

CITY OF POMPANO BEACH
Broward County, Florida

AN ORDINANCE OF THE CITY OF POMPANO BEACH, FLORIDA, CREATING A NEW CHAPTER 159 OF TITLE XV OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH TO BE ENTITLED "HISTORIC PRESERVATION", FOR THE PURPOSE OF ESTABLISHING A HISTORIC PRESERVATION PROGRAM THROUGH THE ESTABLISHMENT OF A PERMANENT COMMITTEE; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR MEMBERSHIP; TO PROVIDE FOR POWERS AND DUTIES OF THE COMMITTEE; TO PROVIDE FOR THE CREATION OF A LOCAL REGISTER OF HISTORIC PLACES; TO PROVIDE FOR THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS; PROVIDING FOR CIVIL REMEDIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Commission and citizens of Pompano Beach are desirous of creating an improved quality of life in the community which can, in part, be derived from the preservation, protection, perpetuation and use of historic resources within the City which reflect the City's cultural, social, economic, political and architectural history; and

WHEREAS, the health, safety, aesthetic attractiveness and general welfare of the community can be achieved through the establishment of a Historic Preservation Committee; and

WHEREAS, the establishment of a Historic Preservation Committee will provide for the revitalization of older residential and commercial properties and neighborhoods, foster an awareness of pride in the accomplishments and achievements of the past, and protect the City's historic attractions and generally enrich the life of tourists, visitors and residents of the City of Pompano Beach; and

WHEREAS, pursuant to law, ten (10) days' notice has been given by publication in a paper of general circulation in the City, notifying the public of this proposed Ordinance and of a public hearing in the City Commission Chambers of the City of Pompano Beach; and

WHEREAS, a public hearing before the City Commission was held pursuant to the published notice described above, at which hearing the parties in interest and all other citizens so desiring had an opportunity to be and were, in fact, heard; now, therefore,

BE IT ENACTED BY THE CITY OF POMPANO BEACH, FLORIDA:

SECTION 1: That there is hereby created a new Chapter 159 entitled "Historic Preservation", in Title XV of the City of Pompano Beach Code of Ordinances to read as follows:

TITLE XV: LAND USAGE

Chapter 159: HISTORIC PRESERVATION COMMITTEE

§ 159.01 ESTABLISHMENT.

This Chapter shall be known as the Historic Preservation Program for the City of Pompano Beach.

§ 159.02 STATEMENT OF INTENT.

The intent of the following regulations is to serve the best interest of the health, safety, prosperity and welfare of the citizens of the City of Pompano Beach by:

(A) Protecting, enhancing and perpetuating historic resources that represent or reflect elements of the city's cultural, social, economic, political and architectural history.

(B) Stabilizing and improving property values through the revitalization of older residential and commercial properties and neighborhoods.

(C) Fostering an awareness and pride in the accomplishments and achievements of the past.

(D) Protecting and enhancing the City's historic attractions to residents, tourists and visitors which in turn serves to stimulate the local economy and draw new business and industry.

(E) Enriching the quality of life in the City of Pompano Beach by fostering knowledge of the living heritage of the past.

§ 159.03 STATEMENT OF PURPOSE.

The City Commission desires to evaluate, recognize, preserve and protect historical and archaeological resources within the City limits of Pompano Beach, in the best interest of the health, safety, prosperity and welfare of the citizens of Pompano Beach by:

(A) Creating a historic preservation Committee with the power to effectively administer the duties provided for herein.

(B) Developing a process to designate individual properties (buildings, structures, sites, objects) and groups of properties (district) as historically significant.

(C) Protecting the integrity of designated historic resources by requiring a review of proposals to add to, demolish or in any way alter the exterior historic fabric of such resources.

(D) Encouraging historic preservation by providing technical assistance.

(E) Obtaining certified local government status as provided for in the National Historic Preservation Act of 1966, as amended in 1980 (P.L. 96-515) and as procedures dictate in 36 C.F.R. 61 (1987).

§ 159.04 DEFINITIONS.

The following words, terms and phrases, as used in this Chapter, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise.

ARCHAEOLOGICAL SITE. A site that contains prehistoric or historic artifacts, relics, or structures which represent a particular culture, historic event or epoch and which are of local, regional or statewide significance.

BUILDING. A structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar structure. Buildings may refer to a historically or architecturally related complex, such as a courthouse and jail, or a house and barn.

