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## ARTICLE XIV

### HISTORIC PRESERVATION

#### SECTION 21-180 - GENERAL PROVISIONS

##### 21-180.01 - Intent

- a. The City Council finds there are buildings, landmarks and sites within the City of Edgewater which have specific historic, archeological or aesthetic significance and that the loss of these sites would cause an irreplaceable loss to the people of the city of the aesthetic, cultural and historic values represented by such sites. It is hereby declared as a matter of public policy that protection, enhancement, perpetuation and use of such sites of special historic, archeological or aesthetic interest or value is a public necessity and is required in the interests of the health, prosperity, safety and welfare of the people.
- b. The recognition, protection, enhancement and use of such resources is a public purpose and is essential to the health, safety, morals and economic, educational, cultural and general welfare of the public, since these efforts result in the enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic benefits to the city and its inhabitants, the promotion of local interests, the enrichment of human life in its educational and cultural dimensions serving spiritual as well as material needs, and the fostering of civic pride in the beauty and noble accomplishments of the past.
- c. The City Council desires to take advantage of all available state and federal laws and programs that may assist in the development or redevelopment of the City of Edgewater.
- d. The federal government has established a program of matching grants-in-aid for projects having as their purpose the preservation for public benefit of properties that are significant in American history, architecture, archeology and culture.
- e. There are other federal programs providing monies for projects involving the rehabilitation of existing districts, sites, buildings, structures, objects and areas.
- f. The policy of the City of Edgewater is to conserve the existing housing stock and extend the economic life of each housing unit through the rehabilitation of such units under housing and neighborhood development programs in selected areas.
- g. Inherent in the enactment and implementation of these federal mandates is the policy of the United States government that the spirit and direction of the nation are founded upon and reflected in its historic past; that the historical and cultural foundations of the nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; that in the face of the ever-increasing extensions of urban centers, highways, and residential, commercial and industrial developments, the present governmental and non-governmental programs and activities are inadequate to ensure future

generations a genuine opportunity to appreciate and enjoy the rich heritage of our nation.

- h. It is the will of the people of the State of Florida as expressed in Article II, Section 7 of the 1968 Constitution, that the state's natural resources and scenic beauty be conserved and protected.
- i. It is the will of the State Legislature as expressed in Chapter 267 of the Florida Statutes that the state's historic sites and properties, buildings, artifacts, treasure troves and objects of antiquity which have scientific or historic value or are of interest to the public, be protected and preserved.

### **21-180.02 - Purpose**

The City Council hereby declares it's intention to qualify as a certified local government with the State Division of Historical Resources, history and records Management and to comply with the rules and regulations of the division pursuant to that program. The purpose of this chapter is to promote the health, morals, economic, educational, aesthetic, cultural and general welfare of the public through;

- a. The identification, protection, enhancement, perpetuation and use of districts, sites, buildings, structures, objects and areas that are reminders of past eras, events and persons important in local, state, or national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the City and its neighborhoods, or which provide this and future generations examples of the physical surroundings in which past generations lived;
- b. The enhancement of property values, the stabilization of neighborhoods and business centers of the city, the increase of economic and financial benefits to the city and its inhabitants and the promotion of local interests;
- c. The preservation and enhancement of varied architectural styles, reflecting the City's cultural, social, economic, political and architectural history; and
- d. The enrichment of human life in its educational and cultural dimensions in order to serve spiritual as well as material needs by fostering knowledge of the living heritage of the past.

## **SECTION 21-181 - RECREATION/CULTURAL SERVICES BOARD**

### **21-181.01 - Creation**

The Recreation/Cultural Services Board was created to plan and propose specific projects involving parks, recreational activities, beautification projects and historical preservation.

