

ORDINANCE NO. 2005-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, AMENDING ARTICLE III SECTION 3.8.3 (DEFINITIONS), ARTICLE III SECTION 3.8.5(C) (MEMBERSHIP) AND ARTICLE III SECTION 3.8.5(D) (TERM) OF THE LAND USE AND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Ponce Inlet created the Historic and Archaeological Preservation Board by adopting Ordinance 2004-23; and

WHEREAS, it has become necessary to amend Section 3.8.3 (Definitions), Section 3.8.5 (c) (Membership), and Section 3.8.5(d) (Term).

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, FLORIDA, AS FOLLOWS:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

SECTION 1. Section 3.8 of Article III of the Town of Ponce Inlet, Florida, Land Use and Development Code is hereby amended to read as follows:

Section 3.8. Historic & Archeological Preservation Board

Sec. 3.8.1. Intent

A. The Town Council finds there are buildings, landmarks, and sites within the Town that have specific historic, archeological or aesthetic significance.

B. The Town believes it is essential to the health, safety, morals, economic, education, aesthetic, cultural and general welfare of the Town to recognize, protect and enhance these sites, which will result in increased property values, increased economic benefits to the Town and its residents, the promotion of local interests, educational and cultural enrichment of human life and the fostering of civic pride.

C. The federal government has established a program of matching grants-in-aid for projects having as their purpose the preservation, for public benefit, of properties that are significant in American history, architecture, archeology and culture.

D. The Town Council desires to take advantage of all available state and federal laws and programs that may assist in the development or redevelopment of the Town.

E. It is the will of the people of the State of Florida, as expressed in the Florida Constitution Art. II, § 7, that the State's natural resources and scenic beauty be conserved and protected.

F. It is the will of the Florida legislature, as expressed in Chapter 267 of the Florida Statutes, that Florida's historic sites and properties, buildings, artifacts, treasure troves and

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objects of antiquity that have scientific or historic value, or are of interest to the public, be protected and preserved.

Sec. 3.8.2 Purpose

The Town Council declares its intention to recognize, protect and enhance properties with historic, archeological or aesthetic significance and to qualify as a certified local government with the State Office of Cultural and Historical Programs, and to comply with the rules and regulations of the office pursuant to that program. The purpose of Section 3.8 is to promote the health, safety, morals, economic, educational, aesthetic, cultural and general welfare of the public through the:

A. Identification, protection, enhancement, perpetuation and use of districts, sites, buildings, structures, objects and areas that are reminders of past eras, events and persons important in local, state or national history, or that provide significant examples of architectural styles of the past, or that are unique and irreplaceable assets to the Town and its neighborhoods, or that provide this and future generations examples of the physical surroundings in which past generations lived;

B. Enhancement of property values, the increase of economic and financial benefits to the Town and its inhabitants, and the promotion of local interests;

C. Preservation and enhancement of varied architectural styles, reflecting the Town's cultural, social, economic, political and architectural history; and

D. Enrichment of human life in its educational and cultural dimensions by fostering knowledge of the living heritage of the past.

Sec. 3.8.3 Definitions

The following words, terms and phrases, when used in Section 3.8, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any act that changes the exterior features of a designated property.

Board means the Historic & Archeological Preservation Board.

Certificate of Appropriateness means a written authorization by the Historic & Archeological Preservation Board to the owner(s) of a designated property, or a property within a designated historic district, allowing a proposed alteration, new construction, demolition or relocation of a building, structure or site.

Certified local government means a government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (PL 96-515) and the implementing regulations of the U.S. Department of the Interior and the State.

Decision or recommendation means, when referring to the Board, the executive action taken by the Board on an application for a designation or a certificate of appropriateness regardless of whether that decision or recommendation is immediately reduced to writing.

Demolition means any act that destroys in whole or in part a landmark, landmark site or building or structure in an historic district or on a landmark site.

Documentation means photographs, slides, drawings, plans or written descriptions.

Historic district means a geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of sites, buildings, structures, objects or areas, that are united by past events or aesthetically or plan or physical development. A district also

may be comprised of individual resources that are separated geographically but are linked by association or history.

Landmark means a building or structure meeting one or more of the criteria contained in section 3.8.6. A landmark shall include the location of significant archeological features or of an historical event.

