

ORDINANCE NO. 08-302

AMENDING THE LAND DEVELOPMENT CODE RELATING TO HISTORIC PRESERVATION; AMENDING ARTICLE 3 § 6 RELATING TO THE POWERS AND DUTIES, MEMBERSHIP, AND PROCEEDINGS OF THE HISTORIC PRESERVATION BOARD; AMENDING ARTICLE 4 § 1.6 TO REQUIRE NOTICE FOR PUBLIC HEARINGS BY THE HISTORIC PRESERVATION BOARD ON CERTIFICATES OF APPROPRIATENESS; AMENDING ARTICLE 4 § 3 RELATING TO PROCEDURES FOR ESTABLISHING HISTORIC SITES OR OVERLAY DISTRICTS; AMENDING ARTICLE 4 § 9 TO PROVIDE AND ESTABLISH CRITERIA FOR HISTORIC PRESERVATION BOARD REVIEW OF VARIANCES FOR HISTORIC SITES OR DISTRICTS; AMENDING ARTICLE 4 § 11 TO AMEND THE PROCEDURES AND CRITERIA FOR ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS; DELETING ARTICLE 4 § 12, CERTIFICATE OF ECONOMIC HARDSHIP; AMENDING ARTICLE 5 § 5.1 TO PROVIDE FOR HISTORIC PRESERVATION BOARD REVIEW OF CONCEPT PLANS; AMENDING ARTICLE 16 § 2 TO AMEND THE CRITERIA FOR ESTABLISHING HISTORIC SITES OR OVERLAY DISTRICTS, AND AMEND THE REGULATIONS AND RESTRICTIONS APPLICABLE TO A HISTORIC SITE OR OVERLAY DISTRICT; AMENDING ARTICLE 20 § 2.1 TO AMEND THE FEES FOR HISTORIC SITE AND OVERLAY DISTRICT APPLICATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Ordinance No. 86-51, the City Commission adopted land development regulations intended to promote the preservation and restoration of buildings and districts within the City which have special historic, architectural, or archeological significance by identification of historic sites and districts and regulation of development activity and uses; and

WHEREAS, Ordinance No. 86-51 provided for the creation of a Historic Preservation Board and established the powers and duties of the Board relating to the designation and regulation of historic sites and districts; and

WHEREAS, the provisions of Ordinance No. 86-51 are codified in the City's Land Development Code (LDC), and have not been substantially amended since their original adoption in 1986; and

WHEREAS, within the City there currently exist National Register historic districts and sites which have not been placed on the local register, including Seabreeze, South Peninsula, Dr. Martin Luther King, Main Street, and Bethune-Cookman College districts and sites; and

WHEREAS, the Historic Preservation Board has worked for over two years reviewing the existing LDC provisions relating to historic sites and districts, has collected and studied historic preservation regulations from numerous other cities and counties throughout Florida, has reviewed scholarly literature, has received the opinions of persons knowledgeable in the field of historic preservation, and has otherwise thoroughly examined all relevant matters; and

WHEREAS, the Historic Preservation Board has held numerous public meetings concerning the City's historic preservation regulations, and has heard and considered the opinions of citizens interested in historic preservation; and

WHEREAS, based on this information, the Historic Preservation Board has drafted proposed LDC amendments which constitute a major revision of the City's regulations relating to historic preservation; and

WHEREAS, the proposed amendments expand the duties of the Historic Preservation Board, substantially amend the procedures and criteria for designation of historic sites and districts and the regulations applicable to development activity after designation of a historic site or district, and provide for mandatory consideration of the addition of all current National Register Historic Districts and Sites to the Local Register; and

WHEREAS, the Historic Preservation Board recommends approval of the amendments as necessary and beneficial in order to preserve the important historical resources of the community and prevent further destruction and deterioration of historic sites and districts; and

WHEREAS, the Historic Preservation Board recommends that the City Commission authorize submission of an application for the City to become a Certified Local Government (CLG) pursuant to federal and state law, and implement all actions necessary to meet the CLG criteria, in order for the City to be eligible for the historic preservation grants and assistance made available to CLGs; and

WHEREAS, the Midtown Redevelopment Board, by a vote of 5-1, recommends adoption of amendments which require redevelopment board approval for designation of a local historic site or district located within a redevelopment area, and amendments which meet the minimum requirements for CLG status under federal and state law; and

WHEREAS, the Main Street/South Atlantic Avenue Redevelopment Board, by vote of 5-1, recommends adoption of amendments only to require redevelopment board approval for designation of a local historic site or district located within a redevelopment area, and to meet the minimum requirements for CLG status under federal and state law; and

