BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2356-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING CHAPTER V "RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS" THEREBY ESTABLISHING SECTION 5.09.07 ENTITLED "CITY SPONSORED HISTORIC SIGNS"; AND FURTHER CREATING A NEW SECTION OF CHAPTER V ENTITLED "5.09.00.A. HISTORIC PRESERVATION PROGRAM" THEREBY ESTABLISHING A STUART HISTORIC PRESERVATION BOARD; PROVIDING THAT THE STUART COMMUNITY REDEVELOPMENT BOARD SHALL ALSO SERVE AS THE STUART HISTORIC PRESERVATION BOARD; PROVIDING FOR THE DESIGNATION AND PROTECTION OF HISTORIC PROPERTIES; PROVIDING FOR THE REVIEW AND REGULATION OF ALTERATIONS, RELOCATIONS, AND DEMOLITIONS OF DESIGNATED HISTORIC PROPERTIES AND STRUCTURES; PROVIDING A MECHANISM FOR APPEAL OF DECISIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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WHEREAS, it is City's best interest to sponsor the installation of signs identifying historically significant properties; and

WHEREAS, the historic properties located within the City of Stuart are an important legacy to be valued and conserved for present and future generations; and

WHEREAS, the destruction of these historical resources will constitute a significant loss to the Quality of life, economy and cultural environment in the City of Stuart; and

WHEREAS, the establishment of a Stuart Historic Preservation Board to oversee the stewardship of historic properties designated under the Historic Preservation Program adopted by this Ordinance is in the Public's best interest;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter V

RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS

5.09.00

HISTORIC PRESERVATION

Sec. 5.09.01. Thirty-day waiting period before demolishing a historic structure.
Sec. 5.09.02. Ninety-day waiting period before demolishing a historic structure.
Sec. 5.09.03. Risk to the public's health, safety and welfare.
Sec. 5.09.04. Demolition by neglect; prohibited.
Sec. 5.09.05. Tax exemptions for certain historic structures.
Sec. 5.09.06. Hearing; provided
Sec. 5.09.07. City Sponsored Historic Signs

5.09.00.A.

HISTORIC PRESERVATION PROGRAM

Sec. 5.09.01.A.1. Purpose and Applicability.
Sec. 5.09.01.A.2. Definitions.
Sec. 5.09.01.A.3. Stuart Historic Preservation Board (SHPB).
Sec. 5.09.01.A.4. Designation of individual sites, districts and archaeological ones.
Sec. 5.09.01.A.5. Designation procedure.
Sec. 5.09.01.A.6. Historic Preservation/GIS Overlay.
Sec. 5.09.01.A.7. Certificate of appropriateness procedures.
Sec. 5.09.01.A.8. Variances.
Sec. 5.09.01.A.9. Maintenance of designated properties.
Sec. 5.09.01.A 10. Demolition by neglect.
Sec. 5.09.01.A.11. Certificates to dig.
Sec. 5.09.01.A.12. Appeals.
Sec. 5.09.01.A.13. Enforcement.
Sec. 5.09.01.A.14. Incentives and conservation easements.
Sec. 5.09.01.A.15. Tax exemptions for designated historic properties.
Sec. 5.09.01.A.16. Procedure for review of nominations for the National Register of Historic Places.

CHAPTER V
RESOURCE PROTECTION RELATED DEVELOPMENT STANDARDS

Sec. 5.09.07. City Sponsored Historic Signs

A. Goals and objectives. City Sponsored Historic Signs are intended to educate the public about the historic significance of various structures and places within the city. Uniform historic signs identify properties and places that are historically significant to the community, to improve public knowledge of our rich and diverse heritage, and to encourage citizens to promote the preservation of historic resources.

B. Funding; installation, and maintenance. City Sponsored Historic Signs shall be funded in accordance with a fee established by Resolution of the city commission from time to time. Installation will be performed by the City within public rights-of-way. An applicant can request installation on private property immediately adjacent to the public right-of-way. If installation on private property is proposed, it shall only occur upon the written approval of the City Manager, and the donation of an easement by the property owner for the erection of the sign. Upon erection, the sign shall become, and shall remain, the property of the City, and shall not be removed, without the approval of the City Manager. The City shall maintain the sign. Routine sign cleaning by the adjacent property owner is expected and appreciated.

C. Qualification and eligibility. The City Sponsored Historic Signs shall be available for any structure within the City which meets at least one of the following criteria:

1) The structure or site is listed on the National Historic Register (maintained by the US Department of Interior) or directly determined by the Secretary of the Interior (Ordinance No. 2210-2010).

2) The structure or site is listed on the Florida Inventory of Historic Places, individually listed by local historic preservation programs that are approved by state, or directly by Secretary of the Interior (Ordinance No. 2210-2010).

