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ORDINANCE 2021-012

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA AMENDING ARTICLE 155 OF THE UNIFIED LAND DEVELOPMENT REGULATIONS (ULDR), ENTITLED "GENERAL DEVELOPMENT STANDARDS"; DELETING SECTION 155-010, ENTITLED "ARCHAEOLOGICAL AND HISTORICAL LANDMARKS"; RENUMBERING SECTIONS 155-010 THROUGH 155-080; AMENDING SECTION 155-010 ENTITLED "PROTECTION OF ENVIRONMENTALLY SENSITIVE LANDS"; CREATING ARTICLE 180 ENTITLED "HISTORIC PRESERVATION", PROVIDING DEFINITIONS, PROVIDING FOR VIOLATIONS, CREATING A HISTORIC PRESERVATION BOARD, ESTABLISHING A PROCESS TO OBTAIN HISTORIC DESIGNATION, REQUIRING A CERTIFICATE OF APPROPRIATENESS FOR CERTAIN WORK, PROVIDING FOR ACTION BY THE HISTORIC PRESERVATION BOARD OR THE HISTORIC PRESERVATION OFFICER, PROVIDING FOR MAINTENANCE OF DESIGNATED HISTORIC RESOURCES, PROVIDING FOR A CERTIFICATE TO EXCAVATE, PROVIDING REPORTING REQUIREMENTS FOR CERTAIN ARCHAEOLOGICAL WORK; AMENDING SECTION 130-010 ENTITLED "BOARD CREATED, DUTIES" TO PROVIDE FOR MEMBERS OF THE PLANNING AND ZONING BOARD TO SERVE AS EX-OFFICIO MEMBERS OF THE HISTORIC PRESERVATION BOARD AND PROVIDE TECHNICAL REVISIONS; AMENDING SECTION 130-090 ENTITLED "ABSENCE FROM MEETINGS;" PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, City Staff periodically reviews the Ordinances and ULDRs of the City of Wilton Manors, Florida and makes recommendations to the City Commission to revise its Ordinances and ULDRs; and

WHEREAS, the City Staff recommends that the City Commission amend the ULDR, as more specifically set forth herein; and

WHEREAS, in October of 2019, the Board of County Commissioners for Broward County adopted a historic preservation ordinance which required that municipalities within the County either adopt an ordinance that preserves historical

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1 sites, structures and prohibits ground disturbance of archaeological historic resources
2 and become a certified local government (“CLG”) or allow Broward County to govern
3 historic preservation for municipalities that do not have a historic preservation
4 ordinance and who are not designated a CLG by the State of Florida; and
5

6 **WHEREAS**, at its meeting of August 9, 2021, the Planning and Zoning Board
7 reviewed the City Staff’s recommendations, conducted a public hearing, and has
8 determined City Staff’s recommendations to be consistent with the Comprehensive
9 Plan, the Land Development Regulations and other Ordinances of the City of Wilton
10 Manors, and recommended approval of the revisions to the ULDR; and
11

12 **WHEREAS**, the notice and hearing requirements for adoption of this
13 Ordinance contained in the Florida Statutes and the City’s Code of Ordinances have
14 been satisfied; and
15

16 **WHEREAS**, the City Commission of the City of Wilton Manors, Florida
17 deems it to be in the best interests of the citizens and residents of the City to amend the
18 ULDR as set forth herein.
19

20 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION**
21 **OF THE CITY OF WILTON MANORS, FLORIDA, THAT:**
22

23 **Section 1:** The foregoing “WHEREAS” clauses are hereby ratified as being
24 true and correct and are incorporated herein by this reference.
25

26 **Section 2:** **Article 155 of the ULDR entitled General Development**
27 **Standards is amended as follows:**
28

29 **ARTICLE 155. – GENERAL DEVELOPMENT STANDARDS**
30

31 **~~Sec. 155-010. – Archaeological and historical landmarks.~~**

32 ~~(A) Purpose. It is the purpose of this Section to provide for the designation and~~
33 ~~protection of archaeological and historical landmarks.~~
34

35 ~~(B) Standards for designation of Archaeological, and Historical Landmarks. Any site or~~
36 ~~structure that meets one or more of the following standards may be designated an~~
37 ~~Archaeological or Historical Landmark:~~
38

39 ~~(1) The site or structure is associated with an event of historical significance to~~
40 ~~the cultural, social or political history of City of Wilton Manors or Broward~~
41 ~~County;~~

42 ~~(2) The site evidences the presence of early indian or pioneer settlements; or~~

43 ~~(3) The structure reflects an architectural style or type that is unique, distinct or~~
44 ~~traditional to South Florida.~~

1 ~~(C) Procedures for designation. Archaeological or historical landmarks may be~~
2 ~~designated by the City Commission in accordance with the following procedures:~~

3 ~~(1) A proposed designation may be initiated by the City Commission, the~~
4 ~~Department or any citizen or property owner of the City of Wilton Manors. The~~
5 ~~proposed designation shall include a boundary description of the site proposed~~
6 ~~for designation, a street address and a narrative description of the site or~~
7 ~~structure and the basis for its designation under the provisions of Subsection (B),~~
8 ~~above, together with photographs or other evidence that supports the proposed~~
9 ~~designation.~~

10 ~~(2) The proposed designation shall be reviewed by the Director and a~~
11 ~~recommendation shall be submitted to the PZB. The PZB shall hold a public~~
12 ~~hearing on the proposed designation after notification to the property owner, and~~
13 ~~make a recommendation to the City Commission.~~

14 ~~(3) The City Commission shall consider the proposed designation and the~~
15 ~~recommendations of the Director and the PZB, and shall act to designate the site~~
16 ~~or structure as an archaeological or historical landmark or reject the proposed~~
17 ~~designation.~~

18
19 ~~(D) Effect of designation as an Archaeological or Historical Landmark. After a site or~~
20 ~~structure has been designated an archaeological or historical landmark, no development~~
21 ~~shall be permitted unless:~~

22
23 ~~(1) The development is approved as a conditional use; and~~

24 ~~(2) The development is designed to protect the archaeological or historical~~
25 ~~significance of the designated landmark; and~~

26 ~~(3) The style, design, architecture and color of the proposed development is~~
27 ~~compatible with the archaeological or historical character of the landmark.~~

28
29 **Sec. 155-0120. - Protection of environmentally sensitive lands.**
30

31 *(A) Purpose and applicability.* This Section provides for the preservation of those
32 natural resources that may be damaged through the harmful effects of development.
33 Provisions of this Section shall be incorporated into the design phase of a project so as
34 to better coordinate the orderly design of the development. The Conservation Element
35 of the Comprehensive Plan of the City of Wilton Manors is hereby incorporated by
36 reference.

37 *(B) Tree removal and replacement.* The City hereby adopts and incorporates by
38 reference, Chapter 27, Article 14, known as the Broward County Tree Preservation
39 and Abuse Ordinance. All development activities, and maintenance and removal of
40 trees shall comply with said ordinance. No tree may be removed unless a permit
41 from the City is first obtained, subsequent to obtaining a tree removal license from
42 the Broward County Environmental Protection and Growth Management Department
43 ~~Broward County Department of Planning and Environmental Protection~~, unless the
44 ordinance exempts the specific instance of tree removal.

45 *(C) Protection of Mangrove Habitat Areas.*

- 1 (1) Any proposed mangrove removal in State Jurisdictional Areas must be
2 approved by the Department of Environmental Regulation through the
3 appropriate permit process.
4 (2) Notwithstanding any of the aforementioned, all alteration of
5 mangroves shall be in accordance with Rule 17.27, of the Florida
6 Administrative Code, as may be amended.

7 (D) *Protection of Wetlands.*

- 8 (1) The Wetlands Protection Zone shall be defined as follows, and any
9 development within it shall be in accordance with the provisions of the applicable
10 permit regulatory process:
11 a. Areas within the jurisdiction of the State of Florida Department of
12 Environmental Regulation pursuant of F.S. Chapter 403.
13 b. Areas within the jurisdiction of the U.S. Army Corps of Engineers as
14 authorized by Section 404, Clean Water Act or Section 10, River and
15 Harbor Act.
16 c. Areas within the jurisdiction of the South Florida Water Management
17 District as identified by Florida Administrative Code.
18 d. Areas as defined by the Board of County Commissioners of Broward
19 County Florida.

20
21 **Sec. 155-0230. - Open space performance standards.**
22

23 Open space areas shall:

- 24 (A) Facilitate pedestrian movement within the site; and
25 (B) Improve the overall visual quality of the site; and
26 (C) Enhance internal spatial relationships between proposed structures; and
27 (D) Compliment nearby public recreational facilities; and
28 (E) Relate in a compatible manner to other uses within the zoning district.

29
30 **Sec. 155-0340. - Wellfield and groundwater protection.**
31

32 All development shall comply with Chapter 27, Article XIII, the Broward County
33 Wellfield Protection Ordinance, which is hereby adopted and included by reference.
34

35 **Sec. 155-0450. - Buildings and other structures.**
36

37 (A) Proposed buildings and structures shall relate harmoniously to other buildings,
38 and surrounding neighborhood so that the height, size, scale, style, color, or textures
39 of the structures create compatible physical and visual relationships.
40

41 (B) Crime Prevention Through Environmental Design Principles (CPTED) shall be
42 employed in the layout of every proposed site plan.
43

44 **Sec. 155-0560. - Arterial road access.**
45

1 (A) *Major arterial road access.* No structure shall be used or occupied, or land be
2 developed or redeveloped unless any direct access to an arterial road is via a
3 driveway connection that meets access standards established by the Florida
4 Department of Transportation.

