



## **Instructions for Completing a Certificate of Appropriateness Application**

Certificate of Appropriateness (COA) Applications may be submitted to the Planning and Zoning Department at any time between the hours of 8:00 AM and 5:00 PM, Monday through Friday. The completed application must be submitted to the Department a minimum of ten (10) calendar days prior to the next available Historic Resources Board meeting where it will be reviewed.

An applicant may request a pre-application conference with Department staff to obtain information and guidance regarding the application process. If an application is determined to be sufficient, the Department Director will determine if the application requires a *regular* or *special* COA. Whether a COA is considered *regular* or *special* is based on guidelines for preservation approved by the Historic Resources Board. A *regular* COA is issued by the staff of the Historic Resources Board. A *special* COA is issued by the Historic Resources Board. In evaluating applications, the Department and the Historic Resources Board shall utilize the most recent U.S. Secretary of the Interior's Standards for Rehabilitation for the evaluation of applications for a COA. Specific COA application and evaluation guidelines are included herein under Section 27-1675.10(2) of the Town Code.

### **Sec. 27-1675.7. Definitions.**

*Certificate of appropriateness.* A document issued under the terms and conditions of this article permitting certain alterations, modifications, construction, or demolition of an historic resource.

*Regular certificate of appropriateness.* A certificate of appropriateness that is issued by the staff of the Historic Resources Board, based on the guidelines for preservation approved by the Board.

*Special certificate of appropriateness.* A certificate of appropriateness that is issued by the Historic Resources Board.

### **Sec. 27-1675.10. Modifications/development of historic sites.**

(1) *Certificate of appropriateness.*

(a) Activities requiring certificate of appropriateness.

1. The erection, alteration, restoration, renovation, excavation, relocation, or demolition of an improvement or landscape feature, of any designated historic site or which is located within any historic district.
2. Any material change in existing walls, fences and sidewalks, change of color, or construction of new walls, fences and sidewalks.
3. Any material change in the landscape features or improvements of any historic site.

(b) Plans required. No certificate of appropriateness shall be approved unless such plans as may be necessary for the construction, reconstruction, alteration, restoration, renovation,

excavation, relocation, or demolition have been submitted to the Town and approved by the Town Council.

- (c) Activities not requiring a certificate of appropriateness.
  - 1. General and occasional maintenance and repair of any archaeological or historic improvement or site, or any improvement within an historic district, except where prohibited or regulated by archaeological considerations. General and occasional maintenance and repair shall include lawn and landscaping care and minor repairs that restore or maintain the historic site or current character of the improvement. General and occasional maintenance and repair shall also include any ordinary maintenance which does not require a building permit from the Town. General and occasional maintenance and repair shall not include any of the activities described and defined in (a) of this section, above, nor shall it include exterior color change, addition or change of awnings, signs, or alterations to porches and steps or any alterations which require excavation or disturbance of subsurface resources.
  - 2. Any interior alteration, construction, reconstruction, restoration or renovation.
- (2) *Application for certificate of appropriateness and evaluation guidelines.*
  - (a) Applications for certificates of appropriateness shall be made on forms approved and provided by the Town and shall include such plans, drawings, or surveys, as required by the Town.
  - (b) The application shall be submitted to the Department a minimum of ten calendar days prior to any meeting of the Board at which such application is to be considered together with the appropriate application fee.
  - (c) An applicant may request a pre-application conference with the town staff to obtain information and guidance regarding the application process.
  - (d) In evaluating applications, the Department and Board shall utilize the most recent U.S. Secretary of the Interior's Standards for Rehabilitation for the evaluation of applications for a certificate of appropriateness.
  - (e) If it is determined that the application is not sufficient, written notice shall be delivered to the applicant specifying the deficiencies. The Department shall take no further action on the application until the deficiencies are remedied. If the applicant fails to correct the deficiencies within 20 working days, the application shall be considered withdrawn.
  - (f) If the application is determined sufficient, the Department Director shall determine if the application requires a regular or special certificate of appropriateness. If it is a regular certificate, then the Department shall, within ten days from the date an application is found to be complete, approve or deny the application for a regular certificate of appropriateness. The determination shall be mailed to the applicant within three working days of the decision, accompanied by a statement in full regarding the staff's determination. If the application is for a special certificate of appropriateness, the Director shall place the application on an agenda for the Board's consideration.
  - (g) An applicant may appeal a decision of the Department within 30 days of the decision by filing a written notice of appeal with the Board. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 35 days of the filing of the appeal, the Board shall consider the appeal at which time it may affirm, modify or reverse the decision of the staff. Nothing contained herein shall preclude the Board from seeking additional information

