



PLANNING SERVICES

THE UPSIDE of FLORIDA

Planning Board

CHAIRMAN AND MEMBERS OF THE CITY PLANNING BOARD

The regular meeting of the City Planning Board will be held on Tuesday, January 8, 2019 at 2:00 P.M. in the Mason Conference Room, Mezzanine Level, City Hall, 222 West Main Street.

AGENDA

- Quorum/Call to Order
- Approval of Meeting Minutes from November 13, 2018.
- New Business:
 - 1. Consider Zoning & FLUM Amendment for Airport Annexation Parcels
- Discussion Item: Amendment to Land Development Code for Historic Preservation Commission
- Open Forum
- Adjournment

Your presence will be greatly appreciated. At your earliest convenience, please advise Planning staff if you can attend this meeting.

Sincerely,

Brandi C. Deese
Assistant Planning Services Administrator

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

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PLANNING SERVICES

THE UPSIDE of FLORIDA

MINUTES OF THE PLANNING BOARD

November 13, 2018

MEMBERS PRESENT: Chairman Paul Ritz, Nathan Monk, Danny Grundhoefer, Kurt Larson, Ryan Wiggins

MEMBERS ABSENT: Nina Campbell

STAFF PRESENT: Brandi Deese, Assistant Planning Services Administrator, Leslie Statler, Planner

OTHERS PRESENT: Don Kraher, Council Executive, Robin Tice, City Clerk's Office, Scott Remington, Diane Mack, Bill Weeks, Johnathan Griffith

AGENDA:

- Quorum/Call to Order
- Swearing In New Board Member (Ryan Wiggins)
- Approval of Meeting Minutes from October 23, 2018.
- New Business:
 1. Consider Aesthetic approval for 351 W. Cedar Street – Blue Wahoos Signage
 2. Consider Amendment to Land Development Code for Historic Preservation Commission
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:04 pm with a quorum present.

Swearing in New Board Member – Ryan Wiggins was sworn in by the City Clerk's Office.

Approval of Meeting Minutes

Mr. Monk made a motion to approve the October 23, 2018 minutes, seconded by Mr. Grundhoefer, and it carried unanimously.

New Business

Consider Aesthetic approval for 351 W. Cedar Street – Blue Wahoos Signage

Northwest Florida Professional Baseball is requesting aesthetic approval for new signage at 351 W. Cedar Street in order to name the stadium. The existing signage located on the building was considered for aesthetic approval in September and was denied. This present request provides two different designs for the Board to choose from. Although, the Board could decide on either font style presented, the signage protruding above the roofline would not be permitted according to the Land Development Code. The applicant has indicated this signage would debut with the start of the baseball season in April of 2019.

Mr. Remington presented to the Board and advised in response to the previous meeting, they revisited the sign design with the contractor.

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Of the two proposals, one was very basic sans serif font illuminated letters to be visible from Main Street. He pointed out it resembled signage at Wrigley Field for a large neon entrance. The other option would be to use the team script with the Blue Wahoos proprietary font. They preferred unveiling the signage before the baseball season to find a naming rights sponsor and to generate press for naming the stadium; the preferred debut would be April 10, 2019.

Chairman Ritz preferred the team script since this would reinforce the Blue Wahoos themselves and would be more familiar looking and relatable to the team. The signage above the parapet was not appropriate. Mr. Grundhoefer asked for a more detailed description. Mr. Remington stated the signage was illuminated letters similar to the YMCA signage. Mr. Griffith pointed out the letters were basically a box with a light inside, and the blue color of the face which would then be illuminated. The outer rim would be white channel letters, 4' in height and sticking out 2' from the wall. He advised there were similar letters on the inside of the stadium at the Cox Clubhouse. Mr. Monk asked if the signage with the Blue Wahoos signature be able to fit in the same space, and Mr. Griffith advised it would. Mr. Monk pointed out what Pensacola is known in the community for the beach sign, Graffiti Bridge and the beach ball. Mr. Larson liked the script sign and asked if it was cost prohibitive, and Mr. Remington advised they were all custom no matter what signage was approved. Ms. Wiggins pointed out it was brand building which was important. Ms. Deese confirmed internal illumination was permitted within the Waterfront Redevelopment District. Mr. Larson liked the idea of creating a brand downtown and identifying the building and appreciated the willingness of the applicants to return to the Board with modifications. Ms. Deese stated unless approval specified follow-up with an abbreviated review, approval would mean final and the applicant could proceed to Permitting. Chairman Ritz then explained the abbreviated review process. Mr. Remington advised they could return with more specific details if conceptual approval was granted. Mr. Grundhoefer preferred the sign to be 12" deep instead of 2' and Mr. Griffith explained it would be whatever the sign company could design. **Mr. Grundhoefer made a motion to approve with the sign not to exceed 16" in depth and leave it up to the applicant as to which font style is selected. The motion was seconded by Mr. Larson.** Mr. Monk preferred the branded imagery, and Chairman Ritz agreed. **Mr. Grundhoefer amended his motion to state if the sign varied more than a 4' x 16" letter, it should return to the Board for review. Mr. Larson agreed to the amendment.** Mr. Monk felt uneasy in not knowing which font would be approved since it would be highly visible. Mr. Griffith then presented a picture of the Cox signage. Mr. Grundhoefer still preferred the applicant to brand the signage. Mr. Griffith stated actually the team representatives preferred the team logo design and font. **The motion then carried unanimously.**

Consider Amendment to Land Development Code for Historic Preservation Commission

On October 11, 2018, City Council referred to this Board for review and recommendation an Amendment to the Land Development Code to include the addition of a Historic Preservation Commission. The proposed ordinance establishes a Historic Preservation Commission which is equivalent to the City of Pensacola's Architectural Review Board. However, the Historic Preservation Commission has the duty of overseeing the special review districts as well as oversight for individual properties outside of special review districts. The City Council memorandum enclosed within this agenda item explains the reason for this proposal is to protect the historic nature and character of the City, specifically those areas outside of the special review districts.

Mr. Monk remembered the time spent creating something very similar and suggested sending the previous information back to the Council to reconsider what the Board had worked on 9 months and approve that instead of going through the process of creating something entirely new. Chairman Ritz stated as he read the proposal, he preferred the commission since the makeup of the Board fit with more historical aspects and would create less burden on the Planning Board. Ms. Wiggins stated after her research, she was worried that anyone could make something a historic site, and it would be up to the property owner to object. At the state level, the only way it could be considered historic was if the property owner signed off on it. She pointed out the proposed ordinance really did not consider property rights. Since she lives in

East Hill, there was almost a daily issue with demolition without knowing the back history of a structure. She also had concerns with creating duplicity since it was already operative in the State. The City of Pensacola could not name anything historic without going through the State and the Department of Interior. Mr. Grundhoefer felt it was two different things, with one being a national registry or a state registry that was not necessarily trying to protect a particular building and the city from its demise. He stated this document had teeth in it which would allow a commission or a group of individuals who are volunteer to study and research the background in order to protect a structure; he pointed out the history belongs to the entire community, and this vehicle would protect that structure. Ms. Wiggins explained when someone purchased a historic home, they know they must maintain it and deal with the renovation requirements. For someone to decide your home is historic does not provide the homeowner with any say in it. With the costs of bringing an older home up to Code being enormous, the incentive is to demolish it. You would then see homes which are dilapidated since they were designated historic.

Mr. Monk pointed out that Martin Luther King's motel instantly became historical because of his death, and there has to be something to allow for preservation of these historical moments within the community. He pointed to Section 2(a) – "promote the health, safety" but then it includes "morals." He explained when you get into government legislating morals, he was a little nervous about that type of language since morals were subjective. Chairman Ritz advised the Board could choose its path, and this proposal hits a lot of property rights and affects different departments within the City. Mr. Monk mentioned the Sunday house and how quickly something could be demolished suggesting there could have been a buyer for that home. Mr. Grundhoefer explained this proposal would not place the burden on City Boards or Building Inspections. Chairman Ritz stated with the Sunday house, if the owner wanted to tear it down, it would not make it to the State level. Mr. Grundhoefer stated it could have been noticed as a significant structure when it came before the Inspections Department and could have been evaluated by the Historic Commission. Ms. Deese explained that would not be a determination by the Inspections Department. Chairman Ritz advised under this language, the structure would have to be on the list. Mr. Monk stated with this ordinance, there are enough activists in this town that someone will drive around and point out historic buildings and make the recommendation under Section 6. He emphasized that he wanted preservation and was upset that the Board's previous recommendation was not considered by Council.

Mr. Kraher advised that Councilwoman Cannada-Wynn brought the Board's recommendation forward; he explained he wrote the document after stealing it from another Florida city. He explained Council wanted something but didn't want to say to the Planning Board that this was what they wanted but to go figure it out. All this was meant to be a guide or shell for the Board to do whatever it thought was best; it was not meant to be sent for approval. He stated Council knew there were some issues with it, and it still needed work. It had to come to the Board since it was a part of the LDC, and this was a shell to work from. It was not time sensitive, and it appeared to cover structures already within a district. Mr. Grundhoefer was concerned if the Board vetted this and came up with a document, would the Council come back to it in a couple of years. Mr. Monk pointed out the last time the sponsor had pulled the proposal. Mr. Kraher explained in order to get action on an item, Council must bring it to the Board to bring about the discussion. Mr. Monk wanted the protection but did not want to rush through something which affects the whole city and suggested a workshop.

Mr. Weeks explained this issue was the overlay district on steroids. He asked how many people knew about this ordinance being discussed by the Board. He reminded the Board how bad the notification was for the overlay discussion, and he was now the only person to speak. He suggested the way the document was written was a clear violation of Florida State Statute No. 70 for private property rights. Unless the City wanted to get into private ownership, they should get out of this ordinance. The property owner can name a property as historical which would go through the State and not the City. He asked where the funding would come from to study which properties were historical, and encouraged the Board to look at State

Statute No. 70 to clarify if this ordinance violates personal property rights. Chairman Ritz explained a house built in 1968 would now be 50 years old this year; the entire subdivision on one section of Ninth Avenue dates back to the late 60s. Ms. Wiggins was still struggling with the need since there was already a process in place and thought it was bureaucratic red tape. Mr. Grundhoefer advised almost every Florida City and in the nation was establishing criteria for preserving the history of their city. Ms. Wiggins explained anyone could nominate a property as historic with the signoff of the owner, and the State knows more about this process than anyone in the City since the criteria has already been legislated. Mr. Monk explained he saw a need but knew some elements of this ordinance did get into property rights, but there needs to be a balance to protect the City properties.

Mr. Larson preferred a workshop. Chairman Ritz advised the Board should not approve something without citizen input. Mr. Monk explained there was no desire to price people out of their own homes and suggested the Board set up two workshops. Mr. Grundhoefer agreed with the workshops and wanted to see at least two Council members attend, because without their participation, it would fail. Chairman Ritz advised the Board could ask for Council members to attend but could not mandate them to participate. **Mr. Monk made a motion for workshops in January and February 2019.** Ms. Wiggins asked for the workshops to be Thursday afternoons because of legislative schedules. Ms. Deese stated she would work toward that if possible. Mr. Monk was in favor of evenings to accommodate the public. **Mr. Larson seconded the motion, and it carried unanimously.**

Mr. Grundhoefer asked if a packet could be compiled and if Mr. Pristera could be a part of this process. Ms. Deese suggested having the previous ordinance included in the packet. Ms. Wiggins asked to have the National Registry Bulletin included, and Ms. Deese advised she would provide all the history as well. Mr. Monk confirmed Board members were able to discuss this ordinance with a Council member without violating the Sunshine Law as long as no other Board members or Council members were present.

Open Forum – Mr. Larson wanted to thank Mr. Moore for his service on the Board. Ms. Deese confirmed Mr. Moore was required to officially resign since by Florida law he could not hold dual offices.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 3:08 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', with a long horizontal line extending to the right.

