



## Orange City Development Services Department

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### MEMORANDUM

**Public Hearing:** February 1, 2017, Planning Commission

**Report Date:** January 25, 2017

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

**Applicant:** Development Services Department

**Staff:** Becky Mendez, AICP, Director

#### 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, December 15, 2016 and on January 19, 2017 to recap the first Planning Commission discussion.

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

On January 4, 2017, the Planning Commission discussed the proposed text amendment. Members of the city's Historic Preservation Board were present and provided input.

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## Inventory

The draft demo ordinance applies to structures that are 50 years old or older located within the proposed Historic Resource Map (“blue box”) or listed on the Florida Master Site File (FMSF). The blue box contains approximately 1,100 acres. This equals approximately 23 percent of the total city limit size of +/-4,800 acres. There are approximately 2,000 structures located within the blue box. 704 out of the total 2,000 are 50 years old or older, with 146 commercial structures and 558 residential structures.

Since 2004, the city has issued 32 demolition permits to raze properties that are 50 years old or older. Several of this permits included multiple structures. Four of these structures were commercial properties. Orange City’s National Historic District has lost six contributing structures of the 214 to demolition since creation of the district in 2004. The sites of these former contributing structures remain vacant as no plan for redevelopment existed at the time of demolition.

The ordinance applicability threshold of 50 years or older is proposed because it is an industry standard and easily justified. The following are a few of the agencies that use this standard:

- The National Parks Service (NPS), administrator of the National Register of Historic Places
- State of Florida Division of Historic Resources, administrator of the Florida Master Site File
- Volusia County Government, Certified Local Government (currently the threshold is 1942, but considering changing threshold to 50 years old to be consistent with the NPS)
- City of DeLand, Certified Local Government

Staff recommends that the demo ordinance applicability remains as drafted.

## Definition

The existing code definition for *historic property or resource* is “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.”

For your consideration, staff provides other jurisdiction’s definition for comparison.

**Volusia County:** means the intended destructive removal of a building, in whole or in part, from its site.

**Deland:** means the tearing down or razing of 25 percent or more of a structure's external walls.

**Ocala:** any act, or failure to act, that destroys in whole or in part a designated historic building

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or structure or a building or structure in a historic district.

**Sanford:** The complete or constructive removal of building or structure upon any site when the building will not be relocated intact to a new site.

**Winter Park:** any act or process that destroys or razes, in whole or in part, a building structure or site, including a building within a district, or which permanently impairs its structural integrity.

**Winter Garden:** The process of razing or removing all or a substantial portion, of a building, structure or appurtenance without the intent to restore or rehabilitate the original structure in accordance with this article.

### Revisions

The Historical Preservation Board discussed the Planning Commission meeting on January 19, 2017. The Board generally recommended the following:

1. Uphold the blue box area as presented.
2. Provide other jurisdiction definitions of *historic resources*.
3. Uphold 50 year old threshold because it is consistent and common.
4. Provide facts and data of resources located within the blue box.
5. The supporting document requirement should not apply to minor demos.
6. Delete the 2 year or newer survey requirement.
7. Reduce the number of supporting documents needed for demos that are not minor from two to one.
8. Provide a cost estimate of typical support document reports (at the time of this report that information is unavailable).

