

ARTICLE I. IN GENERAL**Sec. 62-1. Definitions.**

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

Aggrieved party. A person aggrieved is one whose legal right is invaded by a decision complained of, or whose pecuniary interest is directly affected by a decision. The person's interest must be specific and personal, not common to all members of the community. When the decision affects any public recreation area, however, the phrase shall include any user of that area.

Archaeological site means any location that provides the context for and contains evidence of past human activity as confirmed by the presence of artifacts and/or features on or below the ground surface.

Building means any structure with an impervious roof built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50 percent or more of its perimeter. The term "building" shall be construed as if followed by the words "or part thereof."

Building official means the officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the Standard Building Code as adopted by the county council.

Certificate of appropriateness means a written authorization issued by the historic preservation board required for any proposed work that will result in the exterior alteration, demolition, relocation, or reconstruction, of a designated historic resource; any proposed new construction associated with a designated historic resource or within a designated historic district; or the demolition of any building or structure constructed prior to January 1, 1946 and deemed to be eligible for designation as a significant historic resource as determined by the historic preservation officer in accordance with section 62-74. Specifically, exempted from this definition is the requirement to obtain said certificate for the painting of a building or structure.

Certificate of designation means a written document indicating the designation of a significant historic resource pursuant to this chapter.

Certificate to excavate means a certificate issued by the historic preservation board authorizing certain clearing, digging, excavation or archaeological investigation that may involve the exploration of established or suspected archaeological sites which have been designated as historic resource.

Certified local government means a designated local government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (PL 96-515), the implementing regulations as established by the United States Department of the Interior (36 CFR 61) and the Florida Certified Local Government Guidelines provided by the Florida department of state, division of historical resources.

Contributing property means a building, site, structure, or object which adds to the historical architectural qualities, historic associations, or archaeological values for which a district is significant because:

- (1) It was present during the period of significance of the district, and possesses historic integrity reflecting its character at that time;
- (2) Is capable of yielding important information about the period; or
- (3) It independently qualifies for a certificate of designation according to the terms of this article or independently meets the national register of historic places criteria for

evaluation set forth in 36 CFR part 60.4, incorporated by reference.

Demolition means the intended destructive removal of a building, in whole or in part, from its site.

Due public notice means publication of notice of [the] day, time, place and purpose of a public hearing at least once in a newspaper of general circulation in the area, with such publication to be at least ten calendar days prior to the date of such public hearing.

Earth-disturbing activity means the digging, excavating, movement or other direct or indirect displacement of soil at or below the ground surface in a manner not consistent with standard professional archaeological methods and practice. These activities shall include but are not limited to agricultural activities, quarrying, recreational activities, land development activities, public improvements and any form of personal use involving the disturbance of soil; provided, however, pastures for livestock grazing shall not be considered an earth-disturbing activity.

Florida Site File means an inventory of historic resources in each Florida county maintained by the Florida department of state, division of historical resources. Resources listed in this inventory do not have to meet a historical or cultural significance requirement.

Historic district means a group of sites, buildings, structures and/or objects linked by historical association or aesthetically by plan or physical development. A district may be a significant concentration of resources or individual properties geographically separated, but with shared historical association.

Historic preservation officer means the director of the growth management department of the county or his duly authorized representative who is responsible for administering, interpreting and enforcing the provisions of this chapter. Said officer or his duly authorized representative should meet the requirements of at least one of the disciplines (history, archaeology, architectural history, architecture or historic architecture) outlined in the Professional Qualification Standards in 36 CFR 61 or appendix A of the Florida Certified Local Government Guidelines.

Historic resource means any prehistoric or historic district, site, building, structure, 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, sunken or abandoned ships, 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 county, the state or the United States of America.

Noncontributing property means a building, site, structure, or object which does not add to the historic architectural qualities, historic associations, or archaeological values for which a district is significant because:

- (1) It was not present during the period of significance of the district;
- (2) Due to alterations, disturbances, additions, or other changes, it no longer possesses historic integrity reflecting its character at that time or is capable of yielding important information about the period; or
- (3) It does not independently qualify for a certificate of designation according to the terms of this article or does not independently meet the National Register of Historical Places criteria for evaluation.