- prior to rendering a final decision. The decision of the Board shall be final and in writing and a copy of the decision shall be forwarded to the appealing party.
- (h) The Board will act upon the application for a special certificate of appropriateness or an appeal of a regular certificate of appropriateness within 35 calendar days of receipt of the application, provided that the application meets the filing and technical sufficiency requirements as defined in this section, unless the applicant requests a continuance.
  - (i) If the Board or Department approves the application, a certificate of appropriateness shall be issued. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other development permits, orders and approvals required by the Town. A building permit or other development permit, order or approval shall be invalid if it is obtained without a certificate of appropriateness. Construction for which a certificate of appropriateness is issued shall commence within 18 months from the date of issuance, and said certificate shall expire if 25 percent of the approved improvements have not been completed within 24 months from the date of issuance. If the Board denies the application for a special certificate of appropriateness or if the Department denies the application for a regular certificate of appropriateness, a certificate of appropriateness shall not be issued.
  - (j) An applicant may appeal a final decision of the Board within 30 days of the decision by filing a written notice of appeal with the Town Council. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 30 days of the filing of the appeal, the Town Council shall convene a public hearing at which time it may affirm, modify or reverse the decision of the Board. Nothing contained herein shall preclude the Town Council from seeking additional information prior to rendering a final decision. The decision of the Town Council shall be in writing and a copy of the decision shall be forwarded to the Board and the appealing party.
  - (k) An applicant may appeal a final decision of the Town Council within 30 days of the rendition of the final, written decision by filing a petition for writ of certiorari in circuit court of the Fifteenth Judicial Circuit in and for Palm Beach County, Florida in accordance with Florida law.
- (3) *Development standards for historic districts and sites.*
- (a) An historic improvement, site or district shall only be moved, reconstructed, altered or maintained in accordance with this division in a manner that shall preserve the historic and character of the site or district.
  - (b) In considering proposals for alterations to the exterior of historic improvements and in applying development and preservation standards, the documented, original design of the improvement may be considered, among other factors.
  - (c) An historic or archaeological site, improvement, or appurtenance either within an historic district or individually designated, shall only be altered, restored, preserved, repaired, relocated, demolished, or otherwise changed in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation, as same may be amended from time to time.
  - (d) The relocation of historic improvements to other sites is prohibited unless it is shown that the preservation of the historic improvement on its existing site is inconsistent with the purposes of this division or would cause undue economic hardship to the property owner. The relocation of any improvement shall not affect the designation of an historic district or archaeological site.
  - (e) The demolition of historic sites or historic improvements and appurtenances within historic districts shall be regulated by the Town Council.

- (f) The construction of new improvements, or the relocation, alteration, reconstruction, or major repair or maintenance of a noncontributing improvement within a designated historic district shall be subject to the same compatibility standards as any material change in the exterior appearance of an existing contributing improvement.
- (g) All improvements to buildings, structures and appurtenances within a designated historic district shall be visually compatible. Visual compatibility shall be defined in terms of the following criteria:
  1. Height. The height of proposed improvements or modifications shall be visually compatible in comparison or relation to the height of existing improvements.
  2. Front facade proportion. The front facade of each improvement shall be visually compatible with and in direct relationship to the width of the improvement and to the height of the front elevation of other adjacent or adjoining buildings within an historic district.
  3. Proportion of openings (windows and doors). The openings of any building within an historic district shall be visually compatible with the openings exemplified by the prevailing historic architectural character within the district. The relationship of the width of windows and doors to the height of windows and doors among buildings within the district shall be visually compatible.
  4. Rhythm of solids to voids--Front facades. The relationship of solids to voids in the front facade of an improvement shall be visually compatible with the front facades of historic improvements within the district.
  5. Rhythm of buildings on streets. The relationship of building(s) to open space between it or them and adjoining building(s) shall be visually compatible with the relationship between historic sites or improvements within an historic district.
  6. Rhythm of entrance and/or porch projections. The relationship of entrances and porch projections to the sidewalks of a building shall be visually compatible with the prevalent architectural character of entrances and porch projections on historic sites, and improvements within an historic district.
  7. Relationship of materials, texture and color. The relationship of materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the historic sites and improvements within an historic district.
  8. Roof shapes. The roof shape of an improvement shall be visually compatible with the roof shape(s) of an historic site or improvement within an historic district.
  9. Walls of continuity. Appearances of an improvement such as walls, wrought iron, fences, evergreen landscape masses, or building facades, shall form cohesive walls of enclosure along a street to insure visual compatibility of the building to historic improvements or sites to which it is visually related.
  10. Scale of a building. The size of a building, the building mass in relation to open spaces, windows, door openings, balconies and porches shall be visually compatible with the building size and building mass of historic sites and improvements within an historic district.
  11. Directional expression of front elevation. A building shall be visually compatible with the improvements and sites in its directional character: vertical, horizontal or nondirectional.
- (4) *Code provisions.*
- (a) The Board may recommend that the Town Council adopt specific land development regulations for designated historic resources or contributing properties to a designated

