

## Article 31. Historic Preservation

### Article 31. Historic Preservation.

#### Sec. 31-1. Miscellaneous fees.

Provide for setting miscellaneous fees for the purpose of processing certain applications and procedures in connection with Article 31, with such fees to be established and adjusted, from time to time, by resolution of the City Commission.

#### Sec. 31-2. Guidance standards and review procedures for preservation of historic landmarks and historic landmark districts.

##### Sec. 31-2.1 Purpose.

- a. The purpose of this article is to promote the educational, cultural, and economic welfare of the public by preserving and protecting historic structures or sites, portions of structures, groups of structures, manmade or natural landscape elements, works of art, or integrated combinations thereof, which serve as visible reminders of the history and cultural heritage of the city, region, state or nation. Furthermore, it is the purpose of this article to strengthen the economy of the City by stabilizing and improving property values in historic areas and to encourage new buildings and developments that will be harmonious with the existing historic attributes of the City including but not limited to buildings, entrances, fountains, etc.
- b. In addition, the provisions of this article will assist the City and property owners to be eligible for federal tax incentives, federal and state grant funds and other potential property tax abatement programs for the purpose of furthering historic preservation activities.

##### Sec. 31-2.2 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.

*Addition* means a construction project located on the exterior of an historic building, structure, or property.

*Alteration* means any change affecting the exterior appearance of an existing improvement by additions, reconstruction, remodeling, partial demolition or maintenance involving change in color form, texture or materials, or any such changes in appearance of specially designated interiors.

*Applicant* means an individual or group who provides sufficient written information to the Historical Resources Department staff to ascertain that the property meets the minimum eligibility requirements for local historic designation or in the case of a request for a Certificate of Appropriateness the property owner, or authorized representative of the property owner.

*Archaeological site* means a single specific location which has yielded or is likely to yield information on local history or prehistoric history. Archaeological sites may be found within historic sites or historic districts.

*Archaeological zone* means a geographically defined area, designated pursuant in this article, which may reasonably be expected to yield information on local history or prehistoric history based upon broad prehistoric or historic settlement patterns and including items such as clothing, buckles, pottery and house wares.

*Board* means the Historic Preservation Board.

*Building* means a structure or an edifice designed to stand permanently and intended for use, occupancy or ornamentation.

*Certificate of Appropriateness* means a written document, issued pursuant to this article, permitting specified alterations, demolitions, additions, or other work to a designated historic landmark or contributing or non-contributing building within a designated historic landmark district.

*Standard Certificate of Appropriateness* means those certificates based on such specific guidelines and standards as may be officially adopted by the Historic Preservation Board and for which issuance has been authorized by such board upon findings by the board's staff that proposed actions are in accord with such official guidelines and standards.

*Special Certificate of Appropriateness* means those certificates involving the demolition, removal, reconstruction, alteration or new construction, alteration or new construction at an individual site or in a district, which requires determination by the Historic Preservation Board before such certificate can be issued.

*Certified Local Government (CLG)* means a program administered by the U. S. Department of the Interior which enables communities to have a more direct part in the federal historic preservation program.

*Contributing building or property* means a building or property contributing to the historic significance of a

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district which by location, design setting, materials, workmanship, and association adds to the districts sense of time, and place, and historic development.

*Coral Gables Register of Historic Places* means a listing of the properties within the City that have been designated as local historic landmarks or local historic landmark districts.

*Demolition* means the act or process of wrecking, destroying, or removing any building or structure or any part thereof.

*Designated exterior* means all outside surfaces of any improvement listed in the designation report as having significant value to the historic character of the building, structure or district.

*Designation report* means a document prepared by the historic landmark officer for all properties or districts which are proposed for local historic designation. The designation report includes the boundaries of the proposed historic property or district, a summary of its historic significance, and contains location maps and a review guide which describes the physical characteristics of the property or district.

*Excavation* means the removal or shifting of earth from its original position.

*Exterior* means all outside surfaces of any building or structure.

*Historic landmark* means any site, building, structure, landscape feature, improvement, or archaeological site, which property has been designated as an historic landmark pursuant to procedures described in this article.

*Historic landmark district* means a geographically defined area possessing a significant concentration, linkage, or continuity of landmarks, improvements, or landscape features united by historic events or aesthetically by plan or physical development, and which area has been designated as an Historic Landmark pursuant to procedures described in this article; said district may have within its boundaries non-contributing buildings or other structures that, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual character of the district.

*Historic landmark officer* means the historic landmark officer as provided for herein or his/her officially authorized representative.

*Historic Preservation Board* means a board consisting of residents of the City.

*Historic survey* means the results of a systematic process of identifying significant buildings, sites and structures through visual reconnaissance and research for compilation in the Florida Master Site File maintained by the Bureau of Historical Resources, Tallahassee, Florida.

*Improvement* means any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, fountain, sign, work of art, earthworks, or other manmade objects constituting a physical betterment of real property, or any part of such betterment.

*Landscape feature* means any improvement or vegetation including, but not limited to, outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.

*Multiple property nomination* means a group of related significant properties which share common themes, and are organized by historic contexts and property types.

*National Register of Historic Places* means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures, and districts that have attained a quality of significance as determined by the historic preservation act of 1966, as amended.

*Noncontributing building or property* means a building or property which does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship, and association have been so altered or have so deteriorated that the overall integrity of the building has been irretrievably lost. Unless otherwise specified, exterior alterations, additions, demolitions, etc. to non-contributing structures or properties within historic landmark districts shall be reviewed and approved by the Historic Preservation Board and/or Historical Resources Department.

*Ordinary maintenance or repair* means any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any physical deterioration or damage of an improvement, or any part thereof by restoring it, as nearly as practical, to its appearance prior to the occurrence of such deterioration or damage.

*Reconstruction* means the process of reproducing by new construction the exact form and detail of a

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demolished building, structure or object as it appeared at a certain point in time.

*Rehabilitation* means the process of repairing or altering an historic building or structure so that an efficient contemporary use is achieved, while preserving those significant, historical architectural or cultural features which establish the character of the property.

*Relocation* means the act of preserving an historic structure which cannot remain on its existing site by physically moving it to a new location.

*Restoration* means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

*Review guide* means the component of the designation report prepared by the historic landmark officer, which lists some of the more prominent features, which contribute to the overall character of a structure and/or district. The review guide may be used to address the impact of new construction, additions, modifications, alterations, and/or renovations which may become the subject of some future Certificate of Appropriateness or to address the existing physical characteristics, and may be used to determine whether or not elements which create the character of the structure and/or district are present, or whether subsequent changes to the property have rendered it ineligible for listing.

*Secretary of the Interior's Standards for Rehabilitation* (Revised March, 1990) means measures which provide guidance on the sensitive rehabilitation of an historic property. The ten (10) standards generally address design issues which include: character defining elements; changes which have occurred over the course of the property's history; desirable approaches to the repair of damaged features; appropriate cleaning methods; archaeological resources; and new construction in connection with an historic property.