WHEREAS, the Downtown Redevelopment Board reviewed the proposed amendments at various public meetings but did not take a vote recommending for or against the amendments; and

WHEREAS, the Planning Board reviewed the proposed amendments and, by a vote of 7-0, recommends approval of the amendments.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. The Land Development Code is hereby amended to revise the regulations relating to historic preservation within the City. The amendments are generally described as follows and the full text of the amendments adopted is attached hereto and incorporated herein:

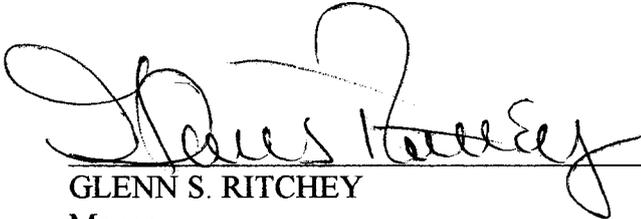
- (a) Article 3 § 6 is amended relating to the powers and duties, membership, and proceedings of the Historic Preservation Board;
- (b) Article 4 § 1.6 is amended to require notice for public hearings by the Historic Preservation Board on certificates of appropriateness;
- (c) Article 4 § 3 is amended to revise the procedures for establishing historic sites or overlay districts;
- (d) Article 4 § 9 is amended to provide and establish criteria for Historic Preservation Board review of variances for historic sites or districts;
- (e) Article 4 § 11 is amended to revise the procedures and criteria for issuance of a certificate of appropriateness;
- (f) Article 4 § 12 providing for certificate of economic hardship is deleted in its entirety;
- (g) Article 5 § 5.1 is amended to provide for Historic Preservation Board review of concept plans;
- (h) Article 16 § 2 is amended to revise the criteria for establishing historic sites or overlay districts, and to amend the regulations and restrictions applicable to historic sites and overlay districts; and
- (i) Article 20 § 2.1 is amended to provide fees for historic site and overlay district applications.

SECTION 2. The City Commission has received the report of the Planning Board recommending approval of the amendments, and has determined that the amendments are consistent with the City's Comprehensive Plan.

SECTION 3. A Public Hearing at 6:00 p.m., November 19, 2008, in Commission Chambers, City Hall, 301 South Ridewood Avenue, Daytona Beach, Florida, after notice published, is deemed to comply with the requirements of the Land Development Code and § 166.041, Florida Statutes.

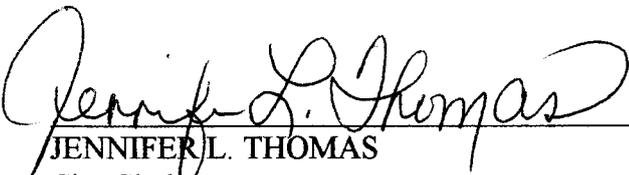
SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall become effective immediately upon its adoption.



GLENN S. RITCHEY
Mayor

ATTEST:



JENNIFER L. THOMAS
City Clerk

Passed: October 15, 2008
Adopted: November 19, 2008

HISTORIC PRESERVATION

**Land Development Code Amendments
Exhibit to Ordinance No. 08-302
As adopted on Second Reading 11/19/2008**

LDC Article 3	§ 6	—	Historic Preservation Board
LDC Article 4	§ 1.6	—	Notice for Public Hearings
LDC Article 4	§ 3	—	Overlay Classification
LDC Article 4	§ 9	—	Variances
LDC Article 4	§ 11	—	Certificate of Appropriateness
LDC Article 5	§ 5.1	—	Concept Plans
LDC Article 16	§ 2	—	Historic Classification
LDC Article 20	§ 2.1	—	Fees

This Document provides the proposed text of the sections as amended.

ARTICLE 3 Sec. 6

ARTICLE 3 § 6 — Historic Preservation Board

Sec. 6.1. Purpose and duties.

(a) The historic preservation board is established to serve as the primary body responsible for furthering historic preservation within the city. The board shall provide for and protect the resources of the city having special historic, community, architectural, or archaeological value.