### **21-181.02 - Purpose**

The purpose of this Section is to establish historical and archeological guidelines in addition to the duties defined for the Recreation/Cultural Services Board. The Recreation/Cultural Services Board is established to seek the accomplishment of the following municipal purposes:

- a. The Board shall take action necessary and appropriate to accomplish the purposes of this chapter. These actions may include, but are not limited to:
  1. Continuing the survey and inventory of historic buildings and areas and archeological sites and the plan for their preservation;
  2. Recommending the designations of historic districts and individual landmarks and landmark sites;
  3. Regulating alteration, demolitions, relocations and new construction to designated property;
  4. Adopting guidelines for changes to designated property;
  5. Coordinating the historic preservation work of the City of Edgewater by working with and advising the federal, state and county governments and other city departments or advisory boards;
  6. Advising and assisting property owners and other persons who are interested in historic preservation;
  7. Initiating plans for the preservation and/or rehabilitation of individual historic buildings or landmarks; and
  8. Undertaking educational programs including the preparations of publications and the placing of historic markers.
- b. The Board shall review all nominations of local property to the National Register of Historic Places following the regulations of the state historic preservation office. Following a public hearing with public notice of no less than thirty (30) days, the Board shall consider the nomination. When necessary the Board shall seek expert advice before evaluating the nomination. The Board shall forward to the state historic preservation officer its action on the nomination and the recommendations of the local officials.
- c. When a property owner objects to having his property nominated to the National Register, a notarized written statement must be submitted to the Board before the nomination is considered. The Board may then either continue its review, forwarding its recommendation to the state historic preservation officer and noting owner's objection or, it may cease any further review process and notify the state historic preservation officer of the property owner's objection to the

proposed listing the Board shall not recommend registry over objection of the owner except by a super majority vote.

- d. In the development of the certified local government, the City Council may ask the Board to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.
- e. The Board shall conduct at least four (4) public hearings a year to consider historic preservation issues. The Board shall recommend to the City Council the designation of landmarks, landmark sites and historic districts. Applicants shall be given written notification of the Board's decisions. The Board shall prepare and keep on file available for public inspection a written annual report of its historic preservation activities, cases, decisions, qualifications of members and other historic preservation work.
- f. The Board shall receive assistance in the performance of its historic preservation responsibilities from which expertise shall be provided in historic preservation or a closely related field. Other City staff members may be asked to assist the Board by providing technical advice or helping in the administration of this chapter.
- g. The Board shall recommend to the local planning agency and the City Council a historic preservation element of the comprehensive development plan pursuant to the Local Government Comprehensive Planning Act of 1985.
- h. The Board shall coordinate its activities with the Community Redevelopment Agency, the state historic preservation officer and the Southeast Volusia Historical Society, Inc.
- i. The Board shall assist the City Manager in preparing applications for grant awards for site identification, inventory, survey activities and preservation.
- j. The area of geographic responsibility for the Board shall be coterminous with the boundaries of the City of Edgewater.
- k. The Board is encouraged to be represented at pertinent informational or educational meetings, workshops and conferences relating to preservation activities.

### **21-181.03 - Membership**

The Board shall consist of seven (7) members who shall be residents of the City. The Board shall elect a chairman, vice-chairman and other officers as they may deem necessary. In the event of a vacancy on the Board, the City Council shall appoint a new member within sixty (60) days to serve out the remainder of the term. Members shall serve on the Board at the pleasure of the City Council.

#### **21-181.04 - Term**

The Board members shall be appointed for staggered terms of three (3) years by the City Council; provided, however, that the initial terms shall be three (3) members for a one year term, two (2) members for a two (2) year term and two (2) members for a three (3) year term.

#### **21-181.05 - Qualifications**

The Board members shall be composed of lay and professional members in accordance with the criteria set forth by the certified local government program. To the extent available, members shall be professionals from the disciplines of architecture, history, architectural history, archaeology, or other historic-related fields, such as urban planning, American studies, American civilization, cultural geography or cultural anthropology. Lay persons who have demonstrated special interest, experience or knowledge in history, architecture or related disciplines shall make up the balance of the Board membership. An up to date resume of Board members shall be kept as a public record. Prior to appointment, the City Council shall solicit nominations from the Recreation/Cultural Services Board.