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

Ordinary maintenance means any work for which a building permit is not required by law.

Owner means any person, group of persons, firm, joint venture, corporation or other legal entity having legal title to the land regulated under this chapter.

Person means an individual, firm, association, organization (whether social, fraternal or

business), partnership, joint venture, trust company, corporation, receiver, syndicate, business trust or other group or combination acting as a unit, including any government.

Rehabilitation means the act or 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 or features of the property which are significant to its historical, architectural or cultural values.

Restoration means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or the replacement of missing earlier work.

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

Structure means anything constructed or erected on the ground or attached to anything constructed or erected on the ground.

(Ord. No. 91-34, § IV, 12-19-91; Ord. No. 95-31, § I, 8-24-95)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 62-2. Notice of violation; penalty; additional remedies.

(a) If the historic preservation officer shall find that any of the provisions of this chapter are being violated, he shall notify the person apparently responsible for such violations, in writing, indicating the nature of the violation and ordering any action necessary to correct it.

(b) Violations of this chapter are punishable as provided in section 1-7.

(c) In addition to any other remedies, whether civil or criminal, the violation of this chapter or any lawful order of the county council, the county historic preservation board or the historic preservation officer may be restrained by injunction, including a mandatory injunction, and otherwise abated in any matter provided by law.

(Ord. No. 91-34, § XIV, 12-19-91)

Sec. 62-3. Purpose and intent.

(a) *Purpose.* The purpose of this chapter is to identify, evaluate, recognize, preserve and protect significant historic and archaeological resources by:

(1) Creating a historic preservation board with the power and duty to effectively administer this chapter.

(2) Empowering the historic preservation board to certify designation of individual properties (including buildings, structures, sites and objects) and groups of properties (districts) as historically significant using the criteria established in this chapter.

(3) Protecting the integrity of historic resources by requiring the issuance of certificates of appropriateness and certificates to excavate before allowing alterations, removal or disturbance of designated resources.

(4) Encouraging historic preservation by providing technical assistance and incentives.

(5) Managing the historic resources owned and/or operated by the county in a manner consistent with the county comprehensive plan and policy maintained by the Florida department of state, division of historical resources.

(b) *Intent.* The intent of this chapter is to promote the general health, safety and welfare of the

public by:

- (1) Stabilizing and improving property values through the rehabilitation of individual properties and the revitalization of older residential neighborhoods and commercial areas.
- (2) Creating and implementing cultural and educational programs that will foster a better understanding of the county's heritage.
- (3) Promoting the county's historic resources for enjoyment of the citizens of the county and as an attraction to tourists and visitors which in turn will have a positive impact on the economy.
- (4) Providing to the scientific community intact resources in which to study past human behavior and lifestyles.
- (5) Obtaining certified local government status pursuant to the National Historic Preservation Act of 1966, as amended, 16 USC 470.

(Ord. No. 91-34, § II, 12-19-91)

Sec. 62-4. Scope.

This chapter shall govern and be applicable to all property located in the unincorporated area of the county.

(Ord. No. 91-34, § III, 12-19-91)

Sec. 62-5. Incentives.

(a) *Financial assistance.* All properties certified as significant historic resources or as a contributing property in a designated historic district under the scope of this chapter shall be eligible for any financial assistance set aside specifically for the preservation and protection of such resources as established by the county, the state or the federal government, provided they meet the requirements of such programs.

(b) *Tax credits.* The county council shall apply to certify this chapter with the appropriate agencies so as to make available to owners of designated properties the investment tax credits for rehabilitation pursuant to the Tax Reform Act of 1986 and any amendments thereof.

(Ord. No. 91-34, § XI, 12-19-91)

Sec. 62-6. Stop work orders.