(b) The board shall have the following powers and duties:

1. To adopt bylaws and rules governing its proceedings, conduct regular public meetings, and call special meetings.
2. To establish, maintain, and update the official local register of historic sites and districts.
3. To submit to the planning board and the city commission recommendations and documentation concerning the local register of historic places, to nominate individual sites and districts to the local register, and to review and comment on any local register nominations and National Register of Historic Places nominations.
4. To advise and assist owners of historic sites or structures within historic districts, on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and procedures for listing on the local register and National Register of Historic Places.
5. To develop programs to stimulate public interest in urban neighborhood conservation, and to participate in the adoption and amendment of codes, ordinances, procedures, and programs that reflect urban neighborhood conservation policies and goals.
6. To explore funding and grant sources which might be available for the identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources, and to advise property owners of availability of funds or grants.
7. To develop additional design guidelines for alteration, construction, or relocation of individual sites and structures within specific historic districts where necessary or appropriate.
8. To review concept plans for development in excess of 20,000 square feet GFA in historic districts prior to submittal of a site plan, and provide advisory recommendations concerning design, architectural style, scale, massing and other elements of compatibility with the district.
9. To review applications for construction, alteration, removal, or demolition affecting designated historic sites or structures, and structures within historic overlay districts,

ARTICLE 3 Sec. 6

and to issue or deny certificates of appropriateness for such actions, all as more specifically provided in this code.

10. To review proposed LDC amendments, applications for special use, or applications for variances that affect proposed or designated historic sites or districts, prior to action by the planning board or board of adjustment.
11. To work with agencies at all levels of government in planning proposed and future projects to reflect the concerns and policies expressed herein and assist in the development of proposed and future land use plans.
12. To confer recognition upon the owners of individual sites or property or structures within historic districts by means of certificates, plaques, or markers.
13. To participate in pertinent informational or educational meetings, workshops, or conferences.
14. To undertake any other action or activity necessary or appropriate to the implementation of its power and duties or to implementation of the purpose of historic preservation, including requesting independent expertise and advice from professionals and to assure adequate support to become a certified local government capable of performing the duties required by the certified local government program.
15. To assist staff to provide any appropriate documentation, including this ordinance, the local register of historic places and sites, and any surveys and zoning maps of those sites designated as historic, to FEMA and any other catastrophe management organization in the event a disaster triggering extraterritorial assistance affects the city.

Sec. 6.2. Appointment and membership.

(a) The historic preservation board shall consist of nine members who shall serve without compensation. The city manager shall nominate qualified individuals for appointment to the board, and the city commission shall appoint the nominees or other qualified individuals.

(b) Members shall be appointed on the basis of civic pride, integrity, experience, and interest in historic preservation. Whenever possible at least four of the members shall be licensed or registered or qualified professionals including architects, historians, real estate agents, real property appraisers, planners, engineers, building contractors, attorneys, landscape architects, and officers of lending institutions. Members shall be residents of the city or own property within the city, except that an architect not living in or owning property in the city will be eligible for appointment when no city resident or property owner candidates are available.

(c) The terms of office shall be three years. Members shall serve until the expiration of their terms or until a successor is appointed and qualified if that be later. If a vacancy during a term occurs, within a reasonable time a new appointment shall be made by the city commission

ARTICLE 3 Sec. 6

for the remainder of the unexpired term. Three members' terms shall begin each year so that only one-third of the members' terms expire in any one year.

- (d) Members shall serve at the pleasure of the city commission.

Sec. 6.3. Proceedings of board.

(a) The historic preservation board shall elect from its membership a chair, vice-chair, and secretary who shall serve for terms of one year and shall be eligible for reelection. The chair shall preside over the board and shall have the right to vote. No member shall serve more than two consecutive terms as chair. In the absence or disability of the chair, the vice-chair shall perform the duties of the chair. If both are absent, a temporary chair shall be elected by those present.

(b) The board shall adopt rules upon approval of the city commission for the transaction of its business.

(c) The board shall schedule monthly meetings to carry out its duties. All meetings of the board shall be open to the public. A public record shall be kept of the board's resolutions, proceedings, and actions, and shall be available to the public.

- (d) A quorum for the conduct of business shall consist of five of the members.

Sec. 6.4. Certified Local Government procedures.

When the city is designated by the state as a certified local government, the city will:

- (a) Publicly announce all historic preservation board meetings.

(b) All meetings of the historic preservation board will have a previously advertised agenda.

(c) All meetings of the historic preservation board will be noticed to the state historic preservation officer and the public at least thirty days prior to the meeting, the minutes and a record of attendance of both board members and the public at the meetings will be provided to the state historic preservation officer within thirty days of the meeting, and any amendments proposed to this ordinance will be provided to the state historic preservation officer for review and comment at least thirty days prior to adoption.

(d) Vacancies shall be filled within 60 days unless an extension is granted by the State Historic Preservation Officer. When new members are appointed to the board, the member's information will be forwarded to the State Historic Preservation Officer within 30 days of appointment.