#### **21-181.06 - Procedures**

The Board shall hold at least four (4) meetings each year, which shall be public meetings. Meetings shall have a previously advertised agenda and shall be open to public participation. All records of the Board including its rules of procedure, minutes and inventory shall be public records open to inspection by the public. The Board shall adopt rules of procedure for use in all its meetings and the City Manager shall provide staff assistance. The Board shall have the following reporting requirements:

- a. It shall provide the state preservation officer with thirty (30) days notice prior to each meeting, following its first meeting.
- b. It shall submit minutes of each meeting to the state historic preservation officer within thirty (30) days of holding the meeting.
- c. It shall submit records of attendance for the review Board members to the state historic preservation officer within thirty (30) days of each meeting.
- d. It shall submit public attendance figures of each meeting to the state historic preservation officer with thirty (30) days of each meeting.
- e. It shall notify change in Board membership within thirty (30) days of action.
- f. It shall notify the state historic preservation officer of all historic designations or alterations to existing designations.
- g. It shall submit an annual report by November 1 covering previous October 1 through September

30, which shall include:

1. Any changes in the rules of procedure;
2. Number of proposals reviewed;
3. Designations or listings;
4. Changes to Board;
5. Revised resumes of Board members as appropriate;
6. Review of survey and inventory activity with the description of the system used; and
7. Program report on each grant assisted activity.

## **SECTION 21-182 – DESIGNATION OF LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS**

### **21-182.01 - Designation of Landmarks, Landmark Sites and Historic Districts**

Upon recommendation of the Board, the City Council may designate by resolution individual landmarks, landmark sites and historic districts. Each designation of a landmark shall include a designation of a landmark site. When an owner objects to an application involving designation of his property, other than a historic district, approval by the Board and City Council shall require a super majority vote.

### **21-182.02 - Application Requirements**

Consideration of the designation of a landmark and landmark site or a historic district shall be initiated by the filing of an application for designation by the property owner, any resident of Edgewater or any organization in Edgewater, including the City. The City shall charge a fee for each application which reflects processing costs for the application except that such fee shall be waived for city-initiated applications.

The applicant shall complete an application form provided by the Development Services Department which shall include:

- a. A written description of the architectural, historical or archeological significance of the proposed landmark and landmark site or buildings in the proposed historic district and specifically addressing and documenting those related points contained in this Article;
- b. Date of construction of the structures on the property and the names of former owners;
- c. Photographs of the property; and
- d. Legal descriptions and map of property to be designated as a landmark, landmark site or historic district.
- e. On applications for the designation of historic districts, the applicant shall also submit:
  1. Evidence of the approval of the district from two-thirds of the property owners; and

2. A written description of the boundaries of the district.

The City Manager or his designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

### **21-182.03 - Public Hearings for Designations**

The Board shall schedule a public hearing on the proposed designation within sixty (60) days of the submission of a completed application. Notice of the public hearing and notice to the owner shall be given in accordance with the Florida Statutes and shall state clearly the boundaries for a proposed historic district.

### **21-182.04 - Criteria for Designation of Property**

The commission shall recommend the designation of property as a landmark, landmark site or historic district after the public hearing based upon one or more of the following criteria:

- a. Its value is a significant reminder of the cultural or archeological heritage of the city, state or nation;
- b. Its location is a site or a significant local, state or national event;
- c. It is identified with a person or persons who significantly contributed to the development of the city, state or nation;
- d. It is identified as the work of a master builder, designer or architect whose individual work had influenced the development of the city, state or nation;
- e. Its value as a building is recognized for the quality of its architecture and it retains sufficient elements showing its architectural significance;
- f. It has distinguishing characteristics of an architectural style valuable for the study of a period, method of construction or use of indigenous materials;
- g. Its character is a geographically definable area possessing a significant concentration or continuity of sites, buildings, objects of structures united in past events or aesthetically by plan or physical development; or
- h. Its character is an established and geographically definable neighborhood, united in culture, architectural style or physical plan and development.

### **21-182.05 - Board Decision**

After evaluating the testimony, survey information and other material presented at the public hearing, the Board, shall, within sixty (60) days make its recommendation to the City Council with a

written report on the property or area under consideration. Applications for designation shall be approved or denied. The Board may vote to defer its decision for and additional thirty (30) days. If the Board recommends a designation, it shall explain the proposed landmark or historic district qualified for designation under the criteria contained in this Section. This evaluation may include references to other buildings and areas in Edgewater and shall identify the significant features of the proposed landmark or historic district. The report shall include a discussion on the relationship between the proposed designation and existing and future plans for the development of the City. The Development Services Department shall promptly notify the applicant and the property owner of the Board decision.

