

Sec. 12-13-3. - Architectural review board.

The architectural review board is hereby established.

- (A) *Membership.* The architectural review board shall be composed of the following members appointed by city council:
- Two (2) members nominated by West Florida Historic Preservation, Inc, each of whom shall be a resident of the city.
 - One (1) member who is either from the city planning board, or is a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District.
 - Two (2) registered architects, each of whom shall be a resident of the city.
 - One (1) member who is a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District.
 - One (1) member who is a property or business owner in the Palafox Historic Business District or the Governmental Center District.
- (B) *Terms of office; vacancies; removal from office.* Members of the architectural review board shall serve for terms of two (2) years or thereafter until their successors are appointed. Any member of the board may be removed from office for just cause by the city council upon written charges, and after public hearing. Any vacancy occurring during the unexpired term of office of any member shall be filled by the city council for the remainder of the term. Such vacancy shall be filled within thirty (30) days after the vacancy occurs.
- (C) *Officers; and technical assistance.* The board shall elect from among its members a chairman and such other officers as it may determine. The terms of officers shall be one (1) year, with eligibility for reelection, and officers shall serve until their successors are selected and qualified. The city planner or his representative shall serve as secretary to the board. The building official shall serve as an advisor to the board. The board may call upon any branch of the city government at any time for information and advice which in the opinion of the board will ensure efficiency of its work.
- (D) *Rules of procedure, meetings, and records.* The board shall adopt rules of procedure for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations. The board shall hold regular meetings once a month, and special meetings at such times as the board may determine or at the call of the chairman or the city planner. All regular and special meetings of the board shall be open to the public. A written record of the proceedings of the board shall be kept showing its actions on each question considered, and filed in the office of the secretary of the board.
- (E) *Duties.* The board shall have as its purpose the preservation and protection of buildings of historic and architectural value and the maintenance and enhancement of the following district:
- a. Pensacola Historic District. Refer to subsection 12-2-10(A).
 - b. North Hill Preservation District. Refer to subsection 12-2-10(B).
 - c. Old East Hill Preservation District. Refer to subsection 12-2-10(C).
 - d. Palafox Historic Business District. Refer to section 12-2-21.
 - e. Governmental Center District. Refer to section 12-2-22.

It shall be the duty of the board to approve or disapprove plans for buildings to be erected, renovated or razed which are located, or are to be located, within the historical district or districts and to preserve the historical integrity and ancient appearance within any and all historical districts established by the governing body of the city, including the authority to grant variances,

under the conditions and safeguards provided in subsection 12-12-2(A)(2), from the zoning ordinances of the city applicable in the Pensacola Historic District, the North Hill Preservation District, the Old East Hill Preservation District, and the Palafox Historic Business District.

- (1) *Conditions for granting a zoning variance.* In order to authorize any zoning variance from the terms of this title, the board must find in addition to the conditions specified in subsection 12-12-2(A)(2):
 - (a) That the variance granted will not detract from the architectural integrity and/or historical accuracy of the development and of its surroundings;
 - (b) That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- (2) *Hearing of variance applications.*
 - (1) *Application procedure.*
 - (a) An application for variance must be submitted to the community development department at least twenty-one (21) days prior to the regularly scheduled meeting of the architectural review board.
 - (b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
 - (c) Any party may appear in person, by agent, or by attorney.
 - (d) Any application may be withdrawn prior to action of the architectural review board at the discretion of the applicant initiating the request upon written notice to the board secretary.
 - (2) *Application submission requirements.* No application shall be considered complete until all of the following have been submitted:
 - (a) The application shall be submitted on a form provided by the board secretary.
 - (b) The application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.
 - (c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
 - (3) *Public notice for variance.*
 - (a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled board meeting.
 - (b) Notice of the request(s) for variances shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled board meeting at the expense of the applicant.
 - (c) The community development department shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the property proposed for a variance with a public notice by post card, and appropriate homeowners association, at least ten (10) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

The agenda will be mailed to the board members and applicants and other interested parties. The applicant or their authorized agent shall appear at the meeting in order for the request to be considered by the board.

- (F) *Procedure of submission of plans.*
- (1) An application to erect, construct, renovate, demolish and/or alter an exterior of a building located or to be located in a district within the review authority of the architectural review board must be submitted to the community development department at least twenty-one (21) days prior to the regularly scheduled meeting of the board.
 - (2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
 - (3) No application shall be considered complete until all of the following have been submitted:
 - (a) The application shall be submitted on a form provided by the board secretary.
 - (b) Each application shall be accompanied by accurate site plans, floor plans, exterior building elevations and similar information drawn to scale in sufficient detail to meet the plan submission requirements specified within the historic and preservation districts.
 - (c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
 - (d) Any party may appear in person, by agent, or by attorney.
 - (e) Any application may be withdrawn prior to action of the architectural review board at the discretion of the applicant initiating the request upon written notice to the board secretary.
 - (4) Public notice requirements.
 - (a) The planning department shall provide a copy of the monthly architectural review board meeting agenda to the appropriate neighborhood, homeowner, or property owner association at least seven (7) days prior to the board meeting.
- (G) *Review and decision.* The board shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted, to the board for review.
- (H) *Notification; building permit.* Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant of the decision of the board. If the board approves the plans and if all other requirements of the city have been met, the building official may issue a permit for the proposed building. If the board disapproves the plans, the building official may not issue such permit. In a case where the board has disapproved the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.
- (I) *Failure to review plans.* If no action upon plans submitted to the board has been taken at the expiration of thirty-one (31) days from the date of submission of the plans to the board for review, such plans shall be deemed to have been approved, and if all other requirements of the city have been met, the building official may issue a permit for the proposed building.
- (J) *General considerations.*
- (a) Each respective district referred to in subsection (E) includes specific rules governing ARB decisions.
 - (b) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings has been adopted by the ARB for the general review guidelines.
- (K) *Reconsideration.* The board shall adopt written rules and procedures for abbreviated review for deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board, provided, however such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as

it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

- (L) *Voting.* No meeting shall be held without at least four (4) of the board members present. All decisions may be rendered by a simple majority of the board members present and voting.
- (M) *Procedure for review.* Any person or entity whose property interests are substantially affected by a decision of the board may within fifteen (15) days thereafter, apply to the city council for review of the board's decision. A written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(Ord. No. 15-94, § 2, 6-9-94; Ord. No. 44-94, § 8, 10-13-94; Ord. No. 37-95, § 1, 9-28-95; Ord. No. 44-99, § 6, 11-18-99; Ord. No. 15-00, § 11, 3-23-00; Ord. No. 23-01, § 1, 10-11-01; Ord. No. 12-09, § 4, 4-9-09; Ord. No. 16-10, § 228, 9-9-10)

Editor's note— Section 2 of Ord. No. 23-01, adopted Oct. 11, 2001, states that upon the effective date of § 12-13-3 [Oct. 11, 2001], the existing members of the board shall continue to serve for the remainder of their appointed term of office. Upon expiration of the existing terms of office, members shall be appointed in accordance with the requirements of section 12-13-3(A). The initial members appointed from the West Florida Historic Preservation, Inc. shall serve for the balance of the term of the members previously appointed by the Historic Preservation Board of Trustees.