



Orange City Development Services Department

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MEMORANDUM

Public Hearing: January 4, 2017, Planning Commission

Report Date: December 15, 2016

Subject: Discussion on a proposed text amendment to the Code of Ordinances regarding demolition of historic properties.

Applicant: Development Services Department

Staff: Kimberly Reading, City Planner

SUMMARY OF REPORT

This amendment proposes revisions to the City's Historic Preservation Program as described in Part II- Code of Ordinances, Chapter 2- Administration, Article III- Boards, Commissions and Committees, Division 3- Historic Preservation Board. On June 25, 2013, the City Council directed staff to work with the Board to develop a preliminary preservation ordinance to protect historic assets in the city. Amendment drafts have come and gone, along with Board members and staff. City Council raised the issue again during 2016 Board appointments. The Historic Preservation Board has reviewed and discussed the draft amendment at their regularly scheduled meetings of October 19, 2016, November 17, 2016 and December 15, 2016. The amendment proposes the following:

- General housekeeping revisions
- Updated and added definitions that are specific to historic preservation
- Clarifies that the Florida Master Site File is the City's official inventory of historic resources
- Adds new subsection titled "Demolition" that establishes the following:
 - Applies to all structures 50 years or older located within the "Orange City Historic Resources Map"
 - Demo permit submittal requirements
 - Minor demo review process approved by DSD
 - Major demo review process approved by the Board
 - Review criteria
 - Conditions of approval
 - Demolition by neglect

Staff finds that the amendment is consistent with Future Land Use Element Policy 6.2.10 of the City's Comprehensive Plan that requires the protection of resources listed on the National Register of Historic Places, the Florida Master Site File, the Local Register of Historic Places, and those to be discovered in the future.

RECOMMENDATION

Review and discuss the proposed amendment. Changes are indicated in underline/strikethrough format.

ATTACHMENTS

Proposed Code of Ordinances amendment
Proposed Future Land Use Map 2-8

DIVISION 3. - HISTORIC PRESERVATION BOARD

Sec. 2-91. - Establishment.

This division shall be known as the Historic Preservation Program for the City of Orange City.

Sec. 2-92. - Statement of intent.

The intent of the following regulations is to serve the best interests of the health, safety, prosperity and welfare of the citizens of Orange City.

- (1) Protecting, enhancing and perpetuating historic resources that represent or reflect elements of the city's cultural, social, economic, political and architectural history.
- (2) Stabilizing and improving property values through the revitalization of older residential and commercial properties and neighborhoods.
- (3) Fostering an awareness and pride in the accomplishments and achievements of the past.
- (4) Protecting and enhancing the city's historic attractions to residents, tourists and visitors which in turn serves to stimulate the local economy and draw new business and industry.
- (5) Enriching the quality of life in Orange City by fostering knowledge of the living heritage of the past.

Sec. 2-93. - Definitions.

The following words, terms and phrases, as used in this division, shall have the meanings respectively ascribed to them in this section, unless the context clearly indicates otherwise:

- (1) **Archaeological site.** A site that contains prehistoric or historic artifacts, relics, or structures which represent a particular culture, historic event or epoch and which are of local, regional or statewide significance.

Appurtenances. Includes, but not limited to, walkways and driveways (whether paved or not), fences, gateways, open spaces, mailboxes, arbors, and similar structures and results of construction activities.

Board. When used in this section, it shall mean the Historic Preservation Board.

- (2) **Building.** A structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar structure. Buildings may refer to a historically or architecturally related complex, such as a courthouse and jail, or a house and barn.

City. Means the City of Orange City.

Contributing resource or property. A building, structure, or site which is at least 50 years old and contributes to the overall historic significance of a designated historic area or district and possesses historic integrity reflecting the character of a time; or is capable of yielding important information about an historically significant period; or independently meets the criteria for designation as a local historic landmark and/or district.

- (3) **Demolition.** The tearing down or razing of 25 percent or more of a structure's external walls. The intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building or structure or commencing the work of a total, substantial, or partial destruction with the intent of completing the same

Demolition by neglect. The failure to provide ordinary and necessary maintenance and repair to a building, structure, historic resource or appurtenance resulting in injury or loss to exterior features, permanent damage, or destruction through abandonment or lack of maintenance.

~~(4)~~ **Florida Master Site File.** The Florida Master Site File (FMSF) is administered by the Bureau of Historic Preservation, Division of Historical Resources, under the Florida Department of State. The Site File is a clearing house for information regarding Florida's archaeological sites, historical structures, and the field survey of archaeological and historical sites. The Master Site File relies on reports submitted by individuals and organizations throughout the state for its information. When a site is accepted into the Florida Master Site File it receives an identification number. The Orange City Historic Preservation Board utilizes the FMSF to track the official inventory of cultural resources. A copy of the list is maintained in the Development Services Department.