### **21-182.06 - Appeals**

Any person may appeal the Board's decision to the City Council within fifteen (15) days of the decision.

### **21-182.07 - City Council Review and Designation**

The City Council shall approve, modify or disapprove the proposed designation within sixty (60) days of the Board recommendation. If a designation is made, the Comprehensive Plan, including the land use map, shall be amended to contain the designation in accordance with state law. The Development Services Department shall notify each applicant and property owner of the decision relating to his property within thirty (30) days of the City Council action and shall arrange that the designation of a property as a landmark or as a part of a historic district be recorded in the official record books of Volusia County.

### **21-182.08 - Amendments and Rescissions**

The designation of any landmark and landmark site or historic district may be amended or rescinded through the same procedure utilized for the original description.

## **SECTION 21-183 - APPROVAL OF CHANGES TO LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS**

### **21-183.01 - Certificate of Appropriateness**

No person may undertake the following actions affecting a designated landmark, a designated landmark site or a property in a designated historic district without first obtaining a certificate of appropriateness from the Board. Alterations of an archeological site or the exterior part of a building or structure, new construction, demolition or relocation.

- a. Review of a new construction and alteration to designated buildings and structures shall be limited to exterior changes visible to the public. Whenever any alteration, a new construction, demolition or relocation is undertaken on a designated landmark, a designated landmark site or a property in a designated historic district without a certificate of appropriateness, the Certified Building Official is authorized to issue a stop work order.
- b. A certificate of appropriateness shall be in addition to any other building permits required by law. The issuance of a certificate of appropriateness from the Board shall not relieve the property owner of the duty to comply with other state and local laws and regulations.
- c. Ordinary repairs and maintenance, that are otherwise permitted by the law, may be undertaken without a certificate of appropriateness provided this work on a designated landmark site or property in a designated historic district does not alter the exterior appearance of the building structure, or archeological site, or alter elements significant to its architectural or historic integrity.
- d. No certificate of appropriateness for alteration, new construction, demolition or relocation pursuant to the provisions of this chapter shall be effective for a period of fifteen (15) days subsequent to the Board's decision. If, during that fifteen (15) day period, an appeal is made to the City Council, the decision of the Board shall automatically be stayed pending city review.

#### **21-183.02 - Application Procedures for Certificates of Appropriateness**

- a. Each application for a certificate of appropriateness shall be accompanied by the required fee. The Certified Building Official shall forward to the Board each application for a permit that would authorize an alteration, new construction, demolition, impact on an archeological site's integrity or relocation affecting a designated landmark, a designated landmark site or a property in a designated historic district.

The applicant shall complete an application form provided by the Development Services Department containing, in part, the following information:

- b. Drawings of the proposed work;
  - 1. Photographs of the existing building or structure and adjacent properties; and
  - 2. Information about the building materials to be used.
- c. The City Manager or his designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

### **21-183.03 - Public Hearings**

The Board shall hold a public hearing on each certificate of appropriateness within thirty (30) days after receipt of a completed application. The Board shall approve, approve with conditions or disapprove each application, based on the criteria contained in this Section. The Board shall act within sixty (60) days after the close of the public hearing. If the Board fails to decide an application within the specified time period, the application shall be deemed approved.

### **21-183.04 - General Criteria**

In approving or denying applications for certificates of appropriateness for alterations, new construction, demolition, or relocation, the Board shall use the following general guidelines:

- a. The effect of the proposed work on the landmark or the property upon which such work is to be done; and
- b. The relationship between such work and other structures on the landmark site or other property in the historic district; and
- c. The extent to which the historic, architectural; or archeological significance, architectural style, design, arrangement, texture, materials, and color of the landmark or the property will be affected; and
- d. Whether the denial of a certificate of appropriateness would deprive the property owner of reasonable beneficial use of his property; and
- e. Whether the plans may be reasonably carried out by the applicant.