Landmark site means the land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

Local register means a way by which to identify and classify various sites, buildings and objects as historic, archeological and/or architecturally significant.

Owner or owners means those individuals, partnerships, corporations or public agencies holding fee simply title to real property. "Owner" or "owners" does not include individuals, partnerships, corporations or public agencies holding interests of less than a fee simple interest in real property.

Quorum means a majority of the Board.

State Historic Preservation Officer means the official designated pursuant to Fl. Stat. § 267.031(7) to administer the state historic preservation program established for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended.

Super majority means, for a ~~seven~~ five-member body, when all members are present, a requirement of ~~six~~ four votes, when less than ~~seven~~ five members are present, a requirement of ~~five~~ three votes.

Sec. 3.8.4. Penalty

A. Any person violating any of the provisions of section 3.8. shall be punished as provided in section 1-11.

B. In addition to the penalties provided in subsection (a), any person who violates any provision of section 3.8. shall forfeit and pay to the Town civil penalties equal to the fair market value of any property demolished or destroyed in violation of section 3.8. or the cost to repair or rehabilitate any property that is altered in violation of section 3.8. In lieu of a monetary penalty, any person altering property in violation of the provisions of section 3.8. may be required to repair or restore any such property.

1. Fair market value should be determined using the condition of the property prior to the violation.

2. The cost of repair or rehabilitation shall be the sum of the costs already incurred for emergency restoration or repair work, plus those costs projected to be necessary to complete restoration and repair, which may include, but need not be limited to, the costs of the following:

- a. Reconstruction of the property.
- b. Stabilization of the property.
- c. Ground contour reconstruction and surface stabilization.
- d. Research necessary to carry out reconstruction or stabilization.
- e. Physical barriers or other protective devices necessitated by the disturbance of the property, to protect it from further disturbance.
- f. Examination and analysis of the property.
- g. Preparation of reports relating to any of the activities described in this paragraph.

Sec. 3.8.5. Historic & Archeological Preservation Board

A. *Creation.* There is created the Historic & Archeological Preservation Board.

B. *Purpose.* The Board is established to seek the accomplishment of the following municipal purposes:

1. The Board shall take action necessary and appropriate to accomplish the purposes of section 3.8. These actions may include but are not limited to:

- a. Surveying and inventorying historic buildings, areas and archeological sites and planning for their preservation;
- b. Recommending the designation of historic districts and individual landmarks and landmark sites;
- c. Regulating alterations, demolitions, relocations and new construction to designated property;
- d. Adopting guidelines for changes to designated property;
- e. Coordinating the historic preservation work of the Town by working with and advising the federal, state and county governments and other Town departments or advisory boards;
- f. Advising and assisting property owners and other persons and groups, including neighborhood organizations who are interested in historic preservation;
- g. Initiating plans for the preservation and rehabilitation of individual historic buildings; and
- h. Undertaking educational programs, including the preparation of publications and the placing of historic markers.

2. The Board shall review all nominations of local property to the National Register of Historic Places following the regulations of the state historic preservation office. Following a public hearing with public notice of no less than 30 days, the Board shall consider the nomination. When necessary, the Board shall seek expert advice before evaluating the nomination. The Board shall forward to the state historic preservation officer its action on the nomination and the recommendations of the local officials within sixty (60) days of the nomination.

When a property owner objects to having property nominated to the National Register, a notarized written statement must be submitted to the Board before the nomination is considered. The Board may then either continue its review, forwarding its recommendation to the state historic preservation officer and noting the owner's objection, or it may cease any further review process and notify the state historic preservation officer of the property owner's objection to the proposed listing. The Board shall not recommend registry over objection of the owner except by a super majority vote.

3. In the development of the certified local government program, the Town Council may ask the Board to perform other responsibilities that may be delegated to the Town under the National Historic Preservation Act.

4. The Board shall conduct at least four public hearings a year to consider historic preservation issues. The Board shall recommend to the Town Council the designation of landmarks, landmark sites and historic districts. Applicants shall be given written notification of the Board's decisions. The Board shall prepare and keep on file available for public inspection a

written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.

5. The Board shall receive assistance in the performance of its historic preservation responsibilities from the Community Services Department, which shall provide expertise in historic preservation or a closely related field. Other Town staff members may be asked to assist the Board by providing technical advice or helping in the administration of this chapter.