Brandi C. Deese
Secretary to the Board



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

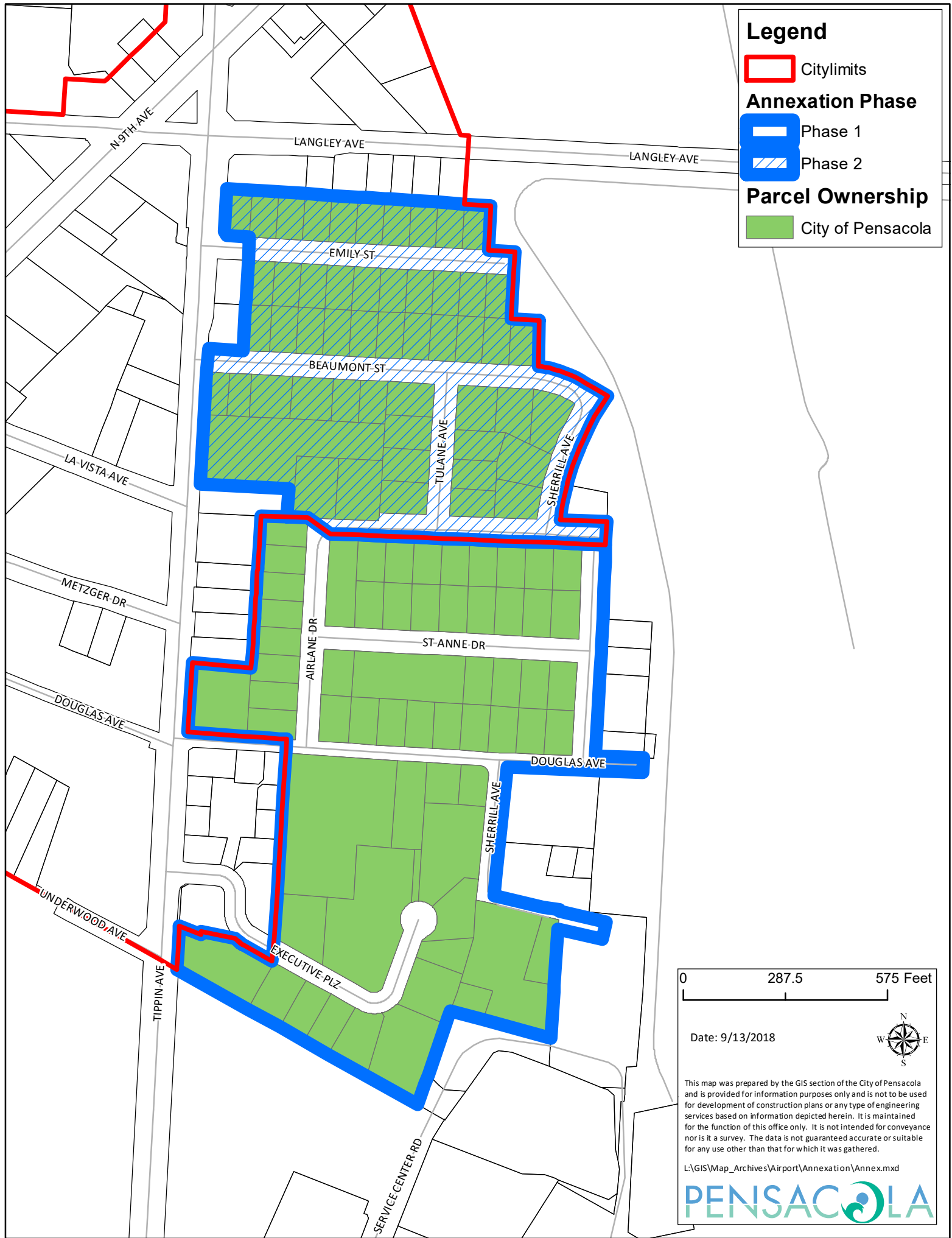
MEMORANDUM

TO: Planning Board Members
FROM:  Brandi Deese, Assistant Planning Services Administrator
DATE: December 19, 2018
SUBJECT: Consider Zoning & FLUM Amendment for Airport Annexation Parcels

Mr. Dan Flynn, Pensacola International Airport Director, is requesting to rezone the City-owned properties included within the recent City of Pensacola annexation approved through Ordinance 25-18 to ARZ, Airport Restricted Zoning District. This request also requires a Future Land Use Map (FLUM) Amendment to A, Airport. The zoning district and FLUM designation were previously under the jurisdiction of Escambia County. Since the properties now lie within the jurisdictional boundary of the City of Pensacola, the applicable zoning district and FLUM designation need to be established.

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 25-18

City Council

12/13/2018

LEGISLATIVE ACTION ITEM

SPONSOR: Grover C. Robinson, IV, Mayor

SUBJECT:

PROPOSED ORDINANCE NO. 25-18 - ANNEXATION OF PROPERTY - CAMPUS HEIGHTS PHASE II

RECOMMENDATION:

That City Council adopt Proposed Ordinance No. 25-18 on second reading.

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: Public

SUMMARY:

Campus Heights was identified in the approved year 2000 Airport Master Plan as a development area for a future business commerce park associated with the Airport. Generally, the Campus Heights area is bounded on the east and south by Airport property, on the north by Langley Avenue, and on the west by Tippin Avenue. It is an area of mixed use, consisting of commercial, light industrial, and residential use.

Currently, one hundred twenty-three parcels have been purchased by the Airport. As parcels are acquired that are contiguous to but not within the City limits, it becomes necessary to annex those parcels via the statutory process for the annexation of property.

In order to comply with the statutory requirements that would not require a referendum, fifty-two (52) parcel which are owned by the Pensacola international Airport, were selected for annexation at this time. No parcels owned by other individuals or businesses are affected by this annexation.

F.S. 171.0413 provides that:

Annexation procedures.-Any municipality may annex contiguous, compact, unincorporated territory in the following manner:

(1) An ordinance proposing to annex an area of contiguous, compact, unincorporated territory shall be adopted by the governing body of the annexing municipality pursuant to the procedure for the adoption of a nonemergency ordinance established by s. 166.041. Prior to the adoption of the ordinance of annexation, the local governing body shall hold at least two advertised public hearings. The first public hearing shall be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing shall be held on a weekday at least 5 days after the day that the second advertisement is published. Each such ordinance shall propose only one reasonably compact area to be annexed. However, prior to the ordinance of annexation becoming effective, a referendum on annexation shall be held as set out below, and, if approved by the referendum, the ordinance shall become effective 10 days after the referendum or as otherwise provided in the ordinance, but not more than 1 year following the date of the referendum.

(6) Notwithstanding subsections (1) and (2), if the area proposed to be annexed does not have any registered electors on the date the ordinance is finally adopted, a vote of electors of the area proposed to be annexed is not required. In addition to the requirements of subsection (5), the area may not be annexed unless the owners of more than 50 percent of the parcels of land in the area proposed to be annexed consent to the annexation. If the governing body does not choose to hold a referendum of the annexing municipality pursuant to subsection (2), then the property owner consents required pursuant to subsection (5) shall be obtained by the parties proposing the annexation prior to the final adoption of the ordinance, and the annexation ordinance shall be effective upon becoming a law or as otherwise provided in the ordinance.

Therefore, in accordance with paragraph (6) of F.S. 171.0413, a referendum is not required as there are no registered electors on the parcels in the proposed annexation area. Further, the City of Pensacola/Pensacola International Airport, the owner of more than 50 percent of the land in the proposed annexation area, consents to the annexation.

PRIOR ACTION:

November 10, 2011 - City Council approved the annexation of nine (9) parcels in the Campus Heights area owned by the Pensacola International Airport.

December 1, 2011 - City Council adopted Ordinance No. 31-11 - Annexation of Airport Owned Property on second reading.

May 11, 2017 - City Council conducted the first of two required public hearings regarding the Annexation of Property - Campus Heights

June 8, 2017 - City Council conducted the second of two required public hearings regarding the Annexation of Property - Campus Heights; and approved Proposed Ordinance No. 10-17 on first reading.

July 13, 2017 - City Council adopted Ordinance No. 15-17 - Annexation of Airport Owned Property on second reading.

October 11, 2018 - City Council conducted the first of two required public hearings regarding the Annexation of Property - Campus Heights Phase II.

November 8, 2018 - City Council conducted the second of two required public hearings regarding the

Annexation of Property - Campus Heights Phase II and approved Ordinance No. 25-18 on first reading.

FUNDING:

N/A

FINANCIAL IMPACT:

The City would receive property taxes and stormwater fee revenues from the subject parcels as well as from any future improvements.

CITY ATTORNEY REVIEW: Yes

9/18/2018

STAFF CONTACT:

Christopher L. Holley, City Administrator
Sherry Morris, Planning Services Administrator
Daniel E. Flynn, Airport Director

ATTACHMENTS:

- 1) Proposed Ordinance No. 25-18

PRESENTATION: No

PROPOSED
ORDINANCE NO. 25-18

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE INCORPORATING AND ANNEXING A CERTAIN AREA CONTIGUOUS AND ADJACENT TO THE CITY OF PENSACOLA INTO THE CITY OF PENSACOLA, AND DECLARING SAID AREA TO BE A PART OF THE CITY OF PENSACOLA; REPEALING CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pensacola has found that the property described below is contiguous to the City of Pensacola and reasonably compact in nature; and meets the requirements of Section 171.043, Florida Statutes.

WHEREAS, the City Council of the City of Pensacola has determined that the area described below does not have any registered voters and that the owners of more than 50 percent of the parcels of land in such area consent to such area being annexed into the City of Pensacola as provided by Section 171.0413(6), Florida Statutes; and

WHEREAS, the City Council has caused to be prepared a report setting forth the plans to provide urban services to the area described below, which report is in conformance with the requirements of Section 171.042, Florida Statutes and said report has been distributed in accordance with said act; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. That the City of Pensacola hereby finds and declares that all requirements of law provided by Chapter 171, Florida Statutes, have been met, for the purpose of integrating and annexing said area into the City of Pensacola, the hereafter described area, and that the City of Pensacola does hereby accept into the City of Pensacola the following described properties which are being integrated and annexed by the City of Pensacola and made a part and portion of the City of Pensacola, lying within and hereby incorporated into the City of Pensacola, to-wit:

