

MEMORANDUM

TO: Honorable Mayor Strickland and City Council Members;
Members of the Historic Preservation Board

FROM: Debbie Renner, City Clerk

DATE: March 11, 2010

SUBJECT: Future Direction of Historic Preservation Board

Introduction: At the January 12, 2010 regular City Council meeting, Council gave direction to schedule a joint workshop with the Historic Preservation Board (HPB) to discuss the purpose and future direction of the Board.

Background: The purpose and administrative guidelines for the Historic Preservation Board are set forth in Chapter 2, Sections 2-91 through 2-103 of the Orange City Code. (A copy of which is included with this memo.) The most recent update to this Chapter of the code was adopted in July 2008.

Discussion: There have been issues among the Board members regarding the Board's purpose and direction since the adoption of the revised Historic Preservation Ordinance in 2008. Membership on the Board was dwindling and meetings were often cancelled due to lack of a quorum. Seven meetings were cancelled in 2009 and membership on the Board was down to five people by the end of 2009. An item was placed on the January 12, 2010 City Council agenda to discuss the current and future status/purpose of the HPB.

Budget Impact: To be determined

Recommendations: It is recommended that Council review the provisions of Chapter 2, Sections 2-91 through 2-103 pertaining to the Historic Preservation Board to see if they still accurately portray your vision of the purpose and duties of the Board and how this Board will serve the interests of our citizens. In addition, a careful examination of the membership requirements found in Section 2-96 should be done to determine if these are still appropriate to achieve the results you desire from the Board. Finally, Section 2-103 sets forth eleven responsibilities assigned to the Board. Do these still fit your current vision for the Board?

Any changes you desire to make to the Board and its function can be accomplished by ordinance at your direction.

Prepared By: Debbie Renner, City Clerk

DIVISION 3. HISTORIC PRESERVATION BOARD

Sec. 2-91. Establishment.

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

(Ord. No. 96-8-4, § 1, 9-10-96)

Sec. 2-92. Statement of intent.

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

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

(Ord. No. 96-8-4, § 1(A), 9-10-96)

Sec. 2-93. Statement of purpose.

The city council shall identify, evaluate, recognize, preserve and protect historical and archaeological resources within the city limits of Orange City, in the best interest of the health, safety, prosperity and welfare of the citizens of Orange City by:

- (1) Creating a historic preservation board with the power to effectively guide and monitor the duties provided for herein.
- (2) Developing a process to designate individual properties (buildings, structures, sites, objects) and groups of properties (district) as historically significant.
- (3) Encouraging historic preservation by providing technical assistance.
- (4) Obtaining certified local government status as provided for in the National Historic Preservation Act of 1966, as amended in 1980 (P.L. 96-515) and as procedures dictate in 36 C.F.R. 61 (1987).

(Ord. No. 96-8-4, § 1(B), 9-10-96; Ord. No. 351, § 1, 7-8-08)

Sec. 2-94. Definitions.

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

- (1) *Archaeological site.* A site that contains prehistoric or historic artifacts, relics, or structures which represent a particular culture, historic event or epoch and which are of local, regional or statewide significance.
- (2) *Building.* A structure created to shelter any form of human activity. This may refer to a house, barn, garage, church, hotel, or similar structure. Buildings may refer to a historically or architecturally related complex, such as a courthouse and jail, or a house and barn.
- (3) *Demolition.* The tearing down or razing of 25 percent or more of a structure's external walls.
- (4) *Historic area.* A general area containing properties of contributing and noncontributing historic value which may include a historic district as described in (5) below.
- (5) *District.* A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.
- (6) *Historic property.* Any prehistoric or historic district, site, building, object or other real or personal property, of historical, architectural or archaeological value. These properties or resources may include, but are not limited to, monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, engineering works, treasure troves, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, or culture of the City of Orange City.
- (7) *Object.* A material thing of functional, archeological, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.
- (8) *Ordinary maintenance.* Work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration, or decay.
- (9) *Original appearance.* That appearance (except for color) which, to the satisfaction of the historic preservation board, closely resembles the appearance of either (1) the feature on the building as it was originally built or was likely to have been built, or (2) the feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the historic preservation board, to the style and materials of the building.
- (10) *Site.* The location of a significant event, a prehistoric or historic occupation or

activity, or building, or structure, whether standing, reined, or vanished, where the location itself maintains a historical or archaeological value regardless of the value of any existing structures.

