



WEST PALM BEACH

Purchasing Department

**Addendum 1
ITN 16-17-502
May 18, 2017**

464 Fern Street Building Relocation

Each recipient of this Addendum acknowledges all of the provisions set forth in the Invitation to Negotiate (ITN) and agrees to be bound by the terms thereof.

This addendum shall modify, clarify, change or add information and become part of the above referenced ITN.

This Addendum shall provide the following information:

- Pre-proposal conference attendance
- Questions and Answers

The following documents are included with this addendum:

- Addendum 1 ITN 16-17-502
- ITN 16-17-502 Pre-proposal conference attendance
- City of West Palm Beach Employee Clinic (Riddle House) renovation drawings
- Ordinance No. 4103-08
- City of West Palm Beach Code of Ordinances Sections 94-45 through 94-53

Questions and Answers

Question 1: Are there any funds or incentives available to assist in the relocation from the Community Redevelopment Agency (CRA) or any other agency?

Answer: It depends on the location and ultimate use.

Question 2: Will a bond be required?

Answer: Yes, a bond is desired for assurance that the project is seen through. However, this is something that will be addressed during the negotiation stage.

Question 3: Are there Davis Bacon wage requirements or any other wage restrictions?

Answer: No.

Question 4: What is the City's Budget for the relocation of the structures?

Answer: The City is looking to contract with the proposer(s) that can relocate the structure(s) at the least cost to the City. The City's budget for the relocation of the structures is \$0.00.

Question 5: Can the City provide additional access to the building at a later date for other members of our project teams?

Answer: Yes, appointments can be set up by contacting Nate Rubel, City of West Palm Beach Procurement Supervisor at 561-822-2109 or nrubel@wpb.org.

Question 6: Are the original plans available for the Riddle House?

Answer: Initial attempts to locate the original plans have been unsuccessful. However, the plans from the most recent renovation of the Riddle House (Employee Clinic) have been attached to this addendum.

Question 7: Can the coquina pavers in front of the Riddle House be relocated with the building?

Answer: Yes, the coquina pavers may be relocated with the structure.

Question 8: Have either of the structures been designated historic landmarks or been given another type of historical designation?

Answer: Yes, both buildings have been designated as historic properties listed in the West Palm Beach Register of Historic Places. A copy of Ordinance No. 4103-08 designating the structures has been attached. Sections 94-45 through 94-53 from the Code of Ordinances of the City of West Palm Beach have been attached for reference as well.

Question 9: What is the extent of the alterations that are allowed to be made to the buildings?

Answer: Alterations made to the structures must be consistent with the City's Code of Ordinances.

Question 10: Is the extension on the rear of the Riddle House original, can it be removed if necessary to fit within the easements on the proposed site?

Answer: Alterations made to the structures must be consistent with the City's Code of Ordinances.

Question 11: Do the HVAC units come with the Riddle House?

Answer: Yes, the HVAC equipment at the Riddle House may be relocated with the structure.

Question 12: Can access to the crawl space beneath the Riddle House be granted?

Answer: Yes, access to the crawl space beneath the Riddle House can be granted by appointment. Please set up an appointment by contacting Nate Rubel, City of West Palm Beach Procurement Supervisor at 561-822-2109 or nrubel@wpb.org.

All of the other information remains the same.

Proposers must acknowledge receipt of this Addendum 1 in the space provided below. This Addendum forms an integral part of the ITN documents and therefore must be executed. Failure to return this addendum with your bid submittal may be cause for disqualification.

Issued By: City of West Palm Beach
Procurement Division
May 18, 2017

Signed By: 
Nathaniel P. Rubel
Procurement Supervisor

PROPOSER: _____

Signed By: _____

Print Name: _____

Title: _____

Date: _____

End of Addendum 1

ATTENDANCE ROSTER
City of West Palm Beach
Pre-Proposal Conference

Title: ITN 16-17-502 464 Fern St. Building Relocation

Date & Time: May 10, 2017 10:00 AM – 464 Fern St., West Palm Beach, FL 33401

NAME	COMPANY	E-MAIL	TELEPHONE
Diego Fuentes	Going Green Construction Inc	dfuentes@goingconstruction.com	786 6595425.
Luis CLEMENTE	N/A	Luis.R.CLEMENTE@MC.com	772-559-8931
Jamison Brownie	Brownie Companies Building Movers	jamison@browniecompanies.com	772-460-5660



