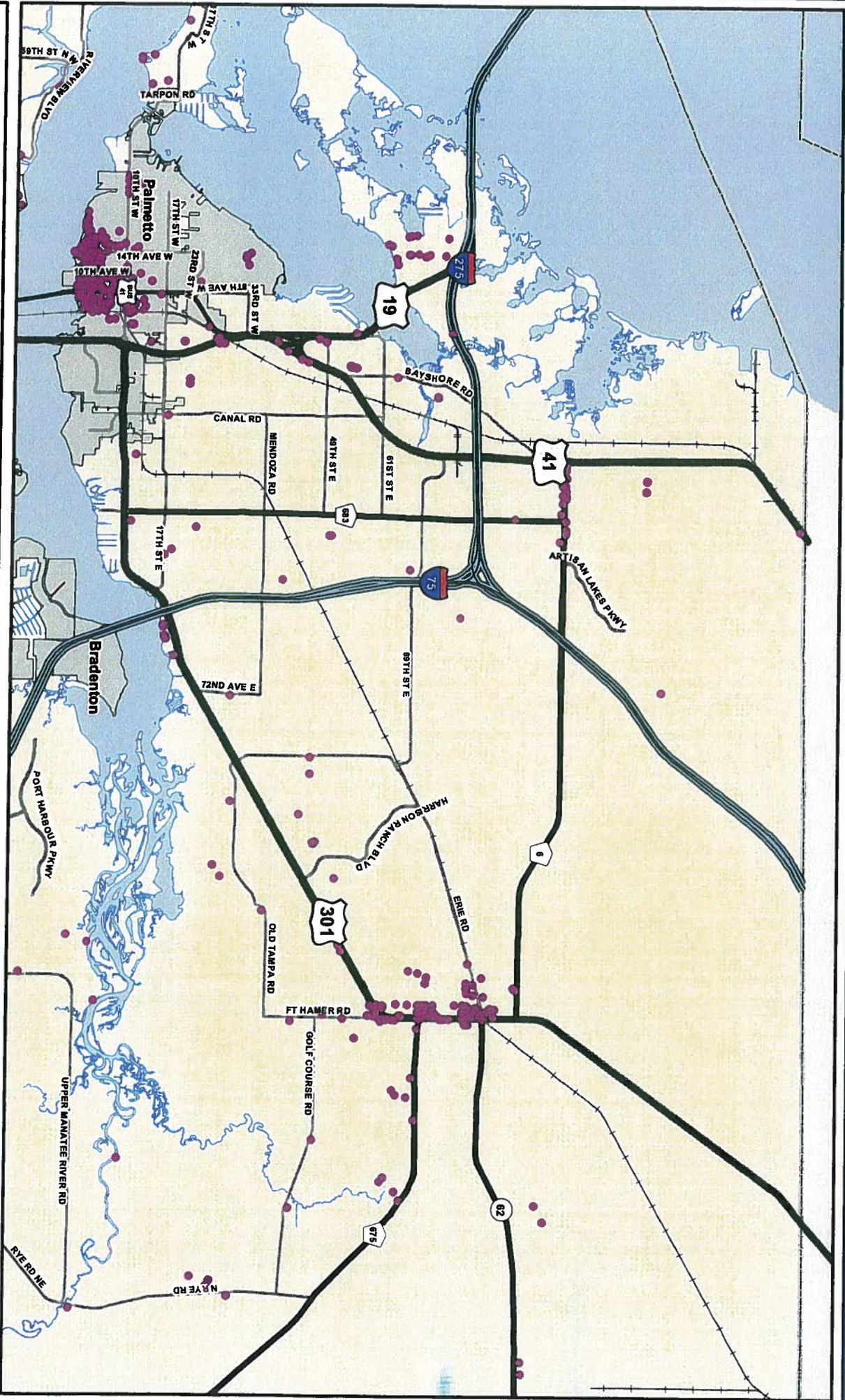
This map was developed by the Manatee County Geographic Information Systems Department. It is intended for informational purposes only and does not constitute a warranty of any kind. Errors from non-computerized data or other sources are not the responsibility of the Manatee County GIS Department. The Manatee County GIS Department shall be held harmless for inappropriate or unauthorized uses of the information.

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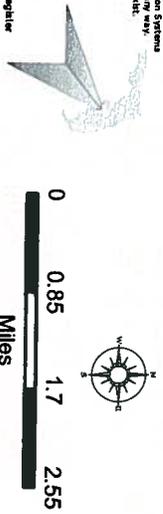
# FLORIDA MASTER SITE FILE - NORTH COUNTY



● Historic Structures  
 HPB Jurisdiction

This map was developed by the Hernando County Geographic Information System. Errors from non-coincidence of features from different sources are not warranted in any way. The Hernando County BOC shall be held harmless for misprints or omissions or unauthorized use of the information.

Map Author: Paul H. Cason  
 Creation Date: 8/1/2013  
 Map Document Name: C:\PLAN\GIS\MapDocs\Historic\_Register







# EXHIBIT D

## MANATEE COUNTY RULES OF PROCEDURES

RESOLUTION R-90-1 (HP)

OLD

**A RESOLUTION OF THE MANATEE COUNTY HISTORIC PRESERVATION BOARD ADOPTING RULES OF PROCEDURES FOR THE MANATEE COUNTY HISTORIC PRESERVATION BOARD MEETINGS; PROVIDING FOR NUMBERING OF HISTORIC PRESERVATION BOARD RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Manatee County Historic Preservation Board of Manatee County, Florida, is empowered under Section 306.3.9 of the Manatee County Land Development Code, to adopt its own rules of procedures; and

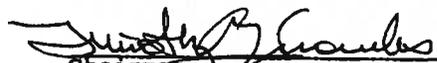
WHEREAS, the Manatee County Historic Preservation Board, wishes to adopt rules of procedure to provide for appropriate public input, to streamline meetings, and to further protect the health, safety and welfare of the citizens of Manatee County.

NOW, THEREFORE, BE IT RESOLVED BY THE MANATEE COUNTY HISTORIC PRESERVATION BOARD, that:

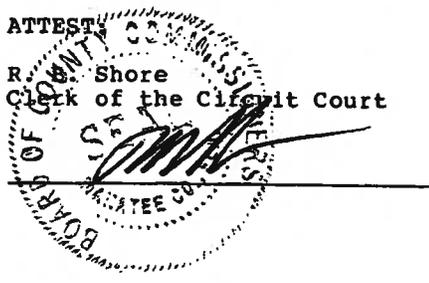
1. The Rules of Procedure, attached hereto as Exhibit "A" and incorporated herein by reference for Historic Preservation Board meetings, are hereby adopted.
2. Resolutions of the Manatee County Historic Preservation Board shall be assigned according to a separate sequence of numbers for this Board only and shall include the initials (HP) at the end in order to differentiate from other resolutions.
3. This Resolution shall become effective on November 19, 1990.

ADOPTED WITH A QUORUM present and voting this 19<sup>th</sup> day of November, 1990.

HISTORIC PRESERVATION BOARD  
MANATEE COUNTY, FLORIDA

  
Chairman

ATTEST  
R. S. Shore  
Clerk of the Circuit Court



HP1-1

**EXHIBIT "A"**  
**PROCEDURES FOR THE MANATEE COUNTY**  
**HISTORIC PRESERVATION BOARD MEETINGS**

**I. OFFICIAL HISTORIC PRESERVATION BOARD ACTION.**

- A. Matters for Historic Preservation Board Consideration. Any matters which relate to the Historic Preservation Board duties, authority of powers given to it by the Manatee County Board of County Commissioners under Section 306 of the Manatee County Land Development Code (LDC), or other applicable law, may be brought before the Historic Preservation Board for appropriate consideration or action.

**II. HISTORIC PRESERVATION BOARD OFFICERS.**

- A. Election of Officers. The Historic Preservation Board shall elect a Chairman, a First Vice-Chairman, a Second Vice-Chairman, and a Third Vice-Chairman at the first regular meeting held after October 15th of each calendar year. Officers shall hold office until a successor is elected, unless removed from such office by a majority vote of the Historic Preservation Board prior thereto, or unless the officer's term of office as a Historic Preservation Board member ceases for any reason.
- B. Assignment of Duties. The Chairman shall have the authority to assign honorary and administrative duties to other members of the Historic Preservation Board.
- C. Quorum and Officers. A quorum exists when four members of the Historic Preservation Board are present. In the absence of the Chairman, the First Vice-Chairman shall have all duties and authority of the Chairman. In the absence of both the Chairman and First Vice-Chairman, the Second Vice-Chairman, or in his/her absence, the Third Vice-Chairman shall have all duties and authority of the Chairman until the return of a higher ranking officer. In the absence of any elected officers at the time scheduled for the opening of a public meeting or workshop, the first member who notifies the Clerk of the member's intention to preside over the meeting shall have all the duties and authority of the Chairman until the return of a Historic Preservation Board officer. In the absence of a quorum, those members assembled, including a single member of the Historic Preservation Board if only one should be present, may:
1. Take measures to obtain a quorum;
  2. Fix the time to adjourn or take a recess; and

3. Continue a public hearing on any scheduled matter to a time and date certain.

In the absence of a quorum, the provisions of Section IV shall not be applicable and staff reports shall not be provided, public comments shall not be solicited, and only discussion related to those actions authorized hereunder shall be permitted.

D. Vacancy in Office.

1. Upon occurrence of a permanent vacancy or inability to serve in the position of Chairman, the following shall occur:
  - a. The First Vice-Chairman shall automatically succeed to the Chairmanship for the remainder of the term of office thereof;
  - b. The Second Vice-Chairman shall automatically succeed to the First Vice-Chairmanship for the remainder of the term of office thereof;
  - c. The Third Vice-Chairman shall automatically succeed to the Second Vice-Chairmanship for the remainder of the term of office thereof;
  - d. The Historic Preservation Board shall, at the first regularly scheduled meeting at which the existence of the vacancy is known, elect a new Third Vice-Chairman.

III. MEETINGS.

- A. Types of Meetings. The Historic Preservation Board shall have the authority to hold the following types of meetings:
  1. Regular Meetings. The Historic Preservation Board shall hold regular meetings on the third Monday of each month. Regular meetings shall commence at 9:30 a.m. and shall be held in such place as may be designated. Any regular meeting may be held earlier, rescheduled, postponed or canceled by the Chairman of the Historic Preservation Board, the County Administrator or their designees.

2. Special Meetings. A special meeting of the Historic Preservation Board may be called by the Chairman of the Historic Preservation Board, Board of County Commissioners, or the County Administrator, or his/her designee, as necessary. Whenever a special meeting is called, a written notice shall be given to the members of the Historic Preservation Board, the Clerk, the County Attorney, the Director of the Planning and Zoning Department, or any persons entitled, as a matter of law, to written notice, and the press, stating the date, hour and place of the meeting and the purpose(s) for which the meeting is called. One sunset and sunrise must elapse between the time the meeting is called and the time the meeting is to be held. The minutes of the special meeting shall show the manner and method of notice.
3. Workshops. The Historic Preservation Board may hold workshops from time to time for consideration of matters which are not ready for Historic Preservation Board action. No formal action may be taken at workshops. Notice of workshops shall be posted at the Planning and Zoning Office.