Any work conducted contrary to the provisions of this chapter shall be immediately stopped upon notice from the historic preservation officer or his designee that the work does not conform to the terms of this chapter. Notice shall be in writing and shall be given to the property owner, his agent or the person doing the work. If none of these persons are immediately available on the construction site to receive the required notice, it shall be posted on the property. The notice shall state all conditions under which work may be resumed. In emergencies the historic preservation officer shall not be required to furnish written notice of the stop work order.

(Ord. No. 91-34, § XII, 12-19-91)

Sec. 62-7. Fees.

The county council is hereby authorized to adopt a fee resolution to implement the provisions of this chapter.

(Ord. No. 91-34, § XIII, 12-19-91)

Sec. 62-8. Filing of historical material and data.

The clerk of the circuit court of the county shall file and record, in books, which shall be furnished the clerk by the county council, or in suitable space, all such historical material and data that the board may direct to be filed and recorded.

(Ord. No. 91-34, § XV, 12-19-91)

Sec. 62-9. Rehearings.

(a) If it is alleged that the historic preservation board or the county council has overlooked or misapprehended some facts or points of law, a rehearing of any decision of the board or the county council may be granted by that body upon the motion of any person aggrieved by its decision. That motion shall be in writing, shall be filed with the historic preservation officer within ten working days after rendition of the decision by the board or the county council as the case may be, and shall state its grounds.

(b) The movant shall serve the motion by certified mail or hand delivery upon the board or county council chairman and the county manager, and the property owner if the movant is other than the property owner previously notified of the hearing, together with a notice stating the date, time and place it will be orally presented to the board or county council.

(c) If the board or county council grants the motion, it shall state its reasons for doing so, and set a date, time and place for another public hearing upon due public notice.

(Ord. No. 91-34, § XVI, 12-19-91)

Secs. 62-10--62-40. Reserved.

ARTICLE II. HISTORIC PRESERVATION BOARD*

***Cross references:** Boards, commissions, councils and authorities, § 2-421 et seq.

State law references: Authority to provide historical preservation commissions, F.S. § 125.01(1)(f).

Sec. 62-41. Generally.

(a) *Creation.* There is hereby created the county historic preservation board, referred to in this chapter as the board, as an agency of the county government in and for the county. The board is hereby vested with the power, authority and jurisdiction to inventory, designate, certify, regulate and manage historic resources in the county as provided for in this chapter. Said board is the successor agency to the historical commission.

(b) *Orientation.* The county council or county staff will conduct a board orientation in the first quarter of the year in which appointments are to be made. The orientation will acquaint the board with parliamentary procedure, sunshine law, public records law, and county staff that will be assigned to the historic preservation board.

(c) *Powers and duties.* The board shall have the following powers and duties:

(1) Adopt rules and procedures necessary for the implementation of the provisions of this chapter.

(2) Issue certificates of designation and designate eligible historic resources pursuant to the criteria outlined in this chapter.

(3) Advise the county council on all matters related to historic preservation policy, including use, management and maintenance of county-owned historic resources.

(4) Collect, arrange, record, publish and preserve historical material and data, including books, pamphlets, maps, charts, manuscripts, family, club or business histories, U.S. Census records, papers and pictures, and other objects and materials illustrative of and relating to the history of the county and this section of the state; to procure and preserve narratives of the early pioneers, explorers and others, and their exploits, perils, privations and achievements; to curate material of every description relative to the Indians of the section and the Indian wars, and relative to its soldiers, its schools, its churches and its industries, and its prominent men and women.

(5) Propose and recommend to the county council financial and technical incentive programs to further the objectives of historic preservation.

(6) Educate owners of designated historic resources and the general public on the benefits of historic preservation and federal, state and local laws and policies regarding the protection of historic resources.

(7) Request grant assistance through the county council from state, federal or private sources for the purpose of furthering the objectives of historic preservation.

(8) Upon designation as a certified local government, to review and make recommendations concerning National Register of Historic Places nomination proposals for properties in the unincorporated area of the county to the state national register

review board.

(9) In cooperation with any municipality in the county, or historical society, mark by proper monuments, tablets or markers, the location of forts, Indian mounds or other places in the county where events of historical significance have occurred.

(10) When appropriate, issue certificates of appropriateness or certificates to excavate.