*Structure* means a combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

*Transfer of development rights (TDR)* means the transfer of unused development rights or undeveloped floor area from lots containing a designated historic landmark or within a designated historic landmark district in order to encourage historic preservation and to provide an economic incentive to property owners.

*Undue economic hardship* means an exceptional financial burden that would amount to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income producing properties. The evidence and testimony needed to establish an undue economic hardship is specified in Section 31-5.9.

### Sec. 31-2.3 Appointment, duties of officer.

The City Manager shall appoint a person to serve as historic landmark officer to serve as secretary to the Historic Preservation Board. The appointee shall be experienced and knowledgeable in respect to architectural history, local history, landscape materials, site planning and land use regulations. The historic landmark officer shall:

- a. Schedule meetings of the Historic Preservation Board, prepare agendas and ensure that proper notice is carried out by persons or departments assigned to such duties.
- b. Prepare designation reports, which establish and define the historic significance and character of the proposed designated historic landmarks and historic landmark districts and all other items as described in Section 31-2.4 et seq., for designation reports under this article.
- c. Prepare national register of historic places nomination proposals.
- d. Provide applicable advice, standards, guidelines and procedures to prospective applicants for certificates of appropriateness for historic landmarks and historic landmark districts.
- e. Upon receipt of a complete application for a Certificate of Appropriateness for a designated historic landmark and for properties within an historic landmark district, review such application, which may include a field check of the site and referral to other departments or agencies as necessary, to determine any adverse effect upon the public welfare; and approve or deny standard certificates of appropriateness.
- f. Maintain and update an official inventory and map delineating historic landmarks and a photographic documentation of all officially designated historic landmarks and historic landmark districts.
- g. Prepare summary reports of all decisions on applications for all certificates of appropriateness for designated historic landmarks and historic landmark districts including criteria and conditions for approval or denial.
- h. Issue all approved certificates of appropriateness for designated historic landmarks and for properties within historic landmark districts.

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- i. Review and approve all final development plans for designated historic landmarks and historic landmark districts, for compliance with terms and conditions of applicable certificates of appropriateness, prior to issuance of any building permit.
- j. Work with state, county, other local governments, other city departments, public agencies, and private groups as required to provide a continuing effort to protect and preserve significant elements of the manmade and the natural environment through public education and encouragement of sound conservation policies.
- k. Complete assignments as directed by the City Manager as it relates to historic preservation.

### Sec. 31-2.4 Designation of historic landmarks—Criteria.

In order to qualify as a local historic landmark or local historic landmark district, individual properties must have significant character, interest or value as part of the historical, cultural, archaeological, aesthetic, or architectural heritage of the city, state or nation. For a multiple property nomination, eligibility will be based on the establishment of historic contexts, of themes which describe the historical relationship of the properties. The eligibility of any potential local historic landmark or local historic landmark district shall be based on meeting one (1) or more of the following criteria:

- a. Historical, cultural significance:
  1. Is associated in a significant way with the life or activities of a major historic person important in the past; or
  2. Is the site of an historic event with significant effect upon the community, city, state, or nation; or
  3. Is associated in a significant way with a major historic event whether cultural, economic, military, social, or political; or
  4. Exemplifies the historical, cultural, political, economic, or social trends of the community; or
  5. Is associated in a significant way with a past or continuing institution, which has contributed, substantially to the life of the City.
- b. Architectural significance:
  1. Portrays the environment in an era of history characterized by one (1) or more distinctive architectural styles; or
  2. Embodies those distinguishing characteristics of an architectural style, or period, or method of construction; or
  3. Is an outstanding work of a prominent designer or builder; or
  4. Contains elements of design, detail, materials or craftsmanship of outstanding

quality or which represent a significant innovation or adaptation to the South Florida environment.

- c. Aesthetic significance:
  1. By being a part or related to a subdivision, park, environmental feature, or other distinctive area, should be developed or preserved according to a plan based on a historical, cultural, or architectural motif; or
  2. Because of its prominence of spatial location, contrasts of siting, age, or scale, is an easily identifiable visual feature of a neighborhood, village, or the city and contributes to the distinctive quality or identity of such neighborhood, village, or the city. In case of a park or landscape feature, is integral to the plan of such neighborhood or the city.
- d. Archaeological significance: Has yielded or may be likely to yield information important in prehistoric history or history.
- e. Criteria considerations: Ordinarily cemeteries, birthplaces, or graves of historical figures, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty (50) years shall not be considered eligible for the Coral Gables Register of Historic Places. 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 building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with an historic person or event; or
  2. A birthplace or grave of an historical figure of outstanding importance if there is not appropriate site or building directly associated with his or her productive life; or
  3. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
  4. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and no other building or structure with the same association has survived; or
  5. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

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

### Sec. 31-2.5 Procedures.

Properties which meet the criteria for local historic landmarks and local historic landmark districts set forth in Section 31-2.4 shall be designated according to the following procedures:

a. *Proposals for designation of potential local historic landmarks and local historic landmark districts:*

1. Proposals for designation of potential local historic landmarks and local historic landmark districts may be submitted to the Historical Resources Department for recommendation to the Historic Preservation Board by any citizen who provides information, which illustrates that the property meets the criteria for listing as set forth in Section 31-2.4. The information submitted must include sufficient preliminary information to enable the staff's review for an initial determination that the property meets the minimum eligibility criteria. The proposal shall include a legal description of the property and a statement explaining its historic, cultural, aesthetic or architectural significance. In addition to furnishing any necessary information, the applicant may be required to pay applicable fees, if any. If the department's initial determination is that the property does not meet the minimum eligibility criteria for listing, the applicant may present the proposal for designation to the Historic Preservation Board; or
2. Directive of the Board: The Board may, upon the recommendation from staff or any citizen who pursuant to Part (1) of this section, direct staff to begin the designation process by preparing a designation report pursuant to Part (3) of this section and any other standards the Board may deem necessary, submitting this report to the procedures described herein, and arranging for a public hearing before the Historic Preservation Board on this matter.
3. Whenever a determination is made by either the Director of the Historical Resources Department or the Historic Preservation Board that an application for historic designation shall proceed to public hearing as provided herein, a demolition permit shall not be issued until the public hearing is held and a determination made on the subject designation. In the case where an owner seeks to demolish the property the public hearing shall be held at the next regularly

scheduled meeting if the provided statutory notice is complied with at which time the provisions of this article shall apply.

