

Meeting Date: January 23, 2024



CITY COUNCIL - REGULAR MEETING AGENDA ITEM

Contact Information

Contact Name: Becky Mendez

Dept. Director: Becky Mendez

Contact Number: (386)775-5415

City Manager: Dale Arrington

Type of Item:

Ordinance First Reading

SUBJECT:

Ordinance No. 674. An ordinance of the City Council of the City of Orange City, Florida, establishing a certificate of appropriateness program applicable to properties located within the City's historic resource map area by amending the Code of Ordinances, chapter 2, article III, Division 3, section(s) 2-93- Definitions, 2-94- Historic Preservation Board, 2-100- Statement or Purpose and General Functions, Powers and Duties of the Historic Preservation Board, and 2-103- Demolitions; repealing all ordinances or parts of ordinances in conflict herewith; providing for severability; and providing for an effective date.

BACKGROUND:

On behalf of the Historic Preservation Board (Board), staff requests City Council consideration to establish a Certificate of Appropriateness (COA) review process that expands the Board and/or staff review of building permits. The Historic Preservation (HP) code requires review of permits (major or minor) for exterior alteration (partial demolition) or complete demolition of existing historic structures located within the Historic Resource area (Map 2-3, Official Map Series of the Comprehensive Plan).

The code amendment establishes the application submittal requirements, review process and approval criteria for three types of building permits more specifically for all new residential construction (all new code requirement), additions/alterations to existing historic structures (slightly modified code requirement) and demolitions (no changes to existing requirement). The amendment does not apply when:

1. The structure is less than 50 years old.
2. It is ordinary maintenance or painting.
3. It is for interior renovations.
4. It proposes new commercial or multifamily buildings that comply with the City's Design Standards, Chapter 10.

On October 24, 2023, the City Council accepted the Board's recommendation to establish a COA program and authorized staff to advertise the ordinance for public hearing.

On January 3, 2024, the Planning Commission found the amendment consistent with the Comprehensive Plan and recommends that the City Council approve the ordinance, with condition that the staff correct the vagueness of one of the Board's review criteria for new residential construction. One member of the Board spoke in favor of the ordinance. The Board will discuss the text revision as recommended by the Commission at their January 18, 2024 meeting. Staff will report their recommendation to City Council. The City Council second reading is tentatively scheduled for February 13, 2024.

The Business Impact Estimate was posted to the City's website as required by Florida Statute 166.041 (4) on December 15, 2023.

COUNCIL DISTRICT:

City Wide

RECOMMENDATION(S):

Find the amendment consistent with the comprehensive plan and forward to the City Council for approval.

ATTACHMENTS:

[Ord No 674- Establishing a Certificate of Appropriateness program 1st reading](#)

[Memo to Planning Commission- COA ordinance](#)

[Vacant Land Maps and Report](#)

[Building Permit Report 2017- 2023](#)

[Business Impact Estimate-Ord 674- Certificate of Appropriateness program](#)

FINANCIAL IMPACT:

Possible 6-8% construction cost increase for those new single family residential structures that are within 500 feet of existing historic resources due to any Historic Preservation Board requirement for enhanced architectural embellishments. The ordinance has no impact on the building permit application fees because those are based only the square footage of the new structure. No new fees are proposed for the Certificate of Appropriateness application.

STRATEGIC PLAN:

Enhance the livability and identity of the City.

ORDINANCE NO. 674

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ESTABLISHING A CERTIFICATE OF APPROPRIATENESS PROGRAM APPLICABLE TO PROPERTIES LOCATED WITHIN THE CITY'S HISTORIC RESOURCE MAP AREA BY AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE III, DIVISION 3, SECTION(S) 2-93- DEFINITIONS, 2-94- HISTORIC PRESERVATION BOARD, 2-100- STATEMENT OR PURPOSE AND GENERAL FUNCTIONS, POWERS AND DUTIES OF THE HISTORIC PRESERVATION BOARD, AND 2-103- DEMOLITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1996, the City established the Historic Preservation Program (Program); and

WHEREAS, the intent of the Program is to protect, enhance and perpetuate historic resources that represent or reflect elements of the City's cultural, social, economic, political and architectural history; and

WHEREAS, revitalization of older residential and commercial properties and neighborhoods stabilizes and improves property values; and

WHEREAS, protecting and enhancing the City's historic attractions to residents, tourists and visitors serve to stimulate the local economy and draw new business and industry; and

WHEREAS, in April 2017, the City Council adopted Ordinance No. 572, which established a process of review and criteria to approve applications for partial and/or total demolition of historic structures; and

WHEREAS, in 2022, the Historic Preservation Board (Board) requested that staff assist them in creating a Certificate of Appropriateness (COA) program that will apply to new single family residential structures, additions and/or alterations, and demolitions; and

WHEREAS, SB 1604, approved by the Governor DeSantis in 2023, prohibits local government from regulating building design elements for single family or two-family dwellings, except if the property is located in a historic district as determined by a local preservation ordinance. The State's pre-emption of local authority does not apply to this ordinance pursuant to F.S. Section 163.3202 (5) (a); and

WHEREAS, on June 15, 2023, the Board approved the draft ordinance and forwards to the City Council for approval; and

WHEREAS, on October 24, 2023, the City Council discussed the proposed ordinance and directed staff to schedule for public hearing; and

WHEREAS, on December 15, 2023, the Business Impact Estimate was posted to the City's website as required by Florida Statute 166.041 (4); and

WHEREAS, on January 3, 2024, the Planning Commission found that the ordinance was consistent with the Comprehensive Plan and forwarded the ordinance to City Council for adoption; and

WHEREAS, the City Council finds that the Code of Ordinances amendment is consistent and further implements the Comprehensive Plan and is in the best interest of the public.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. The foregoing whereas clauses are incorporated here as legislative findings by this reference and made a part hereof for all intents and purposes.

SECTION 2. Section 2-93- Definitions, Section 2-94- Historic preservation board, and Section 2-101- Statement or purpose and general functions, powers and duties of the historic preservation board, of the Orange City Code of Ordinances, Chapter 2, Article III, Division 3 is hereby amended as indicated in underline (additions) and strikethrough (deletions) format in attached **Exhibit A**.

SECTION 3. Section 2-103, previously titled "Demolition" of the Orange City Code of Ordinances, Chapter 2, Article III, Division 3 is replaced in its entirety with the text provided in **Exhibit B**, excluding the "Staff Note" portions, which are only used during the public hearing process for clarity and are not intended to be codified.