(11) Perform any other function or duty related to historic preservation authorized under this chapter or assigned by the county council.

(12) Be represented at pertinent historic preservation educational meetings, workshops and conferences sponsored by the Florida department of state, division of historic resources.

(13) Seek expertise on proposals or matters requiring evaluation by a professional or a discipline not represented on the board.

(14) Encourage board members to participate in the survey and planning activities of the county.

(15) The board shall conduct an annual goal setting session where they will outline their work-plan for the year. The board will make an annual presentation to the county council on the accomplishment of their work plan.

(d) *Membership.*

(1) *Qualifications.* The board shall consist of nine members appointed by the county council. Each member shall hold office only as long as he is a resident of the county. One member of the board shall be appointed from each of the five county council districts, with the remaining members appointed at large. Members may be appointed from either or both the incorporated or unincorporated areas of the county. Board members may be professionals from the disciplines of architecture, history, architectural history, archaeology, anthropology, cultural geography, planning or other related disciplines or citizens who have demonstrated special interest, experience or knowledge in history, archaeology, architecture or related disciplines.

(2) *Term.* Except as otherwise provided herein, members of the board shall be appointed by the county council to serve for a term of two years. Board members shall be eligible for reappointment. However, the term of each member previously appointed to a three year term pursuant to this section shall continue automatically, but said term shall expire March 31, 2001. Any member whose term expires before March 31, 2001 is hereby reappointed to serve until March 31, 2001. Beginning March 31, 2001, no member shall serve in office for more than three consecutive two-year terms.

(3) *Vacancies.* In the event of a vacancy on the board, the county council shall appoint a new member to serve out the remainder of the term within 60 days of the occurrence of said vacancy.

(4) *Removal from office.* If a member is absent for three consecutive meetings without being excused prior to said meeting by the chairman, said member shall forfeit his office and it shall be deemed vacant. Any member of the commission may be removed from office for cause by the county council, upon written charges and after public hearing.

(e) *Organization.*

(1) *Officers and employees.* The members of the board shall elect a chairperson, vice-chairperson and secretary, who shall each serve a one-year term. The chairperson shall preside at all meetings and shall have the right to vote. The vice-chairperson shall preside in the absence of the chairperson. The chairperson and vice-chairperson may each be reelected for additional terms, but may not serve for more than three

consecutive years in said office.

(2) *Staff support.* The county growth management department shall provide clerical and professional staff assistance to the board.

(f) *Procedures.*

(1) The board shall adopt rules of procedure for use at all of its meetings and keep minutes of all meetings.

(2) The board shall hold at least four meetings each year, but no more than six times annually, unless otherwise needed in order to accomplish those issues outlined in their work-plan. Each meeting shall have been previously noticed and shall be open to the public.

(3) All records of the board, including its rules of procedure, minutes and inventory, shall be maintained and considered to be public records open to inspection by the public.

(4) Upon designation as a certified local government, the board shall meet the reporting requirements outlined in the applicable law.

(5) A quorum shall consist of five members. No certificate of designation, certificate of appropriateness or certificate to excavate shall be approved unless five members concur.

(Ord. No. 91-34, § V, 12-19-91; Ord. No. 93-14, §§ I, II, 6-3-93; Ord. No. 95-31, § II, 8-24-95; Ord. No. 00-14, § I, 4-13-00)

Sec. 62-42. Expenses.

The county council is hereby authorized to pay the expenses of the historic preservation board.

(Ord. No. 91-34, § XVII, 12-19-91)

Sec. 62-43. Repository for collections and other material.

The county council shall provide suitable and adequate space as a repository for the findings, collections and other material of the historic preservation board.

(Ord. No. 91-34, § XVIII, 12-19-91)

Sec. 62-44. Appeal of decisions of historic preservation officer.

(a) The historic preservation board has the sole authority to hear and decide appeals from any order, requirement, decision or determination of the historic preservation officer in the enforcement of this chapter. Appeals may be taken by any person aggrieved or by any officer, board, department or agency of county government adversely affected by any decision of the historic preservation officer. An appeal shall be taken within ten days after rendition of the order, requirement, decision or determination, by filing with the historic preservation officer and with the legal department a written notice of appeal specifying its grounds.