DESCRIPTION OF PROPOSED ANNEXATION:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 3, AIRPORT EXECUTIVE PLAZA, AS RECORDED IN PLAT BOOK 11 AT PAGE 40 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE GO N60°55'16"W ALONG THE SOUTH LINE OF SAID LOT A DISTANCE OF 776.96 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF SAID AIRPORT EXECUTIVE PLAZA; THENCE GO N03°10'03"E ALONG THE EAST RIGHT OF WAY LINE OF TIPPIN AVENUE (RIGHT OF WAY WIDTH VARIES) A DISTANCE OF 1276.01 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 374 AT, PAGE 57 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE DEPARTING SAID RIGHT OF WAY LINE, GO S87°18'36"E ALONG THE SOUTH LINE OF SAID PARCEL A DISTANCE OF 238.06 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL FOR THE POINT OF BEGINNING; THENCE GO S87°18'36"E A DISTANCE OF 61.28 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1 CAMPUS HEIGHTS, AS RECORDED IN PLAT BOOK 4 AT PAGE 36 OF SAID COUNTY; THENCE GO S55°55'01"E A DISTANCE OF 77.34 FEET TO THE NORTHWEST CORNER OF LOT 9, BLOCK 2, OF SAID CAMPUS HEIGHTS; THENCE GO S86°56'30"E ALONG THE NORTH LINE OF SAID BLOCK 2 AND ITS EXTENSION A DISTANCE OF 778.95 FEET TO A POINT ON THE WEST LINE OF BLOCK 4 OF SAID CAMPUS HEIGHTS; THENCE GO N03°05'12"E A DISTANCE OF 65.74 FEET TO A CONCRETE MONUMENT ON THE SOUTH LINE OF BLOCK 5, COLLEGE HEIGHTS, AS RECORDED IN PLAT BOOK 5 AT PAGE 9 OF SAID COUNTY; THENCE N86°53'48"W ALONG THE SOUTH LINE OF SAID BLOCK 5 A DISTANCE OF 130.24 FEET TO THE SOUTHWEST CORNER OF LOT 1, BLOCK 5 OF SAID COLLEGE HEIGHTS; THENCE DEPARTING SAID SOUTH LINE, GO NORTHEASTERLY ALONG THE WEST LINE OF BLOCK 5, SAID WEST LINE BEING A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 700.00 FEET, A DELTA ANGLE OF 26°32'42", A CHORD BEARING OF N16°25'12"E, AND A CHORD DISTANCE OF 321.41 FEET, FOR AN ARC DISTANCE OF 324.31 FEET TO THE NORTHWEST CORNER OF LOT 3, BLOCK 5 OF SAID COLLEGE HEIGHTS; THENCE GO N29°31'35"E A DISTANCE OF 66.00 FEET TO THE SOUTHWEST CORNER OF LOT 22, BLOCK 7 OF SAID COLLEGE HEIGHTS; THENCE GO N60°28'25"W A DISTANCE OF 66.00 FEET TO THE SOUTHEAST CORNER OF LOT 16, BLOCK 2 OF SAID COLLEGE HEIGHTS; THENCE GO NORTHWESTERLY ALONG THE SOUTH LINE OF BLOCK 2, SAID SOUTH LINE BEING A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 373.00 FEET, A DELTA ANGLE OF 23°17'52", A CHORD BEARING OF N72°07'21"W, AND A CHORD DISTANCE OF 150.63', FOR AN ARC DISTANCE OF 151.67 FEET TO A POINT; THENCE DEPARTING SAID SOUTH LINE, GO N03°19'10"E A DISTANCE OF 127.17 FEET TO THE SOUTHEAST CORNER OF LOT 12 IN SAID BLOCK 2; THENCE GO N86°52'44"W ALONG THE SOUTH LINE OF SAID LOT 12 A DISTANCE OF 75.19 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE DEPARTING SAID SOUTH LINE, GO N03°18'20"E ALONG THE WEST LINE OF

SAID LOT 12 AND ITS EXTENSION A DISTANCE OF 192.64 FEET TO THE SOUTHEAST CORNER OF LOT 18 IN BLOCK 1 OF SAID COLLEGE HEIGHTS; THENCE GO N87°04'35"W ALONG THE SOUTH LINE OF SAID LOT 18 A DISTANCE OF 75.01 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18; THENCE DEPARTING SAID SOUTH LINE, GO N03°17'53"E ALONG THE WEST LINE OF SAID LOT 18 A DISTANCE OF 126.69 FEET TO THE NORTHWEST CORNER OF SAID LOT 18; THENCE DEPARTING SAID WEST LINE, GO N87°00'35"W ALONG THE NORTH LINE OF LOT 19 IN SAID BLOCK 1 AND ITS EXTENSION A DISTANCE OF 750.59 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID TIPPIN AVENUE; THENCE GO S03°15'02"W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 120.05 FEET TO A POINT; THENCE GO SOUTH 42°56'03"E ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 9.26 FEET TO A POINT ON THE SOUTH LINE OF LOT 28 IN SAID BLOCK 1; THENCE GO S87°00'15"E ALONG THE SOUTH LINE OF SAID BLOCK 1 A DISTANCE OF 143.94 FEET TO A THE SOUTHEAST CORNER OF LOT 27 IN SAID BLOCK 1; THENCE DEPARTING SAID SOUTH LINE OF BLOCK 1, GO S03°19'58"W A DISTANCE OF 66.36 FEET TO THE NORTHEAST CORNER OF LOT 2 IN BLOCK 2 OF SAID COLLEGE HEIGHTS; THENCE GO N87°02'07"W ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 75.12 FEET TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE DEPARTING SAID NORTH LINE, GO S03°13'09"W ALONG THE WEST LINE OF LOTS 2 AND 27 IN SAID BLOCK 2 TO A DISTANCE OF 253.04 FEET TO THE SOUTHWEST CORNER OF SAID LOT 27; THENCE GO N86°50'42"W ALONG THE SOUTH LINE OF SAID BLOCK 2 A DISTANCE OF 86.96 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID TIPPIN AVENUE; THENCE GO S03°15'02"W ALONG SAID EAST RIGHT-OF-WAY LINE A DISTANCE OF 386.53 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 374 AT PAGE 57 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; THENCE DEPARTING SAID EAST RIGHT-OF-WAY LINE, GO S87°07'22"E ALONG THE THE NORTH LINE OF SAID PARCEL A DISTANCE OF 238.49 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE DEPARTING SAID NORTH LINE, GO S03°35'24"W ALONG THE EAST LINE OF SAID PARCEL A DISTANCE OF 80.16 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PROPERTY LIES IN SECTION 14, TOWNSHIP 1 SOUTH, RANGE 29 WEST, ESCAMBIA COUNTY, FLORIDA AND CONTAINS 19.345 ACRES.

A map depicting the area to be annexed is attached hereto as Exhibit A.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or

unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. This ordinance shall become effective on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



PLANNING SERVICES

THE UPSIDE *of* FLORIDA

MEMORANDUM

TO: Planning Board Members
FROM: Brandi Deese, Assistant Planning Services Administrator
DATE: December 19, 2018
SUBJECT: Proposed Amendment to LDC – Historic Preservation Commission

On October 11, 2018, City Council referred to this Board for review and recommendation an Amendment to the Land Development Code to include the addition of a Historic Preservation Commission. The proposed ordinance establishes a Historic Preservation Commission which is equivalent to the City of Pensacola's Architectural Review Board. However, the Historic Preservation Commission has the duty of overseeing the special review districts as well as oversight for individual properties outside of special review districts. The City Council memorandum enclosed within this agenda item explains the reason for this proposal is to protect the historic nature and character of the City, specifically those areas outside of the special review districts. Planning Board discussed this agenda item during their November 13, 2018 meeting. The Board decided at that time that further public input was needed and requested two additional meetings to discuss, of which this is the first.

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City of Pensacola

222 West Main Street
Pensacola, FL 32502

Master

File Number: 18-00385

File ID: 18-00385

***Type:** Legislative Action Item

Status: Agenda Ready

Version: 1

**Agenda
Section:**

***Meeting Body:** City Council

File Created: 10/01/2018

Subject:

Final Action:

Title: HISTORIC PRESERVATION COMMISSION -- REFERRAL TO THE
PLANNING BOARD FOR REVIEW AND RECOMMENDATION

Sponsors: Jewel Cannada-Wynn

Enactment Date:

Attachments: HISTORIC PRESERVATION COMMISSION -
PROPOSED

Enactment Number:

Recommendation:

Hearing Date:

Entered by: GranicusCouncilStaff@cityofpensacola.com

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Agenda Conference	10/08/2018	Placed on Regular Agenda				Pass
	Action Text: This Legislative Action Item was Placed on Regular Agenda.						
1	City Council	10/11/2018	Approved				Pass
	Action Text: A motion was made by Council Member Johnson, seconded by Council Vice President Myers, that this Legislative Action Item be Approved. The motion carried by the following vote: Yes: 6 Council President Wingate, Council Vice President Myers, Council Member Spencer, Council Member Cannada-Wynn, Council Member Johnson, and Council Member Wu No: 1 Council Member Terhaar						

Text of Legislative File 18-00385

LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Jewel Cannada-Wynn

SUBJECT:

HISTORIC PRESERVATION COMMISSION -- REFERRAL TO THE PLANNING BOARD
FOR REVIEW AND RECOMMENDATION

RECOMMENDATION:

That City Council refer to the Planning Board the proposed amendments to the Land Development Code to establish a Historic Preservation Commission for the City of Pensacola.

HEARING REQUIRED: No Hearing Required

SUMMARY:

Due to the rich and deep history of the City of Pensacola, there is a desire to protect the historic nature and character of the City. Currently, the only areas afforded such protection are those so designated within the City Code as being a Historic, Overlay or Redevelopment district; this excludes a large part of the City whereby no protection of historical assets is currently in place.

This item seeks to create a Historic Preservation Commission, outlining the duties thereof and establishing certain design standards, standards for demolition of identified historic structures and sites and setting forth a process for the identification and designation of a historic structure.

This will be placed within the Land Development Code, so the first step in the process is to refer it to Planning Board for review and recommendation.

PRIOR ACTION:

None

FUNDING:

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Historic Preservation Commission - Proposed

PRESENTATION: No

HISTORIC PRESERVATION COMMISSION
CITY OF PENSACOLA

SECTION 1. Findings. The City Council hereby finds as follows:

- (a) Within the City there are districts, areas, sites, structures and objects that are examples of architectural styles of the past, are important reminders of people and events that are significant to local, state, and national history, or are unique and irreplaceable assets and resources to the City and local neighborhoods;
- (b) In recognition of these assets and resources, the March 1998 city comprehensive plan, as amended in July 2011 Comprehensive Plan, contains an historic preservation element which illustrates the city's desire to encourage the preservation of important historic resources through requirements in the land development code;
- (c) The recognition that areas within the city, outside of designated historic districts need similar historic preservation mechanisms;
- (d) The recognition, protection, enhancement and use of such resources is a public policy of the city and is essential to further the health, safety, morals, social, educational, economic, cultural, and general welfare of the public since these efforts result in the enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic benefits to the city and its inhabitants, the promotion of local interest, the enrichment of human life in its educational and cultural dimensions, serving spiritual as well as material needs, and the fostering of civic pride in the beauty and noble accomplishments of the past;
- (e) There are numerous economic benefits to historic preservation activities including the creation of jobs, significant contributions to tax collections of Florida state and local governments, investments of private funds in historic projects and partnerships between private investors and local governments, maintenance of property values, and increases in money spent by tourists visiting historic sites;
- (f) The city council desires to take advantage of all available state and federal laws that may assist in the development of the city;
- (g) The city council desires for the city to become a Certified Local Government as designated by the Department of State, Office of Cultural and Historical Programs in order to provide the city the opportunity to receive state and federal funds to aid the survey, designation, and preservation of these resources;

- (h) The federal and state government have established a program of matching grants-in-aid for projects having as the purpose the preservation for public benefit of properties that are significant in American history and architecture;
- (i) There are other federal and state programs providing funds for projects involving the rehabilitation of existing districts, sites, structures, objects and areas;
- (j) Inherent in the enactment and implementation of these federal mandates is the policy of the United States government that the spirit and direction of the nation are founded upon and reflected in its historic past; that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; that in the face of the ever-increasing extensions of urban centers, highways, and residential, commercial and industrial developments, the present governmental and non-governmental programs and activities are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation;
- (k) It is the will of the people of the State of Florida as expressed in Article II, section 7 of the 1968 Florida Constitution, that the state's natural resources and scenic beauty be conserved and protected; and
- (l) It is the will of the State of Florida legislature, as expressed in F.S. Chapter 267, that the state's historic sites and properties, buildings, artifacts, treasure troves and objects of antiquity, which have scientific or historical value, or are of interest to the public, be protected and preserved.

