



AGENDA
Workshop City Council Meeting
Monday, June 17, 2024, 6:00 P.M.
Council Chambers, 116 First Street, Neptune Beach, Florida

1. CALL TO ORDER / ROLL CALL / PLEDGE OF ALLEGIANCE
2. AWARDS / PRESENTATIONS / RECOGNITION OF GUEST
 - A. Dr. Wayne W. Wood, Hon. AIA – Historic Preservation
3. COMMITTEE REPORTS
 - A. Charter Review
 - B. Finance
 - C. Land Use and Parks
 - D. Transportation and Infrastructure Planning
4. PUBLIC COMMENTS
5. PROPOSED ORDINANCES / NONE
6. CONTRACTS / AGREEMENTS / NONE
7. ISSUE DEVELOPMENT
 - A. Historic Preservation and Code Review Subcommittee Presentation p. 2
8. PUBLIC COMMENTS
9. COUNCIL COMMENTS
10. ADJOURN

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**CITY OF NEPTUNE BEACH
CITY COUNCIL MEETING
STAFF REPORT**

AGENDA ITEM:	Workshop Agenda Item 7A – Historic Preservation Subcommittee
SUBMITTED BY:	Historic Preservation Subcommittee
DATE:	June 13, 2024
BACKGROUND:	The Historic Preservation and Code Review Subcommittees of the Community Development Board are presenting proposed Code changes regarding variances for historically significant properties. Attached is an outline and information from René Atayan, Historic Subcommittee Chair and revised Code changes from the City Attorney.
RECOMMENDATION:	Discuss and Consider the Subcommittees' Recommendations and Code Changes
ATTACHMENT:	Outline and Proposed Code Changes

Workshop presentation

Rene Atayan <rene@atayan.net>

Wed 6/12/2024 2:06 PM

To: Catherine Ponson <clerk@nbfl.us>; neptune <neptune@ansbacher.net>; Heather Whitmore <cdd@nbfl.us>; zachary.roth@ansbacher.net <zachary.roth@ansbacher.net>

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Thank you for the opportunity to speak about our findings and entertain our suggestions. I am grateful for the time many of you took to meet with me individually prior to this evening. Your encouragement and suggestions are deeply appreciated.

Neptune is a special

From 4th of July biking on First, Thanksgiving Gathering in our City Center, enjoying the natural beauty of our rivers, creeks and majestic ocean, to Mr & Mrs Claus and Easter Bunny driving throughout our neighborhoods every year, both long time residents and new comers value this approachable, relaxed, family-friendly community, and embrace and celebrate our quirkiness - Preserving that way of life requires a keen eye toward thoughtful and prudent development guided by careful and judicious Zoning and Planning. And while we may take it for granted, much of Neptune Beach's value and charm exists because of its historic structures. Celebrating a shared identity, and taking pride in a special community, unites residents at a very basic level. I can't think of anything more depressing than having Neptune become yet another generic beach town. Not only would it be disheartening, it would prove disastrous for property values. Historic preservation preserves a city's value as a whole. All residents benefit. This is our shot at preserving Neptune Beach for generations to come.

We have already established Historic Preservation is fiscally prudent, and that public sentiment is on our side.

Now we look to City Council to help formalize a process. The good news is most of the verbiage already exists within the City's Comprehensive Plan

As described in our 2003 Historic Survey:

" A majority of historic buildings at the beaches are of vernacular design and construction. Constituting approximately eighty-seven percent of the beaches's older buildings, these vernacular forms-wood frame, industrial, and masonry-represent an important part of the region's heritage. Many are small wood frame dwellings, but others are relatively large homes, duplexes, and apartment buildings. Reflecting a broad range of forms and dates of construction, the vernacular buildings of Atlantic Beach, Jacksonville Beach, and Neptune Beach form the backbone of the beaches' historic building fabric. Consequently, efforts should be taken to preserve these diverse and unusual forms."

Concentrations of these structures literally define many of our neighborhoods --- and they delightfully define Neptune Beach as a unique and desirable community.

Over 300 homes were surveyed with approx 200 deemed historic in nature. Since 2003, over 40 have been demolished and 128 properties have been added for historical consideration.

We are recommending a 2 part process that combines efficiency with rigor and could be accomplished on an applicant's behalf in a single evening's meeting, vs carrying over month to month.

Step 1

An application would first be voted upon by the Historical Subcommittee using the standard established through the State for Florida. See Section 11.6 below. Based on a supermajority vote, the application would advance later that evening to the CDB.

Florida State Criteria:

Article 11:

The City Planning and Zoning Board shall serve as the City Historic Preservation Agency.

A landmark, landmark site or historic district shall be presumed to have historical or archaeological significance if it meets one (1) of the following criteria:

1. It is listed on the National Register of Historic Places or State of Florida Historical Register (State Master Site File).
2. It is within a district listed on the National Register of Historic Places or State of Florida Historical Register (State Master Site File) and has been requested for such designation by the owner of the site or structure or their agent.
3. Upon approval of an application from a property owner or authorized agent for a property to be so designated and followed by formal amendment of the Historical Resources Map within the City's Comprehensive Plan (whether or not the local designation is submitted for inclusion on the Florida Master Site File or in consideration for the National Register of Historic Places).

