

DIVISION 1. - HISTORIC PROPERTIES EXEMPTION

Sec. 3-4-91. - Exemptions for improvements to historic properties authorized.

A method is hereby created to allow ad valorem tax exemptions under s. 3, Art. VII of the State Constitution to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties. The city council by ordinance or resolution may authorize the exemption from ad valorem taxation of up to 100 percent of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties. The exemption applies only to improvements to real property. In order for the property to qualify for the exemption, any such improvements must be made on or after the day this division is adopted and in accordance with the provisions of this division.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-92. - Taxes to which exemptions apply.

Exemptions shall apply only to taxes levied by the city, excluding levies for the downtown improvement board. The exemptions do not apply, however, to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-93. - Duration of exemptions.

Any exemption granted remains in effect for up to ten years (as determined by the ordinance or resolution granting such exemption) with respect to any particular property, regardless of any change in the authority of the city to grant such exemptions or any change in ownership of the property. In order to retain the 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 is granted. In the event that an exemption is granted for less than ten years, the city council may extend the term of the exemption provided that the total term shall not exceed ten years.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-94. - Property to which exemptions apply.

Property is qualified for an exemption under this division if:

- (a) At the time the exemption is granted, the property:
 - (1) Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or
 - (2) Is a contributing property to a national-register-listed district; or
 - (3) Is designated as a historic property, or as a contributing property to a historic or preservation district, under the terms of the of the land development code or other ordinance of the city; and
- (b) The preservation board has certified to the city that the property for which an exemption is requested satisfies paragraph (a).

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-95. - Improvements which qualify for exemption.

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

- (a) Be consistent with the United States Secretary of Interior's Standards for Rehabilitation.
- (b) Be determined by the preservation board to meet criteria established in subsections 3-4-96(b) and (c).
- (c) Exceed five thousand dollars (\$5,000.00) in actual expenditures on the project.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-96. - Application and review.

- (a) Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, file with the preservation board an application on a form prescribed by the Department of State. For properties located within a district subject to the jurisdiction of the city's architectural review board, applications should be filed and reviewed by the preservation board prior to the submittal of plans to the architectural review board. Applications are encouraged to be filed before the improvements are initiated and must be filed no later than March 1 next following the completion of construction of the improvements. The application must include the following information:
 - (1) The name of the property owner and the location of the historic property.
 - (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements.
 - (3) Proof, to the satisfaction of the preservation board, that the property that is to be rehabilitated or renovated is a historic property under this section.
 - (4) Proof, to the satisfaction of the 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.
 - (5) Applications submitted for properties which have been individually designated as historic properties or landmarks shall include documentation substantiating such designation and describing the historic, archaeological or architectural features which provided the basis for designation. Acceptable documentation shall include a copy of the designation report for the property and official correspondence notifying the property owner of designation.
 - (6) Other information deemed necessary by the preservation board.
- (b) Upon receipt of the completed application and all required supporting materials, the preservation board shall conduct a review to determine:
 - (1) Whether the property for which an exemption is requested satisfies section 3-4-94.
 - (2) Whether the proposed improvements are consistent with the Secretary of Interior's Standards for Rehabilitating Historic Buildings (Revised 1990), U.S. Department of the Interior, National Park Service, which are incorporated herein by reference, and the criteria in this division, and
 - (3) For applications submitted under the provisions of section 3-4-100, whether the criteria of that section are met.
- (c) The preservation board shall apply the recommended approaches to rehabilitation as set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic

Buildings in evaluating the eligibility of improvements to the historic property. For improvements intended to protect or stabilize severely deteriorated historic properties or archaeological sites, the preservation board shall apply the following additional standards:

- (1) Before applying protective measures which are generally of a temporary nature and imply future historic preservation work, an analysis of the actual or anticipated threats to the property shall be made.
 - (2) Protective measures shall safeguard the physical condition or environment of a property or archaeological site from further deterioration or damage caused by weather or other natural, animal or human intrusions.
 - (3) If any historic material or architectural features are removed, they shall be properly recorded and, if possible, stored for future study or reuse.
 - (4) Stabilization shall reestablish the structural stability of a property through the reinforcement of loadbearing members or by arresting material deterioration leading to structural failure. Stabilization shall also reestablish weather resistant conditions for a property.
 - (5) Stabilization shall be accomplished in such a manner that it detracts as little as possible from the property's appearance. When reinforcement is required to reestablish structural stability, such work shall be concealed wherever possible so as not to intrude upon or detract from the aesthetic and historical quality of the property, except where concealment would result in the alteration or destruction of historically significant material or spaces.
- (d) On completion of the review of an application, the preservation board shall notify the applicant and the mayor in writing of the results of the review and shall make recommendations for correction of any planned work deemed to be inconsistent with the standards cited subsection (b)(2) of this section.
- (e) Each review of an application conducted by the preservation board shall be completed within thirty (30) days following receipt of the completed application and all required supporting materials.