~~_____~~ **Historic area.** A general area containing properties of contributing and noncontributing historic value which may include a one or more historic district(s) as described in [subsection] (5) below herein.

~~(5)~~ **Historic District.** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, landmarks, buildings, appurtenances, structures, objects, or areas, which are united historically or aesthetically by plan or physical development as the Historic Preservation Board may determine to be appropriate for historical preservation. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

~~_____~~ **Historic Preservation Board (HPB).** A board of citizens created by local ordinance to guide and monitor the provisions of this historic preservation ordinance.

~~(6)~~ **Historic property resource.** Any prehistoric or historic district, site, building, object or other real or personal property, of historical, architectural or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the City of Orange City.

~~_____~~ **Landmark.** Any site (including significant trees or other plant life thereon), building or structure having particular historical, architectural, or archaeological significance to the city, state or nation. Landmarks include: sites, buildings, or structures where cultural, political, spiritual, economic, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced his age.

~~_____~~ **National Register of Historic Places.** Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

~~_____~~ **Non-contributing Resource or property.** Any building, structure, or site which does not contribute to the overall historic significance of a designated historic district due to alterations, disturbances or other changes and therefore no longer possesses historic integrity, or was not present during the period of historic significance or is incapable of yielding important information about that period, or has been so altered or deteriorated that overall integrity of the building has been irretrievably lost.

~~(7)~~ **Object.** A material thing of functional, archeological, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

~~(8)~~ **Ordinary maintenance.** Work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.

~~(9)~~ **Original appearance.** That appearance (except for color) which, to the satisfaction of the Historic Preservation Board, closely resembles the appearance of either (1) the feature on the

building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the Historic Preservation Board, to the style and materials of the building.

Preservation. The identification, evaluation, recordation, documentation, analysis, recovery, interpretation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic structures and properties.

Reconstruction. The authentic reproduction of a building or site that once existed, but disappeared or was demolished, using no existing parts of the site.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

Relocation. When a structure or building is moved, intact, to a new site.

Repairable. Structure or building features that can be fixed or restored without creating an imminent hazard to public safety. For the purpose of this code, it is assumed that most damage, including partial termite or partial fire damage, can be repaired. It shall be the applicant's responsibility to demonstrate otherwise.

Resource. Sites, buildings, structures, objects, districts, and areas, public or private, single or in combination.

Restoration. The creation of an authentic reproduction beginning with existing parts of an object or building.

Revitalization. The imparting of new economic and community life in an existing neighborhood or business district while at the same time preserving the original building stock and historic character.

Sense of place. The sum of attributes of a locality, neighborhood, or property that give it a unique and distinctive character.

(10) **Site.** The location of a significant event, a prehistoric or historic occupation or activity, or building, or structure, whether standing, ~~reineruined~~, or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.

Streetscape. The distinguishing and pictorial character of a particular street as created by its width, degree of curvature paving materials, design of the street furniture, and form of surrounding buildings.

(11) **Structure.** A structure is anything constructed or erected, the use of which requires a fixed location on the ground or attachment to something having a fixed location on the ground.

Style. A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also a general quality of distinctive character.

Vernacular Buildings. Buildings designed and built without the aid of an architect or trained designer; buildings whose design is based on ethnic, social, or cultural traditions rather than on an architectural philosophy.

Definitions are no longer numbered. New terms and phrases incorporated into the ordinance with this amendment are defined. Certain other definitions that previously existed in the code are expanded for clarification of meaning.

Sec. 2-94. - Historic Preservation Board.

The Historic Preservation Board (the "Board," generally in this ordinance) is hereby established to guide and monitor the provisions of this Historic Preservation Program. ~~historic preservation provisions of this division.~~

Sec. 2-95. - Membership.

The Historic Preservation Board shall have five members as follows:

- (1) Members shall be appointed by the city council. The appointments may be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. The City Council should, whenever possible, appoint a representative from each of the following areas of expertise:
 - a. History.
 - b. Real estate or real property appraisal.
 - c. Urban planning.
 - d. Engineering or building construction.
 - e. Architect
- (2) Upon the creation of the five-member Board, one of the board members shall serve one initial term of one-year. Two of the Board members shall each serve one initial term of two years. The remaining two members shall each serve one initial three-year term.
- (3) Thereafter, members shall be appointed to three-year terms. ~~No member may serve more than three consecutive terms.~~
- (4) All members shall be unrelated and reside within the city limits of the city, except that one of the five members may be a resident of the West Volusia County are who has an interest in Orange City and historic preservation.

Ordinance No. 187, adopted March 9, 2004, deleted the requirement for term limits. However, while drafting a subsequent text amendment in 2008, staff mistakenly used old text that included term limits. Since 2004, the Board adopted revised By-Laws that incorporated the removal of term limits. This section is amended to be consistent with both Ordinance No. 187 and the Board By-Laws.