SECTION 4. CONFLICT: That all ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 5. SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity will not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 6. EFFECTIVE DATE: That this ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 674):

First Reading this _____ day of _____, 2024.

_____	Alex Tiamson, Vice Mayor	Vacant	_____
_____	Vacant	Fran Darms	_____
_____	Lisa Stafford	Kelli Marks	_____
_____	Gary A. Blair, Mayor		

ROLL CALL VOTE AS FOLLOWS (Ordinance No. 674):

Second Reading this _____ day of _____, 2024.

_____	Alex Tiamson, Vice Mayor	Vacant	_____
_____	Vacant	Fran Darms	_____
_____	Lisa Stafford	Kelli Marks	_____
_____	Gary A. Blair, Mayor		

PASSED and ADOPTED this _____ day of _____, 2024.

ATTEST:

AUTHENTICATED:

Kaley Burleson, City Clerk

Gary A. Blair, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney

Exhibit A
Text amendment in underline/strikethrough format

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:

...

Alteration. Any changes in structural parts, types of construction or class of occupancy. The word "alteration" shall include the words "alter" and "reconstruct."

...

Certificate of appropriateness means the written authorization that is required to be issued prior to any action as set forth in this chapter.

...

Ordinary maintenance means work which does not require a ~~construction~~ building 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.

...

Sec. 2-94. - Historic preservation board.

The historic preservation board (the "Bboard," generally in this division) is hereby established to implement ~~guide and monitor~~ the provisions of this historic preservation program.

...

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 report updates to the city council.
 - (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 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.
- (10) Review applications for certificates of appropriateness as regulated in Section 2-103 of this Chapter.

...

Exhibit B

Text to replace in its entirety this code section previously titled “Demolition”, excepting the “Staff Note(s)”.

Sec. 2-103. – Certificates of Appropriateness (COA).

Staff Note: This section was previously titled, “Demolitions”.

2-103.1. *Applicability.* The provisions of this section apply to any structure contained in the Orange City Historic Resource Map 2-3 of the Comprehensive Plan or the FMSF. A property owner/agent shall obtain a certificate of appropriateness before performing work on applicable properties, which includes any new construction of single-family residential buildings or additions; alterations that change the exterior appearance of any structure; or demolition of any structure or object.

A. *Exceptions.* A COA shall not be required for the following structures or activities:

- a. Structures less than 50 years old, unless otherwise indicated herein.
- b. Painting.
- c. Ordinary maintenance as defined in section 2-93.
- d. Interior renovation, unless such change affects the exterior appearance or structural integrity of the building.
- e. New commercial development that complies with Chapter 10, LDC., except requested waivers to the minimum requirements of Land Development Code Chapter 10, Development Appearance and Landscaping Standards, must be approved by the Board.

Staff Note: COA is required for new residential construction. This section applied to exterior renovations of existing historic structures previously, but the wording and review criteria was not as clear. Exception’s list was expanded too.

2-103.2. *Purpose and intent.* The purpose of this section is to ensure that the historic character of the City’s Designated Historic Area is preserved and historic resources are protected in accordance with the Comprehensive Plan by providing procedures for review.

2-103.3. *Application requirements, information and exhibits.*

- A. *Preapplication meeting.* Prior to making an application for a certificate of appropriateness, the applicant shall confer with staff on the nature and purpose of the proposed action. The prospective applicant shall be advised of the plans, photographs, elevations, statements, or other exhibits necessary for submitting an application. Such advice shall not preclude the Board from requiring additional material prior to making its determination in the case.
- B. *All Applications.* Applications for a certificate of appropriateness shall be on a form supplied by the Development Services Department and submitted to that office once complete. Applications shall include the following unless waived by the Development Services Director:
 - a. Plans for structural change (new residential, alterations and additions)
 - b. A description of existing and proposed exterior finish materials (samples may be requested of nonstandard materials)
 - c. Site plans, including landscape plans and building elevations.
 - d. Photographs of the subject property existing conditions, including areas of proposed work.

- e. An inventory of resources located within a 500-foot radius of the property boundary.
 - f. Notarized authorization of the owner, if the applicant is not the owner.
- C. *Demolition applications.* In addition to the foregoing, applicants for demolition are also required to provide the following supporting documents:
- 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. The applicant shall submit one, or more of the following supporting documents:
 - 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.

Staff Note: Added new pre-application and COA application submittal requirements. The demolition application submittal requirements remain unchanged from previous text.

2-103.4. *Administrative review process (minor).*

- A. The DSD shall review a sufficient application within seven days and determine if the application is eligible for administrative approval. If the work is more than ordinary maintenance and does not impact the original appearance of the structure, the DSD shall issue a COA authorizing work to commence. Administrative review procedure shall also apply to the following activities:
 - a. Alterations, additions or demolition followed by replacement with no change in the size and configuration, and using materials true in character with the style of the building for roofs, windows, fences and gates, awnings, exterior lighting;
 - b. Alterations, additions or demolition followed by replacement with no change in the size and configuration for drives, walks, patios, decks, stairs, signs, screening fences and walls;
 - c. Accessory structures 200 square feet or less in the rear yard;
 - d. Detached decks that are not visible from a street;
 - e. Exterior façade not visible from the right-of-way;
 - f. Any other request determined by the DSD to have a minor impact or no potential detriment on the historic resource or area.

- B. The DSD shall issue a written decision approving, denying or approving with conditions the application based on the review criteria of this section.
- C. If the DSD determines that the application is not eligible for administrative review, then staff may request additional information, and will prepare a staff recommendation and forward to the Board for review in accordance with this section.

Staff Note: Minor housekeeping text changes. No substantive changes other than to increase the threshold for accessory structures from 120 s/f to 200 s/f based on recent LDC amendment.

2-103.5. *Board review process (major).* Any application for COA not previously determined to be eligible for administrative review shall be reviewed by the Board. Any COA request for demolition impacting properties listed in the NRHP or in the FMSF shall be reviewed by the Board. A Board review may also occur at the request of the applicant.