ORDINANCE NO. 4103-08

FILE NUM 20080038963 OR BOOK PAGE 2241341087 DATE: 01/25/2008 13:59:11 Pgs 1087 - 1089: (3pgs)
Sharon R. Beck, CLERK & COMPTROLLER

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, DESIGNATING THE KARL RIDDLE HOUSE AND LOCUST HOUSE, 464 FERN STREET, AS AN HISTORIC PROPERTY IN THE WEST PALM BEACH REGISTER OF HISTORIC PLACES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CONFLICTS CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the owner, the City of West Palm Beach, submitted an application for the designation of the Karl Riddle House and the Locust House, as legally described herein, as an historic property eligible for listing in the West Palm Beach Register of Historic Places in accordance with Ordinance No. 3554-02; and

WHEREAS, the Historic Preservation Planner has reviewed such application and determined that the Karl Riddle House and the Locust House are historically and architecturally significant structures which are of high importance; and

WHEREAS, the Karl Riddle House and the Locust House at 464 Fern Street are excellent examples of the Mediterranean Revival architectural style and Mission Revival style, respectively; and

WHEREAS, the Karl Riddle House and the Locust House at 464 Fern Street are identified with the Land Boom Period in West Palm Beach (1920-1928); and

WHEREAS, the Karl Riddle House at 464 Fern Street has a significant association with the lives of person significant in the city's past; and

WHEREAS, the Karl Riddle House and the Locust House at 464 Fern Street would be significant to the City; and

WHEREAS, the Historic Preservation Board (HPB), at its meeting on November 27, 2007, held a public hearing on the application for the designation of the Karl Riddle House and the Locust House at 464 Fern Street as an historic property under HPB Case No. 07-112, and recommended that it be designated as an historic property and listed in the West Palm Beach Register of Historic Places.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WEST PALM BEACH, FLORIDA, that:

ORDINANCE NO. 4103-08

SECTION 1: Upon recommendation of the Historic Preservation Board, the City Commission hereby makes the following Findings of Fact:

1. The subject buildings are historically significant structures which are of high importance. They were constructed in 1926, or more than 80 years ago.
2. The Karl Riddle House is an excellent example of Mediterranean Revival style architecture. The Locust House is an excellent example of Mission Revival style architecture.
3. The subject buildings are identified with the Land Boom Period in West Palm Beach (1920-1928).
4. The Karl Riddle House has a significant association with the lives of persons significant in the city's past.
5. The loss of the subject buildings to the City would be significant.

SECTION 2: The structures that lie within the following described property in the City of West Palm Beach, Florida, are hereby designated as an historic property and shall be listed in the West Palm Beach Register of Historic Places:

TOWN OF WEST PALM BEACH, East ½ of lot 4 , (less North 20 feet of street right-of-way) Block 20.

TOWN OF WEST PALM BEACH, West ½ of lot 4 (less North 20 feet of street right-of-way) Block 20.

SECTION 3: The historic designation of these structures shall be noted in the records of the Planning and Zoning Department and the Construction Services Department.

SECTION 4: This Ordinance shall be recorded by the City Clerk in the public records of Palm Beach County, Florida.

SECTION 5: All ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

SECTION 6: This Ordinance shall take effect in accordance with law.

FIRST READING THIS 14th DAY OF January, 2008.

SECOND READING AND FINAL PASSAGE THIS 28th DAY OF January, 2008.

(CORPORATE SEAL)

CITY OF WEST PALM BEACH
BY ITS CITY COMMISSON



PRESIDING OFFICER

ATTEST:


CITY CLERK

CITY ATTORNEY'S OFFICE
Approved as to form and legal sufficiency
By: WJL
Date: 1-25-08

Sec. 94-45. - Incorporation by reference.

The following documents are incorporated in and made a part of this chapter by reference:

- (1) Rules and procedures of the historic preservation board.
- (2) Design Guidelines Handbook.
- (3) Certificate of appropriateness application.
- (4) Certificate of economic hardship application.
- (5) West Palm Beach Register of Historic Places nomination application.
- (6) Ad valorem tax exemption application.
- (7) Historic preservation board certificate of appropriateness approval matrix.
- (8) City comprehensive plan.
- (9) Crime Prevention Through Environmental Design Handbook.