3) The structure or site is listed on the City of Stuart's 2013 update of the "1991 Historic Properties Survey" completed by Historic Properties, Inc., St. Augustine, Florida, maintained by the City Development Director (Ordinance No. 2210-2010).

4) Other qualifications determined by the City Commission.

D. Sign Design.

1) The sign narrative should recognize the original property owner or such information that is relevant to the property's historic significance. The narrative should not recognize the current owner, nor should it provide directional information.

2) Signs will be designed, approved and installed by the City of Stuart. The following are the dimensions of the signs:

(2) 24" x 18" permanent outdoor sign (double-sided)

(1) 4" x 4" x 8' blue pressure treated post

SAMPLE SIGN



Editor's note:

In addition to the Historic Preservation Program set forth below, there are other provisions in the City's Code of Ordinances and the Land Development Code relating to historic properties. The following list is provided as a cross-reference to these other provisions.

Chapter 10, City of Stuart Code of Ordinances, Sec. 10-57	1) Maintenance of historic buildings.
Chapter 3, City of Stuart Land Development Code, Sec. 3.01.03.F.1 (c); Sec. 3.01.03.F.7.; Sec. 3.01.06.A.2.; Sec. 3.01.06.A.17.; Sec. 3.02.03.A.; Sec. 3.02.06.G.; Sec. 3.02.12;	1) Parking credit for historic buildings in urban subdistricts. 2) Major and minor urban code conditional use for relief from urban code regulations to preserve historic buildings. 3) Preserving and restoring historic buildings in urban subdistricts and East Stuart. 4) Replication of historic buildings within same footprint in East Stuart.
Chapter 5, City of Stuart Land Development Code, Sec. 5.07.07.D.; Sec. 5.09.01 – Sec. 5.09.06	1) Variance for the repair, improvement, or rehabilitation of historic buildings. 2) Waiting period before demolishing historic buildings. 3) Maintaining historic buildings and determination of demolition due to neglect or lack of maintenance. 4) Incentives for historic buildings.

	5) Appeal/Hearing process for applications denied.
Chapter 8, City of Stuart Land Development Code, Sec. 8.00.04.B.; Sec. 8.03.02	1) Community Redevelopment Board review applications pertaining to historic buildings in urban sub-district. 2) Exceptions for discontinuing of nonconfirming use of land or vacant structures related to historic preservation.
Chapter 12, City of Stuart Land Development Code, Definitions containing the term historic:	Architectural character; East Stuart Code District Conditional Use; Environmentally sensitive area; Environmentally sensitive resources or resource area; Historic structure; Historic tree; Landmark or historic sign; Major Urban Code District Conditional Use; Museum; Public art; Replication; S.E. Ocean Boulevard Overlay Zone Major Conditional Use; Tree location map; Tree survey

5.09.00.A. HISTORIC PRESERVATION PROGRAM

Sec. 5.09.01.A.1. Purpose and Applicability.

(a) The purpose of Section 5.09.00.A. is to establish procedures for organizing a Stuart Historic Preservation Board, for designating landmarks, sites, historic districts and archaeological sites, and for processing applications for designation, Certificates of Appropriateness, Certificates to Dig, and for the establishment and enforcement of program regulations.

(b) Section 5.09.00.A. shall apply to the City of Stuart and to properties owned or leased by the City of Stuart within the city limits, which have been designated or hold a certificate of appropriateness or certificate to dig. Section 5.09.01.A.15, Tax exemptions for designated historic properties, shall also apply within the city limits of Stuart to the extent of any ad valorem taxes levied by the City Commission.

(c) When any provision of Section 5.09.00.A. is in conflict with any other provision of the Land Development Code, or the Code, Section 5.09.00.A. shall prevail.

Sec. 5.09.01.A.2. Definitions. (To be applied only to this section and are separate and distinct from definitions in Chapter 12 of this Code.)

For the purposes of Section 5.09.00.A. the following words, terms and phrases shall have the meanings as set forth below:

Archaeological Geo-Environmental Zone. An area which is likely to yield information on the history and prehistory of Martin County. Zones are based on prehistoric settlement patterns in Martin County. Eleven zones have been identified for protection in an Archaeological Survey of Martin County (AHC Technical Report #124) prepared by the Archaeological and Historical Conservancy, Inc. (AHC) in September 1995, and again in June 1998 (revised October 1998), AHC Technical Report #213. The zones conform to natural physiographic features which were the focal points for prehistoric and historic activities.

Archaeological site. Those sites listed in an Archaeological Survey of Martin County (AHC Technical Report #124) prepared by the Archaeological and Historical Conservancy, Inc. (AHC) in September 1995, and again in June 1998 (revised October 1998), AHC Technical Report #213 and any sites identified by a

professional archaeologist during future archaeological surveys which meet the criteria for listing in the State of Florida Master Site File.