- A. *Public Hearing Process.* Applications for a COA shall be made to the development services department using a form provided by the development services department for that purpose. Within seven working days of the receipt of an application, the DSD shall determine whether said application is sufficient. If it is found lacking, the DSD shall note the deficiencies in writing to the applicant. Upon receipt of a sufficient application the DSD shall prepare an agenda item for the next available Board meeting to include a written report containing the staff recommendations. The report shall be provided to the applicant and the Board one week prior to the scheduled meeting.
- B. The board shall use the review criteria set forth in this section and take one of the following actions: approve, approve with conditions or deny each application based upon said criteria. Unless appealed the decision of the Board shall be the final decision. Changes or revisions to the proposed work shall require submittal of a new COA application in accordance with these regulations.
- C. *Review Criteria for alterations and additions.* The Board shall use the following criteria when making a decision:
 - a. Protects architectural features, finishes, construction techniques, and details that are distinctive or that contribute to the character of the building during the course of construction.
 - b. Avoids changes that create a false sense of historical development, such as adding conjectural historic features or architectural elements from other buildings, so that the structure will no longer be recognized as a physical record of its time, place, and use are not proposed.
 - c. Deteriorated historic features are repaired rather than replaced, unless the severity of deterioration requires replacement, and the new feature matches the old in design, texture, other visual qualities and, where possible, materials.
 - d. Surface cleaning of structures, if appropriate, utilize the gentlest means possible avoiding treatments that cause damage to historic materials.
 - e. Significant archaeological resources affected by the project will be protected and preserved, or where disturbance is necessary, mitigation measures will be undertaken.
 - f. Design of new additions clearly distinguishes historic and non-historic features, and is compatible to the design of the property and surrounding neighborhood.
 - g. Construction of a new addition causes the least possible loss of historic materials, is to the rear or inconspicuous side of a historic building, and should be subordinate to the historic structure.
- D. *Review criteria for any new residential structure.* The Board shall use the following visual compatibility standards when making a decision:

- a. Compatible siting, proportion, scale, form, materials, fenestration, roof configuration, details, and finishes to adjacent and nearby properties.
 - b. Preservation of the cohesive ambiance of historic properties and areas with compatible, sympathetic, and contemporary construction.
 - c. Compatible contemporary designs reflective of the time that are not visually overwhelming.
 - d. Avoid new construction duplicating historic buildings, except in the case of reconstruction.
 - e. Landscape plans are compatible with the buildings and environment with which it is visually related.
- E. *Review criteria for demolitions.* The Board shall make a decision regarding an application for demolition as required by this section. However, the Board may also choose to delay an approval for demolition for a period of not less than 30 days and not more than 180 days. The length of delay shall be determined 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. The Board shall use the following criteria when making a decision:
- a. 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.
 - b. The building, structure, or object contributes substantially to the ambiance of a district and the historical area's sense of place.
 - c. 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.
 - 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.

<p>Staff Note: Added public hearing process deadlines. Added review criteria for alterations/additions and new single-family residential. The demolition review criteria remain unchanged from previous text.</p>
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2-103.6. *Conditions of approval.* The development services director and/or the historic preservation board may grant COA approval for new single-family residential construction, addition, alteration, or demolition with one or more of the following conditions designed to provide an historical record of the property:

- A. 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.

- B. Design the replacement building(s) or structure(s) 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 used for approval.
- C. Allow archaeological study of the property before and/or during construction if the property falls within an area demonstrated to have a medium or high probability to contain archaeological resources.
- D. Allow salvage activities of the historic resource provided the Board finds there are salvageable materials within the site.
- E. Meet any other condition that is reasonable to mitigate the impact to the historic area.

Staff Note: The majority of this text remains unchanged. Modified wording so that it reflects the COA process and applicability.

2-103.7. *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 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.

Staff Note: This section remains unchanged.

2-103.8. *Emergency conditions applicable to this section.* The city's 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 official describing the dangerous conditions, actions taken, 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 board. After consultation with the DSD, the chief building official may order the remedying of the dangerous conditions without the approval of the historic preservation board.

Staff Note: This section remains unchanged.

2-103.9. *Appeals.* Any person aggrieved by a decision of the development services director may file an appeal in accordance with the provisions of chapter 3, land development code after first being considered and a recommendation made by the historic preservation board. Any person aggrieved by the decision of the historic preservation board may file an appeal in accordance with the provisions of chapter 3, land development code.

Staff Note: This section remains unchanged.

2-103.10. *Violations.* A stop work order shall be issued by the code enforcement official in any case where work has commenced, or preparation for work has commenced, which requires a certificate of appropriateness under this section and where no such certificate has been obtained. The stop work order shall be issued to the property owner, the occupant or any person, company or corporation commencing work or preparation for work in violation of this section. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained and posted on the property, or it has been determined by the historic preservation board that no certificate of appropriateness is required.

Staff Note: This is an entirely new section.

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Orange City Development Services Department

205 East Graves Avenue, Orange City, Florida 32763

www.orangecityfl.gov Phone: 386-775-5415

MEMORANDUM

Public Meeting: January 3, 2024- Planning Commission

Report Date: December 22, 2023

Subject: Ordinance No. 674. Administrative text amendment establishing a Certificate of Appropriateness program in the City's Historic area.

Applicant: Development Services Department

Staff: Becky Mendez, AICP, Development Services Director

PUPOSE OF ORDINANCE

On behalf of the Historic Preservation Board (Board), staff requests City Council consideration to establish a Certificate of Appropriateness (COA) review process that expands the Board and/or staff review of building permits. The Historic Preservation (HP) code requires review of permits (major or minor) for exterior alteration (partial demolition) or complete demolition of existing historic structures located within the Historic Resource area (Map 2-3, Official Map Series of the Comprehensive Plan).

The code amendment establishes the application submittal requirements, review process and approval criteria for three types of building permits that are for; 1) all new residential construction (all new code requirement), 2) additions/alterations to existing historic structures (slightly modified code requirement), and 3) demolitions (no changes to existing requirement). The amendment does not apply when:

1. The structure is less than 50 years old.
2. It is ordinary maintenance or painting.
3. It is for interior renovations.
4. It proposes new commercial or multifamily buildings that comply with the City's Design Standards, Chapter 10.

On October 24, 2023, the City Council discussed the proposed ordinance and authorized staff to schedule for public hearing.

There are approximately 1,115 acres of land within the designated historic area represented by the “blue box”. Within the blue box is a mixture of residential and commercial zoning classifications. The residential land area is roughly 959 acres, with the remaining 156 acres being commercial. There are 2,000 structures located within the boundary, 704 of which are 50 years old or older (146 commercial structures and 558 residential structures). Among the 1,115 acres is the Orange City National Register Historic District (NRHD), established in 2004, which is comprised of roughly 110 acres (+/- 33 blocks).

In 2017, the City Council adopted Ordinance No. 572, which expanded the Historic Preservation Program by establishing a process to review and approve building permits seeking exterior renovation or demolition of existing historic structures. The goal of the City Council was to create a process that is fair, efficient and protects the City’s most significant resources. Building permits that are determined to have a “minor” impact on the exterior façade are approved administratively without additional submittal requirements. Minor impacts include renovation of existing façade elements being replaced with no change in size or configuration or impacting facades that are not visible from the right-of-way.