- b. *Preparation of historic landmark designation report.* For every proposed designated historic landmark and historic landmark district, the historic landmark officer shall prepare a designation report, which shall be presented to the board at a regularly scheduled meeting. The report shall contain the following:

1. *Proposed boundaries.* Boundaries for individual historic sites shall generally include the entire property or tract of land, unless such tract is so large that portions thereof are visually and functionally unrelated to any significant historic improvement. Proposed historic district boundaries shall, in general, be drawn to include all appropriate properties reasonably contiguous within an area and may include noncontributing properties which individually do not conform to the historic character of the district, but which require regulation in order to control potentially adverse influences on the character and integrity of the district. Where reasonably feasible, historic district boundaries shall include frontage on both sides of streets and divide the proposed historic landmark districts from other zoning districts in order to minimize interdistrict frictions. Archaeological zone boundaries shall generally conform to natural physiographic features, which were the focal points for prehistoric and historic activities.
2. *Optional internal boundaries.* Internal boundaries may subdivide an historic landmark district into sub areas and transitional areas as appropriate for regulatory purposes. If a proposed historic landmark or historic landmark district is visually related to the surrounding areas in such a way that actions in the surrounding area would have potentially adverse environmental influences on its character and integrity, proposed boundaries for such transitional areas may be included within the historic landmark or historic landmark district.
3. *Detailed regulations.* Every historic landmark and historic landmark district may be assigned a set of detailed zoning district regulations. Such regulations may be designed to supplant or modify any element of existing zoning regulations, including but not limited to the following: use, floor area ratio, density, height, setbacks, parking minimum lot size, and transfer of development rights, or create any additional

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regulations provided for in this section. The zoning amendment may identify individual properties, improvements, landscape features, or archaeological sites, or categories or properties, improvements, landscape features, or archaeological sites for which different regulations, standards and procedures may be required.

4. *Significance analysis.* A report shall be submitted establishing and defining the historic significance and character of the proposed historic landmark or historic landmark district, setting forth the criteria upon which the designation of the historic landmark, or historic landmark district, and its boundaries are based, and describing the improvements and landscape features of public significance, present trends and conditions, and desirable public objectives for future conservation, development, or redevelopment. The report shall include a review guide which identifies the major exterior features of any improvements or landscape features which contribute significantly to the historic character of the historic landmark site or historic landmark district. A designation report for an historic landmark shall also contain a location map and photographs of all designated exterior surfaces (and interior if applicable).
  5. *Optional designation of interiors.* Normally interior spaces shall not be subject to regulation under this section; however, in cases of existing structures having exceptional architectural, artistic, or historical importance, interior spaces which are customarily open to the public may be specifically designated. The designation report shall describe precisely those features subject to review and shall set forth standards and guidelines for such regulations.
- c. *Procedures for notification and hearings on proposed designation.* The board shall hold a public hearing with notification as follows:
1. *Notification of owners.* For each proposed designation of an historic landmark or historic landmark district, the Historical Resources Department is responsible for mailing a copy of the designation report and a courtesy notice of public hearing to all property owners of record whose properties are located within the boundaries of the designation. This notice shall serve as notification of the intent of the board to consider designation of the property at least ten (10) days prior to a public hearing held pursuant to this section. However, failure to receive such courtesy notice shall not invalidate the same. The property shall be posted at least ten (10) days prior to the hearing.
  2. *Notification of public hearing.* For each historic landmark and historic landmark district, proposed for designation, a public hearing shall be held within sixty (60) days from the date a designation report has been presented to the board. All property owners within a one thousand-foot radius of the historic landmark or historic landmark district proposed for designation shall be provided a courtesy notice of the public hearing by mail to the last known address of the party being served; however, failure to receive such notice shall not invalidate the same as such notice shall also be given by publishing a copy thereof in a newspaper of general circulation in the city and the county at least ten (10) days prior to the hearing. All interested persons shall be given an opportunity to be heard at the public hearing on the proposed designation. All property being considered by the Historic Preservation Board for historic designation shall be posted at least ten (10) days in advance of the public hearing. Such posting shall consist of a sign, the face surface of which shall be not be larger than forty (40) square inches and shall contain the following language: NOTICE, HISTORIC PRESERVATION BOARD, PUBLIC HEARING, PHONE:\_\_\_\_, HEARING DATE:\_\_\_\_, HEARING NO:\_\_\_\_.
  3. *Decision of the board.* If after a public hearing the board finds that the proposed local historic landmark or proposed local historic landmark district meets the criteria set forth in Section 31-2.4, it shall designate the property as a local historic landmark or local historic landmark district. All decisions of the board shall be by Resolution.
  4. *Notification of the board actions.* The historic landmark officer shall provide a courtesy notice to the following of its action with a copy of the Resolutions:
    - (a) Building and Zoning Department.
    - (b) Planning Department.
    - (c) City Clerk.
    - (d) Public Works Department.
    - (e) Owners of affected property and other parties having an interest in the property, if known.
    - (f) Any other municipal agency, including agencies with demolition powers that may be affected by this action.
  5. *Moratorium.*
    - (a) In addition to the provisions provided herein, upon the filing of a designation

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report by the staff, the owner(s) of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:

- i. Erect any structure on the subject property, or
  - ii. Alter, restore, renovate, move or demolish any structure on the subject property until such time as a final administrative action, as provided by this article, is completed.
- (b) Said moratorium shall expire when:
- i. The Historic Preservation Board determines that the property is not significant and an appeal to the City Commission is denied; or
  - ii. An appeal to the City Commission for the designation of the property is upheld; or
  1. iii. A Certificate of Appropriateness is issued subject to the conditions herein.
6. *Historical landmark or historic landmark district designation.* Where consideration of an historic landmark or historic landmark district designation is required by Section 31-2.4, actions and procedures shall be in conformance with the standards as provided in the "Zoning Code" of Coral Gables.
  7. *Adoption of historical landmarks and historic landmark district designation.* The Historic Preservation Board may by resolution designate historic landmarks and historic landmark districts.
  8. *Recording of designation.* The City Clerk shall provide the circuit court clerk with all designations for the purpose of recording such designations in the public record.
  9. *Appeal of designation.* All decisions of the Historic Preservation Board shall be by Resolution. Within fourteen (14) days from the date of such decision, any resolution of the Historic Preservation Board may be appealed to the City Commission, as provided for under Section 26-2 of the Coral Gables Zoning Code, otherwise the Resolution will be final.

### Sec. 31-2.6 Procedures for review of national register properties.

The City was granted certified local government (CLG) status in November of 1986. Review of national register nominations is a function of a CLG and shall be governed by "Florida Guidelines for Certified Local Governments."

- a. The historic landmark officer will, within thirty (30) days after receipt of a national register nomination, determine whether the nomination is

technically complete and notify the nomination's sponsor of such determination.

- b. If the nomination is technically complete, the historic landmark officer shall, at least thirty (30) days but not more than seventy-five (75) days prior to the Historic Preservation Board meeting at which the proposal is to be considered, notify the following:
  1. Owner(s) of record; and
  2. Appropriate local official(s).
- c. Nomination proposals to be considered by the Historic Preservation Board shall be on file in the office of historic preservation for at least thirty (30) days but not more than seventy-five (75) days prior to the board meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access so that written comments regarding a nomination proposal can be prepared.
- d. Nomination proposals shall be considered by the Historic Preservation Board at a public hearing, and all votes shall be recorded and made part of the permanent record of that meeting. All nomination proposals shall be forwarded, with a record of official action taken by the board and the recommendation of the appropriate local officials, to the state historic preservation officer within thirty (30) days of the board meeting at which they were considered. If either the Historic Preservation Board or appropriate local officials or both support the nomination, the state historic preservation officer shall schedule the nomination for consideration by the Florida Review Board of the National Register as part of the normal course of business at the next regular meeting.
- e. If both the Historic Preservation Board and appropriate local officials recommend that a property not be nominated to the national register, the state historic preservation officer shall take no further action on the nomination unless an appeal is filed with the state historic preservation officer. Any reports and recommendations that result from such a situation shall be included with any nomination submitted by the state historic preservation officer to the U.S. Secretary of the Interior.
- f. Any person or organization which supports or opposes the nomination of a property to the national register shall be afforded the opportunity to make its views known in writing. An owner or owners of a private property who wish to object to the nomination shall provide the Historic Preservation Board with a notarized statement certifying that the party is the sole or partial owner of the property as appropriate. All correspondence regarding a nomination

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proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the state historic preservation officer.