SECTION 11.6 CRITERIA FOR DESIGNATION OF PROPERTY

The Agency shall recommend the designation of the property as a landmark, landmark site, or historic district after a public hearing and based upon one (1) or more of the following criteria:

1. Its value is a significant reminder of the cultural or archeological heritage of the city, county, state or nation;
2. Its location is a site of a significant local, state, or national event;
3. It is identified with a person or persons who significantly contributed to the development of the city, county, state, or nation.
4. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the city, county, state, or nation;
5. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
6. It has distinguishing characteristics of an architectural style value for the study of a period, method of construction, or use of indigenous materials;
7. Its character is a geographically definable area possessing a significant concentration or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; or
8. Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

The Florida Master Site File is Florida's inventory of historical, cultural resources. It's used to document Florida's historical standing structures, buildings and objects. One category of resources is historical structures. Others include archeological sites, historical bridges and historical cemeteries.

You have also received a spreadsheet of the survey - to clarify-
A lot of the homes on the survey were described as 'vernacular'.

"Vernacular is a type of local or regional construction using traditional materials and resources. Built to meet specific needs, accommodate the values and life styles of a specific culture based on local needs, availability of construction materials and reflecting local traditions"

1920's bungalows and 1950's ranches are easily identifiable examples in Neptune Beach

Step 2

If it has passed muster with the Historical Subcommittee - a positive finding - grace could possibly be granted on a variance. Per the Code Committee's recommendation:

- 1) The property is historically significant
- 2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.
- 3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general.
- 4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
- 5) The effect of the proposed variance is in harmony with the general intent for the ULDC and the specific intent of the relevant subject area(s) of the ULDC
- 6) The requested variance is intended to and will permit the property owner to substantially preserve the historical aspects of the property in a manner that would not be possible without the requested variance.
- 7) Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

We would like to add:

To 6) The requested variance is intended to and will permit **and require** the property owner to substantially preserve the historical aspects of the property in a manner that would not be possible without the requested variance.

8) Granting the variance is a one-time event that cannot be used or transferred should changes be required. In such an event, the property owner must re-apply.

These additions are meant to address concerns regarding 'bad-actors'. It is slightly redundant, but stresses the point that the well-intended should not be punished, and the nefarious should not be rewarded.

Comments & Questions

Additional notes for open discussion if time permits:

This is cost free and could generate funds

Historic Plaques

Home tours

Demo permit amendment to salvage rare materials

Senior Center oral history events

René Atayan

Chair Historical Subcommittee

Vice-Chair CDB

Sec. 27-145.3. - Procedures for applying for determination that a property is historically significant.

(a) Submittal of application. The owner or developer shall submit a completed application, as described in section 27-143, to the office of the city manager or designee, specifically requesting consideration as a historically significant property.

(b) Determination of sufficiency. The city manager or designee shall review the application within five (5) working days of its submission to determine if it is sufficient. When the application is determined to be complete within the requirements of section 27-143, the city manager or designee shall forward the application to the community development board for consideration.

(c) Community development board action. Allowing for proper notice as specified in this division, the community development board shall conduct a quasi-judicial public hearing and shall prepare, in writing, its comments and recommendation to the city council for determination if the property is historically significant. Any person at the quasi-judicial public hearing shall be afforded the opportunity to be heard. If the community development board recommends that the property be deemed historically significant, the matter shall proceed to the city council for determination. If the community development board does not recommend that the property be deemed historically significant, such decision shall be final and the board shall proceed to consider the application pursuant to the elements of Section 27-147 in accordance with the processes set forth in Section 21-145 or Section 21-145.2, as appropriate based on the nature of the property.

(d) City council action. At the next available meeting of the city council, allowing for required notice as described in this part, the city council, by way of quasi-judicial public hearing, shall approve, deny, or approve with conditions said application after consideration of the comments and recommendations of the community development board as to any historically significant property, based on the standards set forth in this division.

(e) Process. If the city council determines the property to be historically significant or approves such finding with conditions, the provisions of Section 27-147.1 shall apply and the application shall be evaluated in accordance with the processes set forth in Section 21-145 or Section 21-145.2, as appropriate based on the nature of the property. If either the community development board or the city council does not find the property to be historically significant, the application shall be referred to the community development board to consider pursuant to the elements of Section 27-147 and in accordance with the processes set forth in Section 21-145 or Section 21-145.2, as appropriate based on the nature of the property.

(f) Floodplain variances. This section does not apply to variances from floodplain regulations; such variances are decided by the community development board as provided in sections 27-150 and 17-151.

(g) Definition of historically significant. For purposes of this Division 8, Article III of Chapter 27, "historically significant" shall mean _____.

(h) For the community development board to find a property to be historically significant, it must do so by a Super Majority Vote. A "Super Majority Vote" shall mean approval by 3 out of 4 members if exactly 4 members are present; 4 out of 5 members if exactly 5 members are present; 4 out of 6 board members if exactly 6 members are present; or 5 out of 7 board members if exactly 7 members are present.

Sec. 27-147.7.- Required findings needed to issue a variance for a Historically Significant Property.

Upon a positive finding that a property is historically significant pursuant to Section 27-145.3, the community development board may recommend approval of any variance for a historically significant

property upon the making of a positive finding, based on substantial competent evidence presented at the public hearing, on each of the following criteria:

- (1) The property remains historically significant pursuant to the definition contained in Section 27-145.3 since the time of such positive finding by the community development board and city council.
- (2) The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.
- (3) The proposed variance would not adversely affect adjacent and nearby properties or the public in general.
- (4) The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
- (5) The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.
- (6) The requested variance is intended to and will result in the property owner substantially preserving the historical aspects of the property in a manner that would not be possible without the requested variance.
- (7) Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

A variance granted pursuant to this Section shall expire as follows:

- (a) automatically unless the proposed action under the variance is taken within one (1) year of the date of issuance; or
- (b) immediately upon any destruction, demolition, or damage, whether intentional or unintentional, to the property that significantly impairs the historically-significant aspects of the property.