historic district. The adoption of specific land development regulations may occur concurrently with the designation process. Specific land development regulations may include setbacks, lot width, depth, area requirements, height limitations, open space requirements, vehicular requirements, design compatibility requirements, and other similar development regulations other than changes in permitted uses, density increases, or waiver of environmental, health, or safety standards. Before granting a specific set of land development regulations, the Town Council shall determine:

1. That the land development regulations will be in harmony with the general appearance and character of the community.
  2. That the land development regulations will not be injurious to the area involved or otherwise detrimental to the public health, safety or welfare.
  3. That the project is designed and arranged on the site in a manner that minimizes visual impact on the adjacent properties while affording the owner(s) a reasonable use of their property.
  4. The land development regulations are the minimum necessary to allow reasonable use of the property while preserving the historic or archaeological attributes of the property.
- (b) In approving the land development regulations, the Town Council may prescribe any appropriate conditions necessary to protect and further the interests of the area and abutting properties, including but not limited to:
1. Landscaping, walls and fences as required buffering.
  2. Modifications of the orientation of any openings.
  3. Modifications for site arrangements.
- (c) Any specific land development regulations may be incorporated into the resolution designating the historic site or district and included with any other conditions and standards applicable to the property or district. If the process of establishing specific land development regulations occurs separately from the designation process, the notification and public hearings procedures required for historic designation shall be followed and a resolution approving the land development regulations shall be recorded in the public records of Palm Beach County.
- (5) *Demolition of designated historic structures.*
- (a) Public agencies having the authority to demolish unsafe structures shall receive notice of the historic designation of individual sites and districts.
  - (b) A certificate of appropriateness for demolition shall not be required when an improvement designated as an historic site, or a contributing improvement within a designated historic district, has been condemned by the Town.
  - (c) In the event the Town Council determines that a designated historic site is suffering waste by neglect, it shall notify the property owner(s) of record and shall identify the corrections necessary to return the resource to its condition at designation and shall give the property owner of record 30 calendar days from the date of notice in which to commence work rectifying the evidences of neglect cited by the Town. Such notice shall be accomplished in the following manner:
    1. By certified mailing to the address of the property owner of record as determined by the most current Palm Beach County property tax rolls, or

2. In the event the procedure outlined in (a) above is not successful, then the Town shall post a notice consistent with F.S. ch. 162, to the historic site.
  3. Upon the property owner of record's failure to commence work within 30 calendar days of such notice, the Town shall notify the property owner in the manner provided above to appear at the next public hearing of the Board. The Board shall cause to be presented at said public hearing the reasons for the notice, and the property owner shall have the right to present any rebuttal thereto. If, thereafter, the Town Council determines that the historic site is being demolished by neglect, the Council shall forward a motion to the code enforcement division for action.
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- (d) When an applicant seeks a certificate of appropriateness for the purpose of demolition of a noncondemned designated historic site or a contributing improvement within a designated historic district, the applicant shall demonstrate to the Board that the applicant's plans to improve the property do not adversely affect the historic district. The Board shall then make its recommendation to the Town Council.
  - (e) Notice of application for a certificate of appropriateness for demolition shall be posted on the premises of the improvement proposed for demolition in a location and manner clearly visible from the street by the applicant using signage provided by the Department. Such notice shall be posted within three working days of the Town's receipt of an application for demolition.
  - (f) Notice of demolition shall also be published in a newspaper of general circulation at least three times prior to demolition. The first notice shall be published not more than 15 calendar days after the application for a certificate of appropriateness is filed with the Department and the final notice shall not be less than 15 calendar days prior to the date of the issuance of the demolition permit.
  - (g) The Town Council's denial of a certificate of appropriateness for the purpose of demolition shall be supported by substantial competent evidence.
  - (h) The Town Council may grant a certificate of appropriateness for demolition which may provide for a delayed effective date. The effective date of the certificate shall be determined by the Town Council based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. The Town Council may delay the demolition of designated historic sites and contributing improvements within designated historic districts for up to six months from the date of the Town Council's action, while demolition of noncontributing buildings within historic districts may be delayed for up to three months.
  - (i) During the demolition delay period, the Town Council may ask the Department to take such steps as it deems necessary to preserve the structure concerned. Such steps, may include, but not be 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.
  - (j) In connection with any certificate of appropriateness for demolition of improvements, the Town Council may require the property owner, at the property owner's expense, to salvage and preserve specified classes of building materials, architectural details and ornaments, fixtures, and the like for reuse in the restoration of other historic properties. The Town Council may require, at the owner's expense, recording of the historic resource's details for archival purposes, prior to demolition, by an interested, qualified, nonprofit group(s) selected by the Town Council. The recording may include, but not limited to, photographs, documents, and scaled architectural drawings. The Town Council may also require that the owner, at the owner's expense, excavate, record, and