B. Preparation of Agenda.

1. Planning & Zoning Director. The Planning & Zoning Director, or his/her designee, shall prepare the agendas and assemble the accompanying back-up or background information for the Historic Preservation Board meetings. Except as stated below, no item may be added to the agenda without the approval of the Planning & Zoning Director, or his/her designee.

The agenda will be made available to the public at the Planning and Zoning Department in sufficient time for citizens to review the materials prior to the meeting.

2. County Attorney. The County Attorney's Office may establish its portion of the agenda for Historic Preservation Board meetings and may add supplemental items to the agenda whenever, in the discretion of the County Attorney, or his/her designee, such items require Historic Preservation Board attention at that meeting.
3. Historic Preservation Board. The Historic Preservation Board may have an item placed on an agenda for the next scheduled Historic Preservation Board meeting at which the item can be considered consistent with all applicable notice requirements. Matters that do not require public notice may, with the consent of the majority of the Historic Preservation Board members, be considered and acted upon at any Historic Preservation Board meeting.

**IV. CONDUCT AT MEETINGS.**

- A. **Generally.** The business of the Historic Preservation Board shall be taken up in accordance with the agenda prepared for the meeting. The Chairman, at his/her option, may take business out of order if he/she determines that such a change in the agenda's schedule will expedite the business of the Historic Preservation Board.

All meetings of the Historic Preservation Board and its committees shall be public meetings, and no business shall be transacted except in compliance with the Florida Government-In-The-Sunshine Law.

If consideration of a matter is postponed due to lack of a quorum, the Chairman of the Historic Preservation Board shall continue the meeting as a special meeting to be held within seven (7) working days thereafter. In the case of delays caused by other reasons, the meeting should be re-scheduled to the next Historic Preservation Board meeting. The Planning Director shall notify all Historic Preservation Board members of the date of the continued meeting.

B. **Rules of Debate.**

1. **Question Under Consideration.** When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to amend, to substitute, to adjourn, to lay on the table (i.e., to postpone indefinitely), to defer to a date uncertain (i.e., to postpone until the occurrence of an independent event which will definitely occur at an unknown time), or to continue to defer to a date certain until the question is decided. These types of motions shall have preference in the order in which they are mentioned above and motions to adjourn or to lay on the table shall be decided without debate. Final action upon a pending matter may be continued until a date certain or deferred to a date to be scheduled by the Planning and Zoning Director, or his/her designee, upon the vote of the majority of the members present. Upon the request of the County Attorney, or his/her designee, made prior to the final action on any matter, that the matter be deferred or continued to a future Historic Preservation Board agenda, the Historic Preservation Board shall consider said request and shall vote on whether to defer or continue the matter as requested.
2. **Chairmanship.** The Chairman may second any motion, or after relinquishing the chair, may make any motion. The Chairman shall not resume the chair until after the Historic Preservation Board has acted upon the matter under consideration when he/she relinquished the chair.

3. Discussion. Every member desiring to speak for a purpose shall address the presiding officer, and upon recognition, shall confine himself/herself to the question under debate.
4. Interruption. A member, once recognized, shall not be interrupted when speaking, unless it is to call him/her to order or as herein otherwise provided. If a member, while speaking, is called to order, or if a question of person privilege is raised, the member who had the floor shall cease speaking until the question of order or privilege is determined by the presiding officer, and if in order, he/she shall thereafter be permitted to proceed. The ruling of the presiding officer on the point of order can only be overturned by a majority vote of the Historic Preservation Board present. A question of privilege for purposes of these procedures is defined as a pressing situation affecting a right or privilege of the Historic Preservation Board or an individual Historic Preservation Board member which permits interruption of pending business to state an urgent request or motion. Examples are the need to deal with disruptive noise, inadequate ventilation, or introduction of a legally confidential subject in the presence of those not entitled to knowledge thereof.
5. Public and Staff Comment. A member of County staff who addresses the Historic Preservation Board shall first identify himself/herself for the record and shall utilize the speaker's lectern or microphones made available for staff so as to allow his/her comments to be recorded. Each other person who addresses the Historic Preservation Board shall speak from the speaker's lectern and shall provide his/her name, address and whether he/she speaks for himself, a group of persons or a third party. Time restrictions on members of the public addressing the Historic Preservation Board as set forth below shall be kept by the Chairman of the Historic Preservation Board, or his/her designee.
  - a. Public Hearings.
    - (1) The Historic Preservation Board shall allow staff and public comments in matters requiring public hearings in the following manner:
      - (a) Initial Presentation by Staff. County staff shall make the initial presentation to the Historic Preservation Board regarding any item under consideration. The Historic Preservation Board may make inquiries of staff at this time.

(b) Proponents' Presentation. After staff presentation, the applicant(s), in a land-use matter, if any, shall be allowed up to a total of fifteen (15) minutes without interruption to make a presentation to the Historic Preservation Board. After presentation by the applicant(s), if applicable, proponents of the item or request, shall be allowed to speak based on the following criteria:

i. Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption; and

ii. All other persons shall be entitled to speak up to a total of three (3) minutes without interruption.

Unless the contest clearly indicates otherwise, Applicant(s) shall be considered to be "Proponents" for the purposes of these procedures.

(c) Historic Preservation Board and Staff Inquiry. After the Proponents' presentation, the Historic Preservation Board shall have an opportunity to comment or ask questions of, or seek clarification from the Proponent(s). The Historic Preservation Board may allow staff to comment, ask questions of, or seek clarification from the Proponent(s) at this time.

(d) Opponent's Presentation. After Historic Preservation Board and staff inquiry of the Proponents, Opponents of an item or request shall be allowed to speak based on the following criteria:

i. Person who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons shall be entitled to speak ten (10) minutes without interruption; and

- ii. All other persons shall be entitled to speak up to a total of three (3) minutes without interruption.
- (e) Historic Preservation Board and Staff Inquiry. After the Opponent(s)' presentation, the Historic Preservation Board shall have an opportunity to comment or ask questions of or seek clarification from the Opponent(s). The Historic Preservation Board may allow staff to comment, ask questions of, or seek clarification from the Opponent(s) at this time.
- (f) Applicants' Rebuttal Presentation. Applicants' rebuttal shall be allowed only in land use items where there is an Applicant. After Historic Preservation Board and staff inquiry of the Opponents, the Applicant may be allowed an opportunity for uninterrupted rebuttal with the time limit therefor to be five (5) minutes unless otherwise set by the Historic Preservation Board. Rebuttal shall only address comments made in the Opponents' presentations.
- (g) Historic Preservation Board and Staff Inquiry. After Staff, Proponents and Opponents have made presentations as outlined above and the public comments portion of the hearing is closed, the Historic Preservation Board shall have a final opportunity to comment, or ask questions of any proponent or Opponent or staff member. The Historic Preservation Board may allow Staff to make such comments or inquiries of a Proponent or Opponent at this time.
- (h) Registration of Proponents or Opponents. Persons who desire to make presentations as Proponents or Opponents of an item shall, prior to the meeting at which such item is to be heard, register with the Director of Planning and Zoning, or his/her designee, on the forms provided, and shall provide such information as required to organize the agenda and order of presentation. Five (5) or more persons associated together as Proponents or Opponents of an item may be requested to select a spokes-person.

- (i) Limit on Presentations. No person who has made a presentation for or against an item at a given meeting shall be allowed to make additional comments as of right and, in any event, such additional comments shall not be allowed until all other persons on the same side of the issue have had an opportunity to comment or make presentations.
- (j) Miscellaneous: Organizational or Group Speakers; Interruption for Inadmissibility.
- i. Prior to a person representing an organization or a group of people other than himself/herself speaks, that person shall indicate whom or what he/she represents and how he/she received authorization to speak on behalf of such organization or group of persons. The Historic Preservation Board or the County Attorney may make further inquiry into the represented authority of such person if necessary.
  - ii. Notwithstanding an provisions herein, the Chairman of the Historic Preservation Board or the County Attorney may interrupt and/or stop any presentation which discusses matters which cannot be considered in deciding the matter then before the Board for consideration.
- (k) Additional Time for Presentations. The Historic Preservation Board may allow, by majority vote of the members present, more than the allotted time for presentations by an Applicant, Proponent or an Opponent of an item, if the additional time is requested from the Director of Planning and Zoning, or his/her designee, in advance of the meeting. If more than a total of one-half ( $\frac{1}{2}$ ) hour is requested by a Proponent or Opponent, the request must be received by the Planning and Zoning Department in writing not later than the day before the meeting at which the item is to be heard. Provided, however, even in the absence of a timely request for addi-

tional time to make a presentation, the Historic Preservation Board may grant such extension where, in its discretion, it is advisable to do so because of the considerations of law, equity or fairness.

- (2) Continued Public Hearings. In any matter where it is known that a scheduled public hearing will be continued to a future date certain, the staff report may be abbreviated and public comment may be limited to those persons who state under oath that they believe they cannot be available to speak on the date to which the public hearing is being continued. Such persons shall be allowed to make their comments at the then current meeting; provided, however, that upon making their comments, such persons shall waive the right to repeat or make substantially the same presentation at any subsequent meeting on the same subject. This waiver shall not preclude such persons from making different presentations based on new information or from offering response to other persons' presentations, if otherwise allowable, at any subsequent meeting.
- b. Non-Public Hearings. After staff presentation, each person speaking before the Historic Preservation Board shall be allowed a maximum of five (5) minutes to make comments regarding any matter before the Historic Preservation Board only if the Chairman allows comments on a matter not part of a public hearing. Extension of time for public remarks may be extended upon a majority vote of the Historic Preservation Board; however, such extension shall be established for a specific time period.
- c. Workshops. If appropriate, the Historic Preservation Board may establish time limits for persons speaking at workshops, if the Chairman allows comments on the matter.
- d. Termination of Presentations. At any Historic Preservation Board proceeding, the Chairman, unless overruled by a majority of the Historic Preservation Board members present, may restrict or terminate presentations which in his/her judgment are frivolous, unduly repetitive or out of order.