- g. Appeals. Any person may appeal the decision of the Historic Preservation Board in its review of national register nominations. Appeals should be directed to the state historic preservation officer in writing within thirty (30) days of the decision of the Historic Preservation Board. Nominations or proposals which have been appealed shall be considered by the Florida Review Board for the National Register as part of the normal course of business at its next regular meeting. If the opinion is that the property or properties is or are significant and merit nomination to the national register, the state historic preservation officer shall notify the City's Historic Preservation Board within thirty (30) days of the national register review board meeting of its intent to forward the nomination to the national register with a recommendation that the property or properties be listed.

### Sec. 31-3 Historic Preservation Board.

#### Sec. 31-3.1 Established.

A Historic Preservation Board is hereby created and established in and for the City.

#### Sec. 31-3.2 Composition, qualification of members.

- a. The Historic Preservation Board shall consist of nine (9) members, to be confirmed by the City Commission; One (1) member shall be appointed by each member of the City Commission; two (2) citizen at large members shall be appointed by the commission-as-a-whole; one (1) member shall be appointed by the City Manager; and one (1) member shall be a citizen-at-large appointed by the board as a whole.
- b. The six appointments made to the board by the City Commission and the City Manager shall include one (1) each of the following professions:
1. One (1) architect or preservation architect registered in the state.
  2. One (1) historian or architectural historian.
  3. One (1) certified planner or registered landscape architect.
  4. One (1) professional in the field of real estate, development, or licensed general contractor.
  5. One (1) attorney-at-law.
- c. It is intended that the members of the Historic Preservation Board established by this section shall be persons of knowledge, experience, mature judgment, and background, having ability

and desire to act in the public interest and representing insofar as may be possible the various special professional training, experience, and interests required to make informed and equitable decisions concerning conservation and protection of the physical environment.

- d. Each member of the board shall be a resident of the City during the term of his appointment, and also for at least five (5) years prior to appointment unless waived by a four fifths (4/5) vote of the City Commission.
- e. Special advisors may be appointed by the City Commission upon recommendation by the Historic Preservation Board.

#### Sec. 31-3.3 Terms.

- a. The initial terms of the three (3) citizen-at-large members of the board first appointed shall expire on May 31, 1986. The initial term of the six (6) professional members first appointed shall expire on May 31, 1985. The terms of all members, thereafter, shall be two (2) years.
- b. Any member may be removed for cause by a majority vote of the City Commission. Appointments for replacement of any member due to death, resignation, or removal shall be made by the City Commission and shall be for the unexpired term.

#### Sec. 31-3.4 Organization.

The members of the Historic Preservation Board shall elect one (1) of its members to serve as chairperson for a period of one (1) year, but not later than May 31 of the year following the date of appointment. Nothing shall prevent the board from naming a chairperson for a successive term. The historic landmark officer or his/her representative shall serve as secretary to the board with no voting capability.

#### Sec. 31-3.5 Meetings, records.

The Historic Preservation Board shall be required to hold regular meetings but may also hold special meetings as the board may determine, or at the call of the chairperson or the secretary thereof, for consideration of business before the board. All meetings of the board shall be open to the public. The time and place of the meetings, and the order of business and procedure to be followed at the meetings, shall be as prescribed by the board. Five (5) members of the board shall constitute a quorum and an affirmative vote equal to the majority of the full board shall be necessary for the adoption of any motion thereof. The board shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings,

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determinations, and decisions. Such records shall be filed in Historical Resources Department and shall be open for public inspection.

### Sec. 31-3.6 Compensation.

The members of the Historic Preservation Board shall serve without compensation but shall be reimbursed for expenses necessarily incurred in the performance of their duties subject to the prior approval of the City Commission.

### Sec. 31-3.7 Funding.

The City Commission shall appropriate funds in the budget to the Historic Preservation Board for expenses necessary in the conduct of its functions and responsibilities. The Historic Preservation Board may, in order to accomplish the purposes and activities required by this article, recommend to the City Manager to expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants and other sources, provided acceptance of loans or grants shall be approved by the City Commission.

### Sec. 31-3.8 Rules and regulations.

The Historic Preservation Board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this article and shall not conflict with the constitution and general laws of the state, nor the City Charter, and shall govern and control procedures, hearings and actions of the board. No rules and regulations shall become effective and until a public hearing has been held before the board upon the proposed rules and regulations, and any amendments or modifications thereto, and the same have been approved by the City Commission and filed with the City Clerk. Upon approval by the City Commission, such rules and regulations shall have the force and effect of law within the City. The Historical Resources Department shall prescribe forms for use by applicants in compliance with the provisions of this article.

### Sec. 31-3.9 Functions, powers, and duties generally.

The Historic Preservation Board, in addition to such other powers, duties and authority as may be set forth elsewhere in this Code or in any other ordinance of the City shall have the following powers and duties:

a. Maintain and update files from any previously accomplished historic survey within the City for the purpose of identifying and conserving those

sites, districts and zones of special historic, aesthetic, architectural, archaeological, cultural, social, or political value or interest. It shall endeavor to improve and expand the survey with additional sites, documentary information, oral histories, and other such materials as may become available; and to periodically reevaluate the survey to determine whether changing times and values warrant recognition of new or different areas of significance.

- b. Approve regulate and administer properties for designation as historic landmarks and historic landmark districts.
- c. As a Certified Local Government, participate in the national register program for properties within its jurisdiction as directed by the Code of Federal Regulations, Title 36, Part 61, and Section 31-2.6 of this Article.
- d. Serve as a quasi-judicial instrument to approve or deny certificates of appropriateness pursuant to Section 31-4. The Historic Preservation Board shall also determine the types of applications, which shall be reviewed as standard certificates of appropriateness by the historic landmark officer.
- e. Recommend zoning and building code amendments to the City Commission for referral, if they deem feasible to the Planning and Zoning Board.
- f. Vary, waive, or supersede provisions of the Zoning Code when appropriate as a means of encouraging significant historic preservation.
- g. Determine whether an historic landmark destroyed by fire or other natural disaster should be reconstructed. If so, the board may recommend to the City Commission that an exception to the Zoning Code or City Code be granted, and/or make recommendations to the Local Planning Agency (LPA) with regard to a Change in Land Use, pursuant to Section 31-4.18.
- h. Exercise the authority to grant certificates of transfer of development rights in accordance to procedures set forth.
- i. Make recommendations to the City Commission concerning the transfer of development rights, façade easements and the imposition of other restrictions, and the negotiations of historical property contracts for the purposes of historic preservation.
- j. Maintain a record of unique historically or archaeologically significant sites, districts or zones within the City.
- k. Increase public awareness of the value of historic conservation by developing and participating in public information programs.
- l. Make recommendations to the City Commission concerning the utilization of grants from federal and state agencies or private groups and

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individuals, and utilization of City funds to promote the preservation of archaeologically, historically and aesthetically significant sites, districts and zones.

