

**BELLEAIR HISTORIC PRESERVATION BOARD
NOTICE**

TO: David Hutcheson, Chairman
Don White, Vice Chairman
Kathy Gaston
Cliff Zurkan
Peter Marich
Andrea Ayers Layman
Nancy Reardon

Kevin Piccarreto, Commissioner Advisor

There will be a meeting of the **Belleair Historic Preservation Board on Tuesday, April 22, 2014 at 4:00 p.m. in the Town Hall auditorium.**

Please plan to attend. In the event you are unable to attend this meeting, please notify the Town Clerk's office at 588-3769 Ext. 214 or 312.

Your attendance is very important!

The following agenda items are provided for your consideration:

1. Approval of Minutes - March 25, 2014
Documents: [3.25.2014.PDF](#)
2. Citizen's Comments
(Discussion of items not on the agenda. Each speaker will be allowed 3 minutes to speak.)
3. Continued discussion of Duties and Responsibilities of the Historic Preservation Board
Documents: [SUMMARY HPB DUTIES AND RESP..PDF](#), [66-131-135 HISTORIC PRESERVATION BOARD.PDF](#), [HISTORIC PRESERVATION - 74-332.PDF](#), [RESOLUTION NO. 95-13 - ESTABLISHING RULES AND REGULATIONS FOR ALL ADVISORY BOARDS.PDF](#)
4. Approval of Certified Local Government Agreement - Historical Resources - CLG Program
Documents: [RECOMENDATION FOR APPROVAL OF CLG AGREEMENT.PDF](#), [CLG - AGREEMENT - HISTORICAL RESOURCES DEPARTMENT.PDF](#)
5. Other Business
6. Commission Advisor Report
7. Adjournment

** To be distributed.
* Previously distributed.

Copy to: Micah Maxwell, Town Manager
Donna Carlen, Town Clerk
JP Murphy, Assistant Town Manager

MINUTES OF MEETING OF THE BELLEAIR HISTORIC PRESERVATION BOARD HELD AT TOWN HALL ON MARCH 25, 2014 AT 4:00 PM.

MEMBERS PRESENT: David Hutcheson, Chairman
Don White, Vice Chairman
Kathy Gaston
Nancy Reardon
Peter Marich (arrived at 4:30 P.M.)

MEMBERS ABSENT: Andrea Ayers-Layman
Cliff Zurkan

OTHERS PRESENT: Micah Maxwell, Town Manager
Kevin Piccarreto, Commissioner Advisor

Quorum present with Mr. Hutcheson presiding; the meeting was called to order at 4:05 p.m.

APPROVAL OF MINUTES

Mr. Hutcheson stated that the board had for consideration the approval of minutes of the October 29, 2013 meeting.

Discussion ensued regarding making changes of the minutes regarding duplication of a paragraph and spelling of a name.

Ms. Reardon moved to approve the minutes of the October 29, 2013 meeting as amended. Motion was seconded by Ms. Reardon and approved unanimously.

CITIZEN'S COMMENTS

LaVonne, Johnson, 222 Belleview Blvd., spoke in favor of saving the Belleview Biltmore Hotel; spoke about the Belleair County Club and the proposed parking lot; spoke about the proposed buyer and future plans of the hotel property; stated that town's alliance should be for the preservation of the hotel.

Town Manager Micah Maxwell stated that the board should refrain from discussing any future site plan for the Biltmore Hotel; stated that the board would likely see a site plan and it would be under a quasi-judicial process and all of the rules should be followed.

Steve Johnson, 1717 Indian Rocks Road, stated that he did not know why the Country Club needed those particular acres for parking; stated that they could double deck their lot or use some other land; questioned the board regarding the hotel property.

Mr. Maxwell stated that those questions asked by Mr. Johnson were pertained to an active lawsuit; that the board should refrain from discussion.

CITIZEN'S COMMENTS, cont.

Rae Clair Johnson made some clarifications regarding a previous statement concerning the expense to save the hotel; spoke about the engineering reports that showed the decline of the hotel; spoke about studies that were done by the town; spoke about the potential of demolition by neglect occurring to the hotel; spoke about KAWA and Legg Mason; spoke about the marketing of the hotel property; spoke about the economy and financing options; inquired about the board member's certification training and qualifications.

Discussion ensued regarding the board's qualifications and duties; regarding the hotel.

Mr. Hutcheson spoke about the current economy and market; stated that the board makes recommendations to the commission on items coming before the board based on facts and the information provided to the board on those items.

Discussion ensued regarding the economic feasibility of the hotel.

Doris Hanson, South Garden 6, Belleview Blvd., #803, stated that she had been to a number of meeting in the last 6 months; state that this was the first time, she thought that the board had met; inquired as to whether the board had made a recommendation to the commission regarding the hotel.

Mr. Maxwell stated that the board would review their roles and responsibilities later on in the meeting; stated that there has never been a complete application for special certificate of appropriateness; that the special certificate of appropriateness had never been achieved in order to go forward to the historic preservation board level; stated that the review for the special certificate of appropriateness was quasi-judicial and would be based on evidence; that there would be a quasi-judicial evidence based hearing for both the historic preservation board and the commission.

Discussion ensued regarding the review for special certificate of appropriateness as it pertained to the historic preservation board.

Karman Hayes, 220 Belleview Blvd., unit 107, stated that the financial situation was one of the reasons why someone had not be able to restore the hotel in last few years; spoke about the Vinoy Hotel; stated that she has been a real estate broker in the state of Florida for over 30 years; that the banks were starting to be more realistic; that there were going to be some opportunities for financing; spoke about the commission and the RM-10 designation; spoke about the presentation to the RPD and the hotel property.

Charlotte Dillion, 220 Belleview Blvd., unit #102, thanked the board for their time in serving on the board; stated that the hotel was very unique; stated that she lived part of the year near the Biltmore property located in Ashville, NC; inquired as to how many units would be built on the hotel property; spoke about the current vacant units in the condominiums located around the hotel property; stated that there should not be a rush into anything with the hotel.; spoke about the plans and the proposed parking lot.

DISCUSSION OF DUTIES AND RESPONSIBILITIES OF THE HISTORIC PRESERVATION BOARD

Mr. Maxwell stated that the town commission had asked that staff review with each of the advisory boards for the town their duties and responsibilities; stated that each of the boards has some either resolution or code section that pertained to each of the boards; that the historic preservation board was also referred to in the land development code; that part of that duty was the engagement in the special certificate of appropriateness process; that he provided the code section that defined the duties of the board in Chapter 66-135 and had provided a summary of each of those duties; stated that this was a chance for this board and other boards to ask or recommend or request changes, modifications or recommend that those duties not modified; that the commission would be discussing this in May; that it was his hope for the board to have some conversation at the meeting tonight and then provide them time to consider those and then in April come back and have a second conversation, if that was required; provided a brief review of the duties and responsibilities stated in Chapter 66-135, 1-9.

Mr. Hutcheson stated that he did not have any specific questions regarding the duties of the board; asked if anyone else on the board had any questions.

Commissioner Piccarreto inquired as to whether this was a good time to review "Sunshine Law."

Mr. Maxwell stated that staff would be reviewing "Sunshine Law" as the appointments for board members were done annually; that this discussion would be done in the near future; asked if the members had any questions regarding "Sunshine Law."

Mr. White stated that the board had discussed "Sunshine Law" many times in the past.

Mr. Hutcheson stated that the board meetings are open to the public for anyone to come to the board meetings; stated the board members do not talk about issues at hand unless it is done at a public meeting.

Mr. Maxwell provided a brief review of Resolution No. 95-13 which referred to all of the advisory boards and commission advisors; spoke about the commission advisors role with the board; stated that if there were any questions on this discussion, to please contact him either by email or call him and staff could bring this back next month.

Rae Claire Johnson, 1717 Indian Rocks Rd., inquired as to the reading of the code and if there were any changes to Chapter 66-135.

Mr. Maxwell stated that what was read was not the exact language of Chapter 66-135; that he was reading from the summary sheet; stated that there were no present changes to that section of the code and the commission and staff had not brought forth any changes; that staff wanted to get some input from the board; that this item was not driven by the issues from the hotel; that it was brought up in relation to first, the finance and planning and zoning boards and then through the remaining advisory boards.

Rae Claire Johnson, 1717 Indian Rocks Rd., inquired as to the rules of attendance for board members.

DISCUSSION OF DUTIES AND RESPONSIBILITIES, cont.

Discussion ensued regarding the number of meetings a board member should attend; regarding board members speaking out at a commission meeting.

Rae Claire Johnson spoke about a statement that a board member had made at a past commission meeting; inquired as to board duties and violations in regarding to the statement made by a board member; regarding updating the rules and regulations for the board.

Commissioner Piccarreto stated that it would be best not to speak for member that was absent at this time; stated that the town manager and town attorney could speak to that issue.

Mr. Maxwell stated that town attorney David Ottinger would be responsible for the review of a complaint regarding a board member; that there are some guidelines for attendance that existed; that should a complaint come forward about a board member it would go to the town attorney and would be discussed at that point.

Mr. Hutcheson stated that this board has had good attendance for the meetings; that they were all voluntary members; stated that he thought that it was three meetings that a board member could miss.

Suzy Metcalf, deputy town clerk stated that the number in question was that a member should not miss three consecutive meetings.

Mr. Hutcheson inquired from the board members if they had any questions or comments for staff regarding the rules and duties of the board.

UPDATE ON THE CLG APPLICATION PROCESS

Deputy town clerk, Suzy Metcalf provided a brief update on the Certified Local Government application process; stated that she had spoken with Michael Zimny, with the State Bureau of Historic Preservation who was in charge of the certified local government program; stated that he had completed his initial review of the application and he had stated that everything looked great; that he would be completing one more look-through and if everything was in order he would then provide the town a letter of congratulations along with an agreement that would need to be approved by the commission; that the board would have to abide by those rules and duties as stipulated in the agreement.

Mr. Maxwell stated that the boards' rules and duties were already consistent as part of that agreement; stated that they have not changed anything since staff first started this process and changed our code.

Ms. Metcalf stated that once the State received the sign agreement they would forward the application on the National Park Service; stated that the Parks review process would take approximately 45 days; stated that Mr. Zimny had said that he had four applications on his desk and that ours' was the only one at this time that was ready to go forward; stated that Mr. Zimny was very pleased with the application and was happy to see that there was an architect on the HPB board as well as an historian.

OTHER BUSINESS

There was no other business.

COMMISSION ADVISOR'S REPORT

Commissioner Piccarreto stated that since the board last meeting he did report back to the commission the unanimous decision to move forward with Ordinance No. 489 that was approved; stated that he had also pointed out some issues and ideas that the members had and that the commission was in support of their recommendations; stated that Micah Maxwell, David Ottinger, Mr. Healey and himself had met with a representative from the State of Florida Historic Preservation department and also with a gentleman from the Florida Trust to discuss what had been going on so far in town based on what they had to read in the newspapers and the media; they were not able to gain access to the Belleview Biltmore Hotel to view the building; that at the end of their meeting, the group went over to the property and walked around the perimeter and took pictures; stated that other than those items, there had not been any other issues with the historic preservation ordinance; he thanked each of the board members for their hard work, service and dedication to the town; that this was a volunteer board that made decisions based on information presented; that to cast some type of suspicions as to what the board members' motives were would not be appropriate; inquired as to whether there were any permits or applications pending for review.

ADJOURNMENT

There being no further business to come before the board the meeting was adjourned in due form at 5:06 p.m.