6. The Board shall recommend to the local planning agency and the Town Council an historic preservation element of the comprehensive development plan pursuant to the Local Government Comprehensive Planning Act of 1985.

7. The Board shall coordinate its activities with the state historic preservation officer.

8. The Board shall assist the Town Manager and his or her staff in preparing applications for grant awards for historic preservation and historic survey activities.

9. The area of geographic responsibility for the Board shall be coterminous with the boundaries of the Town.

10. The Town is encouraged to be represented at pertinent informational or educational meetings, workshops and conferences relating to preservation activities.

a. *Membership.* The Board shall consist of ~~seven~~ five members and two alternates appointed by the Town Council. No official or employee of the Town shall serve on the Board. Each member of the Board shall be a qualified elector of the Town and resident thereof.

(1). The Board shall elect a chair, vice-chair, and other officers as they may deem necessary. Town staff shall assign an employee of the Town to serve as secretary to the Board.

(2). Members shall serve on the Board at the sole pleasure of the Town Council and may be removed at any time without cause and without a hearing. The name of any member who fails to attend two (2) consecutive meetings without good cause given, shall be transmitted by the Chairman to the Town Council as promptly as possible so that the Town Council may consider replacement of the Board member.

(3). In the event of a vacancy on the Board, the Town Council shall, within sixty (60) days of the vacancy, appoint a new member to serve out the remainder of the term. The Town Council shall consider filling any vacancy with an alternate member or advertising the vacancy until filled with an applicant.

(4). Board members shall serve as volunteers without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the Town Council, or as otherwise provided by law.

(a). *Term.* The Board members shall be appointed for staggered terms by the Town Council. ~~Four~~ Three members shall be appointed initially for a term of three years and ~~three~~ two members shall be appointed initially for a term of two years. Alternative members shall be appointed for a term of two years.

(b). *Qualifications.* The Board members shall be composed of lay and professional members in accordance with the criteria set forth by the certified local government program. To the extent available, members shall be professionals from the disciplines of architecture, history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related

disciplines to the extent such professionals are available in the Town. Lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall make up the balance of the Board membership. An up-to-date resume of Board members shall be kept as a public record.

(c). *Procedures.* The Board shall hold at least four meetings each year, which shall be public meetings. Meetings shall have a previously advertised agenda and shall be open to public participation. All records of the Board, including its rules of procedure, minutes and inventory, shall be public records open to inspection by the public. The Board shall adopt written bylaws, which shall include rules of procedure for use in all its meetings, and the Town Manager shall provide staff assistance. The Board shall have the following reporting requirements:

(i.) It shall provide the state preservation officer with 30 days' notice prior to each meeting, following its first meeting.

(ii.) It shall submit minutes of each meeting to the state historic preservation officer within 30 days of holding the meeting.

(iii.) It shall submit records of the attendance for the review of Board members to the state historic preservation officer within 30 days of each meeting.

(iv.) It shall submit public attendance figures of each meeting to the state historic preservation officer within 30 days of each meeting.

(v.) It shall notify the state historic preservation officer of changes in Board membership within 30 days of action.

(vi.) It shall notify the state historic preservation officer of all historic designations or alterations to existing designations.

(vii.) It shall submit an annual report by November 1 covering the previous October 1 through September 30, which shall include:

(a.) Any changes in the rules of procedure;

(b.) Number of proposals reviewed;

(c.) Designations or listings;

(d.) Changes to Board;

(e.) Revised resumes of Board members as appropriate;

(f.) Review of survey and inventory activity with the description of the system used; and

(g.) Program report on each grant-assisted activity.

Sec. 3.8.6. Designation of landmarks, landmark sites and historic districts.

A. *Authorized.* Upon recommendation of the Board, the Town Council may designate, by ordinance, individual landmarks, landmark sites and historic districts. Each designation of a landmark shall include a designation of a landmark site. When an owner objects to an application involving designation of property, other than an historic district, approval by the Board and Town Council shall require a super majority vote.