- e. Written Comments. Applicants, Proponents and Opponents of any matter under consideration by the Historic Preservation Board shall be entitled to submit written comments for consideration by the Historic Preservation Board. Written comments submitted after said deadline shall be considered and entered into the record of the meeting in accordance with the provisions of Section V.B. herein.
  6. Closing of Public Comment. For those matters in which public comment is heard by the Historic Preservation Board, the Chairman shall close the public comment portion of the meeting on that item upon the conclusion of the last appropriate speaker's comments or the expiration of the allowed speaking items as set forth above. No additional public comments shall be allowed, except in specific responses to questions by members of the Historic Preservation Board or if an extension of time for public comment is approved as set forth above.
  7. Privilege of Closing Debate. The Historic Preservation Board member moving the adoption or rejection of the item before the Historic Preservation Board shall have the privilege of closing the debate.
- C. Voting and Reconsideration.
1. Voting. The Historic Preservation Board shall be subject to Chapter 112, Part III, Florida Statutes. Unless otherwise provided by law, ordinance or statute, when the Historic Preservation Board has finished discussion and is ready to vote a question, the Chair shall call for the vote, and, except as provided in Paragraph IV.C.2 below, there shall be no further discussion by any member voting. Each member shall vote aye or nay and silence shall be considered an "aye" vote. After the vote, any member may give a brief statement to explain his/her vote, and such explanation should be consistent with the vote registered. A member shall have the privilege of filing with the Clerk a written explanation of his/her vote. The vote upon any question shall be by voice or hand vote unless the Chairman or any Historic Preservation Boarder requests a roll call vote be taken.
  2. Preparation or Modification of Motions. Prior to a vote on any matter, a Historic Preservation Boarder may move to have Staff prepare or modify the motion during a recess called for that purpose. Alternatively, if advisable in the Historic Preservation Board's discretion, the public comments portion of the public hearing, if applicable, may be closed and Staff may be instructed to prepare the motion to be brought back to

the Historic Preservation Board for motion and vote at a subsequent meeting of the Historic Preservation Board. The County Attorney, the County Administrator, the Director of Planning and Zoning, or their respective designees, may request that motion and vote be delayed to allow preparation or revision of a motion, as provided hereunder.

3. Tie Votes. When the vote of the Historic Preservation Board is equally divided, the status quo ante shall be maintained, or recommended to be maintained, as appropriate.
4. Reconsideration. When a question has been decided by the Historic Preservation Board, a member of the Historic Preservation Board voting on the prevailing side may move for reconsideration of the question at the same meeting or the next regular meeting of the Historic Preservation Board, provided that the matter which was the subject of the vote has not been considered by the Board of County Commissioners. If the question was decided by a tie vote, any member of the Historic Preservation Board may move for reconsideration of the question at the same meeting or at the next regular meeting of the Historic Preservation Board. Upon a finding by a majority of the Historic Preservation Board at any time that there is reason to believe that a previous vote of the Historic Preservation Board was based upon material mistake of fact or erroneous information, the matter may be brought up for reconsideration. Any member of the Historic Preservation Board may move at any time for correction of clerical or typographical errors inadvertently included in any matter previously passed by the Historic Preservation Board.

V. THE RECORD.

- A. Automatically Included in the Record. The following documents shall automatically be included in the records of the Historic Preservation Board:
  1. Agenda packet or staff report.
  2. Letters or other documents previously entered into the record at a prior Historic Preservation Board meeting on the particular matter.

- B. Items Which Shall be Placed in the Record. Any documents, exhibits, diagrams, petitions, letters or other materials presented to the Historic Preservation Board in support of, or in opposition to, an item to be considered by it shall be entered into the record, unless determined legally inadmissible by the County Attorney. These items shall be entered into the record by the Chairman without a vote unless there is objection by a Historic Preservation Board member, in which case, the item shall not be entered into the record unless there is a motion, and approval thereof by a majority of those present, to enter the item into the record.
- C. Minutes, Approval and Distribution. The meeting must be recorded with minutes taken. A time for discussion of the minutes will be made available prior to their approval. The official minutes of each meeting shall be approved by the majority of the quorum present, signed by the Chairman or duly authorized Historic Preservation Board member.
- A copy of the approved minutes of meetings shall be made available to:
1. Historic Preservation Board members
  3. Director of Planning and Zoning Department
  3. On file in the Clerk's Office for public inspection
- D. Custodian. The Clerk of the Circuit Court in his/her capacity as Clerk to the Board of County Commissioners shall likewise serve as Clerk to the Historic Preservation Board. The Clerk shall be the custodian of the official record of the Historic Preservation Board and shall keep transactions, findings and determinations. The Clerk shall keep minutes of all Historic Preservation Board proceedings, including evidence presented, the name of all witnesses giving testimony, findings of fact by the Historic Preservation Board, and the vote of each member, or if absent, or, failing to vote, such fact. All such records shall be official public records and shall be covered by all Florida Statutes pertaining to public records.
- E. Correction of Errors in the Record. In the event the Historic Preservation Board determines that there was an error, either of Historic Preservation Board or omission regarding the placement of an item into the record, any member of the Historic Preservation Board may move to correct such errors and such act of correction shall be done upon a majority vote of the members of the Historic Preservation Board.
- F. Exhibits. Unless an oversized exhibit is absolutely essential by the Chairman, documentary paper or photographic exhibits shall not exceed 24 inches by 36 inches and, if mounted on a backboard, shall be removable therefrom.

- G. Substitution of Copies of Exhibits. A person submitting an exhibit for the Historic Preservation Board's consideration in support of, or in opposition to a pending matter, must file the original thereof with the Secretary. The Historic Preservation Board may approve substitution of a copy or duplicate thereof after viewing the original and the copy or duplicate. In the case of a written document, the person may furnish the Secretary with an exact duplicate and, upon verification thereof, the Secretary may return the original to said person. Alternatively, the Secretary may, in his/her discretion, and at the expense of the person requesting the return of the original, make or arrange for the making, of a copy of the exhibit after which the original may be returned to the person requesting it.

**VI. EFFECT OF THESE RULES OF PROCEDURE.**

- A. Conflict With Laws. In any instance where the procedure established by these procedures is in conflict with state law, county ordinance or court order, or has the effect of violating any applicable law, ordinance or ruling, or order of a court or administrative agency, or rights thereunder, the procedures established hereunder shall be inoperative to the extent of such conflict or violation.
- B. Roberts Rules of Order. In all cases not covered by these procedures, the most recent edition of Roberts Rules of Order shall be used as a general guide and may be followed by the Chairman, unless the Historic Preservation Board overrules him.
- C. Witnesses Sworn. These procedures do not modify R-86-106, and witnesses in public hearings shall be sworn in accordance with said R-86-106, unless and until said R-86-106 is amended or repealed.

**VII. PUBLICATION.**

Upon adoption of these procedures and any amendment hereof, the Planning and Zoning Director shall cause same to be published in a form suitable for distribution to the public. Copies shall be provided by the Director of Planning and Zoning to all persons who request them. Copies shall be available for review at all meetings of the Historic Preservation Board.

**VIII. GENERAL.**

- A. The Planning and Zoning Department and any other appropriate County Department shall provide the Historic Preservation Board with such information reasonably necessary to carry out its purpose and functions.

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B. The Historic Preservation Board shall not, with the exception of advertising and clerical costs for meetings, incur any expenses or obligations to be paid or performed by the County, without the approval of the Board of County Commissioners.

**IX. AMENDMENT.**

These procedures may be amended only by subsequent Resolution adopted by majority vote of the entire Historic Preservation Board.

COPIES TO:

1- Rita, Planning  
1- County Attorney

DATE 12-4-90

BY DH

# EXHIBIT E

## HISTORIC PRESERVATION BOARD MEMBERS RÉSUMÉS

## *Curriculum Vitae*

1 of 7

**Name:** Brad William Burger

**Address:** P.O. Box 201 (377 Terra Ceia Road)  
Terra Ceia Island, FL 34250

**Telephone:** (941) 722-3403  
**FAX:** (941) 721-7225

**Birthdate:** June 4, 1951

**Social Security Number:** 264-90-2493

**Occupation:** Archaeological Consultant

**Tax Status:** Sole Proprietor

**Education:** Palm View Elementary School, Manatee County, FL (1963)  
Palmetto High School, Palmetto, Manatee County, FL  
(1969, valedictorian)  
New College, Sarasota, Sarasota County, FL  
(1979, Bachelor of Arts, Environmental Studies)  
Honors thesis: Man in the Coastal Zone: Bishop Harbor/Terra Ceia Island,  
Manatee County, Florida.  
University of South Florida, Tampa, Hillsborough County, FL  
(1982, Master of Arts, Applied Anthropology/Public Archaeology)  
Master's thesis: Cultural Resource Management in Manatee County,  
Florida: The Prehistoric Resources Base.

**Professional Organizations:** Register of Professional Archaeologists  
Southeastern Archaeological Conference (lifetime)  
Florida Archaeological Council  
Florida Anthropological Society (lifetime)

### **Professional Experience:**

Since 1982, Mr. Burger has conducted cultural resources assessment work in Florida for private individuals and corporations, and for local, state, and federal governments. Field project sizes have ranged from sub-acre to thousands of acres, resulting in the discovery and recordation of hundreds of archaeological sites with the Florida Division of Historical Resources, Tallahassee. Work tasks include archival research, probability

modeling, informant interviewing, field investigations, analyses of cultural materials, photography, technical report writing, and professional and public presentations. Related work has included museum exhibits design and preparation (Tidy Island museum, South Florida Museum, Museum of Science and Industry, Mote Marine Aquarium, Sarasota History Center). Mr. Burger has directed archaeological field schools for New College of Sarasota (1985, 1987, 1989, 1993), and instructed high school students (Florida Governor's Summer College: 1989, 1990), children (Historic Spanish Point: 1995, 1996), and adults (The Longboat Key Education Center: 1987-1997). He previously served as the Sarasota County Archaeologist (1994-1999). Mr. Burger is an Adjunct Scientist with Mote Marine Laboratory and the current chairperson of the Manatee County Historic Preservation Board. .

Among his many contracts, Mr. Burger has conducted numerous archaeological surveys, as well as construction and environmental inspection duties (CEI), for the Southwest Florida Water Management District, Surface Water Improvement and Management Division (SWFWMD/SWIM), for environmental restoration projects within the Tampa Bay area and elsewhere within the SWFWMD region.