DEMOLITION. The tearing down or razing of 25 percent or more square footage of a structure's external walls.

DISTRICT. A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources that are separated geographically but are linked by association or history.

HISTORIC AREA. A general area containing properties of contributing and noncontributing historic value that may include a historic district as described in the definition of "District" above.

HISTORIC PROPERTY. Any prehistoric or historic district, site, building, object or other real or personal property, of historical, architectural or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the City of Pompano Beach.

OBJECT. A material thing of functional, archeological, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

ORDINARY MAINTENANCE. Work which does not require a construction permit and that is one to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

ORIGINAL APPEARANCE. That appearance which, in the opinion of the Historic Preservation Committee, closely resembles the appearance of either (1) the feature on the building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the Historic Preservation Committee, to the style and materials of the building.

SITE. The location of a significant event, a prehistoric or historic occupation or activity, or building, or structure, whether standing, reined, or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.

STRUCTURE. A structure is anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground.

§ 159.05 HISTORIC PRESERVATION COMMITTEE.

By authority granted by Charter and by Florida Statute Chapter 166, the Historic Preservation Committee is hereby established to implement the historic preservation provisions of this division.

§ 159.06 MEMBERSHIP.

The Historic Preservation Committee shall have seven members as follows:

(A) Seven voting members appointed by the City Commission. One member of the Committee shall be a registered architect, if available. The remaining six appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. Each of the seven voting members shall reside within the city limits of the City. The City Commission should, to the extent available, appoint a representative from each of the following areas of expertise:

- (1) History,
- (2) Architecture,
- (3) Architectural history,
- (4) Archaeology,
- (5) Planning,
- (6) Other historic preservation related disciplines such as Urban Planning, American Studies, American Civilization, Cultural Geography or Cultural Anthropology.

Lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall make up the committee in the event the above professionals are not available.

(B) Each of the members shall be appointed to a three-year term except that initially, two members shall be appointed for a term of one year; three members shall be appointed for a term of two years, and two member shall be appointed for a term of three years. No person may serve more than two consecutive three-year terms. Persons disqualified by this provision may be reappointed after one year elapses after the expiration of the second term of service.

(C) Two alternate members shall be appointed by the City Commission for terms of two years. In the absence or disability of a regular member, an alternate member may be called to sit and act in his place by the Chairman of the Committee. Whenever feasible, one of the two alternates shall be a registered architect.

(D) When a vacancy occurs, it shall be filled within sixty (60) days.

§ 159.07 OFFICERS/PROCEDURE.

The members of the Committee shall annually elect a Chair and Vice-Chair from among the members and may create and fill other offices as the Committee deems necessary.

The Committee shall adopt and amend as it deems necessary, rules of procedure for the meetings. All adopted rules and procedures shall be available for inspection by the public as required by Florida Statute 119.07.

§ 159.08 SUBCOMMITTEES.

(A) The Committee may create whatever subcommittees it deems necessary to carry out the purposes of the Committee.

(B) The Chair of the Committee shall annually appoint the membership of each subcommittee from the members of the Committee.

§ 159.09 STAFFING.

The City Manager shall appoint a City employee to serve as secretary and recorder of all Committee records. The City Manager shall also appoint such other City employees as the Committee may need to carry out its duties and responsibilities.

§ 159.10 COMPENSATION.

Members shall not be compensated.

§ 159.11 FUNDING.

The City Commission may appropriate funds to permit the Historic Preservation Committee to perform its prescribed functions, if grant funding is insufficient.

§ 159.12 REQUIRED MEETINGS.

The Committee shall meet at least four times each year and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the Committee.

Each 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 Committee scheduled by the State Historic Preservation Officer or the Florida Conference of Preservation Boards and Commissioners. Each member is also encouraged to participate in all survey and planning activities of the City and attend all Planning and Zoning Board meetings.

§ 159.13 GENERAL FUNCTIONS, POWERS AND DUTIES OF THE HISTORIC PRESERVATION COMMITTEE.

(A) *Generally.* It shall be the general responsibility of the Historic Preservation Committee to take appropriate action to ensure that the historic preservation provisions of this division are implemented.

(B) *Specifically.* It shall be the specific responsibility of the Historic Preservation Committee to:

(1) Create and recommend a historic district and landmarks for the City to the City Commission which shall consist of a map, a boundary legal description and a list of all properties that have significant historic value.

(2) Update the official inventory of cultural resources and submit to the City Commission recommendations and documentation concerning the updating.