APPROVED:

Chairman

Summary

To: Historic Preservation Board
From Micah Maxwell, Town Manager
Subject: Role of the Historic Preservation Board
Date: 03/28/2014

Summary: As part of the Commission's annual review of its policies and procedures, staff is reviewing the role of citizen boards as it relates to town business and looking to make changes if needed.

Previous Board Action: None

Background/Problem Discussion: The town has not recently reviewed the roles and duties of the different citizen boards in the town. Staff is attempting to do that now and has gathered the documents that provide various duties and responsibilities for the Historic Preservation board.

Chapter 66-135 of the Land Development Code – This resolution identifies the main duties and responsibilities of the Historic Preservation board, which are listed below.

1. Conduct surveys of historically and architecturally significant structures and districts within the town;
2. Increase public awareness of the value of historic and architectural preservation by developing and participating in public education programs;
3. Make recommendations to the Town Commission on ordinances that designate buildings, landmarks, or structures having special historic or architectural value as historic structures or a such areas as historic districts;
4. Make recommendations to the commission concerning the utilization of state, federal, and private funds to promote preservation of significant structures and historic districts;
5. Make recommendations to the commission concerning acquisition of a significant structure;
6. Review applications for special certificate of appropriateness and make recommendations to the commission on those applications;
7. Propose designations of significant structures and historic districts for protection under the code.
8. Review proposed national register applications with in the town.
9. Develop guidelines and standards which are designed to encourage the protection of historically and architecturally significant structures and historic districts;

Resolution 95-13 – This resolution identifies the role of the board advisor to the commission.

1. Serve as Chair pro-tem when necessary;
2. Keep the Board informed of Town matters that are related to the duties and responsibilities of the Board;

3. Is the instrument through which the Board asks for assistance or guidance from the Commission;
4. Shall not vote, hold office nor actively participate in the decision making process of the Board.

Alternative/Options:

1. Recommend changes to the land development code section 66-135 of the board to the commission
2. Do nothing

Financial Implications: N/A

Proposed Motion: None, we would like to discuss at this meeting, but not decide until the April meeting.

Sec. 66-112. Appointment of code enforcement special magistrate

An alternative local government code enforcement system is hereby created and established to be filled by a special magistrate to enforce the ordinances and code of the town instead of a code enforcement board pursuant to F.S. ch. 162.

(Ord. No. 475, § 2, 1-18-11)

Sec. 66-113. Powers of special magistrate.

The special magistrate shall have to power to:

- (1) Adopt rules for the conduct of code enforcement hearings, subject to amendment or modification by the town commission.
- (2) Subpoena alleged violators and witnesses to code enforcement hearings. Subpoenas may be served by the police department.
- (3) Subpoena evidence.
- (4) Take testimony under oath.
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring violation into compliance.

(Ord. No. 475, § 2, 1-18-11)

Sec. 66-114. Special magistrate qualifications and removal.

(a) The special master shall be a person licensed to practice law in the state. Appointments shall be made by the town manager on the basis of experience or interest in code enforcement.

(b) The town manager shall appoint as many special masters as are deemed necessary. The town manager shall have authority to remove a special master with or without cause.

(c) A special master shall not be a city employee but shall be compensated at a rate to be determined by administrative order.

(Ord. No. 475, § 2, 1-18-11)

Secs. 66-115—66-130. Reserved.

DIVISION 5. HISTORIC PRESERVATION BOARD*

Sec. 66-131. Established; membership.

There is hereby established the historic preservation board. The historic preservation board shall consist of seven members, to be appointed by the town commission. Each of the seven voting members shall reside within the town limits of the town.

Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The town commission shall attempt to nominate architects,

***Cross reference**—Historic district and structures designated, § 74-332.

realtors, archaeologists, historians, neighborhood activists, lawyers or other individuals from the business, financial and other segments of the community who, by virtue of their profession, business or civic involvement, have demonstrated concern for historic preservation. Lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall make up the board in the event that professionals are not

available. Membership on the board should be representative of the community at large and reflect a broad cross section of the community. When a vacancy occurs, it shall be filled within 60 days.

(Ord. No. 312, § 1, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV B., C., 9-21-93; Ord. No. 366, § 1, 6-18-96; Ord. No. 399, § 1, 11-20-01; Ord. No. 429, § 2, 10-26-05)

Sec. 66-132. Term of office; vacancies.

(a) The members of the historic preservation board shall be appointed for terms of two years.

(b) Vacancies of the historic preservation board shall be filled for an unexpired term in the same manner in which the original appointments are required to be made. Any member who is absent from three consecutive meetings may, at the discretion of the town commission, be immediately removed from office and such vacancy filled as provided in this section.

(Ord. No. 312, § 2, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV C., 9-21-93; Ord. No. 399, § 1, 11-20-01)

Sec. 66-133. Voting.

Four members of the historic preservation board shall constitute a quorum. No member of the historic preservation board shall vote on any matter in which that member has a direct financial interest.

(Ord. No. 312, § 3, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV D., 9-21-93; Ord. No. 366, § 2, 6-18-96; Ord. No. 399, § 1, 11-20-01)

Sec. 66-134. Officers; meetings.

The historic preservation board shall elect a chair, as well as any other officers determined necessary to advance its purpose. The board shall have the authority to establish a regular meeting time. The chair or any other officer or any two board members may call other meetings as needed. All meetings shall be open to the public. Minutes shall be kept of the meetings.

(Ord. No. 312, § 4, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § IV E., 9-21-93; Ord. No. 399, § 1, 11-20-01)

Sec. 66-135. Duties.

(a) The duties of the historic preservation board are advisory only and may specifically include:

- (1) Adoption of its own procedural rules and regulations as necessary for the conduct of its business.
- (2) Conduct of surveys of historically and architecturally significant structures and districts within the town.
- (3) Increasing public awareness of the value of historic and architectural preservation by developing and participating in public education programs.

- (4) Investigating and recommending to the town commission the adoption of ordinances designating buildings, landmarks or structures having special historic or architectural value as "significant structures."
- (5) Investigating and recommending to the town commission the adoption of ordinances designating areas having special historical or architectural value as "historic districts."
- (6) Making recommendations to the town commission concerning utilization of state, federal and private funds to promote the preservation of significant structures and historic districts within the town.
- (7) Making recommendations to the town commission concerning acquisition of a significant structure where its preservation is essential to the purposes of this act and where private preservation is not feasible.
- (8) Review applications for special certificates of appropriateness and make recommendations to the town commission regarding such applications.
- (9) Propose designations of significant structures and historic districts for protection under this Code. Review proposed national register nominations within the town. When a discipline is not represented on the board, the board shall seek expertise in the relevant field when considering national register nomination proposals and other actions that will impact properties which are normally evaluated by a professional in such discipline before rendering its recommendations.
- (10) Undertaking any other action or activity specifically delegated to it or requested by the town commission.

(b) The historic preservation board shall develop a set of guidelines and standards which are designed to encourage the protection of historically and architecturally significant structures and historic districts should such districts be designated by the town. Upon the development of the guidelines and standards by the historic preservation board, the proposed guidelines and standards shall be submitted to the town commission for its review and consideration. The town commission shall adopt guidelines and standards, and may revise and amend the proposed guidelines and standards as developed by the historic preservation board. Such guidelines and standards may be incorporated into the land development code as the town commission deems appropriate or necessary.

(c) The historic preservation board shall meet no less than four times per year and minutes of each meeting shall be kept. At a minimum of one meeting of the historic preservation board each year, the board shall identify those additional structures or districts, if any, within the town which are historically and architecturally significant. The findings of the board shall be transmitted to the town commission after each meeting of the historic preservation board, for the review and consideration of the town commission. The board shall otherwise encourage the identification, preservation and protection of historically and architecturally significant structures and districts within the town.

The town shall make available town staff or consultants to the town as necessary in order to sufficiently undertake the requirements for state certification and carry out the duties and responsibilities authorized under the state certification program.

(d) Each board member should make a reasonable effort to attend the state historic preservation office orientation program and any subsequent training programs for certified local governments. Also, each member should make every effort to be represented at any informational or educational meetings, conferences or workshops pertaining to duties and functions of the board scheduled by the state historic preservation officer.

(Ord. No. 312, § 5, 11-5-91; Ord. No. 318, § 42, 6-2-92; Ord. No. 336, § V, 9-21-93; Ord. No. 399, § 1, 11-20-01; Ord. No. 429, § 2, 10-26-05)

Sec. 66-136. Reserved.

Editor's note—Section 2 of Ord. No. 429, adopted October 26, 2005, repealed § 66-136 in its entirety. Former § 66-136 pertained to review of permit applications for alteration or destruction of historic structures and derived from Ord. No. 317, adopted April 21, 1992; and Ord. No. 399, adopted November 20, 2001.

Secs. 66-137—66-160. Reserved.

ARTICLE III. DEVELOPMENT REVIEW

Sec. 66-161. Pre-application conference.

Prior to filing for development plan review, the developer shall meet with the manager to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed development plan or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(Ord. No. 300, § III(14.02.01), 11-7-90; Ord. No. 399, § 1, 11-20-01)

Sec. 66-162. Designation of plans as minor or major development.

(a) *Generally.* For purposes of the review procedures set out in this article, all development plans shall be designated by the manager as either minor development or major development according to the criteria in this section. Before submitting a development plan for review, the developer shall provide the manager with sufficient information to make this determination.

(b) *Major development.* A development plan shall be designated as a major development if it satisfies one or more of the following criteria:

- (1) The activity involves combined land and water area of five acres or more.
- (2) The development is a residential project of ten or more dwelling units per acre of land and water area or of 50 or more dwelling units.

Sec. 74-332. - Historic preservation.

(a)

Purpose. The purpose of this section is to implement the goals, objectives and policies of the comprehensive land use plan of the town by identifying and encouraging the protection of resources which reflect elements of the town's cultural, social, economic, political and architectural history.

(b)

Intent.

(1)

This section and regulations relating to this section are intended to:

a.

Encourage the continuance, conservation and improvement of land uses in a manner appropriate to the preservation of the cultural, architectural and historical heritage of the town.

b.

Foster civic pride in the beauty and notable accomplishments of the past.

c.

Preserve and enhance environmental quality and the residential character and desirable aesthetic features of the town.

d.

Encourage property owners against destruction of, or addition of features to significant structures likely to have adverse effects on the historic, architectural or cultural character of the significant structure.

e.

Encourage the preservation of the historic integrity and appearance of significant structures.

f.

Encourage the protection of historic districts against destruction, or encroachment of structures, uses or features likely to have adverse effects on their historic, architectural or cultural character.

g.

Discourage developments in the visual environs of such areas or structures which would detract from their character.

(2)

It is hereby declared as a matter of public policy that the identification and designation and the encouragement of the preservation and protection of historic, architecturally and culturally significant resources within the town is necessary and proper to promote the aesthetic, economic, environmental and educational welfare of the public.

(c)

Definitions. For the purposes of this section, the following terms shall have the meanings respectively ascribed to them, except where the context clearly indicates a different meaning:

Alteration means any act or process that changes one or more of the exterior architectural features of a building or structure, including, but not limited to, the erection, construction or reconstruction of any building or structure.

Applicant means the owner of record of a property or the authorized agent of the owner.

Application means the three-part historic preservation property tax exemption application DOS Form No. HR3E101292, effective 1-31-94 and revised 9-3-00. This form may be obtained at the Town Hall, Office of the Town Clerk, or by writing the Florida Bureau of Historic Preservation, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

Assessed value means the total value of a tax parcel (including structures, land and other rights appurtenant thereto) as determined by the county property appraiser and shown on the property tax bill sent to the property owner of record.