SECTION 2. Purpose. In recognition of these findings, it is the purpose of this chapter to:

- (a) Promote the health, safety, morals, and social, educational, economic, cultural and general welfare of the public through identification, designation, enhancement and preservation of districts, areas, sites, structures and objects that are examples of architectural styles of the past, are important reminders of people and events that are significant to local, state, and national history, or are unique and irreplaceable assets and resources to the city and local neighborhood;
- (b) Preserve such districts, areas, sites, structures and objects by requiring review of any proposed alterations to these resources and issuance of certificates of appropriateness before allowing alteration of these resources;
- (c) Preserve such districts, areas, sites, structures and objects by encouraging the construction of new structures and the alteration of existing non-contributing structures to preserve and be in harmony with the integrity of existing historical resources;
- (d) Stabilize and improve property values;
- (e) Increase economic benefits to the city and its residents;

- (f) Stimulate the tourist industry;
- (g) Encourage historic preservation by providing incentives to encourage the sensitive rehabilitation and use of designated historic resources;
- (h) Fulfill the requirements for designations of the city as a Certified Local Government;
- (i) Promote a living history which will foster educational programs aimed at creating a better understanding of the City of Pensacola's history, culture and heritage.

SECTION 3. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

- (a) *Alteration* means any change affecting the exterior appearance of an existing improvement by additions, reconstruction, remodeling or maintenance involving change in color, form, texture or materials.
- (b) *Applicant* means the owner of record of a qualifying property or the authorized agent of the owner.
- (c) *Certificate of Appropriateness* means a certificate issued in compliance with this ordinance for any exterior alteration to a designated structure, site or property within a designated historic district for the purpose of protecting the integrity of the structure, site, or historic district.
- (d) *Certified Local Government* means a government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P.L. 96-515) and the implementing regulations of the U.S. Department of the Interior and the State of Florida.
- (e) *Commission* means the Pensacola Historic Preservation Commission.
- (f) *Contributing Structure* means a site, structure or object within the City which adds to the historical/architectural qualities, historic associations or archaeological values for which significance is established because a) it was present during the period significance of the City, and possesses historic integrity reflecting its character at that time, b) it is capable of yielding important information about the period, or c) it independently meets the National Register of Historic Places criteria for evaluation set forth in 36 CFR Part 60.4, and as the same may be amended.
- (g) *Demolition* means the act of razing, dismantling or removing a structure, or portion thereof to ground level.
- (h) *Designated property or structure* means a structure, site or district that is formally recognized by the city as historically, architecturally, and/or archeologically significant.
- (i) *Economic hardship* means an onerous and excessive financial burden that destroys reasonable and beneficial use of property and 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.
- (j) *Exterior Architectural Features* includes, but is not limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style, and material of roofs,

windows, doors, siding, masonry, porches, storefronts, and other architectural features.

- (k) *Historic District* means a geographically defined area possessing a significant concentration, linkage, or continuity of sites or structures united historically or aesthetically by plan or physical development.
- (l) *Landscape Features* includes, but is not limited to, trees, plants, walls, fences, courtyards, signs and exterior lighting.
- (m) *National Register of Historic Places* means the list of historic properties significant in American history, architecture, archaeology, engineering and culture, maintained by the U.S. Secretary of the Interior, as established by the National Historic Preservation Act of 1966, as amended.
- (n) *Non-contributing Structure* means a site, structure or object within the City which does not reflect the historic, architectural, cultural or aesthetic significance of the area for which it is found, but must nonetheless be preserved in accordance with this chapter due to its protective nature for nearby contributing structures.
- (o) *Ordinary Repair or Maintenance* means work on a designated structure, site, or a property located within the City and/or within a designated historic district, that is otherwise permitted by law, and does not alter the exterior appearance of the structure, does not disturb the contents of an archaeological site, and does not alter elements significant to its architectural, historical or archaeological integrity, including, but not limited to: replacement of windows, siding, or roof, with the same material and style as exists presently.
- (p) *Relocation* includes, but is not limited to, moving a structure into or within any historic district, move a historic structure within or out of the City of Pensacola or any historic district.
- (q) *Restoration* means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of a removal of later work or by the replacement of missing earlier work.
- (r) *Site* mean a geographically defined area possessing historical, cultural, or aesthetic significance and value, regardless of its association with a structure.
- (s) *Structure* mean s anything, excluding paving, constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures shall include but not be limited to antennas, buildings, satellite dishes, screened panels, swimming pools, fences, walls, lamp posts, garages, sheds, driveways, sidewalks, canals, bridges, roads and exterior mechanical equipment, such as air conditioning compressors and pumps.

SECTION 4. Scope. This chapter shall be applicable to all real property within the City and/or designated under this chapter.

SECTION 5. Historic Preservation Commission.

- (a) *Organization.* There is hereby created an Historic Preservation Commission which shall consist of five (5) members appointed by the city council. Members

shall be residents of the city and shall have knowledge of and a demonstrated interest in historic, architectural, and aesthetic development, enhancement, and preservation within the city. To the extent available in the community, members shall be professionals from the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture as defined in the Secretary of the Interior's Historic Preservation Professional Qualification Standards and the Florida Certified Local Government Professional Qualification Standards.

- (b) *Terms of Office.* The members of the Commission shall serve overlapping terms of three (3) years initially, one (1) member shall serve one (1) year, two (2) members shall serve two (2) years, and two (2) members shall serve three (3) years. Vacancies on the Board shall be filled within sixty (60) days. Terms shall be renewable by approval of the city council. Members may be removed from the Commission for good cause and approval of the city council.
- (c) *Officers.* The Commission shall elect from its members a chairman, a vice-chairman, and a secretary at the first meeting and annually thereafter.
- (d) *Meetings and Records.* Regular meeting of the Commission shall be held monthly, or as necessary to fulfill their duties. The Commission shall meet a minimum of four (4) times per year. Special meetings of the Commission may be called by the chairman as necessary, including pertinent informational or educational meetings, workshops and conferences. The Commission shall operate under the Florida Sunshine Law, keep minutes and other records which shall be open to the public. Notice of each Commission meeting will be posted prior to the meeting in accordance with Council Rules and Procedures.
- (e) *Quorum.* A majority of the Commission (three) shall constitute a quorum, but no application for approval of a certificate of appropriateness shall be denied except by a vote of a majority of the entire Commission.
- (f) *Powers and Duties.* The powers and duties of the Commission include, but are not limited to the following:
 - (1) Identify structures, sites and historic districts for designation;
 - (2) Initiate and conduct an ongoing survey of historically, culturally, or architecturally significant structures and districts within the city;
 - (3) Approve historical markers and issue certificates of designation;
 - (4) Review proposed National Register nominations within the city or districts;
 - (5) Create guidelines for the alteration, relocation, demolition, or removal of designated property;
 - (6) Approve or deny applications for certificates of appropriateness for alteration, relocation, demolition, or removal of designated property which are not otherwise covered within an established historic district;
 - (7) Demonstrate a spirit of cooperation with and provide guidance to property owners in the preservation of historic structures, sites and districts;
 - (8) Develop programs to stimulate public interest and involvement in historic and cultural preservation;

- (9) Seek grants from federal and state agencies or private groups or individuals to promote the preservation of historically, architecturally, or aesthetically significant structures, sites and districts;
- (10) Advise the City Council on all matters having effects on historically, architecturally, or aesthetically significant structures, sites or districts.

SECTION 6. Historic District Designation Procedure. The following procedure shall apply for the designation of structures, districts or sites as historic resources:

- (a) Requests for designation of an individual historic structure, site, or district may be made to the historic preservation commission by motion of the commission, the Mayor's Office, by resolution of the planning board or city council, by any property owner in respect to his own property, by a majority of property owners of record within a proposed district, by resolution of the county historic preservation board (or equivalent board), or by resolution of any organization whose purpose is to promote the preservation of historic sites.
- (b) Before the establishment of a historic district, the historic preservation commission shall conduct studies and research and make a report on the historic significance of the exteriors of structures, features, sites, objects and areas in the city. The historic preservation commission's report shall contain recommendations concerning the area(s) to be included in the proposed historic districts. The reports will contain photographs and a sketch map indicating the district boundaries.
- (c) Copies of the report shall be transmitted for review and recommendation to the planning board and to the department of state of the State of Florida. Not less than sixty (60) days after the transmittal, the historical preservation commission shall hold a public hearing thereof after due notice, which shall include a written notice to the last known address of the owners and occupants of all properties to be included in such district(s). Notice to owners shall be at least thirty (30) days, but not more than seventy-five (75) days prior to the public hearing.
- (d) A property owner may object either in person or in writing to having their property nominated as part of a historic district. If objecting in writing, a notarized statement must be submitted at least fifteen (15) days prior to the nomination being considered at the public hearing. The historic preservation commission may then either continue its review, forwarding its recommendation to the city council and noting the owner's objection or, the historic preservation board may cease any further review process and notify the city council of the property owner's objection to the proposed listing.
- (e) After said public hearing the historic preservation commission shall submit a final report with recommendations to the city council.
- (f) The city council shall hold a public hearing at a regularly scheduled city council meeting to consider establishment of a historic district.

- (g) Historic districts, sites and structures when approved by the city council shall be established by resolution.
- (h) Upon adoption, the owners and occupants of each designated historic site, structure or district shall be given written notification of such designation by the city council.
- (i) Nominations recommended by the historic preservation commission for placement on the National Register of Historic Places will be forwarded to the state historic preservation officer for consideration.
- (j) Designated historic sites, structures, or districts shall be provided with a city approved standard sign or marker on or near the property indicating that the property has been so designated. The Mayor's Office or designee shall issue an official certificate of historic significance to the owner of properties listed individually on the local register or judged as contributing to the character of a district listed on the local register. The Mayor's Office or designee is additionally authorized to issue and place official signs denoting the geographic boundaries of each district listed on the local register.

SECTION 7. Criteria for Designation of Historic Sites, Structures and Districts.

- (a) *Qualifications.* In order to qualify as a local historic district, historic structure, or historic site, individual properties or groups of 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, and shall meet one (1) or more of the following criteria: Such properties shall also possess an integrity of location, design, setting, materials, workmanship, feeling or association. Structures, sites, or districts over fifty (50) years old shall be presumed to be historic.
 - (1) Its character as a geographically definable area possessing a significant concentration of structures, which are well designed, and other sites and objects, all of which are united by past events or by a plan or physical development;
 - (2) Its character as an established and geographically definable neighborhood united by culture, architectural styles or physical development;
 - (3) Its value as a reminder of the cultural or archaeological heritage of the city, state or nation;
 - (4) Its value as a site of a significant local, state or national event;
 - (5) Its identification with a person who significantly contributed to the development of the city, state or nation;
 - (6) Its identification as the work of an architect, designer or builder whose work has influences the development of the city, state or nation;

- (7) Its value as a building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance; or
 - (8) Its value as a structure with distinguishing characteristics of an architectural style that is significant for the study of a period, method of construction or use of indigenous materials.
- (b) *Properties not generally considered; exceptions.* Certain properties which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature, and properties that have achieved significance within the last 50 years, will not normally be considered for designation. However, such properties will qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:
- (1) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
 - (2) A structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with historic event or person; or
 - (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or structure directly associated with his/her, productive life; or
 - (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events; or
 - (5) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance; or
 - (6) A property or district achieving significance within the past 50 years if it is of exceptional importance.

SECTION 8. Historic Preservation/Geographic Information System (GIS) Overlay.

- (a) A Historic Preservation/GIS Overlay shall be created to depict the extent of designated properties.
- (b) The overlay will contain the name of the individual property, district, or zone as furnished by the historic preservation commission.
- (c) An inventory by address, Master Sit File number and legal description will be maintained by the Historic Preservation Commission of all properties contained within the GIS Overlay.
- (d) Amendments to or rescission of the designation of individual properties, districts, and zones will be recorded as part of the overlay.

SECTION 9. Relationship to zoning districts. Designated historic resources may be located within any zoning district classification. Whenever a designation is made by

ordinance, the regulations for both the applicable zoning district and this chapter shall be applied to the designated property.

SECTION 10. Certificate of Appropriateness.