(b) The appeal shall be on a form prescribed by the historic preservation officer.

(c) Upon receipt of the notice of appeal, the historic preservation officer shall transmit to the board all documents, plans, papers, minutes, applications, recommendations or other materials relating to the appealed decision.

(Ord. No. 91-34, § IX, 12-19-91)

Sec. 62-45. Appeal of decisions of board.

(a) The county council has the sole authority to hear and decide appeals from any order, requirement, decision or determination of the historic preservation board except for nominations for the National Register of Historic Places, which shall be appealed to the state historic preservation officer. Appeals may be taken by any person aggrieved or by any officer, board, department or agency of county government adversely affected by any decision of the board. An appeal shall be taken within ten days after rendition of the order, requirement, decision or determination, by filing with the historic preservation officer and with the legal department a written notice of appeal specifying its grounds.

(b) The appeal shall be on a form prescribed by the historic preservation officer.

(c) Upon receipt of the notice of appeal, the historic preservation officer shall transmit to the county council all documents, plans, papers, minutes, applications, recommendations or other materials relating to the appealed decision.

(Ord. No. 91-34, § X, 12-19-91)

Secs. 62-46--62-70. Reserved.

ARTICLE III. HISTORIC RESOURCE DESIGNATION**Sec. 62-71. Initiation of process.**

The process for designation of historic resources may be initiated by the filing of a completed application for a certificate of designation by the property owner, the historic preservation officer, or upon the request of the county council, or the historic preservation board, or a member thereof.

(Ord. No. 91-34, § VI, 12-19-91; Ord. No. 95-31, § III, 8-24-95)

Sec. 62-72. Application for certificate of designation.

Prior to the designation of any historic resource or historic district pursuant to this chapter, an application for a certificate of designation shall be submitted to the historic preservation board. This application shall contain, as a minimum, the following information:

- (1) For individual historic buildings, structures and objects:
 - a. A physical description of the building, structure or object and its character-defining features, accompanied by photographs.
 - b. A description of the existing condition of the building, structure or object, including any potential threats or other circumstances that may affect the integrity of the building, structure or object.
 - c. A statement of the historical, architectural or other significance of the building, structure or object as defined by the criteria for designation established by this chapter.
 - d. A statement of rehabilitative or adaptive use proposals, if applicable.
 - e. A location map showing zoning and other appropriate land use information and a legal description of the property.
 - f. The name of the building, structure or object, and the Florida Site File number, if applicable.
 - g. The name and address of the property owner.
 - h. Any other appropriate information requested by the board.
- (2) For individual archaeological or historic sites:
 - a. The name of the site, and the Florida Site File number, if applicable.
 - b. A location map showing zoning and other appropriate land use information and a legal description of the property.
 - c. Culture or historic periods represented at the site.
 - d. The type of site and a list of any artifacts associated with the site.
 - e. A list of any references to human remains discovered at the site.
 - f. Photographs showing at least one general view of the site and photographs of diagnostic artifacts found at the site (if available).
 - g. A statement of the historical and/or scientific significance of the site as

defined by the criteria for designation established by this chapter.

- h. A description of the physical condition of the site, including any potential threats or other threats that may effect the integrity of the site.
- i. The name and address of the property owner.
- j. Any other appropriate information requested by the board.

(3) For historic districts:

- a. A physical description of the district, accompanied by photographs of buildings, structures, objects or sites that are typical examples of contributing and noncontributing properties within the district.
- b. A description of typical architectural styles, character-defining features, and types of buildings, structures, objects or sites within the district.
- c. A map identifying all zoning, appropriate land use information, buildings, structures, objects and sites within the proposed district. Each building or structure in the proposed district shall be identified on the map as contributing or noncontributing, utilizing the definitions of these classifications provided in this chapter.
- d. A statement of the historical, cultural, architectural, archaeological or other significance of the district as defined by the criteria for designation established by this chapter.
- e. A statement of incentives requested, if any, and any additional guidelines which should be used in authorizing any alteration, demolition, relocation, excavation or new construction within the boundaries of the district.
- f. The names and addresses of all owners of property in the proposed district.
- g. Any other appropriate information requested by the board.