Building means any structure, either temporary or permanent, having a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals or property of any kind.

Certificate of appropriateness means a certificate issued by the town commission or town manager, as the case may be, permitting certain alterations or improvements to a designated significant structure or designated historic district.

(1)

Standard certificate of appropriateness. A standard certificate of appropriateness shall be issued by the town manager or designee, based on the guidelines and standards for preservation approved by the town commission.

(2)

Special certificate of appropriateness. For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued by the town commission after recommendation of the **historic preservation board**.

Construction means the act of adding or addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.

Covenant means the historic preservation tax exemption covenant required to be recorded with the deed for property in the official records of the county to obtain the tax exemption pursuant to this section.

Demolition means any act or process that destroys a building or structure, in part or in whole.

Demolition by neglect means a situation in which a property owner intentionally or inadvertently allows a historic property to suffer severe deterioration, potentially beyond the point of repair.

Department of State means the State of Florida Department of State.

Designation report means a document prepared by the town manager or his designee for all properties or districts which are proposed for historic designation, including the boundaries of the proposed historic property or district and a summary of its historical significance, and containing location maps and a review guide which describes the physical characteristics of the property or district, and including those findings and recommendations by the **historic preservation board** pursuant to subsection 74-332(d)(5) herein.

Division of Historical Resources means State of Florida Division of Historical Resources.

Historic district means an area designated as an historic district by an ordinance of the town, and which may contain within definable geographic boundaries one or more significant structures and which may have within its boundaries other buildings or structures that, while not of such historic or architectural significance to be designated as significant structures, nevertheless contribute to the overall visual characteristics of the significant structure located within the historic district.

Historic property means property that is designated by the town as a historic property pursuant to this section or that is listed in the National Register of Historic Places maintained by the Secretary of Interior and as established by the National Historic Preservation Act of 1966, as amended.

Improvements means changes in the condition of real property brought about by the expenditure of labor or money for the restoration, renovation, or rehabilitation of such property. Improvements include additions and accessory structures (i.e. a garage, cabana, guest cottage, storage/utility structure) so long as the new structure is compatible with the historic character of the building and the site in terms of size, scale, massing, design and materials, and preserves the historic relationship between a building or buildings, landscape features and open space.

Local historic preservation office means the office certified by the State of Florida Division of Historical Resources as qualified to review applications for the historic property tax exemptions as established pursuant to Florida Statutes, either a Town of Belleair office, or a state certified local historic preservation office that is authorized by interlocal agreement with the Town of Belleair to review such applications.

National Register of Historic Places means a national listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended.

Ordinary repairs or maintenance means work done to prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage.

Reconstruction shall mean the process of reproducing by new construction the exact form and detail of a demolished building, improvement or structure as it appeared at a certain point in time.

Rehabilitation shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property that are significant to its historic, architectural, and cultural features.

Relocation shall mean the act of preserving an historic structure that cannot remain on its existing site by physically moving it to a new location.

Restoration shall mean the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Secretary of the Interior's Standards for Rehabilitation (as revised March 1990) means a national publication that provides guidance on the sensitive rehabilitation of a historic property. The ten standards generally address design issues, which include character defining elements, changes which have occurred over the course of the property's history, desirable approaches to the repair of damaged features, appropriate cleaning methods, archaeological or paleontological resources, and new construction in connection with a historic property.

Significant structure means a building or structure designated as a significant structure by ordinance of the town, pursuant to procedures described in this section, that is worthy of rehabilitation, restoration and preservation because of its historic or architectural significance to the town.

Structure means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, bridges, gazebos, monuments, street markers, signs and light poles.

Survey and inventory [means] a comprehensive survey by or under the direction of [the] **historic preservation board** involving identification, research, and documentation of buildings, sites, and structures of any historic, cultural, archaeological, or architectural importance in town.

Tax exemption means the ad valorem tax exemption for historic properties authorized pursuant to this section.

Undue economic hardship means a finding that failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

Useable space means that the portion of the space within the building which is available for assignment or rental to an occupant, including every type of space available for use of the occupant.

(d)

Designation of significant structures and historic districts.

(1)

Nomination. Nominations of significant structures for historic preservation shall be made to the **historic preservation board** or the town commission, and may be submitted by a member of the **historic preservation board**, by the owner of the property or structure to be nominated, or by the town commission or any member thereof by filing an application for designation with the town manager or designee.

(2)

Notice to property owner. Notice of a proposed designation shall be sent by certified mail at least 30 days prior to the designation hearing to the owner of the property proposed for designation, inviting the property owner to participate in the designation hearing to discuss the meaning of designation, the advantages, both historically and financially, of historic preservation of the property, and to encourage the property owner to preserve the property consistent with its historic character and proposed

designation. The property owner shall, by written notification, indicate his consent or lack of consent to the designation no later than the close of the designation hearing.

(3)

Designation hearing. Prior to making a recommendation for designation of any significant structure or historic district to the town commission, the **historicpreservation board** shall hold a public hearing no sooner than 30 days and within 60 days from the date of the filing of an application for designation. Notice of the time and place, including a description of the proposed designation of the property and its location, shall be published in a newspaper of general circulation in the town at least ten days prior to the hearing. The **historic preservation board**, property owners and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic or architectural importance of the proposed significant structure or historic district. The record may also contain expert testimony, public comments, or other evidence offered outside of the hearing.

(4)

Criteria for designation. The **historic preservation board** shall investigate and make a determination as to whether a nominated property, building, structure or area meets one or more of the following criteria:

a.

Its character, interest or value as part of the development, heritage, or cultural characteristics of the town, county, state or nation.

b.

Its location as a site of significant local, county, state or national event.

c.

Its identification with a person or persons who significantly contributed to the development of the town, county, state or nation.

d.

Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.

e.

Its identification as the work of a master builder, craftsman, designer, engineer, architect, landscape architect or planner whose individual work has influenced the development of the town, county, state or nation.

f.

Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant.

g.

Its embodiment of design elements that make it structurally or architecturally innovative.

h.

Its unique location or singular physical characteristics that make it an established or familiar visual feature.

i.

Its suitability for preservation or restoration.

j.

Where the interior of a building or structure is designated, the designation shall include a finding designating the specific portions of the interior that make it suitable for designation and a finding that the interior is accessible to the public as a common area in the normal course of the building's use.

Any structure, property or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

(5)

Findings and recommendation. The **historic preservation board**, after its review and investigation of a nominated property, shall forward its recommendation, if any, to the town commission on whether or not to make the designation, together with a written designation report with findings of fact. The designation report shall review the testimony at the meeting, survey information and other material the **historic preservation board** has assembled and, if the board recommends designation, shall explain how the property under consideration meets one or more of the above criteria.

(6)

Designation of significant structure. The town commission shall enact an ordinance designating an individual property, building, landmark or structure as a significant structure if it:

a.

Possesses special character or historic or aesthetic interest or value as part of the cultural, social, economic, political and architectural history of the town, county, state or nation;

b.

Is identified with a person, event or period of historic significance;

c.

Embodies the distinguishing characteristics of an architectural style, or a master builder, craftsman, designer, architect or landscape architect that was influential in the history of the town, county, state or nation; or

d.

Is, by virtue of its design or location, important to maintaining the unique character of the town.

(7)

Designation of historic district. The town commission shall enact an ordinance designating a group of properties, buildings or structures as an historic district if it:

a.

Contains properties, landmarks, buildings or structures which meet one or more of the criteria for designation of a significant structure, and by reason of possessing such qualities, it constitutes a distinct section of the town;

b.

Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship; or

c.

Is representative of the notable works of one or more master builders, craftsmen, designers, architects, landscape architects or planners that was influential in the history of the town, county, state or nation. The boundaries of each historic district designated shall be specified in detail and shall be filed, in writing, in the town clerk's office for public inspection.

(8)

Effect of designation.

a.

This section and historic designation is intended to encourage the preservation of significant historic resources in these ways:

1.

By providing official recognition of the historic significance of the property and encouraging consideration of its historic value in future development planning;

2.

By imposing limited protection from activities involving funding, licensing or assistance by federal agencies that could result in damage or loss of the property's historic values; and

3.

By making the property eligible for federal financial incentives for historic preservation.

4.

By ensuring that development (including reconstruction), relocation or redevelopment (including rehabilitation or restoration) of the resource meets standards and guidelines for preservation as adopted by the town commission.

b.

Designated significant structures and historic districts, at the option of the town commission and consistent with state law, may be eligible for forms of relief from variance fees, building codes and other relief.

(9)

Amendment or rescission; appeal. Designation may be amended or rescinded upon petition to the town commission on the basis of changed circumstances and according to the same criteria set forth herein for designation.

(10)

Comprehensive land use plan. Following designation, the town manager shall initiate action at the earliest possible date to amend the town's comprehensive land use plan to identify designated significant structures and historic districts on the land use map.

(11)

Moratorium. Upon the filing of an application for designation, until such time as a final decision has been made by the town commission, no individual or private or public entity shall:

a.

Erect any structure on the subject property; or

b.

Alter, restore, renovate, move or demolish any structure on the subject property.

(12)

Property owner consent. Designation by the town commission of a structure that is less than 100 years old or that is not listed on the National Register of Historic Places shall require the consent of the owner of the subject property.

(13)

Property owner objection. Objections by property owners must be notarized to prevent nomination to the National Register of Historic Places.

(e)

Application of certificate of appropriateness. No significant structure or historic district which is designated under this section shall be altered, restored, rehabilitated, renovated, excavated, relocated or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features or site improvements has been reviewed and approved pursuant to the procedures in this section.

The town commission hereby adopts the U.S. Secretary of the Interior's Standards for Rehabilitation by which applications for any certificate of appropriateness are to be measured and evaluated. In adopting these standards and guidelines, it shall be the intent of the commission to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscapes. These guidelines shall also serve as criteria for the town manager or designee to make decisions regarding applications for standard certificates of

appropriateness. From time to time, the town commission, with the advice of the **historic preservation board**, may adopt additional standards to preserve and protect special features unique to the town.

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 commission shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

(1)

Standard certificate of appropriateness. An applicant for a standard certificate of appropriateness shall submit an application to the town manager or designee with information in the form of plans, drawings or photographs as deemed necessary by the town manager to fully describe the alteration. Based on the town's adopted standards and guidelines for preservation, the designation report, a complete application for standard certificate of appropriateness, and any other guidelines the town commission may deem necessary, the town manager or designee, within ten days from the date a complete application has been filed, may approve or deny the application for a standard certificate of appropriateness. The findings of the town manager or designee shall be mailed to the applicant within five days of such decision, accompanied by a statement in full regarding the decision. The applicant shall have an opportunity to challenge the decision by applying within 30 days for a special certificate of appropriateness.

The issuance of a standard certificate of appropriateness may include, but is not limited to the following:

a.

Ordinary repairs and maintenance that do not change the architectural integrity of the structure.

b.

Exterior alterations and forms of new exterior construction when the total cost is less than \$25,000.00.

c.

Minor modifications to previously approved certificates of appropriateness, including but not limited to:

1.

Any change to a structure equal to or less than ten percent of the total gross building floor area, not to exceed 6,000 square feet gross floor area; or

2.

For parking and landscaping areas, any change equal to or less than ten percent of the total lot area.

In each case, a minor modification cannot change or waive any condition specified by the commission.

(2)

Special certificate of appropriateness.

a.