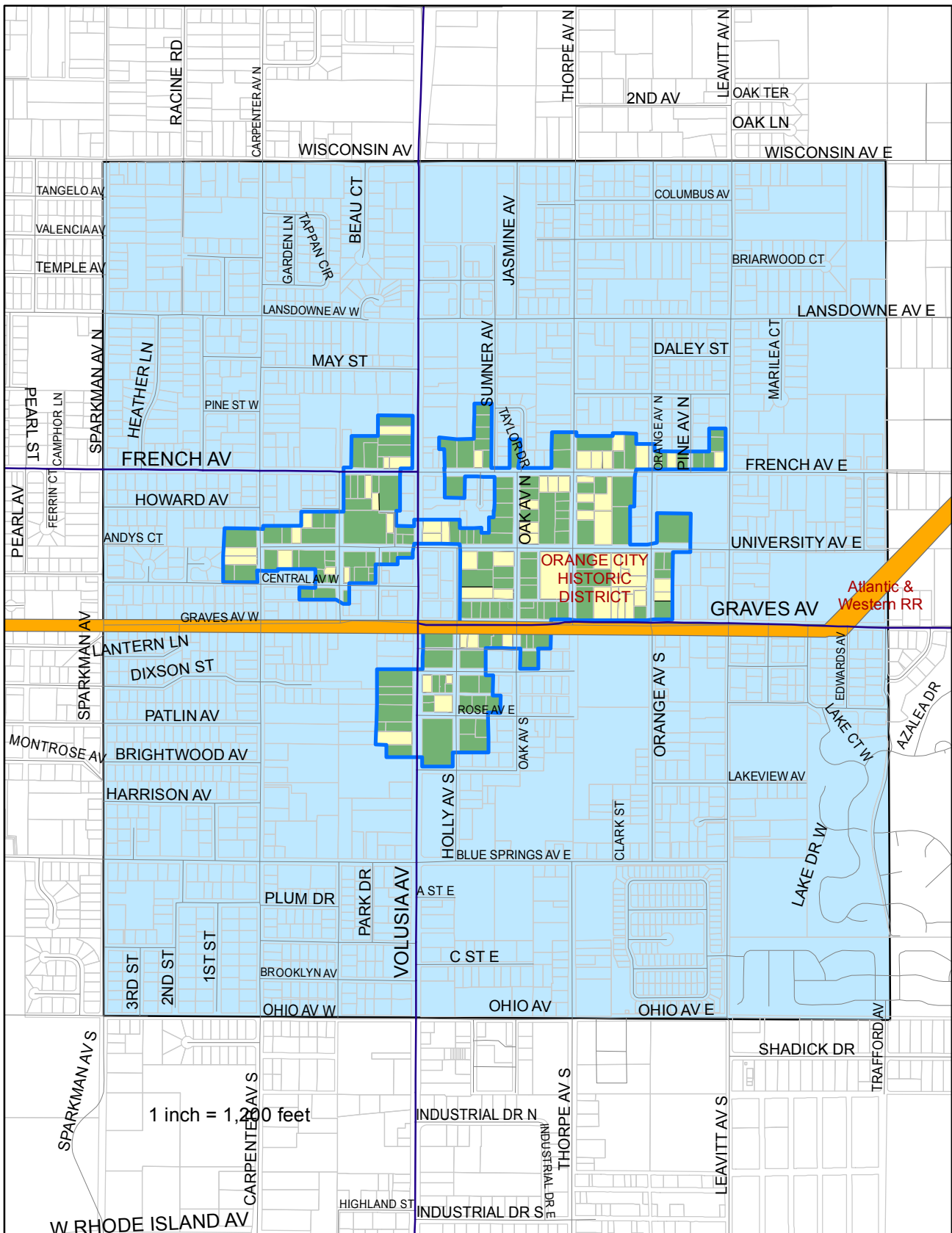
Staff has revised the text based on Planning Commission and Board comments and finds that the amendment is consistent with Future Land Use Element Policy 6.2.10 of the City's Comprehensive Plan that requires the protection of resources listed on the National Register of Historic Places, the Florida Master 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**