(Ord. No. 3554-02, art. I, § 4, 7-22-2002; Ord. No. 4522-14, § 2, 8-4-2014)

Sec. 94-46. - Historic preservation.

(a) *Statement of purpose.*

- (1) The city recognizes its collection of historic properties and historic districts, which create a setting, sense of time and place, and ambience highly attractive to tourists, business development and residents.
- (2) The city declares that Ordinance No. 3554-02 (the historic preservation ordinance, codified as the historic preservation provisions in sections 94-45 through 94-53, subsection 94-31(e) and section 94-611) specifically implements the goals, objectives, and policies of the historic preservation element of the comprehensive plan and, further, embodies the city's commitment to preserving, protecting, restoring and fully utilizing its historical, cultural and architectural resources ("resources").
- (3) The historic preservation ordinance is designed to identify, protect, restore and encourage reuse of resources, all of which are essential to the city's health, safety, morals, and its economical, educational, cultural, and general welfare. These valid public purposes shall be fulfilled by the ordinance, to achieve the following goals:
 - a. Preserve, protect, enhance and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economical, political, archaeological, and architectural identity; and/or serve as visible reminders of the city's culture and heritage;
 - b. Ensure the harmonious, orderly, and efficient growth, prosperity and development of the city through retention and reuse of its historic and cultural resources;
 - c. Strengthen civic pride and cultural stability through neighborhood conservation;
 - d. Contribute to the stabilization of the economy of the city through the continued use, preservation, conservation and revitalization of its resources;
 - e. Protect and enhance the city's historic, cultural and architectural attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
 - f. Promote the use of resources for the education, pleasure, and welfare of the people of the city;

- g. Provide a review process for the continued preservation and appropriate, compatible and sensitive development of new construction and additions within the city's historic districts and neighborhoods;
 - h. Protect and enhance the scale, character and stability of existing neighborhoods, and protect against destruction of or encroachment upon areas which contribute to the character of the city;
 - i. Facilitate the creation of a convenient, harmonious and attractive community, and protect the architectural beauty and special architectural features of the city;
 - j. Avoid demolition, or other adverse effect on historic properties (properties) and districts, which would cause an irreparable loss to the city;
 - k. Assist neighborhoods to achieve a positive neighborhood identity and sense of place.
- (4) In addition, the historic preservation ordinance is designed to implement, be consistent with, and assist in the achievement of the goals, objectives and policies, as specifically required by the city's comprehensive plan, with respect to historic, conservation, and neighborhood resources.
- (b) *Historic preservation division.* The historic preservation division of the planning department (the division) shall administer the historic preservation provisions of this chapter. The division shall employ planners with expertise in archeology, history, architectural history, historic preservation, preservation planning, or a closely related field (the preservation planners). The head of the division shall be the historic preservation planner.
- (c) *Powers and duties of the historic preservation planners.* The preservation planners shall have the following powers and duties:
- (1) To advise the board on applications that come before the board for designations, certificates of appropriateness, and certificates of economic hardship, and to assist in the preparation of complete applications for each;
 - (2) To schedule meetings of the board, prepare agendas and ensure that proper notice is given;
 - (3) To coordinate the city's preservation activities with local, state, federal, and national agencies and preservation organizations;
 - (4) To recommend to the board properties or districts for historic designation;
 - (5) To undertake and continue an ongoing comprehensive survey and inventory to identify properties and districts that have historic, community, or architectural value within the city;
 - (6) To keep a record of all designated properties and districts in the West Palm Beach Register of Historic Places;
 - (7) To accept and administer grants or gifts to the city, including easements, that may be appropriate for carrying out the purpose of the historic preservation provisions of this chapter;
 - (8) To review all permit requests for demolition within the city;
 - (9) To review rezoning applications, applications for special use permits or applications for zoning variances that affect designated properties or districts;
 - (10) To issue notices of violation or to request the building official or other authorized employee to issue notices of violation for properties not in compliance with the historic preservation provisions of this chapter;
 - (11) To recommend to the city commission the appropriate fees for administration of the historic preservation provisions of this chapter;
 - (12) To periodically review the historic preservation provisions of this chapter and the other provisions of this chapter and to recommend changes to the planning director and city commission; and

(13) To assist the board in carrying out any of its powers and duties.