B. *Application requirements.*

1. Consideration of the designation of a landmark and landmark site or an historic district shall be initiated by the filing of an application for designation by the property

owner, any resident of the Town or any organization in the Town, and the Town. The Town shall charge a fee for each application that reflects processing costs for the application, except such fee shall be waived for Town-initiated applications. The fee amount shall be established by resolution of the Town Council. The applicant shall complete an application form provided by the Community Services Department, which shall include:

- a. A written description of the architectural, historical or archeological significance of the proposed landmark and landmark site or buildings in the proposed historic district and specifically addressing and documenting those related points contained in Section 3.8;
- b. Date of construction of the structures on the property and the names of former owners;
- c. Photographs of the property; and
- d. Legal description and map of the property to be designated as a landmark, landmark site or historic district.

2. On applications for the designation of historic districts, the applicant shall also submit:

- a. Evidence of the approval of the district from two-thirds of the property owners; and
- b. A written description of the boundaries of the district.

3. The Town Manager or his designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

a. *Public hearings for designations.* The Board shall schedule a public hearing on the proposed designation within 60 days of the submission of a completed application. Notice shall be provided to all subject property owners by first class mail at least ten (10) days prior to the hearing. Notice of the public hearing shall also be published in a newspaper of general circulation within the Town at least ten (10) days prior to the hearing. All notices shall state clearly the boundaries for the proposed historic district.

b. *Criteria for designation of property.* The Board shall recommend the designation of property as a landmark, landmark site or historic district after the public hearing based upon one or more of the following criteria:

- (1) Its value is a significant reminder of the cultural or archeological heritage of the Town, state or nation;
- (2) Its location is a site of a significant local, state or national event;
- (3) It is identified with a person who significantly contributed to the development of the Town, state or nation;
- (4) It is identified as the work of a master builder, designer or architect whose individual work has influenced the development of the Town, state or nation;
- (5) Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;

- (6) It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction, or use of indigenous materials;
- (7) Its character is a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; or
- (8) Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

c. *Board decision.* After evaluating the testimony, survey information and other material presented at the public hearing, the Board shall, within 60 days, make its recommendation to the Town Council with a written report on the property or area under consideration. Applications for designation shall be approved or denied. The Board may vote to defer its decision for an additional 30 days. If the Board recommends a designation, it shall explain the proposed landmark or historic district qualified for designation under the criteria contained in this section. This evaluation may include references to other buildings and areas in the Town and shall identify the significant features of the proposed landmark or historic district. The report shall include a discussion on the relationship between the proposed designation and existing and future plans for the development of the Town. The Community Services Department shall promptly notify the applicant and the property owner of the Board decision.

d. *Appeals to Town Council.* Any person may appeal the Board's decision to the Town Council within 15 days of the decision.

e. *Town Council review and designation.* The Town Council shall approve, modify or disapprove the proposed designation within 60 days of the Board recommendation. If a designation is made, the comprehensive plan, including the land use map, shall be amended to contain the designation in accordance with state law. The Community Services Department shall notify each applicant and property owner of the decision relating to the property within 30 days of the Town Council action and shall arrange that the designation of a property as a landmark or as a part of an historic district be recorded in the official record books of the county.

f. *Amendments and rescissions.* The designation of any landmark and landmark site or historic district may be amended or rescinded through the same procedure utilized for the original description.

Sec. 3.8.7. Approval of changes to landmarks, landmark sites and property in historic districts.

A. *Certificate of appropriateness.* No person may undertake the following actions affecting a designated landmark, a designated landmark site or a property in a designated historic district without first obtaining a certificate of appropriateness from the Board: alterations of an archeological site or the exterior part of a building or structure, new construction, demolition or relocation.

1. Review of any new construction and alterations to designated buildings and structures shall be limited to exterior changes visible to the public. Whenever any alteration, a new construction, demolition or relocation is undertaken on a designated landmark, a designated landmark site or a property in a designated historic district without a certificate of appropriateness, the chief building official is authorized to issue a stop work order.

2. A certificate of appropriateness shall be in addition to any other building permits required by law. The issuance of a certificate of appropriateness from the Board shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

3. Ordinary repairs and maintenance that are otherwise permitted by law may be undertaken without a certificate of appropriateness provided this work on a designated landmark, a designated landmark site, or a property in a designated historic district does not alter the exterior appearance of the building, structure or archeological site, or alter elements significant to its architectural or historic integrity.