5

6 (B) *Alternate access.* Lots that cannot meet the major arterial road access standards
7 referenced in Subsection (A) shall take access via other platted rights-of-way,
8 frontage roads or adjacent parcels as memorialized in a cross access or joint access
9 agreement between the affected property owners, and which roadway connections do
10 meet the standards referenced in Subsection (A).

11

12 (C) *Temporary access.* No applicant shall be denied development rights for the sole
13 reason that the lot cannot meet the requirements of Subsections (A) or (B). To
14 provide access, the Director shall issue a temporary access permit, provided that the
15 approved site plan provides for the eventual direct connection to a public right-of-
16 way or frontage road, or connection to a public right-of-way via an abutting
17 property, as memorialized in a cross access or a joint access agreement between the
18 affected property owners, and that the applicant agrees to close the temporary access
19 when a permanent connection in compliance with Subsections (A) or (B) can be
20 achieved.

21

22 **Sec. 155-0670. - Clear sight triangles.**

23

24 (A) A ten-foot clear sight triangle shall be provided at the intersection of any
25 driveway and street.

26

27 (B) A fifteen-foot clear sight triangle shall be provided at the intersection of two
28 adjacent streets on any corner lot and at the intersection of a property line and canal
29 or waterway.

30

31 (C) No fence, wall, hedge, planting or other structure or material may be erected or
32 planted, nor may any structure or planting affect the clear sight triangle, such that the
33 clear sight triangle area is obstructed between the heights of three (3) and ten (10)
34 feet above the average street grade as measured vertically from the centerline of the
35 street.

36

37 (D) A site triangle is formed by extending back from the intersection of a driveway,
38 street, canal or waterway and two property lines for the distance required in
39 subsections (A) and (B) and connecting the ends of the two sides forming the site
40 triangle.

41

42 **Sec. 155-0780. - Pedestrian circulation.**

43

44 All development and redevelopment shall provide an interior pedestrian circulation
45 system accessible by disabled persons, designed to connect the uses and buildings

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1 within a development site with other on-site uses and buildings, parking facilities,
2 open space, adjacent pedestrian circulation systems, and existing and future bus bays
3 and shelter locations. Walkways shall be constructed of permanent, hard-surfaced,
4 dust-free material.

5
6 **Sec. 155-0890. - Outdoor lighting.**

7
8 (A) *General.* No structure or land shall be developed, used or occupied unless all
9 outdoor lighting conforms to the requirements of this Section.

10
11 (B) *Outdoor lighting standards.* All outdoor lighting shall be designed, located and
12 mounted at heights no greater than:

13 (1) Eighteen (18) feet above finished grade for non-cut-off lights, and

14 (2) Thirty five (35) feet above finished grade for cut-off lights.

15
16 (C) *Maximum illumination.* All outdoor lighting shall be designed and located such
17 that the maximum illumination measured in foot-candles at the property line shall
18 not exceed three-tenths (.3) for non cut-off lights and one and one-half (1.5) for cut-
19 off lights.

20
21 (D) *Shielding of non-residential lighting.* All lighting from non-residential uses shall
22 be located, screened, or shielded so that adjacent residential lots are not directly
23 illuminated.

24
25 **Section 3:** Article 180 of the ULDR entitled Historic Preservation is created
26 as follows:

27
28 **ARTICLE 180- HISTORIC PRESERVATION**

29
30 **Sec. 180-010. Definitions**

31
32 For the purpose of this section, certain terms and words are hereby defined.

33
34 *Alteration* shall mean any act that changes the exterior features of a designated
35 property.

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

40 *Building official* shall mean the officer or other designated authority, or their duly
41 authorized representative, charged with the administration and enforcement of the
42 Standard Building Code as adopted by the State as may be amended by the County.

43 *Certificate of appropriateness* shall mean a written authorization issued by the
44 Historic Preservation Board required for any proposed work that will result in the
45 exterior alteration, demolition, relocation, or reconstruction, of a designated historic

1 resource; and any proposed new construction associated with a designated historic
2 resource. Specifically, exempted from this definition is the requirement to obtain said
3 certificate for the painting of a building or structure.

4 *Certified local government* shall mean a designated local government meeting the
5 requirements of the National Historic Preservation Act Amendments of 1980 (PL 96-
6 515), the implementing regulations as established by the United States Department of
7 the Interior (36 CFR 61) and the Florida Certified Local Government Guidelines
8 provided by the Florida Department of State, Division of Historical Resources.

9 *Certificate of designation* shall mean a written document indicating the
10 designation of a significant historic resource pursuant to this article.

11 *City* shall mean the City of Wilton Manors, Florida.

12 *City Commission or commission* shall mean a reference to the City Commission
13 of the City of Wilton Manors, Florida.

14 *Demolition* shall mean any act that destroys in whole or in part a site, building, or
15 structure.

16 *Demolition by neglect* shall mean improper or inadequate maintenance of a
17 historic resource which results in its substantial deterioration and threatens its
18 continued preservation.

19 *Documentation* shall mean photographs, slides, drawings, plans, or written
20 descriptions.

21 *Due public notice* shall mean publication of notice of the day, time, place and
22 purpose of a public hearing at least once in a newspaper of general circulation in the
23 area, with such publication to be at least seven (7) calendar days prior to the date of
24 such public hearing. Additionally, all property owners within three hundred (300) feet
25 of the subject property and all homeowners associations and individuals maintained
26 on a list by the City manager's designee within three hundred (300) feet of the subject
27 property will be notified via first class U.S. Mail; with the post mark to be affixed no
28 less than seven (7) calendar days prior to the date of such public hearing.

29 *Exceptional importance* shall mean a historic resource that has achieved
30 significance within the last fifty (50) years because of the extraordinary importance of
31 an event that has occurred there on the local, state, or national level; the fragility of
32 the resource; the community's strong associative attachment to the resource; or the
33 significance of a building's architecture or architect.

34 *Florida Master Site File* shall mean the state's clearinghouse for information on
35 archaeological sites and historic structures, and field surveys of such sites and
36 structures. It is a system of paper and computer files maintained by the Division of
37 Historical Resources, Florida Department of State. Resources listed in this inventory
38 do not have to meet a historical or cultural significance requirement.

39 *Historic Preservation Board* shall mean an agency of the City government in and
40 for the City. The Historic Preservation Board is vested with the power, authority and
41 jurisdiction to inventory, designate, certify, regulate and manage historic resources in
42 the City as provided for in this article.

43 *Historic preservation fund* shall mean the source from which monies are
44 appropriated to fund the program of matching grants in aid to the states for historic

1 preservation programs and projects, as authorized by Section 101(d)(1) of the
2 National Historic Preservation Act, as amended.

3 *Historic preservation officer* shall mean the Director of the Community
4 Development Services Department of the City or designee who is responsible for
5 administering, interpreting and enforcing the provisions of this article.

6 *Historic resource* shall mean any prehistoric or historic site, building, structure,
7 object or other real or personal property of historical, architectural or archaeological
8 value. These properties or resources may include but are not limited to monuments,
9 memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or
10 abandoned ships, engineering works, treasure troves, artifacts or other objects with
11 intrinsic historical or archaeological value, or any part thereof, relating to the history,
12 government or culture of the city, county, the state or the United States of America.

13 *Integrity* shall mean the authenticity of a resource's historic identity, evidenced
14 by the survival of physical characteristics that existed during the resource's historic or
15 prehistoric period.

16 *Local register* shall mean a means by which to identify and classify various sites,
17 buildings and objects as historic and/or architecturally significant.

18 *Mass* shall mean the envelope or cubic footage of the structure, including, but not
19 limited to all habitable space, garages, attics, storage areas and porches.

20 *National Register of Historic Places* shall mean the national list of districts, sites,
21 buildings, structures, and objects significant in American history, architecture,
22 archaeology, engineering, and culture, maintained by the Secretary of the Interior
23 under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as
24 amended.

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

28 *Ordinary maintenance* shall mean any work for which a building permit is not
29 required by law.

30 *Person* shall mean an individual, firm, association, organization (whether social,
31 fraternal or business), partnership, joint venture, trust company, corporation, receiver,
32 syndicate, business trust or other group or combination acting as a unit, including any
33 government.

34 *Property owner* shall mean any person, group of persons, firm, joint venture,
35 corporation or other legal entity having legal title to the land regulated under this
36 article.

37 *Rehabilitation* shall mean the act or process of returning a property to a state of
38 utility through repair or alteration which makes possible an efficient contemporary use
39 while preserving those portions or features of the property which are significant to its
40 historical, architectural or cultural values.

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

1 Scale shall mean the scale of a building is defined as the ratio of the mass of the
2 building to the total buildable area of the property, as defined by maximum setback,
3 step-back and height requirements.

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

8 State historic preservation officer shall mean the official designated pursuant to
9 F.S. § 267.031(7), to administer the state historic preservation program established for
10 the purpose of carrying out the provisions of the National Historic Preservation Act of
11 1966, as amended.