- m. Evaluate and comment upon decisions of other public agencies affecting the physical development and appearance of archaeologically, historically and aesthetically significant sites, districts and zones.
- n. Contact public and private organizations and individuals and endeavor to arrange intervening agreements to ensure preservation of archaeologically, historically or aesthetically significant sites, districts and zones for which demolition or destruction is proposed.
- o. In the name of the City and with the approval of the City Commission, apply for, solicit, receive, or expend any federal, state, or private grant, gift, or bequest of any funding, property, or interest in property in furtherance of the purposes of historical, archaeological, and heritage conservation.
- p. Approve historic markers and plaques and issue recognition to designated historic landmarks and historic landmarks districts within the City.
- q. Advise the City Commission on all matters related to the use, administration and maintenance of City-owned designated historic landmarks and historic landmark districts.
- r. Any other function, which may be designated by resolution of the City Commission.

### Sec. 31-4 Certificate of appropriateness.

#### Sec. 31-4.1 Required.

No building, structure, improvement, landscape feature, or archaeological site within the City, which has been designated an historic landmark or historic landmark district, shall be erected, altered, restored, rehabilitated, excavated, moved, or demolished until an application for a Certificate of Appropriateness regarding any architectural features, landscape features, or site improvements has been submitted and approved pursuant to the procedures in this article. For reconstructed buildings which have been permitted pursuant to Section 31-4.18, the provisions of this section shall still apply. Architectural features shall include, but shall not be limited to the following: architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of roofs, windows, doors, and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to Section 31-2.4. Landscape features and site improvements shall include, but shall not be limited to the following: site regrading, subsurface alterations, fill deposition, paving,

landscaping, walls, fences, courtyards, signs, and exterior lighting. No Certificate of Appropriateness shall be approved unless the architectural plans for such construction alteration, excavation, restoration, rehabilitation, relocation, or demolition are approved by the board. Unless otherwise specified, exterior alterations to non-contributing structures or properties within historic landmark districts shall be reviewed and approved by the Historic Preservation Board and/or Historical Resources Department.

#### Sec. 31-4.2 Guidelines for review.

The Historic Preservation Board shall adopt the U.S. Secretary of the Interior's standards for rehabilitation as the standards by which applications for any Certificate of Appropriateness are to be measured and evaluated. In adopting these guidelines, it shall be the intent of the board to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for staff to make decisions regarding applications for standard certificates of appropriateness. From time to time, the board may adopt additional standards to preserve and protect special features unique to the City. Unless otherwise provided in the Certificate of Appropriateness, both Standard and Special Certificates of Appropriateness shall expire after two years if no building permit is issued. Staff may grant an extension of up to an additional 180 days for restoration or rehabilitation work subject to the following:

- a. Request for the extension is submitted in writing to the Historical Resources Department.
- b. The work completed is consistent with the approved scope of work.

#### Sec. 31-4.3 Forms.

Applications for Certificates of Appropriateness must be made on forms approved and provided by the Historical Resources Department.

#### Sec. 31-4.4 Delegation of review authority.

The Historic Preservation Board may delegate to the historic preservation officer the authority to review and grant Standard Certificates of Appropriateness with referral to the board and without a public hearing in the cases of certain applications which the board shall determine in advance.

#### Sec. 31-4.5 Preapplication conference.

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Before submitting an application for a Certificate of Appropriateness, an applicant shall confer with the historic landmark officer to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data. The Historic Landmark Officer or his/her representative, may, at the request of the applicant, hold additional preapplication conference(s) with the applicant. The purpose of such conference(s) is to further discuss and clarify conservation objections and design guidelines in cases that do not conform to established objectives and guidelines. In no case, however, shall any statement or representation made prior to the official application review be binding on the board, the City Commission or any City departments.

### Sec. 31-4.6 Standard certificate.

Based on the standards for rehabilitation, the designation report, a complete application for standard certificates of appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the board may deem necessary, the staff of the board shall, within thirty (30) days from the date a complete application has been filed, approve or deny the application for a standard Certificate of Appropriateness by the owner of an existing improvement or landscape feature within the boundaries of a designated historic landmark or historic landmark district. The findings of the staff shall be mailed to the applicant accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff's decision by applying for a Special Certificate of Appropriateness within thirty (30) days of the date of staff's findings.

### Sec. 31-4.7 Special certificates.

a. An applicant for a Special Certificate of Appropriateness, whether for alteration, addition, restoration, renovation, excavation, moving or demolition, shall submit his application to the Historic Preservation Board accompanied by full plans and specifications, site plan, and samples of materials as deemed appropriate by the board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving signage, and exterior lighting. The applicant shall provide adequate information to enable the board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscapes. If such application involves a designated archaeological zone, the applicant

shall provide full plans and specifications of work that may affect the surface and subsurface of the archaeological site. An applicant may apply for an accelerated Certificate of Appropriateness that is reviewed by the Historic Preservation Board at the same meeting as the public hearing for designation of the subject property.

- b. The Building and Zoning Department shall review all plans for alterations, additions, restoration or renovation of Historic Landmarks prior to the applicant's submission for a Special Certificate of Appropriateness and shall report any variance items in connection with the proposed construction to the Historical Resources Department.
- c. In the event the applicant is requesting a special certificate for demolition, the board shall be provided with the details for the proposed disposition of the site. The board may require architectural drawings of any proposed new construction.
- d. An applicant requesting a Special Certificate of Appropriateness for a reconstructed building, whether for alteration, addition, restoration, renovation, excavation, moving or demolition shall follow the same process to receive the board's approval. A reconstructed building will be clearly identified for the public.
- e. A public notice of a request for a Special Certificate of Appropriateness shall be published one (1) time in a newspaper of general circulation published in the City of Coral Gables, or in Miami-Dade County, Florida, at least ten (10) days prior to the date of such hearing. All such notices published in a newspaper shall state in substance the request and shall give the date, time, and place of the public hearing. All properties being considered by the Historic Preservation Board for a request for a Special Certificate of Appropriateness shall be posted at least ten (10) days in advance of the public hearing. Such posting shall consist of a sign, the face surface of which shall be not be larger than forty (40) square inches and shall contain the following language: NOTICE, HISTORIC PRESERVATION BOARD, PUBLIC HEARING, PHONE: \_\_\_\_\_, HEARING DATE: \_\_\_\_\_, HEARING NO: \_\_\_\_\_.
- f. The posting of the property shall comply with Sections 24-6(2)(b) through 24-6(2)(e) as amended of the Zoning Code inclusive.