4. No certificate of appropriateness for alteration, new construction, demolition or relocation pursuant to the provisions of Section 3.8 shall be effective for a period of 15 days subsequent to the Board's decision. If during that 15-day period an appeal is made to the Town Council, the decision of the Board shall automatically be stayed pending Town review.

a. *Application procedures for certificates of appropriateness.*

(1) Each application for a certificate of appropriateness shall be accompanied by the required fee. The chief building official shall forward to the Board each application for a permit that would authorize an alteration, new construction, demolition or relocation affecting a designated landmark, a designated landmark site, or a property in a designated historic district. The applicant shall complete an application form provided by the building department containing in part the following information:

- (a.) Drawings of the proposed work;
- (b.) Photographs of the existing building or structure and adjacent properties; and
- (c.) Information about the building materials to be used.

(2) The Town Manager or his or her designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

(a.) *Public hearings for certificates of appropriateness.*

The Board shall hold a public hearing on each certificate of appropriateness within 30 days after receipt of a completed application. The Board shall approve, approve with conditions, or disapprove each application, based on the criteria contained in this section. The Board shall act within 60 days after the close of the public hearing. If the Board fails to decide an application within the specified time period, the application shall be deemed approved.

(b.) *General criteria for granting certificates of appropriateness.* In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition or relocation, the Board shall use the following general guidelines:

- (i.) The effect of the proposed work on the landmark or the property upon which such work is to be done;
- (ii.) The relationship between such work and other structures on the landmark site or other property in the historic district;
- (iii.) The extent to which the historic, architectural or archeological significance, architectural style, design, arrangement, texture, materials and color of the landmark or the property will be affected;

(iv.) Whether the denial of a certificate of appropriateness would deprive the property owner of reasonable beneficial use of his property; and

(v.) Whether the plans may be reasonably carried out by the applicant.

(c.) *Additional guidelines for alterations.*

(i.) In approving or denying applications for certificates of appropriateness for alterations, the Board shall also use the following additional guidelines, which are based on the United States Secretary of the Interior's Standards for Historic Preservation Projects.

(ii.) Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.

(iii.) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(iv.) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

(v.) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(vi.) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.

(vii.) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. If 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 historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(viii.) 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.

(ix.) Every reasonable effort shall be made to protect and preserve archeological resources affected by or adjacent to any acquisition, protection, stabilization, preservation, rehabilitation, restoration or reconstruction project.

(d.) *Additional guidelines for new construction.* In approving or denying applications for certificates of appropriateness for new construction, the Board shall also use the following additional guidelines:

(i.) The height of proposed building shall be visually compatible with adjacent buildings, but in no event shall height exceed 35 feet;

(ii.) The relationship of the width of the building to the height of the front elevation shall be visually compatible to buildings and places to which it is visually related;

(iii.) The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings and places to which the building is visually related;

(iv.) The relationship of solids to voids in the front facade of a building shall be visually compatible with buildings and places to which it is visually related;

(v.) The relationship of building to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related;

(vi.) The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible to the buildings and places to which it is visually related;

(vii.) The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related;

(viii.) The roof shape of a building shall be visually compatible with the buildings to which it is visually related;

(ix.) Appurtenances of a building such as walls, wrought iron fences, evergreens, landscape masses, building facades, etc., shall, if necessary, form cohesive walls of enclosures along a street, to ensure visual compatibility of the building to the buildings and places to which it is visually related;

(x.) The size of a building, the mass of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related; and

(xi.) A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.

(e.) *Additional requirements for demolitions.*

(i.) No certificate of appropriateness for demolitions shall be issued by the Board until the applicant has demonstrated that no other feasible alternative to demolition can be found. The Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition. On all demolition applications, the Board shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Board shall also determine whether the applicant can obtain a reasonable return from the existing building. The Board may ask applicants for additional information to be used in making these determinations, including but not limited to evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the Board shall deny the demolition application.

(ii.) The Board may grant a certificate of appropriateness for demolition even though the designated landmark, designated landmark site or

property within the designated historic district has reasonable beneficial use if the Board determines that the property no longer contributes to an historic district or no longer has significance as an historic, architectural or archeological landmark, that the demolition of the designated property is required by a community redevelopment plan or the comprehensive plan.

