

ORDINANCE NO. 3841

PROPOSED ORDINANCE NO. 97-64

AN ORDINANCE RELATING TO HISTORIC PRESERVATION; RENUMBERING AND AMENDING CHAPTER 8 OF THE FORMER CITY CODE; ESTABLISHING NUMBER OF MEMBERS OF DESIGN REVIEW COMMITTEE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. Chapter 8 of the former City Code, 1957, entitled Historic Preservation, and consisting of Sections 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10, 8.11, and 8.12 are renumbered and amended to read:

~~8-01.~~ Section 1. Purpose and Intent, Policy.

(1) It is the purpose and intent of the City Commission by the enactment of this chapter to establish the framework for a comprehensive historic preservation program in the City of Lakeland. The Historic Preservation Board established herein is intended to have Citywide jurisdiction and serve as the City's primary agency responsible for furthering historic preservation within the City.

(2) The City Commission does hereby find that a need exists to establish a program for the preservation of buildings, structures, and sites of historic significance to the City, and that substantial benefits will inure to the benefit of the citizens of the City by the implementation of a preservation program.

(3) It is hereby declared to be the policy of the City of Lakeland to protect and preserve unique historic and cultural resources by identifying and designating historic districts, preventing the destruction of historic landmarks, and enhancing public awareness of the City's historic and cultural resources. It is further the policy of the City of Lakeland to discourage the demolition of sound structures and provide special consideration to projects which involve the use of older structures.

~~8-02.~~ Section 2. Definitions.

As used in this chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) "Alteration" means any change affecting the outward appearance of the building, structure, or site because of construction, repair, maintenance or otherwise to a building, structure, or site.

1 (2) "Applicant" means the record owner of a site and/or building located  
2 thereon, the lessee thereof, or a person holding a bona fide contract to purchase same who  
3 makes application for a Certificate of Review

4 (3) "Building" means any building or other structure built for shelter or  
5 enclosure of persons, animals, or chattels, including fences, signs, paving and boundary  
6 walls, and any part of any such building or structure when subdivided by division walls or  
7 party walls extending to or above the roof and with or without openings in such separate  
8 walls. The term "building" shall be construed as if followed by the words "or any part  
9 thereof."

10 (4) "Building Official" means an inspector in the Division of Building  
11 Inspection of the Department of Public Works, City of Lakeland, or the equivalent thereof

12 (5) "Board" or "Preservation Board" means the Historic Preservation Board of  
13 the City of Lakeland created by ~~this chapter~~ Ordinance No. 2175.

14 (6) "Certificate of Review" means a document evidencing approval of the  
15 Design Review Committee for work proposed by the Applicant.

16 (7) "Committee" means a Design Review Committee established pursuant to  
17 section 8-7

18 (8) "Construction" means the erection of a on-site improvement to a building or  
19 structure or site located within the Historic District, whether the site is presently improved  
20 or unimproved, or hereafter becomes unimproved by "demolition" or as a result of  
21 destruction of a improvement located thereon by fire, windstorm or other casualty, or  
22 otherwise.

23 (9) "Demolition" means the complete or constructive removal of a building on  
24 any site including the moving intact of any part or whole of a building.

25 (10) "Design Review Committee" means the committee established pursuant to  
26 section 8-7, ~~City Code~~, composed of a minimum of five and a maximum of seven persons  
27 appointed by the Historic Preservation Board to review applications for Certificates of  
28 Review and otherwise carry out the provisions of the ordinance.

29 (11) "Exterior" means all outside surfaces of a building.

30 (12) "Facade" means the front of a building, that which is readily visible to the  
31 public and is often seen within the context of other buildings facing a street or other public  
right-of-way.

(13) "Historic District" means an area so designated by the City Commission  
pursuant to section 8-5, City Code.