(Ord. No. 91-34, § VI, 12-19-91)

Sec. 62-73. Procedure for issuance of certificate of designation.

(a) *Notice of proposed certificate of designation.* The historic preservation board shall send by certified mail a notice of proposed certificate of designation to the owner of the property in question at least 30 calendar days prior to the date of the public hearing, or the owner shall otherwise acknowledge notice of the public hearing from the historic preservation officer. The historic preservation officer shall transmit to the owner his recommendations on the designation prior to the public hearing.

(b) *Public hearing.* For each proposed designation pursuant to this chapter, the board shall hold a public hearing within 60 days after the filing of an application for a certificate of designation with the historic preservation officer and after due public notice. The historic preservation officer, at the public hearing, shall:

- (1) Make recommendations to the board as to whether or not the building, structure or object is eligible for designation pursuant to this chapter and provide a listing of those features of the building, structure or object which require specific historic preservation treatments.
- (2) Make recommendations to the board as to whether or not the site is eligible for designation pursuant to this chapter, which shall include a location map showing site boundaries, justification for such boundaries, relevant land use information and any proposed development.

(3) Make recommendations to the board as to whether or not the district is eligible for designation pursuant to this chapter, which shall include a statement of recommended boundaries for the district and a justification for those boundaries, along with a map showing the recommended boundaries.

(c) *Action by board.* At the public hearing, the board shall either approve, deny or approve with conditions a proposed certificate of designation pursuant to this chapter based on the criteria outlined in section 62-74; provided, however, in the event the owner objects in writing to the proposed designation of the historic building, structure, object or historic site, either before or during the public hearing, then the application shall be withdrawn and shall not be considered by the board at that time; provided further that, in the event of an application for a proposed historic district designation, if 51 percent of the owners in a proposed district object in writing either before or during the public hearing, then the application shall be withdrawn and shall not be considered by the board at that time. Unless appealed, the decision of the board shall be the final administrative action. Copies of the decision shall be mailed to the applicant and property owner within ten days of the board's decision.

(d) *Issuance of certificate; recommendation of amendments to comprehensive plan.* If a designation is made, the board shall issue the certificate of designation and recommend to the county council, if needed, amendments to appropriate elements of the county comprehensive plan, including the future land use map, to show such designation. All designations shall be filed with the historic preservation officer.

(e) *Suspension of building activities during review process.* Upon the filing of an application for certificate of designation, no permits may be issued authorizing building, alteration, demolition, relocation or excavation of the subject property until such time as final board administrative action occurs. The historic preservation officer shall notify the building official of the suspension of activities upon the filing of an application for designation.

(Ord. No. 91-34, § VI, 12-19-91)

Sec. 62-74. Criteria for issuance of certificate of designation.

The historic resources considered for issuance of a certificate of designation by the historic preservation board shall possess integrity of location, design, setting, materials and workmanship, and shall meet at least one criterion in one of the three significant categories listed in this section:

- (1) A historic resource shall be considered historically significant if it is:
 - a. Associated with the life or activities of a person of importance in local, state or national history;
 - b. The site of a historic event with a significant effect upon the county, state or nation;
 - c. A prime historical example of the political, cultural, economic or social trends, successes or failures of the people of the county;
 - d. Associated with a past or continuing institution which has contributed substantially to the life of the people in this county; or
 - e. A building or structure, site, object or district if its location, landscape setting or environment exemplifies a specific historical context.
- (2) A historic resource shall be considered architecturally significant if it is:
 - a. A building, structure or district that embodies distinctive characteristics of an architectural style, type, form, period or method of construction;

- b. A building, structure or district that is the work of a prominent architect, builder or other design professional;
 - c. A building, structure or district possessing elements of design, detail, material or craftsmanship which are of outstanding quality;
 - d. A building, structure or district which represented, in its time, a significant technological innovation, or an adaptation to the state environment; or
 - e. An exceptional or unique example of a utilitarian structure, building or district.
- (3) A historic resource shall be considered archaeologically significant if it is:
- a. A site associated with an important historical event or person and which contains intact archaeological deposits;
 - b. A site of such condition that data recoverable from the site may provide unique or representative information on past human activities and behavior; or
 - c. A site that has in the past revealed information vital in developing well-established and widely accepted models and theories about past cultures and/or activities.

