

LDCT-16-01/ORDINANCE 16-02

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING LAND DEVELOPMENT; AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 3, REVIEW AUTHORITY AND PROCEDURES; PART 1, REVIEW AUTHORITY; SECTION 302, HEARING OFFICERS; AND SECTION 303, HISTORIC PRESERVATION BOARD; SECTION 303.2, DUTIES AND POWERS TO GRANT AUTHORITY TO THE HISTORIC PRESERVATION BOARD TO HEAR REQUESTS FOR VARIANCES WITHIN SPECIFIED HISTORICALLY DESIGNATED AREAS; THE ABOVE DESCRIBED VARIANCES ARE LIMITED TO FLOODPLAIN ELEVATION OF STRUCTURES; AMENDING SECTION 303.3, MEMBERSHIP AND MEETINGS REGARDING THE PROCEDURAL REGULATIONS FOR THE MEETINGS OF THE HISTORIC PRESERVATION BOARD; PART VII, OTHER APPLICATIONS; SECTION 347, CERTIFICATE OF APPROPRIATENESS; SECTION 347.1, CERTIFICATE OF APPROPRIATENESS REQUIRED, REGARDING HISTORIC LANDMARKS; SECTION 347.3, REVIEW PROCEDURES FOR PREAPPLICATION MEETINGS, SETTING FORTH PROCEDURES FOR ADMINISTRATIVE REVIEW OF CERTIFICATES OF APPROPRIATENESS; AMENDING THE STANDARDS OF REVIEW OF THE CERTIFICATES OF APPROPRIATENESS BY THE HISTORIC PRESERVATION BOARD; PROVIDING GUIDELINES FOR ALTERATIONS TO HISTORIC STRUCTURES; PROVIDING GUIDELINES FOR NEW CONSTRUCTION FOR HISTORIC STRUCTURES; PROVIDING FOR GUIDELINES FOR THE RELOCATION OF HISTORIC STRUCTURES ALL AS SPECIFIED IN SECTION 347.3; CREATING A NEW SECTION 347.4, TYPE OF REVIEW, TO PROVIDE PROCEDURAL REGULATIONS FOR CERTIFICATES OF APPROPRIATENESS; CREATING A NEW SECTION 347.5, ESTABLISHING ADMINISTRATIVE REVIEW; AND AMENDING TABLE 3-1 DEVELOPMENT ORDER REVIEW AUTHORITIES; AMENDING PART II, DEVELOPMENT REVIEW PROCEDURES; SECTION 312, PROCEDURES OF GENERAL APPLICABILITY; SECTION 312.1, LEVEL OF REVIEW REQUIRED; TABLE 3-1, DEVELOPMENT ORDER REVIEW AUTHORITIES REGARDING CERTIFICATE OF APPROPRIATENESS; AMENDING CHAPTER 7, ENVIRONMENTAL AND CULTURAL RESOURCE PROTECTION; PART III, HISTORIC CULTURAL AND ARCHAEOLOGICAL RESOURCES; SECTION 710, HISTORIC LANDMARK DESIGNATION, TO PROVIDE CLARIFICATION FOR HISTORIC LANDMARK DESIGNATIONS; AMENDING CHAPTER 8, ENGINEERING DESIGN AND UTILITIES; SECTION 802, FLOODPLAIN MANAGEMENT; SECTION 802.8, FLOODPLAIN VARIANCES FOR REFLECT THE AUTHORITY OF THE HISTORIC PRESERVATION BOARD TO GRANT VARIANCES FROM FLOODPLAIN REQUIREMENTS FOR HISTORIC STRUCTURES; PROVIDING FOR OTHER AMENDMENTS AS MAY BE NECESSARY FOR INTERNAL CONSISTENCY; SETTING FORTH FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

P.C.: 7/14/16

B.O.C.C.: 8/4/2016, 9/1/2016 (Cancelled–Hurricane Hermine)
9/19/2016

RECOMMENDED MOTION:

Based upon the staff report, evidence presented, comments made at the Public Hearing, the action of the Planning Commission, and finding the request to be CONSISTENT with the Manatee County Comprehensive Plan and the requirements for text amendments in Section 341.2 in the Land Development Code, I move to ADOPT of Manatee County Ordinance 16-02, amending the Manatee County Land Development Code, (Ordinance 15-17, as amended), as recommended by the Planning Commission.

PLANNING COMMISSION ACTION:

On July 14, 2016, by a vote of 7 – 0, the Planning Commission recommended approval.

BOARD OF COUNTY COMMISSIONERS ACTION:

No action was necessary at the August 4, 2016 public hearing. This was the first of the two required public hearings.