(e) All new historic designations and alterations of existing designations will be noticed to the State Historic Preservation Officer immediately.

ARTICLE 3 Sec. 6

(f) The board will provide a report to the state historic preservation officer by November 1 of each year for the prior period from October 1 through September 30, to include at least:

1. A copy of the Rules of Procedure.
2. A copy of the Historic Preservation Ordinance.
3. Resumes of board members.
4. Changes to the board's membership.
5. New locally designated historic properties.
6. New national register listings within the city.
7. A review of the survey and inventory activity describing the system used to survey and inventory.
8. A program report on each grant-assisted activity.
9. The number of projects reviewed.

Sec. 6.5. Decisions of board.

All actions shall require a simple majority vote of the members of the historic preservation board present.

ARTICLE 4 Sec. 1.6

ARTICLE 4

Sec. 1.6. General notice requirements for public hearings.

(a) [no change]

(b) [no change]

1. [no change]

2. [no change]

3. The notice area for the following types of public hearings shall be 150 feet from the property that is the subject of the public hearings:

(i) – (iv) [no change]

(v) Certificates of Appropriateness.

[no change in remaining text of (b)3]

4. [no change]

5. The notice shall be mailed by certified or registered mail at least 30 days prior to a public hearing before the city commission, and at least 15 days prior to any other public hearing.

6-7. [no change]

(c)-(g) [no change]

ARTICLE 4 Sec. 3

ARTICLE 4 § 3 — Overlay Classification

Sec. 3.1. Purpose.

The overlay classifications provide additional regulations for certain properties, and operate as supplemental to the underlying district regulations. A property may be subject to an overlay classification based on its location or individual characteristics.

Sec. 3.2. Procedure.

(a) The scenic thoroughfare, waterfront, enterprise zone, and airport impact overlay classifications shall apply to all properties which meet the criteria set forth for such classifications in Article 16, Overlay Classifications and Regulations.

(b) Application for a transition overlay classification shall be treated as a request for rezoning or amendment to the zoning map and shall proceed in the same manner.

(c) Application for the historic overlay classification of a district or site shall be submitted and reviewed as follows:

1. The process for the designation of local historic sites may be initiated by the property owner or owners.
2. The process for the designation of local historic districts may be initiated by any property owners within the proposed district, by the historic preservation board or any member thereof, or by the city commission or city staff.
3. Any site, building, structure, object, or district which is listed on the National Register of Historic Places shall be nominated by the historic preservation board for the local register historic overlay classification. Such nomination may be initiated by the filing of a copy of existing nomination forms, including all maps, photographs, and any other relevant information on file in the city, and the application requirements of paragraph 4 below shall not apply. The provisions of Article 16 sec. 2.4 shall not apply to National Register sites or districts nominated pursuant to this paragraph.
4. The application shall provide at least the following information, which information shall be prepared by the city when any board or agent of the city serves as the applicant:
 - (i) The names and addresses of all owners of real property within the proposed district, and the tax parcel identification number and street address of each property.
 - (ii) A schedule listing each structure and site within the proposed district and the proposed classification of each as a contributing historic structure or

ARTICLE 4 Sec. 3

site, or a non-contributing structure or site. A property located in a proposed district shall be designated as contributing if the property is one which, by its location, design, setting, materials, workmanship, feeling, and association adds to the district's sense of time and place and historical development. A property shall be considered noncontributing if the property's integrity of location, design, setting materials, workmanship, feeling, and association have been so altered that the overall integrity of the property has been irretrievably lost; or if the property was built within the past 50 years, unless a strong justification concerning the historical or architectural merit is given or the historical or architectural attributes of the district are less than 50 years old.

- (iii) A physical description or survey of the proposed district with photographs showing examples of contributing historic and non-contributing structures and sites.
 - (iv) A statement of the historical, cultural, architectural, archaeological, or other significance of the district.
 - (v) A description of typical architectural styles, character-defining features, and types of buildings, structures, objects or sites within the proposed district.
5. The applicant should include any other information and documents relevant to the request or on which the request relies.
6. Within 60 days of submittal of the application, the historic preservation board shall review the application at a public hearing held after mail notice, recommend for or against the proposed overlay classification based on the applicable criteria, and forward its recommendation to the planning board. Thereafter, the request shall proceed in the same manner as a request for amendment to the zoning map, except that the requirements of Article 3 section 1.3 shall not apply.
7. An ordinance approving a historic overlay site or district shall:
- (i) Classify the site or district as "H" (historic) or "HR" (historic residential). The "HR" classification shall be based upon a finding that only residential uses are appropriate on the site or in the district.
 - (ii) Specifically identify all contributing historic structures and sites within a district;
 - (iii) Direct that the site or district and all contributing structures be added to the local register of historic places;

ARTICLE 4 Sec. 3

- (iv) Provide design guidelines to ensure that future development and maintenance of structures and sites within a district are compatible with the contributing historic sites within the district; and
- (v) Expressly identify exemptions, if any, from the application of specific provisions of the historic overlay classification regulations.