### **21-183.05 - Alterations**

In approving or denying applications for certificates of appropriateness for alterations, the Board shall also use the following additional guidelines which are based on the United States Secretary of the Interior's Standards for Historic Preservation Projects.

- a. Every reasonable effort shall be made to provide a compatible use for a property that 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 which 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 environments. 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 duplications of features, substantiated by historical, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- g. The surface cleaning of the structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material 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, rehabilitation, restoration or reconstruction project.

#### **21-183.06 - New Construction**

In approving or denying applications for certificates of appropriateness for new construction, the Board shall also use the following additional guidelines:

- a. The height of proposed building shall be visually compatible with the adjacent buildings; and
- b. The relationship of width of the building to the height of the front elevations shall be visually compatible to buildings and places to which it is visually related; and
- c. The relationship of the width of the windows to height of windows in a building shall be visually compatible with buildings and places to which the building is visually related; and
- d. The relationship of solids to voids in the front facade of a building shall be visually related; and
- e. The relationship of building to open space between it and adjoining buildings shall be visually compatible to the buildings and places to which it is visually related; and
- f. The relationship of entrance and porch projections to sidewalks of a building shall be visually compatible to the buildings and places to which it is visually related; and
- g. The relationship of the materials, texture and color of the facade of a building shall be visually compatible with the predominant materials used in the buildings to which it is visually related;

and

- h. The roof shape of a building shall be visually compatible with the buildings to which it is visually related; and
- i. Appurtenances of a building such as walls, wrought iron fences, evergreens, landscape masses, building facades, etc., shall, if necessary, form cohesive walls of enclosures along a street to ensure visual compatibility of the building to the buildings and places to which it is visually related; and
- j. The size of a building, the masses of a building in relation to open spaces, the windows, door openings, porches and balconies shall be visually compatible with the buildings and places to which it is visually related; and
- k. A building shall be visually compatible with the buildings and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

#### **21-183.07 - Demolition**

- a. No certificate of appropriateness for demolitions shall be issued by the Board until the applicant has demonstrated that no other feasible alternative to demolition can be found. The Board may ask interested individuals and organizations for assistance in seeking an alternative to demolition. On all demolition applications, the Board shall study the question of economic hardship for the applicant and shall determine whether the landmark or property in the historic district can be put to reasonable beneficial use without the approval of demolition application. In case of an income-producing building, the Board shall also determine whether the applicant can obtain a reasonable return from his existing building. The Board may ask applicants for additional information to be used in making these determinations including, but not limited to, evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the Board shall deny the demolition application.
- b. The Board may grant a certificate of appropriateness for demolition even though the designated landmark, designated landmark site or property within the designated historic district has reasonable beneficial use if:
  - 1. The Board determines that the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark, or
  - 2. The Board determines that the demolition of the designated property is required by a community redevelopment plan or the Comprehensive Plan.

#### **21-183.08 - Relocation**

When an applicant seeks to obtain a certificate of appropriateness for the relocation of a landmark, a building or structure on a landmark site, or a building or structure in a historic district or wishes to

relocate a building or structure to a landmark site or to a property in a historic district, the Board shall also consider the following:

- a. The contribution the building or structure makes to its present setting; and
- b. Whether there are definite plans for the site to be vacated; and
- c. Whether the building or structure can be moved without significant damage to its physical integrity; and
- d. The compatibility of the building or structure to its proposed site and adjacent properties.

### **21-183.09 - Appeals**

Within fifteen (15) days of the Board decision, any person may appeal to the City Council any decision of the Board on an application for a certificate of appropriateness. The City Council shall approve, approve with modification or disapprove the application within sixty (60) days of the appeal.

