

ORDINANCE NO. 336

BELLEAIR HISTORIC PRESERVATION ORDINANCE

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, RENAMING THE HISTORIC PRESERVATION COMMISSION; SETTING FORTH THE DUTIES AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION BOARD; ESTABLISHING CRITERIA AND PROCEDURES FOR DESIGNATING HISTORICALLY SIGNIFICANT STRUCTURES AND HISTORIC DISTRICTS AND THE EFFECT OF SUCH DESIGNATIONS; PROVIDING FOR AN APPEALS PROCEDURE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Commission of the Town of Belleair, Florida, wishes to promote the health, education, safety and welfare of its citizens and to promote the preservation of architecturally and historically Significant Structures and Historic Districts within the Town of Belleair;

NOW, THEREFORE, be it ordained by the Town Commission of the Town of Belleair, Florida, as follows:

I. PURPOSE

- A. The purpose of this ordinance is to implement the goals, objectives and policies of the Comprehensive Land Use Plan of the Town of Belleair by identifying and encouraging the protection of resources which reflect elements of the Town's cultural, social, economic, political and architectural history.

II. INTENT

- A. This ordinance and regulations relating to this ordinance are intended to:

1. Encourage the continuance, conservation, and improvement of land uses in a manner appropriate to the preservation of the cultural, architectural, and historical heritage of the Town.
2. Foster civic pride in the beauty and notable accomplishments of the past.
3. Preserve and enhance environmental quality and the residential character and desirable aesthetic features of the Town.
4. Encourage property owners against destruction of, or addition of features to Significant Structures likely to have adverse effects on the historic, architectural or cultural character of the Significant Structure.
5. Encourage the preservation of the historic integrity and appearance of Significant Structures.
6. Encourage the protection of the Historic Districts against destruction, or encroachment of structures, uses, or features likely to have adverse effects on their historic, architectural, or cultural character.
7. Discourage developments in the visual environs of such areas or structures which would detract from their character.

- B. It is hereby declared as a matter of public policy that the identification and designation and the encouragement of the , preservation, and protection of historic, architecturally and culturally significant resources within the Town of Belleair is necessary and proper to promote the aesthetic, economic, environmental, and educational welfare of the public.

III. DEFINITIONS

For the purposes of this ordinance, the following terms are defined as follows:

Alteration: Any act or process that changes one or more of the exterior architectural features of a building or structure, including, but not limited to, the erection, construction, or reconstruction of any building or structure.

Building: Any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, or property of any kind.

Construction: The act of adding an addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.

Demolition: Any act or process that destroys a building or structure, in part or in whole.

Historic District: An area designated as a "Historic District" by an ordinance of the Town of Belleair, and which may contain within definable geographic boundaries one or more Significant Structures and which may have within its boundaries other buildings or structures that, while not of such historic or architectural significance to be designated as Significant Structures, nevertheless contribute to the overall visual characteristics of the Significant Structure or Significant Structures located within the Historic District.

Significant Structure: A building or structure designated as a "Significant Structure" by ordinance of the Town of Belleair, pursuant to procedures described herein, that is worthy of rehabilitation, restoration, and preservation because of its historic or architectural significance to the Town of Belleair.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, bridges, gazebos, monuments, street markers, signs, and light poles.

#### IV. HISTORIC PRESERVATION BOARD

- A. The Belleair Historic Preservation Commission created by Ordinance No. 312 on November 5, 1991 shall be renamed the *Historic Preservation Board*.
- B. The Historic Preservation Board shall consist of five (5) members, which members shall be appointed by the Town Commission.
- C. The five members appointed to the Historic Preservation Commission by Resolution 92-1 on January 21, 1992 shall continue to serve on the Historic Preservation Board for the terms described on Resolution 92-1. Thereafter, the members shall be appointed for terms of two (2) years. Vacancies on the Historic Preservation Board shall be filled for an unexpired term in the same manner in which the original appointments are required to be made. Any member who is absent from three (3) consecutive meetings, may, at the discretion of the Town Commission, be immediately removed from office and such vacancy filled as hereinabove provided. Whenever possible the board should include at least one of each of the following: an architect, a planner, an attorney, a historian and a neighborhood activist.
- D. Three (3) members of the Historic Preservation Board shall constitute a quorum. No member of the Historic Preservation Board shall vote on any matter in which that member has a direct or indirect financial interest.
- E. The Historic Preservation Board shall elect a chairman, as well as any other officers determined to be necessary to advance its purpose. The Board shall have the authority to establish a regular meeting time and the Chairman or any other officer or any two Board Members may call other meetings as needed. All meetings shall be open to the public. Minutes shall be kept of the meetings.