Sec. 3.3. Criteria.

(a) The criteria for application of a transition overlay classification shall be the same as provided in Section 2.3 of this article for LDC amendments.

(b) The criteria for application of all other overlay classifications shall be as provided in Article 16. Overlay Classifications and Regulations.

Sec. 3.4. Effect of overlay classification.

Upon classification, the overlay classification shall be designated on the Zoning Map. All development on a site subject to an overlay classification shall comply with the overlay regulations, or for an historic overlay classification, with the provisions of the ordinance approving the classification and the applicable historic overlay regulations, as well as those of the underlying zoning district.

ARTICLE 4 Sec. 9

ARTICLE 4 SECTION 9. VARIANCES FROM ZONING AND APPEARANCE REGULATIONS

Sec. 9.1. Purpose. [no change]

Sec. 9.2. Procedure.

(a) Requests for variances from the zoning and appearance regulations shall be submitted in accordance with the general application requirements contained in section 1 of this article. The applicant for variance shall promptly be notified in writing if the application is incomplete.

(b) Upon acceptance of the application as complete, the request shall be placed on the next available agenda within 45 days for public hearing and consideration by the board of adjustment, except where historic preservation board review is required in accordance with (d) of this section. The board of adjustment shall hold a public hearing after mail notice, legal advertisement and posting of the property in accordance with section 1.6 of this article.

(c) The decision of the board of adjustment shall be final administrative action.

(d) Pursuant to the powers granted in Article 3, Sec. 6.1(b)10, the historic preservation board shall serve in an advisory capacity on all variance requests for contributing structures within a historic district or on an individually designated historic site. In such cases, upon acceptance of the application as complete, the request shall be placed on the next available agenda of the historic preservation board, which shall hold a public hearing after mail notice in accordance with section 1.6 of this article. Recommendations of the historic preservation board shall be provided to the board of adjustment at their next scheduled meeting.

Sec. 9.3 through Sec. 9.6 [no change]

Sec. 9.7. Variance criteria for historic preservation board consideration.

(a) In advising the board of adjustment on contributing structures within districts or individually designated sites, the historic preservation board shall consider whether a variance is necessary to maintain the historic character of property which can be demonstrated through evidence that:

1. A variance would not be contrary to the public interest, safety, or welfare.
2. Special conditions and circumstances exist because of the historic setting, location, nature, or character of the land, structure, appurtenance, sign, or building involved, which are not applicable to other lands, structures, appurtenances, signs, or buildings in the same zoning district, which have not been designated as historic sites or a historic district nor listed on the Local Register of Historic Places.

ARTICLE 4 Sec. 9

3. Literal interpretation of the provisions of existing ordinances would alter the historic character of the historic district or historic site to such an extent that it would not be feasible to preserve the historic character of the historic district or historic site.
4. The variance requested is the minimum necessary to preserve the historic character of a historic site or of a historic district.

(b) As an alternative to subsection (a) above, the historic preservation board may consider whether a variance is necessary to accommodate an appropriate adaptive reuse of a structure within a historic district or on a historic site which can be demonstrated through evidence that:

1. A variance would not be contrary to the public interest, safety, or welfare.
2. The variance would not significantly diminish the historic character of the historic district or site.
3. That the variance requested is the minimum necessary to effect the adaptive reuse of an existing structure or site.

ARTICLE 4 Sec. 11 and 12

ARTICLE 4 SECTION 11. CERTIFICATE OF APPROPRIATENESS

Sec. 11.1 Purpose.

A certificate of appropriateness is required prior to exterior changes or demolition of structures classified as contributing within a local historic district or on an individually designated historic site, and also for new construction, in order to consider the impact of the proposal on historic considerations.

Sec. 11.2. Procedure.

(a) In addition to the general application requirements, the applicant shall submit any relevant information.

(b) Request for a certificate of appropriateness shall be reviewed and determined by the historic preservation board at a public hearing held within 60 days of submittal of the request. Notice of the public hearing shall be provided by mail, legal advertisement, and posting.

(c) The board shall immediately notify the applicant of its determination, furnishing the applicant with a copy of its findings and its recommendations. A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial, a suggested method of preserving the structure or site, and recommendations to the applicant concerning changes, if any, in the proposed action that would cause the board to reconsider.

