

1 **MINUTES OF THE HISTORIC PRESERVATION ORDINANCE WORKSHOP** of the City  
2 Council of the City of Orange City, Florida, held on Tuesday, March 25, 2008 at 6:00 p.m. in Council  
3 Chambers, 201 N. Holly Avenue, Orange City.

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5 **CALL TO ORDER**

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7 The Meeting was called to order at 6:00 p.m. by Mayor Strickland and roll call was taken.  
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9 **ROLL CALL**

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11 **PRESENT:** Mayor Harley Strickland; Vice Mayor Jeff Allebach; Council Members; Tom Laputka,  
12 Tom Abraham, Don Sherrill, Donald Sandford; City Attorney William Reischmann; City  
13 Manager John McCue, City Clerk Deborah Renner

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15 **ABSENT:** Council Member Jim Mahoney  
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17 **1. DISCUSS PROPOSED REVISED HISTORIC PRESERVATION ORDINANCE:**  
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19 Mr. McCue gave a brief history on the development the Historical Preservation Ordinance. He said that  
20 the Historical Preservation Board (HPB) meticulously worked on a historical preservation program for  
21 the city. Homeowners within the boundaries of the historical area attended workshops to give input on  
22 the program. He detailed the options considered. Mr. McCue said that the ordinance has been rewritten  
23 a numbers times over the years. The HPB and staff put together an ordinance that is fair and equitable  
24 while preserving homeowner property rights. He explained that this ordinance is voluntary and provide  
25 incentives for compliance. Mr. McCue said a mandatory program would require additional staff with  
26 expertise in historic community development and that would be costly. He cautioned Council to solicit  
27 input from the affected property owners if a mandatory program is to be considered.  
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29 Elaine Wilson, Planning & Zoning Analyst came forward. She concurred that it has been “a long drawn  
30 out process.” Ms. Wilson noted that the HPB and staff carefully drafted an ordinance that would be  
31 difficult to challenge in court. She advised that while researching this project she found that many of  
32 the historic preservation ordinances in Florida had ended up in court. She stated, “Municipalities don’t  
33 win.” Ms. Wilson reiterated this ordinance is voluntary and includes incentives. She said that the  
34 homeowners who attended the HPB workshops “vehemently” spoke against mandatory requirements;  
35 they felt it was a personal offense and would impinge on their property rights. Ms. Wilson concluded by  
36 stating that she is available to answer questions. Mr. McCue commented that originally staff considered  
37 property tax abatements but learned that is not permitted. He discussed the benefits of the historic  
38 program. He said that the footprints and the property sizes of the older homes do not conform to current  
39 land use regulations and that Section 8.22 (Non-conforming structures) of the land development code  
40 allows a historic homeowner to rebuild to original specifications if the home is damaged or destroyed.  
41 Mr. McCue said the other issue had to do with a major renovation to a historic structure and a provision  
42 whereby those renovations would be to current standards, not requiring an exact historic reproduction.  
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44 Mr. Reischmann advised Council that the proposed ordinance replaces major portions of the city’s land  
45 development regulations. He said that Section 2.111 of the ordinance allows a historic property owner  
46 to receive financial benefits from donating the historical preservation easements of their property to the

1 City. Mr. Reischmann said that protects the historic value of the home by preventing any alternations  
2 that would change the historical character. He said in addition, Section 2.111 provides benefits similar  
3 to “grandfathering.” If a historical structure is destroyed or damaged, it could be rebuilt even though it  
4 is not consistent with current land development regulations. He pointed out that there are unique and  
5 specific statutory ad valorem tax exemptions. Mr. Reischmann advised there was a substantial change  
6 in the direction of these regulations as a result of the HPB workshop held on February 7, 2006. He  
7 agreed with Ms. Wilson that there were a large number of homeowners that overwhelmingly rejected a  
8 mandatory program. He said as a result, the prior Council directed staff to work with the HPB to  
9 achieve an ordinance that would be agreeable to all. He stated “You’ve got assets in the city that are  
10 worth protecting and this proposed ordinance does that without impinging upon anyone’s rights.” Mr.  
11 McCue concurred. He pointed out that the historic district in Orange City is not contiguous, and there  
12 may be homes built in 1950 and 1999 intermingled within the district. He remarked all the houses are  
13 covered in the proposed ordinance.

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15 Mayor Strickland spoke in favor of the proposed ordinance. He felt it is a good start for the city’s  
16 program. He suggested canvassing the Council Members for their thoughts on the direction of this  
17 program before discussing specific concerns.

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19 Council Member Sherrill concurred. He said that he attended several of the HPB meetings and it was  
20 difficult to develop a fair program. Council Member Sherrill stated that after reviewing the proposed  
21 ordinance and comparing it with previous versions, “this is a good happy medium for this city.”

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23 Vice Mayor Allebach agreed that this is a good start. He talked about friends who live in an historic  
24 district in Sanford that had severe legal problems when an addition was made to their home without  
25 prior authorization. He implied that many historic preservation programs are too restrictive and the  
26 proposed program for Orange City is fair. He stated, “I’m in agreement.”

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28 In response to a comment from Council Member Laputka, Ms. Wilson stated that Orange City’s  
29 historical district is on the national register. Council Member Laputka noted that the program has  
30 incentives. He felt it would encourage historic homeowners to make necessary repairs to maintain the  
31 historic value of their homes. He stated, “That’s what I’m looking for.” Referring to Section 2-93 (3)  
32 “Encouraging historic preservation by providing technical assistance” he questioned what type of  
33 technical assistance. Ms. Wilson responded that the HPB and whenever possible, staff, would assist.  
34 Mr. McCue noted that if there is a need the service could be expanded. He said staff could make  
35 referrals for the homeowners. Ms. Wilson commented that over time she has developed an extensive  
36 “pool” of resources.