**References:**

Dr. Nancy Marie White  
Department of Anthropology  
University of South Florida  
Tampa, FL 3620  
(813) 974-2150

Dr. Ernest D. Estevez  
Mote Marine Laboratory  
City Island Park, Sarasota, FL 34236  
(941) 388-4441

Sandy Scheda-Klaus  
Scheda Ecological Associates, Inc.  
Tampa, FL 33617  
(813) 989-9600

Dr. Brandt Henningsen  
Southwest Florida Water Management District  
Tampa, FL 33637  
(813) 985-748

**Selected Projects:****1980s:**

- Survey, Terra Ceia Island, Manatee County, FDOT condemnation suit for I-275 ROW, for Adley Associates. 1982
- Survey, mitigation, archaeological park/museum, Tidy Island, Manatee County, for Chastain Development Corporation. 1982-1985
- Analyses, DeSoto National Memorial, Manatee County, for U.S. National Park Service. 1984
- Survey, GTE/Collier 326 & 64 DRIs, Hillsborough County, for Mangrove Systems, Inc. 1984
- Survey, Carillon DRI, Pinellas County, for the Wilson Company. 1985
- Survey, City of Palmetto, Manatee County, for Palmetto Historical Commission. 1985
- Surveys, Manatee County Wastewater Treatment Plant sites, Manatee County, for Camp Dresser, & McGee, Inc. 1985-86
- Survey, Arcadia Village Mobile Home Park DRI, DeSoto County, for Environmental Affairs Consultants. 1988
- Survey, Indian Mound Park, Sarasota County, for Sarasota County Parks & Recreation Department. 1989
- Survey & mitigation, FDOT North Suncoast Expressway; Hillsborough, Pasco, & Hernando counties, for HDR Engineering. 1989-90

**1990s:**

- Survey, Birchwood DRI, Osceola County, for Archaeological Consultants, Inc. 1990
- Survey, Caspersen Mainland Park, Sarasota County, for Sarasota County Parks & Recreation Department. 1990
- Survey, Grantline Road Extension, Seminole County, for Environmental Management Systems, Inc. 1992
- Survey & mitigation, Alaqua DRI, Seminole County, for Breedlove, Dennis, & Associates. 1992
- Survey, Volusia County, Volusia County Parks & Recreation Department. 1992
- Survey, Sylvan Lake project, Seminole County, for Almark Development Co. 1993
- Survey, FDOT bridge alignment study, St. Johns County, for HDR Engineering. 1995
- Survey, FDOT/Clearwater Memorial Causeway, Pinellas County, for HDR Engineering, Inc. 1996
- Survey & mitigation, Emerson Point CARL property, Manatee County, for SWFWMD/SWIM. 1996-1998
- Survey, Riviera Dunes DRI, Manatee County, for Scheda Ecological Associates, Inc. 1998
- Survey, State Veterans' Nursing Home, Sarasota County, for Sarasota County Department of Health & Human Services. 1999

**2000s:**

- Survey, FDEP restoration sites, Sarasota County, for Scheda Ecological Associates, Inc. 2000
  - Survey, Clam Bayou parcel, Pinellas County, for SWFWMD/SWIM. 2000
  - Survey, Lockett parcel, Highlands County, for SWFWMD. 2000
  - Survey, Zephyrhills West Bypass Extension, Pasco County, for Scheda Ecological Associates, Inc. 2000-2001
  - Survey, Collier Parkway Extension, Pasco County, for Scheda Ecological Associates, Inc. 2001
  - Survey, Hale Road Extension, Pasco County, for Scheda Ecological Associates, Inc. 2001
  - Survey, Terra Ceia Island restoration parcels, Manatee County, for SWFWMD/SWIM. 2002
- 

**Previous Ten Years' Contracts:**

**2003:**

- Survey, Blackburn Canal/Curry Creek System, Sarasota County, for Sarasota Department of Historical Resources; January
- Survey, SR 54 widening, Pasco County, for Scheda Ecological Associates, Inc., April
- Analyses, DeSoto Memorial, Manatee County, for U.S. Department of the Interior; June
- Probability modeling, Federal Comprehensive Everglades Restoration Plan (CERP), for Scheda Ecological Associates, June
- CEI, Port Redwing, Hillsborough County, SWFWMD/SWIM restoration project, for Scheda Ecological Associates; October 2003-November 2004.
- Survey & testing, Carlton Reserve, Sarasota County, for Sarasota County Department of Historical Resources; December

**2004:**

- Survey, Bayview, Pinellas County, for Scheda Ecological Associates; May
- Survey, Curley Road, Hillsborough County, for Scheda Ecological Associates; June
- Survey, MLK project, Hillsborough County, for Scheda Ecological Associates; June
- Survey, Arcadia parcel, for Meyer & Gabbert; July
- Survey, additional Clam Bayou restoration sites, Pinellas County, for SWFWMD/SWIM; August
- Survey, Ribbon of Green Park, Hillsborough County, for Scheda Ecological Associates; December
- Survey, Venice Beach, Sarasota County, for City of Venice; December

**2005:**

- Survey, Myakkahatchee Creek, Sarasota County, for Tampa Contracting Services; January
- CEI, Cockroach Bay Preserve, Hillsborough County, SWFWMD/SWIM restoration, for Scheda Ecological Associates; January-August 2005
- Survey, "Looking for Angola" project, Manatee County, for Neighborhood Leadership Initiative; February-June
- Survey, Ekker parcel, Hillsborough County, SWFWMD/SWIM restoration, for Scheda Ecological Associates; August
- Survey, Crystal Waters/Tooke Lake project, Hernando County, for Civil-Tech Consulting Engineers; September
- Survey, Hog Island, Putnam County, for Scheda Ecological Associates; November

**2006:**

- Probability modeling, Upper Tampa Bay Trail, Hillsborough County, for Scheda Ecological Associates; January
- Survey, Beachwalk, Hillsborough County, for Scheda Ecological Associates; January
- Survey, Felts Preserve, Manatee County, for FDEP; March
- Survey, Lyons parcel, Manatee County, for Tom Lyons; April
- Survey, Clam Bayou, Pinellas County, for Scheda Ecological Associates; July
- Survey, Premier Homes, Manatee County, for Premier Homes; September
- CEI, Robinson Preserve, Manatee County, for Scheda Ecological Associates; May-November
- CEI, Alligator Creek, Charlotte County, SWFWMD & FDEP restoration, for Scheda Ecological Associates; July-September
- Survey, Citrus Ridge, Pasco County, for Scheda Ecological Associates; July
- Probability modeling, Thompson Nursery Road PD&E, Polk County, for Scheda Ecological Associates; October

**2007:**

- Archaeological monitoring, Terra Ceia Preserve, for Tampa Contracting Services; January-September
- CEI, Robinson Preserve, Manatee County, for Scheda Ecological Associates; February-March
- Survey, Bennett Park, Manatee County, for Manatee County Parks & Recreation Department; June
- Survey, Grandview, Pasco County, for Environmental Consultants, Inc.; August
- Survey, Keene Road parcel, Pasco County, for Environmental Consultants LLC; October
- Survey, Neal Preserve, Manatee County, for Manatee County Natural Resources Department; April 2007-January 2008

**2008:**

- Survey, Thompson Nursery Road, Polk County, for Scheda Ecological Associates; February-March
- Survey, West Zephyrhills Bypass addition, Pasco County, for Scheda Ecological Associates; April-May
- CEI, Robinson Preserve, Manatee County, for Scheda Ecological Associates; November
- Survey, Grassy Point, Sarasota County, for Scheda Ecological Associates; November

**2009:**

- Consultation, Perico Island site, Manatee County, for Archaeological Consultants, Inc.; January
- Survey, Eagle Point Park, Pasco County, for Scheda Ecological Associates; May
- Survey, Perico Preserve, Manatee County, for Scheda Ecological Consultants; May
- Survey, Thompson Nursery Road improvements/extension, Polk County, for Scheda Ecological Associates; June-August

**2010:**

- Survey, Eide property, Sarasota County, for Dean Thompson; June
- Survey, Cockroach Bay/Lost River, Hillsborough County, for Ecosphere Restoration Institute; August
- Analyses, Ekker collection, Hillsborough County, for Hillsborough County Parks Department; August
- Archaeological monitoring, Maximo Park, Pinellas County, for City of St. Petersburg; October-November

**2011:**

- Survey, Maximo Park, Pinellas County, for City of St. Petersburg; January
- Interpretive signage, Neal Preserve, Manatee County, for Manatee County Natural Resources Department; January
- Survey, Newman's Branch, Hillsborough County, for Ecosphere Restoration Institute; January
- Archaeological monitoring, City parks, Pinellas County, for City of St. Petersburg; April-September
- Survey, Uleleh Park, Hillsborough County, for Ecosphere Restoration Institute; May
- Survey, Rattlesnake Key, Manatee County, for Bricklemeyer, Smolker, & Bolves; June
- Survey, Rock Ponds SWFWMD/SWIM restoration project, Hillsborough County; July-August
- Survey, Grandview Park, Pinellas County, for City of St. Petersburg; September
- Survey, Neal Preserve, Manatee County, for IBI Group; October

**2012:**

- Archaeological monitoring, Neal Preserve, Manatee County, for Manatee County Natural Resources Department; March
- Survey, River Tower, Hillsborough County, for Scheda Ecological Associates; March
- Testing, Neal Preserve, Manatee County, for Manatee County Natural Resources Department; April
- Survey, Hudson Bayou parcel, Sarasota County, for GNG Construction; September
- Tidy Island museum restoration, Manatee County, for Tidy Island Condominium Association; May-September
- Consultant to Sarasota County History Center, Sarasota County; August - present
- Survey, Jacobs property, Sarasota County, for Dershavitz Trust; October-November
- Informant interviews project, Hillsborough County, for Hillsborough County Conservation Lands Department; September 2012-January 2013
- Survey, Selby Botanical Gardens project, Sarasota County, for Tandem Construction; November
- Survey, Lake Dan project, Hillsborough County, for Hillsborough County Conservation Lands Department; December

**2013:**

- Dolphin skeleton exhibit, Sarasota County, for Mote Marine Laboratory; January
- Consultant to Sarasota County History Center: Preparation of "Viva Florida!" exhibit, Sarasota County, for Sarasota County Government; February

(Last updated: 2/27/13)

# AIMEE ROSS ANGEL

243 GREENWOOD AVENUE • SARASOTA • FLORIDA • 34243  
PHONE 941.321.0953 • E-MAIL: AIMEEROSSANGEL@GMAIL.COM

## EDUCATION

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### **Master of Historic Preservation (MHP)**

May 2004

*University of Georgia, Athens, Georgia*

Academic Assistantship

The Honor Society of Phi Kappa Phi

Sigma Pi Kappa, Historic Preservation Honor Society

### **Master of Teaching**

May 1998

*Virginia Commonwealth University, Richmond, Virginia*

### **Bachelor of Arts, Architectural History**

May 1995

*Virginia Commonwealth University, Richmond, Virginia*

Phi Eta Sigma, National Freshman Honor Society

Study Abroad Program, University of Utrecht, Netherlands

## WORK EXPERIENCE

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### **Historic Preservationist**

May 2006 – Present

*City of St. Petersburg, St. Petersburg, Florida*

- Reviews and analyzes projects involving historic properties for compliance with applicable historic and archaeological preservation and related City Code provisions; advises applicants, architects and contractors of City, State, and Federal preservation standards and procedures; consults with Registered Professional Archaeologists, as needed.
- Evaluates drawings, construction materials and techniques for Certificate of Appropriateness applications.
- Prepares historic preservation staff reports; presents findings to applicable appointed commissions and citizen's groups.
- Conducts historic research and prepares architectural descriptions in order to complete landmark designation reports.
- Reviews and evaluates applications for tax exemptions for historic properties; ensures compliance with applicable historic preservation related City Code provisions, the Federal Tax Credit guidelines, and the Secretary of the Interior's Standards for Rehabilitation.
- Conducts historic research, develops inventories of existing conditions, prepares reports, written materials, and publications on the City's history and architecture.
- Monitors approved projects, identifying violations and coordinating compliance; analyzes zoning and other code changes affecting historic preservation; assists residents in property research.
- Provides technical preservation assistance for the completion of grant applications concerning historic properties.
- Maintains liaison with local historic preservation organizations and with other regional preservation planning activities that may be relative to the interest of the City.