(d) Upon denial, or upon approval with conditions or delay, the applicant may resubmit an amended application to the board for reconsideration, or may appeal within 30 days to the city commission.

(e) To appeal, an applicant must file a written notice of appeal with the city clerk within 30 days of the date of the board's decision. No review of the appeal by the planning board shall be required, and the decision of the city commission shall be the final administrative action. The city commission shall affirm, modify, or deny the determination of the board. Further appeal shall be as provided by state law.

Sec. 11.3. Criteria.

(a) The decision on a certificate of appropriateness, except an application for demolition, shall be guided by the most recent Secretary of the Interior's Standards for the treatment of historic properties and specific standards for rehabilitation, stated as follows:

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

ARTICLE 4 Sec. 11 and 12

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
10. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

(b) For new construction, the board shall require that the proposed new building(s) be visually compatible with existing contributing structures in the general vicinity in a designated historic district in regard to height, scale, massing, and placement on the lot, with such compatibility standards to be further defined in design guidelines for the designated historic district as adopted upon historic designation.

(c) In addition to the guidelines provided in paragraph 1 above, for relocations the board shall also consider the following factors:

1. The historic character and aesthetic interest the building, structure or object contributes to its present setting;

ARTICLE 4 Sec. 11 and 12

2. Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;
 3. Whether the building, structure or object can be moved without significant damage to its physical integrity; and,
 4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.
- (d) For demolition the board shall also consider the following factors:
1. The historic or architectural significance of the building, structure or object;
 2. The importance of the building, structure or object to the ambiance of a district;
 3. The difficulty or the impossibility of reproducing such a building, structure or object because of its design, texture, material, detail or unique location;
 4. Whether the building, structure or object is one of the last remaining examples of its kind in the neighborhood, the county or the region;
 5. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and the effect of those plans on the character of the surrounding properties;
 6. Whether reasonable measures can be taken to save the building, structure or object from collapse; and,
 7. Whether the building, structure or object is capable of earning a reasonable economic return on its value.
- (e) For any division of a tract or parcel of land into two or more lots the board shall also consider these criteria:
1. To what extent the proposed division will disrupt the historic pattern of development;
 2. The intended use of the proposed division;
 3. The compatibility of the use of the proposed division with the surrounding Historic District; and,
 4. To what extent the owner of the property will experience an economic hardship if the request is denied.
- (f) In any instance where an undue economic hardship is claimed by a property owner, the property owner may submit any or all of the following as s/he deems necessary to state such hardship before the board makes a decision on the application for certificate of appropriateness:

ARTICLE 4 Sec. 11 and 12

1. Two written estimates of the cost of the proposed construction, alteration, demolition, or removal, by certified individuals or firms;
2. A report from a licensed engineer, contractor, or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
3. The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
4. In the case of a proposed demolition, an estimate from an architect, developer, licensed contractor, real estate consultant, 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;
5. The amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;
6. The annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
7. The remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property;
9. Any listing of the property for sale or rent, price asked, and any offers received.
10. The assessed value of the property according to the two most recent assessments;
11. The real estate taxes for the previous two years;
12. The form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or other;
13. Any other information considered necessary by the board to a determination as to whether the property does yield or may yield a reasonable return to the property owner.
14. The board may require that the property owner furnish such additional information as the board believes is relevant to the determination of any alleged undue economic hardship.

ARTICLE 4 Sec. 11 and 12

Sec. 11.4. Conditions of Approval.

The board may approve a certificate of appropriateness with conditions including but not limited to:

(a) The board may delay permit issuance for demolition for up to 6 months if the building or structure is either an individually designated historic structure or is a contributing structure in a designated historic district. The effective date of the certificate will be determined by the board based on the relative significance of the structure and the probable time required to arrange a possible alternative to demolition.

(b) During any demolition delay period, the board may take such steps as it deems necessary to preserve the structure concerned. Such steps may include, but are not limited to, consultation with community groups, public agencies, interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.

(c) The board may, with the consent of the property owner, request that the owner, at the owner's responsibility, salvage and preserve specified classes of building materials, architectural details, ornaments, fixtures, and the like, for reuse in the restoration of other historic properties. The board may, with the consent of the property owner, request that an interested party or the owner record the architectural details for archival purposes prior to demolition. The recording may include but shall not be limited to photographs, documents, and scaled drawings. At the board's option, and with the property owner's consent, the board or other interested party may salvage and preserve building materials, architectural details, and ornaments, textures, and the like at their own expense, respectively.