12 Structure shall mean anything constructed or erected on the ground or attached to
13 anything constructed or erected on the ground.

14
15 **Sec. 180-020. - Notice of violation; penalty; additional remedies.**
16

17 (a) If the historic preservation officer finds that any provision of this article is being
18 violated, the property owner apparently responsible for such violations shall be
19 notified, in writing, indicating the nature of the violation and ordering any action
20 necessary to correct it.

21
22 (b) Violation of this article is punishable for a fine of up to two-hundred and fifty
23 dollars (\$250.00) per day for a first offense and five-hundred dollars (\$500.00) for
24 subsequent offenses.

25
26 (c) In addition to any other remedies, whether civil or criminal, the violation of this
27 article or any lawful order of the City Commission, the City Historic Preservation
28 Board or the historic preservation officer may be restrained by injunction, including
29 a mandatory injunction, and otherwise abated in any matter provided by law.

30
31 **Sec. 180-030. - Purpose and intent.**
32

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

- 35 (1) Creating a Historic Preservation Board with the power and duty to effectively
36 administer this article,
37 (2) Empowering the Historic Preservation Board to certify designation of
38 individual properties (including buildings, structures, sites and objects) as
39 historically significant using the criteria established in this article.
40 (3) Protecting the integrity of historic resources by requiring the issuance of
41 certificates of appropriateness and certificates to excavate before allowing
42 alterations, removal or disturbance of designated resources.
43 (4) Encouraging historic preservation by providing technical assistance and
44 incentives.

1 (5) Managing the historic resources owned and/or operated by the City in a
2 manner consistent with the City comprehensive plan and policy maintained by
3 the Florida Department of State, Division of Historical Resources.

4
5 (b) Intent. The intent of this article is to promote the general health, safety and
6 welfare of the public by:

7 (1) Stabilizing and improving property values through the rehabilitation of
8 individual properties and the revitalization of older residential neighborhoods
9 and commercial areas.

10 (2) Creating and implementing cultural and educational programs that will foster a
11 better understanding of the City's heritage.

12 (3) Promoting the City's historic resources for enjoyment of the citizens of the
13 City and as an attraction to tourists and visitors which in turn will have a
14 positive impact on the economy.

15 (4) Providing to the scientific community intact resources in which to study past
16 human behavior and lifestyles.

17 (5) Obtaining Certified Local Government status pursuant to the National Historic
18 Preservation Act of 1966, as amended, 16 USC 470.

19
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21

Sec. 180-040. - Scope.

22 This article shall govern and be applicable to all property located in the City.

23
24
25

Sec. 180-050. - Incentives.

26 (a) Financial assistance. All properties certified as historic resources under the scope
27 of this article shall be eligible for any financial assistance set aside specifically for
28 the preservation and protection of such resources as established by the city, county,
29 the state or the federal government, provided they meet the requirements of such
30 programs.

31
32
33

Sec. 180-060. - Stop work orders.

34 Any work conducted contrary to the provisions of this article on designated properties
35 or structures shall be immediately stopped upon notice from the historic preservation
36 officer, a code compliance officer, or building inspector that the work does not
37 conform to the terms of this article. Notice shall be in writing and shall be given to the
38 property owner, their agent or the person doing the work. If none of these persons are
39 immediately available on the construction site to receive the required notice, it shall
40 be posted on the property. The notice shall state all conditions under which work may
41 be resumed. In emergencies the historic preservation officer, a code compliance
42 officer, or building inspector shall not be required to furnish written notice of the stop
43 work order.

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Sec. 180-070. - Fees.

The City Commission is hereby authorized to adopt a fee resolution to implement the provisions of this article.

Sec. 180-080. - Filing of historical material and data.

The office of the City Clerk shall file and record all such historical material and data that the Historic Preservation Board may direct to be filed and recorded.

Sec. 180-090. - Re-hearings.

(a) If it is alleged that the Historic Preservation Board has overlooked or misinterpreted some facts or points of law, a rehearing of any decision of the Historic Preservation Board may be granted by that body upon the request of any person or property owner that believes that they have been aggrieved by its decision, herein referred to as the movant. The request shall be in writing, shall be filed with City staff within ten (10) working days after rendition of the decision by the Historic Preservation Board as the case may be, and shall state its grounds.

(b) The movant shall serve the request by certified mail or hand delivery upon the Historic Preservation Board or Mayor and the City 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 Historic Preservation Board.

(c) If the Historic Preservation Board 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.

Sec. 180-100. – Historic Preservation Board

(a) Creation. There is hereby created the City of Wilton Manors Historic Preservation Board. The Historic Preservation Board is hereby vested with the power, authority and jurisdiction to inventory, designate, certify, regulate, and manage historic resources in the City as provided for in this article.

(b) Powers and duties. The Historic Preservation Board shall have the following powers and duties:

- (1) Adopt rules and procedures necessary for the implementation of the provisions of this section.
- (2) Issue certificates of designation and designate eligible historic resources pursuant to the criteria outlined in this article.

- 1 (3) Advise the City Commission on all matters related to historic preservation
2 policy, including use, management and maintenance of City-owned historic
3 resources.
4 (4) Propose and recommend to the City Commission financial and technical
5 incentive programs to further the objectives of historic preservation.
6 (5) Educate owners of designated historic resources and the general public on the
7 benefits of historic preservation and federal, state and local laws and policies
8 regarding the protection of historic resources.
9 (6) Request grant assistance through the City Commission from state, federal or
10 private sources for the purpose of furthering the objectives of historic
11 preservation.
12 (7) Upon designation as a certified local government, to review and make
13 recommendations concerning National Register of Historic Places nomination
14 proposals for properties to the state national register review board.
15 (8) Make the determination to assist the Wilton Manors Historical Society, as
16 needed, in the placement of proper monuments, tablets or markers recognizing
17 archaeological or historical landmarks; or other places in the City where events
18 of historical significance have occurred.
19 (9) Issue certificates of appropriateness when appropriate.
20 (10) Perform any other function or duty related to historic preservation authorized
21 under this section or assigned by the City Commission.
22 (11) Be represented at pertinent historic preservation educational meetings,
23 workshops and conferences sponsored by the Florida Department of State,
24 Division of Historic Resources, or the Florida Trust for Historic
25 Preservation. The City Commission shall appropriate funds at its discretion
26 to the Historic Preservation Board for expenses necessary in the conduct of
27 its work. The Historic Preservation Board, upon the approval of the City
28 Commission, may accept grants or other monetary assistance in aid in its
29 work.
30 (12) Seek expertise on proposals or matters requiring evaluation by a professional
31 or a discipline not represented on the Historic Preservation Board.
32 (13) Encourage Historic Preservation Board members to participate in the survey
33 and planning activities of the City.
34 (14) The Historic Preservation Board shall conduct an annual goal setting session
35 where they will outline their work-plan for the year. The Historic
36 Preservation Board will make an annual presentation to the City
37 Commission on the accomplishment of their work plan.

38
39 (c) Membership.

- 40 (1) *Qualifications.* The Historic Preservation Board shall be comprised of a
41 minimum of five (5) members, whose area of geographic responsibility is
42 coterminous with the Boundaries of the City of Wilton Manors. The members
43 of the City's planning and zoning board comprised of seven (7) members, the
44 alternate member of the City's planning and zoning board, and the President of
45 the Wilton Manors Historical Society, or designee are designated as the

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1 Historic Preservation Board. The alternate member of the City's planning and
2 zoning board shall have full voting rights as a member of the Historic
3 Preservation Board. In the event that the Wilton Manors Historical Society is
4 no longer active or the Wilton Manors Historical Society's President or
5 designee does not accept appointment to the Historic Preservation Board, the
6 City Commission shall appoint a member to fill the vacancy. The Historic
7 Preservation Board is hereby vested with the power, authority, and jurisdiction
8 to designate, regulate, and administer historical, cultural, archeological, and
9 architectural resources in the City, as prescribed by this article under the direct
10 jurisdiction and legislative control of the City Commission. To meet the
11 requirements of the certified local government program and to carry out its
12 responsibilities under this article, the City shall utilize its best efforts to
13 appoint members to the Historic Preservation Board, with a background in
14 architecture, history, architectural history, planning, prehistoric and historic
15 archaeology, folklore, cultural anthropology, curation, conservation, and
16 landscape architecture or related disciplines. The Historic Preservation Board
17 shall be comprised of residents of the City of Wilton Manors.

18 (2) Term. The initial terms of the Historic Preservation Board members comprised
19 of the members and alternate member of the planning and zoning board, shall
20 be coterminous with their terms of appointment to the planning and zoning
21 board. Thereafter, as the respective terms of the planning and zoning board
22 members and the alternate member to the planning and zoning board expire,
23 successive terms will be two (2) years and staggered to run conterminously
24 with the terms of members' appointments to the planning and zoning board.
25 The President of the Wilton Manors Historical Society, or designee, shall be
26 appointed for a term of two (2) years.