Any permit request that is determined to have more than a minor impact requires additional support documents from the applicant and review by the Board. The code provides criteria and conditions of approval to guide the Board’s decision. Preference is granted to property listed on the National Register of Historic Places or the Florida Master Site File. Aggrieved parties may appeal the Development Services Director’s decision to the Board and Board’s decision to the City Council in accordance with Chapter 3 of the Land Development Code.

In December 2017, the City received the Outstanding Planning Study award for the Historic Preservation Ordinance from the Florida Planning and Zoning Association. Since adoption of the Ordinance, the Board has reviewed and approved nine major renovation building permits, and staff has conducted numerous administrative reviews, resulting in the preservation of significant architectural features of limited historic resources and the area’s sense of place.

In July 2022, the Board began discussing the creation of a local historic district (later converted to this Certificate of Appropriateness plan) to regulate architectural design of new structures to further enhance the sense of place. The current Land Development Code, Chapter 10- Design only applies to commercial and multifamily buildings, and does not apply to single family residential structures. Therefore, staff and/or the Board has no authority to dictate the design of new homes constructed within the historic area. In fact, local government is prohibited from regulating building design elements for single family or two-family dwellings (F.S. Section 163.3202(5)(a)), except if the property is located in a historic district as determined by a local preservation ordinance (SB 1604). State law considers building design elements to include, but are not limited to external building color, style or material of roofing, location or architectural styling of windows or doors, and number and type of rooms (F.S. Section 163.3202(5)(b)).

In the months leading up to this proposed ordinance, the Board reviewed an analysis and four quadrant maps of the remaining vacant parcels within the blue box to determine the scope and impact to the City’s administrative resources. According to the vacant land

analysis there are:

- 52 parcels of low-density residential totaling 52 acres
 - Spread fairly evenly between all four quadrants, and
 - Up to 4 dwelling units per acre
- 9 parcels of medium-density residential totaling 23 acres
 - up to 8 dwelling units per acre
- 8 parcels of Office Transition totaling five acres
 - up to 8 dwelling units per acre if along a thoroughfare, and
 - up to 4 dwelling units per acre is along a local road
- 2 parcels of Mixed Use totaling one acre
 - Not applicable
- 15 parcels of Commercial totaling 11 acres
 - Not applicable

The complete vacant land analysis and quadrant maps are attached for a more detailed breakdown of the historic themes and development patterns within the area. The Board agreed that the City's existing code standards that regulate architectural design of commercial and multifamily structures produces a desirable outcome, and therefore, the Board does not recommend applying the COA process to those permit types.

Since 2017, the City has issued 31 building permits for new single family residential construction within the historic area. A list and map are attached for reference. The Board discussed in depth the two new houses constructed at 310 & 370 N. Oak Avenue. In their opinion, one is a fine example of new construction that is compatible with the historic area, the other is not. Two main elements include a preference for side-entry garage vs. front-loaded and the stone façade material choice is out of place.



In keeping with the spirit of the 2017 preservation ordinance and recognizing the deference shown to most single-family residential uses (the most protected), staff drafted a code amendment. The final version recommended by the Board is summarized below.

Definitions.

New definitions for “alteration” and “certificate of appropriateness” are provided. COA means the written authorization that is required to be issued prior to any action set forth in this chapter.

Applicability.

COA is required for three building permit types; all new residential construction (entirely new code requirement), additions/alterations to existing historic structures (slightly modified code requirement) and demolitions (no changes to existing requirement). The amendment does not apply when:

5. The structure is less than 50 years old.
6. It is ordinary maintenance or painting.
7. It is for interior renovations.
8. It proposes new commercial or multifamily buildings that comply with the City’s Design Standards, Chapter 10.

Application requirements.

Amendment adds a new pre-application requirement and COA application submittal requirements. The demolition application submittal requirements remain unchanged from previous text. All COA applications must include; building plans, description of existing and proposed exterior finishes and materials, site plan, and an inventory of resources located within a 500-ft radius of the property boundary. If there are no significant historic resources within a 500-ft radius, then staff will issue the COA without Board review.

Minor review process.

No change to existing text, except that we increased the accessory structure threshold from 120 s/f to 200 s/f based on the residential accessory code amendment adopted by City Council in 2022. Staff issues all minor COAs administratively.

Major review process.

The Board must review and issue all major COAs.

The amendment establishes review criteria for alterations/additions. In summary, does application:

1. Protect distinctive building details?
2. Avoid creating a false sense of historical development?
3. Repair deteriorated historic features rather than replace?
4. Utilize gentle cleaning methods to avoid damaging historic integrity?
5. Preserve significant archaeological resources
6. New addition clearly distinguishes historic and non-historic features?
7. New addition causes the least possible loss of historic materials

The amendment establishes review criteria for new residential dwellings. In summary, does the application follow visual compatibility standards, such as:

1. Compatible siting, portion, scale, form, materials, fenestration, roof configuration, details, and finishes to adjacent and nearby properties.
2. Preservation of the cohesive ambiance of historic properties and area with compatible, sympathetic, and contemporary construction.
3. Compatible contemporary designs reflective of the time that are not visually overwhelming.
4. Avoids new construction duplicating historic buildings, except in the case of reconstruction.
5. Landscape plans are compatible with the buildings and environment with which it is visually related.

The review criteria for full demolitions remains unchanged.

Conditions of approval, demolition by neglect, emergency conditions applicable under this section, and appeals.

These sections remain unchanged.

Violations.

Added an entirely new section regarding violations. A stop work order shall be issued by the code enforcement official in any case where work has commenced, or preparation for work has commenced, which requires a certificate of appropriateness under this section and where no such certificate has been obtained. The stop work order shall be issued to the property owner, the occupant or any person, company or corporation commencing work or preparation for work in violation of this section. The stop work order shall remain in full force and effect until a certificate of appropriateness has been obtained and posted on the property, or it has been determined by the historic preservation board that no certificate of appropriateness is required.

Business Impact Statement. New State law (HB 1515) requires the City to prepare a business impact statement summarizing the new ordinance, the public purpose to be served (public health, safety, morals and welfare), an estimate of direct compliance costs and fee that a business may reasonably incur if the ordinance is enacted, and an estimate of the number of businesses likely to be impacted by the ordinance. The Business Impact Statement was posted to the City's website on December 15, 2023.