Sec. 2-96. - Officers.

The members of the ~~board~~ Board shall annually elect a chair and vice chair from among the members and may create and fill other offices as the ~~board~~ Board deems necessary.

Sec. 2-97. - Staffing.

The city manager shall appoint a city employee to serve as secretary and recorder of all Board records.

Sec. 2-98. - Compensation.

Members shall not be compensated.

Sec. 2-99. - Funding.

The city council shall appropriate funds to permit the Historic Preservation Board to perform its prescribed functions.

Sec. 2-100. - Meetings.

Meetings shall be held on an as needed basis.

Sec. 2-101. - Statement of purpose and general functions, powers and duties of the Historic Preservation Board.

- (a) Generally. It shall be the general responsibility of the Historic Preservation Board to take appropriate action to ensure that the historic preservation provisions of this division are implemented.
- (b) Specifically. It shall be the specific responsibility of the Historic Preservation Board to:
 - (1) Create and recommend a historic district and landmarks for the city to the city council which shall consist of a map, a boundary legal description and a list of all properties that have significant historic value.
 - (2) Update the Florida Master Site File, which is considered the city's official inventory of cultural resources, and ~~submit report updates to the city council, recommendations and documentation concerning the updating.~~
 - (3) Develop and recommend to the city, programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood conservation policies and goals.
 - (4) Explore funding ~~the grant~~ sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources.
 - (5) Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future land use plans.
 - (6) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.
 - (7) Advise the city council concerning the effects of local governmental actions on cultural resources.
 - (8) Review and recommend to the city, the designation of sites, buildings, structures, objects, and districts, both public and private, as historically or architecturally significant.
 - (9) With the assistance of the city employee appointed by the city manager, provide technical assistance to encourage historic preservation.

The Historic Preservation Board has maintained the City's official inventory of cultural resources by submitting qualifying historic properties to the Florida Master Site File in lieu of creating a separate list. The State maintains the official inventory of cultural resources for all of Florida. This change codifies the existing procedures of the Board.

Secs. 2-102. - Reserved.

Sec. 2-103. - ~~Reserved.~~ Demolition.

Sec. 2-103.1. - Generally.

(a) Applicability.

The provisions of this section apply to any structure contained in the Orange City Historic Resource Map and the FMSF (Future Land Use Element Map 2-8). Structures less than 50 years old are exempt from the provisions of this Section unless otherwise indicated herein.

The demolition permit review process will apply to structures 50 years old or more that fall within the limits of the Orange City Historic Area, are in the boundary of the National Register Historic District, or are listed in the Florida Master Site File. Staff has drafted a map which depicts the Orange City Historic Area as adopted by Resolution 97-4, the Orange City National Register Historic District (2004), and certain linear resources listed in the Florida Master Site File. The City's Comprehensive Plan map series does not currently have a map depicting the location of our local historic resources. Staff will present this map to be adopted as Future Land Use Element Map 2-8.

(b) Purpose and intent.

The purpose of this section is to ensure that historic properties are protected from neglect or premature demolition by providing the following procedures for review.

The city council requested this ordinance revision to prevent premature demolition of historic properties.

(c) Application Requirements and Process.

(1) A person wishing to undertake a demolition shall file an application for a demolition permit and supporting documents to the building department as follows:

- a. A written description and graphic display of the building(s) and/or portions of the building(s) to be demolished;
- b. A description of the means of demolition to be utilized;
- c. The expected date for demolition to begin;
- d. The estimated number of days necessary to complete the demolition and remove the resulting debris. The actual time of demolition, cleanup and where applicable, regrading and revegetation shall not exceed 100 working days, exclusive of Saturdays, Sundays and holidays;
- e. Plans for redevelopment. Demolition of historic buildings without definitive plans for redevelopment is discouraged. This factor evaluates the proposed reuse of the property if the proposed demolition is carried out and what the effect of those plans on the character of the surrounding area would be.
- f. A signed and sealed survey prepared by a licensed surveyor, not more than 2 years old.
- g. The supporting documents shall also include at least two or more of the following:
 - i. A report from a professional property appraiser stating that such building will not earn a reasonable economic return for the owner of such building on the original site.
 - ii. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
 - iii. Estimated market value of the property both in its current condition and after completion of the proposed demolition or removal, to be presented through an appraisal by a qualified professional expert.

- iv. An estimate from an architect, developer, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

For properties that fall within the applicability of this code (new section 2-103.1.a), all demolition permits shall be required to submit the items referenced above.

- (2) The Development Services Director (DSD) shall review the application. The DSD has 5 working days to determine if the application is complete and correct. The DSD shall determine if the proposed demolition would have a major or minor impact or potential detriment as a result of the proposed action.