The September 1, 2016 Board of County Commissioners public hearing was cancelled due to Hurricane Hermine. The item was re-advertised for the September 19, 2016 Board of County Commissioners public hearing.

PUBLIC COMMENT AND CORRESPONDENCE:

There was no public comment and nothing was entered into the record at the July 14, 2016 Planning Commission and August 4, 2016 Board of County Commissioners public hearings.

Background/Discussion:

Manatee County became a Certified Local Government (CLG) on October 27, 2014.

“Preservation through Partnership” is the goal of the Certified Local Government Program. Local, state and national governments work together to help communities save and preserve important historical and archeological resources. Certified Local Government status demonstrates the County’s commitment to saving what is important from the past for future generations.

Since becoming a Certified Local Government (CLG), the Historic Preservation Board (HPB) is authorized to decide requests for any variance regarding proposed floodplain elevation of structures within the Historical and Archeological Overlay Districts, within an historic landmark, property listed on the National Register of Historic Places and/or within an historic vista protection area. (Section 302.1 Hearing Officer Duties, Section 303.2 Historic Preservation Board Duties and Section 802.9 Floodplain Variances). However, several other references in the Land Development Code (LDC) did not get amended. This amendment will correct that oversight.

To ensure local historic landmarks are properly designated, several sections in Chapter 7 of the Land Development Code need to be amended. Current language under Section 710 Historic Landmark Designation reads....”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**”. A historic landmark designation is not required to be listed in the National Register of Historic Places nor is it likely a locally designated historic landmark would be eligible for listing in the National Register. Staff is requesting the reference to listing in the National Register of Historic Places be deleted where appropriate.

As a Certified Local Government, a minimum of four (4) meetings a year are required. Current LDC language requires one meeting every three months. This schedule is not always conducive when an applicant needs HPB approval for a project. Staff is recommending the language be revised to read “four meetings annually”. This will meet CLG requirements and allow for flexibility in the meeting schedule.

The Land Development Code currently requires an Historic Preservation Board meeting notice, as well as the agenda, be advertised in a local newspaper 30 days prior to the meeting. The State requires the 30 day notice of a scheduled meeting and that notice is provided through email. The actual advertisement requirement is the same as other publicly advertised hearings – ten days prior to the date of the public hearing. Staff is recommending the language be amended to follow current advertising procedures.

The LDC does not appear to require a Certificate of Appropriateness (COA) for properties listed on the National Register of Historic Places (NRHP). To achieve listing in the NRHP, the property must have historic significance. As a Certified Local Government, it is important to review any proposed alterations, renovations, restorations or demolition of such properties. Staff is recommending NRHP properties – listed after January 1st, 2017 - require a COA to provide some level of review and protection for those sites.

The Land Development Code was amended and restated in June 2015 so there are new section numbers related to the Historic Preservation Program. Several historic preservation sections were omitted from the reinstated Land Development Code. This amendment will incorporate the missing sections. Also included in this amendment is Type of Review which lists what improvements can be approved administratively or require approval by the Historic Preservation Board.

The recommended text amendment is consistent with the Comprehensive Plan as follows:

Future Land Use Element

Objective 2.2.2 established a number of overlay districts. Policies 2.2.2.6 through 2.2.6.4 established the Historic Resources Overlay District as priority areas for the protection of significant historical and archaeological areas. Specific protection polices historical and archaeological resources are located on the Historic Element.

Historic Element

Goal 7.1, Objective 7.1.1 and the associated policies established protection of historical resources and preservation of Cultural, Architectural and Archaeological History.

Staff recommends approval

Attachments:

Amendment to Chapter 3 – Exhibit “A”

Amendment to Chapter 7 – Exhibit “B”

Amendment to Chapter 8 – Exhibit “C”

Comp Plan Consistency

Newspaper Advertising

Ordinance 16-02

EXHIBIT “A”
AMENDMENTS TO THE LAND DEVELOPMENT CODE
(strike-through language deleted; underlined language added)

Section 302 Hearing Officers.

302.1 Duties.

Each Hearing Officer shall have the following duties related to land development:

- A. To conduct public hearings regarding applications for special permits and appeals from determinations on certificates of Level of Service;
- B. To decide applications for Special Permits;
- C. To make recommended findings of fact and conclusions of law, in accordance with relevant standards and criteria set forth in this Code;
- D. To decide appeals from determinations regarding certificates of Level of Service;
- E. To decide requests for variances, except floodplain variances in Historical and Archaeological Overlay Districts, historic landmarks, property listed with the National Register of Historic Places (listed after 01-01-17) and/or within the historic vista protection zone.

