
Sec. 33-12 Definitions.

Historic Design District means the combined areas designated as Stetson University Historic District, Downtown Historic District and Downtown Commercial in the City of DeLand's Comprehensive Plan Future Land Use Element and corresponding Future Land Use Map.

Historic Property means 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, Native American habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, 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 DeLand.

Ordinary maintenance means 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.

Original appearance means that appearance which, to the satisfaction of the planning director, 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 planning director, to the style and materials of the building.

Sec. 33-34. Historic districts and landmarks.

33-34.01. Generally.

- (a) *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 DeLand by:
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 serve to stimulate the local economy and draw new business and industry.
 5. Enriching the quality of life in DeLand by fostering knowledge of the living heritage of the past.
 6. Conserving existing housing stock and extending the economic life of housing units through the rehabilitation of such units under housing and neighborhood redevelopment programs.
- (b) *Statement of purpose.* The city commission shall identify, evaluate, recognize, preserve and protect historical land archaeological resources within the city limits of DeLand, in the best interest of the health, safety, prosperity and welfare of the citizens of DeLand by:
1. Creating a historic preservation board with the power to effectively administer the duties provided for herein.
 2. Developing a process to designate individual properties (buildings, structures, sites, objects) and groups of properties (districts) as historically significant.
 3. Protecting the integrity of designated historic resources by requiring a review of proposals to add to, demolish or in any way alter the exterior historic fabric of such resources.
 4. Encouraging historic preservation by providing technical assistance and financial incentives.

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5. 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).

33-34.02. *Local register of historic places.*

- (a) *Created.* A local register of historic places is hereby created 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 resource coordinator.
- (b) *Initiation of placement on the local register.* The historic preservation board may initiate placement of sites, buildings, structures, objects or districts on the local register. 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 and returned to the historic resource coordinator.
 2. Upon receipt of a completed nomination form, including necessary documentation, the historic resource coordinator shall place the nomination on the agenda of the next regularly scheduled meeting of the historic preservation board. If the next regularly scheduled meeting of the board is too close at hand to allow for the required notice to be given, the nomination shall be placed on the agenda of the succeeding regularly scheduled meeting.
 3. Adequate notice of the historic preservation board's consideration of the nomination shall be provided to the public at large, and to the owner(s) of the nominated property(ies), at least 15 days in advance of the meeting at which the nomination will be considered by the board.
 4. The board shall, within 60 days from the date of the meeting at which the nomination is first on the board's agenda, review the nomination and write a recommendation thereon. The recommendation shall include specific findings and conclusions as to why the nomination does or does not meet the appropriate criteria outlined in this section along with any owner's objections to the listing. The recommendation shall also include a map that shows the proposed boundaries for any Historic District and any individual historic property recommended for listing. If the nomination is of a district, the recommendation shall also clearly specify, through the use of maps, lists, or other means, those buildings, objects, or structures which are classified as contributing and noncontributing to the historical significance of the district. If the 60-day period runs [out] and the board has not prepared and sent a recommendation, and the period has not been extended by mutual consent of the applicant and the board, the nomination may be submitted by the applicant directly to the planning board.
 5. The nomination form will be processed dependent upon the following criteria:
 - a. An individual property owner of property containing a building, structure or object requesting placement on the local historic register, the nomination form and the board's recommendations shall be sent to the city commission for their action.
 - b. For districts (more than one property) to be designated as such on the local historic register, the nomination forms and the historic preservation board's recommendations will be sent to the planning board for their recommendation, prior to the form being forwarded to the city commission. The notice requirements will be handled as a rezoning application.
- (d) *Criteria for listing on the local register.*

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1. Any site, building, structure, object or district which is listed on the National Register of Historic Places shall be automatically nominated by the historic preservation board for the local register pursuant to section (c) above.
 2. A site, building, structure, object, or district must meet the following criteria before it may be listed on the local register:
 - a. It possesses integrity of location, design setting, materials, workmanship, feeling and association; and
 - b. It is associated with events that have made a significant contribution to the broad patterns of our history; or is associated with the lives of persons significant to our past; or embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or have yielded or may be likely to yield information important to history or prehistory.
 3. A property located in district shall be designated as contributing to that district 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.
 4. A property should 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 the property was built within the past 50 years, unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than 50 years old.
- (e) *Effect of listing on local register.*
1. The city manager is authorized to issue and place official markers identifying designated historic properties and districts.
 2. 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 Standard Building Code as provided by Chapter 1, Section 101.5 of the Standard Building Code Congress International, Inc.
 3. No demolition, alteration, relocation or construction activities may take place on designated historic properties or within the boundaries of designated Historic Districts except as provided below.

33-34.03. *Certificates of appropriateness.*

(a) *When required.*

1. A certificate of appropriateness shall be required for any of the following activities on properties within designated Historic Districts and individually designated historic properties:
 - a. Any material change or alteration in the exterior appearance of existing buildings objects or structures.
 - b. The movement or relocation of any building object, or structure.
 - c. Any new construction of principal or accessory buildings or structures.
 - d. Disturbance of an archaeological site.
 - e. Division of a tract or parcel of land into two or more lots.

