

ORDINANCE NO. 02-2020

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, TOWN CODE OF ORDINANCES, BY ADDING ARTICLE VI, HISTORIC CONSERVATION DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Be it ORDAINED by the Town Council of the Town of Palm Beach, Palm Beach County, Florida, as follows:

Section 1. Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, is hereby amended by adding Article VI, Historic Conservation Districts, as follows:

“Article VI, - HISTORIC CONSERVATION DISTRICTS.

Sec. 18-301. – Purpose and intent.

It is declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of historic interest is a public purpose, a necessity and is required in the interest of health, prosperity, safety and general welfare of the people residing within and without the town. The purpose of this article is to:

- (A) Effect and accomplish the protection, enhancement and perpetuation of properties through the creation of historic conservation districts that represent or reflect elements of the Town's cultural, social, economic, political and architectural history; and*
- (B) Safeguard the Town's historic heritage by providing the means to further preserve the aging housing and building stock in the Town; and*
- (C) Provide residents with more certainty about the future character of the neighborhood.*

Sec. 18-302. - Definitions.

Alteration to a historically significant building - means any change because of construction, addition, repair, maintenance, or renovation to a building or structure that is defined as a historically significant building; in which the construction, addition, repair, maintenance or renovation will not preclude the building's or structure's continued designation as a historically significant building, as reviewed and verified by a Town expert in historic

preservation and confirmed to meet the criteria requirements of Section 18-305. An alteration to a historically significant building shall meet the Secretary of the Interior's Standards for the Treatment of Historic Properties. An alteration to a historically significant building does not include complete demolition, which shall not be affected. Regulations regarding complete demolition are provided under Chapter 18, Article III – Architectural Review.

Historic conservation district – an area of the Town adopted by the Town Council at a public hearing; which has clearly defined boundaries; that meets all of the criteria found in Section 18-304; and contains a number of historically significant buildings.

Historically significant buildings - means any building which, in whole or in any structural part, which is at least 50 years old; which meets at least one of the four criteria for designation listed below in Section 18-305(C); which is located within a historic conservation district approved by the Town Council at a public hearing; which is worthy of preservation, but may not rise to the level of a landmark building; and as such is eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12, Historic Buildings.

Sec. 18-303. - District designation process.

- (A) The Town Council shall consider and shall by resolution approve all proposed historic conservation districts, said districts to be prepared and presented by Town Staff and Town experts qualified in historic preservation. Any subsequent amendments to the historic conservation districts shall be reviewed and acted upon by the Town Council.*
- (B) New applications for designation as a historic conservation district. When a property owner or other entity requests to designate a new historic conservation district or to expand an existing historic conservation district, that person or entity shall file an application for designation with the Town on forms provided by the Town. The administrative review fee for such applications shall be as prescribed by the Town Master Fee Schedule. The Town Council by resolution shall review all proposed historic conservation districts and take action on those applications. Any subsequent amendments to the historic conservation districts shall be reviewed and acted upon by the Town Council.*
- (C) Public hearings and public notice. Public hearings and public notice for the creation of a historic conservation district designation shall be in accordance with Chapter 2, Administration, Division 3, Town Council Rules of Procedure.*
- (D) Standard of review. The Town Council shall consider a proposed historic conservation district designation at a public hearing in which the Town Council may take testimony and consider all evidence in rendering a decision on each proposed district. The Town Council shall apply the criteria established in section 18-304 herein when making a decision regarding a designation.*

(E) Designation. The designation of a historic conservation district may only be considered by Town Council during a public hearing on the district designation. A recommendation on each district shall be prepared by Town staff and shall include a report and recommendation from a Town expert in the field of historic preservation. Upon receipt of the aforementioned report and recommendation, either in support of or in opposition to the designation, and a copy of the full report and analysis of the proposed historic conservation district that was reviewed under the criteria established below in section 18-304 herein, the Town Council shall hold the public hearing regarding the proposed district designation and take action on the application.

Sec. 18-304. - Criteria to qualify as a historic conservation district.

When designating a historic conservation district, the Town Council shall apply the following criteria:

That the district:

- (A) Is shown on a map with clearly delineated boundaries; and*
- (B) Constitutes an area of the Town that has a distinct history, historic character, or unique quality, but may not qualify as a historic district under Chapter 54; and*
- (C) Constitutes an area where the impacts of development and redevelopment are replacing existing buildings with buildings and site development that erodes the traditional neighborhood character; and*
- (D) Contains a number of historically significant buildings.*

Sec. 18-305. – Criteria to qualify as a historically significant building.

To qualify as a historically significant building, a building:

- (A) Shall be located within a designated historic conservation district, approved by resolution by the Town Council; and*
- (B) Shall be at least 50 years old; and*
- (C) Shall meet one or more of the following four criteria, as determined by a Town expert in historic preservation:*
 - (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; or*
 - (2) Is identified with historic personages or with important events in national, state or local history; or*

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

Sec. 18-306. – Alterations to historically significant buildings.

Any historically significant building, excepting those that are landmarked or located within a historic district in accordance with Chapter 54, Historical Preservation, that undergoes an alteration, as defined above in Section 18-302, shall be reviewed by a Town expert in historic preservation, to be qualified as a historically significant building, based upon the criteria contained in this section. If qualified as such, the application will be processed and permitted in accordance with Chapter 54, Article III, Certificate of Appropriateness.

Alterations to historically significant buildings are subject to the regulations found in Chapter 50, Floods, and specifically, Section 50-114. If a historically significant building is completely demolished, the regulations in Chapter 50, Section 50-114, will no longer be applicable.

Sec. 18-307. – Annual review.

The Town will annually review the approved historic conservation districts, their boundaries, and the standards contained within this section. Any proposed changes shall be presented to the Town Council for their review and action.

Sec. 18-308. – Appeals.

An applicant or any interested party may file an appeal to the Town Council on any ruling by Town staff or Town consultant made pursuant to this article. The appeal shall take the form of a letter addressed to the town clerk. In all cases, the appeals shall be filed or made within ten calendar days of the date of the decision or meeting at which the decision was rendered. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code. The Town Council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling until the Town Council has decided the appeal. The Town Council may review any decision and its disposition of the matter shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the Town Council president.

Secs. 18-~~304~~ 309 --- 18-350 – Reserved.”

Section 2. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this

Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 3. Repeal of Ordinances in Conflict. All other ordinances of the Town of Palm Beach, Florida, or parts thereof, which conflict with this or any part of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this ____ day of _____, 2020; and for the Second and Final Reading on this ____ day of _____, 2020.

Gail L. Coniglio, Mayor

Margaret A. Zeidman, Town Council President

Bobbie Lindsay, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Patricia Gayle-Gordon, Acting Town Clerk

Danielle H. Moore, Town Council Member