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303.2 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:

- A. 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, architectural, or cultural 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.
- S. Review and approve any variance regarding floodplain elevation of structures within the Cortez Fishing Village a Historical and Archaeological Overlay District, a historic landmark area, property listed on the National Register of Historic Places (listed after 01-01-17) and/or a historic vista protection area.

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303.3 Membership and Meetings.

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- L. **Regular Meetings.** Regular meetings of the Historic Preservation Board shall be held as necessary, with at least four (4) meetings annually ~~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, the Historic Preservation Board may continue the meeting to a special meeting or reschedule the matter to the next Historic Preservation Board meeting. The Building and Development Services-Department shall notify all Historic Preservation Board members of the date of any 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 no less than ten (10) days prior to the date of the public hearing. ~~at least thirty (30) calendar days before the meeting. Meeting agendas shall include information required by the rules of procedure.~~

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Section 347 Certificate of Appropriateness.

347.1 Certificate of Appropriateness Required.

No person may remove, relocate, alter, restore, renovate, demolish, destroy, excavate or build on a historic landmark, property listed with the National Register of Historic Places (listed after 01-01-17), in a historical and archaeological overlay district or in a historic vista protection area without first obtaining a certificate of appropriateness. The following are the specific activities requiring a certificate of appropriateness in each designated district.

347.3 Review Procedures.

- ~~A. **Pre-Application Meeting.** The applicant shall schedule a pre-application meeting in accordance with this Chapter. The pre-application meeting shall be optional for Certificates of Appropriateness requiring administrative approval.~~
- B. **A. Application Submittal.** A person desiring a certificate of appropriateness shall submit a written application to the Department Director.

- ~~C.~~ **B. Department Director Review.** Upon receipt of the complete certificate of appropriateness application, the Department Director shall review and act on the application in accordance with subsection 347.3 Section 312 if the request qualifies for administrative review based on the Overlay District, property listed with the National Register of Historic Places (listed after 01-01-17) and/or within a historic vista protection area and the type of work requested as set forth in subsection 347.2.
- ~~D.~~ **C. Historic Preservation Board Review.** Applications that do not qualify for administrative approval shall be forwarded to the Historic Preservation Board for review and approval subject to the provisions of Section 312.8.
- ~~E.~~ **D. Criteria for Board Review.** In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the Historic Preservation Board shall consider:
1. the relationship between such work and other structures in the landmark Historical and Archaeological Overlay District, property listed with the National Register of Historic Places (listed after 01-01-17), in a historic vista protection area or on the historic landmark;
 2. ~~the extent to which the historic, architectural, or archaeological significance of the historical and archaeological overlay district will be affected;~~ the effect of the proposed work on the Historical and Archaeological Overlay District, property listed on the National Register of Historic Places (listed after 01-01-17), in a historic vista protection area or historic landmark upon which such work is to be done
 3. the extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, materials and color of the historic or archaeological landmark 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.

E. Additional Guidelines for Alterations

- a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- d. Most properties change over time; those changes which have acquired historic significance in their own right shall be retained and preserved.
- e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
- f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment will be unimpaired.

F. Additional Guidelines for New Construction. In approving or denying applications for Certificate of Appropriateness for new construction, the Historic Preservation Board shall also use the following additional guidelines:

- a. The height of the proposed building or structure shall be visually compatible with adjacent buildings and structures.
- b. The relationship of the width of the building to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.
- c. The relationship of the width of the windows to the height of the windows in a building shall be visually compatible with buildings and places to which the building is visually related.
- d. The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings and places to which it is visually related.

- e. The relationship of the building or structure to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related.
- f. The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible to the buildings and places to which it is visually related.
- g. The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related.
- h. The roof shape of a building shall be visually compatible with the buildings to which it is visually related.
- i. Appurtenances of a building such as walls, wrought iron, fences, evergreen, landscape masses, building facades, shall, if necessary, form cohesive walls of enclosures along a street, to ensure visual compatibility of the building to the buildings and places to which it is visually related.
- j. The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related.
- k. A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

G. Additional Requirements for Demolitions. No Certificate of Appropriateness for demolitions shall be issued by the Historic Preservation Board until one (1) or more of the following criteria have been met:

- a. The applicant has demonstrated that no other feasible alternative to demolition can be found.
- b. The portion of the structure being demolished has no historic value.
- c. The applicant has demonstrated a substantial economic hardship in that the property in the historic district cannot be put to reasonable beneficial use without the approval of the demolition application.
- d. In the case of an income-producing building, the applicant must demonstrate that he cannot obtain a reasonable return of economic investment from his existing structure.
- e. The Historic Preservation Board has determined that the property no longer contributes to a historic district or no longer has significance as a historical and archaeological landmark. The Historic Preservation Board must also determine that the applicant did not cause or allow a change in the historic character of the structure by alterations, improvements or neglect. Demolition by neglect is a violation of this section.
- f. The Historic Preservation Board may approve, deny or continue a decision for a period not to exceed one (1) year on an application for a 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.

