

ORDINANCE NO. 6058

PROPOSED ORDINANCE NO. 24-042

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA RELATING TO ZONING; PROVIDING FOR TEXT AMENDMENT LDC24-010 TO ARTICLE 11 (HISTORIC PRESERVATION STANDARDS) OF THE LAND DEVELOPMENT CODE TO CLARIFY TERMINOLOGY AND CORRECT SCRIVENER'S ERRORS THROUGHOUT THE ARTICLE, ADD DEFINITIONS FOR CERTIFICATE OF REVIEW, DESIGN REVIEW COMMITTEE, HISTORIC PRESERVATION BOARD, AND RELOCATION, REDUCE THE TOTAL NUMBER OF MEMBERS ON THE HISTORIC PRESERVATION BOARD FROM 13 TO 9, CLARIFY MEMBERSHIP COMPOSITION ALONG WITH A REQUIREMENT THAT MEMBERS MUST BE CITY RESIDENTS, CLAIRFY THE ROLE AND PURPOSE OF THE DESIGN REVIEW COMMITTEE, REVISE THE DEFINITION OF HISTORIC DISTRICT TO INCLUDE ASPECTS OF HISTORIC INTEGRITY, REVISE TERMINOLOGY PERTAINING TO THE NOMINATION OF LOCAL HISTORIC LANDMARKS, ADD REVIEW CRITERIA FOR THE RELOCATION OF HISTORIC BUILDINGS, AND ADD FORMAL PROCEDURES FOR PROCESSING APPEALS OF DECISIONS OF THE HISTORIC PRESERVATION BOARD AND THE DESIGN REVIEW COMMITTEE; MAKING FINDINGS; FINDING CONFORMITY WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 5425, adopted on December 16, 2013, the City Commission of the City of Lakeland, Florida adopted the Land Development Code for the City of Lakeland; and

WHEREAS, the Planning and Zoning Board held a public hearing on July 16, 2024, to consider Text Amendment LDC24-010 to Article 11 (Historic Preservation Standards) of the Land Development Code to clarify terminology and correct scrivener's errors throughout the Article, add definitions for Certificate of

Review, Design Review Committee, Historic Preservation Board, and Relocation, reduce the total number of members on the Historic Preservation Board from 13 to 9, clarify membership composition along with a requirement that members must be City residents, clarify the role and purpose of the Design Review Committee, revise the definition of historic district to include aspects of historic integrity, revise terminology pertaining to the nomination of local historic landmarks, add review criteria for the relocation of historic buildings, and add formal procedures for processing appeals of decisions of the Historic Preservation Board and the Design Review Committee; and

WHEREAS, the Planning and Zoning Board, at the conclusion of its regular meeting on August 20, 2024, approved and recommended to the City Commission that Text Amendment LDC24-010 to the Land Development Code be adopted; and

WHEREAS, the City Commission, after conducting a duly-advertised public hearing at which all interested persons were afforded the opportunity to be heard, finds that it is in furtherance of the public health, safety and welfare of the citizens of the City of Lakeland to adopt Text Amendment LDC24-010 as described above;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKELAND, FLORIDA:

SECTION 1. The foregoing findings are true and correct and are incorporated herein by reference and made a part hereof.

SECTION 2. Text Amendment LDC24-010 to the Land Development Code, as set forth in Attachment "A," attached hereto and made a part hereof, is hereby adopted and made a part of the City's Land Development Code.

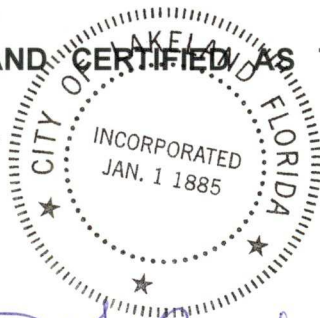
SECTION 3. The City Commission does hereby expressly find that the provisions of this Ordinance are in conformity with the Comprehensive Plan of the City of Lakeland adopted by Ordinance 5885, and that all procedures for the enactment of this Ordinance have been complied with.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. If any word, sentence, clause, phrase or provision of this Ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remainder of this Ordinance shall not be affected thereby.

SECTION 6. This Ordinance shall take effect immediately upon its passage.

PASSED AND CERTIFIED AS TO PASSAGE this 16th day of September, A.D. 2024.