(3) Develop and recommend to the City, programs to stimulate public interest in urban neighborhood conservation, to participate in the adoption of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.

(4) Explore funding and grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources.

(5) Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic

preservation concerns and policies, and assist in the development of proposed and future land use plans.

(6) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement and preservation of cultural resources.

(7) Advise the City Commission concerning the effects of local governmental actions on cultural resources.

(8) Review and recommend to the City, that the designation of sites, buildings, structures, objects, and districts, both public and private, as historically or architecturally significant.

(9) Approve or deny petitions for certificates of appropriateness required under the historic preservation regulations in this chapter.

(10) Notify the Building Official or his designee, who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this division.

(11) Assist in developing a historic preservation element to be incorporated into the City's comprehensive plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives and policies in the plan.

(12) If certified the State of Florida, the Committee shall review proposed National Register nominations within the city and shall be governed by "Florida Guidelines for Certified Local Governments". When a discipline is not represented on the Committee, the Committee shall seek expertise in this area 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 decision.

§ 159.14 LOCAL REGISTER OF HISTORIC PLACES.

(A) *Created.* The Historic Preservation Committee shall establish, on a voluntary basis, a local register of historic places, as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The local register will be kept by the Historic Preservation Committee and the City Clerk and available for inspection by the public in accordance with Section 199.07 of the Florida Statutes.

The local register shall include a map and inventory of properties which are designated on a voluntary basis as contributing structures of historic

value. In addition to the map, the register shall identify each property by street address and tax identification number. The local register shall be kept current and regularly provided to the State Historic Preservation Officer for incorporation into the Florida Site File.

(B) *Initiation of placement on the local register.* Placement of sites, buildings, structures, objects or districts on the local register may be initiated by the Historic Preservation Committee with the consent of the owner. In addition, placement may be initiated by the owner of the site, building, structure, object, or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district.

(C) *Placement on the local register.* The following procedure shall be completed by the applicant and returned to the City.

(1) A nomination form, available from the City shall be completed by the applicant and returned to the City.

(2) Upon receipt of a completed nomination form, including necessary documentation, the appointed City Staff Person shall place the nomination on the agenda of the next regularly scheduled meeting of the Historic Preservation Committee. If the next regularly scheduled meeting of the Committee is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.

(3) Adequate notice of the Historic Preservation Committee's consideration of the nomination shall be provided to the owner of the affected property at least ten days prior to the hearing by certified mail and to the public at large by notice published in a newspaper at least ten days in advance of the meeting at which the nomination will be considered by the Committee.

(4) Once the public hearing date is established, no permits shall be issued for any new construction, alteration, relocation, or demolition of the real property included in the nomination. This delay in the issuance of permits will remain in effect until one of the following takes place:

(a) The Historic Preservation Committee denies the nomination and no appeal is filed.

(b) The City Commission formally approves or denies the nomination.

(5) After a public hearing, if the Committee finds that the nomination fulfills the proper designation criteria and all procedures have been followed correctly, it will vote on the designation at the public meeting. If a

majority of the entire Committee present and voting agrees, it will transmit the nomination and its findings and recommendations for final approval of the designation to the City Commission. If the Committee finds that the nominated site or district does not fulfill the criteria, no further action will be required unless the actual property owner of record as of the date of nomination or a subsequent bona fide purchase of same appeals the Committee's action to the City Commission.

(6) The City Commission may, upon recommendation by the Historic Preservation Committee, designate historic sites and districts. Such designations will appear upon the local register as provided by city ordinance.

(7) Within a reasonable time after the Committee's public hearing, the City Commission will vote on the Committee's recommendation for nomination at a public meeting and upon notice as required by state statute. A designation of historic status will be deemed to be approved by a majority vote of the City Commission.

(8) Appeals of Committee denial of a nomination must be presented to the City Commission in writing and on forms developed by the Committee, within ten days of the Committee's denial. The City Commission will then hold a public hearing on the appeal within thirty days of the filing of an appeal, and vote to approve or deny the appeal after the public hearing. Only the actual property owner(s) of record or a subsequent bona fide purchase of same as of the date of nomination will have the right to appeal a denial by the Committee.

(9) If the City Commission approves the nomination of a property for designation as a historic site or district of properties for designation as a historic district, said property or district of properties will be listed on the Pompano Beach Local Register of Historic Places.