#### V. DUTIES OF THE HISTORIC PRESERVATION BOARD

The duties of the Historic Preservation Board are advisory only and may specifically include:

- A. Adoption of its own procedural rules and regulations as necessary for the conduct of its business.
- B. Conduct of surveys of historically and architecturally significant structures and districts within the Town.
- C. Increasing public awareness of the value of historic and architectural preservation by developing and participating in public education programs.
- D. Investigating and recommending to the Town Commission the adoption of ordinances designating buildings or structures having special historic or architectural value as "Significant Structures".
- E. Investigating and recommending to the Town Commission the adoption of ordinances designating areas having special historic or architectural value as "Historic Districts".
- F. Making recommendations to the Town Commission concerning utilization of state, federal, and private funds to promote the preservation of Significant Structures and Historic Districts within the Town.
- G. Making recommendations to the Town Commission concerning acquisition of a Significant Structure where its preservation is essential to the purposes of this act and where private preservation is not feasible.
- H. Upon request of the Town Manager or Town Commission, review applications for construction, alteration, relocation, or demolition permits affecting proposed or designated Significant Structures or buildings or structures within Historic Districts and making recommendations to the Town's Building Department and the Town Commission with respect to the granting of any such permit. Applicants may be required to submit plans, drawings, specifications, and other information as may be necessary for the Building Department and the Town Commission to make decisions. The Historic Preservation Board, at the direction of the Town Commission, may establish guidelines describing the information that may be required to assist applicants in preparing their applications.
- I. Undertaking any other action or activity specifically delegated to it or requested by the Town Commission.

VI. DESIGNATION OF SIGNIFICANT STRUCTURES AND HISTORIC DISTRICTS

A. Nomination.

Nominations of Significant Structures for historic preservation shall be made to the Historic Preservation Board or the Town Commission, and may be submitted by a member of the Historic Preservation Board, by the owner of the property or structure to be nominated, or by the Town Commission or any member thereof.

B. Notice to Owner.

Notice of a proposed designation shall be sent by certified mail to the owner of the property proposed for designation, inviting the owner to attend a meeting of the Historic Preservation Board to discuss the meaning of designation, the advantages, both historically and financially, of historic preservation of the property, and to encourage the property owner to preserve the property consistent with its historic character and proposed designation; provided, however, any such meeting or action by the property owner to historically preserve his property shall be totally voluntary on the property owner's part. The Notice shall also make it clear that historic designation will, in and of itself, not effect, abrogate, nor limit the property owner's rights with respect to his property.

C. Meeting.

The Historic Preservation Board shall hold a public meeting prior to recommending designation of any Significant Structure or Historic District. The Historic Preservation Board, owners,, and any interested parties may present testimony or documentary evidence at the meeting which will become part of a record regarding the historic or architectural importance of the proposed Significant Structure or Historic District. The record may also contain expert testimony, public comments, or other evidence offered outside of the meeting.

D. Criteria for Designation.

The Historic Preservation Board shall investigate and make a determination as to whether a nominated property, building, structure, or area meets one or more of the following criteria:

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the Town, county, state, or nation;
2. Its location as a site of significant local, county, state, or national event;
3. Its identification with a person or persons who significantly contributed to the development of the Town, county, state, or nation;
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
5. Its identification as the work of a master builder, craftsman, designer, engineer, architect, landscape architect, or planner whose individual work has influenced the development of the Town, county, state, or nation;
6. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
7. Its embodiment of design elements that make it structurally or architecturally innovative;
8. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
9. Its suitability for preservation or restoration.

Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

E. Findings and Recommendation

The Historic Preservation Board after its review and investigation of a nominated property shall forward its recommendation, if any, to the Town Commission on whether or not to make the designation, together with a written report with findings of fact. The report shall review the testimony at the meeting, survey information and other material the Historic Preservation Board has assembled and shall explain how the property under consideration meets one or more of the above criteria.