Demolition activities that are not expected to have a major impact on the historic area may be approved by the Development Services Director administratively. This provision will expedite permitting for property owners of older homes that are not necessarily historic in nature.

(3) Administrative Review (Minor)

- a. Upon receipt of a completed application and all required submittals and fees, the DSD shall conduct an administrative review of the application. All reviews, recommendations, and decisions regarding the application shall be based on review criteria established in Section 2-103.1(d). The DSD shall issue a written decision approving, denying or approving with conditions the application. If the application is approved with conditions, the Demolition Permit shall be issued with the conditions noted, and the applicant must meet all such conditions. The applicant may appeal any decision of city staff within 15 days of the findings by applying for a Board review.
- b. Administrative review procedure shall apply to the following demolition activities:
 - i. Demolition followed by replacement with no change in the size and configuration for, and using materials true in character with the style of the building for roofs, windows, fences and gates, awnings, exterior lighting;
 - ii. Demolition followed by replacement with no change in the size and configuration for drives, walks, patios, decks, stairs, signs, screening fences and walls;
 - iii. One (1) accessory structure under 100 square feet in the rear yard;
 - iv. Detached decks that are not visible from a street;
 - v. Exterior façade not visible from the right-of-way;
 - vi. Any other request determined by the Board to have a minor impact or no potential detriment on the historic resource or area.

An administrative review may be performed for minor demolition activities as defined in this section. Minor demolitions primarily consist of removing elements of a structure that do not detract from the original appearance of the primary structure as seen from the public right of way. Minor demolitions may also include removal of accessory structures not original to the site. Again, administrative review of such minor demolitions will help to expedite the permitting process for property owners.

(4) Approval of the Historic Preservation Board (Major)

Board approval is required for demolition of a historic resource or property that may have a major impact on the significant historical, architectural, or cultural materials of the historic landmark, or

structure in an historic area. Any demolition permit for properties listed in the NRHP or in the FMSF shall be reviewed by the Board. Board review may also occur at the request of an applicant

- a. Upon receipt of a completed application and all required submittals and fees, the Development Services Director shall place the application on the agenda of the Historic Preservation Board within 30 days.
- b. No less than seven days, but not more than 30 days, prior to the meeting at which the application is to be heard, the Development Services Director shall give the following notice:
 - i. Written notice of the time and place of the meeting shall be sent to the applicant and all persons or organizations filing written requests.
 - ii. One advertised notice in a newspaper of general circulation and a notice posted upon the property for which the demolition permit has been applied. Such posted notice shall be posted within ten feet of the right-of-way and are [be] visible from the right-of-way.
- c. The meeting shall be held at the time and place indicated in the notice. The recommendation of the Historic Preservation Board shall be made at the meeting.
- d. The Historic Preservation Board shall use the criteria set forth in Section 2-103.1(d) to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the Board shall take one of the following actions;
 - i. Approve the demolition with an immediate effective date;
 - ii. Approve the demolition with special modifications and conditions;
 - iii. Delay the approval for demolition for a period of not less than 30 days and not more than 180 days to request additional information. The length of delay shall be determined by the Historic Preservation Board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the stay of demolition, the Board may take such steps as it deems necessary to preserve the building or structure concerned in accordance with the purpose of this chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies, and interested citizens; recommendation for acquisition of property by public or private bodies or agencies; and exploration of the possibility of moving the structure or building;
 - iv. Deny the request for demolition.

Board review is required for all properties listed in the National Register of Historic Places or listed on the Florida Master Site File. Additionally, demolition permits that do not qualify as minor shall be reviewed by the Board at a public meeting. The Board may approve, approve with conditions, delay a decision, or deny demolition permits as outlined above.

(d) Review Criteria.

- (1) The building or structure is of such interest or quality that it would reasonably meet national standards for additional designation on the National Register of Historic Places or as a National Historic Landmark;
- (2) The building, structure, or object contributes substantially to the ambiance of a district and the historical area's sense of place;

- (3) The building, structure or object is of such design, texture, material, detail, or unique location that it would be of great difficulty and/or expense to reproduce;
- (4) The building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region;
- (5) Definite plans exist for redevelopment of the property if the proposed demolition is carried out, and those plans will have a positive effect on the character of the surrounding properties;
- (6) A reasonable effort was made to relocate or save the building, structure, or object from collapse;
- (7) Retention of the building or structure would promote the general welfare of the city by providing an opportunity for the study of local history, architecture, or design; and
- (8) Demolition of the building or structure has been recommended or ordered by the building official due to unsafe conditions.

Demolition permits shall be reviewed based on the above criteria. The review criteria are designed to assist the Board and staff in determining the appropriateness of the demolition requested.

(e) Conditions of approval.