STAFF RECCOMENDATION

Find the ordinance consistent with the comprehensive plan and forward to City Council for adoption.

ATTACHMENTS

Draft ordinance
Vacant land analysis and four quadrant maps

New residential building permit report from January 1, 2017 to date and location map
Business Impact Estimate

Background

In July 2022, the Historic Preservation Board held a workshop to discuss the creation of a Local Historic District, with the intent to regulate new construction and enhance the sense of place of the historic area. In August 2022, the Board directed staff to make an assessment of the existing vacant land within the historic area, and produce maps to help the board determine how to proceed with regulating residential development in the historic area. New development design in the commercial zoning is currently regulated by Land Development Code (LDC) Chapter 10, Development Appearance and Landscape Standards. The Board agreed that the City's commercial and multi-family design standards produce quality aesthetic results and therefore, would not look to recommend any code changes.

City Council established the Orange City Historic Area in 1997, by Resolution 97-05-04. The Historic Area is representative of the historical city boundary, containing properties that may or may not have historical value. This area is depicted in Map 2-3 of the Orange City Comprehensive Plan. There is approximately 1,115 acres of land within the designated historic area represented by the "blue box". Within the blue box are a mixture of residential and commercial zoning classifications. The residential land area is roughly 959 acres, with the remaining 156 acres being commercial. Among the 1,115 acres is the Orange City National Register Historic District (NRHD), established in 2004, which is comprised of roughly 110 acres (±33 blocks).

Historic Area Map Analysis

A breakdown of acreage for each zoning classification within the designated historic area is below:

R-1 = 749	OT = 54	CG-1 = 110
R-2 = 129	-----	CG-2 = 28
R-3 = 0	MX-1 = 16	I-1 = 0
MH = 27	MX-2 = 2	I-2 = 0

Acreage/Quantity of vacant lots by zoning:

R-1 = 52/52	MH = 0/0	MX-2 = 0/0
R-2 = 23/9	OT = 5/8	CG-1 = 11/15
R-3 = 0/0	MX-1 = 1/2	CG-2 = 0/0

The maps produced are divided into quadrants along Volusia and Graves Avenues. Each quadrant has its own unique patterns of development. Each quadrant has contributing properties within the NRHD and others which may be significant, but not in the NRHD. A brief analysis of the residential land in each quadrant follows.

NE

Northeast (NE) quadrant is bounded by N. Volusia Ave, E. Wisconsin Ave, Trafford Ave, and E. Graves Aves.

- Four (4) OT
- Fifteen (15) R-1
- Dense concentration of historical structure between Lansdowne and Graves Aves, stretching east from Volusia Ave to Leavitt Ave

- Many properties contribute to NRHD & historic core of the downtown area (business district)
- Residential development dates between 1876 and 2022
- Historical architectural styles mostly vernacular influenced by Bungalow, Classical, Colonial, Gothic and Mediterranean Revival genres
- Prairie, Ranch and Post-Modern styles influence dwellings constructed post-war era
- A small cluster in the 1926 platted subdivision Oakwood Manor
- Few examples east of Leavitt Ave (i.e., Coleman House)

Aside from a handful of small single family lots in or near the NRHD, there are only three areas where new residential subdivisions may likely occur. One is near Oakwood Manor subdivision, and the other two are in the north east corner of the NE quadrant.

NW

The northwest (NW) quadrant is bounded by N. Volusia Ave, W. Wisconsin Ave, N. Sparkman Ave, and W. Graves Ave.

- Four (4) OT
- Fourteen (14) R-1
- Three (3) R-2
- Relatively dense concentration between W. Graves Ave and May Street, stretching to just west of N. Carpenter Ave from Volusia Ave.
- Several structures contribute to the NRHD and traditional residential area
- Residential development dates between 1880 and 2010
- Arch styles mostly vernacular influenced by Bungalow, Classical, Colonial, Gothic and Mediterranean Revival genres

All OT and half the R-1 vacant lots are located among or near to existing historical structures. One potential area for a new small subdivision is located northwest of the historical concentration.

SW

The southwest (SW) quadrant is bounded by S. Volusia Ave, W. Graves Ave, S. Sparkman Ave, and W. Ohio Ave.

- Fourteen (14) R-1 zoned lots
- Significant collection of historical structures along S. Volusia Ave from Graves to Blue Springs Aves.
- Small, collection of early dwellings along W. Blue Springs Ave
- High degree of continuity in physical environment and character of post-war era dwellings
- Periods of development 1880 – 2020
- Historic arch styles mostly vernacular influenced by Bungalow, Classical and Colonial; dominated by post-war era housing

A cluster of single-family vacant lots is located near Marshall Pond and the historic commercial properties.

SE

The southeast (SE) quadrant is bounded by S. Volusia Ave, E. Graves Ave, Trafford Ave, and E Ohio Ave.

- Two (2) MX-1
- Twelve (12) R-1
- Seven (7) R-2
- Dense collection between E. Graves and E. Blue Springs Aves, extending from S. Volusia to S. Leavitt Aves
- Oldest commercial development in city (Hotel/Waterworks)
- Collection of residential, educational and institutional structures rounding Mill Lake Park that serve the historic black neighborhood
- Area susceptible to gentrification
- Period of development 1875-2010
- Arch styles mostly vernacular influenced by Bungalow and Classical; dominated by Frame vernacular

Two ten (10) acre tracts of R-2 zoned land located on the east side of S. Leavitt Ave have great potential for development.

As represented by each of the four quadrants, the historic area's period of development has been continual. During each era of time, new architectural styles emerge and are exemplified in Orange City. Some dwellings have obvious differences from their neighbors, while others are complementary. In his article "Differentiated and Compatible: Four Strategies for Additions to Historic Settings", Steven W. Semes notes that new additions or infill buildings designed in the same styles as the historic neighbors are rarely an issue. But the ascendancy of modernist architecture in the 1950s illuminated the need to "tame" architectural styles that are inherently contrasting.




The challenges of preservation and rehabilitation is that both differentiation and compatibility are necessary. A new addition to a historic structure should complement the original design, while also be easily discernable as new. Semes claims there are four possible attitudes to new construction in a historic setting: 1) literal replication, 2) invention within the same or related style, 3) abstract reference, and 4) intentional opposition.