27 (3) Absence from meetings. Any member of the Historic Preservation Board who
28 is not present at a meeting shall be required to have recorded in the minutes of
29 the next meeting the reason for the absence. Any member whose absences are
30 unexcused for three (3) consecutive meetings does thereby automatically
31 resign the member's position on the Historic Preservation Board and the
32 Planning and Zoning Board if the member also serves on the Planning and
33 Zoning Board. After providing advance notification, the absence of any
34 member shall be deemed excused under the following circumstances:

- 35 a. When a member is performing an authorized alternative activity relating to
36 outside board business that directly conflicts with the meeting;
37 b. The death of a member's immediate family member, defined as a spouse,
38 father, mother, brother, sister, stepparent, one who has stood in place of a
39 parent (in loco parentis), child, or stepchild of a member;
40 c. The death of a member's domestic partner or domestic partner's father,
41 mother, brother, sister, stepparent, one who has stood in the place of a
42 parent (in loco parentis) of a domestic partner, child, stepchild of a
43 domestic partner;
44 d. The member's hospitalization or other type of illness that might be
45 contagious;

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- 1 e. When the member is summoned to jury duty;
2 f. When the member is issued a subpoena by a court of competent
3 jurisdiction; or
4 g. When the member is observing a religious holiday.
5
6 (4) Vacancies. Vacancies shall be filled by the City Commission within 60
7 calendar days. An extension of up to an additional 60 calendar days shall be
8 granted by the State Historic Preservation Officer upon receipt of a written
9 request from the Director of the Community Development Services
10 Department.
11
12 (d) Organization.
13 (1) Officers and employees. The members of the Historic Preservation Board shall
14 elect a chair and vice-chair who shall each serve a one-year term. The chair
15 shall preside at all meetings and shall have the right to vote. The vice-chair
16 shall preside in the absence of the chair. The chair and vice-chair may each be
17 re-elected for additional terms, but may not serve for more than three (3)
18 consecutive years in said office.
19 (2) Staff support. The Community Development Services Department shall
20 provide clerical and professional staff assistance to the Historic Preservation
21 Board.
22
23 (e) Procedures.
24 (1) The Historic Preservation Board shall meet as often as is necessary to complete
25 the work in a timely fashion, but no less than four meetings each year. Each
26 meeting shall be previously noticed and shall be open to the public.
27 (2) All records of the Historic Preservation Board, including its rules of procedure,
28 minutes and inventory, shall be maintained and considered to be public records
29 open to inspection by the public.
30 (3) Upon designation as a certified local government, the Historic Preservation
31 Board shall meet the reporting requirements outlined in the Florida Certified
32 Local Government Guidelines.
33 (4) A quorum shall consist of a majority of the Historic Preservation Board
34 members, and a majority vote of a quorum then present shall be required for a
35 decision on matters before the Historic Preservation Board. No certificate of
36 designation or certificate of appropriateness shall be approved unless a
37 majority concurs.
38
39 (f) Appeals of decisions of the historic preservation officer
40 (1) The Historic Preservation Board has the sole authority to hear and decide
41 appeals from any order, requirement, decision or determination of the historic
42 preservation officer in the enforcement of this article . Appeals may be taken
43 by any person aggrieved or by any officer, board, department or agency of City
44 government adversely affected by any decision of the historic preservation
45 officer. An appeal shall be taken within ten (10) days after rendition of the

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- 1 order, requirement, decision or determination, by filing with the historic
2 preservation officer a written notice of appeal specifying its grounds.
3 (2) The appeal shall be on a form prescribed by the historic preservation officer.
4 (3) Upon receipt of the notice of appeal, the historic preservation officer shall
5 transmit to the Historic Preservation Board all documents, plans, papers,
6 minutes, applications, recommendations or other materials relating to the
7 appealed decision.
8 (4) The fee to appeal shall be forth by resolution of the City Commission, as may be
9 amended from time to time.

10
11 (g) Appeal of decisions of board.

- 12 (1) The City Commission has the sole authority to hear and decide appeals from
13 any order, requirement, decision or determination of the Historic Preservation
14 Board except for nominations of the National Register of Historic Places,
15 which shall be appealed to the state historic preservation officer. Appeals of
16 nominations for the National Register of Historic Places shall be in accordance
17 with section C.4.h of the Florida Certified Local Government Guidelines.
18 Appeals may be taken by any person aggrieved or by any officer, board,
19 department or agency of City government adversely affected by any decision
20 of the Historic Preservation Board. An appeal shall be taken within ten (10)
21 days after rendition of the order, requirement, decision or determination, by
22 filing with the historic preservation officer a written notice of appeal
23 specifying its grounds.
24 (2) The appeal shall be on a form prescribed by the historic preservation officer.
25 (3) Upon receipt of the notice of appeal, the historic preservation officer shall
26 transmit to the City Commission all documents, plans, papers, minutes,
27 applications, recommendations or other materials relating to the appealed
28 decision.
29 (4) The fee to appeal shall be set forth by resolution of the City Commission, as
30 may be amended from time to time.

31
32 **Sec. 180-110 Initiation of Historic Resource Designation Process**

33
34 The process for designation of historic resources may be initiated by the filing of a
35 completed application for a certificate of designation by the property owner, historic
36 preservation officer upon prior approval of the City Commission, or upon the request
37 of the City Commission, or the Historic Preservation Board, or a member thereof.

38
39 **Sec. 180-120. - Application for certificate of designation.**

40
41 Prior to the designation of any historic resource, an application for a certificate of
42 designation shall be submitted to the Historic Preservation Board. This application
43 shall contain, as a minimum, the following information:

- 44
45 (a) For individual historic buildings, structures and objects:

- 1 (1) A physical description of the building, structure or object and its character-
2 defining features, accompanied by photographs.
3 (2) A description of the existing condition of the building, structure or object,
4 including any potential threats or other circumstances that may affect the
5 integrity of the building, structure or object.
6 (3) A statement of the historical, architectural or other significance of the building,
7 structure or object as defined by the criteria for designation established by this
8 article.
9 (4) A statement of rehabilitative or adaptive use proposals, if applicable.
10 (5) A location map showing zoning and other appropriate land use information and
11 a legal description of the property.
12 (6) The name of the building, structure or object, and the Florida Master Site File
13 number, if applicable.
14 (7) The name and address of the property owner.
15 (8) Any other appropriate information requested by the Historic Preservation
16 Board.
17
18 (b) For individual archaeological or historic sites:
19 (1) The name of the site, and the Florida Master Site File number, if applicable.
20 (2) A location map showing zoning and other appropriate land use information and
21 a legal description of the property.
22 (3) Culture or historic periods represented at the site.
23 (4) The type of site and a list of any artifacts associated with the site.
24 (5) A list of any references to human remains discovered at the site.
25 (6) Photographs showing at least one (1) general view of the site and photographs
26 of diagnostic artifacts found at the site (if available).
27 (7) A statement of the historical and/or scientific significance of the site as defined
28 by the criteria for designation established by this article.
29 (8) A description of the physical condition of the site, including any potential
30 threats or other threats that may affect the integrity of the site.
31 (9) The name and address of the property owner.
32 (10) Any other appropriate information requested by the Historic Preservation
33 Board.

34
35 **Sec. 180-130. - Procedure for issuance of certificate of designation.**
36

- 37 (a) *Notice of proposed certificate of designation.* The historic preservation officer
38 shall send by certified mail a notice of proposed certificate of designation to the
39 owner of the property in question at least thirty (30) calendar days prior to the date of
40 the public hearing, or the owner shall otherwise acknowledge notice of the public
41 hearing from the historic preservation officer. The historic preservation officer shall
42 transmit to the owner the recommendations on the designation prior to the public
43 hearing.
44

1 (b) Public hearing. For each proposed designation pursuant to this article the
2 Historic Preservation Board shall hold a public hearing within sixty (60) days after
3 the filing of an application for a certificate of designation with the historic
4 preservation officer and after due public notice. The historic preservation officer, at
5 the public hearing, shall:

6 (1) Make recommendations to the Historic Preservation Board as to whether or not
7 the building, structure or object is eligible for designation pursuant to this
8 article and provide a listing of those features of the building, structure or
9 object which require specific historic preservation treatments.

10 (2) Make recommendations to the Historic Preservation Board as to whether or not
11 the site is eligible for designation pursuant to this article, which shall include a
12 location map showing site boundaries, justification for such boundaries,
13 relevant land use information and any proposed development.

14
15 (c) Action by Historic Preservation Board. At the public hearing, the Historic
16 Preservation Board shall either approve, deny or approve with conditions a proposed
17 certificate of designation pursuant to this article based on the criteria outlined
18 in section 180-140; provided, however, in the event the owner objects in writing to
19 the proposed designation of the historic building, structure, object or historic site,
20 either before or during the public hearing, then the application shall be withdrawn
21 and shall not be considered by the Historic Preservation Board at that time. All
22 objections in writing must contain the notarized signature of the property owner(s).
23 Unless appealed, the decision of the Historic Preservation Board shall be the final
24 administrative action. Copies of the decision shall be mailed to the applicant and
25 property owner within ten (10) days of the Historic Preservation Board's decision.

26
27 (d) Issuance of certificate; recommendation of amendments to comprehensive
28 plan. If a designation is made, the Historic Preservation Board shall issue the
29 certificate of designation and recommend to the City Commission, if needed,
30 amendments to appropriate elements of the comprehensive plan, including the future
31 land use map, to show such designation. All designations shall be filed with the
32 historic preservation officer.

