

SPONSORED BY:

Councilor Diamond



ORDINANCE NO. 2017-12

A BILL TO BE ENTITLED

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA,
AMENDING CHAPTER 27, UNIFIED LAND DEVELOPMENT
REGULATIONS; TO DELETE THE ENTIRE ARTICLE XVII,
HISTORIC PRESERVATION; AND PROVIDING AN EFFECTIVE
DATE.**

Whereas, the City Council of the City of Neptune Beach, Florida has determined that the City has never used this Article in Chapter 27 is necessary to amend the following the delete the entire article:

Now, Therefore, be it ordained by the City Council of Neptune Beach, Florida:

Section 1. Chapter 27 Unified Land Development Regulations, Article XVII Historic Preservation, shall be amended as follows:

~~ARTICLE XVII. -- HISTORIC PRESERVATION~~

~~Sec. 27-621. -- Reserved.~~

~~Sec. 27-622. -- Generally.~~

~~This article establishes the procedures and criteria for designating landmarks and historic districts and establishes the procedures and criteria for issuing certificates of appropriateness for landmarks and all new buildings, structures, parking lots within historic districts.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-623. -- Applicability.~~

~~The terms and provisions of this article apply to all buildings and structures designated as a landmark and to all buildings and structures within historic districts.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-624. -- Findings of fact.~~

~~The city council finds that the preservation, protection, and enhancement of historic and architectural resources within Neptune Beach are in the interests of the health, prosperity, and welfare of the people of the City of Neptune Beach.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-625. -- Purpose and intent.~~

~~The provisions of this article shall be implemented to:~~

- ~~(1) — Identify, protect, and enhance buildings and structures and districts that represent distinctive elements of the city's historical, cultural, archaeological, and architectural heritage;~~
- ~~(2) — Stabilize and enhance property values;~~
- ~~(3) — Protect and enhance the city's aesthetic appeal, thereby stimulating its economic potential; and~~
- ~~(4) — Foster knowledge of and pride in the city's heritage.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-626. -- Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Accessory building.* See definition in article I.~~

~~*Accessory structure.* See definition in article I.~~

~~*Alteration, major* means work that will change the original appearance of a building or structure as defined in this article, including, but not limited to the following:~~

- ~~(1) — Installation or removal of metal awnings or metal canopies.~~
- ~~(2) — Installation or removal of all decks or porches above the first floor level.~~
- ~~(3) — Installation or removal of all decks or porches that face public rights-of-way.~~
- ~~(4) — Installation of an exterior door or door frame, or the infill of an existing exterior door opening.~~
- ~~(5) — Installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area with any material other than insect screening.~~
- ~~(6) — The installation or relocation of wood, chain-link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls) or wrought iron fencing.~~
- ~~(7) — The installation or removal of all fire escapes, exterior stairs or ramps for the handicapped.~~

- ~~(8) — Painting unpainted masonry including stone, brick, terra-cotta and concrete.~~
- ~~(9) — Installation or removal of railings or other wood, wrought iron or masonry detailing.~~
- ~~(10) — Abrasive cleaning of exterior walls.~~
- ~~(11) — Installation of new roofing materials, or removal of existing roofing materials.~~
- ~~(12) — Installation or removal of security grilles, except that in no case shall permission to install such grilles be completely denied.~~
- ~~(13) — Installation of new exterior siding materials, or removal of existing exterior siding materials.~~
- ~~(14) — Installation or removal of exterior skylights.~~
- ~~(15) — Installation of exterior screen windows or exterior screen doors.~~
- ~~(16) — Installation of an exterior window or window frame or the infill of an existing exterior window opening.~~

~~Alteration, minor means work that is not ordinary maintenance as defined in this article but that will result in the original appearance as defined in this article.~~

~~Building means a structure created to shelter any form of human activity, including, but not limited to, a house, barn, garage, church, hotel, or similar structure. Buildings may refer to a historically or architecturally related complex of buildings, such as a courthouse and jail.~~

~~Certificate of appropriateness means a certificate issued by the community development board that indicates its approval of plans submitted pursuant to this article.~~

~~Construct or construction means the act of adding an addition to an existing landmark or the erection of a new accessory structure or building on a lot or property containing a landmark.~~

~~Demolition means any act or process that destroys in whole, or in part, a building or structure.~~

~~Developer. See definition in article I.~~

~~Historic district means a geographical area designated pursuant to this article that contains one (1) or more landmarks and which may have within its boundaries other buildings or structures, that while not of such historical, cultural, archaeological, or architectural significance as to warrant designation as landmarks, nevertheless contribute to the overall visual setting of or characteristics of the landmarks located within the district.~~

~~Landmark means a building or structure designated as such by an ordinance of city council, that is worthy of protection, rehabilitation, and restoration because of its historical, cultural,~~

archaeological and/or architectural significance to the City of Neptune Beach, the county, state or nation.

