

B.O.C.C. 10/03/13

ORDINANCE 13-26

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.

P.C.: 08/15/13

B.O.C.C.: 09/05/13, 10/03/13

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, I move to ADOPT Manatee County Ordinance 13-26, amending the Manatee County Land Development Code, (Ordinance 90-01, as amended), as recommended by the Planning Commission.

PLANNING COMMISSION ACTION:

On August 15, 2013, by a vote of 7 – 0, the Planning Commission recommended approval.

BOARD OF COUNTY COMMISSIONERS ACTION:

On September 5, 2013, the Board of County Commissioners had the first of two required public hearings. No action was necessary at that hearing.

PUBLIC COMMENT AND CORRESPONDENCE:

The following people spoke at the August 15, 2013 Planning Commission public hearing:

Andy Reasoner, on behalf of Reasoner Family Partnership (owner of Egbert Reasoner historic home on S.R. 70), is not opposed to CLG certification, but questioned whether the designation will affect the County's ability to obtain grants for historic preservation on government-owned historic resources. The proposed amendment to Section 514.3.2.4.1 grants the HPB the authority to delay the issuance of a demolition permit for a period of one year on a historically – protected property, but does not clearly state that every effort is made to preserve or relocate a structure.

Cathy Clusser, Historical Resources Director for the Clerk of Courts spoke in favor of the Amendment.

The following people spoke at the September 5, 2013 Board of County Commissioners public hearing:

Cathy Slusser, Historical Resources Director, Clerk of Circuit Court, spoke in favor of the Amendment.

Jeff Moates, Florida Public Archaeology Network spoke of matching grant funds.

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.~~20~~²⁰²⁴. 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.