H. William Mutz
H. WILLIAM MUTZ, MAYOR

ATTEST: *Heather L. Bradman*
fer KELLY S. KOOS, CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS: *Palmer C. Davis*
PALMER C. DAVIS
CITY ATTORNEY

ATTACHMENT "A"

SECTION 1. AMENDMENTS.**ARTICLE 11: HISTORIC PRESERVATION STANDARDS****11.1 INTENT AND APPLICABILITY****a. Intent**

It is the intent of this article to establish the framework for a comprehensive historic preservation program in the City of Lakeland, to protect and preserve unique historic and cultural resources by identifying and designating historic districts and local historic landmarks, to prevent the destruction of historic ~~landmarks~~ resources, to enhance public awareness of the city's historic and cultural resources, to discourage the demolition of sound historic structures, and to provide special consideration to projects that involve the use of older structures.

b. Applicability

This article shall apply citywide to designated historic districts, local historic landmarks and to historic resources as defined herein.

11.2 DEFINITIONS

Affirmative Maintenance: Continuing the ordinary maintenance and repair of a building, or the land on which it sits, to prevent decay or deterioration, and taking such other actions as are necessary to avoid the deterioration of a building. This includes: the maintenance and repair of paint, glazing of windows and doors, mortar, roofing material and exterior waterproofing system; the removal of debris or excess plant material; and the maintenance and repair of exterior elements attached to the building or site, such as awnings, shutters, railings, gutters, fences, and other such elements that add to the architectural character of the building.

Alteration: Any change affecting the ~~outward~~ exterior appearance of a building, structure, or site because of construction, repair, maintenance or otherwise to a building, structure, or site.

Applicant: ~~The record~~ owner of record of a site and/or building located thereon or his or her agent, the lessee thereof, or a person holding a bona fide contract to purchase same who makes application for a Certificate of Review.

Building: Any building or other structure built for shelter or enclosure of persons, animals, or chattels, including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and with or without openings is such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof."

Certificate of Review: Document certifying that certain alterations or improvements to a designated local landmark or property within a historic district have received approval by the Historic Preservation Board or its staff.

Construction: The erection of an on-site improvement to a building, structure, or site ~~located within the Historic District~~, whether the site is presently improved or unimproved, or hereafter becomes unimproved by "demolition" or as a result of destruction of an improvement located thereon by fire, windstorm or other casualty, or otherwise.

Demolition: ~~The complete or constructive removal of a building on any site including the moving intact of any part or whole of a building.~~ The act or process of destroying, either in whole or in part, a building or structure.

Demolition by Neglect: Describes a situation in which a property owner fails to perform affirmative maintenance on a historic building, allowing the building to deteriorate to the point demolition is inevitable or restoration becomes unreasonable.

Design Review Committee: A standing subcommittee of the Historic Preservation Board established by Sub-Section 11.3.3 of this article, which may also be referred to herein as the "Committee" or "DRC."

Exterior: All outside surfaces of a building.

Façade: Any one of the external faces or elevations of a building. The primary façade is the front of a building, that which is readily visible to the public and is often seen within the context of other buildings facing a street or other public right-of-way.

Historic Preservation Board: A board of citizens appointed by City Commission established by Sub-Section 11.3 of this article, which may also be referred to herein as the "Board" or "HPB."

Ordinary Repairs or Maintenance: Work done to prevent deterioration of a building or to correct any deterioration or decay of a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration or decay. Repairs or maintenance which changes the outward appearance of a building constitute an alteration.

Owner of Record: The owner in fee simple of real property as indicated in the official records of Polk County, Florida, regardless of any liens, mortgages, or other interest in the property.

Reconstruction: The rebuilding or extraordinary repair of a building or structure which has been damaged, has fallen into disrepair, or for any other reason is substantially rebuilt.

Relocation: The act of moving a historic building from its original site to a new site.

Responsible Party: The owner or an individual acting as the owner's agent who accepts responsibility for meeting city requirements for the property designated in a certificate of review application.

Site: A parcel of ground whether improved or unimproved, under single or multiple ownership by any public or private corporation, association, trust or individual, or any combination thereof.

Structure: An improvement to a site which is placed or constructed by man regardless of size, material(s), purpose, or design.

11.3 HISTORIC PRESERVATION BOARD

There is hereby established a Historic Preservation Board of the City of Lakeland (HPB) which shall have citywide jurisdiction and shall serve as the primary agency responsible for furthering historic preservation within the city.