(D) *Criteria for listing on the local register.*

(1) Any site, building, structure, object or district which is listed on the National Register of Historic Places shall be automatically nominated by the Historic Preservation Committee for the local register pursuant to subsection (c) above.

(2) A site, building, structure, object, or district must meet the following criteria before it may be listed on the local register.

(a) It possesses integrity of location, design setting, materials, workmanship, and ambiance; and

(b) It is associated with events that have made a significant contribution to the broad patterns of our history; or is associated with

the lives of persons significant to our past; or embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or have yielded or may be likely to yield information important to history or prehistory.

(3) A property located in a district shall be designated as contributing to that district if the property is one which, by its location, design, setting, materials, workmanship, and ambiance adds to the district's sense of time and place and historical development.

(4) A property should be considered noncontributing if the property's integrity of location, design, setting materials, workmanship, and ambiance have been so altered that the overall integrity of the property has been irretrievably lost; or the property was built within the past 50 years, unless a strong justification concerning its historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.

(E) *Effect of listing on the local register.*

(1) The City Manager is authorized to issue and place official markers identifying designated historic properties and districts.

(2) Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the South Florida Building Code as provided by Section 104.9.

(3) No demolition, alteration, relocation or construction activities may take place on designated historic properties or within the boundaries of designated historic districts except as provided below.

§ 159.15 CERTIFICATES OF APPROPRIATENESS.

(A) *When required.*

(1) A certificate of appropriateness shall be required for any of the following activities on properties that are contributing structures within the historic register:

(a) Any material change or alteration in the exterior appearance of existing buildings, objects or structures.

(b) Demolition of any building, object or structure.

(c) The movement or relocation of any building object or structure.

(d) Any new construction of principal or accessory buildings or structures.

(e) Disturbance of an archaeological site.

(f) Division of a tract or parcel or land into two or more lots.

(2) Upon designation of a historic district or individual historic property, the designating ordinance shall prescribe those architectural features considered significant to the district or property and the type of regulated work items other than those requiring a City permit, that should be reviewed for appropriateness.

(3) For each of the regulated work items listed in the designating ordinance, the following applies:

(a) *Ordinary maintenance.* If the work constitutes "ordinary maintenance" as defined in this part, the work may be done without a certificate of appropriateness.

(b) *Committee approval.* If the work is not "ordinary maintenance" and will not result in preserving the "original appearance", a certificate of appropriateness must be obtained from the Historic Preservation Committee before the work may be done.

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

(B) *Criteria for issuing.*

(1) The decision on all certificates of appropriateness, except those for demolition, shall be guided by the Secretary of the Interior's General Standards for Preservation Projects and Specific Standards for Rehabilitation stated as follows:

(a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building,

structure, or site and its environment, or to use a property for its originally intended purpose.

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

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

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

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

(f) Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall wherever possible match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall wherever possible be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structure shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.

(h) Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, demolition, rehabilitation, restoration, or reconstruction project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

(j) Wherever possible, new additions or alteration to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be impaired.

(2) In recommending approval or denial of an application for a certificate of appropriateness for new construction, the Committee shall require the following features of the proposed building be visually compatible with the existing contributing structures in a designated historic district:

- (a) Height
- (b) Scale
- (c) Massing
- (d) Setbacks
- (e) Fenestration
- (f) Roof shape
- (g) Use of materials
- (h) Directional expression
- (i) Style
- (j) Site plan.

(3) In addition to the guidelines provided in paragraph (1) above, issuance of certificates of appropriateness for relocations shall be guided by the following factors:

- (a) The historic character and aesthetic interest the building, structure, or object contributes to its present setting;
- (b) Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;
- (c) Whether the building, structure, or object can be moved without significant damage to its physical integrity; and
- (d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.

(4) Issuance of certificates of appropriateness for demolitions shall be guided by the following guidelines:

(a) The historic or architectural significance of the building, structure or object;

(b) The importance of the building, structure, or object to the ambience of a district;

(c) The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail, or unique location;

(d) Whether the building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county or the region;

(e) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding area;

(f) Whether reasonable measures can be taken to save the building, structure, or object from collapse; and

(g) Whether the building, structure, or object is capable of earning reasonable economic return on its value.

(5) Issuance of a certificate of appropriateness for any division of a tract or parcel of land into two or more lots shall be guided by these criteria:

(a) To what extent the proposed division will disrupt the historic pattern of development;

(b) The intended use of the proposed division;

(c) The compatibility of the use of the proposed division with the surrounding historic district; and

(d) To what extent the owner of the property will experience an economic hardship if the request is denied.