Architectural features. Architectural features shall include, but not be limited to the architectural style, scale, massing, siting, and general design of the structure. The general arrangement of the exterior of the building or structure including the type, style and color of roofs, windows, doors and appurtenances shall be regarded as architectural features. Architectural features shall also include, when applicable, interior spaces where interior designation has been given.

Building. As defined by the U.S. Department of the Interior, National Park Service, National Register of Historic Places, a building is created principally to shelter any form of human activity.

Certificate of appropriateness. A certificate, similar to a building permit, permitting certain alterations or improvements to a designated individual site or property in a designated historic district based on the guidelines for preservation approved by the SHPB.

Certificate to dig. A certificate, issued by the City of Stuart based on the guidelines for preservation approved by the SHPB. A Certificate to Dig authorizes certain excavations or ground disturbing activities that may affect known archaeological sites or may involve the discovery of as yet unknown archaeological sites within an archaeological zone.

Certificate of designation. A certificate issued by the SHPB recognizing properties designated pursuant to Section 5.09.00.A.

Demolition. The intended destructive removal of a building, in whole or in part, from its site.

Demolition by neglect. Neglect in the maintenance of any building or structure resulting in one or more of the following:

A. The deterioration of a building(s) or structure, to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official.

B. The deterioration, as determined by the building official, of a building or structure, characterized by one or more of the following:

1. Parts that may fall and injure persons or property;

2. Deteriorated or inadequate foundation;

3. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads safely;

4. Walls or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

5. Walls or other vertical supports that are insufficient to carry imposed loads safely;

6. Ceilings, roofs, ceiling and roof supports, or other horizontal parts of a structure which sag, split, or buckle due to defective material or deterioration or are insufficient to carry imposed loads safely;

7. Any fault, defect or condition in the building which renders the building or structure structurally unsafe or not properly water-tight

8. Unsafe electrical and/or mechanical conditions;

9. Water intrusion causing water damage to the interior of the building or structure caused by broken or missing windows, broken or missing doors and/or deterioration of roofing material; or

10. Excessive damage to exterior and interior wood framing, flooring systems, and finishes caused by termites, to the extent that the building or structure may be unsafe.

Design guidelines. Those guidelines established in "The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995."

Designated historic property. Any property or site awarded a certificate of designation by the Stuart Historic Preservation Board (SHPB.

Economic hardship. Proof that the owner cannot realize a reasonable return upon the value of the property and that an onerous and excessive financial burden upon the property would result.

Exterior. All outside surfaces of a building or structure.

Guidelines for preservation. Criteria published in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Historic District. A collection of archaeological sites, buildings, structures, landscape features, or other improvements that are concentrated in the same area and have been designated as a district pursuant to Section 5.09.00.A.

Historic marker. An official marker, whose size, design and descriptive wording and placement of location has been approved by the SHPB, and which complies with the state historic marker program specifications.

Historic resource. Any prehistoric or historic district, site, building, structure, object or other real or personal property of historical, architectural or archaeological value. The properties or resources may include but are not limited to monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure troves, artifacts or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government or culture of the city, county, the state or the United States of America.

Historic sites survey. A comprehensive survey compiled by the City of Stuart involving the identification, research, and documentation of buildings, sites, and structures of any historical, cultural, archaeological, or architectural importance in the City of Stuart.

Individual site. An archaeological site, building, structure, or other improvement that has been designated as an individual site pursuant to Section 5.09.00.A.

Interior. An area contained within the walls or confines of a building or structure.

Landscape feature. Any improvement or vegetation including, but not limited to walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture, signs and exterior lighting used in landscaping.

Local register of historic landmarks. The master document created through the designation of various sites, buildings, structures, objects and districts.

National Register of Historic Places. A Federal listing maintained by the U.S. Department of the Interior, National Park Service, of buildings, sites, structures, objects, and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966 as amended.

Ordinary maintenance. Work done to prevent deterioration of a building or structure or decay of, or damage to, a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Site improvements. Site improvements shall include but are not limited to site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting.

Structure. Means anything constructed or erected on the ground or attached to anything constructed or erected on the ground as distinguished from a building.

Stuart Historic Preservation Board (SHPB). A board of citizens established for the purpose of assisting in the implementation of Section 5.09.00.A.

Treatments. Standards for four distinct, but interrelated, approaches to the preservation, rehabilitation, restoration or reconstruction of historic properties.

Sec. 5.09.01.A.3. Stuart historic preservation board.

(a) Powers and duties. There is hereby created a Stuart historic preservation board (SHPB). The powers and duties of the SHPB include, but are not limited to the following:

(1) Adopt or amend rules of procedure not inconsistent with the LDC or F.S. ch. 267.

(2) Designate individual sites, buildings, districts, and archaeological zones pursuant to Section 5.09.01.A.5.

(3) Approve historical markers and issue certificates of designation.