11.3.1 ORGANIZATION

a. Composition. The HPB shall be composed of ~~no less than nine (9) members and no more than thirteen members.~~ Whenever possible, the membership shall be composed of architects,

archaeologists, historians, lawyers, real estate professionals, contractors, engineers, developers, urban planners, local historical society representatives, or other residents of the city who, by virtue of their profession, community involvement, or personal interest, have demonstrated knowledge of or concern for historic preservation. At least five (5) members shall reside, work, or own property within a historic district, of at least one of the following: an architect, a landscape architect or designer, a contractor or builder, a representative of a local historical society, a civil or structural engineer, a realtor or developer, and an individual owning or leasing property or operating a business within each historic district in the city, and at least two members from the general public.

b. Appointment and term. The City Commission shall make appointments to the HPB and may remove members for just cause. Members of the HPB shall be residents of the City of Lakeland. Appointments shall be made for three-year terms of three (3) years., except that the initial appointments shall be made as follows: three members for one year each, two members for two years, and four members for three years. No member shall serve more than two (2) consecutive terms on the HPB. Appointments to fill a vacancy shall be for the unexpired term of office, which term shall not count toward the two (2) consecutive term limit. Upon the expiration of a term, a former member is not eligible to be re-appointed to the HPB unless a minimum of three (3) years has transpired.

c. Compensation. Members shall serve without compensation.

d. Officers. The HPB shall annually elect a chairperson and vice-chairperson as provided for in the by-laws of the HPB.

e. Meetings. All meetings of the HPB shall be public meetings. The method of setting public meetings shall be as provided for in the by-laws of the HPB.

f. Staff. The City Attorney or his or her designee and Director of Community & Economic Development or his or her designee shall serve as advisory staff to the HPB.

11.3.2 POWERS AND DUTIES

The HPB shall be responsible for identifying and maintaining Lakeland's historic resources for the benefit of Lakeland residents, both now and in the future, through the development and administration of a comprehensive historic preservation program. The HPB shall have the power and authority to:

- a. Identify to the City Commission areas deserving of being included within a historic district and the designation of such districts;
- b. Appoint design review committees to review construction and alterations within each historic district members;
- c. Identify and recommend designation of local historic landmarks;
- d. Develop and maintain a local register of historic places;
- e. Identify city policies that which impact upon historic preservation;
- f. Coordinate local activities with state and national preservation efforts, and review relevant legislation;
- g. Further public awareness of Lakeland's past and of preservation in general;
- h. Inform the public of the HPB's activities and of preservation needs in the community;

- i. Adopt rules and procedures.

11.3.3 DESIGN REVIEW COMMITTEE

There ~~shall be~~ is hereby established a Design Review Committee (DRC), which shall be a standing sub-committee of the HPB for the purpose of conducting design review for Certificate of Review applications. for each historic district ~~Membership of the DRC will consist~~ consisting of a minimum of five (5) and a maximum of seven (7) members of the HPB. Any member of the ~~Historic Preservation Board~~ HPB may be appointed as an alternate to serve on the ~~Design Review Committee~~ DRC in the absence of ~~committee~~ DRC members. At least one member of the DRC shall own property, operate a business, or maintain an office within the boundaries of the ~~District~~ historic districts. The DRC shall select a Chairman and Vice-Chairman in accordance with the by-laws of the HPB. A majority of the DRC membership shall be required to approve or disapprove an application for a Certificate of Review.

11.4 HISTORIC DISTRICTS

- a. A historic district is a geographically definable contiguous or noncontiguous area possessing a significant concentration, linkage or continuity of sites, buildings, structures, or objects united by past events, physical development or plan, design, setting, materials, workmanship, sense of cohesiveness or related historical, cultural, or aesthetic associations. ~~or aesthetically by plan or physical development~~
- b. No historic district shall be established within the City of Lakeland except as provided in this section.
- c. The HPB may identify an area as being suitable for designation as a historic district. It shall then have the area surveyed and studied for the purpose of determining the age and significance of each building, site, or structure within the area. The results of that survey and study shall be reported to the HPB which may, following a public hearing, recommend to the City Commission the establishment of a district and the boundary thereof. Following receipt of that recommendation, a district may be established by adoption by the City Commission of an ordinance to that effect.