If the Historic Preservation Board grants demolition approval for a contributing resource or property as provided in this code, the Board shall condition approval on one or more of the following requirements;

- (1) The applicant shall be required to provide a written and pictorial record of the building or structure's history and architectural feature for archival purposes, consistent with the State of Florida Bureau of Historic Preservation Division of Historic Resources' *Documentation Requirements For Buildings Proposed For Demolition and Standards for Architectural Documentation*; or
 - a. The applicant shall be required to design the replacement building(s) or structure to meet the character of the traditional neighborhood area and submit drawings of the proposed work, photographs of existing buildings or structures on adjacent properties and information about the proposed buildings materials to be use for approval; or
 - b. The applicant shall be required to allow archaeological study of the property before and/or during demolition if the property falls within an area demonstrated to have a medium or high probability to contain archaeological resources; or
 - c. The applicant shall be required to allow salvage activities of the historic resource provided the Board finds there are salvageable materials within the site; or
 - d. The owner of a historically significant building may be required to meet any other condition that is reasonable to mitigate the demolition of the historic resource.

Demolition permits may receive conditional approval using the five conditions listed above. These conditions are designed to provide an historical record of the property as it stood prior to demolition. The intensity of written and pictorial records required is based upon the significance of the structure.

Sec. 2-103.2. - Responsibility of owner.

Every owner of a contributing resource or property shall keep in good repair and shall properly maintain:

- (1) All of the exterior portions of such buildings, structures and exterior appurtenances that are important in defining the history of the site or the character of the district;

- (2) All interior portions thereof, which if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise fall into a state of disrepair; and
- (3) In addition, where the historic resource is an archaeological site, the owner shall be required to maintain his property in such a manner as not to adversely affect the archaeological integrity of the site.

Ordinary property maintenance is required and enforced by the provisions of Chapter 9 of the Code of Ordinances, *Property Maintenance*. The responsibilities outlined above identify those areas of a structure that are important to the historical character of a district, which if fall into disrepair may have a negative impact.

Sec. 2-103.3 – Demolition by Neglect.

If the Board determines that a structure is in the course of being "demolished by neglect," the owner shall be notified of the conditions of the structure and the items that need repair. The Board shall request a meeting with the owner or tenant of the building. The Development Services Director shall place the discussion item on the agenda of the Historic Preservation Board within 30 days. The Board shall present ways to improve the condition of the property. If the owner or tenant fails to take action, the Board shall submit a written report to Orange City Code Enforcement, who may institute proceedings under the authority of applicable laws and regulations.

The Board may determine that a property has not been maintained through ordinary maintenance and is in such disrepair that the structure is at risk. The Board may then reach out to the property owner and request a meeting where the owner will receive advice concerning protection, maintenance, enhancement and preservation of their historic structure.

Sec. 2-103.4 - Emergency conditions applicable to this section.

The Certified Building Official shall immediately notify the Development Services Director of cases where there are emergency conditions dangerous to life, health or property affecting a building or structure in a designated historic area, a contributing building or structure, or a building or structure more than 50 years old. Notification to Development Services Director shall consist of a report from a building code inspector describing the dangerous conditions, actions take, reasons for taking action, and any other documentation that the Development Services Director shall require in order to prepare a report, oral or written, to present to the Historic Preservation Board. After consultation with the Development Services Director, the Chief Building Official may order the remedying of the dangerous conditions without the approval of the Historic Preservation Board.

This section allows for the protection of life, health and property that are imminently threatened by a dangerous structure by allowing the Building Official and Development Services Director to take immediate action to remedy the situation without the approval of the Board.

Sec. 2-104. - Local register of historic places.

- (a) Created. The Historic Preservation Board shall establish, on a voluntary basis, a local register of historic places, as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The local register will be kept by the ~~Historic Preservation Board and the city~~ Development Services Department.

Development Services Department staff serves as recording secretary to the Board and therefore it makes sense for staff to maintain this list.

The local register shall include a map and inventory of properties which are designated on a voluntary basis as contributing structures of historic value. In addition to the map the district shall identify each property by street address and tax identification number.

- (b) Initiation of placement on the local register. Placement of sites, buildings, structures, objects or districts on the local register may be initiated by the Historic Preservation Board with the consent of the owner. In addition, placement may be initiated by the owner of the site, building, structure, object, or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district.
- (c) Placement on the local register. The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the local register:
 - (1) A nomination form, available from the city shall be completed by the applicant and returned to the city.
 - (2) Upon receipt of a completed nomination form, including necessary documentation, the city shall place the nomination on the agenda of the next regularly scheduled meeting of the Historic Preservation Board. If the next regularly scheduled meeting of the ~~h~~Board is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
 - (3) Adequate notice of the Historic Preservation Board's consideration of the nomination shall be provided to the public at large, and to the owner(s) of the nominated property(ies), at least ten days in advance of the meeting at which the nomination will be considered by the ~~h~~Board.
 - (4) The ~~B~~Board shall, within 60 days from the date of the meeting at which the nomination is first on the ~~h~~Board's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria outlined in this section along with any owner's objections to the listing. The recommendation shall also include a map that shows the proposed boundaries for any historic district and any individual historic property recommended for listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures which are classified as contributing and noncontributing to the historical significance of the district. If the 60-day period runs and the ~~h~~Board has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the ~~h~~Board, then the ~~city council~~ Planning Commission shall consider the nomination.
 - (5) The nomination form and the ~~h~~Board's recommendation shall be sent to the city council for their action.