(a) Required.

(1) *Historic site.* No structure, appurtenance, improvement, landscape feature, or archaeological site within the City of Pensacola, which has been designated a historic site or structure, will be erected, altered, restored, renovated, rehabilitated, excavated, relocated, or demolished until a certificate of appropriateness regarding any exterior architectural features, landscape features, or site improvements has been approved under the procedures in this section.

(2) *Historic district.* A certificate of appropriateness shall be required for the erection, alteration, restoration, renovation, rehabilitation, excavation, relocation, or demolition of any structure or appurtenance within any historic district established by the City of Pensacola under the procedures specified in this ordinance.

(3) *Other permits and approvals.* A certificate of appropriateness shall be considered prerequisite to the issuance of any other permits required by law. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the city. A building permit or other city permit shall be invalid if it is obtained without a certificate of appropriateness required for the proposed work.

(b) *Plan Approval Required.* No certificate of appropriateness will be approved unless the architectural plans for said construction, reconstruction, relocation, alteration, excavation, restoration, renovation, or demolition are approved by the Commission.

(c) *Certificate Not Required.* A certificate of appropriateness will not be required for general, occasional maintenance and repair of any historic structure or site, or any structure within a historic district. General, occasional maintenance and repair will include, but is not be limited to, lawn and landscaping care, painting and minor repairs that restore or maintain the historic site or current character of the structure. General, occasional maintenance and repair will not include any of the activities described and defined in Section 3(o) of this ordinance, above, nor will it include an addition or change of awnings, signs, or alterations to porches and steps. A certificate of appropriateness will not be required for any interior alteration, construction, reconstruction, restoration, renovation or demolition. General, occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit for the city.

(d) *Criteria.* The Commission shall determine whether to grant a certificate of appropriateness based on the following:

(1) Consistency of the proposed work with the regulations of the applicable historic preservation district;

- (2) Consistency of the proposed work with the regulations of the underlying zoning district;
- (3) Consistency of the proposed work with the findings adopted by the city council in designating the applicable historic preservation district;
- (4) For a historic structure, consistency of the proposed work with the findings adopted by the Commission in designating it a historic structure, or comparable record of findings from a state or federal listing; and
- (5) Other objective evidence regarding the consistency of the proposed work with the purposes of the City of Pensacola in adopting this ordinance and, more specifically, with the preservation of an identified historic structure or other resource.

(e) *Guidelines.* The Commission shall use the Secretary of the Interior's pamphlet entitled, *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* as criteria.

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the structure or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing original qualities or character of a structure or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a structure or site. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a structure or site shall be treated with sensitivity.
- (6) Deteriorated architectural features which are repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures.
- (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken without approval from the Commission.

- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected, or adjacent to any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historic, architectural, or cultural material and when such design is compatible with the size, scale, color, material, character of the property, neighborhood or environment. Wherever possible, new additions or alterations to a structure shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(f) *Pensacola Historic Preservation Design Guidelines.* The Commission shall develop such supplemental guidelines as it may find necessary to implement the regulations of a particular historic preservation district or the findings applicable to the designation of a historic structure or a particular historic preservation district. Such guidelines may include:

- (1) Charts of acceptable colors;
- (2) Charts or samples of acceptable materials for siding, foundations, roofs or other parts of structures;
- (3) Illustrations of appropriate architectural details;
- (4) Numerical specifications of appropriate rhythms or proportions;
- (5) Numerical specifications of appropriate relationships to streets, sidewalks, and other structures;
- (6) Illustrations of appropriate porch treatments or entrances;
- (7) Illustrations of appropriate signage or street furniture.

(g) *Review Procedures.*

- (1) The following departments and agencies of the City of Pensacola will required the completion of an application for a certificate of appropriateness if any of the following activities affect any designated historic structure or site, or any structure within a designated historic district:

(A) *Planning Department and or Permitting.* Any request or application for approval of a site plan; any request for a rezoning, conditional use, or a variance; or any other request or application that requires an exercise of the (planning board and/or zoning board of adjustment's powers and duties that affect any designated historic site or structure, or any site or structure or archaeological site within a designated historic district.

(B) *Building Department.* Any application for any required building permit that affects the exterior of a structure, or for demolition, that affects any designated historic site, or any structure or archaeological site within a designated historic district or area not otherwise under such protection.

- (2) An application for certificate of appropriateness must be filed at least three weeks prior to the meeting at which the application is to be considered. The

Commission will consider the application at their next regular meeting. The applicant shall pay a filing fee, the amount of which will be determined by the Commission and approved by the city council, and no application will be accepted by the Commission unless it contains all required and pertinent information and is accompanied by the required fee.

- (3) An applicant may request a pre-application conference with the Commission or appropriate city staff members to obtain information and guidance. The Commission may designate subcommittees of at least one member to hold pre-application conferences with potential applicants. The purpose of each conference will be to discuss and clarify preservation objectives and Commission regulations and guidelines. However, in no case will any statement or representation made prior to official Commission review of an application bind the Commission, the city council, or any city department.
- (4) The Commission will act upon the application, provided it is submitted on or prior to the submittal deadline, at the first meeting following the submittal deadline. If a quorum is not present, the Commission may conduct a special meeting, provided that the application meets the filing requirements as defined in this section. Nothing herein will prohibit a continuation of a hearing on an application which the applicant requests or to which the applicant consents.
- (5) The Commission may advise the applicant and make recommendations in regard to appropriateness of the application. The Commission may delay final action until its next regularly scheduled meeting. In no case will the Commission delay final action on any application more than 60 calendar days after such application is formally brought before the Board. If the Board fails to take final action on any application within 60 days after such application is formally brought before the Board, the application shall be deemed approved and the (building official shall issue a certificate of appropriateness noting the "deemed approval" on it.
- (6) The Commission may approve, modify or deny an application for a certificate of appropriateness. If the Commission approves the application, a certificate of appropriateness will be issued. Construction for which a certificate of appropriateness is issued shall commence within six months from the date of issuance, and said certificate shall expire if construction is not continuing in a timely manner as outlined within the Building Code. The Commission may not approve extensions for certificates of appropriateness. If the Commission disapproves the application, a certificate of appropriateness shall not be issued. The Commission will state its reasons for disapproval in writing and present these written reasons to the applicant.
- (7) Decisions of the Commission regarding applications for certificates of appropriateness may be appealed by applying to the city council on or before five calendar days following the Commission's notification. The city council will then consider the Commission's decision and its written explanation of the Commission's action and hold a hearing within a reasonable time following

the filing of an appeal. At this hearing, the applicant may address the application and any supporting material presented to the Commission; however, no new material or evidence shall be presented or considered. The city council will vote upon the appeal and any approval or disapproval of the appeal must be approved by a majority vote of the city council.

SECTION 11. Demolition Guidelines and Procedures.

- (a) Whenever a property owner clearly demonstrates that a structure or appurtenance designated as a historic site, or a contributing structure or appurtenance within a designated historic district or an area not otherwise afforded such protections, has been condemned by the building official of the city, such structure may be demolished if a report from a licensed engineer or architect with experience in rehabilitation states that the structure is structurally unsound and unsuitable for rehabilitation.
- (b) However, when an applicant seeks a certificate for the purpose of demolition of a non-condemned, contributing structure or appurtenance, the applicant must satisfactorily demonstrate to the Commission that no reasonable alternative, such as relocation, to demolition can be found. The applicant must submit a conceptual building design and/or redevelopment plan for the property if a demolition is approved. A demolition approval may only be granted in conjunction with the approval of such submittal.
- (c) No decision of the Commission shall result in undue economic hardship for the property owner. The Commission shall have authority to determine the existence of such hardship in accordance with the definition of economic hardship found in Section 3 (i) of this ordinance.
- (d) The Commission's refusal to grant a certificate of appropriateness for the purpose of demolition will be supported within 15 calendar days by a written statement describing the public interest that the Commission seeks to preserve.
- (e) The Commission may grant a certificate of appropriateness for demolition which may provide for a delayed effective date of up to six months from the date of the Commission's action. The effective date of the certificate will be determined by the Commission based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. In general, the Commission may delay the demolition of designated historic sites and contributing structures within historic districts for up to six months.
- (f) During the demolition delay period, the Commission may take such steps, as it deems necessary to preserve the structure concerned. Such steps may include, but not be limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
- (g) In connection with any certificate of appropriateness for demolition of structures or appurtenances as defined in this chapter, the Commission will encourage the owner, to salvage and preserve specified classes of building materials,

architectural details and ornaments, fixtures, and the like for reuse in the restoration of other historic properties. The Commission will request a qualified historic preservation consultant to record the architectural details for archival purposes prior to demolition. The recording may include, but will not be limited to, photographs, documents and scaled architectural drawings.

- (h) The Commission will consider these guidelines in evaluating applications for a certificate of appropriateness for demolition of designated historic sites, or structures, or appurtenances within designated historic districts or in areas not otherwise afforded such protections:
- (1) Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the national register?
 - (2) Is the structure of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or economically unviable expense?
 - (3) Is the structure one of the last remaining examples of its kind in the neighborhood, city or designated historic district?
 - (4) Would retaining the structure promote the general welfare of the City of Pensacola by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage?
 - (5) Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the character of the surrounding area?
 - (6) Does the structure contribute significantly to the historic character of the historic area or district and to the overall ensemble of structures in the neighborhood?
 - (7) Has the structure been determined to be structurally unsound and unsuitable for rehabilitation by a qualified engineer or architect?
- (i) Notice of application for demolition shall be posted on the premises of the structure or appurtenance proposed for demolition in a location and manner clearly visible from the street. Such notice will be posted within three (3) working days of receipt of the application for demolition by the Commission.

SECTION 12. Maintenance.

- (a) Every person in charge of an improvement on a historic site or structure or in a historic district or areas within the city not otherwise afforded protection, shall keep in good repair (1) all of the exterior portions of such improvement and (2) all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.
- (b) The provisions of this section shall be in addition to all other provisions of law requiring any such improvement to be kept in good repair.
- (c) The Commission, or its designee, may enforce the provisions of this section at law or at equity.

SECTION 13. Unsafe Structures. Nothing in this ordinance shall prevent the emergency stabilization and weatherization of a designated structure on an emergency basis when the planning director, or building inspector certifies in writing that such work is necessary for the purpose of correcting conditions determined to be dangerous to life, health or property.

SECTION 14. Relocation.

- (a) When an applicant seeks to obtain a certificate of appropriateness for the relocation of a historic structure or a contributing structure, the Commission shall consider the following guidelines in addition to any other applicable guidelines found in this chapter:
 - (1) What contribution does the structure make to its present setting?
 - (2) Can the structure be moved without significant damage to its physical integrity, or change in or significant loss of historic characteristics?
 - (3) Is the structure compatible with its proposed site and adjacent properties?
 - (4) What is the proximity of the proposed site to the present site?
- (b) The Commission must approve a conceptual building design and/or redevelopment plan for the property if relocation is approved.
- (c) In reviewing application for relocations, the Commission shall follow the requirements of Section 11 (c) - (i), inclusive. In those instances, the word relocation shall be substituted for demolition as applicable.

SECTION 15. Certificate of Economic Hardship. Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this ordinance would result in economic hardship to the applicant, the Commission may grant a certificate of economic hardship exempting the applicant from some or all of the requirements.

- (a) In any instance where there is a claim of economic hardship, the owner shall submit, by affidavit, to the Commission at least 15 days prior to a regularly scheduled meeting of the Commission the following information:
 - (1) For all property:
 - i. The amount paid for the property, the date of purchase and the party from whom purchased;
 - ii. The assessed value of the land and improvements thereon according to the two most recent assessments;
 - iii. Real estate taxes for the previous two years;
 - iv. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing, or ownership of the property;
 - v. Any listing of the property for sale or rent, price asked and offers received, if any;
 - vi. Any consideration by the owner as to profitable adaptive uses for the property; and

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

(2) For income producing property:

- i. Annual gross income from the property for the previous two (2) years;
- ii. Itemized operating and maintenance expenses for the previous two (2) years; and
- iii. Annual cash flow, if any, for the previous two (2) years.