33
34 (e) Suspension of building activities during review process. Upon the filing of an
35 application for certificate of designation, no permits may be issued authorizing
36 building, alteration, demolition, relocation or excavation of the subject property until
37 such time as final board administrative action occurs. No certificate of designation
38 may be issued if the subject property owner objects to the designation. The historic
39 preservation officer shall notify the building official of the suspension of activities
40 upon the filing of an application for designation.

41
42 **Sec. 180-140. - Criteria for issuance of certificate of designation.**

43
44 The historic resources considered for issuance of a certificate of designation by the
45 Historic Preservation Board shall possess at least three (3) of the following

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1 characteristics: integrity of location; design; setting; materials; workmanship; be at
2 least fifty (50) years old, or if less than fifty (50) years old has exceptional
3 importance; and shall meet at least one (1) criterion in one (1) of the three (3)
4 significant categories listed in this section:

5
6 (1) A historic resource shall be considered historically significant if it is:

- 7 a. Associated with the life or activities of a person of importance in local, state or
8 national history;
9 b. The site of a historic event with a significant effect upon the City, county, state
10 or nation;
11 c. A prime historical example of the political, cultural, economic or social trends,
12 successes or failures of the people of the City;
13 d. Associated with a past or continuing institution which has contributed
14 substantially to the life of the people in this City; or
15 e. A building or structure, site, object if its location, landscape setting or
16 environment exemplifies a specific historical context.

17
18 (2) A historic resource shall be considered architecturally significant if it is:

- 19 a. A building or structure that embodies distinctive characteristics of an
20 architectural style, type, form, period or method of construction;
21 b. A building or structure that is the work of a prominent architect, builder or
22 other design professional;
23 c. A building or structure possessing elements of design, detail, material or
24 craftsmanship which are of outstanding quality;
25 d. A building or structure which represented, in its time, a significant
26 technological innovation, or an adaptation to the state environment; or
27 e. An exceptional or unique example of a utilitarian structure or building.

28
29 (3) A historic resource shall be considered archaeologically significant if it is:

- 30 a. A site associated with an important historical event or person and which
31 contains intact archaeological deposits;
32 b. A site of such condition that data recoverable from the site may provide unique
33 or representative information on past human activities and behavior; or
34 c. A site that has in the past revealed information vital in developing well-
35 established and widely accepted models and theories about past cultures and/or
36 activities.

37
38 **Sec. 180-150. - Rescinding designation.**

39
40 The designation of any historic resource may be rescinded through the same
41 procedure utilized for the original designation provided that the following conditions
42 are met:

- 43
44 (1) The historic resource or contributing resource no longer retains its significance
45 due to permitted alterations or extensive damage cause by fire or storm; and

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1 (2) The Historic Preservation Board vote to rescind a designation is adopted by a
2 majority of the members attending.

3 **Sec. 180-160. - Activities requiring certificate of appropriateness by the Historic**
4 **Preservation Board**

5
6 A certificate of appropriateness issued by the Historic Preservation Board shall be
7 required for any of the following activities:

- 8
9 (1) Any alteration requiring a building permit which may change the exterior
10 appearance of an individually designated historic building or structure except
11 as otherwise provided for in Section 180-170.
12 (2) Demolition of an individual building or structure that has been previously
13 issued a certificate of designation.
14 (3) The relocation of any building or structure or individually designated historic
15 resource.
16 (4) Any new construction of principal or accessory buildings, structures, or any
17 addition to any building designated as a historic resource.
18

19 **Sec. 180-170 – Activities requiring approval by only the historic preservation**
20 **officer**

21 The Historic Preservation Board shall prepare and maintain a list of routine alterations
22 that may receive a certificate of appropriateness from the historic preservation officer
23 without a decision by the Historic Preservation Board, or a determination that a
24 certificate of appropriateness is not needed, when an applicant complies with Article
25 180. This list shall be in the form of a certificate of appropriateness approval matrix,
26 reviewed and approved by the Historic Preservation Board as necessary. The historic
27 preservation officer may impose reasonable conditions on the approval in order to
28 implement the goals and intent of this section. The Historic Preservation Board may
29 expand or otherwise revise the list of exterior improvements which may be approved
30 administratively by the historic preservation officer. These routine alterations shall
31 include, but are not limited to, the following:

- 32 (1) Repair of cornices using existing materials and duplicating the original design;
33 (2) Installation of decks at ground level which are not visible from any street and
34 which do not require alteration of any structure;
35 (3) Installation of new doors which are compatible in size and style with the
36 original;
37 (4) The painting of any material or surfaces other than unpainted masonry, stone,
38 brick, terra-cotta, stucco or concrete;
39 (5) The replacement of front porch columns with ones duplicating the original in
40 style, color and material;
41 (6) The replacement of a roof with one of the same material and color or with a
42 color and material compatible with the original architectural style so that the
43 character of the property is preserved;

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- 1 (7) The repair of wooden siding with wood which duplicates the original or with
2 fiber cement board that as closely as possible replicates the original
3 architectural style so that the character of the property is preserved;
4 (8) Installation of skylights not visible from any public street;
5 (9) Replacement of windows with windows compatible with the original style in
6 size, type and materials or compatible with the existing architectural style and
7 fenestration pattern;
8 (10) Repair and maintenance of the visible exterior of a building when such work
9 exactly duplicates the existing design and is executed in the existing materials;
10 (11) Installation of hurricane protection to include:
11 a. Any installation not visible from any public street; and
12 b. Any replacement of windows or doors to improve hurricane protection
13 where they conform to the original door and window openings, and as
14 closely as possible replicate the original fenestration pattern so that the
15 character of the property is preserved and conforms to the city's adopted
16 illustrated guidelines;
17 (12) Installation of pools not visible from any public street; and
18 (13) Installation of solar panels not visible from any public street.

19 **Sec. 180-180. - Other permits and approvals.**
20

21 A certificate of appropriateness shall be considered prerequisite to the issuance of any
22 other permits required by this article or the City Commission. The issuance of a
23 certificate of appropriateness shall not relieve the applicant from obtaining other
24 permits or approvals required by the City.

25
26 **Sec. 180-190. - Certificate not required for certain work.**
27

28 A certificate of appropriateness shall not be required for painting or other ordinary
29 maintenance to the exterior of a building as defined in section 180-010. Upon
30 application for a building permit, said application shall be reviewed by the historic
31 preservation officer to determine whether or not the proposed project will change the
32 exterior appearance of the designated building or structure. If there will be a change to
33 the exterior appearance, then the owner shall apply for a certificate of appropriateness.
34 Neither the historic preservation officer nor the Historic Preservation Board shall
35 consider interior arrangement or design when reviewing an application for a
36 certificate of appropriateness unless such change affects the exterior appearance of the
37 building.

38
39 **Sec. 180-200. - Preapplication conference.**
40

41 Prior to making an application for a certificate of appropriateness, the applicant shall
42 confer with the historic preservation officer on the nature and purpose of the proposed
43 action. The prospective applicant shall be advised of the plans, photographs,
44 statements or other exhibits necessary for submitting an application.

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1 **Sec. 180-210. - Application.**
2

3 Application to the Historic Preservation Board for a certificate of appropriateness
4 shall be on a form supplied by the historic preservation officer and filed with said
5 officer. The application fee shall be set forth by resolution of the City Commission, as
6 may be amended from time to time. Applications shall include:
7

8 (1) Plans for structural changes, where applicable.

9 (2) A description of exterior finish materials (samples may be requested of
10 nonstandard materials), where applicable.

11 (3) Site plans, including landscape plans and building elevations, where
12 applicable.

13 (4) Photographs of the subject property, including areas of proposed work.

14 (5) Notarized authorization of the owner if the applicant is other than the owner or
15 attorney for the owner.

16 (6) Other documentation of architectural compatibility as offered by the applicant
17 or requested by the historic preservation officer or board.