(14) "Ordinary Repairs or Maintenance" means work done to prevent  
deterioration of a building or to correct any deterioration or decay of a building or any part

1 thereof by restoring the building as nearly as practicable to its condition prior to such  
2 deterioration or decay. Repairs or maintenance which change the outward appearance of a  
3 building constitute an alteration.

4 (15) "Owner of Record" means the owner in fee simple of real property as  
5 indicated in the official records of Polk County, Florida, regardless of any liens, mortgages,  
6 or other interest in the property.

7 (16) "Reconstruction" means the rebuilding or extraordinary repair of a building  
8 or structure which has been damaged, has fallen into disrepair or for any other reason is  
9 substantially rebuilt.

10 (17) "Responsible Party" means the owner or an individual acting as the owner's  
11 agent who accepts responsibility for meeting city requirements for the property designated  
12 in a certificate of review application.

13 (18) "Site" means a parcel of ground whether improved or unimproved, under  
14 single or multiple ownership by any public or private corporation, association, trust or  
15 individual, or any combination thereof.

16 (19) "Structure" means any improvement to a site which is placed or constructed  
17 by man regardless of size, material(s), purpose or design.

18 8.03. Section 3. Historic Preservation Board - Organization

19 There is hereby created a Historic Preservation Board of the City of Lakeland. It  
20 shall be composed of no less than nine members and no more than eleven members.  
21 Whenever possible, the membership shall be composed of at least one of the following: an  
22 architect, a landscape architect or designer, a contractor or builder, a representative of a  
23 local historical society, a civil or structural engineer, a realtor or developer, and an  
24 individual owning or leasing property or operating a business within each historic district in  
25 the City, and at least two members from the general public. Members shall serve without  
26 compensation. Appointments shall be made for three-year terms, except that the initial  
27 appointments shall be made as follows: three members for one year each, two members for  
28 two years, and four members for three years. The City Commission shall make  
29 appointments to the Board and may remove members for just cause. The City Attorney and  
30 City Planner shall serve as advisory staff to the Board.

31 8.04 Section 4. Duties, Responsibilities, and Powers.

The Board shall be responsible for identifying and maintaining Lakeland's historic  
resources for the benefit of Lakeland residents, both now and in the future, through the  
development and administration of a comprehensive historic preservation program. The  
Board shall have the power and authority to:

- (1) Identify to the City Commission areas deserving of being included within a  
historic district and the designation of such districts,

- 1 (2) Appoint design review committees to review construction and alterations  
2 within each historic district.
- 3 (3) Identify and recommend designation of local historic landmarks.
- 4 (4) Develop and maintain a local register of historic places,
- 5 (5) Identify City policies which impact upon preservation.
- 6 (6) Coordinate local activities with state and national preservation efforts, and  
7 review relevant legislation;
- 8 (7) Further public awareness of Lakeland's past and of preservation in general;
- 9 (8) Inform the public of the Board's activities and of preservation needs in the  
10 community;
- 11 (9) Adopt rules of procedure,
- 12 (10) Department guidelines for use in reviewing applications for Certificates of  
13 Review. The Secretary of Interior's standards for rehabilitation will be used  
14 until local guidelines are prepared and adopted by the Board.

14 ~~8-05~~ Section 5. Historic Districts.

15 (1) A historic district shall be a geographically definable contiguous or  
16 noncontiguous area possessing a significant concentration, linkage or continuity of sites,  
17 buildings, structures, or objects united by past events or aesthetically by plan or physical  
18 development

18 (2) No historic district shall be established within the City of Lakeland except as  
19 provided in this section

20 (3) The Board may identify an area as being suitable for designation as a historic  
21 district. It shall then have the area surveyed and studied for the purpose of determining the  
22 age and significance of each building, site, or structure within the area. The results of that  
23 survey and study shall be reported to the Board which may, following a public hearing,  
24 recommend to the City Commission the establishment of a district and the boundary  
25 thereof. Following receipt of that recommendation, a district may be established by  
26 adoption by the City Commission of an ordinance to that effect.