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

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

- (1) The certificate of economic hardship is the minimum variance required to make reasonable use of the land or structure.
- (2) The grant of the certificate of economic hardship will be in harmony with the general purpose and intent of this ordinance.

SECTION 16. Fees. Fees for processing applications under this ordinance shall be established annually by resolution of the city council.

SECTION 17. Taxes. Nothing in this ordinance shall be construed as reason for an increased evaluation of property for purposes of ad valorem taxation because of historic designation.

SECTION 18. Property Owned by Public Agencies. The requirements, provisions, and purposes of this ordinance apply to all property owned by the City of Pensacola or any other public agency; provided, however, designation pursuant to this ordinance shall not affect the validity of prior actions of the Pensacola City Council approving plans, programs, or authorizations for public trust, agencies or authorities of the City of Pensacola without an express amendment of such plan, program or authority.

SECTION 19. Appeals. A determination by the Commission that an application for a certificate of appropriateness or for a certificate of economic hardship be denied shall be appealable to the City Council as set forth supra.

SECTION 20. Incentives. Possibilities for this section include:

- Fast track permitting
- Reduced fees
- Tax incentives
- Variances from zoning

SECTION 21. Penalties.

[i] Any Person, firm or corporation who violates any provision of this ordinance shall, upon conviction, be guilty of a misdemeanor against the City of Pensacola and shall be punishable by a fine of no less than Fifty Dollars (\$50) and no more than Five Hundred Dollars (\$500). A violation exists whenever there is a performance of an act which is prohibited by the provisions of this ordinance, or a failure to perform an act which is required by this ordinance. Each day such violation shall continue to exist shall be considered a separate offense.

[ii] In case any structure is erected, constructed, externally reconstructed, externally altered, added to or demolished in violation of this ordinance, the City of Pensacola or any person may institute an appropriate action or proceeding in a court with competent jurisdiction to prevent such unlawful erection, construction, reconstruction, exterior alteration, addition or demolition, and the violating party shall pay all court costs and expenses , including reasonable attorneys' fees, if the court should find in favor of the City of Pensacola or persons suing on behalf of the City of Pensacola to enforce this ordinance.

SECTION 22. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

SECTION 23. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 24. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk



PLANNING SERVICES

THE UPSIDE of FLORIDA

MINUTES OF THE PLANNING BOARD
November 8, 2016

MEMBERS PRESENT: Paul Ritz-Chairman, Nina Campbell, Danny Grundhoefer, Kyle Owens, Kurt Larson, Nathan Monk

MEMBERS ABSENT: None

STAFF PRESENT: Brandi Deese, Leslie Statler

OTHERS PRESENT: Councilman Brian Spencer, Ross Pristera, Elizabeth Benchley

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from October 11, 2016 and October 25, 2016 Workshop
- LDC Amendment – Section 12-2-22 (Governmental Center District)
- Review of Historic Structures Prior to Issuance of Demolition Permit
- Open Forum
- Adjournment

Call to Order / Quorum Present

Chairman Ritz called the meeting to order at 2:07 pm with a quorum present. He gave instructions to the audience on the rules and procedures of the Board.

Approval of Meeting Minutes

Mr. Larson made a motion to approve the October 11, 2016 minutes and the October 25, 2016 workshop minutes. Mr. Monk seconded the motion, and it carried unanimously.

LDC Amendment – Section 12-2-22 (Governmental Center District)

During the October 13, 2016 City Council meeting, City Council approved a motion to refer to this Board for consideration a Land Development Code Amendment for Section 12-2-22 Governmental Center District. The Governmental Center District was created on February 22, 1979 upon the passage of Ordinance No. 04-79 by City Council and pursuant to Chapter 2001-328 Florida Law. It was created as a special district intended to provide for the redevelopment of a centralized area for government-related land use and to encourage a coordinated architectural character within the district. The district functions as an overlay district, which requires the approval of the Architectural Review Board for any exterior modifications. The Governmental Center complex has been constructed as planned and the Governmental Center Authority has been abolished by the State Legislature. This renders the Governmental Center District obsolete as its purpose of redeveloping a centralized area for government-related land use has been fulfilled.

Chairman Ritz stated the Governmental Center District seemed obsolete since several buildings have been built out which was the primary purpose for creating this district and the revitalization of these blocks. He felt it had served its purpose, and it was time to move to something else.

EVERYTHING THAT'S GREAT ABOUT FLORIDA IS BETTER IN PENSACOLA.

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Ms. Campbell asked in removing the district, it would also remove it from the Architectural Review Board (ARB) approval, and it was determined that it would. She was concerned that any development in this area would be unsupervised. Mr. Monk stressed the ARB had done a tremendous job in areas of oversight and was concerned with removing this district from ARB review. Chairman Ritz pointed out this district was for government-related land use. Ms. Deese stated staff had copies of the proposed Maritime Redevelopment District which was considered previously and outlined a timeline of the earlier process. She indicated this district could be considered a form of protection if the Board felt it was warranted. She explained this document expanded the Governmental Center District, however, ECUA (a property owner) opposed, and the proposal did not pass the second reading.

Mr. Pristera with the UWF Historic Trust supported some level of review in this area which is one block from Palafox in the Historic Business District. He offered this is where development will go since it has vacant land. He stated there would be a better product in the end with some type of review, control and public input. The close proximity to downtown and other historic resources makes this district a very important part of the fabric of the city. He explained each district had rules relating to character; since this area has a lot of land, it could be made up of newer buildings, and the rules could be written to give more open language. He suggested redrawing the lines and reworking the name of the district.

Ms. Campbell questioned the proposed Maritime Redevelopment District, and Ms. Deese stated it was intended to absorb the Governmental Center District. Mr. Pristera pointed out in the original Code language, it was mentioned to encourage and coordinate architectural character within the district, and some thought should be put into that.

Mr. Spencer explained that this topic was discussed at length in the Council meeting. He shared that he was very vocally opposed to extinguishing the Governmental Center District since it immediately provided for a wild-west culture for development and redevelopment with plenty of opportunity for infill. His concern was the loss of architectural review for this district; he suggested the review role of the ARB be preserved at this point as Phase I and Phase II. He was concerned if they tie it into its entirety into the boundaries proposed by the Maritime Redevelopment District, there might be galvanized opposition. He suggested they hold the fort and discuss expanding the role of the ARB and/or Planning Board. He also stated it might be an opportunity to correct some of the carve-outs on Baylen Street and consider redevelopment with streetscape changes for Spring Street. Mr. Spencer was disappointed when the Maritime proposal was defeated. The Council was provided with evidence of Form Base Code, requirements for fenestration, and examples of other cities which adapted the guidelines within the Maritime District. He pointed out the ECUA property value would be increased in creating a context of predictability for developing quality projects.

Ms. Benchley with UWF addressed the area before the establishment of the Governmental Center District. She pointed out it was colonial with a creek that ran through the ECUA property which was the lowest point of the area (Washer Woman Creek). This creek marked the western edge of the town, with the eastern boundary marked by Ninth Avenue. She preferred some type of review district continued on the west side, since archaeology plans are to mark the boundaries of the town. She pointed out it would not make sense to build on wetlands included in this district. Some of the historical buildings were moved to Historical Pensacola Village, but there was archaeology everywhere. She felt continuing the review district was essential for the health of downtown Pensacola, for honoring history, and for wise planning.

Ms. Campbell addressed Mr. Spencer concerning the Maritime Redevelopment District proposal in 2013. She asked if he had any changes and would he sponsor this to the Council again. He indicated he had not reviewed it again, but he was confident that he would sponsor it with some minor changes. With the ECUA property in private ownership, he would want to sit with the owners to understand their stance and educate them as well.

Mr. Grundhoefer asked if it would be difficult to re-establish the Governmental Center District with the Council. Mr. Spencer stated if the Planning Board advocated the preservation of this district under whatever name, they would have majority support. Mr. Grundhoefer was in favor of the Maritime

Redevelopment District encompassing the Governmental Center District but feared the possible backlash. Mr. Spencer explained the Council was expecting a prompt response they could take action on, and he had no problem reacquainting them with how it was at one point going to be absorbed by a larger district. He would also tell them they could anticipate Mr. Spencer coming forward with sponsorship to expand the review district. He suggested it would be better to securely position this district and within two to three months revisit the subject. He explained that some of the property owners did not understand what the proposal meant; it would not mean they would have to demolish their metal buildings but they were stopping the expansion of them.

Mr. Monk asked if the Board needed to take action at this point. Mr. Spencer stated his immediate concern was that the Governmental Center District was in purgatory and how would a development be handled at this time. Ms. Deese stated until this district was referred to the Council for a final vote, the applications would still proceed through the ARB. She agreed there could be some significant development within the district in the near future.

Chairman Ritz suggested the Governmental Center District by itself was obsolete, and it currently provides some protections, but some of the developments established were not characteristic of Pensacola. Mr. Larson did not want to remove protections until something else was in place. He stated the Board could say they wanted the Maritime Redevelopment District to be approved; if it was approved, the Board would then sunset the Governmental Center District. Mr. Spencer stated the Maritime Redevelopment District provided the Board an opportunity to optimize the moment with more definitive meaningful language, while holding on to the boundaries. He explained that establishing legal boundaries to describe districts was not that simple. He proposed augmenting the current district with the language of the Maritime overlay district as an ideal first step. Ms. Deese advised Council could not take action until the proposal was referred back from Planning Board. Mr. Spencer stated if the Planning Board voted to supplant the current Governmental Center District language regarding review guidelines with the language of the Maritime overlay district, they would be sending a message to Council that the Board wanted that district because of the still remaining, unfulfilled development, new development or redevelopment opportunities, and to be in the ARB oversight, helping the ARB to have a more precise framework in which to review and regulate.

Mr. Monk was comfortable moving forward to supplant the language of the Maritime overlay district in order to have a well-defined district. Chairman Ritz suggested the current Board may not be fully aware of the contents in the Maritime proposal. The previous board with citizen involvement created the proposal three years previous. Mr. Spencer stated the Maritime proposal was three years in the making, and it was form-based code elements dealing with fenestration, human scale, and massing which could be tempered.

Mr. Larson made a motion to send the recommendation to the City Council for the establishment of the Maritime Redevelopment District to supplant the Governmental Center District including all area within the Governmental Center District. Ms. Deese clarified that the Maritime Redevelopment District proposed to encompass areas further west all the way to A Street and wanted the Board's desire. Mr. Spencer explained phase I would be to supplant the Governmental Center District maintaining the same boundaries, and phase II would require better notification and education. Ms. Deese suggested the Board table and get the steps in order for next month. After further discussion, **Mr. Larson made a motion to supplant the current Governmental Center District with the Maritime Redevelopment District as presented in the document of August 28, 2013, including all area within the Government Center District, and the Board re-approach this item next month looking at the expansion of that district to the western boundary of A Street.** Mr. Spencer pointed out the Board might want to give more than one month. Ms. Deese stated the Board might want to see phase I through to City Council first. **Mr. Larson amended his motion to re-approach after 60 days. It was seconded by Mr. Monk, and it carried unanimously.**

Review of Historic Structures Prior to Issuance of Demolition Permit

Ms. Deese provided the Board with Mr. Grundhoefer's draft ordinance along with his email explaining his comments. Mr. Larson appreciated the efforts in compiling the draft ordinance. Mr. Grundhoefer advised

the draft was pulled primarily from Boston's ordinance which identified a demolition review but did not consider requirements of a preservation board or a historic district, but did address neighborhoods outside of overlay districts. Chairman Ritz then asked for input from the audience.