### **Architectural Historian**

May 2004 – May 2006

*Archaeological Consultants, Inc, Sarasota, Florida*

- Prepared National Register of Historic Places nominations for historic resources and districts throughout Florida
- Identified and documented historic resources through black and white photography, survey, and measured drawings

- Conducted local, regional, and national research to provide a complete context for specific properties
- Documented and researched historic resources, including the Kennedy Space Center, for HABS/HAER submission
- Conducted field work and prepared Cultural Resource Assessment Surveys
- Assisted in the preparation of Section 106 case studies

**Restoration Internship**

May 2003 – August 2003

*Jekyll Island Club National Historic Landmark District, Jekyll Island, Georgia*

- Evaluated, investigated, and documented historic structures within the historic district
- Restored windows, shutters, stained glass doors, and stairways to museum quality finish on Hollybourne Cottage
- Conducted archival research that provided documentation to ensure the historic integrity of restoration work
- Created interpretive and preservation plans for individual structures and the historic district
- Participated in completion of the “Hot and Humid Study” conducted by the Getty Conservation Institute

**PROFESSIONAL MEMBERSHIPS**

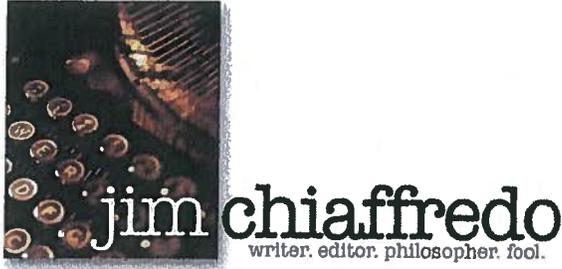
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- National Trust for Historic Preservation
- Florida Trust for Historic Preservation
- Association for Preservation Technology, Southeastern Regional Chapter

**REFERENCES**

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- Available upon request



*"It is time for us all to stand and cheer for the doer, the achiever -- the one who recognizes the challenges and does something about it."*

—Vince Lombardi

**Purpose:**

To find new challenges utilizing vast experience in many fields.

**Brief Overview—Experience:**

**Editor, Digital Media Director Golfweek Custom Media (1997-present)**  
(Previously Watson Publications and then Vincent Publishing)

- **Innovating new features** into what were previously boring souvenir programs for the professional golf tours (PGA, Champions, USGA and LPGA).
- **Writing, editing and producing** more than 600 editions during the period, including in-person player interviews, in-depth golf course features, as well as tournament and club histories.
- **Nurturing close relationships** with tournament and marketing directors in order to fill their needs.
- **Streamlining** the scheduling of the proofing and ad placement process, making it hassle-free for our clients.
- **Assembling and assigning** a group of award-winning freelance writers (including a Pulitzer Prize winner) at a fraction of magazine word rates.
- **Guiding** graphic designers in carrying out editorial concepts, including photo editing as well as color and texture concepts.
- **Hero** of the sales staff, creating meaningful editorial for their clients' ad placement.
- **Single-handedly creating, designing and publishing** Vincent Publishing's website from scratch (2006)

- **Educating** sales staff on features and utility of the company's site, creating new features based on their needs and ideas.
- **Introducing and implementing** the digital online edition for each publication. (2008)
- **Marketing and putting into operation HP MagCloud** print on demand services for select programs for worldwide distribution. (2010)
- **Repurposing** failing video production department into profit center.
- **Producing and directing** short marketing videos to enhance sales efforts.

**Correspondent/Columnist, Bradenton Herald, Bradenton, FL (1994-2000)**

- **Writing and fact checking** local and national golf and other sports-related articles on a variety of subjects (baseball, football, auto racing, bull riding, curling)
- **Creating** weekly golf columns for publication.

**President, Southland Air Conditioning, Inc., Bradenton, FL (1980-1999)**

- **Managing and operating** family-owned residential HVAC-R Company.
- **Sold** business for six-times the capital investment.

**Associate Broker, Jim Masey Realtors, Decatur, IL (1978-1980)**

- **Selling and listing** residential real estate.
- **Earning** Illinois State Real Estate Brokers license at 21 years of age.

**Bachelor of Science, Millikin University, Decatur, IL (1974-1978)**

- **Graduating** with honors in Economics and Finance. Minor in Marketing.

**Contact Information:**

**Email:** [jimchiaffredo@yahoo.com](mailto:jimchiaffredo@yahoo.com)

**Phone:** 941-545-7793

Margaret Moore  
11408 Upper Manatee River Road  
Bradenton, Florida 34212  
[margotmoore@AOL.com](mailto:margotmoore@AOL.com)

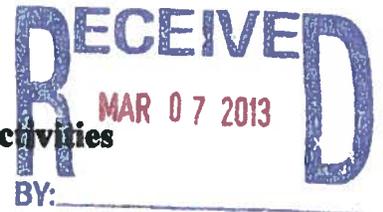
Life-long resident of Manatee County.

Education: I graduated from Manatee County High School. I graduated from nursing school in Jacksonville, Florida. I worked at Sarasota Memorial Hospital for 8 years and 4 years for a cardiologist. I then worked in a lab for a hematologist.

Community involvement: I am a member of Entre Nous Service Club and served on that board as a Life Member for 5 years and am still an active life Member. I am also a member of The Service Club of Manatee County which annually distributes in excess of \$50,000 to local charities that involve children in Manatee County. I am a member of the Manatee County Historical Commission and served as President of that organization for 4 years. I am a director in the Just for Girls Foundation and a member of the board of the charter school initiated in 2011 of that organization. I served for 8 years on the board of the Manatee County Library Foundation and am a member of First United Methodist Church.

In 1983, I became interested in the Downtown Beautification Project. As a result I worked for the next 4 years along with the late Wm. Sheppard to establish three local Historic Districts and one National Register District. I then served as Chairman of the City of Bradenton Architectural Review Board for 5 years. I serve on the Manatee County Historical Preservation Board and have been chairman 3 times. I authored 2 walking tours of downtown Bradenton.

**Art Historical, Archaeological and Museological related Activities  
Of  
Dr. Alfonz Lengyel, RPA**



**My view of Archaeology Related Matters:**

- (1) When we excavate it is Archaeology
- (2) When we analyze it in its historical and aesthetic context it is Art and Architectural History
- (3) When we preserve and display the finds it is Museology.

For this reason I combined my studies in Hungary, USA and France to cover all three areas. In addition to it, in the Hungarian Law School (1944-1948) I concentrated on Art Law, Museum Law, and Law for protection of Cultural Heritages.

**In Hungary**

1948-1950. I was a Section Chief in the Hungarian Ministry of Education and Religion. (Equivalent: US Department of Education). My job was to take care of the affairs of: Museums, Libraries, Archives and Research Institutes, including restorations, protection of monuments and budgeting archaeological excavations.

1950-1956. A political prisoner in Stalinist Hungarian Communist Prison camps.

**Studies in USA and France**

**In USA:** San Jose State in California, Master Degree in Art History, 1959.

**In France:** PhD at the Institute of Art and Archaeology, of the University of Paris.(La Sorbonne). 1964.

**Work In USA, Europe, North Africa and China.**

In addition to teaching Art History, History of Architecture and Museology in USA, Europe and China, I was Adjunct Curator (1968-1972) of the Detroit Institute of Arts. **I also conducted the following excavations:**

1968 As representative of the Smithsonian Institutions, I was the American director of the Joint US-Yugoslav excavation in ancient Sirmium, one of the Capitals of the Late Roman Empire. During the excavation I drew myself in the fast flown Drava River, and found the only permanent bridge of the Romans in Pannonia Secunda.

In the course of the excavation we found the Imperial Palace from the late Roman Empire, and an Early Christian Church. As we dug down in the location of the palace, in the medieval level we discovered a mass execution, which took Place under Bela II of Hungary. It was made in retaliation of his blinding by other Royal aspirants for the Hungarian throne.

1968-1976 As Director of the Archaeology Program of the Etruscan Foundation, I directed the summer excavations in Rosia (near Siena) in Toscana, Italy. At the same time I established the Institute of Mediterranean Archaeology, and published the Acta Toscana.

Among other sites, we excavated a medieval monastery (established c.800 AD). Adjacent to it was a cave sanctuary, which was occupied by Augustinian monks, who escaped through Spain to this area after the Occupation of Carthage by the Vandals.

The original apse of the church was rectangular. With this excavation, we proved that contrary to the Italian history of architecture, before the Cistercians introduced to Italy the rectangular apse, it was already made by Carolingian inspiration.

From 1973 through 1976 after finishing the excavation in Italy, I moved to Tunisia, and directed earth resistivity survey, with the Bradford Instrument in Carthage for the Carthage Project UNESCO. The instrument was invented by the Atomic Department of Bradford University, UK., and first tested abroad in my group in Carthage. We helped with that instrument to find the Roman wall, which was destroyed by the Vandals.

In 1980 I arrived in China as member of an Educational Delegation. At that time Deng Xiaoping declared the “Market Oriented Socialism”, with an accelerated building program, and the new concept of “One Country Two Systems”.

Do to the accelerated building program; I made a report to the International Council of Museums (UNESCO) about the need of archaeological and museological education in China. Furthermore I predicted the future needs of building of new museums. I called attention also, that it is imperative to properly excavate, preserve, interpret and display the expected great number of finds. I pointed out, that even the finds belong to the Chinese People, but at the same time they are part of the Universal Human Heritage.

I helped to establish the first in China at Fudan University, Shanghai the Institute of Museum, and the Museology Master Degree program. The University authorities name me Advisory Professor.

In 1987 in Xi'an I established the Sino-American Field School of Archaeology, and directed its summer archaeology program for 22 years. In 2009 I assigned the Field School to the Cotzen Institute of Archaeology at University of California, Los Angeles. They kept my name as Founder.

My book on Handbook of Archaeology was translated into Chinese. In order to help to modernize the Chinese archaeology technique, I gave to them the Copy Rights of my book, for free of charge.

My name is on a bronze plaque which was placed on the interior wall of the Museum of Jing Di, near to the Air Port of Xi'an. It was made for my contribution to the recent development of Chinese Archaeology.

**Memberships:**

College Art Association  
Renaissance Society of America  
Archeological Institute of America  
American Association of Museums (changed to American Alliance of Museums)  
International Council of Museums  
Register of Professional Archaeologists (RPA)  
Association of Asian Studies  
Christopher Gist Historical Society (Covington, Kentucky)

**Elected membership by the following Scientific Academies:**

New York Academy of Sciences, as Archaeologist  
Hungarian Academy of Sciences (Foreign section) as Art Historian & Archaeologist

**Others.**

I was a member of the Advisory Board of the US Department of Interior, for the National Park Service.(1987-1991). Our Board recommended the inclusion of a historically important site in the National Register or designate as a National Historical Landmark.

As Chairman of the Board's Archaeology Committee, I helped to prepare a Peace Park between Alaska and Kamchatka of the Soviet Union, as well as prepare an underwater excavation in the Bering Strait. Gorbachev signed the deal, but Jeltsin abandoned it.