## **SECTION 21-184 - ARCHAEOLOGICAL PRESERVATION**

### **21-184.01 - Purpose and Intent of Article**

It is hereby declared as a matter of public policy that the identification, evaluation and protection of archaeological sites on public property is in the interest of the health, prosperity and welfare of the people of the City. The public has an interest in the preservation of archaeological sites and artifacts for their scientific and historical value and furthermore has a right to the knowledge to be derived and gained from the scientific study of archaeological materials. The recent past has seen the neglect, desecration and destruction of archaeological sites and the removal of archaeological objects and information without adequate records with a resulting loss to the City's citizens of knowledge concerning their heritage. The destruction of these nonrenewable archaeological resources result in a significant loss to the quality of life and cultural environment of the City. It is intended that through this Article that reasonable measures will be taken to prevent the loss of archaeological sites on public property within the City limits. It is therefore the policy of the City to take such actions as are necessary or appropriate to locate, preserve and interpret archaeological sites that are located on property owned or controlled by the City and to ensure that similar protective measures are undertaken by other governmental agencies owning property or funding projects impacting property in the City limits. It is not the desire or intent of the City to excavate every archaeological site within the city, but rather to provide a mechanism that will enable the recovery of data, mitigate adverse impacts and protect significant sites in conjunction with projects undertaken to provide public facilities.

### **21-184.02 - Excavations on Public Property**

No individual shall be allowed to use a probe, metal detector or any other device to search or excavate for artifacts on public property, nor can any individual remove artifacts from public

property without the written permission of the City. Furthermore, no disturbances or construction activities shall be authorized within properties belonging to the City, including public streets and right-of-ways, without a City right-of-way permit and without such archaeological efforts as may be addressed by this Article. Any proposed archaeological work and delays relative to a disturbance or construction work shall be in accordance with provisions of this chapter relative to major and minor disturbances in Archaeological Zones.

### **21-184.03 - Ownership of Artifacts**

- a. All artifacts uncovered, recovered or discovered during the course of any testing, salvage archaeology or monitoring, as provided herein, on private property shall belong to the owner of the property upon which such artifacts are found. Likewise, artifacts uncovered, recovered or discovered during testing, salvage archaeology or monitoring on property belonging to the City shall belong to the City. However, the City shall retain possession of artifacts from private property for a period of up to two (2) years to allow for their property analysis, cataloging, recording and conservation with written permission of the owner. Furthermore, the City shall attempt to obtain written permission from property owners to secure permanent ownership of the artifacts; otherwise, all retained artifacts are then to be returned to the property owner as soon as such analysis, cataloging, recording, and conservation is completed. Individuals and property owners are strongly urged to donate archaeological artifacts to the City for long-term storage, care, protection and preservation.
- b. The removal of human skeletal remains recovered in archaeological context in all instances shall be coordinated with the local medical examiner, City, City Archaeologist and the State Archaeologist. Such remains shall be dealt with in accordance with the provisions of Chapter 872, Florida Statutes and they are not subject to private ownership. Such material shall be sensitively treated and following their analysis by a physical anthropologist, shall be curated at a designated repository or appropriately reburied. If at all possible, human burials should not be removed, they should be left undisturbed in their original position.

### **21-184.04 - Curation of Artifacts**

Artifacts from monitoring, salvage archaeology and testing efforts will be washed, cataloged, analyzed, recorded and conserved by the City Archaeologist in compliance with the U. S. Department of Interior curation standards with written permission of the owner. If the artifacts are permanently donated to the City they will be property preserved and stored. The City will be responsible for determining the approved and acceptable repository for artifacts from the archaeological program in the City and the City will strive to maintain consistency in curation procedures and storage of materials in a minimal number of locations.

## **SECTION 21-185 - EMERGENCY ACTIONS**

### **21-185.01 - Emergency Conditions: Designated Properties**

In any case where the Certified Building Official determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic

district, he may order the remedying of these conditions without the approval of the Board or issuance of a required certificate of appropriateness. The Certified Building Official shall promptly notify the chairman of the Board of the action being taken.

### **21-185.02 - Emergency Actions: Non-Designated Properties**

The City Council may call an emergency meeting to review a threat to a property that has not yet been designated by the City but appears to be eligible for designation. The City Council may request that a stop work order be issued by the Certified Building Official for a thirty (30) day period in order to provide time to negotiate with the property owner to remove the threat from the property and the Board shall seek alternatives that will remove the threat to the property. During the thirty (30) day period, the City Council may initiate steps to designate the property under the provisions in this chapter.