### Sec. 31-4.8 Decision of the board.

The decision of the Historic Preservation Board shall be based upon the guidelines set forth in Section 31-4.13 as well as the general purpose and intent of this section and any specific planning objectives and design guidelines officially adopted for the particular

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historic landmark or historic landmark district. No decision of the board shall result in an undue economic hardship for the owner, provided, however, that the board has determined the existence of such hardship in accordance with the provisions of Section 31-5.9. The decision of the board shall include a complete description of the reasons for such findings, and which details the public interest which is sought to be preserved, and shall direct one (1) or more of the following actions:

- a. Approval of a special certificates of appropriateness for the work proposed by the applicant; or
- b. Approval of a Special Certificate of Appropriateness with specified modifications and conditions; or
- c. Denial of the application and refusal to grant a Special Certificate of Appropriateness for modification or demolition; or
- d. Approval of a Special Certificate of Appropriateness with a deferred effective date in cases of demolition or moving a significant improvement or landscape feature, pursuant to the provisions of Sections 31-4.14 and 31-4.15 as amended.

### Sec. 31-4.9 Time limit.

The Historic Preservation Board shall act upon an application within sixty (60) days of the board's receipt of the completed application adequately describing the proposed action. The board shall approve, approve in modified form, deny, continue or defer the application. The time limit may be waived at any time by mutual written consent of the applicant and the board.

### Sec. 31-4.10 Records.

Evidence of approval of the application shall be by the recording in the minutes of the Certificate of Appropriateness granted by the board. When an application is denied, the board's notice shall provide an explanation of the basis of the decision. A written record of the proceedings of the board shall be kept and produced, showing its action on each Special Certificate of Appropriateness considered. When a Special Certificate of Appropriateness is granted, the proceedings of the Historic Preservation Board shall state the basis for granting the Special Certificate of Appropriateness. Such record shall be filed in the office of the Historical Resources Department, and shall be open for public inspection.

The record when pertaining to the record of the board or official from which appeal is taken shall include any application, exhibits, appeal papers, written objections, waivers or consents, considered by the board as well as transcripts or stenographic notes

taken for the department at a hearing held before the Historic Preservation Board, the board minutes, and resolution indicating its decision.

### Sec. 31-4.11 Appeals.

An appeal from any decision of the Historic Preservation Board upon any matter initiated before the Board may be taken to the City Commission by any aggrieved party.

Except as to the appeals of tentative plats, which are governed by Chapter 23 of the City Code, "Subdivisions," the following procedure shall govern the filing of appeals: (3284).

- a. Any aggrieved party desiring to appeal a decision of the Historic Preservation Board shall, not less than five (5) days and within fourteen (14) days from the date of such decision, file a written Notice of Appeal with the City Clerk, whose duty it shall then become to send a written notice of such appeal to all persons previously notified by the Board. The matter shall then be heard by the City Commission at its next meeting, provided at least ten (10) days has intervened between the time of the filing of the notice of appeal and the date of such meeting; if ten (10) days shall not intervene between the time of the filing of the notice and the date of the next meeting, then the appeal shall be heard at the next following regular meeting of the City Commission and the City Commission shall render a decision, without any unnecessary or undue delay, unless application for deferral has been made as permitted in Section 26-4 of the Zoning Code as amended.
- b. Any individual or their agent or representative filing an appeal from a decision of Historic Preservation board upon any matter which they have initiated as an "applicant" before said Board shall pay a fee of two hundred dollars (\$200.00) to the City Clerk upon filing such appeal. Any "aggrieved" party filing an appeal from a decision of the Historic Preservation Board shall pay a fee of two hundred dollars (\$200.00) to the City Clerk upon filing such appeal. In cases where multiple parties have filed an "aggrieved party" appeal, said appeal shall be heard as one appeal and said appeal fee shall be equally divided among the parties. An appeal shall stay all proceedings in the matter appealed from until the final disposition of the appeal by the City Commission.
- c. Upon the taking of an appeal, the City Commission shall conduct a de novo review of the decision of the Historic Preservation Board. The property owners, objectors or interested parties may offer or submit additional evidence

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and testimony at the hearing before the City Commission. The City Commission is authorized to affirm, affirm with conditions, or override the decision of the Historic Preservation Board. Any decision by the Historic Preservation Board can only be reversed by a majority vote of the City Commission. The granting of any appeal by the City Commission shall be by resolution.

### Sec. 31-4.12 Changes in approved work.

Any change in work proposed subsequent to the issuance of a Certificate of Appropriateness shall be reviewed by the board's staff. If the board's staff finds that the proposed change does not materially affect the historic character, or the proposed change is in accord with approved guidelines, standards and certificates of appropriateness, it may issue a supplementary standard Certificate of Appropriateness for such change. If the proposed change is not in accordance with guidelines, standards, or certificates of appropriateness previously approved by the board, a new application for a Special Certificate of Appropriateness shall be required.

### Sec. 31-4.13 Guidelines for issuance—alteration of existing improvements, and new construction.

For applications related to alterations or new construction, the proposed work shall not adversely affect the historic, architectural, or aesthetic character of the subject improvement or the relationship and congruity between the subject improvement and its neighboring improvements and surroundings, including but not limited to form, spacing, height, setbacks, materials, color, or rhythm and pattern of window and door openings in building facades; nor shall the proposed work adversely affect the special character of special historical, architectural or aesthetic interest or value of the overall designated historic landmark or historic landmark district. Except where special standards and guidelines have been specified in the ordinance creating a particular designated historic landmark or historic landmark district, or where the board has subsequently adopted additional standards and guidelines for a particular designated historic landmark or historic landmark district, decisions relating to alteration or new construction shall be guided by the U.S. Secretary of the Interior's standards for rehabilitation.

### Sec. 31-4.14 Demolition.

a. No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a Special Certificate of Appropriateness has been submitted and

approved pursuant to the procedures in this Article. Denial of such application indefinitely and refusal by the board to grant a Special Certificate of Appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be served. The Historic Preservation Board shall be guided by the criteria contained in subsection (d) below.