(Ord. No. 3554-02, art. I, § 2, art. III, §§ 1, 2, 7-22-2002)

Sec. 94-47. - Certified local government review.

The city commission is a certified local government (CLG) approved by the state department of state, division of historical resources. The city commission as a CLG is required to participate in the state National Register of Historic Places nomination process, be involved in the section 106 process, and is eligible to receive grants from the certified local government section of the state department of state historical resources grants-in-aid program.

(Ord. No. 3554-02, art. VIII, § 2, 7-22-2002)

Sec. 94-48. - Designation of historic properties and districts.

(a) *Guidelines for historic designation.*

(1) To qualify as a property or a district, individual properties must have significance in American history, architecture, archeology, engineering or culture and possess integrity of location, design, setting, materials, workmanship, and association. For districts, eligibility is based on the establishment of historic contexts or themes which describe the historical relationship of the properties within the district. The property or district shall be at least 50 years old (in the case of a district, at least 50 percent of the buildings shall be at least 50 years old), and shall be significant in one or more of the following areas:

- a. Association with events that have made a significant contribution to the broad patterns of the city's history; or
- b. Association with the lives of persons significant in the city's past; or
- c. Embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- d. Has yielded, or may be likely to yield, information important in prehistory or history.

(2) Ordinarily cemeteries, birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings or structures that have been moved from their original locations, reconstructed historic buildings or structures, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the West Palm Beach Register of Historic Places. However, such a property will qualify if it is an integral part of a district or if it meets any of the following descriptions:

- a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving resource most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with such figure's productive life; or
- d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features or from association with historic events; or
- e. A reconstructed building or structure when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

- f. A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own exceptional significance; or
 - g. A property achieving significance within the past 50 years if it is of exceptional importance.
- (b) *Procedures.*
- (1) *Eligible applicants.*
 - a. Applications for historic designation may be initiated by only the following:
 - 1. Historic preservation board.
 - 2. City commission.
 - 3. Preservation planners.
 - 4. A property owner for designation of a site.
 - 5. A majority of property owners (51 percent) for designation of a district.
 - b. Only the board or the city commission may initiate designation of a property or district owned by the city, county or state or by an entity created by state law. For district designations, each property shall be allotted one vote. The identity of the property owners shall be determined by the most current county property tax rolls.
 - (2) *Application form.* Nominations for historic designations shall be made only on application forms approved by the board.
 - (3) *Board agenda.* Following the preservation planners' determination that an application for designation is complete, the application shall be scheduled for a public hearing by the board.
 - (4) *Board public hearing notice.* The board shall advertise and hold a public hearing in accordance with F.S. § 166.041. Notice of the time, place and subject matter of the hearing shall be published in a newspaper of general circulation in the city, mailed to the applicant and mailed to any owner of real property within 400 feet of the property or district subject to potential designation, at least 30 calendar days prior to the date set for the public hearing.
 - (5) *No action permitted during pendency.* During the period that a designation application is pending, no changes to the property or district shall be made unless first approved by the board. The application is considered pending until the final decision on the designation is made by the city commission.
 - (6) *Board recommendations.* The board shall make a recommendation as to the proposed designation at the public hearing, based on findings of fact which support the recommendation. The board's recommendation shall be reduced to writing within 15 working days after the hearing date. If the board votes to recommend approval, it will forward the application with recommendations to the city commission. If the board recommends denial, no further action is required unless an applicant, or not less than two-thirds of the affected property owners (in the case of a district), appeals to the city commission. In such event the city commission may reconsider designation or require the board to do so.
 - (7) *City commission decision.* Within 45 working days after the board hearing, a designation application with a board recommendation for approval shall be scheduled for hearing by the city commission. The city commission may approve or deny the designation application. Alternatively, the city commission may approve the designation with conditions or delay designation for up to one year. The city commission shall make written findings of fact on which its decision is based.
 - (8) *West Palm Beach Register of Historic Places.* A property or district designated by the city commission as historic shall be listed in the West Palm Beach Register of Historic Places. All properties and districts designated under the previous city historic preservation ordinances are deemed designated under this chapter and shall be accorded all protection and be subject to all historic preservation regulations contained in this chapter. Properties listed in, or eligible for

listing in the National Register or on the West Palm Beach Register of Historic Places, either as a property or as a contributing property within a district, shall be entitled to modified enforcement of the city's applicable building codes.