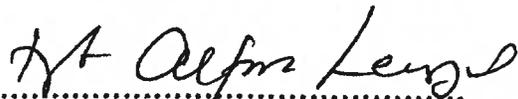
In North East China I did research on the Oroqen Tribes. They still live under Shamans in the forest. They are relative tribes to the Eskimo's in Alaska. Some of them moved out from the tribe life and studied at the University of Minorities in Beijing. Then 100 families established in 2004 a small city near to the tribal area.

**Board Memberships**

Museum of Asian Art, Sarasota Fl. The museum as Asian Art Gallery merged into the Ringling Museum of Art (Florida State University). I am representing the Asian Art Gallery in the Educational Task Force of the Sarasota Arts Alliance (Formerly Sarasota Arts Council).

*Time Sisters Archaeological Association.*

Read papers in US, Europe and Asia in several International professional meetings in the area of Art History, History of Architecture, Archaeology and related subjects.



.....  
Dr. Alfonz Lengyel, RPA

# EXHIBIT F

## STAFF RESUME

**BUILDING and DEVELOPMENT SERVICES DEPARTMENT**  
**KATHLEEN L. THOMPSON, AICP**  
**Planning Manager**  
**Comprehensive Planning & Public Hearing Division**

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**EDUCATION:** UNIVERSITY OF SOUTH FLORIDA  
Tampa, Fl / Sarasota Campus  
Bachelor of Arts, College of Business Administration

**EXPERIENCE:** MANATEE COUNTY GOVERNMENT, BRADENTON, FL  
Building & Development Services Department

**Planning Manager**

10/97 – Present

Manager of the Comprehensive Planning Section; responsible for day to day operations of the Comprehensive Plan; research and prepare report on map and/or text amendment requests, prepare GIS maps and graphics, present proposals to Planning Commissioners and Board of County Commissioners; provide technical/analytical training/support to staff; staff contact for Historic Preservation, analyze and prepare report for Certificate of Appropriateness on historic structures/present to Historic Preservation Board; review and analyze current development proposals; review and coordinate annexation requests; write and interpret ordinances, review/interpret legislation for impact; complete employee performance evaluations (EPE); participate in interviewing of job candidates; public presentations to neighborhoods, PC, BOCC) and public outreach; assist in special studies; planning section representative for the Sarasota-Manatee Metropolitan Planning Organization Technical Advisory Committee (MPO – TAC); co-chair of Local Mitigation Strategy (LMS) program, participated in the writing of the Post Disaster Redevelopment Plan (PDRP); ESF-5 Planning Section representative during emergency activation.

**Concurrency Coordinator**

10/91 – 10/97

Responsible for day to day operations of the Concurrency Management System; monitor level of service activity to ensure compliance with the Comprehensive Plan and Land Development Code; assist public-at-large and staff with concurrency requirements: available capacity on roadway and public facilities, adopted/current level-of-service, traffic counts, and scheduled roadway improvements; working knowledge of Manatee County's transportation "CIP" and FDOT "TIP"; prepare concurrency analysis for comprehensive plan amendments addressing traffic circulation, mass transit, public facilities and recreational elements; attend pre-development meetings and review development projects to ensure compliance with concurrency, right-of-way needs and impact fee credit eligibility; issuance and record keeping of certificates of level of service; provide impact fee section with directional and technical support; participate in rapid response team for Economic Development Council.

**Impact Fee Analyst**

10/88 - 10/91

Responsible for day to day operations of the Impact Fee Program; ensure compliance with Land Development Code requirements and Administrative Procedures Manual; departmental coordination and implementation of the Impact Fee Credit Program; implementation of several safeguards to ensure proper collection of impact fees; recommendation and implementation of Impact Fee Ordinance modifications; review all commercial plans to ensure proper assessment of impact fees.

**AFFILIATIONS:**

American Planning Association (APA)/AICP designation

Florida Chapter APA

Florida Planning & Zoning Association (FPZA)

# EXHIBIT G

## EXISTING LAND DEVELOPMENT CODE (LDC) HISTORIC PRESERVATION SECTIONS

**B.1. Requirements of Ordinance - existing LDC Historic Preservation sections**

**e) Boundaries for historic districts and individual properties identified in the ordinance are clearly established**

**604.6**

**604.6. HA: Historical and Archaeological Overlay District.**

604.6.1. *Purpose and Intent.* Within districts now existing or hereafter created, it is intended to establish. The HA District is intended to:

1. Effect and accomplish the protection, enhancement, perpetuation and use of structures, landscape features, archaeological resources, areas, neighborhoods, and scenic vistas which represent distinctive elements of the County's historical, cultural, archaeological, aesthetic and architectural heritage;
2. Safeguard the County's historical, cultural and aesthetic zones;
3. Foster civic pride in accomplishments of the past;
4. Protect and enhance the aesthetic and environmental character, diversity, and interest of neighborhoods;
5. Stabilize and improve property values in neighborhoods and in the County as a whole;
6. Protect and enhance the County's attraction to residents, tourists, and visitors and thereby serve as a support and stimulus to the economy;
7. Promote the use of historic resources for the education, pleasure and welfare of the people of Manatee County;
8. Provide a means for determining historical and archaeological significance; and
9. Provide a means for the Historic Preservation Board to recommend appropriate changes to historic landmarks and historical and archaeological overlay districts and to encourage historical and archaeological preservation; and
10. Provide protections for historic landmarks and historical and archaeological overlay districts to ensure that Manatee County's heritage is preserved: and
11. Provide methods for designating historic landmarks and historical and archaeological districts.

604.6.2. *Purposes of Regulation Relating to HA Districts.* The purposes of regulations relating to HA Districts are to:

1. Prevent destruction of historic features and historic landmarks within HA Districts without due consideration for values represented therein or the possibility of preservation of such features for use in an economically productive way;
2. Assure that alterations to existing features and historic landmarks within HA Districts are compatible with the historic character of the HA District;
3. Assure that new structures, uses or landscape features within HA Districts or their visual environs will be compatible with the character of the HA District;

4.Promote the preservation of historic features and historic landmarks by providing for incentives such as, but not limited to, economically productive adaptive uses, transfer of development rights, floor area bonuses, and special regulations relating to parking, yards, and other elements of zoning authority.

604.6.3. *Effect of HA District Designation.* Such HA Districts and their designated transitional areas may either:

1.Supplant districts or portions of districts and the regulations applying therein at the time of creation of a particular HA District, or

2.Have the effect of modifying requirements, regulations, and procedures applying in existing districts or districts hereafter created, and remaining after HA Districts and their designated transitional areas are superimposed, to the extent indicated in the particular HA amendment.

604.6.4. *Historic Preservation Board.* The Historic Preservation Board as established under Section 306 of this Code shall carry out duties as assigned by this section.

604.6.5. *Procedures for Designation and Adoption of HA Districts.* All applications shall be reviewed individually as outlined in Section 306, on a case by case basis.

604.6.5.1. *Criteria for Designation of HA Districts.* To qualify as a historic site, historic district, or archaeological zone with an HA zoning classification, individual properties or groups of properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the county, state, or nation; must possess integrity of design, setting, materials, workmanship, feeling, and association; and shall meet one (1) or more of the following criteria:

Historical, Cultural Significance:

a.Is associated in a significant way with the life or activities of a major historic person important in the past; or

b.Is the site of a historic event with significant effect upon the community, county, state, or nation; or

c.Is associated in a significant way with a major historic event whether cultural, economic, military, social, or political; or

d.Exemplifies the historical, cultural, political, economic, or social trends of the community; or

e.Is associated in a significant way with a part or continuing institution which has contributed substantially to the life of the county, or Architectural Significance:

f.Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles;

g.Embodies those distinguishing characteristics of an architectural style, or period, or method of construction; or

h.Is an outstanding work of a prominent designer or builder; or

i.Contains elements of design, detail, materials, or craftsmanship of outstanding quality or which represent a significant innovation or adaptation to the Florida environment; or Aesthetic Significance:

j.By being part of or related to a subdivision, park, environmental feature, or other distinctive area, should be developed or preserved according to a plan based on a historic, cultural or architectural motif; or

k.Because of its prominence or spatial location, contrasts of siting, age, or scale, is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or the county; or

l.Has yielded, or may be likely to yield, information important in pre-history or history.

**604.6.6. *Procedures for Designation of HA Districts: Preparation of Recommendations for HA Rezoning.***

604.6.6.1. Properties which meet the criteria for historical and archaeological overlay districts set forth above shall be designated according to the following procedures:

1.Preservation proposals for designation of potential historic landmarks and historical and archaeological overlay districts shall be made to the Historic Preservation Board on forms provided by the Board. The Historic Preservation Board shall conduct a preliminary evaluation of the data provided in the proposal for conformance with criteria set forth above and may, if appropriate direct the Planning Department to prepare a preliminary designation report and resolution. The Historic Preservation Board shall require the party initiating such proposal to provide any necessary documentation, and to pay any applicable fees.

2.Preparation of historic landmark designation report. For every proposed designated historic landmark and historical and archaeological overlay districts a designation report shall be presented to the Historic Preservation Board at a regularly scheduled meeting.

3.The Historic Preservation Board upon approval, shall recommend Zoning Atlas Amendments to the Board for consideration subject to the requirements of Sections 306 and 504

**604.6.7. *Description of Historical and Archaeological Overland Districts.*** The location and boundaries of the Historical and Archaeological Overlay Districts shall be as shown on the Official Zoning Atlas. The following general descriptions are of areas in the Historical and Archaeological Overlay District that have specific provisions relating to them in the Manatee County Comprehensive Plan.

The Whitfield Estates Historical and Archaeological Overlay District includes lands generally located south of Bowlees Creek, in Township 35, Range 17 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

The Cortez Fishing Village Historical and Archaeological Overlay District includes lands generally located east of Anna Maria Sound, and north of Sarasota Bay in Township 33, Range 16 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

The Terra Ceia Historical and Archaeological Overlay District includes lands generally located southwest of U.S. 19 in Township 33, Range 17 and specifically delineated as an Historical and Archaeological Overlay District on the Official Zoning Atlas.

604.6.8. *Specific District Standards.* The following standards shall apply in each historic district. Only districts for which specific standards have been developed are addressed in this section.

604.6.8.1. *Cortez Fishing Village Historical and Archaeological Overlay District.* The Cortez Fishing Village is established to preserve and protect the cultural heritage of the Cortez area, to recognize the continued use of the area by commercial fishing families, to encourage the preservation and reuse of existing contributing historic structures and low density non-historic structures and to preserve the historical physical character of the Village. All development requests shall be reviewed for consistency with the Cortez Design Guidelines, as incorporated in Chapter 4 of the Code.

604.6.8.1.1. *New Construction.* All new and re- construction development in Cortez shall be subject to the following requirements:

604.6.8.1.1.1. Pervious parking surface shall be required for all new uses that require off-street parking as described in Section 710.1.3.2.4.

604.6.8.1.1.2. Sidewalks and curb and gutter will not be required along local streets within the boundaries of the overlay as described in Section 722.1.4.3.