(d) If, within the period of delay, no alternative to demolition has been arrived at which is acceptable to the owner, and after architectural and historic documentation has been prepared by the applicant and submitted to the city, the city shall then issue the demolition permit upon demand, if all other requirements have been met.

Sec. 11.5. Effect of certificate.

(a) Upon approval of a certificate of appropriateness, permit applications for the requested development may proceed.

(b) Any certificate of appropriateness which has been approved shall expire 12 months from the date of issuance if the work authorized is not commenced within this period, and shall expire if the work authorized is not completed within 5 years of the date of issuance, unless otherwise extended by the board.

(c) All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of the certificate. It shall be the duty of the city to inspect prior to the granting of a certificate of occupancy or final permit sign-off. In the event work is not performed in accordance with the certificate, the city shall issue a notice of violation to stop all

ARTICLE 4 Sec. 11 and 12

work and all work shall cease. No additional work shall be undertaken as long as such notice shall continue in effect.

ARTICLE 4 SECTION 12. CERTIFICATE OF ECONOMIC HARDSHIP

Article 4 § 12 is deleted in its entirety.

ARTICLE 5 Sec. 5

**SECTION 5. CONCEPT PLANS IN REDEVELOPMENT AREAS
AND HISTORIC OVERLAYS**

Sec. 5.1. Concept plan required.

(a) For all development in excess of 20,000 square feet GFA in redevelopment areas and historic overlay districts, a concept plan shall be required prior to submittal of a site plan.

(b) The concept plan shall be reviewed by one or both of the following boards:

1. The concept plan for any development located in a redevelopment area shall be reviewed by the redevelopment board for the area.
2. The concept plan for any development located in a historic overlay shall be reviewed by the historic preservation board.
3. For concept plans for any development located in both an historic overlay and a redevelopment area, the historic preservation board shall provide recommendations to the area redevelopment board.

Sec. 5.2. Plan and supporting documents.

[no change]

ARTICLE 16 Sec. 2. HISTORIC CLASSIFICATION

ARTICLE 16 § 2 — Historic Classification

Sec. 2.1. Purpose.

(a) The City of Daytona Beach has various historic neighborhoods, sites, structures and objects of historic significance. Rehabilitation and preservation of these historic neighborhoods, sites, structures and objects is beneficial to the community as a whole in that they provide the community with a singular identity and sense of place, establish social continuity by linking our present community with its origins, and contribute variety to our physical environment. The purpose of the historic classification provisions is to serve the best interest of the health, safety, prosperity, and welfare of the citizens of Daytona Beach by:

1. Enhancing public awareness of the city's historic resources and promote civic pride in the beauty and accomplishments of the past.
2. Fostering social stability, strengthening the economy of the city, and enhancing the attractiveness of the city for visitors and potential residents.
3. Revitalizing and preserving the city's unique older neighborhoods, and stabilizing and improving property values in such neighborhoods.
4. Protecting the city's historic sites, structures, and social heritage.
5. Conserving existing housing stock and extending its economic life through rehabilitation of said properties.
6. Discouraging the deterioration and eventual loss of historic neighborhoods, sites, structures, and objects through demolition, neglect, or destruction.
7. Conditional and special uses are established for H (historic) and HR (historic residential) properties to allow additional revenue-generating uses in the historic areas of the city and provide appropriate and creative uses for historic structures while protecting residential districts.
8. The integrity of the residential character of single-family zoning shall be preserved by allowing local historic districts to apply for exemption from the establishment of such conditional and special uses.

ARTICLE 16 Sec. 2. HISTORIC CLASSIFICATION

Sec. 2.2. Historic classification established; criteria.

(a) The historic classification is hereby established as an overlay zoning district. Historic classification may be applied to an individual site or to a district, and shall be designated by adding the suffix "H" (historic) or "HR" (historic residential) to the zoning designation.

(b) A site may be classified as historic or may be designated as a contributing historic site within a district, only upon findings that the site or a structure or landscape feature located on the site meets at least three of the following criteria:

1. The character, interest, or value of the site is related to the development, heritage, archaeological, or cultural characteristics of the community, county, state, or country.
2. The site was the location of a significant local, county, state or national event.
3. The site is readily identified with a person or persons who significantly contributed to the development of the community, county, state, or country.
4. The site is distinguished by an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials.
5. The site is the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country.
6. Elements of design, detailing, materials, or craftsmanship render the site architecturally significant.
7. The site is listed in the National Register of Historic Places administered by the National Park Service of the U.S. Department of the Interior or any successor agency as a historic place or as a contributing site or structure within a historic district.
8. The site, because of its unique location or singular physical characteristics, is an established or familiar visual feature.
9. The site is a particularly fine or unique example of a utilitarian structure with a high level of integrity or architectural significance.