25 ~~8-06~~ Section 6 Designating Local Historic Landmarks.

26 (1) A local historic landmark is an unimproved parcel of ground or a parcel of  
27 ground with improvements of particular historic or cultural significance which:

- 28 (a) Reflects the broad cultural, political, economic or social history of the  
29 city, state or nation; or
- 30 (b) Is identified with historic personages or important events in local, state,  
31 or national history; or

- 1 (c) Embodies distinguishing characteristics of an architectural type or is a  
2 specimen inherently valuable for the study of a period, style, method of  
3 construction or use of indigenous materials or craftsmanship, or  
4 (d) Is representative of the notable work of a master builder or designer  
5 whose individual ability has been recognized or who influenced his age

6 (2) No historic landmark within the City of Lakeland shall be designated except  
7 as provided in the section

8 (3) The board shall seek and accept nominations of buildings, sites and  
9 structures for designation as Local Historic Landmarks. It may initiate such designation  
10 itself. The Board shall be responsible for reviewing a proposed landmark to determine its  
11 local, state, or national significance. A building, site, or structure approved by the Court for  
12 landmark designation shall be recommended to the City Commission for such designation  
13 upon adoption of a resolution to that effect by the Commission.

14 8.07. Section 7. Design Review Committee, Establishment; Composition.

15 As part of the Historic Preservation Board there shall be a Design Review  
16 Committee for each historic district consisting of a minimum of five (5) and a maximum of  
17 seven (7) of the Board. At least one member of the committee shall own property, operate a  
18 business, or maintain an office within the boundary of the District. The Committee shall  
19 select a Chairman and Vice-Chairman. A majority of the committee membership shall be  
20 required to approve or disapprove an application for a Certificate of Review.

21 8.08. Section 8. Powers of the Committee; Certificate of Review

22 (1) No building, structure, or site of any kind shall be erected, altered,  
23 constructed, restored, moved or demolished within the district until an application for a  
24 Certificate of Review of exterior architectural features has been approved by the  
25 Committee. For the purpose of this chapter, "exterior architectural features" shall include,  
26 but not be limited to, the architectural style, scale, size and proportion, general design and  
27 arrangement, or exterior of a building, including the kind and texture of a building material,  
28 color and type of protective covering, and the type and style of roofs, windows, doors and  
29 signs.

30 (2) Nothing in this chapter shall be construed to prevent ordinary maintenance  
31 or repairs which do not involve a change of design or material, or alter the outward  
appearance of a building

(3) The Committee may make such recommendations for changes or modifications  
to building plans and specifications as deemed necessary to enable the applicant to satisfy  
the criteria for issuance of a certificate as set forth in section 8-10, ~~City Code~~. The  
Committee shall state its reason(s) for not approving the issuance of a certificate

8.09 Section 9. Certificate of Review; Procedure.

(1) The Board shall adopt rules prescribing the procedure for making and  
reviewing applications for a Certificate of Review and the form and content thereof

1 (2) Historical resources not located in a district but located or eligible for listing  
2 by the National Park Service on the National Register of Historic Properties will also be  
3 subject to the Certificate of Review procedure. Reviews will be based on *The Secretary of*  
4 *the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic*  
5 *Buildings*

6 (3) The Committee shall promptly hold a hearing upon each application and  
7 shall provide adequate notice thereof to the applicant, the City's building inspection office,  
8 and the public.

9 (4) The Committee shall state the reason(s) for not approving the issuance of a  
10 Certificate and shall require any change in the building plans or specifications as deemed  
11 necessary and appropriate to cause the proposed construction to satisfy the criteria set forth  
12 in section ~~8.10~~, City Code.

13 (5) The Certificate of Review shall describe the project for which issued and the  
14 type of work to be done. The Committee may require certain terms or conditions as a  
15 prerequisite for the approval of a Certificate, which shall be clearly stated thereon.