11.5 LOCAL HISTORIC LANDMARKS

- a. A local historic landmark is an unimproved parcel of ~~group~~ ground or a parcel of ~~group~~ ground with improvement of particular historic or cultural significance which:
 1. Reflects the broad cultural, political, economic or social history of the city, state, or nation; or
 2. Is identified with ~~historic personages or important~~ events that are historically significant to in the city, state, or nation; or
 3. Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or
 4. Is representative of the notable work of a master builder or designer whose individual ability has been recognized or who influenced his or her era.
- b. No historic landmark within the City of Lakeland shall be designated except as provided in the section.

- c. The HPB shall seek and accept nominations of buildings, sites, and structures for designation as Local Historic Landmarks. It may initiate such designation itself. The HPB shall be responsible for reviewing a proposed landmark to determine its local, state, or national significance. A building, site, or structure approved by the ~~Court~~ HPB for landmark designation shall be recommended to the City Commission for such designation upon adoption of a resolution to that effect by the Commission.

11.6 CERTIFICATES OF REVIEW

11.6.1 GENERAL

- a. No locally designated landmark or building, structure, or site of any kind within a historic district shall be erected, altered, constructed, restored, ~~moved~~relocated, or demolished ~~within the district~~ until an application for a Certificate of Review of ~~exterior architectural features~~ has been approved by the DRC. For the purposes of this article, "~~exterior architectural features~~" design review by the DRC shall include, but not be limited to, the architectural style, scale, size and proportion, general design and arrangement, or exterior of a building, including the kind of texture of a building material, color and type of protective covering, and the type and style of roofs, windows, doors, and signs.
- b. Nothing in this article shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design or material, or alter the ~~outward~~ exterior appearance of a building.
- c. The DRC may make such recommendation for the changes or modifications to building plans and specifications as deemed necessary to enable the applicant to satisfy the criteria for issuance of a certificate as set forth in Sub-Section 11.6.3. The DRC shall state its reason(s) for not approving the issuance of a Certificate of Review.

11.6.2 PROCEDURE

- a. The HPB shall adopt rules prescribing the procedures for making and reviewing applications for a Certificate of Review and the form and content thereof.
- b. Reviews shall be based on ~~The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings~~, the Secretary of the Interior's Standards for the Treatment of Historic Properties, along with any published guidelines accompanying these Standards, and any design guidelines adopted by the HPB for locally designated historic properties.
- c. Historical resources not located in ~~the~~ a historic district or designated as a local landmark but ~~located~~ listed or eligible for listing by the National Park Service on the National Register of Historic ~~Properties~~ Places will also be subject to the Certificate of Review procedure.
- d. The DRC shall promptly hold a hearing upon each application and shall provide adequate notice thereof to the applicant; the city's building inspection office, and the public.
- e. The DRC shall state the reason(s) for not approving the issuance of a Certificate of Review and shall require any change in the building plans or specifications as deemed necessary and appropriate to cause the proposed construction to satisfy the criteria set forth in Sub-Section 11.6.3.
- f. The Certificate of Review shall describe the project for which it was issued and the type of work to be done. The DRC may require certain terms or conditions as a prerequisite for the approval of a Certificate of Review, which shall be clearly stated thereon.

- g. The HPB shall prepare a list of routine alterations which may receive administrative approval of a Certificate of Review from the HPB staff without a public meeting, provided that the alteration complies with the guidelines of the HPB. Such routine alterations shall include, but not be limited to, minor work by replacement of damaged or deteriorated materials in like kind.

11.6.3 REVIEW CRITERIA

The following criteria shall be the basis on which the DRC approves or disapproves an application for a Certificate of Review depending on the nature of the exterior alteration:

(a) New Construction

New construction shall be visually compatible with the buildings and environment with which it is visually related, including, but not limited to:

1. The height, the floor-to-area ratio, the proportion between width and height of the exterior, the proportions and relationships between doors and windows, the relationship of solids to voids created by openings in the exterior, the materials used in the exterior, the texture inherent in the exterior, the colors, pattern, and trim used in the exterior, and the design of the roof.
2. The relationship of building masses and spaces between them.
3. The site and landscape plan shall be sensitive to the individual building, its occupants and needs, and shall be visually compatible with the buildings and environment with which it is visually related.
4. A new street exterior shall relate to adjacent buildings.
5. Architectural features shall be incorporated whenever possible to relate the new with the old and to preserve and enhance the characteristics of the District.