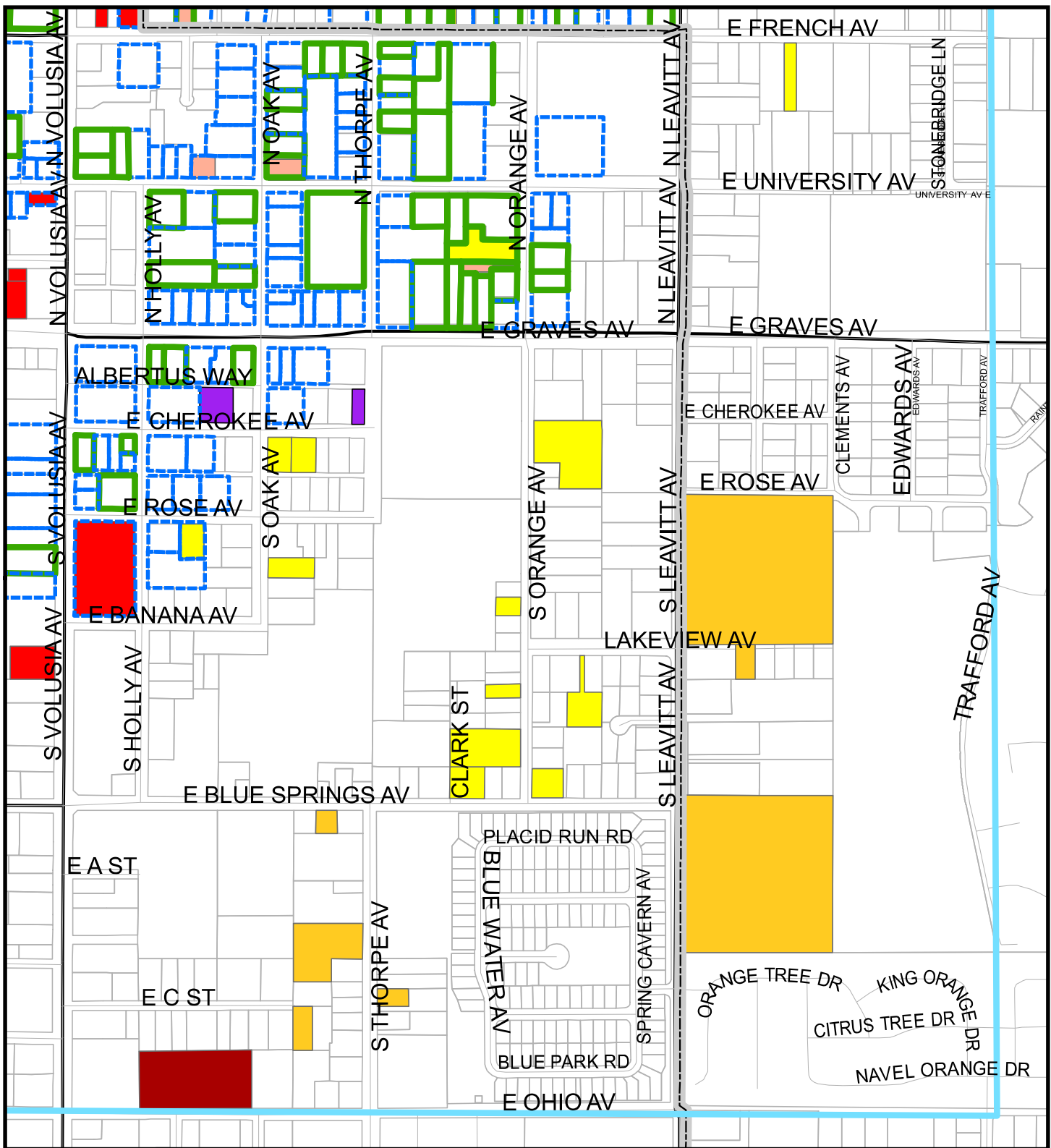
- *Literal replication* priorities replication and compatibility, while minimizing differentiation. Differentiation may be accomplished by applying a stamp to the new work in order to indicate new construction/addition.
- *Invention within a style* adds new elements in either the same or closely related styles, sustaining a sense of continuity in architectural language. According to Semes, invention within a style-so long as it is an informed and fluent exercise—leads naturally to new work that is both differentiated and compatible with respect to its pre-existing context.
- *Abstract Reference* seeks to make reference to the historic setting while consciously avoiding the literal resemblance to a historic style. This is a modernist innovation, often having similar massing to adjacent structures, while boasting differentiating finishes. The building does not jump out of its context or attract immediate attention.
- *Intentional Opposition* prioritizes differentiation at the expense of compatibility. This strategy is a conscious opposition to context through conspicuous contrast. The most suitable use of this

strategy is to repair damage to the historic setting. However, such designs are inherently incompatible with adjacent traditional buildings and inevitably lead to the erosion of historic character.

Semes emphasized the concept that new buildings in an historic setting should focus more on the “sense of place” than the “sense of time.” Historic districts usually contain buildings in many different styles, but most follow an approach to design that reflects the sense of the specific place and create continuity over time rather than contrast and disruption. It is this continuity over time that is important to creating and maintaining the character of historic districts.



	MX-1	Mixed Use Urban
	CG-1	General Commercial Restricted
	CG-2	General Commercial










Vacant Land in the Orange City Historic Area Historic Register, Zoning & CRA Boundary South East Quadrant