(6) At no time shall an owner's rights of ownership with any other legal entitlement to repair, paint, alter, sell or raze their property be denied.

(7) No decision of the Committee shall result in undue economic hardship for the property owner. The Committee shall have authority to

determine the existence of such hardship in accordance with the procedure established in §159.16.

(C) *Procedure.*

(1) A person wishing to undertake any of the action specified in (A) above shall file an application for a certificate of appropriateness and supporting documents, with the Department of Development Services.

(2) The prospective applicant shall confer with the Department of Development Services concerning the nature of the proposed action and requirements related to it. The Department of Development Services shall advise the applicant of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application. Such advice shall not preclude the Historic Preservation Committee from requiring additional material prior to making its determination in the case. Following the conference with the Department of Development Services, a pre-application conference shall be held with the Historic Preservation Committee if requested by the applicant.

(3) Upon receipt of a completed application and all required submittals and fees, the Department of Development Services shall place the application on the next regularly scheduled meeting of the Historic Preservation Committee allowing for notice as required herein. The Committee shall act upon an application within 60 days of receipt of the completed application. Applications for certificates of appropriateness may be heard at specially called meetings of the Historic Preservation Committee provided all notice requirements are met. Upon mutual agreement between the applicant and the Department of Development Services, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.

(4) No less than ten days, but not more than thirty (30) days, prior to the meeting at which the application is to be heard, the Department of Development Services shall give the following notice:

(a) Written notice of the time and place of the meeting shall be sent to the applicant and all persons or organizations filing written requests with the Department of Development Services.

(b) One advertised notice in a newspaper of general circulation, or a notice posted upon the property for which the certificate of appropriateness has been applied. Such posted notice shall be at least 11 inches by 17 inches in size, and shall be posted within ten feet of the right-of-way and be visible from the right-of-way. One notice shall be posted for each 200 feet of road frontage along all roadways bordering the property.

(5) The hearing shall be held at the time and place indicated in the notice. The decision of the Historic Preservation Committee shall be made at the hearing.

(6) The Historic Preservation Committee shall use the criteria set forth in (b) above to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the Committee shall take one of the following actions:

(a) Grant the certificate of appropriateness with an immediate effective date;

(b) Grant the certificate of appropriateness with special modifications and conditions;

(c) Delay granting the certificate of appropriateness for a demolition for a period of not less than thirty (30) days nor more than sixty (60) days; unless a shorter period is deemed appropriate by the Building Official;

(d) Deny the certificate of appropriateness.

(7) The Historic Preservation Committee shall make written findings and conclusions that specifically relate the criteria for granting certificates of appropriateness. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross-examination or other means.

(8) The secretary to the Committee shall record and keep records of all meetings. The records shall include the vote, absence, or abstention of each member upon each question, all official actions of the Historic Preservation Committee, and the findings and conclusions of the Committee. All minutes shall be filed in the Office of the City Clerk.

(9) Any person aggrieved by a decision reached by the Historic Preservation Committee may appeal the decision to the City Commission by filing a written notice of appeal with the city Manager within 10 days of the decision and shall state the reasons for the appeal. The decision of the Committee shall be stayed until such time as the appeal is decided. The City Commission shall hold a public hearing and approve, approve with modifications or disapprove the application within 60 days after receiving the appeal. The City Commission shall follow all applicable ordinances in arriving at its decision, may receive new evidence and shall not be bound by the strict rules of evidence. A decision to reverse a Commission decision shall be by a majority vote.

(10) No work for which a certificate of appropriateness is required may be undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted on the property where the work is to be performed.

(11) Notwithstanding any prior provisions of this division to the contrary, only owners who have agreed in writing that their property(ies) be identified as having historic significance should conform to the requirements of this division.

(12) The Committee may grant a certificate of appropriateness as requested by a property owner, for demolition that may provide for a delayed effective date. The effective date of the certificate will be determined by the Committee based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.

(13) During the demolition delay period, the Committee may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but are not limited to, consultation with community groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies, or agencies, and exploration of the possibility of moving one or more structures or other features.