(b) Alterations to Existing Building, Structure, or Site

1. The criteria set forth in Sub-Section a., above, shall be considered insofar as applicable to the historic characteristics of the building, structures, and sites visually related to it.
2. Alterations shall not affect the architectural quality or historic character of the building, structure, or site, but shall, to the extent possible, maintain or restore the historic design and condition.
3. Exterior signs or interior signs plainly visible from the exterior shall be compatible with the buildings and environment with which they are visually related.

(c) Relocation shall be reviewed with regards to:

1. The historic character and aesthetic interest the building or structure contributes to its present setting.
2. Whether the proposed relocation area is compatible with the historical and architectural character of the building or structure.

3. Whether there are definite plans for the property to be vacated and what the effect of those plans on the character of the surrounding area will be.
4. Whether the building or structure can be moved without significant damage to its physical integrity.

(d) Demolition is generally discouraged and shall be reviewed with regards to:

1. The architectural significance of the building or structure. Architectural significance shall be determined by the DRC at the time of the demolition request and shall be based upon documentation of the property's architectural integrity and historical or cultural significance. Designation of the building or structure as "non-contributing" by the most recent historic district survey does not preclude the DRC from making a determination of architectural significance.
2. The contribution of the building or structure to the history or origins of the historic district.
3. The future utilization of the site, including any replacement buildings or structures.

(e) Reconstruction

1. The reconstruction of a building or structure damaged by fire, storm or other act of God shall be reviewed by the DRC according to the criteria in Sub-Section b, above. Totally or substantially new construction, regardless of reason, shall be reviewed according to the criteria set forth in Sub-Section a., above.

(f) Redevelopment Areas within Historic Districts

1. The DRC shall operate to further the implementation of redevelopment plans where such plans have been formally adopted within established local or national historic districts. These redevelopment areas are listed and described below:

(a) Garden District

Adopted by Ordinance 4549, June 21, 2004 this area encompasses the East Lake Morton Historic District and includes peripheral areas not part of the original historic district. This includes property located south of East Main St., north of East Walnut St., east of South Iowa Ave., and west of Bartow Road. The redevelopment plan is intended to make the area more attractive for redevelopment, create high value residential development while preserving significant historic structures and create an overall character that contributes to the maintenance of this central city historic neighborhood.

(b) Dixieland CRA Commercial Corridor

1. Adopted by Ordinance 4592, November 15, 2004 this area encompasses portions of the Dixieland Historic District. This includes property located along the South Florida Avenue commercial corridor south of East Walnut Street and north of Lenox Street. The DRC will operate to further the implementation of the adopted redevelopment plans as well as protect historic resources and serve as an advisory board to the City Commission on matters of redevelopment.
2. The DRC shall in its capacity work to amend or otherwise elaborate redevelopment activities including proposals for public improvements such as parks, alleys, streetscape, traffic calming, and other civic amenities and facilities.

3. The DRC shall act in its normal capacity to provide design review for all activity taking place in said redevelopment areas through the issuance of Certificates of Review and shall also consider and provide guidance on redevelopment proposal that involve larger areas and multiple sites as well as public improvements that impact public rights of way, blocks and the entire district.
4. Certificates of Review
 - (a) New Construction
 - i. The DRC shall utilize the same procedures set forth in Sub-Section 11.6.2 and criteria set forth in Sub-Section 11.6.3 for all historic districts to ensure compatibility with the existing fabric of the historic district. The DRC shall utilize established guidelines and also adopted redevelopment plans.
 - (b) Alterations to Existing Buildings, Structure or Site
 - i. The DRC shall utilize the same criteria set forth in Sub-Section 11.6.3 for all historic districts to ensure compatibility with the existing fabric of the historic district. The DRC shall utilize established guidelines and also adopted redevelopment plans.
 - (c) Relocation within redevelopment areas shall be reviewed with regards to:
 - i. The historic character and aesthetic interest the building or structure contributes to its present setting.
 - ii. Whether the proposed relocation area is compatible with the historical and architectural character of the building or structure.
 - iii. Whether the building or structure can be moved without significant damage to its physical integrity.
 - iv. The future proposed utilization of the site in relation to specific or proposed plans. When specific plans are not available for the site, the proposed plans may include formally established redevelopment plans or those plans submitted by the applicant that comply and are compatible with the district and meet the intent of the adopted redevelopment plan. The relocation review process will take into consideration a ranking of properties in redevelopment areas based on architectural significance and integrity as identified by the HPB.
 - (d) Demolition within redevelopment areas is generally discouraged and shall be reviewed with regards to:
 - i. The architectural significance of the building or structure. Architectural significance shall be determined by the DRC at the time of the demolition request and shall be based upon documentation of the property's architectural integrity and historical or cultural significance. Designation of the building or structure as "non- contributing" by the most recent historic district survey does not preclude the DRC from making a determination of architectural significance.
 - ii. The contribution of the building, structure or site to the history or origins of the historic district.
 - iii. The future proposed utilization of the site in relation to specific or proposed plans. When specific plans are not available for the site, the proposed plans may include