conserve archaeological resources threatened by the alterations so permitted. With the owner's consent, an interested, qualified individual selected by the Town Council may salvage and preserve building materials, architectural details and ornaments, fixtures, and the like at the expense of the selected nonprofit organization.

(k) The Town Council shall consider, at a minimum, the guidelines listed below in evaluating applications for a certificate of appropriateness for demolition of designated historic sites or improvements within designated historic districts:

1. Is the structure of such interest or quality that it would reasonably fulfill criteria for designation for listing on the National Register?
2. Is the structure of such design, texture, material, detail, size, scale, or uniqueness of location that it could be reproduced only with great difficulty and/or economically unreasonable expense?
3. Is the structure one of the few remaining examples of its kind in the neighborhood, designated historic district or the Town?
4. Would retaining the structure promote the general welfare of the Town by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture and heritage?
5. Are there definite plans for immediate reuse of the property if the proposed demolition is carried out, and what effect will those plans have on the architectural, historic, archaeological, or environmental character of the surrounding area and district?
6. Does the improvement contribute significantly to the historic character of a designated historic district and to the overall ensemble of buildings within the designated historic district?
7. Have reasonable measures been taken to save the building from further deterioration, collapse, arson, vandalism or neglect?
8. Has demolition of the designated improvement been ordered by the appropriate public agency due to unsafe conditions?

(6) *Guidelines for relocation of historic resources.* The Board shall consider the following standards in evaluating applications for a certificate of appropriateness for the relocation of all historic improvements and contributing improvements within designated historic districts:

- (a) The contribution made by the historic improvement to its present setting.
- (b) The reasons for the proposed move.
- (c) The proposed new setting and the general environment of the proposed new setting.
- (d) Whether the improvement can be moved without significant damage to its physical integrity, or change in or loss of significant characteristics. Elements removed in order to move the improvement shall be replaced following relocation.
- (e) Whether the proposed relocation site is compatible with the historical and architectural character of the improvement.
- (f) When applicable, the effect of the move on the distinctive historical and visual character of a designated historic district.
- (g) The effect of relocation on subsurface resources.

(7) *Amendments to designations.* Applications for amendments to existing designations of historic sites or designations of historic districts shall be processed according to the provisions and procedures used for the origination of an application for designation.

Where the Town Council has issued a certificate of appropriateness for demolition or relocation, the historic designation classification shall be automatically set aside in the case of demolition or amended to reflect the new location for relocation.

(8) *Economic hardship.*

- (a) In any instance where there is a claim of undue economic hardship, the owner may submit, by affidavit, to the Board at least 15 days prior to the public hearing, an application containing, at a minimum, the following information:

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 improvement thereon according to the two most recent assessments prepared by the Palm Beach County Property Appraiser's office;
3. Amount of real estate taxes paid 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, refinancing, 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.

For income-producing property:

1. Annual gross income from the property for the previous two years;
2. Itemized operating and maintenance expenses for the previous two years; and
3. Annual cash flow, if any, for the previous two years.

(b) The Board may require that an applicant furnish such additional information as the Board believes is relevant to the Board's determination of any alleged undue economic hardship. The Board may evaluate the proposed requirements in the certificate of appropriateness and may modify the requirements as it deems necessary to mitigate the economic hardship as demonstrated by the owner.

(c) The same procedures used above may be used during Town Council consideration of the certificate of appropriateness.

(Ord. No. 8-99, § 7, 5-4-99; Ord. No. 32-03, § 5, 8-19-03)