18 (7) The name, address and telephone number of the applicant.
19

20 **Sec. 180-220. - Public hearing.**
21

22 The Historic Preservation Board shall hold a public hearing within sixty (60) days
23 after the filing of a complete application for a certificate of appropriateness with the
24 historic preservation officer and after due public notice for each certificate of
25 appropriateness. The Historic Preservation Board shall also send, by certified mail, a
26 notice of the proposed certificate of appropriateness to the owner of the property at
27 least thirty (30) calendar days prior to the date of the public hearing, or the owner
28 shall otherwise acknowledge notice of the public hearing to the historic preservation
29 officer. At the public hearing, the historic preservation officer shall recommend
30 approval, denial or approval with conditions of the certificate of appropriateness. The
31 historic preservation officer shall transmit said recommendation to the owner prior to
32 the public hearing.
33

34 **Sec. 180-230. - Action by Historic Preservation Board.**
35

36 At the public hearing provided for in section 180-210, the Historic Preservation Board
37 shall approve, deny or approve with conditions each application based on the
38 appropriate criteria contained in this article after the public hearing, except as
39 otherwise provided for in demolition situations outlined in section 180-260. Copies of
40 the decision shall be mailed to the applicant and property owner within ten (10) days
41 of the decision. Unless appealed, the decision of the Historic Preservation Board shall
42 be the final administrative decision. After the issuance of a certificate of
43 appropriateness, except for ordinary maintenance, no change may be made in the
44 proposed work without resubmittal of an application.
45

1 **Sec. 180-240. - Review criteria for proposed exterior work on buildings or**
2 **structures where a certificate of designation has previously been issued.**
3

4 In consideration of an application for a certificate of appropriateness for proposed
5 exterior construction, the Historic Preservation Board shall utilize the following
6 guidelines based on the United States Secretary of the Interior's Standards for
7 Rehabilitation, codified as 36 CFR 67:

- 8 (1) A property shall be used for its historic purpose or be placed in a new use
9 that requires minimal change to the defining characteristics of the building
10 and its site and environment.
- 11 (2) The historic character of a property shall be retained and preserved. The
12 removal of historic materials or alteration of exterior features that
13 characterize a property shall be avoided.
- 14 (3) Each property shall be recognized as a physical record of its time, place
15 and use. Changes that create a false sense of historical development, such
16 as adding conjectural features or architectural elements from other
17 buildings, shall not be undertaken.
- 18 (4) Most properties change over time; those changes that have acquired
19 historic significance in their own right shall be retained and preserved.
- 20 (5) Distinctive features, finishes and construction techniques or examples of
21 craftsmanship that characterize a historic property shall be preserved.
- 22 (6) Deteriorated historic features shall be repaired rather than replaced. Where
23 the severity of deterioration requires replacement of a distinctive feature,
24 the new feature shall match the old in design, texture and other visual
25 qualities and, where possible, materials. Replacement of missing features
26 shall be substantiated by documentary, physical or pictorial evidence.
- 27 (7) Chemical or physical treatments, such as sandblasting, that cause damage
28 to historic materials shall not be used. The surface cleaning of structures, if
29 appropriate, shall be undertaken using the gentlest means possible.
- 30 (8) Significant archaeological resources affected by a project shall be protected
31 and preserved. If such resources must be disturbed, work shall be
32 monitored by an archaeologist, as appropriate, and mitigation measures
33 shall be undertaken.
- 34 (9) New additions, exterior alterations or related new construction shall not
35 destroy historic materials that characterize the property. The new work
36 shall be differentiated from the old and shall be compatible with the
37 massing, size, scale and architectural features to protect the historic
38 integrity of the property and its environment.
- 39 (10) New additions or related new construction shall be undertaken in such a
40 manner that, if removed in the future, the essential form and integrity of the
41 historic property and its environment would be unimpaired.

42 **Sec. 180-250. - Review criteria for proposed new construction and additions.**
43
44

1 New construction and additions associated with an individually designated historic
2 resource shall be compatible with the buildings, site, or environment with which the
3 new construction is visually related. Criteria to be considered by the Historic
4 Preservation Board shall include the following:

- 5
6 (1) The height, volume, mass, scale, proportions and relationship between doors
7 and windows, rhythm of solids and voids created by openings in the facade,
8 materials used in the facade, the texture inherent in the facade, the pattern and
9 trim used in the facade, and the design of the roof shall be compatible with any
10 existing historic buildings within view of the property.
11 (2) Rhythm created by existing building masses and spaces between them shall be
12 preserved.
13 (3) Landscape plans shall be compatible with the buildings and environment with
14 which it is visually related.
15 (4) Architectural details should be incorporated as necessary to relate the new with the
16 old and to preserve and enhance the inherent architectural characteristics of the area.

17
18 **Sec. 180-260. - Review criteria for relocation.**

19
20 When an applicant seeks to obtain a certificate of appropriateness for the relocation of
21 an individually designated resource the Historic Preservation Board shall consider the
22 following criteria:

- 23 (1) The contribution the building or structure makes to its present setting.
24 (2) Whether there are definite plans for the site to be vacated.
25 (3) Whether the building or structure can be moved without significant damage to
26 its physical integrity.
27 (4) The compatibility of the building or structure to its proposed site and adjacent
28 properties.

29
30 The applicant shall document, through photographs, the property in its original
31 location prior to removal and provide copies to the Historic Preservation Board.

32
33 **Sec. 180-270. - Demolition of a historic resource where a certificate of designation**
34 **has been issued.**

35
36 (a) No certificate of appropriateness shall be issued for the demolition of a historic
37 resource issued a certificate of designation unless the applicant demonstrates by the
38 preponderance of the evidence that undue economic hardship or unusual and
39 compelling circumstances support such a demolition.

40
41 (1) Unusual and compelling circumstances.

42 a. Criteria. In situations where the applicant claims that unusual and compelling
43 circumstances require the demolition of an individually designated historic
44 resource the Historic Preservation Board shall consider the following criteria:

- 1 1. The building or structure is of such interest or quality that it would
2 reasonably meet national standards for additional designation on the
3 National Register of Historic Places or as a National Historic Landmark.
- 4 2. The building or structure is of such design, craftsmanship or material that it
5 could be reproduced only with great difficulty and or expense.
- 6 3. The building or structure is one (1) of the last remaining examples of its
7 kind in the City or the region.
- 8 4. Retention of the building or structure would promote the general welfare of
9 the City by providing an opportunity for the study of local history,
10 architecture or design.
- 11 5. Definite plans exist for reuse of the property if the proposed demolition is
12 carried out, and if the plans will have a positive effect on the character of
13 the surrounding area.
- 14 6. A reasonable effort was made to relocate the building or structure.
- 15 7. Demolition of the designated building or structure has been recommended
16 or ordered by the appropriate public agency due to unsafe conditions.

17
18 b. *Action by board.* On applications for certificates of appropriateness for
19 demolition claiming an unusual and compelling circumstance, the Historic
20 Preservation Board may approve, approve with conditions or deny the request or
21 may suspend action to allow further study of the matter for a period not to exceed
22 one hundred eighty (180) days from the date of the filing of the application. The
23 length of the delay shall be determined by the Historic Preservation Board based
24 upon the probable time required to arrange a possible alternative to demolition.
25 During the stay of demolition, the Historic Preservation Board may take such steps
26 as it deems necessary to preserve the building or structure concerned in
27 accordance with the purposes of this article. Such steps may include but shall not
28 be limited to consultation with civic groups, public agencies and interested
29 citizens; recommendations for acquisition of property by public or private bodies
30 or agencies; and exploration of the possibility of moving the structure or building.

31
32 (2) *Undue economic hardship.*

33 a. *Criteria.* In situations where, by reason of particular site conditions and
34 restraints or circumstances applicable to the property owner, strict enforcement
35 of this article will deny the owner economically viable or reasonable use of a
36 property, the applicant shall submit the following information to the historic
37 preservation officer:

- 38 1. For all property:
 - 39 i. The amount paid for the property, the date of purchase and the party
40 from whom the property was purchased.
 - 41 ii. The assessed value of the land and improvements thereon according to
42 the two (2) most recent county property appraiser's assessments.
 - 43 iii. Real estate taxes for the previous two (2) years.
 - 44 iv. Annual debt service, if any, for the previous two (2) years.

- 1 v. All appraisals obtained within the previous two (2) years by the owner
2 or applicant in connection with the purchase, financing or ownership of
3 the property.
4 vi. Any listing of the property for sale or rent, price asked and offers
5 received.
6 vii. Any consideration by the owner as to profitable adaptive uses for the
7 property.

- 8
9 2. For income-producing property:
10 i. Annual gross income from the property for the previous two (2) years.
11 ii. Itemized operating and maintenance expenses for the previous two (2)
12 years.
13 iii. Annual cash flow, if any, for the previous two (2) years.

14
15 The Historic Preservation Board reserves the right to solicit expert testimony.

16
17 b. Action by board.

- 18 1. Review. The Historic Preservation Board shall review all evidence and
19 information submitted by the applicant and make a determination as to
20 whether the denial of a certificate of appropriateness for demolition will
21 deprive the owner of reasonable use of, or economically viable return on,
22 the property in question.
23 2. Denial. If the Historic Preservation Board decides that denial of the
24 proposed action does not or will not deprive the owner reasonable use of or
25 an economically viable return on the property, then the certificate of
26 appropriateness for demolition will be denied.
27 3. Approval. In the event the Historic Preservation Board finds without
28 approval of the proposed work all reasonable use of, or economic return
29 from, a historic building or structure which has been issued a certificate of
30 designation will be denied a property owner, then the application shall be
31 delayed for a period not to exceed one hundred eighty (180) days from the
32 date of filing of the application. During this period the Historic
33 Preservation Board shall investigate alternatives to preserve the property.
34 Such alternatives may include, but are not limited to a reduction in real
35 property taxes, financial assistance, changes in zoning, public purchase,
36 and/or code exemptions. If by the end of the period for the stay of
37 demolition the Historic Preservation Board has found that, without
38 approval of the demolition, the property cannot be put to a reasonable use
39 or the owner cannot obtain a reasonable economic return therefrom, then
40 the Historic Preservation Board shall issue a certificate of appropriateness
41 for demolition.

42
43 (3) Documentation of buildings. The Historic Preservation Board shall, as a
44 condition to approval of such demolition, have the power to require the

1 documentation of buildings slated for such demolition by photographs and measured
2 drawings.

3
4 (4) The fee to apply for a certificate of appropriateness, when a certificate of
5 designation has been issued, shall be set forth by resolution of the City Commission, as
6 may be amended from time to time.