604.6.8.1.1.3. Schools within the overlay district are not required to screen from adjacent residential properties as described in Section 704.6.5.

604.6.8.1.1.4. Should a maritime museum be developed within the overlay district, access shall be allowed via residential streets and parking aisles may be located within five (5) feet of property lines as described in Section 704.17.

604.6.8.1.1.5. Docks shall be allowed as accessory uses on all waterfront properties in the LM zoning district of the Cortez Fishing Village HA Overlay District.

604.6.8.1.2. *Special Regulations for Residential Properties.* Residentially zoned and residentially developed lots in the Cortez Fishing Village Historical and Archaeological Overlay District, hereinafter referred to as Cortez or the Cortez Fishing HA Overlay District, shall be subject to the following special regulations:

604.6.8.1.2.1. *Exemptions.* Certain exemptions on residentially zoned and residentially used lands are made for Cortez to recognize the unique development patterns of Cortez and to allow the continuance of commercial fishing practices that have been characteristic of the area for over 110 years.

604.6.8.1.2.1.1. Commercial fishing vessels may be parked in front and side yards of vessel owner's residential lot in conformance with the requirements of Section 703.2.14.

604.6.8.1.2.1.2. Storage of commercial fishing equipment in yards is allowed as provided in Section 703.2.21.

604.6.8.1.2.1.3. For the purposes of this Code, Cortez shall be treated as part of the Urban Core as described in Section 702.6.6 and those lots meeting the standards of this section shall have reduced side yard setbacks. Homes which would be considered

legally non-conforming due to side yard setbacks may be renovated and expanded at existing side yard setbacks provided that the renovation, expansion or addition meets the standards of Sections 1105.1. and Section 1106.1.

604.6.8.1.2.2. *Restrictions.* The following design standards shall apply to residentially zoned and residentially used lands to protect the existing neighborhood character within the Cortez Fishing Village Overlay District.

604.6.8.1.2.2.1. New and relocated homes constructed in Cortez are prohibited from using fill to elevate except in cases where the existing grade of the lot on which the structure is to be built is below the grade of adjacent lots. If the existing lot is below the grade of adjacent lots, the lot may be filled to the average height of adjacent lots. Concrete slabs on the ground level shall be discouraged and pervious surface encouraged for all parking and driveways.

604.6.8.1.2.2.2. New residential construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

604.6.8.1.3. *Special Regulations for Commercial Properties.* Commercial properties within the Overlay along Cortez Road shall be subject to the following limitations.

604.6.8.1.3.1. Design of new and redeveloped commercial properties in the Cortez Fishing Village HA Overlay shall be in conformance with the Cortez Design Guidelines Manual and shall include:

604.6.8.1.3.1.1. Properties shall be developed with no more than one aisle of parking between the building and the street. Parking shall be provided in the rear yard of commercial development that abuts Cortez Road.

604.6.8.1.3.1.2. The street facade of new commercial structures facing Cortez Road shall be broken up to look like a series of smaller structures, rather than one long unbroken facade. Added elements such as porches, and windows shall recall proportions found in other structures in Cortez.

604.6.8.1.3.1.3. Front entrances shall be of pedestrian friendly scale and be visible from Cortez Road.

604.6.8.1.3.1.4. New commercial construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation.

604.6.8.1.3.2. All commercial projects in Cortez shall meet the landscaping requirements found in Section 715.

604.6.8.1.4. *Special Regulations for Waterfront Properties.* For new development or redevelopment on the Cortez Waterfront each project shall consist of a mixture of uses and is subject to the following regulations:

604.6.8.1.4.1. Commercial fish houses are exempt from the twenty-five (25) feet waterfront yard setback as required in Section 702.6.8.

604.6.8.1.4.2. Development of the South Cortez waterfront, which includes all land contiguous to Sarasota Bay between 124th Street West

and the east side of 119th Street West shall be limited to water-dependent uses and the following additional uses: Commercial fish houses; boat building and repair; aeration/shellfish aquaculture; marine research and development; low intensity recreation; maritime museums; restaurants; bed and breakfasts in existing homes, and residential development. Watercraft based hotels, shall be prohibited.

604.6.8.1.4.3. Development of the West Cortez waterfront, which includes all land contiguous to Sarasota Bay between the Cortez Bridge and the east side of the end of 125th Street West shall be limited to water-dependent uses and the following additional uses: Commercial fish houses; boat building and repair; aeration/shellfish aquaculture; marine research and development; low intensity recreation; maritime museums; restaurants; residential development as allowed by the LM Future Land Use Category; RV Parks; small tourist cottages, compatible in size, intensity, and density to current development and set back from the water.

604.6.8.1.4.4. Marinas and other permitted uses within the Cortez Fishing Village HA Overlay shall be subject to other requirements of this Code and to the following limitations:

1. Marinas shall be limited in size to no more than twenty-five (25) wet slips.
2. Enclosed dry storage and elevated storage of multiple boats and watercraft shall not be allowed.
3. Hotels, motels and other tourist-oriented uses will not be allowed
4. Personal watercraft rentals, airboat rentals or other rentals or amusements that increase noise levels coming from the water will not be allowed.
5. Public address systems, unless required by law, shall not be permitted on the South Cortez waterfront.
6. Marinas shall participate in the Clean Marina Program.
7. No marina activity shall significantly increase traffic by more than ten (10) percent of a base line traffic county (established in 2005) on residential streets in Cortez but shall attract trips from the water, rather than from streets.
8. Hours of operation of the marina and accessory services of the marina shall be between sunrise and sunset unless otherwise approved, and shall respect the residential character of surrounding neighborhood,
9. Privacy fencing and landscaping that block views of the water (or that negatively impact the open space character of Cortez) shall be prohibited. All fencing shall be shown on Preliminary and Final Site Plans for approval.

10. New construction shall be limited in height to no more than twenty-four (24) feet over Flood Protection Elevation

**f) Authority for the Review Commission to review and render a decision on all proposed alterations, demolitions, relocations, and new construction within the boundaries designated by the ordinance or which directly affect designated properties** **514.3.2.1**

**514.3.2.1. General Criteria for Granting Certificates of Appropriateness.** In approving or denying applications for Certificates of Appropriateness for alterations, new construction, demolition or relocation, the Historic Preservation Board shall consider: (1) the effect of the proposed work on the Historical and Archaeological Overlay District or historic landmark upon which such work is to be done; (2) the relationship between such work and other structures in the landmark Historical and Archaeological Overlay District or on the historic landmark; (3) the extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic landmark or Historical and Archaeological Overlay District will be affected; (4) whether the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his property; and (5) whether the plans may be reasonably carried out by the applicant.

**h) Criteria for the review of proposals for alterations, new construction, relocations and demolitions clearly set forth in the ordinance (alterations shall achieve the purpose of the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings)** **514.3.2**

**514.3.2. Criteria for Review of Application.** Unless the application meets criteria for administrative approval as adopted by the Historic Preservation Board by resolution, the Historic Preservation Board shall review all applications for a Certificate of Appropriateness. All certificates for approval shall meet the criteria of the U.S. Secretary of the Interior for Historic Preservation, although the Historic Preservation Board may adopt additional standards for approval of projects in specific Historic Districts. The standards of Section 720 shall also apply to properties within the Historic Vista Protection Areas. All Certificates of Appropriateness must meet the applicable standards in Sections 514.3.2.1 through 514.3.2.5.

**i) Provisions for enforcing decisions** **514.3.4**

**514.3.4. Enforcement.** Any alterations, renovations, restorations, excavations, movement, demolition or erection of structures on properties regulated under this section without approval of a Certificate of Appropriateness shall constitute a violation subject to the provisions of Section 12 of this Code.

**j) Penalties for non-compliance** **1205, 1206.4**

**Section 1205. - General penalty; continuing violations; cessation of building and other land use permits.**

1205.1. In this section "violation of this Code" means:

- a. Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;
- b. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or
- c. Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

In this section "violation of this Code" does not include the failure of a County officer or County employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this Section.

1205.2. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding sixty (60) days, or by both such fine and imprisonment. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

a. The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise, the imposition of civil fines or other administrative actions.

b. Violations of this Code that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

c. The Board may order the County Administrator and applicable County employees to cease, and thereupon the County Administrator and applicable County employees shall cease, issuance of any Building Permits or renewals or extensions thereof, and all review of applications for, and issuance of, land use permits for any location in unincorporated Manatee County to any person, or anyone acting on behalf of, for the benefit of or in concert with such person, who, on or after February 7, 1992, has been found by the Code Enforcement Board or a court of competent jurisdiction to have two (2) or more violations of this Code pertaining to the use of land, or one (1) violation of this Code pertaining to the use of land which violation poses an imminent threat to the public health, safety and welfare, unless such building or land use permit is required in order to cure the violation. Issuance of permits may resume once the violation has been cured or the person has provided a letter of credit to the County in an amount that, in the judgment of the County Administrator, would be sufficient for the County to perform the work necessary to cure the violation in the event that the person fails to cure it.

d. In addition to the enforcement mechanisms set forth above, the Planning Director may revoke any administratively approved development order subject to the appeal provisions of Section 516

1206.4. *Historical and Archaeological Protection.* Any person who constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs or demolishes an historic landmark or any structure within an historical and archaeological overlay district without appropriate permits and certificate(s) of appropriateness from the Historic Preservation Board, shall be subject to the following additional penalties and remedies when found in violation:

1. They shall be required to restore the building, object, site, or structure to its appearance or setting prior to the unpermitted work or remove the offending structure, construction or work.

2. No permits to construct a new structure or improve said new structure shall be issued for said property or for the land upon which the unauthorized landmark demolition, alteration or other violation took place. In addition, the offender or any successor in title shall not be entitled to have issued to them by any County office any permit on subject property for a period of five (5) years from and after the date of such demolition, except for the restoration cited in Paragraph 1, preceding. The five (5) restrictions shall be recorded in the County Clerk's property records (under property owner's name and legal description) to run with the land. Notice of this recording shall be sent certified mail return receipt request to the property owner. The time frame may be reduced by the Board after considering whether the violation was an intentional violation of this Code, the extent to which restoration has occurred, and who caused the violation.

3. This shall not apply to a bona-fide accident, force majeure or act of God, as determined by the Historic Preservation Board.

#### **k) Specific time frames for reviews**

1203

Section 1203. - Notice of Violation.

1203.1. *Issuance.* The Director shall issue a written Notice of Violation upon receipt of a complaint or personal knowledge of a violation. The Notice of Violation may be served by certified mail, return receipt

requested, or pursuant to the Florida Rule of Civil Procedure and Florida Statute 162. The Notice of Violation shall allow a reasonable time to correct or abate such violation.

The Notice of Violation shall clearly identify the property and particular alleged Code violation involved, the action necessary to correct it, the time permitted for such correction, and possible penalties for failure to comply.

1203.2. The Director may shorten or eliminate the time period to correct a violation if he determines that the alleged violation presents a serious threat to the public health, safety, or welfare, or the violation is irreparable or irreversible. The notice of violation shall, in such case, state that a serious threat to public health, safety, or welfare exists or the violation is irreparable or irreversible, along with the allowed time period if any.