An applicant for a special certificate of appropriateness shall submit an application to the **historic preservation board** with full plans and specifications, site plan and samples of materials as deemed appropriate by the **historic preservation board** to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any accessory structures, wall, courtyard, fence, landscape feature, paving, signage and exterior lighting. The applicant shall provide adequate information to enable the **historic preservation board** to visualize the effect of the proposed action on the applicant's building, its site, and its adjacent buildings and streetscapes. If such application involves a designated archeological site the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.

b.

The **historic preservation board** shall hold a public hearing upon an application for a special certificate of appropriateness and shall forward a recommendation for approval, denial, or approval with conditions to the town commission. Notice of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten days prior to the hearing.

c.

The town commission shall consider the recommendation of the **historic preservation board** at a public hearing. Notice of the public hearing shall be given to the property owner(s) by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten days prior to the hearing. The decision of the town commission shall be issued in writing. Evidence of approval of the application shall be by certificate of appropriateness issued by the town commission. When an application is denied, the town commission shall provide a written explanation of its decision to disapprove the application.

d.

Unless otherwise provided in the certificate of appropriateness, both regular and special certificates of appropriateness shall expire after 365 days. The town manager or designee may grant extensions of time of up to an additional 180 days for restoration or rehabilitation work only upon satisfaction that the scope of the work originally approved has not changed,

and provided a written request is filed and work is commenced before expiration of the certificate.

(f)

Demolition.

(1)

No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this paragraph, and all other applicable requirements of the Town Code have been met. Denial by the town commission of a special certificate of appropriateness to demolish shall be evidenced by written order detailing the public interest which is sought to be preserved. The town commission shall be guided by the criteria contained in subparagraph (4) below.

(2)

The town commission may grant approval for a special certificate of appropriateness to demolish with a deferred effective date of up to 365 days from the date of the commission's decision. The effective date shall be determined by the commission based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition deferral period, the commission may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this section. Such steps may include, but shall not be limited to, consultation with civic 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. After the specified expiration date of the deferred special certificate of appropriateness, a demolition permit may be approved by the town commission at a public hearing.

(3)

In connection with any certificate of appropriateness, standard or special, for demolition of buildings or improvements designated as historic structures or located in an historic district, the commission may require at the owner's expense, salvage and preservation of specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in restoration of other historic properties. The commission may also require, at the owner's expense, the recording of the improvement for archival purposes prior to demolition. The recording may include, but shall not be limited to, photographs and scaled architectural drawings.

(4)

In addition to all other provisions of this article, the commission shall consider the following criteria in evaluating applications for a special certificate of appropriateness for demolition of designated properties:

- a. Is the structure of such interest or quality that it would reasonably meet national, state, or local criteria for designation as an historic structure or is so designated?
- b. Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- c. Is the structure one of the last remaining examples of its kind in the neighborhood, the county, or the region?
- d. Does the structure contribute significantly to the historic character of a designated district?
- e. Would retention of the structure promote the general welfare of the town by providing an opportunity for study of local history, architecture, and design or by developing an understanding of the importance and value of a particular culture and heritage?
- f. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?

(g)

Economic hardship. Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant property, strict enforcement of the provisions of this section would result in serious undue economic hardship that would amount to a taking of property without just compensation or, for properties producing income at the time of the application for a certificate of appropriateness, failure to achieve a reasonable economic return to the applicant, the town commission shall have the power to vary or modify adherence to this section; provided, always, that its requirements ensure harmony with the general purposes hereof and will not adversely affect the town.

(1)

In any instance where there is a claim of undue economic hardship, the owner shall submit, by affidavit, to the town commission at least 30 days prior to the public hearing, the following information:

- a. For all property:
 - 1. The amount paid for the property, the date of purchase and the party from whom purchased; and

2. The assessed value of the land and improvements thereon according to the two most recent assessments; and
3. Real estate taxes for the previous two years; and
4. Annual debt service, if any, for the previous two years; and
5. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property; and
6. Any listing of the property for sale or rent, price asked and offers received, if any; and
7. Any consideration by the owner as to profitable adaptive uses for the property; and
8. All cost estimates or reports relating to the demolition of the property obtained within the previous two years; and
9. All cost estimates or reports relating to the rehabilitation or restoration of the property obtained within the previous two years; and
10. All reports relating to the engineering, architectural, or construction feasibility of rehabilitating or restoring the property obtained within the previous two years; and
11. All reports relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous two years, including market studies.

b.

For income-producing property, the commission may consider the following in determining whether to grant an economic hardship variance:

1. Annual gross income from the property for the previous five years; and
- 2.

Itemized operating and maintenance expenses for the previous five years; and

3.

Annual cash flow, if any, for the previous five years.

(2)

The town commission may require that an applicant furnish such additional information as the commission believes is relevant to its determination of undue economic hardship. The owner shall permit access to the subject property for the purpose of inspections and/or appraisals required by the commission. In the event that any of the required information is not reasonably available to the applicant and 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. It shall be the applicant's evidentiary burden, however, to support its claim that the denial of a demolition permit will cause undue economic hardship.

(h)

Maintenance of designated properties. Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

(i)

Demolition by neglect.

(1)

Affirmative maintenance required. The owner of a property designated pursuant to this section either individually or as a contributing part of a district shall comply with all applicable codes, laws and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of such properties and the interior portions thereof when maintenance is necessary to prevent deterioration and decay of the property. All such properties shall be preserved against such decay and deterioration and shall be free from structural defects through prompt corrections of any of the following defects:

a.

Facades which may fall and injure the subject property, adjoining property, or members of the public.

b.

Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

c.

Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.

d.

Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.

e.

Any fault or defect in the property which renders it structurally unsafe, insufficiently protected from weathering, or not properly watertight.

(2)

Enforcement. In the event the town manager or designee determines that a historically designated structure or a structure is in the course of being demolished by neglect, the town manager or designee shall notify the owner of record of such preliminary findings, stating the reasons, and shall give the owner of record 30 days from the date of such notice in which to commence work rectifying the evidence of neglect. Such notice shall be accomplished by certified mailing to the last known address of the owner of record or, in the event that this procedure is unsuccessful, then by attaching such notice to the structure for a seven-day period.

Upon the failure of the owner of record to commence work within 30 days of such notice, the town manager shall notify the code enforcement board and request a hearing. Written notice of the request for a hearing and subsequent procedures shall comply with the criteria established pursuant to [section 66-412](#) of the Town Code.

Pursuant to [section 66-412](#) of the Town Code, the code enforcement board, upon finding a violation, shall issue an order to comply. Fines may be levied against the property owner, as well as a lien against the land on which the violations exist.

If the town manager or designee determines that the code enforcement process delineated in [section 66-412](#) would be an inadequate response to a given violation, the town may pursue both civil and criminal penalties pursuant to [section 66-413](#) of the Town Code.

(j)

Appeals of a decision. An appeal of the decision of the town commission to approve or deny a historic designation or certificate of appropriateness may be made to the circuit court for the county by filing a petition for writ of certiorari as provided under the Florida Rules of Appellate Procedure for the review of the quasi-judicial rulings of municipal agencies.

(k)

Previously approved and designated properties. Properties designated as historic structures by the town as of the effective date of this section shall remain so designated and alterations or changes to said structures shall be subject to this section.

(l)

Vested rights. Nothing in this section shall be construed or applied to abrogate the vested right of a property owner to complete development where the property owner demonstrates each of the following:

(1)

A governmental act of development approval was obtained prior to the effective date of this section; and

(2)

The approval is one upon which the property owner has detrimentally relied, in good faith, by making such a substantial change in position or incurring such extensive obligations and expenses; and

(3)

That it would be highly inequitable to deny the property owner the right to complete the development.

Any property owner claiming to have vested rights under this subsection (l) must file an application with the town commission for a vested rights determination within 30 days after the effective date of this section. The application shall be accompanied by a fee of \$500.00 and contain a sworn statement as to the basis upon which the vested rights are asserted, together with documentation required by the town manager and other documentary evidence supporting the claim. The town commission shall hold a public hearing on the application, and based upon the evidence submitted shall make a determination as to whether the property owner has established vested rights for the development of the property. To the extent that a property owner demonstrates vested rights, the provisions of this section shall not be applied.

(m)

Ad valorem tax exemption for established historic properties.

(1)

The purpose of this subsection is to create a program that allows tax exemptions for historic property so as to stimulate preservation and revitalization of those properties and to ease the burden on owners of maintaining these properties.

(2)

Two types of exemptions from Town of Belleair ad valorem taxes are hereby established:

a.

An exemption for up to 100 percent of the assessed value of improvements to any historic property that result from the restoration, renovation or rehabilitation of the property which applies only to improvements to real property (pursuant to F.S. § 196.1997), excluding those properties qualifying for exemption under subsection (m)(2)b. of this Code; and

b.

An exemption for up to 100 percent of the assessed value of historic properties that undergo qualified improvement, and which are used for nonprofit or governmental purposes and regularly or frequently open for the public's visitation, use and benefit (pursuant to F.S. 196.1998).

(3)

Properties that seek an ad valorem tax exemption must qualify under this paragraph and must be approved by the town commission. No improvements made prior to the adoption of this section may qualify for the tax exemption. Improvements must be authorized by issuance of a building permit. The exemptions do not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to Section 9(b) or Section 12, Article VII of the Florida Constitution.

(4)

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

a.

Be established as a historic property and the improvements must be approved for restoration, renovation, or rehabilitation under this section prior to any tax exemption approval.

b.

Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; and

c.

Be determined by the **historic preservation board** to meet criteria established in rules adopted by the Florida Department of State, [Chapter 1A-38, F.A.C.](#); and

d.

Be completed within three years from the date of approval of a complete preconstruction application. A preconstruction application approval shall automatically be revoked if the property owner has not submitted a request for review of completed work within three years following the date of approval of a preconstruction application. The town commission may grant an extension to this provision for up to six months if such request is made in writing prior to the expiration of the initial period; and

e.

Contain a minimum of \$2,500.00 worth of improvements to the exterior of the property, unless it has been documented in the preconstruction application that no improvements to the exterior of the property are needed; and

f.

Meet the certificate of appropriateness requirements for a qualifying restoration, renovation, or rehabilitation.

(5)

Any tax exemption granted pursuant to this section shall remain in effect for the period set forth in the resolution approving the application for exemption not to exceed ten years, so long as:

a.

The covenant required of the property owner by this section is maintained.

b.

The improvements which qualified the property for an exemption are maintained over the period for which the exemption is granted; and

c.

The exemption is not otherwise disqualified and duly revoked pursuant to paragraph (m)(14) below.

(6)

The dollar amount of the tax exemption will be the percentage, (one percent to 100 percent) as established by the town commission at the time of approval of the application for exemption, of the assessed value of the qualified improvements, which assessed value is determined by the county property appraiser's office. This dollar amount will be fixed for the duration of the tax exemption based on the property improvement's assessed value in the year the property improvement is completed.

(7)

Tax exemption for historic properties open to the public and used for nonprofit or governmental purposes.

a.

A property that is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use and benefits, as defined under [Chapter 1A-38](#), F.A.C., may qualify for the town commission's exemption for 100 percent of the assessed value of the property as improved. The assessed value of the qualifying improvement must be equal to at least 50 percent of the total assessed value of the property as improved. The qualifying improvements must be made by or for the use of the existing property owner.

b.

The historic property will be considered used for nonprofit or governmental purposes if the occupant or the user of at least 65 percent of the useable space for the building is an agency of the federal, state, local government, or a nonprofit corporation, whose articles of incorporation has been filed by the Department of State in accordance with F.S. 617.0125.

c.