7
8 **Sec. 180-280. - Maintenance of designated historic resources and demolition by**
9 **neglect.**

10
11 The owner of any historic resource, whether vacant or inhabited, shall be required to
12 properly maintain and preserve such historic resource in accordance with standards set
13 forth herein. For purposes of this section, demolition by neglect is defined as any
14 failure to comply with the minimum required maintenance standards of this section or
15 chapter 5, article VI, Housing Code, of the City's Code of Ordinances shall be used to
16 prevent demolition by neglect, whether deliberate or inadvertent.

17
18 (1) *Required minimum maintenance standards.* It is the intent of this section to
19 preserve from deliberate or inadvertent neglect, the historic resource, whether vacant
20 or inhabited. All such resources shall be maintained according to minimum
21 maintenance standards, preserved against decay, deterioration and demolition and
22 shall be free from structural defects through prompt and corrective action to any
23 physical defect which jeopardizes the building's historic, architectural and structural
24 integrity;

25
26 (2) *Notice, administrative enforcement and remedial action.* If, in the opinion of the
27 Historic Preservation Board, historic preservation officer, or the code compliance
28 officer, any historic resource falls into a state of disrepair so as to potentially
29 jeopardize its structural stability and/or architectural integrity, and/or the safety of the
30 public and surrounding structures, or fails to satisfy any of the required minimum
31 maintenance standards above, then the aforementioned officials shall have right of
32 entry onto the subject property and may inspect the subject property after forty-eight
33 (48) hours' notice to the owner of intent to inspect.

34 a. In the event the property owner refuses entry of any City official onto the
35 subject property, the City may file an appropriate action compelling the
36 property owner to allow such officials access to the subject property for an
37 inspection.

38 b. Upon completion of the inspection of the subject property, a report delineating
39 the findings of such inspection, as well as any remedial action required to
40 address any violation of the required minimum maintenance standards, shall be
41 immediately transmitted to the property owner and to the Historic Preservation
42 Board.

43

1 (3) Code compliance action—Additional requirements. In any proceeding of the
2 unsafe structures board or the special magistrate involving a historic resource the
3 unsafe structures board or the special magistrate shall be instructed as follows:

4 a. That the subject of the code compliance action is a historic resource and that
5 these additional requirements apply to their deliberations.

6 b. Every reasonable effort shall be made to stop and reverse any deterioration of
7 the historic resource.

8 c. Demolition of a historic resource shall be ordered only in situations involving
9 an immediate public safety risk and shall be required to meet the following
10 conditions:

11 1. A structural engineer, with a demonstrated knowledge and expertise
12 in remediation of historic resources, determines that the structure
13 cannot be reasonably repaired; and

14 2. The historic preservation officer determines that there are ~~no~~ viable
15 alternatives to demolition.

16
17 d. The Historic Preservation Board shall be notified, according to notification
18 procedures herein, in advance of any Special Magistrate hearings regarding a
19 historic resource.

20 e. The unsafe structures board or the Special Magistrate may order remedial action
21 by the City to prevent demolition by neglect, including, but not limited to roof
22 repairs, moisture intrusion remediation or structural shoring. The costs incurred by
23 the City for the remedial action shall be determined by the Special Magistrate or
24 Historic Preservation Board.

25 f. The City shall have a lien on the subject property for all costs incurred until
26 paid, when notice of such lien shall have been filed in the public records of
27 Broward County. Such liens, when delinquent for more than thirty (30) days, may
28 be foreclosed by the City in the manner provided by the laws of the state for
29 foreclosures of mortgages on real property. Should the City foreclose a lien under
30 this section, the owner will pay all costs and reasonable attorney's fees, including
31 those incurred while on appeal. In addition, the owner of the property against
32 which the lien is assessed will be liable for any administrative costs the City incurs
33 in proceeding to foreclose the lien. In addition to the lien and foreclosure
34 remedies, the City Attorney is hereby authorized to file a suit in the appropriate
35 court seeking to collect unpaid costs incurred for remedial action that are past due
36 and the party to be charged will pay all costs and reasonable attorneys' fees,
37 including those incurred whole on appeal. In addition, the party to be charged
38 shall be liable for any administrative costs the City incurs in collection of the
39 amount owed.

40
41 (4) Emergency conditions; designated properties. In any case where it is determined
42 that there are emergency conditions dangerous to life, health or property affecting a
43 historic resource an order to remedy these conditions without the approval of the
44 Historic Preservation Board or issuance of a required certificate of appropriateness
45 may be issued, provided that the historic preservation officer and the chair of the

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1 Historic Preservation Board has been consulted. The building official shall provide
2 the Historic Preservation Board with adequate photographic evidence and a
3 professional engineer's opinion as to the conditions warranting the demolition.

4
5 (5) Reconstruction. A historic resource that is substantially destroyed by fire, storm
6 or other hazard may be reconstructed accordance with the Secretary of the Interior's
7 Standards. Notwithstanding the general requirements of the zoning district in which
8 the historic resource is located, the reconstruction may be approved with the same
9 setbacks, step backs and height from the finished floor as the resource it is replacing.

10
11 **Sec. 180-290. - Activities requiring certificate.**

12
13 A certificate to excavate issued by the Historic Preservation Board shall be required
14 for proposed earth-disturbing activities that will have an adverse impact on any
15 historic resource designated as archaeologically significant as provided for in section
16 180-140(2). No earth-disturbing activity may occur within the boundaries of a
17 designated archaeological site until a certificate to excavate is issued by the Historic
18 Preservation Board.

19
20 **Sec. 180-300. - Determination of adverse impact.**

21
22 (a) The owner of a designated historic resource with archaeological significance shall
23 confer with the historic preservation officer prior to any earth-disturbing activity
24 within the established boundaries of a designated archaeological site. A determination
25 shall be made by the historic preservation officer as to whether or not an application
26 for a certificate to excavate is warranted. Said determination shall be based on
27 whether or not there is a substantial adverse impact on the designated resource and the
28 potential for future impacts as a result of the proposed action. The historic
29 preservation officer may request the following information to assist in making the
30 determination:

- 31
32 (1) Site plans, including landscape plans, where applicable.
33 (2) A description of any earth-disturbing activity associated with the project,
34 including depth of excavation and area of coverage.
35 (3) Any other information required by the historic preservation officer deemed
36 necessary for making an accurate determination.
37 (4) An archaeological test survey, conducted by a professional archaeologist who
38 meets the professional qualification standards as defined by 36 CFR 61 and the
39 Florida Department of State, Division of Historical Resources, to further
40 evaluate the extent and significance of archaeological deposits.

41
42 (b) If the historic preservation officer makes a determination that the proposed activity
43 will have a substantial adverse impact on a designated archaeological site, an
44 application for a certificate to excavate must be filed with the historic preservation

1 officer. If a determination of no substantial adverse impact is made, the project may
2 proceed without action from the Historic Preservation Board.
3

4 **Sec. 180-310. - Application.**
5

6 Application to the Historic Preservation Board for a certificate to excavate shall be
7 made on a form supplied by the historic preservation officer and the Community
8 Development Services Department. Said application shall be filed with said officer
9 upon the determination made by the historic preservation officer as outlined in section
10 180-290. Applications shall be accompanied by full plans and specifications
11 indicating areas of work that involve earth-disturbing activity. Also, a notarized
12 authorization allowing such activity by the owner shall be provided, if the applicant is
13 other than the owner or attorney for the owner. The fee to apply for a certificate of
14 excavation shall be set forth by resolution of the City Commission, as may be amended
15 from time to time.

16
17 **Sec. 180-320. - Public hearing and notice of proposed certificate.**
18

19 The Historic Preservation Board shall hold a public hearing within sixty (60) days
20 after the filing of the application for a certificate to excavate with the historic
21 preservation officer and after due public notice for each application for a certificate to
22 excavate. The Historic Preservation Board shall also send by certified mail a notice of
23 the proposed certificate to excavate to the owner at least thirty (30) calendar days
24 prior to the date of public hearing, or the owner shall otherwise acknowledge notice to
25 the historic preservation officer. At the public hearing, the historic preservation officer
26 shall recommend approval, denial or approval with conditions of the certificate to
27 excavate. The historic preservation officer shall transmit to the owner their
28 recommendations on the application prior to the public hearing.
29

30 **Sec. 180-330. - Action by Historic Preservation Board.**
31

32 After the public hearing, the Historic Preservation Board shall approve, deny or
33 approve with conditions each application for an excavation certificate. Copies of the
34 decision shall be mailed to the applicant and the property owner within ten (10) days
35 of the decision. Unless appealed, the decision of the Historic Preservation Board shall
36 be the final administrative decision. After the issuance of a certificate to excavate, no
37 change may be made in the proposed work without resubmittal of an application.