The notice of violation should clearly identify the opportunity for discussion with the Director and the time period for such discussion.

1203.3. *Compliance.* When the Director determines that the violation has been corrected or abated a Notice of Compliance shall be issued to the addressee of the original Notice, informing as such. The notice of compliance should also state that a repeat violation allows no abatement period, and they can be fined if a repeat violation occurs within five (5) years.

1203.4. *Noncompliance.* Where the Director determines that the violation has not been corrected or abated by the end of the prescribed time period, he shall issue a written citation, or forward the matter to the Code Enforcement Board, or forward the matter to the Special Master, or forward the matter to the State Attorney's Office, or take any other action allowed by law.

1203.5. *Diligent Efforts to Comply.* Where, after issuance of a Notice of Violation but prior to the commencement of any administrative or judicial proceedings, the Director determines that the person in violation is making a diligent effort to comply with the requirements of the Notice, the Director may issue a written stay of further enforcement actions pending full compliance. The stay shall list the diligent efforts to comply and should be provided to the violator. No enforcement action shall be stayed longer than six (6) months.

1203.6. *Repeat Violations.* Where any Notice of Violation is issued to any person for substantially the same violation for which a previous Notice of Violation has been issued to such person, no abatement period shall apply. The Director shall immediately cause the matter to be forwarded to the State Attorney, Code Enforcement Board or issue a citation, even if the violation has been corrected prior to the Code Enforcement Board hearing, and the notice shall so state

## I.) Right of appeal

**516**

### Section 516. - Appeals.

516.1. *Purpose and Applicability.* This Section is intended to provide for appeals from the decisions from any written order, requirement, decision, determination or interpretation made by an administrative official in the enforcement of these regulations. Except where expressly provided otherwise in this Code, the Board shall hear and decide appeals of decisions regarding all matters decided administratively pursuant to this Code.

516.2. *Filing of Application and Notice of Appeal.* An application and notice of appeal authorized under the provisions of this Section shall be filed with the Planning Director in accordance with the general requirements of Section 502 of this Code; provided however that the Planning Director shall not be required to consider an application filed more than thirty (30) days after the date of the decision to be appealed.

516.3. *Review.* Within forty-five (45) days after receipt of a complete application and notice of appeal, the Planning Director shall schedule a public hearing. Notice of the public hearing shall be given in accordance

with the requirements of Section 502. At least ten (10) days prior to the date of the hearing, the Planning Director shall forward a copy of the application to the Hearing Officer or Board together with a report and recommendation summarizing the facts of the case, any relevant documents and any comments received.

516.4. *Action by the Board or Hearing Officer.* The Board or Hearing Officer shall review the application and report and recommendation of the Planning Director and conduct a public hearing on the application in accordance with the requirements of Section 502. After the public hearing is held, the Board or the Hearing Officer shall issue a written decision and order granting the relief sought in the application, with or without conditions, or denying the appeal.

**m) Specific time frames for consideration of development proposals**

**502.4, 502.5**

502.4. *Determination of Completeness of Application.* When an application for development approval is submitted, the Planning Director shall make a threshold determination as to whether the application is complete and whether the application is in conformance with the land uses, density and intensity allowed by the future land use category. If the Planning Director determines that the application for development approval is not complete or not in conformance with the land uses, density and intensity allowed by the future land use category, he or she shall notify the applicant in writing that the application is incomplete and shall specify the additional information required in order for the application to be determined to be complete or the modification necessary for conformance. No further action shall be taken on the application unless and until the additional information is submitted and determined to be complete by the Planning Director. If the incompleteness has not been remedied within thirty (30) days of receipt of notice thereof, the application shall be automatically voided and the Planning Director shall return the application to the applicant.

When an application for development approval is determined to be complete, the Planning Director shall notify the applicant, and shall forward the application for review and processing by the County in accordance with this Land Development Code.

A determination of completeness shall not constitute a determination of compliance with the requirements of this Code or Comprehensive Plan.

**502.5. *Determination of Sufficiency of Application.***

502.5.1. *Application Distribution.* After an application is determined to be complete, and to be in conformance with the land uses, density and intensity that is allowed by the future land use category, the Planning Director shall forward copies of the application to appropriate agencies and designated County departments for sufficiency review. For purposes of this Section, "sufficiency" shall constitute an analysis of whether a proposed application:

- a. Meets the stated objective requirements of the Comprehensive Plan, this Code and the County's rules and regulations (taking into consideration any requests for specific approval pursuant to Section 603.3); and
- b. Includes the necessary analysis and information to enable the decision-making body or official to make the necessary determinations under the Comprehensive Plan and this Code.

During the course of sufficiency review, the reviewing agencies and departments, including the Planning Department, may also include comments and recommendations regarding evaluative and case-specific factors for consideration under this Code and the Comprehensive Plan, but shall not treat such comments or recommendations as insufficiencies for purposes of this Section.

The Planning Director may establish standardized forms for sufficiency review and comment which shall be used by reviewing departments and agencies. Sufficiency review shall be

completed in a manner that permits the County to render a decision on an application within any timeframes imposed pursuant to applicable law.

**502.5.2. *Determination of Sufficient Application.*** The reviewing agencies and department representatives shall determine if the application is sufficient, and shall notify the Planning Director of any insufficiencies or additional information that is required to be submitted. The Planning Director shall, in turn, compile such comments and forward them to the applicant in writing.

**502.5.3. *Remedy of Insufficiencies.*** If the applicant fails to respond to the specified insufficiencies within one hundred eighty (180) days of the date of the written comments, the application shall be deemed withdrawn. If the applicant responds, but the applicant, Planning Director and County departments or agencies, after the receipt and review of all requested information, are unable to resolve the insufficiencies, the applicant may elect to proceed forward, subject to the requirements of Section 502.5.6., below.

**502.5.4. *Additional Information.*** If an applicant submits additional or revised data or information at any time after a determination of sufficiency has been made, or if previously submitted data or information is determined by the County to be unreliable because of passage of time or changed circumstances, the revised application will be subject to the same sufficiency review as the initial application.

**502.5.5. *Staff Analysis.*** After an application is determined sufficient, the Planning Department shall collect the comments and analysis of the other departments and agencies and shall prepare a written analysis of the issues raised by the application.

**502.5.6. *Action by the Planning Director.*** Upon receipt of sufficiency determinations from reviewing agencies and department representatives, or election to proceed from the applicant notwithstanding insufficiencies, the Planning Director shall (a) in the case of administrative decisions, take administrative action required by this Code or (b) in the case of legislative or quasi-judicial decisions, prepare a report and recommendation to the appropriate decision-making or recommending body.

**502.5.6.1. *Scheduling for Consideration.*** As required, the Planning Director shall schedule a hearing for an appropriate date. No application shall be scheduled for consideration by a Hearing Officer, the Planning Commission or Board until either (a) all specified insufficiencies have been resolved, or (b) the applicant has elected in writing to proceed notwithstanding the unresolved insufficiencies. Specified insufficiencies may be resolved by the written consent of the applicant, provided to the Planning Director in advance of scheduling for consideration by a Hearing Officer, the Planning Commission or Board, to conditions or stipulations that, in the view of the Planning Director and each affected agency or department representative, correct such insufficiencies.

**502.5.6.2. *Approval, Recommendation of Approval.*** The Planning Director shall not approve any application subject to administrative approval, or recommend approval of any application subject to approval by a Hearing Officer or the Board, unless the Planning Director has (a) received a positive determination of sufficiency from all reviewing agencies and department representatives, or (b) has received the written consent of the applicant, to conditions or stipulations that, in the view of the Planning Director and each affected agency or department representative, correct such insufficiencies.

**502.5.7. *Authority to Enter.*** The submission of an application for development approval shall confirm or authorize the right of reasonable entry to a premises, lot or parcel associated with

the development approval request. This right of entry shall extend to all County employees, members of various boards, appropriate reviewing agencies, and any other agencies, or any designee of the above, along with their motor vehicles, which are responsible for the review of development approval requests and inspections of those approvals.

502.5.8. *Administrative Procedures.* Pursuant to Section 105, the County Administrator shall establish administrative procedures for sufficiency review of applications, which shall include, but shall not be limited to, assignments of review of various types of applications, and various issues, to

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## **NOTICE OF LAND DEVELOPMENT CODE CHANGES IN UNINCORPORATED MANATEE COUNTY**

The Manatee County Planning Commission will hold a public hearing to consider amendments to certain provisions of the Manatee County Land Development Code (Ordinance 90-01, as amended) and make a recommendation to the Board of County Commissioners as to the consistency of the proposed Ordinances with the Comprehensive Plan and as to whether the proposed ordinance should be adopted, adopted with modifications, or denied.

Date: Thursday, August 15, 2013  
Time: 9:00 AM or soon thereafter  
Place: Manatee County Government Administrative Center  
1112 Manatee Avenue West,  
1st Floor Chambers

### **ORDINANCE 13-26 – HISTORIC PRESERVATION BOARD – CERTIFIED LOCAL GOVERNMENT**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING HISTORIC PRESERVATION; AMENDING SECTION 306 OF THE MANATEE COUNTY LAND DEVELOPMENT CODE TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE MANATEE COUNTY HISTORIC PRESERVATION BOARD; AMENDING CHAPTER 5 OF THE LAND DEVELOPMENT CODE TO ESTABLISH SECTION 522 TO PROVIDE FOR HISTORIC LANDMARK DESIGNATION AND TO AMEND SECTION 514.3.2.4.1 TO PROVIDE A TIMEFRAME FOR DECISION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

The public is invited to speak at this hearing, subject to proper rules of conduct. The hearing may be continued from time to time to a date and time certain. The public may also provide written comments for the Planning Commission to consider.

Interested parties may examine the proposed Ordinances and related documents and may obtain assistance regarding these matters from the Manatee County Building and Development Services Department, 1112 Manatee Avenue West, 2<sup>ND</sup> Floor, Bradenton, Florida; telephone number (941) 748-4501 EXT. 6878; e-mail to: [planning.agenda@mymanatee.org](mailto:planning.agenda@mymanatee.org)

Rules of procedure for this public hearing are in effect pursuant to Resolution 05-239(PC). A copy of this Resolution is available for review or purchase from the Building and Development Services Department (see address below).

Please send comments to:  
Manatee County Building and Development  
Services Department  
Attn: Project Coordinator  
1112 Manatee Ave. West 2<sup>ND</sup> Floor  
Bradenton, FL 34205

All written comments will be entered into the record.

For More Information: Copies of the proposed amendment will be available for review and copying at cost approximately ten (10) days prior to the public hearing. Information may also be obtained by calling 748-4501 x 6878, between 8:00 AM - 5:00 PM.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, FAX 745-3790.

According to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made with respect to any matters considered at such meetings or hearings, he/she will need a record of the proceedings, and for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

**SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.**

**MANATEE COUNTY PLANNING COMMISSION**

Manatee County Building and Development Services Department  
Manatee County, Florida

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