

ARTICLE II. REGISTRATION

Sec. 98-31. Local register of historic landmarks created.

A local register of historic landmarks is hereby created as a means of identifying and classifying various archaeological and historic sites, buildings, structures and objects as historically, archaeologically or architecturally significant. The local register will be kept by the city manager.

(Ord. No. 85-26, § 1(I.K.2(a)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-32. Initiation of placement on the local register.

The placement of sites, buildings, structures, or objects on the local register may be initiated by the owner; by the city through the city manager; by the historic preservation committee by resolution; by the city council by resolution; or by the people through the initiative process.

(Ord. No. 85-26, § 1(I.K.2(b)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-33. Procedure for placement on the local register.

- (a) The following procedure shall be followed for placement of sites, buildings, structures or objects on the local register:
- (1) A nomination form, available from the city manager, shall be completed by the applicant and returned to the city manager.
 - (2) Upon receipt of the completed nomination form, including necessary documentation as set forth in this chapter, the city manager shall forward the information to the historic preservation committee to be placed on the agenda of the historic preservation committee's next regularly scheduled meeting.
 - (3) The historic preservation committee shall, within 90 days from the date of the meeting at which the nomination was first on the historic preservation committee's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria for listing on the local register. The recommendation shall include any comments of the owner either in favor or objecting to the listing. If the 90-day period runs out and the historic preservation committee has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the historic preservation committee, the nomination shall be submitted directly to the planning commission and the planning commission shall proceed with the nomination as provided in subsection (a)(4) of this section.
 - (4) The nomination form, together with all documentation, and the committee's recommendation shall be sent to the planning commission. The nomination shall then be handled as a long-form development permit pursuant to section 82-422 and section 82-423.
- (b) Following the hearing before the planning commission, the planning commission, by resolution, with or without further public hearing, within 30 days after conclusion of the hearing, shall do one of the following:
- (1) Recommend approval of the nomination for inclusion of the nomination on the local register.

-
- (2) Recommend denial of the nomination for inclusion in the local register.
 - (3) Such resolution shall set forth the reasons for the action of the planning commission.
 - (4) A copy of such resolution, setting forth the action of the planning commission, shall be sent to the owner of the property, or his/her attorney if represented by counsel within ten days of the adoption of such resolution by the planning commission.
- (c) The recommendation shall also be submitted to city council for action pursuant to section 82-31 et seq. (Ord. No. 85-26, § 1(I.K.2(c)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989; Ord. No. 19-001 , § 3, 4-2-2019)

Sec. 98-34. Criteria for listing on the local register.

The criteria for designation as an historic landmark or historic archaeological site shall be as provided in this chapter. Any site, improvement, or structure may be listed on the local register, as historic, according to the provisions of this chapter, if it meets one or more of the following criteria:

- (1) *Historical importance.* The site, improvement, structure, has character, interest or value as a part of the development, heritage or cultural characteristics of the community; is associated with the events that have made a significant contribution to the broad pattern of local history; it is associated with the lives of persons significant to our past; it exemplifies the cultural, political, economic, social, historic and prehistoric heritage of the community; or may have yielded or may be likely to yield information on recorded history.
- (2) *Architectural importance.* The improvement or structure portrays the environment of a group of people in an area of history characterized by a distinctive architectural style; it embodies those distinguishing characteristics of an architectural type, period or method; it is the work of an architect or master building whose individual work has influenced the development of the area; or it contains elements of architectural design, detail, materials or work of outstanding quality which represents a significant innovation.
- (3) *Geographic importance.* The site, improvement or structure, because of its location or other distinctive area, should be developed or preserved according to a plan based on historic, cultural or architectural motif; or due to its unique location or singular physical characteristics represents an established and familiar visual feature of the area, community, or state.
- (4) *Archaeological importance.* The site, because of its content or presumed content, should be preserved because it exemplifies the cultural, political, economic, social, historic or prehistoric heritage of the community or area, or it may have yielded or may be likely to yield information on recorded history.

(Ord. No. 85-26, § 1(I.K.2(d)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989; Ord. No. 19-001 , § 3, 4-2-2019)

Sec. 98-35. Criteria for evaluation of historically significant structures as historic landmark.

An improvement or structure may be listed as an historic landmark if it meets three or more of the following criteria:

- (1) The improvement or structure has retained its integrity either in original execution, materials, design, setting or association.
- (2) The improvement or structure is at least 50 years old.
- (3) The improvement or structure has outstanding historical, cultural or architectural significance to the community.

-
- (4) The improvement or structure exemplifies the broad cultural, economic, and social history of southwest Florida.
 - (5) The improvement or structure has distinguishing characteristics of an architectural style representative of an historic or unique period or method of construction.

(Ord. No. 85-26, § 1(I.K.2(e)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989; Ord. No. 19-001 , § 3, 4-2-2019)

Sec. 98-36. Effect of listing on local register.

- (a) The city manager may issue an official certificate of historic significance to the owner of properties listed individually on the local register. The city manager is authorized to issue and place official signs denoting that such structure, building, site or object is listed on the local register.
- (b) Structures, buildings, sites or objects listed on the local register shall be deemed historic and entitled to modified enforcement of the building code.
- (c) No alteration, construction activities, relocation or demolition shall take place except in accordance with article III, division 2 of this chapter.

(Ord. No. 85-26, § 1(I.K.2(f)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Sec. 98-37. Effect of nomination for inclusion on the local register.

Where the nomination for inclusion on the local register is initiated by the city, or by initiative, from the date of nomination until the date of final action by the city no permits shall be issued for any demolition, alteration, construction activities or relocation of such structure or site. In such case, the historic preservation committee shall hear and determine the request within 30 days after nomination. The planning commission shall hear and determine the request within 30 days thereafter and the city council shall hear and determine the request within 30 days after the planning commission has determined the request.

(Ord. No. 85-26, § 1(I.K.2(g)), 11-27-1985; Ord. No. 89-23, § 32, 8-15-1989)

Secs. 98-38—98-60. Reserved.