~~Ordinary maintenance~~ means work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

~~Original appearance~~ means that appearance (except for color) which closely resembles the appearance of either: (1) the feature on the building as it was originally built or was likely to have been built; or (2) the feature on the building as it presently exists so long as the present appearance is appropriate to the style and materials of the building.

~~Owner of record~~ means the person, corporation, or other legal entity listed as owner on the records of Duval County, Florida.

~~Remove~~ means to relocate a building or structure on its site or to another site.

~~Structure~~ includes, but is not limited to, buildings, walls, gates, monuments and fountains.

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 57, 9-7-10)

Sec. 27-627. -- Application requirements for nomination.

(a) — ~~Nomination applications shall be in writing and in such form as may be determined by the community development board.~~

(b) — ~~The nomination application for a landmark shall, at a minimum, include the following:~~

(1) — ~~Name and address of the owner, and the signature of the owner or agent if the owner or agent is making the nomination;~~

(2) — ~~Address and legal description of the property;~~

(3) — ~~The historical, cultural, archaeological, and/or architectural significance of the building or structure; and~~

(4) — ~~Two (2) sets of photographs of the property from various vantage points.~~

(c) — ~~The nomination application for a historic district shall, at a minimum, include the following:~~

(1) — ~~A verbal description of and a map showing the boundaries of the district; and~~

(2) — ~~The historical, cultural, archaeological, and/or architectural significance of the proposed district.~~

(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 58, 9-7-10)

~~Sec. 27-628. Procedure for designating a landmark and historic district.~~

~~(a) — Submittal of application. Any one (1) of the following may submit a completed nomination application to the city manager: A member of the community development board; the owner of record of the nominated building or structure; or the city council; or any other person or organization.~~

~~(b) — Determination of completeness. The city manager shall determine that the information on the application is complete or incomplete and notify the applicant of any deficiencies.~~

~~(c) — Recommendation of community development board. Allowing for proper notice as provided for in this article, the community development board shall hold a public hearing, after such investigation as it deems necessary, to review the application. The board shall determine whether the nominated building, structure, or area meets the criteria as provided for in section 27-631 and shall, based on that determination, make a recommendation to the city council for approval, approval with conditions, or denial of the nomination.~~

~~(d) — City council action. Allowing for proper notice as provided for in this article, the city council shall, except as provided for below, consider the recommendation of the community development board and shall either approve, approve with changes or deny the nomination.~~

~~(e) — Adoption of ordinance. If the city council decides to approve the nomination, the city council shall direct the city attorney to prepare an ordinance providing for the designation and shall follow normal procedures in the adoption of the ordinance. In addition to other notice requirements, the owner of record shall be notified in writing, by certified mail, the date, time and location of the public hearing, at least ten (10) days prior to said hearing.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1996-28, § 11, 10-7-96; Ord. No. 2010-14, § 59, 9-7-10)~~

~~Sec. 27-629. Conditions for not designating a nominated landmark or historic district.~~

~~(a) — The city council shall not consider the nomination of building or structure as a landmark if the owner of record submits to the city manager a notarized statement, within fifteen (15) days following the meeting conducted by the community development board, objecting to the designation of the building or structure as a landmark.~~

~~(b) — The city council shall not consider the nomination of an area as a historic district if a majority of the owners of record submit to the city manager a notarized statement, within fifteen (15) days following the meeting conducted by the community development board, objecting to the designation of the area as a historic district.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1996-28, § 12, 10-7-96; Ord. No. 2010-14, § 60, 9-7-10)~~

~~Sec. 27-630. Notice requirements for designation of landmarks and historic districts.~~

~~(a) — Generally. At least seven (7) days, but not more than thirty (30) days, prior to the meeting at which the nomination application is to be considered:~~

~~(1) — Written notice shall be sent by certified mail to the owner of record, the applicant, if different than the owner of record, and other persons or organizations who have filed written requests for notification with the city; and~~

~~(2) — Notice shall be published in a newspaper of general circulation.~~

~~(b) — Content of notice. The notice shall indicate the nature of the meeting, and the date, time and place of the meeting.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-631. — Criteria for designation of landmarks and historic districts.~~

~~(a) — Landmarks and historic districts shall possess one (1) or more of the following characteristics:~~

~~(1) — The building, structure, or area is significant to the city's historical, cultural, archaeological, and architectural heritage and possesses an integrity of location, design, setting, materials, workmanship or association.~~