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

(Ord. No. 96-8-4, § 1(C), 9-10-96)

Sec. 2-95. Historic preservation board.

The historic preservation board is hereby established to guide and monitor the historic preservation provisions of this division.

(Ord. No. 96-8-4, § 2(A), 9-10-96; Ord. No. 351, § 1, 7-8-08)

Sec. 2-96. Membership.

The historic preservation board shall have seven members as follows:

- (1) Members shall be appointed by the city council. One member of the board shall be a registered architect, if available. The remaining appointments shall be made on the basis of civic pride, integrity, experience, and interest in the field of historic preservation. The city council should, whenever possible, appoint a representative from each of the following areas of expertise:
 - a. History.
 - b. Real estate or real property appraisal.
 - c. Urban planning.
 - d. Engineering or building construction.
- (2) Each of the members shall be appointed to a three-year term. No member may serve more than three consecutive terms.
- (3) Five members shall reside within the city limits of the city. Two members shall reside within the Greater Orange City Area.

(Ord. No. 96-8-4, § 2(B), 9-10-96; Ord. No. 96-11-5, § 1, 12-10-96; Ord. No. 187, § 1, 3-9-04; Ord. No. 351, § 1, 7-8-08)

Sec. 2-97. Officers.

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

(Ord. No. 96-8-4, § 2(C), 9-10-96)

Sec. 2-98. Subcommittees.

- (a) The board should create whatever subcommittees it deems necessary to carry out the

purposes of the board.

- (b) The chair of the board shall annually appoint the membership of each subcommittee from the members of the board.

(Ord. No. 96-8-4, § 2(D), 9-10-96)

Sec. 2-99. Staffing.

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

(Ord. No. 96-8-4, § 2(E), 9-10-96)

Sec. 2-100. Compensation.

Members shall not be compensated.

(Ord. No. 96-8-4, § 2(F), 9-10-96)

Sec. 2-101. Funding.

The city council shall appropriate funds to permit the historic preservation board to perform its prescribed functions.

(Ord. No. 96-8-4, § 2(G), 9-10-96)

Sec. 2-102. Required meetings.

The board shall meet at least four times each year and minutes of each meeting shall be kept. Meetings will be conducted according to rules of procedure adopted by the board.

(Ord. No. 96-8-4, § 2(H), 9-10-96)

Sec. 2-103. 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 official inventory of cultural resources and submit to the city council recommendations and documentation concerning the updating.
 - (3) Develop and recommend to the city, programs to stimulate public interest in urban neighborhood conservation, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect urban neighborhood

conservation policies and goals.

- (4) Explore funding the grant sources and advise property owners concerning which might be available for identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources.
- (5) Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation concerns and policies, and assist in the development of proposed and future land use plans.
- (6) Advise property owners and local governmental agencies concerning the proper protection, maintenance, enhancement, and preservation of cultural resources.
- (7) Advise the city council concerning the effects of local governmental actions on cultural resources.
- (8) Review and recommend to the city, the designation of sites, buildings, structures, objects, and districts, both public and private, as historically or architecturally significant.
- (9) Notify the building official or his designee, who shall take appropriate action when it appears that there has not been compliance with the historic preservation regulations of this division.
- (10) Assist in developing a historic preservation element to be incorporated into the city's comprehensive plan and, if necessary, make recommendations for amendments to historic preservation goals, objectives and policies in the plan.
- (11) With the assistance of the city employee appointed by the city manager, provide technical assistance to encourage historic preservation.

(Ord. No. 96-8-4, § 3, 9-10-96; Ord. No. 351, § 1, 7-8-08)

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

- (a) *Created.* The historic preservation board shall establish, on a voluntary basis, a local register of historic places, as a means of identifying and classifying various sites, buildings, structures, objects, and districts as historic and/or architecturally significant. The local register will be kept by the historic preservation board and the city.

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

- (b) *Initiation of placement on the local register.* Placement of sites, buildings, structures, objects or districts on the local register may be initiated by the historic preservation board with the consent of the owner. In addition, placement may be initiated by the owner of the site, building, structure, object, or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district.
- (c) *Placement on the local register.* The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the local register:
 - (1) A nomination form, available from the city shall be completed by the applicant