(Ord. No. 91-34, § VI, 12-19-91)

Sec. 62-75. Revocation of certificate of designation.

A completed application for revocation of a certificate of designation may be filed and processed by the persons who may file for an original application for a certificate of designation. Said application shall be processed and reviewed in the same manner as the application for certificate of designation for historic resources. In the event the board revokes the said designation, it shall recommend to the county council amendment, if any, of the appropriate elements of the comprehensive plan, including the future land use map.

(Ord. No. 91-34, § VI, 12-19-91; Ord. No. 95-31, § IV, 8-24-95)

Secs. 62-76--62-100. Reserved.

ARTICLE V. EXCAVATION CERTIFICATE

Sec. 62-141. Activities requiring certificate.

A certificate to excavate issued by the historic preservation board shall be required for proposed activities that have a potential for a substantial adverse impact on any historic resource designated as archaeologically significant as provided for in this article if such activity may occur within the boundaries of a designated archaeological site until a certificate to excavate is issued.

(Ord. No. 91-34, § VIII, 12-19-91)

Sec. 62-142. Determination of adverse impact.

The owner of a designated historic resource with archaeological significance shall confer with the historic preservation officer as to whether or not an application for a certificate to excavate is warranted. Said application shall include a determination of whether or not there is a substantial adverse impact on the designated resource and the potential for future impacts on the resource. If the historic preservation officer determines that there is a substantial adverse impact on the designated resource and the potential for future impacts on the resource, the historic preservation officer may request the following information to assist in making the determination:

- (1) Site plans, including landscape plans, where applicable.
- (2) A description of any earth-disturbing activity associated with the project, including a site plan.
- (3) Any other information required by the historic preservation officer deemed necessary to make a determination.
- (4) An archaeological test survey, conducted by a professional archaeologist who is licensed by the state of Florida as defined by 36 CFR 61 and the Florida department of state, division of historical and cultural resources, to determine the significance of archaeological deposits.

If the historic preservation officer makes a determination that the proposed activity will have a potential for a substantial adverse impact on the designated resource and the potential for future impacts on the resource, an application for a certificate to excavate must be filed with the historic preservation board. If a determination of a substantial adverse impact is made, the project may proceed without action from the board.

(Ord. No. 91-34, § VIII, 12-19-91)

ARTICLE VI. HISTORIC PRESERVATION PROPERTY TAX EXEMPTION ORDINANCE

Sec. 62-176. Purpose and intent.

(a) *Purpose.* The purpose of this article is to provide ad valorem tax exemptions for improvements which are a result of the restoration, renovation, or rehabilitation of those properties as are listed on the properties to preserve and protect the historic integrity of said properties.

(b) *Intent.* The intent of this article is to promote the general health, safety and welfare of the

(1) Stabilizing and improving property values through the rehabilitation of individual residential neighborhoods and commercial areas.

(2) Promoting the county's historic resources for the enjoyment of the citizens of the county, for community understanding, and to provide an attraction to tourists and visitors to the county economy.

(Ord. No. 00-19, § II, 6-15-00)

Sec. 62-177. Scope of regulations.

This article shall be applicable to all property located in unincorporated and incorporated areas that may qualify for an ad valorem tax exemption as provided herein.

(Ord. No. 00-19, § III, 6-15-00)

Sec. 62-178. Definitions.

The following words and phrases when used in this article shall have the following meanings:

Building means any structure with an impervious roof built for the support, shelter or enclosure of any kind which has enclosing walls for 50 percent or more of its perimeter. The term "building" shall include any part thereof."