(4) Establish procedures for the issuance of certificates of appropriateness and certificates to dig.

(5) Recommend zoning and building code amendments to the proper authorities.

(6) Promote an awareness of the benefits of historic preservation and its benefits to the community.

(7) Perform periodic updates to the historic architectural survey.

(8) Perform periodic updates to the archaeological survey.

(9) Record and maintain records of the SHPB's actions and decisions.

(10) Provide an annual report to the City Commission.

(11) Review, develop, and recommend ordinances to the City Commission that promote the preservation and rehabilitation of historic buildings.

(12) Seek out worthy projects for matching grants-in-aid from sources which have as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archaeology, and culture.

(13) Review applications for all buildings, properties and sites in the City of Stuart nominated for listing on the National Register of Historic Places.

(14) Establish criteria and procedures for the expedited review of certain projects by staff.

(15) Seek expertise on proposals or matters requiring evaluation by a professional or a discipline not represented on the board.

(b) Membership appointment qualifications and terms.

(1) In addition to its duties set forth in Section 8.00.04 of this Code, the Stuart Community Redevelopment Board (CRB) shall also serve as the Stuart Historic Preservation Board (SHPB) effective on a City-wide basis. Appointment of at least one member to the CRB/SHPB with architectural and/or historic preservation experience is encouraged but shall not be mandatory.

(c) Meetings.

(1) Regular meetings of the SHPB shall be held as necessary to fulfill their duties.

(2) Special meetings of the SHPB may be called by the chair.

(3) No business shall be conducted by the SHPB without a quorum consisting of four members.

(4) All actions of the SHPB require the affirmative vote of a majority of the members present.

(d) Staffing.

(1) The City Manager shall designate staff for the Stuart Historic Preservation Board.

(2) The City Attorney or designee shall serve as legal advisor to the SHPB.

(3) The City Manager or designee shall make recommendations to the SHPB regarding zoning and planning issues, and design guidelines consistent with the Secretary of the Interior's Standards for Rehabilitation. In addition, the City Manager or designee shall administer staff review of applications for certificates of appropriateness and certificates to dig.

(4) The Development Department shall identify applications for building permits submitted for buildings or structures identified on a historic site's survey and immediately notify the City Manager or designee of all such applications received. The Development Department may continue to review and evaluate any such application, but shall not issue the permit requested until the City Manager or designee has reviewed the application, evaluated the appropriateness of such building or structure for designation, consulted with local civic groups, public agencies, or interested citizens concerning potential designation of the building or structure, and notified the applicant and the property owner of the historic significance of the building or structure and of the opportunity to apply for designation pursuant to this chapter. The Development Department may act upon any such application upon receiving written notice from the City Manager or designee of the completion of such review, evaluation, consultation, and notification, or the expiration of 30 days from the date of receipt of the application, whichever occurs sooner.

(5) The Building Division shall inspect all buildings and structures that have received certificates of appropriateness for compliance with the requirements of such certificates and of this chapter.

(6) Nothing in this chapter shall limit the authority of the Building Official to enforce the provisions of this Code, and specifically the provisions concerning unsafe buildings or systems.

(7) Information regarding exemptions to the State of Florida's handicap accessibility code shall be made available by the Building Official.

(8) The City's Fire Marshall shall be authorized to make special exceptions for historic structures as provided in F.S. ch. 509, Part I, Public Lodging and Food Service Establishments, § 509.215(6) Fire Safety; and F.S. ch. 633, Fire Prevention and Control, § 633.022(2) Uniform fire safety standards, and § 633.025(5) Minimum fire safety standards.

(e) Ex parte communications. Members of the SHPB shall comply with Florida law regarding ex parte communications when an action of the SHPB is considered a quasi-judicial proceeding.

(f) Voting conflicts. Members of the SHPB shall comply with the provisions of F.S. § 112.2143, regarding voting conflicts.

(g) Financial disclosure. Members of the SHPB shall comply with the provisions of F.S. § 112.3145, regarding financial disclosure.

Sec. 5.09.01.A.4. Designation of individual sites, buildings, districts and archaeological ones.

(a) Criteria. The SHPB shall issue certificates of designation to designate historic sites, districts, places, buildings, structures, landscape features, archaeological sites, and other improvements or physical features that:

(1) Are significant in City of Stuart's history, architecture, archeology or culture and possess an integrity of location, design, setting, materials, workmanship, or association; or

(2) Are associated with distinctive elements of the cultural, social, political, economic, scientific, prehistoric, and architectural history that have contributed to the pattern of history in the City of Stuart, south Florida, the Nation; or

(3) Are associated with the lives of persons significant in the City of Stuart's, the State of Florida's or the United States of America's past; or

(4) Embody the distinctive characteristics of a type, period, style, or method of construction or work of a master; or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction; or

(5) Have yielded, or are likely to yield information in history, or prehistory; or

(6) Are listed in the National Register of Historic Places.