- b. The board may grant a Special Certificate of Appropriateness to demolish with a deferred effective date. The effective date shall be determined by the board based upon the significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this article. 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 (1) or more structures or other features. After the specified expiration of the deferred Special Certificate of Appropriateness, a demolition permit shall be issued if requested forthwith by the appropriate administrative officials.
- c. As a condition of granting any Certificate of Appropriateness, standard or special, for demolition of buildings or improvements designated as historic landmarks or located in an historic landmark district, the board may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The board may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.
- d. In addition to all other provisions of this article, the board shall consider the following criteria in evaluating applications for a Special Certificate of Appropriateness for demolition of designated properties:
1. The degree to which the building, structure, improvement or site contributes to the historic and/or architectural significance of the historic site or district;
  2. Whether the building, structure, improvement or site is one of the last remaining examples of its kind in the neighborhood, the county or the region;
  3. Whether the loss of the building, structure, improvement or site would adversely affect

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- the historic and/or architectural integrity of the historic site or district;
  4. Whether the retention of the building, structure, improvement or site would promote the general welfare of the City by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage;
  5. Whether architectural plans have been presented to the board for the reuse of the property if the proposed demolition were to be carried out, and the appropriateness of said plans to the character of the historic site or district, if applicable; and demonstration as well as the posting of a bond requirement that there are sufficient funds in place to carry out such plans;
  6. Whether the building, structure, improvement or site poses an imminent threat to the public health or safety;
  7. Whether the applicant has demonstrated that retention of the building, structure, improvement or site would create an unreasonable or undue economic hardship as described in Section 31-5.9.
  8. Whether there is a compelling public interest requiring the demolition.
- e. As a condition of granting a Certificate of Appropriateness for demolition, the Historic Preservation Board may require that no building permit be issued for the demolition of said structure until a building permit for the construction of a new building has been issued.
- f. The owner of the property shall permit access to the subject property for the purpose of inspections and/or appraisals required by the Historic Preservation Board or preservation officer.
- g. No permit for demolition of a non-designated building shall be issued to the owner thereof without prior notification by the building official to the Historical Resources Department. The Historical Resources staff may require review by the Historic Preservation Board if the building to be demolished is considered eligible for local designation. The public hearing shall be held at the next regularly scheduled meeting if the provided statutory notice is complied with at which time the provisions of this article shall apply.

### Sec. 31-4.15 Moving of existing improvements.

The moving of significant improvements from their original location shall be discouraged; however, the Historic Preservation Board may grant a Special Certificate of Appropriateness if it finds that no

reasonable alternative is available for preserving the improvement on its original site and that the proposed relocation site is compatible with the historic and architectural integrity of the improvement.

### Sec. 31-4.16 Removal or destruction of existing landscape features.

- a. No Certificate of Appropriateness shall be granted for removal, relocation, concealment, or effective destruction by damage of any landscape features or archaeological sites especially designated as significant within the boundaries of an historic landmark or historic landmark district unless one (1) of the following conditions exists:
  1. The designated landscape feature or archaeological site is located in the buildable area or yard area where a structure may be placed and unreasonably restricts the permitted use of the property; or
  2. The designated vegetation is inappropriate in a historical context or otherwise detracts from the character of district; or
  3. The designated vegetation is diseased, injured, or in danger of falling, unreasonably interferes with utility service, creates unsafe vision clearance or conflicts with other applicable laws and regulations.
- b. As a condition contained in the Certificate of Appropriateness, the applicant may be required to relocate or replace designated vegetation.

### Sec. 31-4.17 Construction, excavation or other disturbance in archaeological zones.

In cases where new construction, excavation, tree removal, or any other activity may disturb or reveal an interred archaeological site, the Historic Preservation Board may issue a Certificate of Appropriateness, standard or special, with a delayed effective date up to forty-five (45) days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the board. A Certificate of Appropriateness may be denied if the site is of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

### Sec. 31-4.18 Reconstruction of destroyed historic landmarks.

- a. The loss of local historic landmarks within the City, destroyed by fire or other national disaster, may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction, the exact form

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and detail of a demolished building, structure or object, as it appeared at a certain point in time. Reconstruction shall be encouraged by the Historic Preservation Board when deemed appropriate. The Historic Preservation Board shall be guided by, but not limited to the following:

1. Is there sufficient evidence (e.g. photo documentation; measured drawings; physical evidence, etc.) to accurately depict the form and detail of the original resource?
  2. Are the original construction materials readily available, or are substitute materials sufficiently similar so as to convey the original qualities of construction?
  3. Were the interior spaces especially significant to the form and function of the building? If so, the board will define the parameters necessary to adequately convey those interior spatial characteristics as requirements in the reconstruction effort.
  4. Has the applicant demonstrated a commitment to the reconstruction effort by making every reasonable effort to preserve or salvage the remaining features of the property?
  5. Are there other unique factors or circumstances that would make reconstruction desirable?
- b. The applicant for the reconstruction effort shall provide the board with details of the construction project, to include a description of the existing character of the site, and whether or not there is any salvage potential. Every reasonable effort shall be made to incorporate salvaged elements within the reconstructed historic resource.
- c. Should the board find that the reconstruction is desirable, and that the applicant has met the criteria enumerated herein, and has furnished sufficient evidence that the important exterior and interior form and detail can be reproduced then:
1. Where exceptions to the zoning code are appropriate, the Historic Preservation Board may recommend to the City Commission that an exception be granted in part or in whole, so that the goals of this article can be accomplished.
  2. In cases where a change in land use is necessary to accomplish the goals of this article, the Historic Preservation Board may issue a recommendation in favor of that change, and shall issue a recommendation as to whether or not any administrative fees, either in whole or in part, are to be waived. Any recommendation as to the waiver of fees or any portion thereof shall be binding.
  3. Following consideration by the Historic Preservation Board, the matter shall be referred to the Board of Adjustment. The

Board of Adjustment shall make their recommendation. In making its recommendation the Board of Adjustment shall concentrate its review on any variances necessary for the reconstruction effort, and shall apply the same standards in their recommendation to the City Commission as for the granting of any other variance. The requirements of Sections 24-6 through 24-10 of the Zoning Code pertaining to notice of hearing, variances, applications for variance and other hearings – procedures, time limit for variances and limitation of subsequent applications shall be followed by the Board of Adjustment in making their recommendation to the City Commission. The Board of Adjustment shall make their recommendation based on the facts presented, and their recommendation will accompany the Historic Preservation Board's recommendation for final consideration by the City Commission.

### Sec. 31-5 Administration and enforcement.

#### Sec. 31-5.1 Variances.

The Historic Preservation Board shall have the authority to grant any variance from the terms of the Zoning Code of those properties designated as historic landmarks, either individual sites or buildings within districts, where it is deemed appropriate for the continued preservation of the historic landmark or historic landmark district. The board shall only authorize such variances in conjunction with an application for a Special Certificate of Appropriateness. In carrying out this responsibility, the Historic Preservation Board must follow the same procedures specified for the Board of Adjustment in the Zoning Code, Sections 24.06 through 24.10 inclusive as amended.

#### Sec. 31-5.2 Transfer of Development Rights.

The Historic Preservation Board shall have the authority to grant certificates of transfer of development rights (TDR) to property owner(s) of designated historic landmarks, either individual sites or buildings within districts. The exercise of this authority shall be in accordance with the criteria and standards for transfer of development rights as recommended by the Planning and Zoning Board and adopted by the City Commission. Any historic landmark that has transferred development rights shall not be demolished.

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### Sec. 31-5.3 Amendments.

Applications for amendments to existing designated historic landmarks or historic landmark districts shall be processed according to the provisions of Sections 31-2.4 and 31-2.5 of this Article, provided that no action resulting from such application shall have the effect of eliminating the requirement for certificates of appropriateness as otherwise provided in this article. Where the board has issued a Certificate of Appropriateness for demolition or moving of the improvement or feature of principal historic significance on an historic landmark site, the historic designation may be changed through the amendment process.

### Sec. 31-5.4 Ordinary maintenance and repair.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any improvement which does not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features.