ARTICLE 16 Sec. 2. HISTORIC CLASSIFICATION

Sec. 2.3. Local register established.

(a) The local register of historic places is hereby established. The local register shall provide a written record of all historic sites within the city, and of all historic overlay districts and the contributing sites within those districts.

(b) Immediately upon approval of a request for historic overlay classification of a site or district, each such site or district shall be entered in the local register, identified by address and property legal description. For historic overlay districts, each property located within the district shall be listed by address and designated as a contributing historic site or a non-contributing site.

Sec. 2.4. Development activity while classification pending.

No permit shall be issued for alteration, construction, demolition or removal of a structure or landscape feature on a proposed historic site or a proposed contributing historic site within a proposed historic district, from the date the application is approved by the Historic Preservation Board until the final disposition by the city commission, unless such alteration, removal or demolition is authorized as an emergency due to unsafe or dangerous conditions pursuant to the Building Code.

Sec. 2.5. Development activity after classification.

(a) A certificate of appropriateness shall be required for any of the following activities on properties within designated historic overlay districts and individually designated historic properties:

1. Materially alter the exterior appearance except for ordinary maintenance of a building, structure, or object listed individually on the local register, or of a building located in a district listed on the local register and which is classified as contributing to that district.
2. Erect an addition to an existing building, structure, or object listed individually on the local register or to erect a new building within a district listed on the local register.
3. Demolish a building, structure, or object listed individually on the local register or to demolish a building, structure, or object located in a district on the local register and which is classified as contributing to that district.
4. Relocate a building, structure or object listed individually on the local register or to relocate a building located in a district listed on the local register and classified as contributing to that district.
5. Disturbance of an archaeological site.
6. Division of a tract or parcel of land into two or more lots.

ARTICLE 16 Sec. 2. HISTORIC CLASSIFICATION

(b) and (c) [no change]

(d) Whenever a certificate of appropriateness is required, it shall be obtained prior to the issuance of any other permits necessary for the activities noted in Article 16, section 2.4 (a). The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without a certificate of appropriateness required for the proposed work.

(e) Certain alterations and routine maintenance shall not require a certificate of appropriateness. The following routine alterations may be administratively approved when an applicant complies with the applicable historic district design regulations:

1. Installation of canvas awnings and canopies.
2. Repair of cornices using existing materials and duplicating the original design.
3. Decks at the ground level and not visible from any street and which do not require alterations to any structure.
4. Installation of new doors which are compatible in size and style with the original architecture.
5. Installation of fencing located behind any street facade.
6. The painting of any material or surfaces other than unpainted masonry, stone, brick, terracotta, and concrete.
7. The replacement of front porch columns with ones matching the original in style, size, and material.
8. The replacement of a roof with one of the same material and color.
9. The repair of siding which duplicates the original appearance.
10. Installation of skylights
11. The replacement of windows with ones compatible in size and style with the original.
12. Installation of burglar bars on windows and doorways.

(f) The city manager or the historic preservation board is authorized to issue and place official markers identifying designated historic properties and districts.

(g) 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 adopted Florida Building Code – Existing Buildings.

ARTICLE 16 Sec. 2. HISTORIC CLASSIFICATION

No demolition, alteration, relocation, or construction activities may take place on an individually designated historic site or on any contributing structure within the boundaries of designated Historic Districts except as provided in Article 4 § 11.

Sec. 2.6. Bed and breakfast facility as special use in H and HR overlay classification.

- (a) Bed and breakfast facilities shall be permitted as a special use in H and HR overlay classifications provided the following criteria are met:

[No change in remaining text]

Sec. 2.7. Office as special use in H overlay classification.

(a) Business and professional services may be permitted as a special use on historic sites or in historic overlay districts unless it is found and expressly stated in the ordinance classifying the site or district as historic that only residential uses are appropriate on the site or in the district. Sites or districts restricted to residential use only shall be identified as “HR” (historic residential) overlay districts.

- (b) The following conditions must be met:

[existing 1, 2, 3]

ARTICLE 20, SECTION 2.1 SCHEDULE OF FEES

ARTICLE 20 § 2.1. Schedule of Fees

Amend:

* * *

G. Historic Preservation:

* * *

~~2. Certificate of economic hardship \$150~~

23. Historic designation The City Commission will establish fees for designation of historic overlay sites and districts by Resolution.