(b) Properties not generally considered; exceptions. Certain properties which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature, and properties that have achieved significance within the last 50 years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:

(1) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(2) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with an historic event or person; or

(3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his/her, productive life; or

(4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events; or

(5) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or

(6) A property or district achieving significance within the past 50 years if it is of exceptional importance.

Sec. 5.09.01.A.5. Designation procedure.

(a) An historic designation petition shall be filed with the City of Stuart in a form approved by the SHPB and made available to the public. At a minimum, the petition shall include the following information:

(1) A copy of the recorded deed for each parcel;

(2) A detailed explanation of how the site meets the criteria of Section 5.09.01.A.4.;

(3) A copy of the Master Site File, if any exists for the site;

(4) A map identifying the location of the site within the city; and

(5) A site plan identifying the location of the site on the parcel or parcels.

(b) In reference to an individual property, the petition shall be filed by the owner of the subject property or other person having a power of attorney from the owner to file the petition and to act on behalf of the owner in reference to the petition.

(c) In reference to an historic district, the petition shall be filed by a property owner in the proposed district or other person having a power of attorney to file the petition and to act on behalf of the owner in reference to the petition.

(d) The SHPB shall consider the historic designation petition and either direct staff to begin the designation process or deny the petition.

(e) Absent the filing of an historic designation petition, the SHPB may direct staff to begin the designation process for those archaeological zones and sites outlined in Technical Report #124 prepared by the Archaeological and Historical Conservancy, Inc. (AHC) in September 1995, and again in June 1998 (revised October 1998), AHC Technical Report #213. The SHPB may also direct staff to begin the designation process for any additional zones or sites included in any update of historical or archaeological surveys.

(f) Upon being directed to begin the designation process, staff shall prepare an investigation and designation report. The format of these reports may vary according to the type of designation; however at a minimum all reports must address the following: the historical, cultural, architectural, or archaeological significance of the property or properties being considered for designation; a recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual properties being considered; and where a district is proposed, the report shall identify those properties, if any, within the district which do not contribute to the period of significance. Upon completion of the report, the report shall be filed with the SHPB.

(g) For each individual property, district, or archaeological zone proposed for designation, a public hearing must be held no sooner than 15 days or no later than 60 days from the date a designation report has been filed with the SHPB. Notice of the public hearing shall be published in a newspaper of general circulation at least 15 days prior to the public hearing.

(h) The SHPB shall consider the designation request at a public hearing. The public hearing may be continued by the SHPB to a fixed date, time and place. After the conclusion of the public hearing, the SHPB shall approve, approve with modifications or deny the request for a certificate of designation by resolution which shall constitute the final action of the SHPB. Resolutions shall be recorded in the public records of Martin County and a copy provided to the applicant.

(i) Owners of private or public property which qualifies for a certificate of designation shall be given the opportunity to accept or reject the designation. If the designation is rejected, the development of or improvements to the property will not be governed by the Section 5.09.00.A. and the property will not qualify for incentives for historical resources preservation provided in Sections 5.09.01.A.14. and 5.09.01.A.15. If a private property owner chooses to accept a certificate of designation, then the provisions of Section 5.09.00.A. shall apply to that property and the Certificate of Designation shall be recorded in the public records of Martin County, Florida and shall be shown in the Property Appraiser's records of those properties.

(j) With the exception of active participants in the tax abatement program, for good cause shown, a participant in the historic site or building designation program may seek to withdraw from the program upon approval of the Stuart City Commission, provided a recommendation regarding said withdrawal request by the SHPB is first provided to the City Commission.

Sec. 5.09.01.A.6. Historic Preservation/GIS Overlay.

(a) A Historic Preservation/GIS Overlay shall be created to depict the extent of designated properties in the City of Stuart.

(b) The overlay will contain the name of the individual property, district, or zone as furnished by the SHPB.

(c) An inventory by address, Master Site File number, and legal description will be maintained by the City of Stuart of all properties contained within the GIS Overlay.

(d) Amendments to or rescission of the designation of individual properties, districts, and zones will be recorded as part of the overlay.

Sec. 5.09.01.A.7. Certificate of appropriateness procedure.

(a) *Certificate required as prerequisite to alteration, etc.* A Certificate of appropriateness shall be required for designated properties prior to:

(1) Any material change or alteration in the exterior appearance of existing buildings, objects or structures;

(2) Demolition of any building, object or structure;

(3) The movement or relocation of any building object, or structure;

(4) Any new construction of principal or accessory buildings or structures;

(5) Disturbance of an archaeological site; or

(6) Division of a tract or parcel of a designated property into two or more lots.