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38 Council Member Sandford noted that it looks like a good program. He said that he had specific  
39 questions.

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41 Council Member Abraham expressed his support for the HPB ordinance. He commented that he has  
42 been to several of the HPB meetings and noted everyone is anxious for a response from the Council.  
43 Council Member Abraham said he had toured the historic district and had lived in the “Alling House.”  
44 He said that he is happy to support this effort.

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46 Mr. Reischmann described the methods for establishing a historic area. He said a municipality could  
47 create a mandatory district with strict regulations, an overlay district, or focus on individual structures.

1 He felt the latter is appropriate for Orange City. Mr. Reischmann said that a consultant had toured the  
2 historical districts of the city reviewing its historic structures. Orange City is an older agricultural  
3 community and the historic homes are not within one defined area. He said that if the city were to  
4 implement a mandatory program it would be costly. Additionally, staff would have to be hired to  
5 legally implement all the specific standards. He stated, "That was a practical concern." Mr. McCue  
6 mentioned that the "Alling House" would not have been able to add cottages to its property if the city  
7 had implemented a mandatory program. He said the council, at that time, went through a lot while  
8 deliberating that deviation of the city code.

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10 Council Member Sandford questioned Mr. Reischmann about historical easements. Mr. Reischmann  
11 explained that that language is from Section 704.06 of the FL Statute, Conservation easements. He said  
12 the main objective of that statute is to allow property owners to donate conservation easements to a  
13 governmental entity. As long as the easement is owned by a city, that city would have the right to stop  
14 any activity that would destroy the historical value of the structure. Mr. McCue pointed out that the  
15 easement right is attached to the property, not the owner.

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17 Council Member Laputka noted that it is important for historic homeowners to have access to the  
18 technical assistance described in the ordinance. He felt that it should be made clear that the city wants  
19 to help, by providing direction and some help options. He stated, "I think that is what I'm asking for,  
20 not necessarily that service is provided, but the information to get it done."

21  
22 Mayor Strickland expressed concerns that not many historic homeowners would donate their easements.  
23 He felt there should be a way of evaluating the responses and requests for technical assistance. Mr.  
24 McCue noted that the HPB members and building official are an excellent resource. In addition, Ms.  
25 Wilson has contacts and resources throughout the state that could be utilized. Mayor Strickland pointed  
26 out that the West Volusia Historical Society holds annual workshops specifically designed to address  
27 historic preservation. He suggested that group could address Council Member Laputka's concerns. Mr.  
28 McCue assured Mayor Strickland that, at the present time, the city could handle the requests for  
29 assistance.

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31 Vice Mayor Allebach commented that now that the ordinance has been completed, the HPB could work  
32 on programs that will help homeowners improve their historic homes. He stated, "Think of what can be  
33 done if we throw a little money, funding behind the HPB to create the resource package that this  
34 entails."

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36 Addressing the HPB members, Mayor Strickland noted that the proposed ordinance is great plan. He  
37 said he wanted to address a number of concerns. The Mayor advised that he is familiar with historic  
38 preservation. He said that the first sentence on page 4 Item (3) is not a complete thought. Mr. McCue  
39 agreed. He said that would be revised.

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41 Mayor Strickland noted there are no term limits. He felt there should be a rotation system in place. Mr.  
42 Reichmann noted that around 1987, the Council at that time provided for three year terms. Mr. McCue  
43 said that it could be included in this ordinance, but that it is part of the rules that the city council had  
44 adopted for the HPB. Ms. Wilson stated that the reason the council did not put a limit on the number of  
45 terms was because of the inability to get volunteers for this board. Mayor Strickland responded that  
46 should not be the deciding factor. Mr. McCue noted that the existing policy limitations could be

1 referenced and a proviso added that the Council would make a determination on a case by case basis.  
2 He cautioned that there will be vacancies on the HPB without new appointments.

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4 The Mayor continued, on Page 6, (4) "...If the 60 day period runs and the board has not prepared and  
5 ..." does not appear to be a complete thought. He asked for clarification of Section 2.110 Termination  
6 of Historic Preservation Easement. Mr. Reischmann noted that the objective of that section was to  
7 provide a historic homeowner assistance if the structure on their property was damaged or destroyed.  
8 He said that if the property owner can establish that the damage to the property was more than 50% of  
9 the fair market value, then that property owner can seek the termination of that easement so that they  
10 can make repairs or rebuild. Mayor Strickland commented that other cities use the structure as the  
11 determinate; fifty percent of the damage to the structure. Mr. Reischmann said that staff would  
12 investigate that possibility. Mayor Strickland asked for clarification of the verbiage in Section 2.112 (3)  
13 on page 9. Mr. McCue noted this language was taken directly from the statute and is targeted for  
14 commercial properties. He noted the State of Florida would administer this section.

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16 In summary, Mr. McCue stated that the purpose of this workshop was to obtain council comments. He  
17 said that the ordinance would be sent the back to the HPB with the rewrites that Council directed. A  
18 mail out will be sent to all affected property owners notifying them there will be another public forum  
19 before finalizing the historic preservation ordinance.

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22 **ADJOURNMENT**

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24 Meeting adjourned at 6:49 p.m.

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26 **RESPECTFULLY SUBMITTED:** **APPROVED ON:**

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31 Gloria Williams  
32 Deputy City Clerk  
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