H. Additional Guidelines for Relocation. When an applicant seeks to obtain a Certificate of Appropriateness for the relocation of an historic landmark, property listed on the National Register of Historic Places (listed after 01-01-17), a structure in the Historical and Archaeological Overlay District or in a historic vista protection area or wishes to relocate a building or structure to an historic landmark, to a property listed on the National Register of Historic Places or to a historic vista protection area or to a property in the Historical and Archaeological Overlay District, the Historic Preservation Board shall also consider the following: (1) the contribution the building or structure makes to its present setting; (2) whether there are definite plans for the site to be vacated; (3) whether the building or structure can be moved without significant damage to its physical integrity; and (4) the compatibility of the building or structure to its proposed site and adjacent properties.

- a. Upon receipt of the complete Certificate of Appropriateness application, the Planning Director shall forward it to the Historic Preservation Board, who will, within a reasonable period of time, meet to review and approve the application.
- b. The Historic Preservation Board may adopt procedures consistent with the criteria set forth in Section 347.3 which would allow review by the Planning Department without further review by the Historic Preservation Board for certain Certificates of Appropriateness so designated by the Historic Preservation Board.

I. Fees. The application shall be accompanied by a Certificate of Appropriateness fee in an amount to be prescribed by the Board.

J. 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 of this Code and be subject to the provisions of Section 106 of this Code.

K. The Historic Preservation Board shall approve, deny, or approve with conditions Certificates of Appropriateness.

347.4 Type of Review.

The determination regarding review of an application for a certificate of appropriateness by the Department Director (DD) or the Historic Preservation Board (HPB) shall be based on the Overlay District, the Historic Landmark, the property listed on the National Register of Historic Places (listed after 01-01-17) and/or the historic vista protection area the where the property or structure is located and the type of work requested in the application as follows:

Type of Work Requested Review/Approval Entity
All Historical and Archeological Overlay Districts, Historic Landmark, historic vista protection area and/or Listed with the National Register of Historic Places (listed after 01-01-17)

<u>Addition</u>		
<u>Ten percent (10%) or less of existing building square footage and consistent with existing building facade</u>	<u>DD</u>	
<u>All Others</u>		<u>HPB</u>
<u>Carport (addition or enclosure)</u>		<u>HPB</u>
<u>Deck, patio or pergola</u>		
<u>With structure</u>		<u>HPB</u>
<u>Without structure</u>	<u>DD</u>	
<u>Demolition</u>		<u>HPB</u>
<u>Door or garage door</u>		
<u>Same material, style and size</u>		<u>DD</u>
<u>Change in material (consistent with existing building</u>	<u>DD</u>	
<u>Change in opening</u>		<u>HPB</u>
<u>Exterior wall finish</u>		
<u>Removal of non-historic finish</u>	<u>DD</u>	
<u>All other finishes</u>	<u>HPB</u>	
<u>Relocation</u>		<u>HPB</u>
<u>Roof</u>		
<u>Same material</u>		<u>DD</u>
<u>Change in material</u>		<u>HPB</u>
<u>Shed</u>		<u>DD</u>
<u>Window</u>		
<u>Same material, style and size</u>		<u>DD</u>
<u>Change in material or style (consistent with existing building)</u>	<u>DD</u>	
<u>All others</u>		<u>HPB</u>
<u>Cortez</u>		
<u>Excavation</u>		<u>HPB</u>
<u>New construction (on vacant lot)</u>	<u>HPB</u>	
<u>Roof</u>		
<u>Repair or change in material (consistent with the Cortez Village Design Guidelines)</u>	<u>DD</u>	
<u>Terra Ceia</u>		
<u>Dock (greater than 200 square feet)</u>	<u>DD</u>	
<u>New construction (on vacant lot)</u>	<u>N/A</u>	
<u>Whitfield</u>		
<u>New construction (on vacant lot)</u>	<u>N/A</u>	

347.5 Administrative Review.

- A. No public hearing shall be required on any application for a certificate of appropriateness reviewed by the Department Director.
- B. Administrative approval based on compliance with Section 347 as listed above.
- C. Copies of the written decision of the Department Director regarding a certificate of appropriateness that qualifies for administrative review shall be provided by first-class mail to the owner of the property and structure.
- D. Any decision of the Department Director regarding a certificate of appropriateness that qualifies for administrative review may be reviewed by a court of competent jurisdiction upon petition by an aggrieved party in accordance with applicable law.