(b) *Application.* An application for a certificate of appropriateness shall be filed with the City of Stuart in a form approved by the SHPB. At a minimum the application must include: full plans and specifications; site plan and samples of materials to fully describe the proposed appearance, color, texture, or material, and architectural design of the buildings; and any outbuilding, wall, courtyard, fence, or landscape features. The applicant shall provide adequate information to enable the SHPB to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If an application involves a designated archaeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site. An applicant may request a pre-application meeting with the SHPB where the SHPB may provide informal comments regarding any proposed action that would require a Certificate of Appropriateness.

(c) *Consideration by the SHPB.* The SHPB shall consider the application at a public meeting within 30 days of the application being deemed complete. Notice of the meeting shall be provided to the applicant. The SHPB may continue the meeting to a fixed date, time and place. After the conclusion of the public meeting the SHPB shall approve, approve with modifications or deny the request for a certificate of appropriateness by resolution which shall constitute the final action of the SHPB. Resolutions shall be recorded in the public records of Martin County. A copy of the resolution shall be provided to the applicant and the Building Division. The SHPB may establish a procedure for the administrative review and approval of an application for a certificate of appropriateness.

(d) *Demolition.*

(1) In addition to other applicable provisions of Section 5.09.00.A. the following criteria shall be utilized in evaluating applications for a certificate of appropriateness for demolition of designated properties:

a. Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation?

b. Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?

c. Is the structure one of the last remaining examples of its kind in the neighborhood, the city, the county or the region?

d. Does the structure contribute significantly to the historic character of a designated district?

e. Would retention of the structure promote the general welfare of the city by providing an opportunity for study of local prehistory, history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?

f. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

(2) A certificate of appropriateness for demolition may be granted with a delayed effective date of up to six months. The effective date shall be determined by the SHPB based upon the relative significance of the structure and the probable time required to arrange an alternative to demolition. During the demolition delay period, the SHPB may take such steps as it deems necessary to preserve the structure. Such steps may include, but shall not be limited to consultation with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features, plus mitigation (salvage archaeology) as may be deemed necessary or desirable.

(e) *Building permit not to be issued without certificate.* No building permit shall be issued by the City of Stuart Building Division for any designated property in the City of Stuart without a certificate of appropriateness. In addition, the building division shall issue stop work orders on any work performed on a designated property which is not in compliance with an issued certificate of appropriateness.

(f) *Compliance of work with certificate standards.* All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the Certificate. The City Manager shall designate appropriate staff to make the necessary inspections and who shall be empowered to issue a stop work order if the performance of work on a designated property is not in compliance with the issued Certificate. No work shall proceed as long as a stop work order continues in effect. Copies of any inspection reports and stop work orders shall be furnished to the SHPB and the applicant. The building official shall be responsible for ensuring that any work not done in compliance with an issued certificate of appropriateness is corrected prior to rescinding the stop work order.

(g) *Emergency, temporary measures.* For the purpose of remedying emergency conditions determined to be dangerous to life, health, or property, nothing contained herein shall prevent the making of any necessary repairs to a designated building or site. The owner of a building damaged by fire or natural calamity is permitted to stabilize the building immediately to prevent further damage and threat to public safety without SHPB approval. Further reconstruction or renovation shall require a certificate of appropriateness.

Sec. 5.09.01.A.8. Variances.

Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of Section 5.09.00.A. would result in economic hardship to the applicant, the SHPB may grant variances from the requirements of Section 5.09.00.A.

(a) In any instance where there is a claim of economic hardship, the owner shall submit, by affidavit, to the SHPB at least 15 days prior to a regularly scheduled meeting of the SHPB, the following information:

1. For all property:

    a. The amount paid for the property, the date of purchase and the party from whom purchased;

    b. The assessed value of the land and improvements thereon according to the two most recent assessments;

    b. Real estate taxes for the previous two years;

    c. Annual debt service, if any, for the previous two years;

    d. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing, or ownership of the property;

    e. Any listing of the property for sale or rent, price asked and offers received, if any;

    f. Any consideration by the owner as to profitable adaptive uses for the property; and

    g. Recent sales of similar properties in the immediate area.

2. For income producing property:

   a. Annual gross income from the property for the previous two years;

   b. Itemized operating and maintenance expenses for the previous two years; and

   c. Annual cash flow, if any, for the previous two years.

(b) The SHPB may require an applicant to furnish additional information by affidavit relevant to a determination of undue economic hardship. In the event that any of the required information cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.

(c) The SHPB shall not grant a variance unless it determines that:

1. The variance is the minimum variance required to make reasonable use of the land, building or structure.

2. The grant of the variance will be in harmony with the general purpose and intent of Section 5.09.00.A.

Sec. 5.09.01.A.9. Maintenance of designated properties.

Nothing in Section 5.09.00.A. shall be construed to prevent ordinary maintenance or repair of any exterior elements of a designated building, or structure, or object which does not involve a change of color, design, appearance or material, and which does not require a building permit.