## **SECTION 21-186 - CONFORMITY WITH THE CERTIFICATE OF APPROPRIATENESS**

### **21-186.01 - Conformity with the Certificate of Appropriateness**

All work performed pursuant to a certificate of appropriateness shall conform all provisions of such certificate. It shall be the responsibility of the Development Services Department to inspect from time to time any work being performed to assure such compliance. In the event work is being performed not in accordance with such certificate, the Certified Building Official shall issue a stop work order. No additional work shall be undertaken as long as such stop work order shall continue in effect.

## **SECTION 21-187 - MAINTENANCE AND REPAIR OF LANDMARKS, LANDMARK SITES AND PROPERTY IN HISTORIC DISTRICTS**

### **21-187.01 - Provisions**

- a. Every owner of a landmark, a landmark site or a property in a historic district shall keep in good repair:
  1. All of the exterior portions of such buildings or structures;
  2. All interior portions thereof which, if not so maintained, may cause buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair;
  3. In addition, where the landmark is an archeological site, the owner shall be required to maintain his property in such a manner so as not to adversely affect the archeological integrity of the site.
- b. The Board may refer violations of this Section to the Development Services Department for enforcement proceedings on any building or structure designated under this Article so that such building or structure shall be preserved in accordance with the purposes of this Article.

- c. The provisions of this Section shall be in addition to the provisions of the building code requiring such building and structures to be kept in good repair.

## **SECTION 21-188 - PENALTY**

### **21-188.01 - Penalty**

Any person violating any of the provisions of this Article shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each offense. Each day's continued violation shall constitute a separate offense. The Code Compliance Board shall review any violation of this Article in accordance with the Board's procedure.

### **21-188.02 - Civil Penalties**

In addition to the penalties provided in Section 21-188, any person who violates any provision of this Article shall forfeit and pay to the City, civil penalties equal to the fair market value of any property demolished or destroyed in violation of this Article or the Code to repair or rehabilitate any property that is altered in violation of this Article. In lieu of monetary penalty, any person altering property in violation of the provisions of this Article may be required to repair or restore such property.

## **SECTION 21-189 - DEMOLITION PERMITS**

### **21-189.01 - Requirements**

Required: approval by the Recreation/Cultural Services Board; Hearing; exempt.

Prior to the issuance of a demolition permit pursuant to Section 103 of the Standard Building Code (1985) or the same Section recodified of a later adopted version of the Standard Building Code, such permit shall be reviewed and approved by the Edgewater Recreation/Cultural Services Board. The Board shall hold a hearing for the purpose of approving or denying the demolition permit. The hearing shall be advertised in a newspaper of general circulation in the city at least thirty (30) days prior to the hearing. The Board shall approve the demolition permit only after finding that the proposed demolition is in compliance with Federal, State, County and City laws and ordinances regulating the demolition of historic structures. The following shall be exempt from the requirements of this Section:

1. All structures less than fifty (50) years old;
2. All detached garages, carports, porches, utility buildings, and similar accessory structures; and
3. All docks, boat houses, and similar structures.

### **21-189.02 - Immediate Demolition of Unsound Structures**

Notwithstanding the aforesaid provisions of this Section, the Certified Building Official may authorize the immediate demolition of any structure in accordance with Section 103 of the Standard Building Code (1985) or the same Section of a later adopted version of the Standard Building Code when, in his opinion, the subject structure is so unsound that it is in imminent peril of collapse. The Certified Building Official, after issuing a demolition permit under these circumstances, shall within thirty (30) days, provide a written report to the Board describing the action he has taken and explaining the reasons for taking the action. The Board shall review the Certified Building Officials report. Should the Board disagree with the action taken by the Certified Building Official, the Board shall issue a written report to the City Manager. The City Manager shall review the Board's report and the Certified Building Official's report. The City Manager shall take whatever action he deems appropriate and provide a written report on his action to the Certified Building Official, the Board and the City Council.

### **21-189.03 - Appeals of Final Decision**

Final decisions under this Section of the Board may be appealed to the City Council. The City Council shall have the authority to affirm, modify, reverse or remand the decision of the Board. Requests for appeal may be made to the City Manager or the City Clerk.

**Sections 21-190 through 21-200 reserved for future use.**