~~(2) — The building, structure, or area embodies the distinctive characteristics of a type, period, style, or method of construction or work of a master; or possesses high artistic value; or represents a distinguishable entity whose components may lack individual distinction.~~

~~(3) — The building, structure, or area is associated with the lives of persons significant to our past.~~

~~(4) — The building, structure, or area is listed on the master site file, administered by the Florida Department of State.~~

~~(5) — The building, structure, or area is listed in the National Register of Historic Places.~~

~~(b) — Designated landmarks and historic districts shall be suitable for preservation and for restoration, if necessary.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-632. — Documentation requirements for designated landmarks and historic districts.~~

~~Once a landmark or historic district is designated pursuant to this article, the city manager shall show the location of the landmark or historic district on the official zoning map pursuant to the requirements in article IV.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-633. -- Identification of landmarks and historic districts.~~

~~The community development board, may allow appropriate signs denoting the location of a landmark or the geographic boundaries of the historic district.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 61, 9-7-10)~~

~~Sec. 27-634. -- Certificate of appropriateness required.~~

~~A certificate of appropriateness shall be required prior to the following actions:~~

- ~~(1) — Major alteration of a landmark;~~
- ~~(2) — Minor alteration of a landmark;~~
- ~~(3) — Construction of a new building, structure, or parking lot within a historic district;~~
- ~~(4) — Relocation of a landmark on its site or to another site; or~~
- ~~(5) — Demolition of a landmark in whole or in part.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-635. -- Exceptions.~~

~~(a) — The city manager or designee may permit a major alteration of a landmark when the city manager or designee certifies that the requested alteration is needed immediately and is the minimum necessary for the purpose of protecting life, health or property.~~

~~(b) — Within seven (7) days of said emergency approval, the city manager or designee shall submit a report to the community development board that outlines the reasons for and the nature and extent of the alterations.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 62, 9-7-10)~~

~~Sec. 27-636. -- Application requirements for certificate of appropriateness.~~

~~(a) — All applications shall be in writing and in such form as may be determined by the city council.~~

~~(b) — The application shall, at a minimum, include the following:~~

- ~~(1) — Name and address of the owner and agent, along with signatures of the same;~~
- ~~(2) — Address and legal description of the property;~~

~~(3) — Two (2) sets of photographs of the existing landmark and abutting properties from various vantage points; and~~

~~(4) — Drawings, renderings, and/or plans showing the proposed alteration to the landmark or in the case of minor alterations, a written description of the proposed alteration.~~

~~(c) — The developer may include as part of the application any other materials that would help the community development board to make a determination of appropriateness.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 63, 9-7-10)~~

~~Sec. 27-637. — Procedure for applying for and issuing a certificate of appropriateness.~~

~~(a) — Submittal of application. The owner of record shall submit a completed certificate application, as described in this article, to the city manager.~~

~~(b) — Determination of completeness. The city manager shall determine that the information on the application is complete or incomplete and notify the developer of any deficiencies.~~

~~(c) — Minor alterations. For minor alterations, the city manager shall within fifteen (15) days from the date the applicant submits a completed certificate application either:~~

~~(1) — Issue the certificate of appropriateness;~~

~~(2) — Issue the certificate of appropriateness with conditions; or~~

~~(3) — Deny the application and notify the applicant in writing that a certificate of appropriateness can not be issued for the proposed plans.~~

~~(d) — Major alterations. For major alterations, the city manager shall forward a copy of the application to the Chair of the community development board.~~

~~(e) — Proper notice. Allowing for proper notice as provided for in this article, but within thirty (30) days from the date the applicant submits a completed certificate application, the community development board shall use the guidelines as provided for in section 27-639 and either:~~

~~(1) — Issue the certificate of appropriateness;~~

~~(2) — Issue the certificate of appropriateness with conditions; or~~

~~(3) — Deny the application and notify the applicant in writing that a certificate cannot be issued for the proposed plans.~~

~~(f) — Plans to be part of certificate of application. If the certificate application is approved, the city manager shall physically attach the plans that were submitted as part of the certificate application to a copy of the issued certificate of appropriateness.~~

~~(g) — Denial of certification application. If the certificate application is denied, the city manager shall notify the building department of said decision.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 64, 9-7-10)~~

~~Sec. 27-638. — Notice requirements for issuing certificates of appropriateness.~~

~~At least seven (7) days, but not more than thirty (30) days, prior to the meeting at which the certificate application is to be considered, written notice shall be sent by certified mail to the owner of record, adjacent landowners, and other persons or organizations who have filed written requests for notification with the city.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-639. — Criteria for reviewing applications for certificates of appropriateness.~~