A historic property is regularly and frequently open to the public if access to the property is provided for no fewer than 52 days a year on an equitable basis or at other times by an appointment. The property owner may charge a reasonable nondiscriminatory admission fee.

d.

The tax exemption shall be subject to revocation under this section if the property is no longer regularly and frequently open to the public, or if the ownership is transferred to a nonqualifying owner.

(8)

The applicant must obtain approval by the local historic preservation office of plans for construction before commencing construction. The applicant must also obtain a certificate of appropriateness as required by this section. Failure to obtain prior approval shall result in denial of the tax exemption.

a.

A preconstruction application for improvement of a historic property must be submitted to the town on a form prescribed by the Department of State, along with all designated applicable fees. The town shall forward the submittals to the local historic preservation office. Any improvement or any portion of an improvement initiated prior to approval of the preconstruction application or a certificate of appropriateness as required by this section will not be eligible for a tax exemption.

b.

The preconstruction application must contain the following information:

1.

Name of the property owner and the location of the historic property;

2.

A description of the improvements to the real property for which a tax exemption is requested, the anticipated costs of the improvements, and the anticipated beginning date for the construction of the improvements;

3.

Proof that that property has been previously designated as a historic property or is listed on the National Register of Historic Properties;

4.

Proof that the improvements to the property will be consistent with the United States Secretary of the Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the Department of State, [Chapter 1A-38, F.A.C.](#);

5.

Other information as identified in applicable Florida Department of State regulations; and

6.

If necessary, a completed application for a certificate of appropriateness for the qualifying restoration, renovation or

rehabilitation. The certificate of appropriateness must be approved prior to any completion of construction.

c.

The local historic preservation office shall review the application for work and notify the applicant in writing of the results of the review. The local historic preservation office shall make recommendations for correction of any planned work that it finds does not meet the criteria of this section.

d.

Any changes made to the plan of improvements after approval of the preconstruction application must receive prior approval of the local historic preservation office to ensure compliance with the criteria of this section.

e.

The local historic preservation office shall have the authority to inspect the interior or exterior of the property, as applicable to the plan of construction, to ascertain the effect, if any, of the improvement project on significant historical or architectural features. The local historic preservation office shall make arrangements with the property owner for such inspection.

f.

The **historic preservation board** shall be notified of the application submittal, and the results of the local historic preservation office's review of the preconstruction application.

(9)

Once the work has been completed, the applicant must obtain a **historic preservation board** recommendation and a town commission approval of the work.

a.

A request for review of a completed work application shall be submitted to the local historic preservation office upon completion of the property improvement. The local historic preservation office shall review the application and provide a written recommendation and reasons therefore, to the town commission and to the **historic preservation board**, with a copy to the applicant. The review will be conducted in accordance with the rules adopted by the Department of State, [Chapter 1A-38](#), F.A.C.

b.

The local historic preservation office shall have the right to inspect the completed property improvement to verify that the work is completed in accordance with the approved preconstruction application. The local historic preservation office shall make arrangements with the owner for an inspection. This inspection will determine whether the property improvement has been constructed to meet the criteria for tax exemption.

c.

In order to determine the assessed value of improvements, whether exterior or interior to the property, the county property appraiser's office shall be permitted by the owner to inspect the improvements after the tax exemption has been granted by the town commission.

(10)

A covenant is required to be entered into between the property owner and the town commission for the term for which the tax exemption is granted. The form of the covenant must be approved by the Florida Department of State.

a.

The covenant shall provide that the property owner, his successors or assigns, shall maintain and repair the property so as to preserve the historic qualities and integrity of the property during the period for which the tax exemption was approved. If the exemption is granted, the property owner shall record the covenant with the deed for the property in the official records of the county prior to the effective date of the tax exemption. A certified copy of the recorded covenant shall be provided to the town commission within 30 days of the approval of the tax exemption or the approval shall be void and of no effect.

b.

Violation of the covenant shall subject the property owner to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant was in effect had the property not received the exemption, and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. 212.12(3).

c.

The requirements of the covenant must be transferred to the new owner if the property changes ownership during the tax exemption period. The new property owner may sign a waiver to discontinue the tax exemption, with no penalty to the new property owner. The tax exemption shall not be reinstated after the waiver has been delivered to the town manager. A copy of the waiver shall be delivered by the property owner to the county property appraiser's office. The waiver will discontinue the tax exemption in the tax year in which the waiver was received, if the waiver is received by the property appraiser's office by July 1. A waiver received by the property appraiser's office after July 1 shall cause the discontinuance to be effective the following tax year.

d.

With respect to nonresidential properties, the covenant may require that the primary business use of the property and of any structures, facilities or land that are associated with such business use at the time the exemption is granted shall be continuously conducted.

(11)

The town commission shall review and take action on applications for tax exemption.

a.

Once the local historic preservation office has reviewed a post construction application, it shall deliver a copy of the application, its recommendation to grant or deny the tax exemption and the proposed covenant to the **historic preservation board** and the town commission.

The **historic preservation board** shall make a recommendation to the town commission prior to the town commission's consideration of the application.

b.

The town commission shall by resolution then approve, modify, defer or deny an application for a tax exemption. Any approval must be accompanied by the covenant required under this section and approved by majority vote of the town commission. If approved, the tax exemption shall take effect on January 1 of the year following the resolution approving the tax exemption. The approval shall be conditioned upon receipt by the town commission of the recorded covenant.

c.

The resolution by the town commission shall include but not be limited to the following:

1.

The name of the property owner and the address of the historic property for which the tax exemption is granted;

2.

The period of time for which the tax exemption will remain in effect and the expiration date of the tax exemption;

3.

A finding that the historic property and the improvement meets the requirements of this section; and

4.

Any conditions of approval.

(12)

On or before March 1, the town commission will deliver to the county property appraiser a copy of each application for a historic property tax exemption approved in the previous calendar year. After certification of the assessment roll or recertification

for the tax exemption and pursuant to F.S. 193.122, the county property appraiser shall report the following information to the town commission:

(a)

The total taxable value of all property within the Town of Belleair for the current fiscal year; and

(b)

The total exempted value of all property in the Town of Belleair which had been approved to receive an historic ad valorem tax exemption for the current fiscal year.

(13)

The property owner with a tax exemption may reapply for additional improvements to a property during the tax exemption period or apply for additional tax exemptions for additional improvements following the expiration of the tax exemption period. The property owner is not allowed to reapply for a tax exemption that has been previously denied for a specific property improvement.

(14)

A tax exemption may be revoked by the town commission at any time in the event that the property owner, any subsequent property owners, or a successor in interest to the property:

a.

Violates the covenant, or

b.

Fails to maintain the historic property according to the terms, conditions, and standards of the covenant, the historic character of the property and improvements which qualified the property for the tax exemption are not maintained, or

c.

If the qualifying property has been damaged by accidental or natural causes to the extent that the historic integrity of the features, materials, appearances, workmanship, environmental, or archeological integrity which made the historic property eligible for listing or designation have been lost or damaged so that restoration is not possible.

Notice of such proceedings shall be provided to the historic property owner of record at the time of the proceeding. The town commission shall hold a public hearing to determine whether or not the tax exemption shall be revoked and whether and in what amount the property owner owes back taxes pursuant to this section. A written notice of the decision by the town commission will be provided to the historic property owner of record and, if the decision is to revoke, to the county property appraiser.

(n)

Time frame for reviews and consideration of development permit. The commission shall hold a public hearing on each certificate of appropriateness for relocations and demolitions and exterior alterations and forms of new construction when the total cost is \$50,000.00 or more with 30 days after receipt of a completed application. The commission shall approve, approve with conditions, or disapprove each application, based on the criteria contained in this chapter. The commission may vote to defer its decision if adequate information is not available to make a decision but shall reconsider the application at the earliest opportunity after adequate information is made available. The commission shall act within 60 days after the close of the public hearing.

(o)

Survey and inventory of historic properties. Develop and maintain a database and a system for survey and inventory of historic properties. The inventory shall be:

(1)

Compatible with the state master site file.

(2)

Kept current and regularly provided to the state historic preservation officer for incorporation in the state master site file.

(p)

Coordination with the State of Florida's Division of Historical Resources Certified Local Government program.

(1)

The division shall be given 30 days prior notice of all meetings and within 30 days following such meetings the division shall be provided with the minutes and record of attendance of both the board and the public.

(2)

The division shall be notified of any changes to the board members within 30 days of their appointment.

(3)

Notify the state historic preservation officer immediately of all new historic designations or alterations to existing designations.

(4)

Any amendments to the article shall be submitted to the state historic preservation officer for review and comment at least 30 days prior to adoption.

(5)

The division of historic resources shall be provided with an annual report by November 1 covering activities to the previous October 1 through September 30 and shall include the following information:

a.

Any changes in the board's rules of procedure;

b.

- c. All new National Register listings;
 - d. All new local historic designations and alterations to existing designations;
 - e. Any changes to board memberships and a copy of their resumes;
 - f. Revised resumes of board members as appropriate;
 - g. Any amendments to this chapter;
 - h. A review of survey and inventory activity with a description of the system used;
 - i. A program report on each grant-assisted activity; and
- Number of projects reviewed.

(Ord. No. 399, § 1, 11-20-01; Ord. No. 429, §§ 3—5, 10-26-05; Ord. No. 448, § 2, 12-4-07; Ord. No. 463, § 3, 7-21-09; Ord. No. 480, 9-4-12)

Cross reference— **Historic preservation board**, § 66-131 et seq.

RESOLUTION NO. 95-13

**A RESOLUTION OF THE TOWN OF BELLEAIR, FLORIDA,
ESTABLISHING RULES AND REGULATIONS FOR ALL ADVISORY
BOARDS AND REGULATORY BOARDS CREATED BY THE BELLEAIR
TOWN COMMISSION.**

WHEREAS, Article II, TOWN COMMISSION, Section 2.08 of the Belleair Charter provides for the Commission to appoint by resolution or ordinance such advisory boards or regulatory boards as it deems necessary; and

WHEREAS, said resolution or ordinance shall define the terms of appointment, the function, duties and authority of any Board created.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR:

Section I. That all boards created shall be governed by the following provisions:

(1) Membership: Organization:

- a) Each Board shall have no more than seven voting members appointed by the Commission.
- b) Each member shall be appointed for a two-year term. In order to provide continuity, a majority number of members shall be appointed in odd numbered years and a minority number of members shall be appointed in even numbered years. (Example - on a 7-member board, 4 members will be appointed in odd numbered years, and 3 will be appointed in even numbered years)
- c) When a position becomes vacant before the end of the term, the Town Commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.
- d) If any member fails to attend three successive meetings, the Board shall notify the Town Commission.
- e) Members may be removed without notice and without assignment of cause by a majority vote of the Town Commission.
- f) The members of each Board shall annually elect a Chair, Vice-Chair and Secretary from among the members and may create and fill other offices as the Board deems necessary.
- g) The Town Manager may appoint a Town employee to serve as Secretary to a Board as he deems necessary.
- h) The Town Clerk is custodian of all Board records.
- i) Each Board shall create whatever sub-committees it deems necessary to carry out the purposes of the Board.
- j) The Chair of the Board shall annually appoint the membership of each sub-committee from members of the Board.
- k) The Commission may appoint a consultant(s) to a Board. A consultant may not vote or hold office.