Section 312, Section 312.1

Table 3 - 1: Development Order Review Authorities

EXHIBIT “B”
AMENDMENTS TO THE LAND DEVELOPMENT CODE
(strike-through language deleted; underlined language added)

Section 710. Historic Landmark Designation.

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.

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.

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~~:

- A. The site, structure, object or district is listed in the National Register of Historic Places.
- B. 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.
- C. The site, structure, object or district is associated with the lives of persons significant in local, regional, state, or national history.
- D. 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.
- E. The site, structure, object or district has yielded or is likely to yield important archeological information related to history or prehistory.
- F. 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.
- G. The site is a cemetery which derives its primary significance from age, distinctive design features, or association with historic events or cultural patterns.

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.

- a. **Applicant.** An application for historic landmark designation ~~and listing in the National Register of Historic Places~~ shall be filed by the property owner.
- b. **Application.** The applicant shall complete an application form and submit the form and documentation to the Department Director. 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 Department Director shall determine when an application is complete and may request additional information if the application is determined to be incomplete.
 - i. 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 710.3, 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 ~~or 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.
- ii. 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.

c. **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 Section 312.7 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 one thousand (1,000) feet of the proposed site, structure, object or district in compliance with the requirements of Section 312.7.B 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 Section 312.7.D of this Code. The applicant shall pay all costs for publishing, mailing and posting the notices required by this paragraph.

d. **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 Department Director determines that such application is complete, provided that notices have been published, mailed and posted as required by Section 710.4.C above. The Department Director 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 section 303.3 of this Code. In addition, the requirements of Section 342.4.C 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~~.

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 section 342.4.C 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 Department Director shall notify each applicant, property owner, person representing any property owner and person who received notice as required by Section 710.4.C above of the Board's decision relating to the property in writing no later than thirty (30) days after the Board meeting.

6. **Permits.**

The Department Director 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 Department Director 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 347 of this Code.

7. **Implementation.**

If the Board approves the recommendation of the Historic Preservation Board relating to the site, structure, object or district, the

Department Director shall take appropriate action to implement the historic landmark designation ~~and listing in the National Register of Historic Places.~~

- A. The Department Director 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.
- B. The Department Director 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 Special 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.
- C. The Department Director 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 347 of this Code.
- D. The Department Director shall list any site, structure, object or district approved with a historic landmark designation ~~in the National Register of Historic Places~~ with the Florida Master Site File (FMSF) and State Historic Preservation Officer (SHPO).
- E. The Department Director shall update the complete listing of the Historic Landmark Designations ~~National Register of Historic Places~~ for ~~the~~ Manatee County Comprehensive Plan, as amended.

EXHIBIT “C”
AMENDMENTS TO THE LAND DEVELOPMENT CODE
(strike-through language deleted; underlined language added)

Section 802.8 Floodplain Variances.

* * *

- E. Historic Preservation Board Review.** Renovations of or ~~Appropriate~~ additions to existing historic structures within a Historical and Archeological ~~the Cortez Fishing Village HA~~ Overlay District, a historic landmark, property listed with the National Register of Historic Places (listed after 01-01-17) or a historic vista protection area, excluding signs, which require a floodplain variance pursuant to this section shall be reviewed and approved by the Manatee County Historic Preservation Board in lieu of the Hearing Officer.
1. The proposed work must first be granted a Certificate of Appropriateness by the Manatee County Historic Preservation Board in accordance with the requirements of Section 347 of this Code prior to or concurrent with the floodplain variance.
 2. The proposed lowest habitable floor of the renovation or /addition must be equal to or higher than the elevation of the existing historical structure without the use of fill.

COMPREHENSIVE PLAN CONSISTENCY GOALS/OBJECTIVES/POLICIES

FUTURE LAND USE ELEMENT

GOAL: 2.2 A Pattern of Future Land Uses Providing Adequate Recognition of Existing Development And Providing Adequate Guidance to All Parties For The Potential Location, General Types, And General Range of Densities And Intensities Which May Be Considered For New Development or Redevelopment.