(Ord. No. 31-94, § 1, 9-8-94; Ord. No. 7-01, § 1, 1-25-01; Ord. No. 16-10, § 43, 9-9-10)

Sec. 3-4-97. - Request of review of completed work.

- (a) Following completion of the improvements, the applicant shall submit to the preservation board, a request for review of completed work on a form prescribed by the Department of State. The applicant shall submit with such request documentation demonstrating that the actual expenditure on the improvements exceeded five thousand dollars (\$5,000.00). Such documentation shall include paid contractor's bills, cancelled checks or other information determined to be sufficient by the preservation board.
- (b) Upon receipt of the request for review of completed work and all required supporting materials, the preservation board shall conduct a review to determine whether or not the completed improvements are in compliance with the work described in the approved preconstruction application, subsequent approved amendments, if any, and the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The preservation board may inspect the completed work to verify such compliance.
- (c) On completion of the review of a request for review of completed work, the preservation board shall recommend that the city council grant or deny the exemption. The recommendation, and the reasons therefor, shall be provided in writing to the applicant and to the local government.
- (d) Each review of a request for review of completed work shall be completed within thirty (30) days following receipt of the completed request and all required supporting materials.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-98. - Approval of exemption.

A majority vote of the city council shall be required to approve an exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The city council shall include the following in the resolution or ordinance approving the 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 division.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-99. - Covenant.

- (a) A property owner qualifying for an exemption under this division and the city shall execute a historic preservation property tax exemption covenant, on a form approved by the Division of Historical Resources of the Department of State, requiring 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. On or before the effective date of the exemption, the owner of the property shall have the covenant recorded with the deed for the property in the official records of Escambia County.
- (b) The following conditions shall provide justification for removal of a property from eligibility for the property tax exemption provided under this division:
 - (1) The owner is in violation of the provisions of the historic preservation tax exemption covenant; or
 - (2) The property has been damaged by accidental or natural causes to the extent that the historic integrity of the features, materials, appearance, workmanship and environment, or archaeological integrity which made the property eligible for listing in the National Register or designation under the provisions of the local preservation ordinance have been lost or so damaged that restoration is not feasible.
- (c) 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).

(Ord. No. 2378, § 1, 5-9-94)

Sec. 3-4-100. - Additional exemptions for historic properties open to the public.

- (a) If an improvement qualifies a historic property for an exemption under this division, and the property is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use, and benefit, and city council by ordinance or resolution may authorize the exemption from ad valorem taxation of up to one hundred (100) percent of the assessed value of the property, as improved, any provision of this division to the contrary notwithstanding, if all other provisions of this division are complied with; provided, however, that the assessed value of the improvement must be equal to at least fifty (50) percent of the total assessed value of the property as improved. The exemption applies only to real property to which improvements are made by or for the use of the

existing owner. In order for the property to qualify for the exemption provided in this section, any such improvements must be made on or after the day the ordinance granting the exemption is adopted.

- (b) For purposes of the exemption under this section, a property is being used for government or nonprofit purposes if the occupant or user of at least sixty-five (65) percent of the useable space of a historic building or of the upland component of an archaeological site is an agency of the federal, state or local government, or a nonprofit corporation whose articles of incorporation have been filed by the Department of State in accordance with F.S. § 617.0125.
- (c) For purposes of the exemption under this section, a property is considered regularly and frequently open to the public if public access to the property is provided not less than fifty-two (52) days a year on an equitably spaced basis, and at other times by appointment. Nothing in this section shall prohibit the owner from charging a reasonable nondiscriminatory admission fee.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-101. - Report of property appraiser.

The city shall deliver a copy of each application for a historic preservation ad valorem tax exemption to the Property Appraiser of Escambia County. Upon certification of the assessment roll, or recertification, if applicable, pursuant to F.S. § 193.122, for each fiscal year during which this division is in effect, the property appraiser shall report the following information to the city council:

- (a) The total taxable value of all property within the city for the current fiscal year.
- (b) The total exempted value of all property in the city which has been approved to receive historic preservation ad valorem tax exemption for the current fiscal year.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-102. - Definitions.

- (a) The words and phrases used in this division which are defined in Chapter 1A-38 of the Rules of the Department of State Division of Historical Resources shall have the same meanings as are set forth in said chapter except where the context clearly indicates a different meaning.
- (b) Preservation board, as used in this division, shall mean the Historic Pensacola Preservation Board of Trustees of the Department of State. Provided, however, if the Department of State does not designate the preservation board to carry out the functions prescribed to the preservation board by this division, then preservation board shall mean the Division of Historical Resources of the Department of State.

(Ord. No. 31-94, § 1, 9-8-94)

Sec. 3-4-103. - Fees.

The city council may adopt uniform fees to recover the costs of processing applications for exemptions under this division.

(Ord. No. 2378, § 1, 5-9-94)

Secs. 3-4-104—3-4-110. - Reserved.