- (9) *Designation recorded.* The historic designation ordinance shall be recorded in the official records of the county within ten working days of the designation decision. The designation shall be noted in the official records of the city's planning and construction services departments to ensure that all city actions taken in connection with the subject property or district are taken subject to the designation.
- (10) *Historic district street signs.* For districts, the city shall erect standardized street signs identifying the district within two years from the date of such designation, subject to economic feasibility. The design shall be first approved by the board.
- (c) *Removal of designation.* A designation may be removed by the city commission based upon the board's recommendation. Such recommendation shall be based upon new and compelling evidence and evaluation of work or natural cause producing an adverse effect to a property or district. The same guidelines and the same procedures established for designation shall be considered for a removal of designation.
- (d) *Designation of county, state or other political subdivision properties.* County, state or political subdivision entity-owned properties may be designated as a property or district if such designation is not prohibited or preempted by law, or otherwise provided for in the intergovernmental coordination element of the comprehensive plan. In the absence of prohibition, preemption, or other agreement, such other government may only avoid designation of its property by bearing the burden of proof that public interests, on balance, are best served by avoiding such designation. Such determination shall be established by the process as set forth in the historic preservation provisions of this chapter. Once designated, unless reversed upon appeal, such designated property or district shall comply with and be regulated by all regulations contained in the historic preservation provisions of this chapter.
- (e) *Maintenance and repair of designated properties required.* All designated properties or any portion thereof shall be preserved against decay and deterioration and kept free from structural defects.

(Ord. No. 3554-02, art. IV, 7-22-2002)

Sec. 94-49. - Certificate of appropriateness procedures for review.

- (a) *Review.* The board or the preservation planners must review actions affecting the exterior of properties and all resources, including noncontributing properties, within districts.
- (b) *Board approval required.*
 - (1) *Approval.* The board hears applications for certificates of appropriateness for alterations, new construction, demolitions, relocations, and certificates of economic hardship affecting proposed or designated properties or properties within districts.
 - (2) *Delegation of Review Authority.* The board may delegate to the preservation planners the authority to administratively review and grant a certificate of appropriateness without formal action by the board. This delegation of review shall be depicted in a historic preservation board certificate of appropriateness approval matrix (the "matrix"). The matrix will contain a list of design features, such as roofing materials, window types, shutter types, etc. The matrix will indicate whether such features may be administratively reviewed or if board review is required. The board shall approve or amend the historic preservation board certificate of appropriateness approval matrix at its annual meeting, and at any other time as needed. This delegation of review may also be returned to the board at its discretion.

If the division does not grant administrative approval of an application, the application will be referred to the board for review. Any applicant may request referral to the board rather than

administrative review. An application referred by the division or an applicant will be considered in accordance with the application review schedule contained in this section.

(c) *Application procedure, fees and review.*

- (1) *Application and fees.* Requests for certificates of appropriateness shall be made on application forms approved by the board. Submittal of the application must be made with the appropriate site plans, drawings, photographs, descriptions, and other documentation needed to provide the division and the board with a clear understanding of the proposed action. Application fees and other applicable charges shall be established by resolution adopted by the city commission.
- (2) *Completeness review and board agenda.* The preservation planners shall review all applications for certificates of appropriateness to determine whether an application is complete. If the application is incomplete, the preservation planners will notify the applicant of what additional information is necessary. An application will not be reviewed until the preservation planners determine that it is complete. All certificate of appropriateness applications eligible for administrative review will be reviewed within 15 working days. A written decision will be sent to the applicant. All certificate of appropriateness applications requiring board review will be scheduled for hearing by the board at the first available meeting approximately six weeks after receipt of the completed application. Notice of the time, place and subject matter of the hearing shall be published in a newspaper of general circulation in the city not less than seven days before the meeting. A sign stating that an application for demolition and new construction will be considered by the board shall be posted at the property not less than seven days before the meeting.
- (3) *Secretary of the Interior's standards for rehabilitation.* In reviewing an application, the Secretary of the Interior's standards for rehabilitation (as may be amended from time to time) shall be applied. The current version is as follows:
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings or structures, if appropriate, shall be undertaken using the gentlest means possible.
 - h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
 - i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old