- l) The Mayor shall appoint a member of the Town Commission to serve as Commission Advisor to the Board. The Advisor shall serve as Chair pro-tem when necessary; shall endeavor to keep the Board informed of Town matters that are related to the duties and responsibilities of the Board; may be the instrument through which the Board asks for assistance or guidance from the Town; and provided further that the Commission Advisor shall not vote, hold office nor actively participate in the decision making process of the Board.
- m) An appointed member of any Board must resign from said Board if the member is elected to the Town Commission. The resignation to be effective no later than the date the Commission begins.

(2) Rules of Procedure: Meetings:

- a) Each Board shall adopt rules of procedure to carry out its purposes. All rules must conform to the Town Charter, Town Ordinances and State Law. In the absence of specific rules, Robert's Rules of Order, (current edition) shall govern the deliberations of the Board.
- b) Each Board shall meet at regular intervals, such meetings to be called by the Town, the Board Chair, or scheduled by the Board.
- c) Minutes of all Board meetings shall be kept, indicating the attendance of each member and the decision on every question. The minutes are to be approved by the Board at the next meeting and original signed copies of such minutes shall be filed with the Town Clerk immediately.
- d) A majority of the members shall constitute a quorum.
- e) Each decision of a Board must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. Each vote shall be recorded in the minutes of the meeting.

Section II. That if any portion of this resolution is in conflict with the Town Code, the Town Code shall prevail for the named Board only.

PASSED AND ADOPTED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR, FLORIDA, this 4TH day of APRIL, A.D., 1995



MAYOR

ATTEST:



TOWN CLERK

Summary

To: Historic Preservation Board
From: Suzy Metcalf, Deputy Town Clerk
Subject: Approval of CLG Agreement
Date: 04/16/2014

Summary: Staff has received the letter from the Florida Department of State, Division of Historical Resources stating that the Town's CLG application had met the state and federal CLG program guidelines and, pending final determination from the National Parks Service, the town will be designated a Florida Certified Local Government. In order to move forward with the approval of the CLG application, the Historic Preservation Board and the Commission should review and approve the CLG agreement with the State of Florida, Department of State, Division of Historical Resources. The guidelines and duties of the board listed in the agreement have already been made a part of the town's codes in order to be approved as a CLG.

Previous Board Action: The board unanimously approved town staff to continue the process to become a Certified Local Government at the August 27, 2013 board meeting. Commissioner Piccarreto discussed this action at the September 3, 2013 commission meeting.

Financial Implications: N/A

Staff's Recommendations: Staff recommends that the Historic Preservation Board recommend to the commission the approval of the CLG Agreement between the Town of Belleair and the State of Florida, Department of State, Division of Historical Resources

Proposed Motion: I move that the Historic Preservation board recommend to the commission the approval of the Certified Local Government Agreement between the Town of Belleair and the State of Florida, Department of State, Division of Historical Resources.



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

March 26, 2014

RECEIVED
BELLEAIR TOWN HALL

MAR 31 2014

Mr. J.P. Murphy
Assistant to the Town Manager
Town of Belleair
901 Ponce de Leon Boulevard
Belleair, Florida 33756

TIME REC. _____

Dear Mr. Murphy,

Thank you for your interest in participating in the Florida Certified Local Government (CLG) Program. I am pleased to say that your CLG application for the Town of Belleair meets state and federal CLG program guidelines and, pending final determination from the National Park Service, the town will be designated a Florida Certified Local Government. Congratulations!

Enclosed are two copies of the CLG Agreement which will formalize the town's participation in the program. Please review the agreement carefully to avoid any misunderstandings of the limitations, conditions, requirements and provisions it contains. Then:

1. Please have the mayor of your town sign both copies of the agreement,
2. Return both copies to our office for final execution. **Do not enter a certification date in the first paragraph.** We will enter the effective date of certification, which is the date the National Park Service approves the agreement, and return one fully executed copy of the agreement for retention in your program files.

Thank you again for your interest in the Florida Certified Local Government Program. I am looking forward to working with you.

Sincerely,

Michael Zimny
Certified Local Government Coordinator

Enclosure

DIVISION OF HISTORICAL RESOURCES

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: 850.245.6300 • Facsimile: 850.245.6436 • www.flheritage.com
Commemorating 500 years of Florida history www.fla500.com



CERTIFIED LOCAL GOVERNMENT AGREEMENT

This Agreement by and between the State of Florida, Department of State, Division of Historical Resources (Department), and the Town of Belleair (Town), relative to the Certified Local Government Program (Program) is entered into this ____ day of _____, 2014.

The protection and preservation of resources of historical, architectural, and archaeological value are public purposes and are essential to the health, safety and economic, educational, cultural and general welfare of the public.

This Agreement is for the purpose of implementing the Program in the Town so the local government can participate more fully in the federal historic preservation program.

Under the Code of Federal Regulations, Title 36, Part 61, "Procedures for Approved State and Local Government Historic Preservation Programs," it is the responsibility of the Department, serving as the State Historic Preservation Office, to administer the Program in Florida and to enter into this Agreement.

The Florida Certified Local Government Guidelines (Guidelines), which are attached and are made a part of this Agreement, prescribe the minimum requirements established for the Program.

The Town has made application to the Department for participation in the Program. The application has been evaluated by the Department and, on the basis of that evaluation, has verified that the Town meets all federal requirements for certification as a Certified Local Government.

Therefore, the Town is hereby certified for participation in the Program.

The Department and the Town hereby agree as follows:

1. The Department shall provide the following general services:
 - a. Provide access to the Florida Master Site File to assist the Town in maintaining a local inventory of historic resources.
 - b. Designate a staff member to handle communication between the Town, the Department and the National Park Service.
 - c. Offer training at the initiation of the Program for the Town Historic Preservation Board and staff supporting the local Program.
2. The Department shall perform the following services as specified in the Guidelines:
 - a. Provide technical assistance regarding changes to or improvement of local landmark legislation.
 - b. Provide technical assistance in the development of a system for survey and inventory activity including, but not limited to: site identification, site evaluation, survey method, and record keeping.
 - c. As long as federal law requires, reserve at least 10% of the state's annual Federal Historic Preservation Fund Grant for award to Certified Local Governments on a competitive basis and notify Florida Certified Local Governments of the availability of these funds as per Section C.3.a. of the Guidelines.

- d. Receive and process applications from Florida Certified Local Governments for matching grants-in-aid from the 10% set aside funds as specified in Section C.3.b-h of the Guidelines. Solicitation, selection, award and administration of such grants shall be in accordance with Chapter 267, Florida Statutes, Chapter 1A-35, Florida Administrative Code, and all applicable federal laws and regulations.
 - e. Notify the Town of and adhere to specified time frames for all National Register activities affecting properties within its jurisdiction as specified in Section C.4 of the Guidelines.
 - f. Per Section C.2. of the Guidelines, monitor the Town's performance and make every effort to assist the Town in complying with the requirements of the Program. Monitoring includes review of grant fund allocations, review of annual reports, and other reviews as necessary and appropriate.
 - g. Provide an evaluation of the local program upon completion of review of the annual report. Methods to enhance local program effectiveness shall be identified.
 - h. Initiate and pursue the recertification process when appropriate as per Section C.2.i.-m of the Guidelines.
3. The Town shall generally follow a public policy of protecting, preserving, and planning for the protection and preservation of resources of historical, architectural, and archaeological value within its jurisdiction. It shall perform the following duties in accordance with and as specified in the Guidelines:
- a. Enforce appropriate state or local legislation for the designation and protection of historic properties as per Section B.1 of the Guidelines.
 - b. Establish, by local law, a Historic Preservation Review Commission (Commission) composed of professional and lay members, as per Section B.2 of the Guidelines.
 - c. Develop and maintain a system for the survey and inventory of historic properties as per Section B.3 of the Guidelines.
 - d. Provide for public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register, per Section B.4. of the Guidelines.
 - e. Perform other responsibilities delegated to it in Section B.5 of the Guidelines.
 - f. Establish a formal procedure by ordinance, or by appropriate administrative action, whereby all proposed National Register nominations are reviewed by the Commission in accordance with Section C.4 of the Guidelines.
 - g. Submit an annual report of Certified Local Government activities and other such information pursuant to Sections C.2.(e) and (f) of the Guidelines.
 - h. Permit periodic reviews of Certified Local Government activities and documents by the State Historic Preservation Office, with at least 30 days advance notice, per Section C.2.c of the Guidelines.

4. This instrument embodies the whole Agreement of the parties. There are no provisions, terms, conditions, or obligations, other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. No change or addition to this Agreement shall be effective unless in writing and properly executed by the parties.
5. If the local government named herein is decertified by the Department, this Agreement shall be terminated.

The Department and the Town have read this Agreement and have affixed their signatures.

DEPARTMENT OF STATE

Robert F. Bendus
State Historic Preservation Officer

TOWN OF BELLEAIR
901 Ponce de Leon Boulevard
Belleair, Florida 33756

Gary H. Katica, Mayor
Town of Belleair

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

INTRODUCTION

Since its initial enactment by Congress in 1966, and through its subsequent amendment, the National Historic Preservation Act, as amended (16 U.S.C. 470, et. seq.) has established a program of identification, evaluation, and protection of historic and prehistoric properties based on the National Register of Historic Places. The act also has formalized roles for a decentralized historic preservation partnership that includes federal, state, tribal, and local governments. Part of the national program is carried out by the states, under the direction of the National Park Service of the Department of Interior. Participating states receive funding assistance in the form of annual grants from the federal Historic Preservation Fund to support their efforts. Funds are normally used to support the programs of the State Historic Preservation Office. A portion of these funds may be regranted in the form of subgrants for survey and planning and community education activities.

The National Historic Preservation Act, as amended (16 U.S.C. 470 et. seq.), also contains the legal basis for the federal-state-local preservation partnership commonly referred to as the Certified Local Government program. The Act directs the State Historic Preservation Officer and the Secretary of the Interior to establish procedures for the certification of local governments to participate in this partnership. This document contains Florida's procedures.

Under the Certified Local Government program the State: 1) delegates certain limited responsibilities to those local governments that meet specific qualifications for certification, and 2) provides, from its annual Historic Preservation Fund apportionment, on a competitive basis, limited grant-in-aid funding to assist certified local governments in carrying out the responsibilities so delegated.

The purpose of these guidelines is to set forth: 1) the requirements and responsibilities of participation in the Certified Local Government program, and 2) the procedures for certification of local governments and for transfer of federal grant funds to participating Certified Local Governments.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

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FLORIDA CERTIFIED LOCAL GOVERNMENT

A. Definitions

1. **Appropriate Chief Elected Local Official:** the mayor, county executive, or otherwise titled administrative official who is the head of the local political jurisdiction, which is the Certified Local Government.
2. **Commission:** a board, council, commission, or other similar collegial body which is established in accordance with Section B.2. of these guidelines.
3. **Designation:** the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation includes the identification and registration of resources according to the State or local criteria which must be consistent with the Secretary of the Interior's Standards for Identification and Registration. Adoption of the National Register criteria is encouraged.
4. **Florida Master Site File:** the state's clearinghouse for information on archaeological sites and historic structures, and field surveys of such sites and structures. It is a system of several paper and computer files maintained by the Division of Historical Resources, Florida Department of State.
5. **Historic Preservation Fund:** the source from which monies are appropriated to fund the program of matching grants-in-aid to the states for historic preservation programs and projects, as authorized by Section 101(d)(1) of the National Historic Preservation Act, as amended.
6. **Local Government:** the city, county, township, municipality, or any other general purpose political subdivision in the state.
7. **National Register of Historic Places:** the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
8. **Protection:** the local review process under State or local law for proposed demolition or, changes to, or other action that may affect historic properties designated pursuant to a local government becoming a Certified Local Government. The CLG's local protection review process of the Act applies only to properties designated pursuant to State or local laws and procedures. This would not include properties listed on or determined eligible for the National Register of Historic Places unless such properties also were designated under the appropriate State or local process.
9. **State Historic Preservation Officer:** the official designated pursuant to s.267.031(7), Florida Statutes, 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.