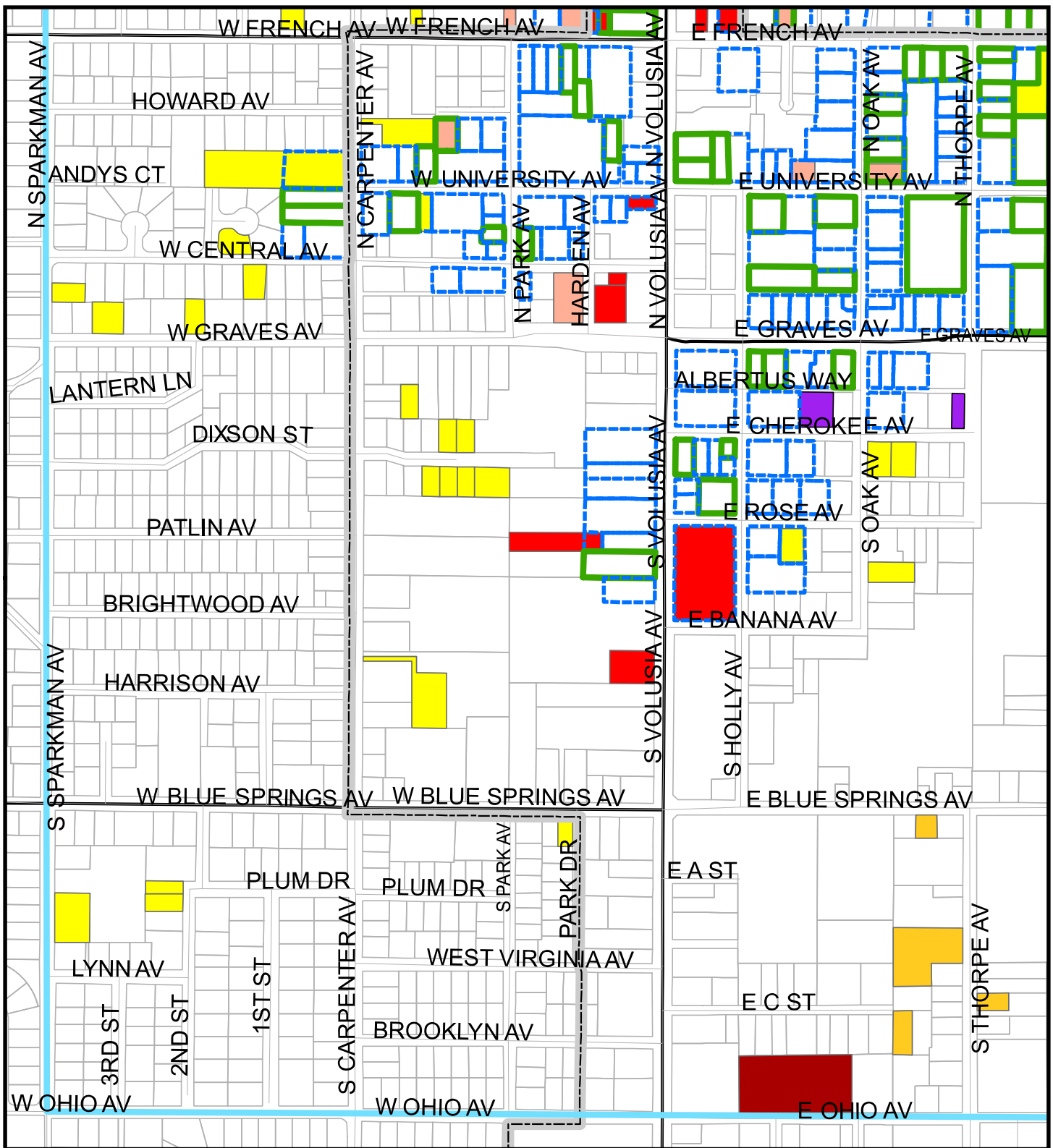


1 in = 600 ft

-  CRA Boundary
- National Register**
-  Contributing
-  Non-Contributing

Zoning Classification

- | | | | | | |
|---|-----|-----------------------------------|---|------|-------------------------------|
|  | R-1 | Low Density Residential |  | MX-1 | Mixed Use Urban |
|  | R-2 | Medium Density Residential |  | CG-1 | General Commercial Restricted |
|  | R-3 | High Density Residential |  | CG-2 | General Commercial |
|  | OT | Office Transitional (Residential) | | | |



Vacant Land in the Orange City Historic Area Historic Register, Zoning & CRA Boundary South West Quadrant



1 in = 600 ft



National Register



Contributing



Non-Contributing

Zoning Classification



R-1

Low Density Residential



R-2

Medium Density Residential



R-3

High Density Residential



OT

Office Transitional (Residential)