and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (4) *Additional criteria.* The above standards for rehabilitation in subsection (c)(3) of this section shall be supplemented by the following criteria specific to certain types of requests:
- a. *New construction and alterations.* The following design elements and features should be visually compatible with resources in the surrounding buildings.
 - 1. *Setting, orientation and setbacks.* The building should be situated approximately the same distance from the street as adjacent buildings, to create a continuous street edge. The orientation of the building should be consistent with that of the surrounding buildings. The setting should be designed with the overall environment in mind. It should take into account the compatibility of landscaping, parking, service areas, walkways and accessory structures.
 - 2. *Building height.* The height of the building at street level should be visually compatible with the height of surrounding buildings.
 - 3. *Design styles.* New buildings should take their design cues from the surrounding buildings. Traditional or contemporary design standards and elements should relate to the surrounding buildings.
 - 4. *Proportion of openings.* The relationship of the width of windows and doors to the height of windows and doors should be visually compatible with the surrounding buildings.
 - 5. *Rhythm of solids to voids.* The relationship between solids (walls) and voids (windows and doors) of a building should be visually compatible with the surrounding buildings.
 - 6. *Rhythm of spacing along the street.* The relationship of buildings to the open space between them should be compatible with the other buildings on each side of the street in that block.
 - 7. *Relationship of materials and textures.* The materials and textures of a building should be chosen with the predominant materials of the historic district in mind. Simplicity in such use is preferable.
 - 8. *Roof shapes.* The roof shape of a building is a major distinguishing feature. The roof shape of a new building should be compatible with those of the buildings in the historic district.
 - 9. *Size, scale, bulk, mass and volume.* The physical size, scale, bulk, mass and volume should be compatible with the surrounding buildings without overwhelming them.
 - b. *Demolition.*
 - 1. *Certificate of appropriateness.* No building or structure on a property or located within a district shall be demolished without first receiving a certificate of appropriateness for new construction. The applications for demolition and new construction shall be reviewed by the board simultaneously. The requirement of a certificate of appropriateness for new construction may be waived by the board upon a good cause showing that such requirement would be unduly harsh or would result in a substantial hardship to the property owner. A showing of good cause may include, but is not limited to, evidence that the property owner is unable to comply with the requirement for simultaneous new construction due to advanced age, infirmity, physical or other debilitating handicap, or financial hardship. Upon approval by the board of a certificate of appropriateness for demolition, the demolition permit shall not be issued until all

demolition and new constructions plans for the property have received all other required governmental approvals.

- a. Any non-contributing primary structure that is 35 years old or older within a historic district that was surveyed, designated or redesignated more than five years ago must obtain an independent review of an historic preservation consultant (contracted through the city meeting the National Park Service Professional Qualification Standards for Historic Preservation) to determine if the structure would contribute to the district if the district was resurveyed.
2. *Denial.* The existence of one or more of the following conditions may be the basis for denial of a demolition application:
 - i. The resource contributes significantly to the historic character of designated property or district.
 - ii. The resource is listed on the National Register.
 - iii. The resource is one of the last remaining examples of its kind in the neighborhood or city.
 - iv. The resource is capable of being repaired and reused in a practical and feasible manner.
 - v. Retention of the resource would promote the general welfare of the city by providing an opportunity to study local history, architecture and design, or by developing an understanding of the importance and value of a particular culture or heritage.
 - vi. Granting a certificate of appropriateness for the demolition would result in an irreparable loss to the city of a significant resource.
 - vii. The plans for the simultaneous new construction (if the demolition is granted) are not compatible with the property or district.
 - viii. The report provided to the Historic Preservation Board by an Historic Preservation Professional meeting the National Park Service Qualification Standards for Historic Preservation indicates the property may be considered contributing.
 3. *Demolition delay period.* The board may grant a certificate of appropriateness for demolition which may contain a delayed effective date. The effective date will be determined by the board based on the relative significance of the resource and the probable time required to arrange a possible alternative to demolition. The board may delay demolition for up to three months. During the demolition delay period, the board may take such steps as it deems necessary to preserve the resource. Such steps may include, but are not limited to: consultations with community groups, public agencies and interested citizens; recommendations for acquisition of the property by public or private bodies, or agencies; and exploration of the possibility of moving the resource.
 4. *Salvage and preservation of specific features.* The city commission upon recommendation by the board may require the property owner, at city expense, to salvage and preserve specified classes of building materials, architectural details, ornaments, fixtures and the like.
 5. *Initiation of designation.* If an undesignated property warrants it and it is otherwise authorized under the historic preservation provisions of this chapter, the preservation planners may initiate, or recommend that the board initiate, the designation application and review process. The preservation planners may further request that the board require that the issuance of a demolition permit be stayed pending the board's review of the application and the city commission's decision to designate or deny designation of the property. However, the maximum period during which the