B. Requirements

The following requirements are contained in 36 CFR Part 61, the implementing regulations for the National Historic Preservation Act, as amended (16 U.S.C. 470). Local governments desiring to become and remain Certified Local Governments

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

must meet all of the following requirements:

- 1. Enforce appropriate state or local legislation for designation and protection of historic properties.** In the absence of state legislation, this requirement shall be met by the enactment of local legislation containing the following provisions:
 - a. The purpose of the legislation shall be clearly stated and shall include authority for appointment of a Commission to be responsible for the designation and protection of historic properties.
 - b. The legislation must clearly define criteria and a process the same as or substantially the same as that identified in the National Historic Preservation Act of 1966, (U.S.C. 470 et. seq.), as amended, for the designation of historic properties.

The legislation shall state that boundaries for any historic districts or individual properties identified in or by the mechanisms contained in the legislation must be clearly established.
 - c. The legislation shall provide for the authority for and the establishment of a process for the review and rendering of a decision upon all proposed alterations, relocations, demolitions or new construction within the boundaries of historic districts established under the legislation or which may directly affect historic properties designated under the legislation. This authority shall include provisions for delay of demolition but not for the indefinite stay of a demolition.
 - d. The criteria for the review of proposals for alterations, relocations, demolitions and new construction shall be clearly set forth in the legislation and, in the case of alterations, shall achieve the purposes of the *Secretary of the Interior Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.
 - e. The legislation shall include provisions for enforcing decisions, including penalties for non-compliance. A right of and mechanism for appeal must exist in the legislation.
 - f. Specific time frames for reviews and for consideration of alternatives should be identified.
 - g. Provisions for public and owner notification and public hearings for designation and project reviews shall be established, per B.4., below.

- 2. The local government shall establish a historic preservation review commission (Commission) composed of professional and lay members** in accordance with paragraph B.2.c., below.
 - a. Each Certified Local Government shall have a Commission with a minimum of five (5) members, whose area of geographic responsibility is coterminous with the boundaries of its local jurisdiction. For communities with a population less than 10,000, the minimum number of members may be reduced but shall not be less than three (3) members. All commission members must have a demonstrated interest in historic preservation.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

- b. Appointments shall be made by the appropriate local official of the jurisdiction concerned.
- c. To the extent available in the community, the local government shall appoint professional members from the disciplines of architecture, history, architectural 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 community concerned (see Appendix A, Professional Qualifications Standards). The Professional Qualifications Standards in Appendix A are no more stringent than the standards for membership on the National Register Review Board. Lay persons who have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines shall make up the balance of Commission membership as provided for in Section B.2.e. in the event that there are not enough professionals in the community.
- d. Commission members should be residents of the jurisdiction for which they serve.
- e. Local governments shall be certified without the minimum number or types of disciplines represented on the Commission if they can demonstrate to the State Historic Preservation Officer that they have made a reasonable effort to fill those positions. Reasonable effort means that the local government has documented that (a) professionals in the required disciplines do not reside nor are property or business owners in the jurisdiction, or (b) local professionals are not willing to serve on the Commission, and (c) in the case of a Commission with fewer than the minimum numbers of members established in B.2.a., that no other lay persons meeting the requirements of B.2.c. are available to serve.
- f. The terms of office of Commission members shall be uniform and staggered, and of at least two but not more than five years duration (except as provided on the initiation of a Commission). There is not necessarily a limit on the number of consecutive terms which may be served.
- g. Vacancies, including expired terms, shall be filled within 60 calendar days by the appropriate local official. An extension of up to an additional 60 calendar days shall be granted by the State Historic Preservation Officer upon receipt of a written request from the appropriate local official for such extension.
- h. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but no less than four meetings shall be held each year and minutes of each meeting shall be kept.
- i. Each Commission member should make a reasonable effort to attend State Historic Preservation Office training programs.
- j. The Commission shall review alterations, relocations, demolitions and new construction or other activities that may affect locally designated properties. The Commission shall review proposed National Register nominations within its jurisdiction. When a discipline is not represented in the Commission membership, the Commission shall seek expertise in this area when considering National Register nomination proposals and other actions that may impact properties which are normally evaluated by a professional in such discipline before rendering a decision. This can be accomplished through consulting (e.g., universities, private preservation organizations, or regional planning commissions)

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

or by other means that the State Historic Preservation Officer determines appropriate.

1. The legislation shall contain specific time limits within which the Commission shall act.
- m. The Commission shall have staff sufficient to undertake the requirements for certification and carry out the duties and responsibilities delegated to the Certified Local Government.
- n. The Commission shall adopt Rules of Procedure for use in all transactions involving the public.
- o. All Commission responsibilities must be complimentary to and carried out in accordance with the responsibilities of the State Historic Preservation Officer as described in 36 CFR 61.6, incorporated by reference.

- 3. The local government shall maintain a system for survey and inventory of historic properties.** The term "historic property" or "historic resource" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.
 - a. The Certified Local Government shall initiate and continue an approved process to identify historic properties within the jurisdiction.
 - b. A detailed inventory of the designated districts, sites, and structures within the jurisdiction of local government must be maintained. The local inventory system shall be developed in consultation with the Florida Master Site File to ensure that the data produced can be integrated into the statewide comprehensive historic preservation planning process, and should include at a minimum a completed Florida Master Site File form with an assigned Florida Master Site File number. This documentation also applies to the CLG Inventory. The address for the Florida Master Site File is: Florida Master Site File, , R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.
 - c. All inventory material shall be kept: 1) safe, secure, and in an accessible location, 2) current, and 3) regularly provided to the State Historic Preservation Officer for incorporation into the Florida Master Site File.
 - d. All inventory material shall be considered as public records and shall be available for public inspection per s.119.07, Florida Statutes, except as provided for in Section 304 of the National Historic Preservation Act of 1966, as amended (16 USC 470).
 - e. Commission members shall be encouraged to participate in the survey process and in preservation planning carried out by the Certified Local Government.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

- 4. Local governments shall provide for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register.**
 - a. All Commission meetings shall be publicly announced, open to the public and have a previously advertised agenda. Commission meetings shall be held as often as is necessary to complete commission work in a timely fashion, but not less than four meetings shall be held each year.
 - b. Minutes of all actions of the Commission including reasons for making decisions, must be kept on file and available for public inspection, per s.286.011 Florida Statutes.
 - c. All decisions by the Commission shall be made in a public forum, and applicants shall be given written notification of decisions of the Commission.
 - d. Rules of Procedure adopted by the Commission shall be available for public inspection, per s.119.07, Florida Statutes.
 - e. Appropriate local officials, owners of record, and applicants shall be notified of proposed Commission actions concerning a proposed nomination to the National Register of Historic Places according to requirements found in 36 CFR Part 60, incorporated by reference. Objections by owners of properties proposed for nomination must be notarized.

- 5. Local governments shall satisfactorily perform the responsibilities listed in B.1. through B.4., above, and those specifically delegated to them by the State Historic Preservation Officer.**

C. Procedures

1. Certification of Local Governments in Florida

- a. The appropriate local official shall request certification from the State Historic Preservation Officer. The request for certification shall include:
 - (1) A written assurance by the appropriate official that the local government will fulfill all the requirements for certification. Requirements for certification include: enforcement of appropriate state or local legislation for designation and protection of historic properties, per B.1., above; establishment of a historic preservation review commission (Commission) composed of professional and lay members, per B.2., above; maintenance of a system for survey and inventory of historic properties, per B.3., above; provision for public participation in local historic preservation programs, including the process of recommending properties for nomination to the National Register, per B.4. above; and satisfactory performance of any additional responsibilities delegated to all Certified Local Governments in the state, and any other delegated responsibilities.
 - (2) A copy of the local legislation, per B.1., above.

FLORIDA CERTIFIED LOCAL GOVERNMENT GUIDELINES

- (3) A map of the local government jurisdiction with any and all existing designated historic districts and individual historic properties clearly identified. Inclusion of these properties within the jurisdiction of the Certified Local Government shall be clearly demonstrated. This map shall be updated regularly through the incorporation of additions and deletions of districts and individual properties, and alterations of historic district boundaries.
 - (4) A copy of the Commission's Rules of Procedure.
 - (5) Resumes for each member of the Commission including, where appropriate, credentials or member expertise in fields related to historic preservation, per B.2.c., above, and Appendix A, below.
 - (6) Resumes for staff members, if there is professional staff.
- b. The State Historic Preservation Officer shall respond to the appropriate local official within 45 calendar days after receipt of an adequately documented written request for certification. The State Historic Preservation Officer will review the request and certify by letter of certification if the government fulfills the requirements. The State Historic Preservation Officer will prepare a written certification agreement which lists the specific responsibilities of the local government when certified. The written request, letter of certification and signed certification agreement by the State Historic Preservation Officer and the chief elected local official as well as a signed review checklist by the state shall be forwarded to the Secretary of the Interior by the State Historic Preservation Officer. If the Secretary of the Interior does not object within 15 working days after receipt, the State Historic Preservation Officer's certification of the local government to participate in the national Historic preservation program shall be effective the date signed by the National Park Service.
 - c. The State Historic Preservation Officer shall respond to the appropriate local official within 45 working days after receipt of a documented written request which is inadequate. The State Historic Preservation Officer shall indicate how inadequacies can be corrected in this notification.
 - d. Amendments to the delegation of responsibilities provided in the certification agreement shall be initiated by mutual agreement of the State Historic Preservation Officer and the local government. The amendment shall be prepared by the State Historic Preservation Officer and submitted to the Secretary of the Interior. If the Secretary of the Interior does not object within 15 working days after receipt, the amendment to the certification agreement shall be effective.
 - e. The local government may appeal a denial of certification by the State Historic Preservation Officer to the Secretary of Interior.

2. Monitoring Certified Local Governments/Process for Decertification/Local Government Appeal.

- a. Once a local government is certified, it remains certified without further action unless officially decertified.