16 ~~8.10. Section 10. Same - Criteria.~~ The following criteria shall be the basis on which  
17 the Committee approves or disapproves an application for a Certificate of Review  
18 depending on the nature of the exterior alteration:

19 (1) New Construction.

- 20 (a) New construction shall be visually compatible with the buildings and  
21 environment with which it is visually related, including, but not limited  
22 to. the height, the floor-to-area ratio, the proportion between width and  
23 height of the exterior, the proportions and relationships between doors  
24 and windows, the relationship of solids to voids created by openings in  
25 the exterior, the materials used in the exterior, the texture inherent in the  
26 exterior, the colors, pattern and trim used in the exterior, and the design  
27 of the roof.
- 28 (b) The relationship of building masses and spaces between them.
- 29 (c) The site and landscape plan shall be sensitive to the individual building,  
30 its occupants and needs and shall be visually compatible with the  
31 buildings and environment with which it is visually related.
- (d) A new street exterior shall relate to adjacent buildings
- (e) Architectural features shall be incorporated whenever possible to relate  
the new with the old and to preserve and enhance the characteristics of  
the District.

(2) Alterations to Existing Building, Structure or Site

- (a) The criteria set forth in (1) shall be considered insofar as applicable to  
the historic characteristics of the building, structures, and sites visually  
related to it.

- 1 (b) Alterations shall not affect the architectural quality or historic character  
2 of the building, structure or site, but shall, to the extent possible,  
3 maintain or restore the historic design and condition  
4 (c) Exterior signs or interior signs plainly visible from the exterior shall be  
visually related

5 (3) Demolition

- 6 (a) The historic or architectural significance of the building or structures.  
7 (b) The importance of the building or structure to the historic district  
8 (c) The future utilization of the site, including any replacement buildings or  
structures

9 (4) Reconstruction: The reconstruction of a building or structure damaged by  
10 fire, storm or other act of God shall be reviewed by the Committee according to the criteria  
11 in (2). Totally or substantially new construction, regardless of reason, shall be reviewed  
according to the criteria set forth in (1).

12 ~~8-11.~~ Section 11. Compliance.

13 (1) The building official shall not issue a building permit for any exterior  
14 alteration or demolition of a building, structure or site within a district unless a Certificate  
15 of Review has been approved and issued by the Committee

16 (2) Any exterior alteration to a building, structure, or site shall be accomplished  
17 in strict compliance with the Certificate of Review. The building official shall, as part of  
18 his official duties inspect the building to determine compliance with the Certificate. Failure  
19 to comply with the Certificate of Review shall be treated in the same manner as any other  
building code or building permit violation, including revocation of the permit and municipal  
ordinance violation punishable as provided in Section 1-14, City Code

20 ~~8-12.~~ Section 12 Appeals.

21 If the Committee denies an application for a Certificate, the applicant may appeal to  
22 the Historic Preservation Board. Such an appeal must be taken within 14 days of the  
23 Committee's decision. The Board shall by rule establish procedures for processing appeals.  
24 The Applicant may not take an appeal from an adverse decision of the Board to the City  
Commission. Any other possible remedies are in a court of law or equity.

25 **SECTION 2.** All ordinances or parts of ordinances in conflict herewith are hereby  
26 repealed

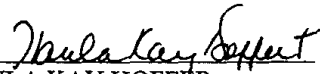
27 **SECTION 3.** If any word, sentence, clause, phrase, or provision of this ordinance,  
28 for any reason, is held to be unconstitutional, void, or invalid, the validity of the remainder  
29 of this ordinance shall not be affected thereby.  
30


SECTION 4. This ordinance shall take effect immediately upon its passage

PASSED AND CERTIFIED AS TO PASSAGE this 15th day of September.

A D 1997

  
RALPH L. FLETCHER, MAYOR

ATTEST:   
PAULA KAY HOFFER  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:   
JOSEPH P. MAWHINNEY  
CITY ATTORNEY