Ms. Benchley with UWF stated she liked the draft, pointing out it was more focused on the problem at hand.

Mr. Pristera also liked the draft being very thorough and in a form easy to understand.

Mr. Grundhoefer pointed out **(3)(b) Local Registry of Historic or Significant Buildings** which currently is not established but could possibly be developed through the UWF group as a list to be checked by Building Inspections. Mr. Pristera stated that could be possible long term and also to partner with the City for a grant application for survey work. He stated they could possibly come up with a list of important buildings outside the Historic District.

Mr. Larson addressed **3. Issuance of Building, Use, or Occupancy Permit** - two (2) years after the date of the Planning Board's determination and may impose a fine of up to \$500 for such unauthorized demolition. He did not think the amount was enough to deter and suggested a 5 to 10 percent penalty. Mr. Grundhoefer explained the language was there to deter and not to discourage. Mr. Monk also agreed the fine should be increased. Chairman Ritz advised that in two years, the market could change dramatically, and the fine amount was not as significant as the two years. Mr. Monk preferred the percentage of value of something to deter a demolition. Chairman Ritz explained that fines and numbers of years might affect homeowners who are not aware of the rules and laws of the city and would not have the resources to pay. Ms. Campbell stated the value of the fine and who established the value could become a source of litigation, but thought \$500 was too low but it might get the attention of some people.

Mr. Spencer thanked the Board and Mr. Grundhoefer for taking on the task. He felt there could be some people who would be the least affected by the \$500 fee and thought it should be more injurious. He did not know how to place a value on some of these sites and buildings as they relate to legacy and the stories they bring to a neighborhood. Ms. Benchley offered it could be \$500 for each year of the building age; Mr. Spencer suggested it be not less than \$5,000. He continued by stating the FDEP has a fine assignment capability language which goes to the demolition contractor, those who knowingly remove lead paint, asbestos, etc., without doing proper notification; demolition contractors also need accountability. Mr. Grundhoefer pointed out it should be the property owner's responsibility. Mr. Spencer stressed demolitions do occur without permits. Mr. Larson stated he was comfortable leaving it at \$500 and letting City Council address the amount; Mr. Spencer explained that the Council relies on the Planning Board for guidance in these areas. **Mr. Monk offered up to \$10,000** since he works in the non-profit sector and knows how hard it is to get people of affluence to write checks, and this would be a reasonable number which would make someone nervous before demolishing a building. **The Board was agreeable to the change as long as the language specified "up to."** Chairman Ritz explained this Board would be the arbitrator of the fines on a case by case basis.

Mr. Spencer asked how the Board would count on another outside agency's role. Mr. Grundhoefer pointed out in **2. Staff Determination**, the Planning Board may seek the assistance of the UWF Historic Trust. Mr. Spencer asked about the Board's sense of the 50-year benchmark, and they were comfortable with that measurement. Mr. Monk advised during Ms. Benchley's presentation at the last Board meeting concerning the national measurement, there was a caveat of 50 years or something else which could activate the process. Mr. Grundhoefer stated in **3. Criteria for Significance**, it points out the determination of significance as historically or architecturally significant or associated with a cultural or national event, etc.

Mr. Spencer was concerned about **3. (e) The building is one of a few remaining examples of its period, style or method of construction.** For instance, if there were eight buildings on a street of remaining examples and a city block has 12 lots, and the building is one of eight, the argument might be it is not one of the few remaining, but it is a well-grounded sample of the craftsman style on a block in East Hill; with others available, someone could think this one building could be demolished. **He offered language that "the building is a representative example of its period, style or method of construction."** He wanted to

make sure the Board had built a formidable defense to address future development. He was comfortable with **6. Demolition Delay** as long as there was no suspend time. Mr. Grundhoefer stated after the Board determines it is a significant building, there should be a period of time for the Board to explore and help people with alternatives. Chairman Ritz indicated 120 days would be adequate to accomplish the evaluation. Mr. Spencer thought he could defend 120 days as not an unreasonable amount of time, and it shows expediency on the part of City staff and the Board.

At this point, Chairman Ritz asked the Board to return to a page by page evaluation. **Section (1) Statement of Purpose, and (2) Definitions were acceptable by the Board. Regarding Section (3) Buildings Subject to Review, Chairman Ritz stated the 50-year marker established the review and followed the national standard and the Board agreed. Section (4) Enforcement was agreeable with the Board with the \$10,000 fine.**

With **Section (5) Procedure 2. Staff Determination** 30 days after the application filing date, Mr. Larson asked if it could be changed to 45 days to allow an additional Board meeting to address the issue. Ms. Deese indicated regardless if the number of days was changed, she advised that it would be helpful to read like the current Code language for Planning Board to provide flexibility in the event a quorum could not be obtained. She advised applications are due 21 days in advance. Mr. Larson had no problem with 30 days once the Board heard the issue. Mr. Grundhoefer stated many of the cities reviewed had a preservationist on staff or someone who could make the determination in three to five days to determine if it would go to the Planning Board or if it is determined to be a significant building. Chairman Ritz addressed the Board not having a quorum to address the issue. Ms. Deese advised the timeclock did not begin until the Board meets, so they would have the ability to table it as long as the meeting is within 30 days; 45 days would give the Board more flexibility knowing it could be tabled at least for one meeting depending on a quorum. She pointed out that when this authority is given to a board, it is placed on a formal agenda with notice and posting and the timeframe must be increased. Ms. Campbell asked if the ordinance addressed add-ons; **Ms. Deese stated add on-s are not a part of the draft language and should not be due to the notification requirement. She suggested the Board might adopt the language 45 days of the date of reference unless a longer period is specified which would address the quorum situation; the Board agreed to this language.** Ms. Benchley agreed 45 days would allow for outside review for building significance. **Ms. Deese verified the language to read: The Planning Board shall issue a notice of its determination within forty-five (45) days of the Public Hearing unless a longer or shorter period is specified. The Board agreed with the language.**

Section (5)4.a. stated the Planning Board shall issue its determination pursuant to such hearing within thirty (30 days after the application filing date. Ms. Deese stated this language would be changed as well. Under c. Early Determination, Ms. Deese stated she would fill in the blanks with the applicable subsections.

Item 5.a. Hardship the Board agreed on the language in this section.

Item 6.a. Demolition Delay language was also approved.

Item 7. Evaluation of Alternatives to Demolition – (b) Any definite plans for the reuse of the property if the proposed demolition is carried out. Mr. Larson stated the Board had talked about putting in a time period of completion, baring delays. He was concerned about the land remaining vacant. Chairman Ritz stated the Board could not make the developers begin, but if they did, other codes require that they finish. Mr. Larson appreciated the draft document, and Mr. Monk pointed out with the many opinions expressed, the document did come together very well. Mr. Spencer added by the Board accepting the responsibility, it had depoliticized it. Mr. Grundhoefer addressed **6.b. Invitation to Consider Alternatives** which included the City Council and to gather all resources with possible tax incentives. Mr. Spencer stated this information should be delivered through staff. **Ms. Deese's recommendation was to mirror the language in other sections of the Code which states 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,**

instead of singling out specific groups. Chairman Ritz agreed that this language would not limit the Board to City Council. **Mr. Larson suggested removing “members of the City Council” and the Board agreed.**

Mr. Spencer mentioned the Sunday House presentation to the ARB and stated those who are involved with any form of development, redevelopment or design were aware that site plan did not address Northwest Florida Stormwater Management requirements. It showed a level of densification which was not feasible.

On 7. (b) Any definite plans for the re-use of the property if the proposed demolition is carried out. How would the Board consider the alternatives? Sometimes a historic site could be under contract with earnest deposit money refundable, and they could be painting a positive picture with tax impact, etc., but they have not vetted what can actually be done. He asked how could the Board place into this alternative a requirement that they have something to present to the Board? Ms. Deese questioned the legality of the Board enforcing this element. Mr. Spencer offered at least some document from licensed engineers certifying the site proposed alternative was practical. Ms. Deese explained the Governmental Center District does not have a requirement to submit the redevelopment plan along with demolition requests, however the John Sunday applicant offered a very preliminary plan. The applicant was advised that ARB would want to see what they were putting in place of the house and the applicant was also advised that the redevelopment plan presented did not meet regulations of the Land Development Code.

Chairman Ritz offered in **7.(b) any definite plans** by a licensed engineer could go down that path, describing what the licensed professional drawing needs to indicate. He pointed out **6. Demolition Delay a. A demolition delay decision by the Planning Board is not transferrable to a new owner of the property. If the property is sold during the demo delay period, then the demo delay will restart at the date of closing. Once a demo delay has expired, but before a demolition permit is issued by the Department of Inspections Services, and the property is sold to a new owner, the demolition delay application process begins again.**

Mr. Grundhoefer suggested adding that plans are to include engineered site plans meeting all the City requirements.

Ms. Deese advised that if the Board approved the demolition, the demolition permit is valid for 60 days. She also indicated it is not legally feasible for the City to force a private property owner to develop within the specific time frame. Chairman Ritz suggested language saying you cannot be issued a demolition permit until a new construction permit is issued, but it still would not be necessary to build at that time.

Mr. Pristera suggested if you require a set of 100 percent completed construction drawings ready for permitting, it would be a huge investment and might solve the issue. He asked if the demolition permit could be contingent on getting to the permitting phase. Chairman Ritz stated this would place it on Building Inspections to not issue the demolition permit until such time as they have a construction site permit. Mr. Spencer pointed out the fifth generation 89 year-old who needs to sell. The burden would then be on the buyer. He appreciated placing more validity to the applicant's enticement to receive a demolition permit in exchange for what they will put into place – certifiable documents. Selling this home would fund some end of life care, and the buyer might pass on the house because of these stipulations. He asked if the hardship clause was enough. Mr. Monk understood the concern and felt having the hardship clause in the document would allow the Board to consider the situation. He also thought there should be some type of wing within the City of Pensacola to preserve a historic building. Mr. Spencer suggested the fines could go into the program to fund the preservation.

Ms. Benchley explained it was difficult for the Historic Trust to acquire buildings, with no funds or space to place them. She stated a developer had indicated parcels with old buildings are cheaper to acquire than vacant lots, and the demolition cost is minimal. The Board then discussed having a minimal demolition fine. **Ms. Deese stated the draft read impose a fine up to \$10,000 as determined by the Building Official; the Board decided to change this to read as determined by the Planning Board.**

Regarding **7.(b)**, it was determined the developer should be required to have site plans which meet the state and city requirements, there is some sense they would follow through with the plans.

Ms. Campbell made a motion to submit the proposed draft with changes to Council immediately, and Mr. Larson seconded. Mr. Grundhoefer wanted to draft a form to be used by Building Inspections which would take some of the concerns into consideration, and regulations would be noted in the beginning. Ms. Deese explained this draft would go to Legal for review and then proceed to Council. Mr. Spencer advised they were still within the 180-day window for the moratorium. **The Council Executive had recommended this draft take an intermediate step to Legal to verify if the levying of fines can be imposed by the Planning Board, and if there is any dollar limit if the fine exceeds the value of the property. Mr. Kraher suggested completion of Legal's review by December 1, and with no major changes, be placed on the Council Agenda in December.**

Mr. Spencer expressed his gratitude to Mr. Grundhoefer. He felt the action by the Board would let the public know how much they value North American historic cities.

With no further discussion, the motion carried unanimously.

Open Forum – None.

Adjournment – With no further business, Chairman Ritz adjourned the meeting at 4:36 pm.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Brandi C. Deese', written in a cursive style.

Brandi C. Deese
City Planner
Secretary to the Board

12-12-5 - Building permits.**Sec. 12-12-5. - Building permits.**

This section is established to provide for building permits for review of compliance with the provisions of this land development code. A "building permit" means any building or construction permit required by Chapter 14-1.