formally established redevelopment plans or those plans submitted by the applicant that comply and are compatible with the district and meet the intent of the adopted redevelopment plan. The demolition review process will take into consideration a ranking of properties in redevelopment areas based on architectural significance and integrity as identified by the HPB.

11.6.4 COMPLIANCE

- a. The Building Official shall not issue a building permit for any exterior alteration or demolition of a local historic landmark or building, structure, or site within a historic district unless a Certificate of Review has been approved and issued by the DRC. A permit for demolition may only be issued upon the issuance of a building permit for the replacement building or structure. Exceptions to this may be granted by the Building Official if deemed necessary to ensure public safety or by the Design Review Committee for other good cause shown.
- b. Any exterior alteration to a building, structure, or site shall be accomplished in strict compliance with the Certificate of Review. ~~The Building Official shall, as part of his official duties~~ Staff of the HPB shall inspect the building to determine compliance with the Certificate of Review. Failure to comply with the Certificate of Review shall be treated in the same manner as any other building code or building permit violation, including revocation of the permit and municipal ordinance violation punishable as provided in the City Code.

11.7 ENFORCEMENT AND APPEALS

- a. If the DRC denies an application for a Certificate of Review, the applicant may appeal the decision to the Historic Preservation Board upon one or more of the following grounds:
 1. The DRC failed to properly follow adopted procedure or due process requirements;
 2. The DRC failed to properly apply adopted standards or regulations;
 3. Administrative staff failed to follow professional practice in performing technical analysis;
 4. No competent, substantial evidence was presented to the DRC to support its decision; or
 5. New evidence has been discovered that, through the exercise of proper diligence, could not have been discovered prior to the public hearing before the DRC.
- b. The applicant shall file the appeal in writing with the City Attorney within fourteen (14) calendar days of the DRC's action, stating the specific reason(s) for the appeal as described above. Failure to timely file an appeal pursuant to the criteria set forth herein shall constitute a waiver of the right to appeal.
- c. The City Attorney shall place an appeal meeting the criteria set forth herein on a Historic Preservation Board agenda occurring within thirty (30) calendar days of receipt of the applicant's written appeal and shall cause public notice of the hearing on the appeal to be given. An appeal may be continued or scheduled beyond thirty (30) calendar days for good cause.
- d. Upon consideration of the appeal, the Historic Preservation Board shall first determine whether one or more of the above grounds for an appeal exist. If the Historic Preservation Board does not find that at least one of the above grounds exists, the Historic Preservation Board shall deny the appeal and affirm the decision of the DRC. If the Historic Preservation Board finds that one or more of the above grounds exist, the Historic Preservation Board shall then, at the same meeting, conduct a full public hearing on the merits of the case. The hearing may be continued by the Historic Preservation Board to a later date for good cause. At the hearing, the Historic Preservation Board may consider both new testimony and evidence, as well as the record created before the DRC. Following the hearing, the Historic Preservation Board may:
 1. Affirm the decision of the DRC;
 2. Remand the case to the DRC for reconsideration; or
 3. Reverse, in whole or in part, or modify the decision of the DRC and direct staff to prepare a Certificate of Review or other appropriate instrument granting relief in accordance with the HPB's direction.

- e. The Applicant may not take an appeal from an adverse decision of the HPB to the City Commission. ~~Such an appeal must be taken within 14 days of the DRC's decision. The HPB shall by rule establish procedures for processing appeals.~~
- f. Any subsequent appeal must be filed with the Circuit Court within 30 days of the rendition of the order by the Historic Preservation Board. ~~Any other possible remedies are in a court of law or equity.~~