Sec. 5.09.01.A.10. Demolition by neglect.

(a) *Requirements.* Every owner of a designated site or of property within a designated historic district or archaeological zone, or of a building or other historic resource listed on the local register of historic landmarks shall keep in good repair:

1. All of the exterior portions of such buildings or structures;

2. All interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or become damaged or otherwise fall into a state of disrepair; and

3. In addition, where the historic resource is an archaeological site, the owner shall be required to maintain his property in such a manner as not to adversely affect the archaeological integrity of the site.

(b) *Determining neglect.* The SHPB may request that the City of Stuart Building Division conduct an inspection of a designated site, district or zone or resource listed on the local register of historic landmarks and file a complete report of existing conditions and remedies, to the SHPB. The City of Stuart Building Division shall make its determination based upon the definition of demolition by neglect in Section 5.09.01.A.2. as well as applicable building code requirements.

(c) *Notification and enforcement.* Where the SHPB determines that properties within a designated historic district or a designated historic property lack maintenance and repair to such an extent as to detract from the desirable character of the district or resource, the SHPB shall notify the owner of record, by certified mail, within 30 days of such findings. The SHPB shall request the owner of the property to appear before the SHPB and the SHPB shall present ways to improve the condition of the property. If the owner fails to take action within a prescribed period of time, the SHPB may request that city staff initiate appropriate enforcement proceedings.

(d) *Emergency conditions applicable to this part.* The Building Official shall immediately notify the SHPB of cases where there are emergency conditions dangerous to life, health or property affecting a designated building, structure or archeological site or property listed on the local register of historical landmarks. After consultation with the SHPB, the Building Official may order the remedying of the dangerous conditions.

Sec. 5.09.01.A.11. Certificates to dig.

(a) *Certificates required for archaeological sites.* Within a designated archaeological site listed on the local register of historic sites no building permit shall be issued for new construction, filling, grading, grubbing, large scale digging, swimming pool excavation, the removal of trees, the planting of trees or any other ground disturbing activity that occurs at locations more than three inches below adjacent surrounding ground surface, encompasses a combined area of equal to or greater than 100 square feet, or which may disturb or reveal an interred archaeological site without the applicant first obtaining a certificate to dig.

(b) *Application process.*

1. An application for a certificate to dig shall be filed with the City of Stuart in a form approved by the SHPB. The City of Stuart may waive the requirement for a certificate to dig in those cases where alterations are regarded as minor or minimal such as, but not limited to: placement of irrigation systems, fence posts six inches or less in diameter, or ditches 12 inches or less in width and other minor or minimal alterations as determined by the criteria of the SHPB.

2. Within 30 days of the application being deemed complete, staff shall approve, approve with modifications or deny the request for a Certificate to Dig. Such determination shall be based up on the designation report for the archaeological zone and any guidelines established by the SHPB. Approval of the request may be subject to specified conditions including but not limited to site inspections by staff and conditions regarding site excavation. The applicant shall agree to permit a city designated archaeologist to conduct excavations for the time of the application until the effective date. The determination by staff shall be reduced to writing and provided to the applicant.

3. The applicant may request a review of the staff decision to the SHPB by filing a request within 30 days of the receipt of the determination. The SHPB shall consider such request at its next regularly scheduled meeting and approve, approve with modifications or deny the request by resolution which shall constitute the final action of the SHPB. Resolutions shall be recorded in the public records of Martin County. A copy of the resolution shall be provided to the applicant.

(c) *Work to conform to certificate; stop work order.*

1. All work performed pursuant to the issuance of a certificate to dig shall conform to the requirements of such certificate.

2. In the event that work is performed which is not in accordance with such certificate, the appropriate staff shall be empowered to issue a stop-work order and all work shall cease.

(d) *Ground disturbing activities.*

1. Ground disturbing activities shall be suspended within 100 feet of the discovery of any archaeological artifact or burial and the staff of the Stuart Historic Preservation Board shall be notified within 24 hours of the discovery. This suspension may last for up to 30 days from the date of notification to allow for an initial evaluation of significance by a professional archaeologist. If human skeletal remains are found, then F.S. § 872.05, as amended, shall control.

2. If the resource is found to be potentially significant, activities shall be further suspended for up to 30 days to allow for further evaluation by a professional archaeologist.

3. Ground disturbing activities shall be undertaken with caution in the surrounding area.

Sec. 5.09.01.A.12. Appeals.

Appeals of final actions of the SHPB shall be made to the City Commission in a manner provided for in section 8.07.00, Appeals and Hearing, LDC.

Sec. 5.09.01.A.13. Enforcement.

Enforcement of Section 5.09.00.A. shall be consistent with this Land Development Code.

Sec. 5.09.01.A.14. Incentives and conservation easements.