(f.) *Additional guidelines for relocation.* When an applicant seeks to obtain a certificate of appropriateness for the relocation of a landmark, a building or structure on a landmark site, or a building or structure in an historic district or wishes to relocate a building or structure to a landmark site or to a property in an historic district, the Board shall also consider the following:

- (i.) The contribution the building or structure makes to its present setting;
- (ii.) Whether there are definite plans for the site to be vacated;
- (iii.) Whether the building or structure can be moved without significant damage to its physical integrity; and
- (iv.) The compatibility of the building or structure to its proposed site and adjacent properties.

(g.) *Appeals to Town Council.* Within 15 days of the Board decision, any person may appeal to the Town Council any decision of the Board on an application for a certificate of appropriateness. The Town Council shall approve, approve with modifications, or disapprove the application within 60 days after receiving the appeal.

(h.) *Emergency conditions; designated properties.* In any case where the chief building official determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in an historic district, the official may order the remedying of these conditions without the approval of the Board or issuance of a required certificate of appropriateness. The chief building official shall promptly notify the chair of the Board of the action being taken.

Sec. 3.8.8. Emergency actions; nondesignated properties.

For properties which have not been designated a landmark, landmark site or historic district, yet appears to be eligible for designation, and is threatened in some manner, for instance, demolition or substantial renovation, then the Town Council may call an emergency meeting to review the threat to the property. The Town Council may request that a stop work order be issued by the chief building official for a 30-day period in order to provide time to negotiate with the property owner to remove the threat to the property. The Board shall seek alternatives that will remove the threat to the property. During the 30-day period the Town Council may initiate steps to designate the property under the provisions of Section 3.8.

Sec. 3.8.9. Conformity with the certificate of appropriateness.

All work performed pursuant to a certificate of appropriateness shall conform to all provisions of such certificate. It shall be the responsibility of the building department to inspect from time to time any work being performed to assure such compliance. In the event work is being performed not in accordance with such certificate, the chief building official is authorized

to issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.

Sec. 3.8.10. Maintenance and repair of landmarks, landmark sites and property in historic districts.

A. Every owner of a landmark, a landmark site or a property in an historic district shall keep in good repair:

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

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

a. The Board may refer violations of this section to the building department for enforcement proceedings on any building or structure designated under Section 3.8 so that such building or structure shall be preserved in accordance with the purposes of Section 3.8.

b. The provisions of this section shall be in addition to the provisions of the building code requiring such buildings and structures to be kept in good repair.

Section 3.8.11. Town Historic & Archeological Preservation Museum.

In furtherance of the Town's intent and desire to recognize, protect and enhance properties within the Town that have specific historic, archeological and aesthetic significance to Town residents; to promote local interests, educational and cultural enrichment of human life and the fostering of civic pride; and to preserve the unique maritime culture of the Town, the Town Council directs the Board to investigate all possibilities for establishing a museum within Town limits.

SECTION 3. Conflicting Ordinances

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Severability

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affect the remaining portion of this ordinance.

SECTION 5. Effective Date

This ordinance shall take effect immediately upon its adoption.

Passed and Adopted upon first reading this 15th day of June, 2005.

It was moved by Councilmember Goudie and seconded by Vice-Mayor Rogerson that

said Ordinance be adopted on first reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Epps, Seat #1	Yes
Councilperson Goudie, Seat #2	Yes
Councilperson Hinson, Seat #3	Yes
Vacant, Seat #4	
Vice-Mayor Rogerson, Seat #5	Yes

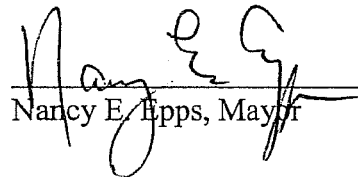
Passed and Adopted upon second reading this 20th day of July, 2005.

It was moved by Councilmember Goudie and seconded by Vice-Mayor Rogerson that said Ordinance be adopted on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Epps, Seat #1	Yes
Councilperson Goudie, Seat #2	Yes
Councilperson Hinson, Seat #3	Yes
Councilperson Olive, Seat #4	Yes
Vice-Mayor Rogerson, Seat #5	Yes



Town of Ponce Inlet, Florida


Nancy E. Epps, Mayor

ATTEST


Kassandra Esposito-Blissett
Town Manager/Town Clerk