(A) Application. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Standard Building Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. All applications for building permit shall be accompanied by the following information and materials:

(a) Two (2) complete sets of building construction plans shall be required. In addition, a plot plan drawn to scale depicting the following information shall be required for residential and commercial building permits:

1. Lot dimensions, boundary lines, area of the lot, and its legal description.
2. The locations and dimensions of buildings, structures or additions, including all overhangs, eaves and porches.
3. The yard requirements indicating distance from all property lines to the proposed buildings, structures or additions in feet.
4. The existing and proposed uses of each building, structure or addition.
5. Access and parking layout, including driveway location. Where applicable, required loading and unloading spaces should be indicated.
6. Elevations showing architectural features of each side of the existing and proposed construction.
7. Where application is made to build upon a lot nonconforming in size or dimensions (lot of record), the application shall be accompanied by a recorded deed giving description of the property as of July 23, 1965.
8. For all plans except single-family or duplex dwellings a landscape plan is required pursuant to section 12-6-4.

(b) Proof of sewer tap from Escambia County Utilities Authority.

(c) Completed current Florida Model Energy Efficiency Code Building Construction.

One (1) copy of the plans shall be returned to the applicant by the building official after he has marked such copy either as approved or disapproved and attested same by his signature on such copy. The original, similarly marked, shall be retained by the building official.

(B) Issuance of building permits. No application for a building permit shall be approved by the building official for any building, structure, or addition on any lot in violation of this chapter or not in compliance with any provisions of this chapter, unless authorized under subsection 12-12-2(A)(2), Variances.

(C) Construction and occupancy to be as provided in applications. Building permits issued on the basis of plans and applications approved by the building official authorize only the occupancy, arrangement, and construction set forth in such approval plans and applications, and no other occupancy, arrangement, or construction. Occupancy, arrangement, or construction in variance with that authorized shall be deemed a violation of this chapter, unless such change is reviewed and approved by the building official.

(D) Expiration of building permits. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time

the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be in writing by the building official.

(E) Demolition Review.

This section shall be known and cited as the City of Pensacola's Historic Building Demolition Review Ordinance. The purpose of this section is to establish a predictable process for reviewing requests to demolish certain buildings in order to establish an appropriate waiting period during which the City and the Applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the City.

(1) Definitions.

For the purposes of this section only, the following words and phrases, whether or not capitalized, shall have the following meanings:

Applicant means the person or persons filing an application for review under this Section.

Application means a Demolition Permit application for review under this Section, filed with the City's Inspection Services Division.

Application filing date means the date on which the application was filed with the City's Inspection Services Division.

Planning Board means the City's Planning Board as advisors to the City Council.

Day means any day, including Saturdays, Sundays, and holidays.

Demolition means any act of pulling down, destroying, razing, or removing a building or significant portion of a building, or the commencement of such work with the intent to complete the same. Demolition includes the act of either demolishing or removing:

- (1) 25% or more of the roof area, measured in plan view, or;
- (2) 25% or more of the exterior walls of the building measured around the building,
or;
- (3) Any exterior wall facing a public street.

Demolition permit means a permit issued by the Inspection Services Division authorizing the demolition of a building pursuant to an application.

Historic property means an individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof listed in the "National Register of Historic Places".

Neighborhoods means all the areas of the City.

Significant building means a building with respect to which the Planning Board has made a determination, that further examination, including the public hearing required by this Section, is warranted to determine whether a delay in demolition should be required.

(2) Buildings Subject to Review.

The following buildings are subject to review by the Planning Board for the purpose of determining whether such buildings are significant:

Any building located in the Neighborhoods of the city of Pensacola if:

- (b) Such building, or the portion thereof to which the application relates, was built prior to 1940, or
- (c) Such building is listed on the City of Pensacola’s “**Local Registry of Historic or Significant Buildings**”, or
- (d) Such building or the portion thereof to which is determined to be a **significant building** pursuant to subsection (4) 3, herein.

(3) Enforcement.

1. **Issuance of Demolition Permit.** The requirements set forth in this Section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. The Building Official shall not issue any demolition permit relating to a building that is subject to review, unless:
 - (a) The Building Official deems that demolition is necessary.
 - (b) The Building Official: (i) has received a notice issued by the Planning Board, that the building is not subject to review under this section, or is not a significant building, or (ii) has not received such notice within the time period set forth in Section (5).A; or
 - (c) The Building Official: (i) has received a notice issued by the Planning Board that no demolition delay is required; or (ii) has not received such notice within the time period set forth in Section (5).A; or
 - (d) The Building Official has received a notice issued by the Planning Board that there is no feasible alternative to demolition; or
 - (e) The demolition delay period set forth in Section (5).A has expired.
2. **Required Demolition or Repair.**
 - (a) **Demolition.** Nothing in this section shall restrict the authority of the Building Official to order the building owner, or the City, to demolish a building at any time if the Building Official determines that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.
 - (b) **Repair.** Nothing in this section shall restrict the Building Official to require the Applicant to take reasonable action to prevent the need for required demolition of a significant building, which may include securing the building and making it safe so that it does not present an imminent and substantial danger to the public.
3. **Issuance of Building, Use, or Occupancy Permit.** If the Planning Board has determined that a building is significant, per Section (2), the Building Official shall not issue any building permit for the erection of a new building on the site of such significant building before issuing a demolition permit for such significant building in compliance with this section.

(4) Procedure.

1. **Application.** An application for review under this section shall be made in the manner provided below. If the Applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.
 - a. **Time for Filing Application.** The Applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this Section, may be completed prior to, or during, any other review to which the building or its site may be subject.

- b. **Application for Early Review.** At any time prior to filing an application for a demolition permit, the Applicant may apply for review under this Section by submitting a request in writing to the Planning Board.
 - c. **Informational evidence:** The Applicant must submit for review sufficient information to enable the Planning Board to make their determination, including a site plan showing the footprint, photos of the subject building and surrounding properties.
2. **Determination: Applicability of Review and Significance of Building.** After its receipt of an application from the Building Official, the Planning Board shall determine: (1) whether the building is subject to review under this Section, and (2) whether the building is a significant building. The Planning Board may seek the assistance of City staff or the University of West Florida's Historic Trust.

The Planning Board shall issue a notice of its determination within forty-five (45) days of the Board's initial meeting unless a longer or shorter period is specified. If the Planning Board determines that the building is significant, such notice shall:

- a. indicate that the Planning Board will hold a public hearing within the time period required by this Section; and
 - b. invite the Applicant to submit any information that the Applicant believes will assist the Planning Board in: (i) determining whether the building is subject to demolition delay according to the criteria set forth herein, and (ii) evaluating alternatives to demolition.
3. **Criteria for Determining Significance.** The Planning Board shall determine that the building to which the application relates is a significant building if:
- a. The building is historically or architecturally significant in terms of its period, style, method of building construction or use of indigenous materials; or
 - b. The building is a significant reminder of the cultural, or architectural history of the city, state or nation; or
 - c. The building is associated with a significant local, state or national event; or
 - d. The building is associated with one or more significant historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the city, state or nation; or
 - e. The building is a representative example of its period, style, or method of construction; or
 - f. The building is identified with a person who significantly contributed to the development of the city, state or nation; or
 - g. The building is identified as the work of a master builder, designer or architect whose individual work has influenced the development of the city, state or nation; or
 - h. The building value is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance; or
 - i. The building character is in a geographically definable area possessing a significant concentration or continuity of buildings united in past events or aesthetically by plan or physical development; or
 - j. The building character is in an established and geographically definable neighborhood united in culture, architectural style or physical plan and development.
4. **Planning Board Hearing to Determine Whether Significant Building is Subject to Demolition Delay.**
- a. **Hearing Requirement; Time for Issuance of Determination.** If the Planning Board has determined that a building is significant, the Planning Board shall hold a public hearing to determine whether the building is subject to the demolition delay required herein. At such hearing, the Planning Board also may consider alternatives to demolition. The

Planning Board shall issue its determination pursuant to such hearing within forty-five days (45) of the Public Hearing unless a shorter or longer period is specified.

- b. **Criteria for Requiring Demolition Delay.** The Planning Board shall make its determination concerning the requirement of demolition delay according to the criteria set forth herein. The Applicant is encouraged to present any information the Applicant believes will assist the Planning Board in making its determination.
 - c. **Early Determination of No Feasible Alternative.** At the hearing, the Applicant may present any information the Applicant believes will assist the Planning Board in evaluating alternatives to demolition. If, at such hearing, the Planning Board finds that demolition delay is required, and also finds that the information presented at such hearing is sufficient for the Board to issue a determination that there is no feasible alternative to demolition, the Board shall issue such determination within the time period set forth in this subsection for the issuance of the Planning Board's hearing determination.
 - d. **Hearing Notice and Procedure.** Except where otherwise specified in this Section, the conduct of any public hearing held, including public notices, hearing procedures, votes, records, and the like, shall be governed by the rules and procedures established by the Planning Board through its duly adopted regulations and by-laws.
 - e. **Notice of Determination.** Any determination issued shall specify the reasons for such determination. Such determination shall state whether or not demolition delay is required. If such demolition delay is required, and the Planning Board has not determined that there is no feasible alternative to demolition, such determination shall specify the date on which such delay period will expire.
5. **Criteria for Determination that Building is Subject to Demolition Delay.** To determine that a significant building is subject to the demolition delay, the Planning board must find that, in the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. In making such finding, the Planning Board shall consider the criteria for determining significance.
6. **Demolition Delay.**
- a. **Delay Period.** If the Planning Board has issued a determination, that a significant building is subject to demolition delay, the Building Official shall not issue a demolition permit until one hundred and twenty (120) days have elapsed following the close of the public hearing. Upon expiration of the delay period, the Planning Board shall issue a notice in writing stating that such delay period has expired, and the date of such expiration, unless the Planning Board has issued a determination that there is no feasible alternative to demolition.

A demolition delay decision by the Planning Board is not transferrable to a new owner of the property. If the property is sold during the demo delay period, then the demo delay will restart at the date of closing. Once a demo delay has expired, but before a demolition permit is issued by the Building Official, and the property is sold to a new owner, the demolition delay application process begins again.

- b. **Invitation to Consider Alternatives.** If the Planning Board has determined that a significant building is subject to demolition delay, and has not determined, at the hearing that there is no feasible alternative to demolition, the Planning Board shall invite the Applicant (or the owner of record, if different from the Applicant) to participate in an investigation of alternatives to demolition. The Planning Board also may invite the participation, on an advisory basis, of City Staff, as well as any individual or representative

of any group whose participation the Applicant (or owner) requests, to assist in considering alternatives.

7. **Evaluation of Alternatives to Demolition.** In evaluating alternatives to demolition per this Section, the Planning Board may consider such possibilities as: the incorporation of the building into the future development of the site; the adaptive re-use of the building; the use of financial or tax incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.
In evaluating alternatives to demolition, the Planning Board shall consider, and shall invite the Applicant to present, the following information:
 - (a) The cost of stabilizing, repairing, rehabilitating, or re-using the building;
 - (b) A schematic, conceptual design drawing;
 - (c) Any conditions the Applicant proposes to accept for the redevelopment of the site that would mitigate the loss of the building; and
 - (d) The availability of other sites for the Applicant's intended purpose or use.
8. **Determination of No Feasible Alternative.** If, based on its evaluation of alternatives to demolition, the Planning Board is satisfied that there is no feasible alternative to demolition, the Planning Board may issue a determination prior to the expiration of the delay period, authorizing the building official to issue a demolition permit.
9. **Notice.** Any determination or notice issued by the Planning Board or its staff shall be transmitted in writing to the Applicant, with copies to the building official and, where applicable, to any individual or group that the Planning Board has invited to participate in an exploration of alternatives to demolition.