Policy: 2.2.2.6 **HR:** Establish the Historic Resources Overlay District as follows:

Policy: 2.2.2.6.1 Definition: The historic sites and neighborhoods established by Manatee County as priority areas for the protection of historic resources.

Policy: 2.2.2.6.2 Purpose:

- a) To recognize the approximate geographic boundaries of significant historical and archaeological areas and sites.
- b) Specific protection mechanism for historical and archaeological resources are located on this Historic and Cultural Element of this Comprehensive Plan.

Policy: 2.2.2.6.3 Applicable Goals, Objectives, and Policies: Goals, objectives, and policies pertaining to the HR Overlay District are contained in the Historical and Cultural Element of this Comprehensive Plan. Compliance with all goals, objectives, and policies, and development regulations is required for all activity within the HR Overlay.

Policy: 2.2.2.6.4 Effect of Mapping:

- a) The areas designated under the HR Overlay District on the Future Land Use Map shall also be subject to all goals, objectives, and policies for any future land use category overlaid by the HR District.
- b) Recognize existing and new significant historic districts or sites as designated by Manatee County.
- c) See also goals, objectives and policies contained in the Historical and Cultural Element.

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- a) To recognize the approximate geographic boundaries of significant historical and archaeological areas and sites.
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- a) The areas designated under the HR Overlay District on the Future Land Use Map shall also be subject to all goals, objectives, and policies for any future land use category overlaid by the HR District.
- b) Recognize existing and new significant historic districts or sites as designated by Manatee County.
- c) See also goals, objectives and policies contained in the Historical and Cultural Element.

HISTORIC ELEMENT

GOAL: 7.1 Protect Historical Resources to Preserve the Cultural, Architectural, and Archaeological History of Manatee County, Florida, and the Nation, to Provide Opportunities for Education, for Aesthetic Value, and for Passive Enjoyment of These Resources.

Objective: 7.1.1 **Historically Significant Neighborhoods:** Identify, preserve, and protect historically significant neighborhoods to:

- preserve the special character of existing residential uses;
- promote preservation of local neighborhood heritage;

- provide historical continuity for future residents and visitors;
- protect or improve property values; and
- promote pride in significant local neighborhoods.

Policy: 7.1.1.1 Identify and preserve all historically significant neighborhoods not already protected by State and Federal programs.

Implementation Mechanism:

- a) Planning Department will cooperate with state, regional, and local agency programs to locate historically significant neighborhoods.

Policy: 7.1.1.2 Continue to protect local, state, and nationally designated historically significant neighborhoods by identifying them with the appropriate historical overlay on the Future Land Use Map and the Official Zoning Atlas and afford the historic structures and other land use elements in these historic neighborhoods special protection. (See also Policy 2.2.2.6)

Implementation Mechanism:

- a) Coordination between the Manatee County Planning Department, the Florida Department of State, Division of Historical Resources, the Historical Resources Division of the County Clerk's Office, and the Manatee County Historic Preservation Board to recommend neighborhoods for protection and to develop specific protection mechanisms for each unique historic neighborhood.

Policy: 7.1.1.3 Review all requests for additions, alterations, rehabilitation, and demolition of historically significant housing within historic neighborhoods to ensure that such development is consistent with the continued historic viability of the structure and the neighborhood.

Implementation Mechanism:

- a) Planning and Building Departments review of all applications for development in historic neighborhoods to ensure consistency with adopted land development regulations.

Policy: 7.1.1.4 Provide technical and economic assistance, as appropriate, to facilitate the rehabilitation and adaptive reuse of contributing structures in designated historic neighborhoods.

Implementation Mechanism:

- a) Manatee County Historic Preservation Board support of local applications for technical and economic assistance from the Florida Department of State, Division of Historical Resources and other appropriate sources to implement this policy.

Policy: 7.1.1.5 Prohibit demolition of contributing structures in historic neighborhoods, except in cases where preservation or rehabilitation and reuse have been thoroughly explored and all alternatives to demolition are not economically possible.

Implementation Mechanism(s):

- a) Planning Department and Historic Preservation Board to assist owners in identifying economically viable alternatives to demolition of historic structures.
- b) Historic Preservation Board approval of demolitions only when consistent with this policy.

Policy: 7.1.1.6 Maintain the preservation plan for the Cortez National Register Historic District which recognizes traditional use of the district as a commercial fishing village and which identifies compatible reuse of existing waterfront and other structures.

Implementation Mechanism:

- a) Planning and Building Department implementation of the Cortez vision Plan and the Cortez Historic Design guidelines during development approvals in the Village of Cortez.