This change clarifies the process for listing properties on the Local Register of Historic Places. If the HPB fails to make a recommendation on whether or not to list a property on the Local Register, then the Planning Commission will consider the request. The Planning Commission will submit their recommendation to the City Council for action.

- (d) Criteria for listing on the local register.
 - (1) Any site, building, structure, object or district which is listed on the National Register of Historic Places shall be automatically nominated by the Historic Preservation Board for the local register pursuant to subsection (c) above.
 - (2) A site, building, structure, object, or district must meet the following criteria before it may be listed on the local register:
 - a. It possesses integrity of location, design setting, materials, workmanship, and ambiance; and
 - b. It is associated with events that have made a significant contribution to the broad patterns of our history; or is associated with the lives of persons significant to our past; or 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 have yielded or may be likely to yield information important to history or prehistory.

- (3) A property located in a district shall be designated as contributing to that district if the property is one which, by its location, design, setting, materials, workmanship, and ambiance adds to the district's sense of time and place and historical development.
 - (4) A property should be considered noncontributing if the property's integrity of location, design, setting materials, workmanship, and ambiance have been so altered that the overall integrity of the property has been irretrievably lost; or the property was built within the past 50 years, unless a strong justification concerning its historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.
- (e) Effect of listing on local register.
- (1) The city manager is authorized to issue and place official markers identifying designated historic properties and districts.
 - (2) Structures and buildings listed individually on the local register or judged as contributing to the character of a district listed on the local register shall be deemed historic and entitled to modified enforcement of the Standard Building Code as provided by ~~Chapter 1, Section 101.5 of the Standard Building Code Congress International, Inc. the Florida Building Code, Existing Building, 5th Edition (2014).~~

The Florida Building Code has replaced the Standard Building Code Congress International. The new language will clarify the entitlements provided to historic structures in this section.

- (3) Structures and buildings listed on the local register shall be subject to the requirements of Section 2-103.

Currently, the City does not have any properties listed on the Local Register of Historic Places. Should any properties be officially listed, the process for Demolition Permit review shall apply.

Sec. 2-105. - Reserved.

Sec. 2-106. - Reserved.

Sec. 2-107. - Historic preservation easements.

- (a) Notwithstanding any other provisions of this division, the developmental services department shall have sole authority and discretion to receive, approve, review, and enforce historic preservation easements donated to the city, pursuant to F.S. § 704.06, for the purposes of historic or architectural preservation.
- (b) Historic preservation easements may only be acquired through voluntary grant, by deed, will, or other instrument evidencing a transfer of an interest in property, which is properly executed by the person who owns the property in fee simple at the time of the grant.
- (c) In the event that the developmental services department accepts a historic preservation easement, the instrument granting the easement shall be recorded within ten business days in the official records of the Volusia County Clerk of Court.

Sec. 2-108. - Requirements for historic preservation easements.

The developmental services department may not accept any preservation easement unless:

- (1) The property for which a preservation easement is offered is located within the Orange City Historic District as reflected by Exhibit A [attached to a copy of this ordinance and on file in the office of the city clerk] or such other historic district as the city council may from time to time designate;
- (2) The person proposing the donation of a preservation easement owns a fee simple interest in the property to be preserved;
- (3) All joint tenants, co-tenants, or tenants by the entirety who have a present ownership interest in the property execute the instrument which shall grant the preservation easement; and
- (4) No judgment lien, construction lien, mortgage, or other encumbrance of the property exists, or, if such encumbrance does exist, all persons holding such interests consent in writing to the granting of a preservation easement by also executing the instrument which shall grant the preservation easement.

Sec. 2-109. - Application process for historic preservation easement proposals.