issuance of a demolition permit may be stayed pursuant to this subsection (c)(4)b.5. of this section is 120 days, unless extended by the city commission.

- c. *Relocation.* The existence of one or more of the following conditions may be the basis for denial of a relocation application:
 1. The historic character or aesthetic interest of the resource contributes to its present setting in such a manner that relocation would result in a substantial loss to the setting or district.
 2. There are no definite plans for the area to be vacated.
 3. There are definite plans for the area to be vacated that may adversely affect the character of the district.
 4. The resource cannot be moved without significant damage to its physical integrity.
 5. The proposed relocation area is not compatible with the historic, cultural, and architectural character of the resource.
 6. Little or no effort has been made to consider relocation within the same district or within another district with compatible historic, aesthetic, cultural, or design qualities with the relocated resource.
- (5) *Decisions.* Decisions regarding applications for certificates of appropriateness shall be based on the application, the application's compliance with the historic preservation provisions of this chapter, and the evidence and testimony presented in connection with the application. In reviewing an application, the division and the board shall be aware of the importance of finding a way to meet the current needs of the property owner. The division and the board shall also recognize the importance of recommending approval of plans that will be reasonable for the property owner to carry out. Any conditions or requirements imposed shall be reasonably related to the certificate of appropriateness sought by the applicant.
- (6) *Notice of decision on application.* The division shall notify the applicant in writing of any decision on the application within five working days from the date of the decision.
- (7) *Changes in approved work.* Any change in the proposed work following the issuance of a certificate of appropriateness shall be reviewed by the division. If the proposed change does not materially affect the historic character or the proposed change is in accordance with the board's decision, the division may administratively approve the change. If the proposed change is not in accordance with the board's decision, a new certificate of appropriateness application for such change must be submitted for review.

(Ord. No. 3554-02, art. V, 7-22-2002; Ord. No. 4022-07, § 2, 2-26-2007)

Sec. 94-50. - Certificate of economic hardship and appeal of decisions.

- (a) *Certificate of economic hardship.* Prior to taking an appeal of a decision of the board on an application for certificate of appropriateness, an applicant may file an application for a certificate of economic hardship.
 - (1) *Application.* A certificate of economic hardship application must be submitted within 30 days of the date of the hearing at which the board's decision on the application is announced.
 - (2) *Board agenda and notice.* The board shall schedule a public hearing within 60 working days from the receipt of the application and shall provide notice of such hearing in the same manner as for the certificate of appropriateness application.
 - (3) *Negotiations prior to hearing.* During the period between receipt of the certificate of economic hardship application and the board's public hearing, the applicant shall discuss the proposed action with the division, other city officials and local preservation organizations to consider alternatives that will avoid an economic hardship and have the least adverse effect to the

property and the district. The division may request information from city departments and other agencies in order to negotiate an alternative resolution that is in the best interest of the applicant and the city. If negotiations are successful, the division shall make written recommendations to the board regarding such alternatives.