Objective: 7.1.2 **Historical Landmarks:** Identify and protect local historically significant landmarks to:

- preserve Manatee County history;
- recognize individual historic preservation efforts;
- provide historical continuity for residents and visitors;
- provide historical continuity for the community after a post disaster event.

Policy: 7.1.2.1 Prepare and update a county historical landmarks survey and map for the Coastal Planning Area by 2012, and survey areas outside of the Coastal Planning Area as part of the ongoing survey effort.

Implementation Mechanism:

- a) Planning Department survey and mapping of significant historical landmarks consistent with this policy.

Policy: 7.1.2.2 Preserve significant historic structures located outside of historic neighborhoods as identified in policy 7.1.2.1.

Implementation Mechanism:

- a) Planning Department revision of the Historic Preservation regulations to include a voluntary program for landmarks designation.
- b) Planning and Building Departments provide assistance to owners of historical properties identifying economically viable alternatives to demolition.
- c) Planning and Building Departments provide timely assistance to owners to encourage stabilization of structures and appropriate transition.

Policy: 7.1.2.3 Require the sensitive rehabilitation and reuse of historical landmarks as an alternative to demolition whenever possible.

Implementation Mechanism:

- a) Planning and Building Departments provide assistance to owners of historical properties identifying economically viable alternatives to demolition.
- b) Planning and Building Departments provide timely assistance to owners to encourage stabilization of structures and appropriate transition.

Policy: 7.1.2.4 Assist private property owners of historically significant landmarks in applying for and utilizing State and Federal assistance programs.

Implementation Mechanism:

- a) Planning Department and Historic Preservation Board coordination to facilitate action and to provide assistance in a manner consistent with this policy.

Policy: 7.1.2.5 Develop incentives for owners of historically significant properties to encourage landmarks designation. Such incentives may include:

- 1) Favorable tax rates for rehabilitated historic structures;
- 2) Establishment of a low interest revolving loan program for maintenance, rehabilitation and repairs of historic structures; and
- 3) Special recognition programs for sensitive rehabilitation and/or reuse.

Implementation Mechanism:

- a) Planning Department study of possible incentive mechanisms in compliance with this policy.

Policy: 7.1.2.6 By 2011, adopt historic preservation tax abatement program consistent with state law to encourage preservation of historic resources.

Implementation Mechanism:

- a) Planning Department coordination with appropriate departments and agencies to establish program.

Policy: 7.1.2.7 Seek designation as a Certified Local Government (CLG) by the Florida Department of State, Division of Historic Resources.

Implementation Mechanism:

- a) Planning Department, in coordination with the Historic Preservation Board, develop recommendation to the Board of County Commissioners.

Objective: 7.1.3 **Archaeological Sites:** Preserve and protect significant archaeological sites from incompatible development to increase understanding of the settlement of the County.

Policy: 7.1.3.1 Require that all land development applications requiring site plan, or subdivision plat review address the occurrence or potential occurrence of historical and archaeological resources within their property boundaries.

Implementation Mechanism(s):

- a) Developer provision of information in the development application regarding evidence from all sources of any on-site historical or archaeological resources. The general location of all identified historical resources shall be shown on all appropriate site plan, and conditions for the protection of such resources shall be included within the Development Order.
- b) Planning Department determination of whether a land development application is within a known area of historical or archaeological sensitivity as indicated by the 1990 Archaeological Site Probability Map or by the HR Overlay District of the Future Land Use Map or the HA zoning district overlay of the Official Zoning Atlas or other applicable information or professional evaluation.
- c) by 2010, Planning Department update of the 1990 Archaeological Site Probability Map.

Policy: 7.1.3.2 Prohibit the destruction and/or disturbance of any significant historical or archaeological resource site except to allow data recovery or archaeological excavation activities approved by the Florida Department of State, Division of Historical Resources.

Implementation Mechanism(s):

- a) All identified significant historical resources will be shown on final site development plans and conditions will be contained within the Development Order which will ensure the continued protection of such resources.
- b) Historic Preservation Board review of all requests for projects which have significant impacts upon historical and archaeological sites and artifacts that lie within a project site to provide for the mitigation of adverse impacts upon them

Policy: 7.1.3.3 Require the temporary suspension of land development or alteration activities when sites of potential archaeological significance are uncovered. Where such resources are deemed significant, require the implementation of appropriate action to preserve the value of these resources.

Implementation Mechanism(s):

- a) Planning Department notification by the Developer upon discovery of potential sites.
- (b) Developer coordination with the Planning Department, Department of State, Division of Historical Resources and the Historic Preservation Board to determine what actions will be taken to achieve policy compliance in an expeditious manner.