(14) The Committee may, with the consent of the property owner, request that the owner, at the owner's expense, salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of the other historic properties. The Committee may, with the consent of the property owner, request that the Pompano Beach Historical Society, or the owner, at the owner's expense, record the architectural details for archival purposes prior to demolition. The recording may include, but shall not be limited to photographs, documents, and scaled architectural drawings. At the Committee's option, and with the property owner's consent, the Committee or the Pompano Beach Historical Society may salvage and preserve building materials, architectural details, and ornaments, textures, and the like at their expense, respectively.

§ 159.16 UNDUE ECONOMIC HARDSHIP.

In any instance where there is a claim of undue economic hardship, the property owner may submit, within a reasonable period of time, prior to a meeting with the Committee, the following documentation:

(A) For all property:

(1) The amount paid for the property, the date of purchase, and the party from whom purchased;

(2) The assessed value of the land and improvements thereon, according to the two most recent assessments;

(3) Real estate taxes for the previous two years;

(4) Annual debt service or mortgage payments, if any, for the previous two years;

(5) All appraisals, if any, obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;

(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 including, but not limited to possible fair market rents for the property if it were rented or leased in its current condition.

(B) For income property (actual or potential):

(1) The annual gross income from the property for the previous two years, if any;

(2) The annual cash flow, if any, for the previous two years;
and

(3) The status of leases, rentals, or sales for the previous two years.

(C) An applicant may submit and the Committee may require that an applicant furnish additional information relevant to the Committee's determination of any alleged undue economic hardship. The Committee may also require, in appropriate circumstances, that information be furnished under oath.

(D) In the event that any of the required information is not reasonably available to the property owner and cannot be obtained by the property owner, the property owner shall file statement of the information which cannot be obtained and the reasons why such information cannot be reasonably obtained. Where such unobtainable information concerns required financial information, the property owner will submit a statement describing estimates which will be as accurate as are feasible.

§ 159.17 UNSAFE STRUCTURES.

In the event the Building Official determines that any structure within a designated historic landmark or historic landmark district is unsafe pursuant to Section 202 of the South Florida Building Code, he shall immediately notify the Historic Preservation Board with copies of such findings. Where reasonably feasible within applicable laws and regulations the Building Official shall endeavor to have the structure repaired rather than demolished and shall take into consideration any comments and recommendations by the Committee. The Committee may take appropriate actions to effect and accomplish preservation of such structure including, but not limited to, negotiations with the owner and other interested parties, provided that such actions do not interfere with procedures in Section 202 of the South Florida Building Code.

§ 159.18 EMERGENCY CONDITIONS.

For the purpose of remedying emergency conditions determined to be imminently dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction, demolition or other repairs to an improvement, landscape feature, or site within a designated historic landmark district pursuant to an order of a government agency or a court of competent jurisdiction, provided that only such work as is reasonably necessary to correct the hazardous condition may be carried out. The owner of an improvement damaged by fire or natural calamity shall be permitted to stabilize the improvement immediately and to rehabilitate it later under the normal review procedures of this chapter.

§ 159.19 CIVIL REMEDIES.

In addition to the penalties established pursuant to Section 10.99, Ordinance Code, any person who violates any provision of this chapter shall forfeit and pay to the City civil penalties equal to the fair market value of any property demolished, destroyed, or relocated in violation of this chapter or the cost to repair or rehabilitate any property which is altered in violation of this chapter. Fair market value shall be construed to mean the value of the property prior to its demolition, destruction, or relocation. In lieu of a monetary penalty, any person altering or relocating property in violation of the provisions of this chapter may be required to repair or restore any such property or to return it to its former location and condition.

§ 159.20 INJUNCTIVE RELIEF.

In addition to any other remedies provided in this chapter, the City may seek injunctive relief in the appropriate court to enforce the provisions of the chapter.

SECTION 2: All ordinances, resolutions, or parts thereof in conflict herewith are hereby repealed.

SECTION 3: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 4: This Ordinance shall become effective upon passage.

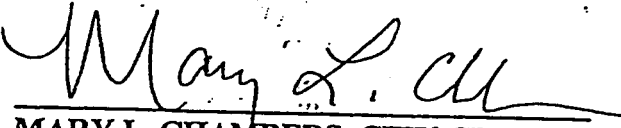
PASSED FIRST READING this 11th day of January, 2000.

PASSED SECOND READING this 25th day of January, 2000.



E. PAT LARKINS, MAYOR

ATTEST:



MARY L. CHAMBERS, CITY CLERK

GBL/jrm
12/20/99
l:ord/ch159/99-434a