~~(a) — Guidelines for alterations. Issuance of certificates of appropriateness, except for demolitions, shall be guided by the Secretary of the Interior's Standards For Rehabilitation and Guidelines for Rehabilitating Historic Buildings and the following visual compatibility standards:~~

~~(1) — Height. Height shall be visually compatible with adjacent buildings.~~

~~(2) — Proportion of building, structure or object's front facade. The width of building, structure or object to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related.~~

~~(3) — Proportion of openings within the facility. The relationship of the width of the windows in a building, structure, or object shall be visually compatible with buildings and places to which the building, structure or object is visually related.~~

~~(4) — Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building, structure or object shall be visually compatible with buildings and places to which it is visually related.~~

~~(5) — Rhythm of buildings, structures, or objects on streets. The relationship of the buildings, structures, or objects to open space between it and adjoining buildings and places shall be visually compatible to the buildings and places to which it is visually related.~~

~~(6) — Rhythm of entrance and/or porch projection. The relationship of entrances and projections to sidewalks of a building, structure, or object shall be visually compatible to the buildings and places to which it is visually related.~~

~~(7) — Relationship of materials, texture, and color. The relationship of materials, texture and color of the facade of a building, structure or object shall be visually compatible with the predominant materials used in the buildings to which it is visually related.~~

~~(8) — *Roof shapes.* The roof shape of the building, structure, or object shall be visually compatible with the buildings to which it is visually related.~~

~~(9) — *Walls of continuity.* Appurtenances of a building, structure, or object such as walls, fences, landscape masses shall, if necessary, form cohesive walls of enclosure along a street, to insure visual compatibility of the building, structure, or object to the building and places to which it is visually related.~~

~~(10) — *Scale of a building.* The size of the building, structure, or object, the building mass of the building, structure or object in relation to open space, the windows, door openings, porches, and balconies shall be visually compatible with the buildings and places to which it is visually related.~~

~~(11) — *Directional expression of front elevation.* A building, structure, or object shall be visually compatible with the buildings and places to which it is visually related in its directional character.~~

~~(b) — *Guidelines for relocations.* In addition to the guidelines provided above, issuance of certificates of appropriateness for relocations shall be guided by the following factors:~~

~~(1) — The historic character and aesthetic interest the building, structure, or object contributes to its present setting;~~

~~(2) — Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;~~

~~(3) — Whether the building, structure, or object can be moved without significant damage to its physical integrity; and~~

~~(4) — Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.~~

~~(c) — *Guidelines for demolitions.* Issuance of certificates of appropriateness for demolitions shall be guided by the following factors:~~

~~(1) — The historic or architectural significance of the building, structure or object;~~

~~(2) — The importance of the building, structure, or object to the ambience of a district;~~

~~(3) — The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location;~~

~~(4) — Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;~~

~~(5) — Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding;~~

~~(6) — Whether reasonable measures can be taken to save the building, structure, or object from collapse; and~~

~~(7) — Whether the building, structure, or object is capable of earning reasonable economic return on its value.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-640. — Ordinary maintenance permitted.~~

~~Nothing in this article shall be construed to prevent the ordinary maintenance, as defined in this article, of any exterior feature of any landmark.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-641. — Construction, relocation, demolition and all alterations to be consistent with approved plans.~~

~~(a) — The construction, relocation, demolition and all alterations shall be consistent with the approved plans for which a certificate of appropriateness was issued.~~

~~(b) — Any change from the approved plans shall cause the proposed change to be subject to review and issuance of a revised certificate of appropriateness, if applicable.~~

~~(c) — Alterations not affected by the proposed change, may continue, as approved, during the review of the proposed change.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91)~~

~~Sec. 27-642. — Procedure for appeal.~~

~~Any administrative decision that is made by any city official or board in the administration or enforcement of this article, may be appealed within fifteen (15) days of said decision to the community development board as provided for in article III.~~

~~(Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 2010-14, § 65, 9-7-10)~~

~~Secs. 27-643 — 27-700. — Reserved.~~

Section 2. The Ordinance shall become effective on after passage by the City Council.

VOTE RESULTS OF FIRST READING AND PUBLIC HEARING:

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y

Passed on First Reading this 1st day of May, 2017.

VOTE RESULTS OF SECOND AND FINAL READING AND PUBLIC HEARING:

Mayor Elaine Brown	Y
Vice Mayor Scott Wiley	Y
Councilor Rory Diamond	Y
Councilor Richard Arthur	Y
Councilor Fred Jones	Y

Passed on Second and Final Reading this 5th day of June, 2017.



Elaine Brown, Mayor

ATTEST:



Amanda Askew, Acting City Clerk

Approved as to form and content:



Patrick Krechowski, City Attorney