F. Designation of a Significant Structure.

The Town Commission shall enact an ordinance designating an individual property, building, or structure as a Significant Structure if it:

1. Possesses special character or historic or aesthetic interest or value as part of the cultural, social, economic, political, and architectural history of the Town, county, state, or nation; or

2. Is identified with a person, event, or period of historic significance, or
3. Embodies the distinguishing characteristics of an architectural style, or a master builder, craftsman, designer, architect, landscape architect that was influential in the history of the Town, county, state, or nation, or
4. Is, by virtue of its design or location, important to maintaining the unique character of the Town.

G. Designation of an Historic District.

The Town Commission shall enact an ordinance designating a group of properties, buildings, or structures as a Historic District if it:

1. Contains properties, buildings, or structures which meet one or more of the criteria for designation of a Significant Structure; and by reason of possessing such qualities, it constitutes a distinct section of the Town, or
2. Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship, or
3. Is representative of the notable works of one or more master builders, craftsmen, designers, architects, landscape architects, or planners that was influential in the history of the Town, county, state, or nation.

The boundaries of each Historic District designated henceforth shall be specified in detail and shall be filed, in writing, in the Town Clerk's office for public inspection.

H. Effect of Designation.

1. This ordinance and the designation of a structure as a Significant Structure or the designation of an areas as an Historic District, is not intended to nor does it impose any obligation on the property owner to preserve the structure as a significant structure, or restrict the owner's basic right to use and dispose of his property as he or she sees fit.
2. This ordinance and subsequent historic designation of a structure or district is only intended to provide an opportunity to educate a property owner of the historic and cultural significance of his property and the benefits of preserving the property as a Significant Structure.
3. Specifically, this ordinance and subsequent historic designation is intended to encourage the preservation of significant historic resources in these ways:
  - a. By providing official recognition of the historic significance of the property and encouraging consideration of its historic value in future development planning;
  - b. By imposing limited protection from activities involving funding, licensing, or assistance by Federal agencies that could result in damage or loss of the property's historic values; and
  - c. By making the property eligible for Federal financial incentives for historic preservation.
  - d. Designated significant structures and historic districts, at the option of the Town Commission, may be eligible for forms of relief from variance fees building codes and other relief.

I. Amendment or Rescission/Appeal.

Designation may be amended or rescinded upon petition to the Town Commission on the basis of changed circumstances and according to the same criteria set forth herein for designation.

J. Comprehensive Land Use Plan and Zoning Map.

Following designation, the Town Manager shall initiate action at the earliest possible date to amend the Town's Comprehensive Land Use Plan to identify designated Significant Structures and Historic Districts on the land use map, and to amend the Town's zoning map to identify Significant Structures and Historic Districts.

VII. SEVERABILITY

If any particular section of this ordinance is declared to be unconstitutional or void, only that particular section is affected, and all other sections of this ordinance shall remain in full force and effect.

VIII. CONFLICT

This ordinance takes precedence in the event of any conflict with any other ordinance of the Town of Belleair.

IX. EFFECTIVE DATE

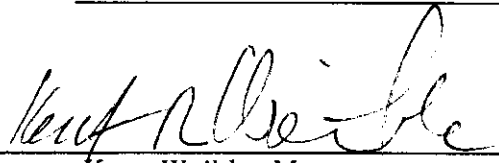
This ordinance shall be in full force and effect thirty (30) days after its passage and approval upon second and final reading in the manner prescribed in Section 2.11 of the Town Charter of the Town of Belleair, Florida.

PASSED ON FIRST READING

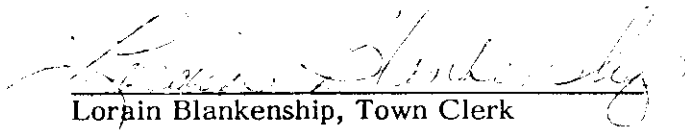
Date: September 7, 1993

PASSED AND ADOPTED ON  
SECOND AND FINAL READING

Date: September 21, 1993

  
\_\_\_\_\_  
Kent Weible, Mayor

ATTEST:

  
\_\_\_\_\_  
Lorain Blankenship, Town Clerk