- (4) *Determination.* The applicant has the burden of proving by competent substantial evidence that the board's decision regarding the certificate of appropriateness application has caused or will cause an unreasonable economic hardship. The effect of denial of the application for certificate of economic hardship is that decision regarding the certificate of appropriateness is upheld. If the application for certificate of economic hardship is granted, the board may issue the certificate of economic hardship without conditions. Alternatively, the board may issue the certificate with conditions that will avoid the economic hardship and have the least adverse effect to the property and the district.

Such conditions may include, but are not be limited to: ad valorem tax relief, loans or grants, requiring the owner to market and offer the property for sale for a fair market price with appropriate preservation protections for a period of time not to exceed six months, acquisition by a third party for a fair market value, taking by eminent domain and fair compensation, building and zoning code modifications, relaxation of the historic preservation provisions of this chapter, recommendation by the mayor that some or all of the applicable board fees be waived, or such other relief as appropriate.

- (b) *Appeal of decisions.* Any applicant may appeal a decision of the board to the city commission regarding an application for certificate of appropriateness and/or an application for certificate of economic hardship. The applicant shall file a written notice of the appeal with the historic preservation division within 30 days of the date of the hearing at which the board's decision on the application is announced. The city commission shall place the matter on the commission's agenda within 45 working days from the date of the written notice of appeal. The meeting at which the appeal is placed on the agenda shall be no later than 60 working days from the date of the written notice of appeal. Consideration of the appeal by the city commission shall be de novo review. The city commission shall be required to apply the applicable standards and criteria set forth in the historic preservation provisions of this chapter. A decision of the city commission may be appealed to a court of competent jurisdiction within 30 days after the hearing at which the decision is announced.

(Ord. No. 3554-02, arts. VI, VII, 7-22-2002)

Sec. 94-51. - Historic preservation property tax exemption program.

- (a) The granting of tax exemptions to owners who make improvements to historic properties was authorized by an amendment to the state constitution and codified in F.S. §§ 196.1997 and 196.1998. Ad valorem tax exemption was passed by the city in February 1994, chapter 82, article IV, and by the county in 1995 (Ordinance No. 95-41). An interlocal agreement between the city and county for implementation of the county's ordinance in the city was approved in April 1996 (R96-442-D). The city and county tax abatement exemption ordinances authorize granting an exemption from increases to ad valorem taxes for qualified improvements to properties listed in the West Palm Beach Register of Historic Places and the National Register of Historic Places.
- (b) Exemptions for historic properties are intended for the physical improvements necessary to restore or rehabilitate the historic resource, which may include additions, alterations and new construction. The improvements must comply with the Secretary of the Interior's standards for rehabilitation.
- (c) The city and county will process the application following mutually established procedures through both the city and county commissions. This program provides an exemption from tax increases on improvements to the property for a ten-year period. The exemption is conveyed through a covenant that accompanies the deed of the property and may be transferred to future owners during the abatement period.

(Ord. No. 3554-02, art. VIII, § 1, 7-22-2002)

Sec. 94-52. - Enforcement and penalties.

- (a) *Generally.* It shall be unlawful for any person or entity to violate the historic preservation provisions of this chapter. Such violations shall be enforced and penalties imposed according to the provisions of chapter 26, articles II and III. In addition to all other employees authorized by the Code to enforce the Code, the historic preservation planners are hereby designated as employees who are duly authorized to issue notices of violations of the historic preservation provisions of this chapter.
- (b) *Enforcement of maintenance and repair provisions.* Should the historic preservation board or the historic preservation division determine that any property is endangered by lack of maintenance and repair, a request shall be made to the appropriate officials or agencies of the city to require correction of such deficiencies under authority of applicable laws and regulations.

(Ord. No. 3554-02, art. VIII, 7-22-2002)

Sec. 94-53. - Unsafe buildings and structures.

Should the building official determine that a historic property or a property within a historic district is unsafe pursuant to the city's building and housing code, the historic preservation division shall be notified of such findings. Where reasonably feasible, within applicable laws and regulations, the building official shall endeavor to have the resource repaired rather than demolished and shall take into account any comments and recommendations by the board. The board may take appropriate actions to effect and accomplish the preservation of the resource, including, but not limited to, negotiations with the owner and other interested parties, provided that such actions do not interfere with the city's building and housing code.

(Ord. No. 3554-02, art. VIII, § 3, 7-22-2002)