- (a) All persons proposing to donate a historic preservation easement to the city must file an application with the developmental services department containing all of the following information, as applicable:
 - (1) A deed evidencing the metes and bounds description of the property to be burdened by the easement;
 - (2) A letter of opinion issued by an attorney or title insurance company certifying that the grantor has marketable title to the property, or describing any encumbrances upon said property;
 - (3) If the letter of opinion pursuant to subsection (a)(2) states the existence of any lien, easement, or other encumbrance or burden upon the property, signed letters from all parties holding encumbrances on said property consenting to the grant of the easement by the grantor;
 - (4) A brief description of the property, including the reasons for which the grantor believes historic preservation is justified; and
 - (5) An affidavit, signed by all co-tenants, joint tenants, or tenants by the entirety who hold ownership interests in the property, stating that the grantors understand the nature of the historic preservation easement, are granting the easement of their own free will, and agree to be bound by all regulations regarding historic preservation, including but not limited to applications for certificates of appropriateness pursuant to section 2-105, Orange City, Florida, Code of Ordinances.
- (b) Upon receipt of an application, the developmental services department shall make a determination within 60 days of the filing of the application as to whether the city should accept the easement. In making its determination, the department may consider the following factors:
 - (1) The age of any structure on the property;
 - (2) The aesthetics of any structure on the property;
 - (3) Any events of historical significance which occurred on the property;
 - (4) The impact of historic property designation on real estate development and property values; and
 - (5) Any other factor which the developmental services department reasonably believes will affect the public safety, health, or welfare.

Sec. 2-110. - Termination of historic preservation easement.

Any owner of property previously burdened by a historic preservation easement may seek elimination of that historic preservation easement by submitting proof of the damage to or destruction of the historic/structure reducing (1) its fair market value by at least 50 percent or (2) the square footage of the historic structure by 50 percent. The developmental services director shall verify and thereafter will execute, as appropriate a release of the historic preservation easement.

Sec. 2-111. - Preservation of historic structures.

Any property burdened by a historic preservation easement donated to the city pursuant to section 2-107, in the event of damage, destruction or remodeling of the structure by the property owner, shall hereby enjoy the protection of section 8.2.2 of the Orange City Land Development Code pertaining to nonconforming uses. Thus, to encourage the on-going maintenance and/or necessary reconstruction of historic structures, the owner of said nonconforming historic structure may not only continue to use that structure, notwithstanding its inconsistency with the current standards in Orange City's current Land Development Code, but shall be entitled, as necessary, to rebuild or remodel the historic structure to its original condition. This shall include, but not be limited to: setback requirements, lot coverage and minimum lot size requirements.

Sec. 2-112. - Ad valorem tax exemption.

- (a) The city council hereby grants, pursuant to authorization of Article III, Section VII, of the Constitution of the State and F.S. § 196.1961, an ad valorem tax exemption of 50 percent of the assessed value of property which meets all of the following criteria:
- (1) The property must be used for commercial purposes or used by a not-for-profit organization under Section 501(c)(3) or (6) of the Internal Revenue Code of 1986.
 - (2) The property must be listed in the National Register of Historic Places, as defined in F.S. § 267.021; or must be a contributing property to a National Register Historic District; or must be designated as a historic property or as a contributing property to a historic district, under the terms of a local preservation ordinance.
 - (3) The property must be regularly open to the public.
- (b) As used in this section, the term "regularly open to the public" means that there are regular hours when the public may visit to observe the historically significant aspects of the building. This means a minimum of 40 hours per week, for 45 weeks per year, or an equivalent of 1,800 hours per year. A fee may be charged to the public; however, it must be comparable with other entrance fees in the immediate geographic locale.
- (c) Exemption allowed by this section shall apply only to the ad valorem taxes levied by the city. Only the portions of the property used predominantly for the purposes as specified in subsection (a)(1) of this section shall be exempt. In no event shall an incidental use of property qualify such property for an exemption or impair the exemption of an otherwise exempt property.
- (d) In order to retain the exemption granted in this section, the historic character of the property must be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