### Sec. 31-5.5 Enforcement of maintenance and repair provisions.

Where the Historic Preservation Board or board's staff determines that any improvement within a designated historic landmark, or historic landmark district is endangered by lack of maintenance and repair, or that other improvements in visual proximity to an historic landmark or historic landmark district lack maintenance and repair to such an extent as to detract from the desirable character of the historic landmark or historic landmark district, it shall request appropriate officials or agencies of the City to require correction of such deficiencies under authority of applicable laws and regulations.

### Sec. 31-5.6 Unsafe structures.

In the event the building official determines that any structure within a designated historic landmark or historic landmark district is unsafe pursuant to the applicable building code adopted by the City, he/she shall immediately notify the Historic Preservation Board with copies of such findings. Where reasonably feasible within applicable laws and regulations the building official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the board. The board may take appropriate actions to effect and accomplish preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, provided that such actions do not interfere with procedures in Section 202 of the South Florida Building Code.

### Sec. 31-5.7 Emergency conditions.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to an improvement, landscape feature, or site within a designated historic landmark district pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it later under the normal review procedures of this article.

### Sec. 31-5.8 Inspections.

The Historical Resources Department shall inspect and enforce the provisions of this Article. The Director of the Building and Zoning Department or his/her designee shall be responsible to promptly stop any work attempted to be done without or contrary to any Certificate of Appropriateness required under this division and shall further be responsible for ensuring that any work not in accordance with an issued Certificate of Appropriateness shall be voluntarily corrected to comply with the certificate, or that authorized civil and criminal prosecution is initiated promptly.

### Sec. 31-5.9 Undue economic hardship.

In any instance where there is a claim of undue economic hardship, the property owner may submit, by affidavit, to the board at least fifteen (15) days prior to the public hearing, the following information:

a. For all property:

1. The amount paid for the property, the date of purchase and the party from whom purchased.
2. The assessed value of the land and improvements thereon, according to the two (2) most recent assessments.
3. Real estate taxes for the previous two (2) years.
4. Annual debt service, if any, for the previous two (2) years.
5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
6. Any listing of the property for sale or rent, price asked and offers received, if any.
7. Any consideration by the owner as to profitable adaptive uses for the property.

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- b. For income producing property:
  - 1. Annual gross income from the property for the previous two (2) years.
  - 2. The assessed value of the land and improvements thereon, according to the two (2) most recent assessments.
  - 3. Annual cash flow, if any, for the previous two (2) years.
- c. The board may require that an applicant furnish such additional information, as the board believes is relevant to its determination of undue economic hardship and may provide, in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and 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.

### Sec. 31-5.10 Violations.

The demolition of any building, structure, improvement or site protected by this article (a) for which a certificate of appropriateness for demolition has not been granted, or (b) which was carried out in violation of the provisions in Section 31-4.14, shall cause the City to reject an application for a building permit until the following criteria have been met:

- a. A pre-application shall be submitted to the Historical Resources Department containing the following information:
  - 1. A detailed sworn explanation outlining the facts surrounding the unlawful demolition.
  - 2. Evidence that any and all code enforcement fines have been paid.
  - 3. Evidence that all violations on the property have been corrected or a stipulation outlining the agreed upon steps to correct all outstanding violations.
  - 4. Review and approval of the Historical Resources Department checklist by the following departments so that the application for issuance of a building permit may proceed
    - (a) Building and Zoning
    - (b) Planning
    - (c) Public Works
    - (d) Public Service
    - (e) Historical Resources
    - (f) City Manager
    - (g) City Attorney

All approvals issued within the parameters of this section shall not be construed to be a development order and shall not be evidence of approval by any of the departments of the building permit.

Any person who carries out or causes to be carried out any work in violation of this article shall be required to restore the subject improvement, landscape feature, or site, either to its appearance prior to the violation or in accordance with a Certificate of Appropriateness approved by the Historic Preservation Board, subject to the conditions imposed in Section 31-4.14. All civil remedies shall be in addition to and not in lieu of any criminal prosecution and penalty otherwise provided in the City Code or Ordinance Number 1525, as amended, and known as the Zoning Code.

### Sec. 31-5.11 Enforcement.

The Historical Resources Director is authorized, where it is deemed necessary for enforcement of these regulations, to require the execution of an agreement for recording, together with appropriate documents.

### Sec. 31-6. Tax exemptions for historic properties.

#### Sec. 31-6.1 Scope of tax exemptions.

A method is hereby created for the City Commission to allow tax exemptions for the restoration, renovation or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties, which result from restoration, renovation or rehabilitation made on or after the effective date of this division. The exemption applies only to taxes levied by the City. The exemption does not apply 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.

#### Sec. 31-6.2 Duration of tax exemptions.

Any exemption granted under this section to a particular property shall remain in effect for ten (10) years, as specified in the ordinance approving the exemption. The duration for ten (10) years shall continue regardless of any change in the authority of the City to grant such exemptions or any changes in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained over the period for which the exemption was granted.

#### Sec. 31-6.3 Eligible properties and improvements.

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- a. Property is qualified for an exemption under this section if:
  1. 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 within a National Register-listed district; or
    - (c) Individually listed in the Coral Gables Register of Historic Places, or noted as a contributing structure within a designated local historic district as enacted by ordinance of the City Commission.
  2. The Historic Preservation Board has certified to the City Commission that the property for which an exemption is requested satisfied subsection (1)(a).
- b. In order for an improvement to a historic property to qualify the property for an exemption, the improvement must be:
  1. Consistent with the United States Secretary of the Interior's Standards for Rehabilitation; and
  2. Determined by the Historic Preservation Board to meet criteria established in rules adopted by the Department of State.

### Sec. 31-6.4 Applications.

Any person, firm or corporation that desires ad valorem tax exemption from the improvement of a historic property must, prior to construction, file with the Historical Resources Department a written application on an approved form. All applicable fees shall be paid at the time the application is submitted. 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 Historic Preservation Board, that the property that is to be rehabilitated or renovated is a historic property under this section.
- d. Proof, to the satisfaction of the Historic Preservation Board that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Department of State.
- e. Other information identified in appropriate Department of State regulations.

### Sec. 31-6.5 Required restrictive covenant.

To qualify for an exemption, the property owner must enter into a restrictive covenant or agreement with the City Commission for the term for which the exemption is granted. The form of the covenant or agreement must be established by the Department of State 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, transferees, and their 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).

### Sec. 31-6.6 Review by Historic Preservation Board.

The Historic Preservation Board, or its successor, is designated to review applications for exemptions. The Historic Preservation Board may recommend that the City Commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the Department of State. The recommendation and the reasons therefore must be provided to the applicant and to the City Commission before consideration of the application.

### Sec. 31-6.7 Approval by the City Commission.

A majority vote of the City Commission shall be required to approve a written application for exemption. The City Commission shall include the following in the resolution or ordinance approving the written application for exemption:

- a. The name of the owner and the address of the historic property for which the exemption is granted.
- b. The period of time for which the exemption will remain in effect and the expiration date of the exemption.
- c. A finding that the historic property meets the requirements of this section.