Policy: 7.1.3.4 Limit the distribution of specific locational information concerning privately owned and unprotected archaeological resources.

Implementation Mechanism:

- (a) Planning Department will not advertise specific locations of archaeological sites. All requests for detailed locational information will be referred to the Department of State, Division of Historical Resources.

Policy: 7.1.3.5 Prepare and maintain a County-wide inventory of significant archaeological sites (See Policy 7.1.3.4).

Policy: 7.1.3.6 Assist private property owners of significant archaeological sites in applying for and utilizing State and Federal assistance programs.

Policy: 7.1.3.7 Explore incentive such as the use of conservation easements, to encourage the preservation of archaeological landmarks.

Objective: 7.1.4 **Historical Sites Educational, Cultural and Recreational Value:** Increase utilization of state and locally designated historic neighborhoods, landmarks, and archaeological sites for historic and cultural education and to meet passive recreational needs.

Policy: 7.1.4.1 Preserve and protect significant historical and archaeological resources which have aesthetic, educational, cultural, and historical value for public viewing and education whenever feasible.

Implementation Mechanism:

- a) Planning Department coordination with state, regional, and local entities to assess the potential for public display of historical resources for educational purposes, and seek methods to fund the implementation of anticipated activities. Assessments shall be based upon:
 - National Register status;
 - ability of the County to protect the resource; and
 - availability of funding for display, interpretation, and security.

Policy: 7.1.4.2 Protect the Madeira Bickel Mound, DeSoto National Memorial, The Gamble Mansion, and other historically significant sites using the historic resources overlay on the Future Land Use Map and the Official Zoning Atlas and promote the passive recreational use of these sites.

Implementation Mechanism:

- a) Coordination between the Planning Department and the Manatee County Historic Preservation Board to identify passive recreational uses which are consistent with continued protection and preservation on these resources.

Policy: 7.1.4.3 Promote the educational, cultural, and recreational value of locally designated historic resources by dissemination of public information on these passive recreational resources, where appropriate.

Implementation Mechanism(s):

- a) Where funding is available, develop brochures of historical resources detailing their importance to the history and/or prehistory of Manatee County, Florida, and the United States.
- b) Utilize the Manatee County Government Access TV (MGA TV) consistent with this policy.
- c) Work with the Historical Resources Division of the County Clerk's Office and the Manatee County Library's Historical Archives to implement this policy.

Policy: 7.1.4.4 Include significant historical sites and neighborhoods in any planned greenways system whenever appropriate and feasible. (see also Policy 8.4.1.3)

Goal: 7.2 **Continue to Offer the Citizens of Manatee County a Responsive, Innovative, Proactive Program of Library Service That Is Capable of Upgrading the Educational, Recreational, Business, Civic and Cultural Quality of Life in the Community.**

Objective: 7.2.1 **Inventory Performance Measures:** Purchase books and other library materials annually to approach

a system-wide collection meeting national standards for quantity and diversity, as promulgated by the American Library Association or other recognized authority and to provide superior service to the residents of Manatee County.

Policy: 7.2.1.1 Maintain or exceed the current state library standard for basic library service of 2 volumes per capita (books and non-book/audio-visual materials).

Policy: 7.2.1.2 Adhere to the activities outlined in the Manatee County Public Library Long Range Plan.

Policy: 7.2.1.3 Continue to investigate additional sources of revenue for achieving the policies under Goal 7.2.

Objective: 7.2.2 **Facilities Performance Measures:** Progress toward meeting national standards for adequate library facilities to serve all citizens of Manatee County.

Policy: 7.2.2.1 Continue to demonstrate progress towards providing 0.6 square feet of library space per capita of resident population in Manatee County, where financially feasible and in compliance with the Library Facilities Long Range Development Plan.

Policy: 7.2.2.2 Improve library services and availability by developing new, and refurbishing existing, library facilities and by continuing to explore the possibility of providing bookmobile service.

Objective: 7.2.3 **Broader Service:** Make progress toward improved service to provide for the needs of all citizens of Manatee County.

Policy: 7.2.3.1 Continue to expand basic library service to the under-eighteen population in a cost-feasible manner.

Policy: 7.2.3.2 Continue to develop and expand the provision of specialized information services and resources in a cost-feasible manner to enhance the work of both County government and the business community.

Policy: 7.2.3.3 Continue to extend basic library services in a cost-feasible manner to a wider range of learning- and physically-disabled persons.

Policy: 7.2.3.4 Continue to develop and improve coordination with the public and private schools, institutions of higher learning and other libraries.