38
39 **Sec. 180-340. - Mitigation of adverse impacts.**
40

41 The Historic Preservation Board shall not approve any application for a certificate to
42 excavate that does not provide for the mitigation of adverse impacts on a designated
43 historic resource with archaeological significance. Upon receipt of a complete
44 application, the Historic Preservation Board shall review the proposed project to
45 determine the type of archaeological work that is necessary to mitigate the adverse

1 impact of the proposed earth-disturbing activity on the affected archaeological
2 resource. After receiving a complete application, a decision shall be made by the
3 Historic Preservation Board as to the type of mitigation method appropriate for the
4 project. The Historic Preservation Board shall select one (1) or more of the following
5 alternatives:

6
7 (1) Site monitoring. This method includes the visual inspection of a property by
8 the historic preservation officer and/or a professional archaeologist for
9 evidence of artifacts or structural remains unearthed during the development
10 process or earth-disturbing activity. If significant archaeological deposits are
11 unearthed during project-related activity, work may be halted by the Historic
12 Preservation Board, with the recommendation for such action from the historic
13 preservation officer or a professional archaeologist, for a period not to exceed
14 one hundred eighty (180) days from the date of the filing of the application.
15 This time delay may be used to conduct any necessary archaeological work. At
16 the end of the delay, the applicant will be allowed to continue the project as
17 planned.

18
19 (2) Subsurface testing. This method includes limited sampling prior to the
20 development process. Work of this nature must be conducted and/or
21 supervised by a professional archaeologist. In situations where additional
22 effort is warranted, the Historic Preservation Board may request the applicant
23 to conduct full-scale excavation and/or in-situ preservation.

24
25 (3) Full-scale excavation. If the area to be adversely impacted by the proposed
26 project contains significant archaeological deposits as determined through
27 documentary records and or subsurface testing, a full-scale excavation may be
28 warranted. This action requires a team supervised by a professional
29 archaeologist. The time required for excavation will depend on the type and
30 size of site, extent of soil disturbance, definition of the site made during the
31 excavation, and weather conditions, but shall not exceed three hundred sixty-
32 five (365) days in duration.

33
34 (4) In-situ preservation. This method should be utilized, if feasible, as an
35 alternative for full-scale excavation in projects that involve significant
36 archaeological deposits. In-situ preservation is defined as maintaining the
37 archaeological site in an undisturbed state at its present location such as
38 through an easement, preserve, passive park or designated open space area, or
39 by sealing the site under pavement and/or fill. Specific boundaries are
40 identified and all development activity and earth-disturbing activity occurs
41 outside of the identified boundaries.

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Sec. 180-350. - Reporting requirements for archaeological work.

Any person conducting archaeological work in accordance with this section shall complete a Florida Site File form, in compliance with section B.3.b of the Florida Certified Local Government Guidelines, and a written report that meets the guidelines of the Florida Department of State, Division of Historical Resources. A copy of the Florida Site File form and the report will be provided to the Historic Preservation Board and the Florida Department of State, Division of Historical Resources prior to the issuance of a certificate to excavate.

Sec. 180-360. - Assistance with costs of archaeological work.

The Historic Preservation Board may assist the applicant in obtaining funding or volunteer assistance for archaeological work.

Sec. 180-370. - Correlation with other permits.

A certificate to excavate shall be considered a prerequisite to the issuance of any other permits required by ordinance of the City Commission for properties historically designated. The issuance of a certificate to excavate shall not relieve the applicant from obtaining other permits or approvals required by the City.

Secs. 180-380—180-450—Reserved.

Section 3: Section 130-010-entitled “Board created, duties.” and Section 130-090 entitled “Absence from meetings.” are amended as follows:

Sec. 130-010. - Board created, duties.

There is hereby created a Planning and Zoning Board (PZB) which shall consist of seven (7) members to be selected by the City Commission and whose duties shall be set out hereinafter in this Article. Except for a Broward County School Board or any ex-officio member, the membership of the PZB shall consist of residents who have resided within the city for at least six (6) months prior to submission of an application for appointment to the board. The PZB, from its membership, will elect a chair and a vice-chair and each member shall serve without compensation.

~~(A) The PZB shall perform the following duties in an advisory role to the City Commission, and any acts of the board relative to the duties listed in this Subsection shall be construed as recommendations to the City Commission:~~

- (1) Conduct hearings on proposals for changes to the official zoning map, vacations of public rights-of-way, and trafficway plan amendments, and report its findings and recommendations on such proposals to the City Commission;

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- (2) Make recommendations on plats presented to the City Commission for approval;
- (3) Act as the Local Planning Agency (LPA) in carrying out the duties required of it pursuant to F.S. Chapter 163.
- (4) Serve as ex officio members of the Historic Preservation Board pursuant to section 180-100 ULDR. By serving in such capacity, the duties and responsibilities of the PZB members serving on the Historic Preservation Board are in addition to and as part of the duties and responsibilities of the office as PZB members. It is intended that this ex officio designation imposing the duties of serving on the Historic Preservation Board upon PZB members shall not violate the dual office holding prohibition of Art. II, Sec. 5(a), Florida Constitution, and any authority granted to the Historic Preservation Board shall be interpreted consistent therewith. Conduct public hearings and make recommendations to the City Commission as to whether a proposed archaeological or historical landmark should be designated, as provided in Section 155.010.
- (5) To authorize conditional uses pursuant to Article 105, Conditional Uses.
- (6) To authorize variances pursuant to Article 120.
- (7) Perform such other duties as may from time to time be assigned to the PZB by the City Commission.

(B) The PZB shall be charged with the review and approval of Payments In Lieu of Landscaping (PILL) and with site plan applications, as provided for in the ULDR. The PZB approval shall be final and is not advisory in nature, unless otherwise specified within the ULDR. Final decisions of the PZB regarding site plans may be appealed to the City Commission. All decisions shall be on an appropriate form in triplicate, so that the PZB shall keep one copy, one copy shall be forwarded to the City Clerk to become a public record, and one copy shall be forwarded to the applicant.

Sec. 130-090. - Absence from meetings.

Any member of the PZB who is not present at a meeting shall be required to have recorded in the minutes of the next meeting the reason for absence. Any member whose absences are unexcused for at least twenty-five (25) percent of the meetings during a calendar year or for three (3) consecutive meetings, whichever occurs first, does thereby automatically resign the member's position on the board and the member's seat shall be filled by appointment of the city commission. In the event that any member of the PZB serving in an ex officio status as a Historic Preservation Board member has absences that are unexcused for three (3) consecutive meetings of

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1 the Historic Preservation Board, that member automatically resigns from both the
2 PZB and the Historic Preservation Board. After providing advance notification, the
3 absence of any member shall be deemed excused under the following circumstances:

- 4 a. When the member is performing an authorized alternative activity relating to
- 5 outside board business that directly conflicts with the meeting;
- 6 b. The death of a member's immediate family member, defined as a spouse,
- 7 father, mother, brother, sister, stepparent, one who has stood in the place of a
- 8 parent (in loco parentis), child, or stepchild of a member;
- 9 c. The death of a member's domestic partner, or domestic partner's father,
- 10 mother, brother, sister, stepparent, one who has stood in the place of a parent
- 11 (in loco parentis) of a domestic partner, child, or stepchild of a domestic
- 12 partner;
- 13 d. The member's hospitalization or other type of illness that might be contagious;
- 14 e. When the member is summoned to jury duty;
- 15 f. When the member is issued a subpoena by a court of competent jurisdiction; or
- 16 g. When the member is observing a religious holiday.

17 **Section 4:** It is the intention of the City Commission, and it is hereby
18 ordained that the provisions of this Ordinance shall become and be made a part of the
19 Code of Ordinances of the City of Wilton Manors, Florida.

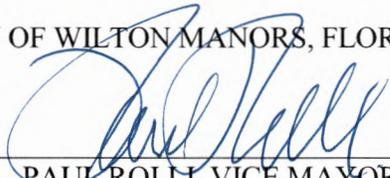
20
21 **Section 5:** All Ordinances and Resolutions or parts of Ordinances and
22 Resolutions in conflict herewith, be and the same are hereby repealed, to the extent of
23 such conflict.

24
25 **Section 6:** If any clause, section or other part of this Ordinance shall be held
26 invalid or unconstitutional by any court of competent jurisdiction, the remainder of this
27 Ordinance shall not be affected thereby, but shall remain in full force and effect.

28
29 **Section 7:** This Ordinance shall become effective upon passage and
30 adoption.

31
32 **PASSED ON FIRST READING BY THE CITY COMMISSION OF THE CITY OF**
33 **WILTON MANORS, FLORIDA, THIS 28th DAY OF September, 2021.**

34
35 **PASSED AND ADOPTED ON SECOND AND FINAL READING BY THE CITY**
36 **COMMISSION OF THE CITY OF WILTON MANORS, FLORIDA THIS 12th**
37 **DAY OF October, 2021.**

38
39 CITY OF WILTON MANORS, FLORIDA
40
41 By: 
42 _____
43 PAUL ROLLI, VICE MAYOR

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ATTEST:



FAITH LOMBARDO
CITY CLERK

RECORD OF COMMISSION VOTE:
1ST Reading

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK

Aye
Aye
Aye
Aye
Aye

I HEREBY CERTIFY that I have
approved the form of this Ordinance.

/s/ Kerry L. Ezrol

KERRY L. EZROL, ESQ.
CITY ATTORNEY

RECORD OF COMMISSION VOTE:
2ND Reading

MAYOR NEWTON
VICE MAYOR ROLLI
COMMISSIONER BRACCHI
COMMISSIONER CAPUTO
COMMISSIONER RESNICK

Absent
Aye
Aye
Aye
Aye