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2. Upon designation of a Historic District or individual historic property, the designating ordinance shall prescribe those architectural features considered significant to the district or property and the types of regulated work items other than those requiring a city permit, which should be reviewed for appropriateness.
 3. For each of the regulated work items listed in the designating ordinance, the following applies:
 - a. *Ordinary maintenance.* If the work constitutes "ordinary maintenance" as defined in section 33-12, the work may be done without a certificate of appropriateness.
 - b. *Staff approval.* If the work is not "ordinary maintenance," but will result in the "original appearance" as defined in section 33-12, including color and defining architectural details, the certificate of appropriateness may be issued by the planning director with consultation by the historic resource coordinator.
 - c. *Board approval.* If the work is not "ordinary maintenance" and will not result in the "original appearance," a certificate of appropriateness must be obtained from the historic preservation board before the work may be done.
 4. A certificate of appropriateness shall be a prerequisite to the issuance of any other permits required by law. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the City of DeLand. A building permit or other municipal permit shall be invalid if it is obtained without a certificate of appropriateness required for the proposed work.
- (b) *Criteria for issuing.*
1. The decision on all certificates of appropriateness, except those for demolition, shall be guided by the Secretary of the Interior's General Standards for Preservation Projects and specific standards for rehabilitation stated as follows:
 - a. Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
 - b. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - d. Changes, which may have taken place in the course of time, are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - e. Distinctive stylistic features or examples of skilled craftsmanship, which characterize a building, structure, or site, shall be treated with sensitivity.
 - f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than

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- on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface cleaning of structure shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
 - h. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any acquisition, protection, stabilization, preservation, demolition, rehabilitation, restoration, or reconstruction project.
 - i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
 - j. Wherever possible, new additions or alteration to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
 - k. The use of integral color, rather than applied color, is encouraged in new construction and in restoration or preservation projects. Colors, whether integral or applied, should be appropriate to the architecture.
2. In approving or denying an application for a certificate of appropriateness for new construction, the board shall require the following features of the proposed building be visually compatible with the existing contributing structures in a designated Historic District:
- a. Height;
 - b. Scale;
 - c. Massing;
 - d. Setbacks;
 - e. Fenestration;
 - f. Roof shape;
 - g. Use of materials;
 - h. Directional expression;
 - i. Style;
 - j. Site plan.
3. In addition to the guidelines provided in subsection 1 above, issuance of certificates of appropriateness for relocations shall be guided by the following factors:
- a. The historic character and aesthetic interest the building, structure, or object contributes to its present setting;
 - b. Whether there are definite plans for the area to be vacated and the effect of those plans on the character of the surrounding area;
 - c. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and

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- d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure or object.
4. Issuance of a certificate of appropriateness for any division of a tract or parcel of land into two or more lots shall be guided by these criteria:
 - a. To what extent the proposed division will disrupt the historic pattern of development;
 - b. The intended use of the proposed division;
 - c. The compatibility of the use of the proposed division with the surrounding Historic District; and
 - d. To what extent the owner of the property will experience an economic hardship if the request is denied.
- (c) *Procedure.*
1. A person wishing to undertake any of the actions specified in subsection (a) above shall file an application for a certificate of appropriateness and supporting documents with the historic resource coordinator.
 2. The prospective applicant shall confer with the historic resource coordinator concerning the nature of the proposed action and requirements related to it. The applicant shall be advised of the nature and detail of the plans, designs, photographs, reports or other exhibits required to be submitted with the application. Such advice shall not preclude the historic preservation board from requiring additional material prior to making its determination in the case. Following the conference with the historic resource coordinator, a preapplication conference shall be held with the historic preservation board if requested by the applicant.
 3. Upon receipt of a completed application and all required submittals and fees, the historic resource coordinator shall place the application on the agenda of the historic preservation board within 30 days. Upon mutual agreement between the applicant and the historic resource coordinator, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.
 4. No less than seven days, but not more than 30 days, prior to the meeting at which the application is to be heard, the historic resource coordinator shall give the following notice:
 - a. Written notice of the time and place of the meeting shall be sent to the applicant and all persons or organizations filing written requests.
 - b. One advertised notice in a newspaper of general circulation or a notice posted upon the property for which the certificate of appropriateness has been applied. Such posted notice shall be at least 22 inches by 28 inches in size, and shall be posted within ten feet of the right-of-way and are [be] visible from the right-of-way. One notice shall be posted for each 200 feet of road frontage along all roadways bordering the property.
 5. The hearing shall be held at the time and place indicated in the notice. The decision of the historic preservation board shall be made at the hearing.
 6. The historic preservation board shall use the criteria set forth in subsection (b) above to review the completed application and accompanying submittals. After completing the review of the application and fulfilling the public notice and hearing requirements set forth above, the board shall take one of the following actions:
 - a. Grant the certificate of appropriateness with an immediate effective date;
 - b. Grant the certificate of appropriateness with special modifications and conditions;

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- c. Delay granting the certificate of appropriateness for a demolition for a period of not less than 30 days nor more than 60 days;
 - d. Deny the certificate of appropriateness.
 7. The historic preservation board shall make written findings and conclusions that specifically relate the criteria for granting certificates of appropriateness. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross-examination or other means.
 8. The historic resource coordinator shall record and keep records of all meetings. The records shall include the vote, absence, or abstention of each member upon each question, all official actions of the historic preservation board, and the findings and conclusions of the board. All records shall be filed with the historic resource coordinator.
 9. Any person aggrieved by a decision reached by the historic preservation board may appeal the decision to the city commission.
 10. No work for which a certificate of appropriateness is required may be undertaken unless a certificate of appropriateness authorizing the work is conspicuously posted on the property where the work is to be performed.

(Ord. No. 2013-11, § 1, 8-5-13)