Maps  
Revised amendment



# DRAFT Map 2-8 Orange City Historic Resource Map



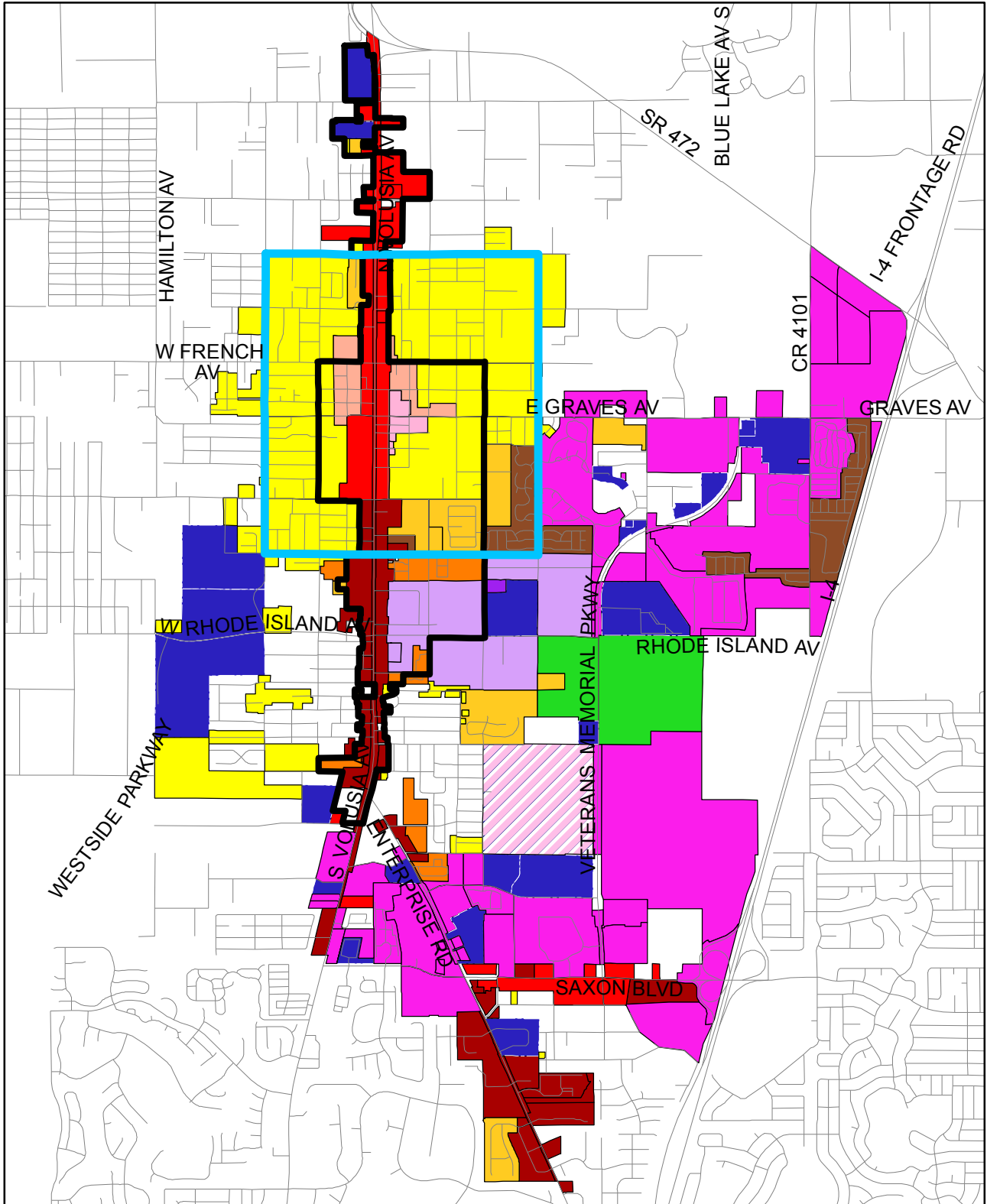
**Legend**

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








# Orange City Community Redevelopment Area



## Legend

-  Historic Area Approved by Council in 1997
-  Community Redevelopment Area
-  Streets



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.

**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~~

- (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 or 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.

(40) **Site.** The location of a significant event, a prehistoric or historic occupation or activity, or building, or structure, whether standing, ~~reined~~ruined, 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.

(41) **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.

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 who has an interest in Orange City and historic preservation.

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.

Secs. 2-102. – Reserved.

Sec. 2-103. - Reserved. Demolition.

Sec. 2-103.1. – 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.

Sec. 2-103.2- 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.

Sec. 2-103.3- 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.**

(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.

(3) Administrative Approval (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 2-103.4(d)3.5. 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.

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

Any demolition permit request not previously determined to be eligible for administrative review as a minor demolition shall be reviewed by the Board. 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. **The applicant shall submit one, or more if requested by the Board, of the following 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.



- d. The building, structure, or object is one of the last remaining examples of its kind in the neighborhood, the county, or the region.
- e. 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.
- f. A reasonable effort was made to relocate or save the building, structure, or object from collapse.
- g. 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.
- h. Demolition of the building or structure has been recommended or ordered by the building official due to unsafe conditions.

(6) Conditions of approval. ~~If the~~The Development Services Director and/or the Historic Preservation Board may grant demolition approval for a contributing resource or property as provided in this code, the Board shall condition approval on with one or more of the following requirements/conditions designed to provide an historical record of the property as it stood prior to demolition;

- a. ~~The applicant shall be required to provide~~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.~~
- b. ~~The applicant shall be required to design~~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.~~
- c. ~~The applicant shall be required to allow~~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.~~
- d. ~~The applicant shall be required to allow~~Allow salvage activities of the historic resource provided the Board finds there are salvageable materials within the site; ~~or.~~
- e. ~~The owner of a historically significant building may be required to meet~~Meet any other condition that is reasonable to mitigate the demolition of the historic resource.

Sec. 2-103.24. - 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.

Sec. 2-103.35 – Demolition by Neglect. A property owner's failure to provide ordinary and necessary maintenance and repair of an historic property or resource that result in injury or loss to exterior features, permanent damage, or destruction through abandonment or lack of maintenance will be considered in the act of demolition by neglect, and the standards of this chapter apply.

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 may request a

meeting with the owner or tenant of the building for the purpose of encouraging positive intervention before code enforcement action becomes necessary-

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.

Sec. 2-103.6 - 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.