MX-1

Mixed Use Urban



CG-1

General Commercial Restricted



CG-2

General Commercial

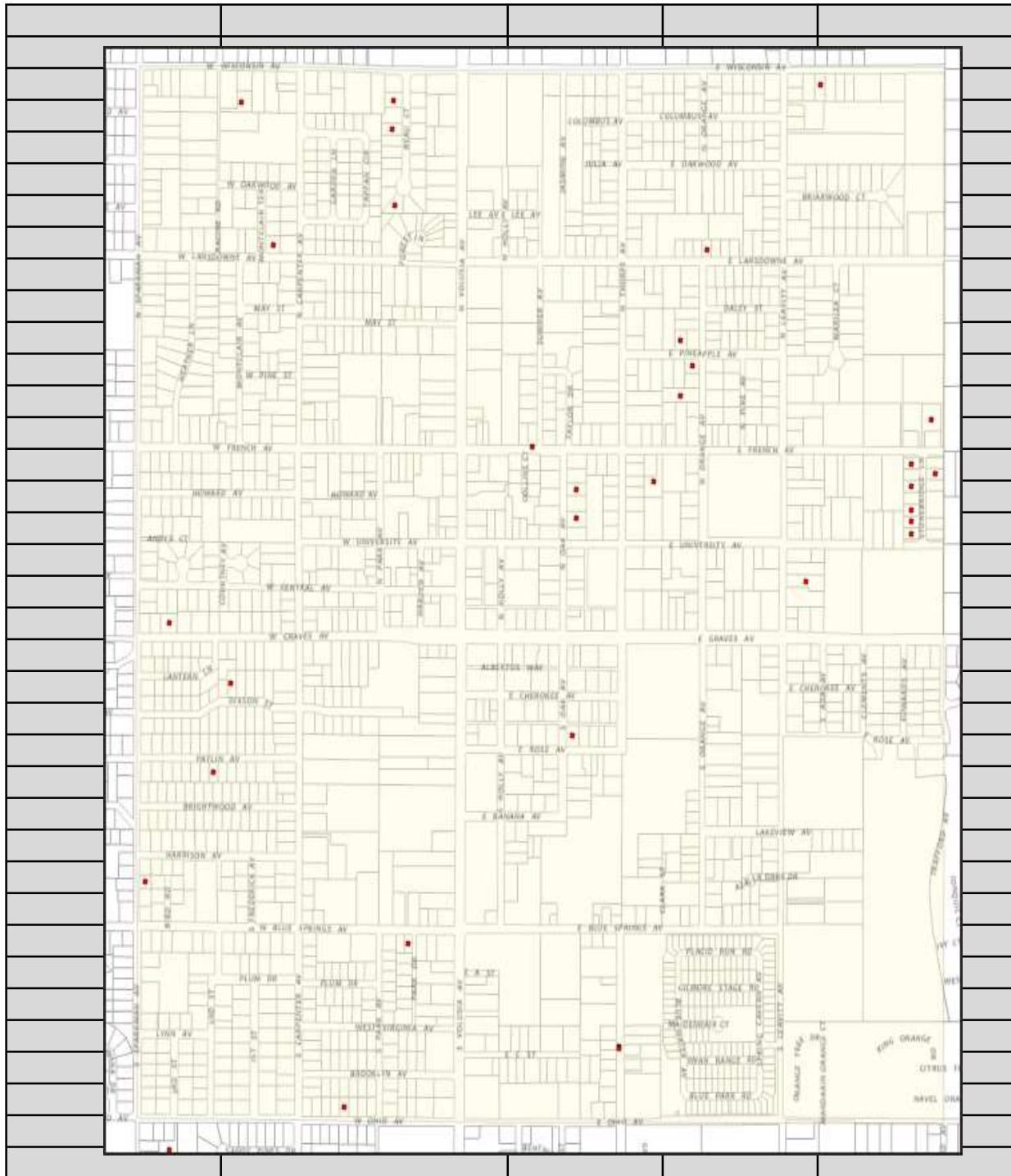
New SFR building permits

January 1, 2017 to October 13, 2023

Permit_Num	Address	Permit_Squ	Permit_Fin	Permit_Val
BLDR-03-22-24053	202 W BLUE SPRINGS AV	1937	8/31/2023	\$ 257,866.71
BLDR-08-22-24601	237 E FRENCH AVE	2477	9/12/2023	\$ 337,707.72
BLDR-05-19-19517	224 N LEAVITT AV	2965	6/29/2020	\$ 313,741.40
RESB-12-18-19053	700 Montclair TER	1800	3/19/2019	\$ 191,962.43
BLDR-09-21-23375	452 E FRENCH AV	2365	7/1/2022	\$ 363,308.35
BLDR-01-21-22177	453 E Pineapple AVE	1699	11/24/2021	\$ 189,427.62
BLDR-07-20-21211	310 N OAK AV	2066	2/26/2021	\$ 217,995.00
BLDR-10-20-21764	515 E LANSDOWNE AV	1757	8/25/2022	\$ 184,354.16
BLDR-12-21-23607	555 N ORANGE AVE	2684	1/23/2023	\$ 398,124.70
BLDR-09-19-19985	571 N ORANGE AVE	1717	8/7/2020	\$ 178,110.27
BLDR-03-19-19328	454 S Sparkman AVE	2410	8/10/2020	\$ 255,698.34
BLDR-06-19-19624	720 E WISCONSIN AV	2792	12/23/2019	\$ 305,253.63
BLDR-03-19-19351	963 BEAU CT	2918	3/30/2021	\$ 321,854.23
BLDR-10-20-21765	370 N OAK AV	3099	8/6/2021	\$ 335,309.34
BLDR-12-19-20330	315 W OHIO AV	1500	4/16/2020	\$ 159,387.86
RESB-10-18-18916	981 Beau CT	2115	7/11/2019	\$ 225,329.70
BLDR-06-19-19577	827 E FRENCH AV	5000	2/6/2020	\$ 455,947.63
RESB-7-17-17169	331 Stonebridge LN	2330		\$ 259,000.00
RESB-8-17-17331	915 Beau CT	2115	3/16/2018	\$ 238,000.00
RESB-1-18-17836	326 Stonebridge LN	2330		\$ 236,007.49
RESB-1-18-17835	315 Stonebridge LN	2830	8/17/2018	\$ 294,293.17
RESB-6-17-17006	307 Stonebridge LN	2617	1/10/2018	\$ 297,000.00
RESB-5-18-18367	268 Oak AVE S	2926	11/27/2018	\$ 300,316.99

January 1, 2017 to October 13, 2023

[illegible]



THE CITY OF ORANGE CITY
205 E. GRAVES AVENUE
ORANGE CITY, FLORIDA 32763

BUSINESS IMPACT ESTIMATE
PURSUANT TO F.S. 166.041(4)

Meeting Dates: **Planning Commission on January 3, 2024**

City Council, First Reading on January 23, 2024

City Council, Second Reading on February 13, 2024

Ordinance Number: 674

Posted To Webpage: December 14, 2023

This Business Impact Estimate is given as it relates to the proposed ordinance titled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, ESTABLISHING A CERTIFICATE OF APPROPRIATENESS PROGRAM APPLICABLE TO PROPERTIES LOCATED WITHIN THE CITY'S HISTORIC RESOURCE MAP AREA BY AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE III, DEVISION 3, SECTION(S) 2-93- DEFINITIONS, 2-94- HISTORIC PRESERVATION BOARD, 2-100- STATEMENT OR PURPOSE AND GENERAL FUNCTIONS, POWERS AND DUTIES OF THE HISTORIC PRESERVATION BOARD, AND 2-103- DEMOLITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The sections below are not required to be completed if the ordinance involves any one of the following types of regulations. Please check if applicable:

- ☐ 1. Ordinances required for compliance with federal or state law or regulation;
- ☐ 2. Ordinances relating to the issuance or refinancing of debt;
- ☐ 3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ 4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;
- ☐ 5. Emergency ordinances;

- ☐ 6. Ordinances relating to procurement; or
- ☐ 7. Ordinances enacted to implement the following:
 - ☐ a. Part II of Chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;
 - ☐ b. Sections 190.005 and 190.046;
 - ☐ c. Section 553.73, relating to the Florida Building Code; or
 - ☐ d. Section 633.202, relating to the Florida Fire Prevention Code.

Part I.

Summary of the proposed ordinance and statement of public purpose:

(Address the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the City of Orange City.)

The ordinance is an administrative text amendment to the Code of Ordinances establishing a Certificate of Appropriateness program for properties located within the City's Historic Resource Map area, which applies to development applications seeking construction of new single family residential structures, additions and/or alterations to historic resources, and demolitions of historic resources. The intent of the program is to protect, enhance and perpetuate historic resources that represent or reflect elements of the City's cultural, social, economic, political and architectural history.

Part II.

Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Orange City: (*fill out subsections a-c as applicable, if not applicable write "not applicable"*)

(a) Estimate of direct compliance costs that businesses may reasonably incur if the proposed ordinance is enacted:

Possible 6-8% construction cost increase for those new single family residential structures that are within 500 feet of existing historic resources due to any Historic Preservation Board requirement for enhanced architectural embellishments. The ordinance has no impact on the building permit application fees because those are based only on the square footage of the new structure.

(b) Identification of any new charges or fee on businesses subject to the proposed ordinance, or for which businesses will be financially responsible; and

No new fees for a Certificate of Appropriateness application.

(c) An estimate of the City of Orange City's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to

cover such costs.

No new City revenue generated by the ordinance.

Part III.

Good faith estimate of the number of businesses likely to be impacted by the ordinance:

Estimated five new single family residential building permit applications per year within the Historic District, based on permit history since 2017.

Part IV. Additional Information (if any):

None.