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- b. The State Historic Preservation Office shall conduct periodic reviews and monitoring of Certified Local Governments to assure that each government is meeting the requirements for certification. Reviews shall be conducted at least once every four years, but may be conducted more frequently at the discretion of the State Historic Preservation Officer if deemed appropriate. Reviews shall be preceded by notice of at least 30 days.
- c. The Certified Local Government will supply at least 30 calendar days advance notice of Commission meetings to the State Historic Preservation Officer.
- d. A Certified Local Government is responsible for providing the State Historic Preservation Officer with particular information at frequent intervals. In addition to advance notice of meetings, Certified Local Governments shall submit the minutes of each Commission meeting, attendance at Commission meetings, and appointments to the Commission within 30 days after such actions. The Certified Local Government shall also inform the State Historic Preservation Officer about any new historic designations or alterations of existing designations immediately. Proposed amendments of the local historic preservation ordinance shall be submitted to the State Historic Preservation Officer for review and comment at least 30 days prior to the date scheduled for adoption.
- e. The Certified Local Government shall submit an annual report and other documents as necessary to the State Historic Preservation Officer. The annual report shall include any amendments to the local historic preservation ordinance, changes in Rules of Procedure, a summary of Commission activities including but not limited to the number of proposals reviewed, new designations, revised resumes, appointments to the Commission, a review of survey and inventory activity with a description of the system used, as well as a progress report on grant-assisted activities. The annual report is due by November 1 and shall cover the previous October 1 - September 30 year. It will be reviewed by the State Historic Preservation Officer within 30 calendar days after receipt.
- f. The State Historic Preservation Officer shall review expenditures of funds allocated as historic preservation grants-in-aid pursuant to C.3., Transfer of Funds, below.
- g. Review of the historic preservation grants-in-aid expenditures, as well as review of the annual report, shall form the basis of the State Historic Preservation Officer's evaluation of the Certified Local Government.
- h. If the State Historic Preservation Officer's evaluation of a Certified Local Government indicates inadequate performance, that assessment will be documented, and ways to improve performance to acceptable levels shall be delineated by the State Historic Preservation Officer. The Certified Local Government shall have a sufficient period of usually not less than 30 nor more than 180 days to implement the improvements. If, at the end of this period, the State Historic Preservation Officer determines that sufficient improvement has not occurred, the State Historic Preservation Officer will recommend decertification of the local government to the Secretary of the

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- Interior, citing specific reasons for the recommendation.
- i. Local governments may petition the State Historic Preservation Officer to be decertified voluntarily and without prejudice.
 - j. Grounds for investigations of decertification shall include revocation of the local ordinance, failure to comply with provisions incorporated into the local ordinance, failure to maintain a Commission, failure to maintain a survey and identification program, failure to provide for adequate public participation in the local historic preservation program, and failure to keep the State Historic Preservation Officer informed about Certified Local Government activities and actions.
 - k. The local government may appeal a decertification decision of the State Historic Preservation Officer to the Secretary of the Interior. Upon decertification, the State Historic Preservation Officer shall conduct financial assistance closeout procedures as specified in The Historic Preservation Fund Grants Manual.

3. Transfer of Funds.

- a. Each Certified Local Government is eligible to request a portion of funds reserved from Florida's annual Historic Preservation Fund grant apportionment on a competitive basis. Selection criteria for such competition will be announced at least two months prior to the grant selection meeting.
 - (1) At least ten percent of Florida's annual Historic Preservation Fund Grant will be reserved for certified local governments.
 - (2) Any year in which the annual Historic Preservation Fund state grant appropriation for all states exceeds \$65,000,000, one half of the excess shall also be transferred to Certified Local Governments according to procedures to be provided by the Secretary of the Interior.
 - (3) There is no guarantee that Certified Local Governments will receive Historic Preservation Funds if they apply for such funds. Further, receipt of historic preservation regrant funding from the Florida State Historic Preservation Office is not assurance that funds will be available the following year or that a Certified Local Government will receive grant funding the following year.
- b. Each Certified Local Government which makes application for funds from Florida's annual Historic Preservation Fund apportionment is required by the Secretary of the Interior to:
 - (1) Maintain adequate financial management systems. Local , financial management systems shall be in accordance with the standards specified in OMB Circular A-87, "Cost Principles Applicable to Grants and Contracts with State and Local Governments." Local financial management systems shall be auditable in accordance with OMB Circular A-133. Local financial management systems will be periodically evaluated by the State Historic Preservation Officer.
 - (2) Adhere to all requirements of the Historic Preservation Fund Grants Manual.
 - (3) Adhere to any requirements mandated by Congress regarding the use of

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- such funds. The State Historic Preservation Officer will advise Certified Local Governments of such requirements and will include a summary of such information in the materials made available to Certified Local Governments making application for funds, per C.3.c., below.
- c. The requirements listed in C.3.b., above, shall be used by the State as minimum requirements for local governments receiving Historic Preservation Funds; they also shall be included in the State's required written grant agreement with the local government.
 - d. Certified Local Governments shall make applications for funds described in Federal Requirements and in C.3.a., above, on the time schedule and using the procedures identified in Chapter 1A-35, Florida Administrative Code, Rules of the Department of State, Historic Preservation Grants-in-Aid (See Appendix B). As applicants for shares of the reserved portion of Florida's Historic Preservation Fund annual apportionment, Certified Local Governments will follow procedures for applying for federal funds identified in Federal Requirements and in Subsection 1A-35.007, Florida Administrative Code. Certified Local Governments which are awarded funds under these rules and during other special application periods allowed for under the rules will be considered subgrantees of the Florida State Historic Preservation Office.
 - e. Funds made available to Certified Local Governments from the reserved portion of Florida's annual Historic Preservation Fund apportionment shall be awarded on a competitive basis, per C.3.d., above, for historic preservation survey and planning, and community education activities. When evaluating Certified Local Government grant applications, the State shall:
 - (1) Provide that the amount awarded any applicant must be sufficient to produce a specific impact.
 - (2) Ensure that the funds awarded will be sufficient to generate effects directly as a result of the funds transfer.
 - (3) Note that requirements for tangible results may not be waived even if there are many otherwise eligible applicants for the amount set aside for the Certified Local Governments share.
 - (4) Ensure that no Certified Local Government will receive a disproportionate share of the allocation.
 - f. Submission of an application for a portion of Florida's annual Historic Preservation Fund apportionment, whether successful or not, shall not preclude or in any manner disqualify the Certified Local Government making such application from consideration for other state grant or federal regrant funds available under the terms of Chapter 1A-35, Florida Administrative Code, referenced in C.3.d., above.
 - g. Historic Preservation regrant funding cannot be matched by other Federal Program grants, with the exception of Community Development Block Grant funds, as specified in Section 105(a)(9) of the Housing and Community Development Act of 1974, P.L. 93-388. Historic Preservation Fund regrants to Certified Local Governments must be used for activities which further the

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goals of identification, evaluation, protection, and preservation of cultural resources.

- h. Use of Historic Preservation regrant funding will be subject to all existing restrictions imposed by the Historic Preservation Fund Grants Manual. In accordance with the requirements of the manual, indirect costs may be charged as part of the Certified Local Government grant only if the Certified Local Government subgrantee meets the requirements of the Manual and has a current indirect cost rate approved by the cognizant Federal agency. Otherwise, only direct costs may be charged.

4. Certified Local Government Participation in the Florida National Register of Historic Places Nomination Process.

- a. The Commission complements the Florida National Register Review Board in the review of proposed nominations to the National Register. Sponsors of National Register nomination proposals located in areas served by a Certified Local Government shall have their proposals reviewed at the local level. Proposals for properties in areas not served by a Certified Local Government shall be reviewed by the Florida National Register Review Board. Nomination proposals submitted to the State Historic Preservation Officer for consideration by the Florida National Register Review Board will be reviewed to ascertain if they are located in an area served by a Certified Local Government. If a Certified Local Government serves the area, the State Historic Preservation Officer shall forward the nomination proposal to the local Commission.
- b. The local Commission will develop or receive the documentation necessary to nominate properties to the National Register. The Commission shall evaluate nomination proposals received for completeness in a timely manner. Should the nomination proposal not be technically complete, the Commission shall notify the proposal's sponsor in writing, identifying the technical deficiencies, within 30 days after receipt of the nomination proposal. If the nomination proposal is technically complete, the Commission shall place the item on its agenda for the next meeting or, should notification provisions outlined in C.4.c., below, make this impossible, for the earliest possible regular meeting.
- c. The Commission shall notify the following of its intention to consider a nomination proposal. In all cases, such notification shall occur at least 30 days but not more than 75 days prior to the Commission meeting at which the nomination proposal will be considered.
 - (1) Owner(s) of record of the property. The list of owners shall be obtained from official tax records. Where there is more than one owner on the list, each separate owner shall be notified.
 - (2) Appropriate local official(s). In the case of a Commission whose area of jurisdiction is a county, these will be the Chairman of the Board of County Commissioners and such other contact persons as may be designated, and the appropriate local official of a municipality if the property to be

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considered is located within municipal boundaries. In the case of a Commission whose area of jurisdiction is a municipality, this will include the appropriate municipal official(s) and the Chairman of the Board of County Commissioners. Within 30 days after receipt of the nomination proposal, the appropriate local official(s) shall submit in writing to the Commission a recommendation as to whether or not the property shall be nominated to the National Register.

(3) State Historic Preservation Officer.

- d. Nomination proposals shall be considered by the Commission at a public meeting, and all votes on nomination proposals shall be recorded and made a part of the permanent record of the Commission meeting. All nomination proposals shall be forwarded, with a record of official action taken by the Commission and the recommendation of the appropriate local official(s), to the State Historic Preservation Officer within 30 days after the Commission meeting at which they were considered. If either the Commission or appropriate local official(s) or both support the nomination, the State Historic Preservation Officer shall schedule the nomination proposal for consideration by the Florida National Register Review Board as part of the normal course of business at the next regular meeting. The consideration of the nomination will be handled pursuant to Section 101(a) of the National Historic Preservation Act (and 36 CFR 60).
- e. If both the Certified Local Government Commission and appropriate local official(s) recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no farther action on the nomination proposal unless an appeal is filed within 30 calendar days with the State Historic Preservation Officer. Any reports and recommendations that result from such a situation shall be included with any nomination proposal submitted by the State Historic Preservation Officer to the Secretary of the Interior.
- f. Any person or organization which supports or opposes the nomination of a property to the National Register shall be afforded the opportunity to make its views known in writing. All such correspondence regarding a nomination proposal shall become part of the permanent record concerning that proposal and shall be forwarded with approved proposals to the State Historic Preservation Officer. In the case of disapproved nomination proposals, letters of support or comment shall be made a part of the permanent record concerning that proposal, and a list of such letters shall accompany the official copy of the disapproved nomination proposal when it is forwarded to the State Historic Preservation Officer, per C.4. above
- g. Nomination proposals to be considered by the Commission shall be on file at Commission headquarters for at least 30 days but not more than 75 days prior to the Commission meeting at which they will be considered. A copy shall be made available by mail when requested by the public and shall be made available at a location of reasonable local public access, such as a local library, courthouse, or other public place so that written comments regarding a nomination proposal can be prepared.
- h. Appeals. Any person may appeal the decisions of a local Commission. Appeals shall be directed to the State Historic Preservation Officer in writing within 30

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calendar days of the State Historic Preservation Officer's receipt of the written decision of the Commission. Nominations or proposals which have been appealed shall be considered by the Florida National Register Review Board as part of the normal course of business at its next regular meeting. If the opinion of the Florida National Register Review Board is that the property or properties is or are significant and merit nomination to the National Register, the State Historic Preservation Officer shall notify the Commission, within 30 days after the National Register Review Board meeting, of its intent to forward the nomination to the National Register with a recommendation that the property or properties be listed. The State Historic Preservation Officer reserves the right, as in the case of any nomination proposal from a source other than a Certified Local Government, to edit or revise the nomination proposal or request that the sponsor make necessary revision prior to forwarding the proposal to the National Register. Other appeal procedures promulgated by the National Park Service, Department of the Interior, pertaining to local or state actions shall be followed by Certified Local Governments and by the State Historic Preservation Officer. Decisions of the State Historic Preservation Officer may be appealed to the National Park Service in accordance with the procedures in 36 CFR 60.12.

- i. Certified Local Government review and notification procedures do not apply when a Federal agency nominates a property under its ownership or control. Certified Local Governments are encouraged to coordinate with Federal agencies to the extent practical, however, in the consideration of such nominations. [36 CFR (c) (d) provide regulatory guidance regarding Federal reviews and comment periods.]