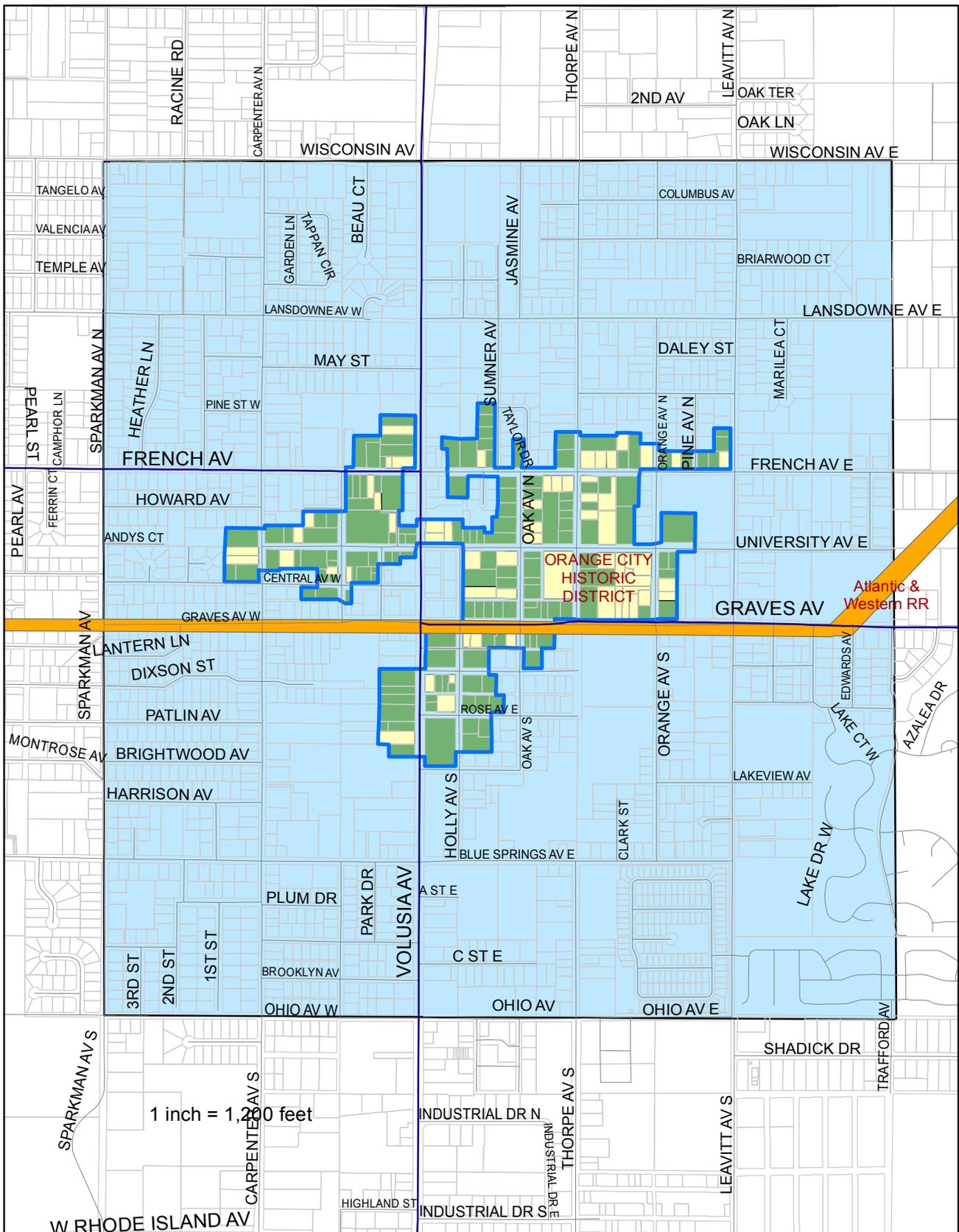
Sec. 2-113. - Exemption from ad valorem taxes—General.

- (a) Exemption for improvements to historic property (F.S. § 196.1997). The city council may authorize an ad valorem tax exemption of 100 percent of the assessed value of all improvements to historic properties which result from the restoration, renovation, or rehabilitation of such properties.
- (b) Exemption for historic properties open to the public (Per F.S. § 196.1998). If an improvement qualifies a historic property for an exemption under this division, and the property is used for nonprofit or governmental purposes and is regularly and frequently open for the public's visitation, use, and benefit, the city council may by this article authorize the exemption from ad valorem taxation of 100 percent of the assessed value of the property, as improved, if all other provisions of this division are complied with; provided, however, that the assessed value of the improvement must be equal to at least 50 percent of the total assessed value of the property as improved. The exemption applies only to real property to which improvements are made by or for the use of the existing owner.

- (c) Application for review. This exemption shall only apply to improvements to real property that are made on or after the day that this article authorizing ad valorem tax exemption for historic properties is adopted. Such exemption shall apply only to taxes levied by the City of Orange City, and do not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to sections 9(b) or 12, Article VII of the State Constitution.
- (d) Duration of exemption. Any exemption granted shall remain in effect for up to ten years with respect to any particular property, regardless of any change in the authority of the City of Orange City to grant such exemptions or any change in ownership of the property. However, for purposes of the exemption under F.S. § 196.1998, a property shall be removed from eligibility for the exemption if the property is sold or otherwise transferred from the owner who made application and was granted the exemption, or the property no longer qualifies as historic property open to the public in accordance with this division.

In order to retain the exemption, the historic character of the property, and the improvements which qualified the property for exemption, must be maintained over the period for which the exemption is granted. Such exemption shall take effect on January 1 following substantial completion of the improvement.

Secs. 2-114—2-120. - Reserved.



DRAFT Map 2-8 Orange City Historic Resource Map



Legend

- Streets
- Parcels

SiteName

- Atlantic & Western RR
- Orange City Historic Area, approved by City Resolution 97-05-04
- National Historic District Boundary, designated 2004