(a) Properties designated as individual sites or as designated properties within a district or zone may be eligible for financial assistance set aside for historic preservation by the City of Stuart, or the State of Florida.

(b) Owners are also encouraged to consider granting, selling, or leasing conservation easements, pursuant to F.S. ch. 704.

(c) Upon compliance with all other provisions of this code, a residentially used historic resource located on a parcel of land within the Community Redevelopment Area, which has been designated, may be relocated to another parcel within the Community Redevelopment Area and may continue to be used for residential purposes.

(d) The application, permit and other fees applicable to the relocation of a historic structure may be paid by the City of Stuart after review and recommendation by the Stuart Historic Preservation Board and approval by the City Commission. The approval shall be implemented through an agreement between the City of Stuart and the applicant including, but not limited to: 1) a project completion schedule and 2) the posting of a bond, letter of credit, or other form of security to guarantee the timely completion of the project based upon the cost of such completion.

Sec. 5.09.01.A.15. Tax exemptions for designated historic properties.

(a) *Scope of tax exemptions.* A method is hereby created for the City Commission, in its discretion, to allow ad valorem tax exemptions for the restoration or rehabilitation of designated historic

properties. The exemption shall apply to up to 100 percent of the assessed value of all improvements to historic properties which result from restoration, or rehabilitation made in accordance with a Certificate of Appropriateness issued by the SHPB on or after October 1, 2017. The exemption applies only to taxes levied by the City Commission and not to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution. The exemption does not apply to personal property.

(b) *Duration of tax exemptions.* Any exemption granted under Section 5.09.00.A. to a particular property shall remain in effect for up to ten years. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for exemption, must be maintained over the period for which the exemption was granted.

(c) *Eligible properties and improvements.*

1. Property is qualified for an exemption if at the time the exemption is granted, the property is:

   a. Individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or

   b. A contributing property to a national-register-listed district; or

   c. Designated as a historic property, or as a contributing property to a historic district, under the terms of Section 5.09.00.A.

2. In order for an improvement to an historic property to qualify the property for an exemption, the improvement must:

   a. Be consistent with the United States Secretary of the Interior's Standards of Rehabilitation; and

   b. Be determined by the City of Stuart to meet criteria established in rules adopted by the Florida Division of Historical Resources.

(d) *Applications.*

1. Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of an historic property must, in the year the exemption is desired to take effect, file with the City of Stuart a written application on a form prescribed by the Florida Division of Historical Resources. The application must include the following information:

   a. The name of the property owner and the location of the historic property;

   b. A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;

   c. Proof, to the satisfaction of the City of Stuart, that the property to be rehabilitated or restored is an historic property under Section 5.09.00.A.;

d. Proof, to the satisfaction of the City of Stuart, that the improvements to the property will be consistent with the United States Secretary of the Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Florida Division of Historical Resources;

e. Other information deemed appropriate by the Florida Division of Historical Resources, or requested by the City of Stuart; and

f. A completed application for a certificate of appropriateness for the qualifying restoration, or rehabilitation.

(e) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the City of Stuart for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Florida Division of Historical Resources and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferee, and the owner's heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).

(f) *Review by the City of Stuart.* The City Manager or designee will review applications for exemptions and recommend that the City Commission either grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Florida Division of Historical Resources. The recommendation and the reasons therefore, must be provided to the applicant and to the City Commission before consideration of the application at public meeting of the City Commission.

(g) *Approval by the City of Stuart.* A majority vote of the City Commission shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The City Commission shall include the following in the resolution approving the application for exemption:

1. The name of the owner and the address of the historic property for which exemption is granted;

2. The period of time for which the exemption will remain in effect and the expiration date of the exemption; and

3. A finding that the historic or archaeological property meets the requirements of F.S. § 196.1997 and Section 5.09.00.A.

Sec. 5.09.01.A.16. Procedure for review of nominations for the National Register of Historic Places.

(a) *Comment period.* In compliance with existing Federal regulations, appropriate local officials, owners of record, and applicants shall be given a minimum of 30 days and not more than 75 days prior to a SHPB meeting in which to comment on or object to the listing of a property in the National Register to be reviewed.

(b) *Objections.* Objections by property owners must be notarized to prevent nomination to the National Register.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption.

PASSED on First Reading this 14th day of August , 2017.

Commissioner CAMPENNI offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner GLASS LEIGHTON, and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
TROY A. MCDONALD , MAYOR	X		
KELLI GLASS-LEIGHTON, VICE MAYOR	X		
JEFFREY A. KRAUSKOPF, COMMISSIONER	X		
EULA R. CLARKE, COMMISSIONER	X		
THOMAS CAMPENNI, COMMISSIONER	X		

ADOPTED this 28th day of August, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

KELLI GLASS LEIGHTON,
VICE MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

STATE OF Florida :
COUNTY OF Martin

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